

Chapter 2

Community Development

Coastal Land Use Element
Coastal Growth Management Element
Coastal Transportation Element
Coastal Public Facilities and Infrastructure Element



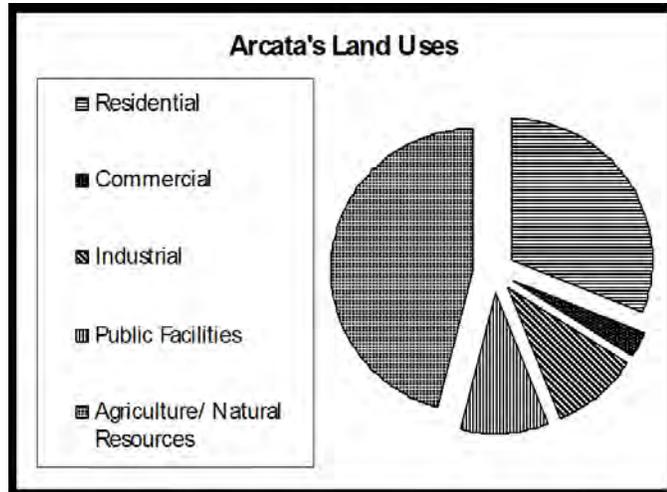
COASTAL LAND USE ELEMENT

2.1 INTRODUCTION

Overview of Existing Land Uses and Resources

Arcata's land use patterns have been shaped by many factors and reflect more than one-hundred and forty years of community development. The early settlement of the town, initially called Uniontown, grew around a central plaza. Arcata's Plaza area, including a hotel, storehouse, and other commercial buildings, was originally constructed in the late 1800s and early 1900s and continues to be the center of the community. The timber

industry also left an indelible land use imprint on the community. Many of the lumber mills which operated in the late 1800s to mid 1900s, are now closed and the abandoned mill sites are undergoing a slow transformation to other uses. Humboldt State University occupies approximately 160 acres east of State Route 101, within walking distance of the downtown area. The northernmost campus in the California State University system, it is the community's major employer and regional education center for as many as 8,500 full-time equivalent students.



Long before Humboldt Bay was “discovered” by European-Americans, the bay and tidelands were used intensively by the Wiyot for food collection and as a site for villages. After early European settlement, Arcata's bayfront served as a community dock and shipping port. The Arcata marsh now functions as a world-renown wastewater treatment facility and wildlife refuge. Many residential areas of Arcata such as Sunset, Sunny Brae, Preston Ridge, and Bayside were developed while unincorporated, and then subsequently annexed to the City. Their lot sizes, subdivision designs, and street configurations reflect County, rather than City, development standards. These and other factors have influenced the existing land use characteristics of the community and will play an important role in shaping land use patterns for the future.

Arcata's residential, commercial, industrial, agricultural/natural resource, and community facility uses are similar to those found in other communities. It is Arcata's mixture of history, the diversity of uses within those land use categories, and the value placed on our history and diversity, that make the city unique. The Land Use Element contains goals, policies, and implementation measures for each land use category. These are intended to guide future land use decisions, preserve important elements of the past, and maintain the present diversity of use and character. While the Plaza area is the commercial, cultural, social, and civic center of the community, there are several other

distinct neighborhood activity centers that provide employment and services for local residents. These Coastal Zone neighborhood centers are:

~~**The Valley West Neighborhood Center, in the northern part of the City between State Routes 101 and 299. This area includes a shopping center, visitor-serving commercial areas along Valley West Boulevard, a mix of businesses along Giuntoli Lane, and nearby residential areas.**~~

~~**The Westwood/Sunset Neighborhood Center, in the western part of the City. It includes a shopping center and commercial businesses along Alliance Road, Sunset School, and surrounding residential areas.**~~

The Sunny Brae Neighborhood Center, in the southwestern part of the City. This area includes Sunny Brae shopping center and adjacent professional offices, the Sunny Brae School, and surrounding residential areas.

The Bayside Neighborhood Center, in the southern part of the City. It includes several commercial businesses, the Jacoby Creek School, the Bayside Post Office and Grange, and surrounding low-density residential area.

~~**The West End Employment Center, in the northeastern part of the City. This area has a mix of general and limited industrial uses, including the Aldergrove Industrial Park.**~~



The Samoa Boulevard Employment Center, in the southern part of the City. This area includes general and limited industrial, general commercial businesses on both sides of Samoa Boulevard, vacant land west of “K” Street, and a proposed business park site south of Samoa Boulevard.

The planned distribution of land uses throughout the City and Sphere of Influence are shown on the land use diagram, which is included as Figure LU-a in the map pocket at the end of the element. In addition, the Land Use Element addresses the City’s Planning Area. The Planning Area extends north to the Mad River, west to the Pacific Ocean, south into Arcata Bay, and east to include the upper watersheds of Arcata’s creeks, as shown on Figure LU-b and described in the Growth Management Element.

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[Insert FIGURE LU - b CITY PLANNING AREA - (11 X 17)]
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Guiding Principles and Goals.

- A. Establish and maintain a greenbelt around the City that consists of agricultural, forest, and natural resource lands. Preserve, as productive natural resources areas, the open agricultural lands in the Arcata Bottom, the forests on the eastern hillsides, and aquaculture in Arcata Bay. Protect other natural resource lands along the bayfront and watercourses for their value as natural resource lands and community open space.
- B. Allow for a range of housing choices that includes affordable dwellings for community residents, accommodates families as well as individuals and groups, and varies in size and type to reflect the diverse character of the community.
- C. Encourage retail, service, and professional businesses to locate and stay in the Commercial–Central Area by increasing the amount of housing there.
- D. Promote commercial uses in the Westwood, Valley West, Sunny Brae, Bayside, and Greenview neighborhood centers to meet day-to-day retail and service needs of nearby residents.
- E. Concentrate industrial uses in existing employment centers and encourage labor intensive and technology-driven industrial and business uses in these areas rather than resource intensive uses.
- F. Maintain community facilities such as schools, community centers, parks and recreation areas, and other civic uses and ensure they are located in areas that are accessible to all segments of the community.
- G. Encourage infill development of vacant, brownfield, and underutilized land designated for development as a way of meeting housing and employment needs without major extensions of infrastructure and services.
- H. Retain agricultural and natural resource lands within the City.
- I. Promote mixed use by encouraging residential units on upper floors in commercial areas.



2.2 POLICIES

The **Coastal** Land Use Element contains the following ~~policies~~ **policy groups**:

C-LU-1 Overall Land Use Pattern: Land Use Plan Map

C-LU-2 Residential Land Use

C-LU-3 Commercial Land Use

C-LU-4 Industrial Land Use

C-LU-5 Public Facilities

C-LU-6 Agricultural and Natural Resource Lands

POLICY GROUP C-LU-1 OVERALL LAND USE PATTERN: OVERARCHING IMPLEMENTATION PRINCIPLES AND LAND USE PLAN MAP

Objective. Provide an overall **basis for the regulation of development and uses within the Coastal Zone portion of the City, including policies for fostering a** land use arrangement that concentrates city-wide uses and functions in the central Plaza Area, linked with a series of neighborhood centers which provide a mix of commercial services, residential uses, and community facilities.

C-LU-1a **The policies of the Chapter 3 of the California Coastal Act (California Public Resources Code Sections 30210 through 30264) shall guide the interpretation of the Coastal Land Use Plan.**

C-LU-1b **In the Coastal Zone, where the policies of the Coastal Land Use Plan conflict with the provisions of any other element of the General Plan, the policies of the Coastal Land Use Plan shall take precedence.**

C-LU-1c **In the Coastal Zone, where the policies of the Coastal Land Use Plan's Land Use Element conflict with the provisions of any other element of the General Plan, the policies of the Coastal Land Use Plan's Land Use Element shall take precedence.**

C-LU-1d **Where a conflict occurs between the wording of the enumerated policies and the accompanying text of the Coastal Land Use Plan, the policy language shall take precedence.**

C-LU-1e **Where policies within the Coastal Land Use Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.**

C-LU-1f **In the Coastal Zone, where the policies of the Coastal Land Use Plan conflict with the provisions of any other element of the General Plan, the policies of the Coastal Land Use Plan shall take precedence.**

C-LU-1g **Prior to the issuance of any development permit required by this Plan, the City shall make the finding that the development meets the**

standards set forth in all applicable Coastal Land Use Plan policies and Implementation Program regulations.

C-LU-1h New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

C-LU-1i Land divisions, other than leases for agricultural uses, outside the Urban Services Boundary shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. The following criteria shall be used in determining whether 50% build-out has occurred and what the average size of surrounding parcels comprises:

(a) To determine if the 50 percent rule has been met, a survey of the existing parcels in the Neighborhood Area, as depicted in Figure I-b, in which the proposed land division is located, will need to be conducted. If 50 percent or more of the existing lots are developed, then the land division may be processed. The study area may be reduced to exclude parcels with land use or zoning designations, or other characteristics markedly dissimilar to the subject property, or those lying outside of a readily identifiable neighborhood area as delineated by a perimeter of major street or other cultural or natural features.

(b) To determine the "average size of the surrounding parcels:"

(1) A study shall be made of all parcels within one-quarter (1/4) mile of the exterior bounds of the property being subdivided.

(2) The study area may be reduced to exclude parcels with land use or zoning designations, or other characteristics markedly dissimilar to the subject property, or those lying outside of a readily identifiable neighborhood area as delineated by a perimeter of major street or other cultural or natural features.

(3) The "average size" usually means the arithmetic mean, although the mode or the median size may be used when the majority of parcels are of a common size and a very few parcels skew the mean to create an average atypical of the size of surrounding lots.

C-LU-1j Where feasible, new hazardous industrial development shall be located away from existing developed areas.

C-LU-1k Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

C-LU-1l The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads; (3) providing nonautomobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings; and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

C-LU-1m The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

~~**LU-1a C-LU-1n**~~ *Land use plan diagram.* The land use plan diagram (Figure LU-a) ~~for lands within the City and Sphere of Influence and the planning area land use map (Figure LU-b) show~~ **shows** planned land uses for the City and surrounding areas. The land use categories, and the amount of City and Sphere of Influence land allocated for each category, are included in Table LU-1.

~~**LU-1b C-LU-1o**~~ *Coastal land-use plan.* The western portion of the Arcata Bottom, lands south of 7th and 8th Streets west of State Route 101, and lands south of Bayside and Old Arcata Roads east of State Route 101 are within the Coastal Zone, created by the California Coastal Act. The land use designations within the Coastal Zone are part of the City's Local Coastal Program (LCP).

Coastal Residential - Very low Density

Coastal Residential - Low Density

Coastal Residential - Medium Density

Coastal Residential - High Density

Coastal Commercial - Central

Coastal Commercial - General

Coastal Commercial - Visitor Serving

Coastal Industrial - Limited

Coastal Industrial - General
Coastal Agriculture - Exclusive
~~Agriculture - Residential~~
Public Facility
Natural Resource

~~LU-1c Maintain Arcata's Plaza Area as the community's center. The Plaza has historically been, and should continue to be, the commercial, civic, social, and cultural center of the community, and the main location for community-wide special events. The area surrounding the Plaza (Commercial-Central area) shall be planned to accommodate the greatest concentrations of retail establishments, entertainment services, restaurants, and business and professional offices within the city. High density residential use in the Commercial-Central area is encouraged. Residential units shall be included, where feasible, in all new commercial development within the Plaza Area.~~



TABLE C-LU-1 LAND-USE PLAN CATEGORIES AND ACREAGES*

ARCATA GENERAL PLAN: 2020 LAND USE DESIGNATION		CITY		SPHERE		TOTAL	
		ACRES	%	ACRES	%	ACRES	%
R-VL	Residential - Very Low Density	572	12	600	18	1172	15
R-L	Residential - Low Density	583	12	43	2	626	8
R-M	Residential - Medium Density	158	3	17	0	175	2
R-H	Residential - High Density	151	3	0	0	151	2
C-C	Commercial – Central	25	1	0	0	25	<1
C-G	Commercial – General	62	1	28	1	90	1
C-VS	Commercial - Visitor-Serving	43	1	0	0	43	1
I-L	Industrial – Limited	247	5	102	3	349	4
I-G	Industrial – General	214	5	0	0	214	3
A-E	Agricultural – Exclusive	1055	23	824	24	1879	23
A-R	Agriculture – Residential	36	1	411	12	447	5
NR	Natural Resource	1038	23	1327	38	2365	29
PF	Public Facility	451	10	70	2	521	7
TOTAL		4635	100	3422	100	8057	100

* Including both Coastal Zone and Inland Sub-designations.

Note : The figures above do not include road rights-of-way, interchanges and the portion of Arcata Bay within the City limits, nor do they include the 565-acre Jacoby Creek Forest, a City owned non-contiguous incorporated area. These combined areas cover an additional 2,251 acres.

~~LU-1d Mixed-use neighborhood centers. The existing neighborhood centers of Westwood, Valley West, Sunny Brae, Uniontown, and Greenview are designated as multiple-use sites where additional retail establishments, personal and business services, and other neighborhood-oriented commercial services are encouraged to be developed. Substantial additions to these existing centers shall include residential units on upper floors where feasible or in separate buildings. Upgrading these centers shall include additional landscaping, improvement of parking lot designs, and~~



~~provision of transit access, such as bus turnouts. Appropriate lands near these centers are designated for higher density residential uses in order to encourage walking and bicycling to neighborhood services.~~

~~LU 1c **Protection of natural resources and agricultural lands.** Agricultural [A-E] and Natural Resource [NR] designated lands make up over half of the community land base. Their productive, open space, and natural resource values are important to the community and conversion to other non-compatible uses shall be prohibited. [Move to *Other Initiatives.*]~~

~~LU 1f **C-LU-1p** *Promotion of infill development.* ~~The City encourages appropriate~~ **Appropriate** redevelopment of certain parcels of land which are either underutilized, brownfields, or vacant but surrounded by existing urban development, **shall be encouraged.** These sites represent development opportunities using existing infrastructure, and shall have priority for development over vacant sites that are located outside the urban services boundary (designated in the Growth Management Element) which require investment in extension of infrastructure and services. **Infill Consistent with all other Coastal Land Use Plan policies, infill** development may include new residential units on upper floors of commercial structures, development of second units on residential lots, and new or expansion of existing residential and commercial structures ~~consistent with the provisions of the applicable land use plan designations.~~ The Planned Development procedure shall be encouraged for coordinated development on larger infill sites.~~

~~LU 1g **C-LU-1q** *Coastal dependent land uses.* Coastal dependent developments shall have priority over other development or uses on or near the Arcata Bay shoreline. Coastal dependent developments shall not be sited in a wetland. Where appropriate, ~~coastal dependent~~ **coastal-related** developments should be accommodated within reasonable proximity to the coastal dependent uses they support.~~

POLICY GROUP C-LU-2 RESIDENTIAL LAND USE

Objective. Allow for a mix of housing types and densities to meet the physical, social, and economic needs of residents, with new and converted housing designed to be compatible with the established neighborhood character.

~~LU 2a **C-LU-2a** *Residential Land Use Classifications.* The following land use designations are applicable to residential lands. Table LU-2 defines permitted uses, densities, lot sizes, and other development standards for each classification.~~

Residential Very Low Density [R-VL]. This designation allows the lowest density residential development in areas where physical constraints, protection of natural features, or preservation of semi-rural character are important considerations. The R-VL designation is applicable primarily for lands with steep slopes and where the open space character of Arcata's hillsides and perimeter lands are to be preserved. Individual homesites are allowed in hillside areas, as long as precautions are taken to prevent the

excessive removal of vegetation and strict grading controls are enforced to prevent erosion. Development and grading on areas characterized by slopes over 25% should be avoided. Review of development proposals in all hillside areas shall ensure that seismic and geologic hazards are avoided or mitigated. More detailed hillside development standards are included in Policy PS-3c.

The R-VL designation allows creation of lots as small as 20,000 square feet, in the less-steep areas of Arcata's hillsides. Newly created lots in this zone must contain a buildable area of sufficient size and flatness to allow development without significant environmental damage or landform alteration. The development regulations for R-VL are intended to balance protection of the sensitive hillside environment with the need for quality housing sites. This designation is also intended to protect the existing rural environment in certain areas of Arcata and to provide a transition between urban uses and agricultural operations.

Residential – Low Density [R-L]. The low density residential designation primarily provides for single-family homes on individual lots. This designation is found throughout the community, including the older, historical neighborhoods surrounding the Plaza Area, Sunny Brae, ~~Sunset, Preston Ridge Area,~~ and Greenview Terrace.

Residential – Medium Density [R-M]. Medium density residential unit types typically include duplexes, townhouses, co-housing, low density apartments, and modular housing located in mobile home parks.

Residential High Density [R-H]. The ~~Colony Inn and Humboldt Green~~ Parkway Apartments multi-family units are representative of R-H density. R-H density residential uses are designated in central Arcata to allow increases in density above present levels.

~~LU-2b Diversity and choice in residential environments. The land use plan map shall provide sufficient quantities of land in the various residential use categories to allow for development of a variety of types of new housing units and residential environments. The purpose shall be to maintain an appropriate balance between single-family housing on individual lots and multi-unit housing types. The City~~



~~shall encourage residential developments which collectively provide a variety of choices for housing consumers in terms of types of units, location, unit sizes, costs, design, amount of privacy, and neighborhood environment. Inclusionary measures shall be provided for affordable housing. To encourage this, the City will~~

~~implement inclusionary zoning and provide incentives to developers to include low and moderate income housing units in their proposals.~~

TABLE LU-2 RESIDENTIAL LAND USE CLASSIFICATIONS

ALLOWABLE USES	C-R-VL	C-R-L	C-R-M	C-R-H
RESIDENTIAL				
Single-family dwellings	X	X	X	
Mobile/manufactured homes	X	X	X	X
Mobile home park		X	X	X
Duplex dwellings			X	X
Multi-family dwellings	X	X	X	X
Planned developments		X	X	X
Group residential				
SECONDARY USES				
Small residential care facilities	X	X	X	X
Accessory (2nd) dwelling unit*	X	X	X	X
Bed and Breakfast Inns	X	X	X	
Home Occupations	X	X	X	X
DENSITY				
Density Range	2 or fewer primary units per acre	From 2 to a maximum of 7.25 units per acre	From 7.26 to a maximum of 15 units per acre	From 15.01 to a maximum of 32 units per acre

~~[Revised by Ordinance No. 1377, September 2008]~~

~~* As authorized by ministerial Coastal Permit subject to supplemental findings; see Land Use Code Section 9.42.170.H~~

~~LU-2c Specific considerations for certain residential areas (Not applicable in Coastal Zone). Certain specific parcels have unique characteristics and/or limitations that require careful consideration when development or a change of use occurs. The considerations for the identified parcels shall be as described in Table LU-3.~~

~~TABLE LU-3 SPECIFIC CONSIDERATIONS FOR CERTAIN RESIDENTIAL AREAS~~

AREA	SPECIAL CONSIDERATIONS
Plum Village-	Residential development shall be limited to twelve units of which three (25%) will be affordable units and the wetlands area shall be retained. [Wedemeyer/Lewis property]-
Spear Ave. & St. Louis Rd.-	Residential development shall include a mix of housing types and shall be clustered to maintain creek course and riparian areas as open space. [Sorenson property]-
Sunset at Baldwin APN's 505-121-024 & 505-121-019	Residential development shall be clustered to preserve Jolly Giant Creek course and wetland areas as open space, and to reserve right-of-way for the future extension of Foster Street to Sunset Avenue. Baldwin should be extended to intersect with the extension of Foster. Access to residential development should be from Foster and Baldwin. [Franke property] The eastern portion of the site may be used for a public facility use to allow for a new Fire Station on this site. A public facility specific consideration shall be placed on the Sunset Avenue sites per PG

AREA	SPECIAL CONSIDERATIONS
	Resolution 08-07.
Giuntoli Lane at Hwy 299	Residential development shall be designed to attenuate noise impacts from Hwy 299. Multifamily units shall be the predominant unit type. Special consideration should be given to internal and external access. This property has a Planned Development (PD) overlay. [Pough-King property]

~~[Revised by Ordinance No. 1377, September 2008]~~

~~LU-2d C-LU-2d~~ **Planned residential developments.** On vacant sites of one acre and larger designated for residential use, the Planned Development combining zone shall be required. The purpose shall be to: incorporate a mix of residential types, unit sizes, and styles in a coordinated manner to allow clustering of units; to provide larger, more usable areas of common open space; and to protect natural resources or site features, such as creekside riparian areas, wetlands, and significant vegetation such as trees. Where planned residential developments are adjacent to non-residential uses, appropriate visual and noise buffers shall be provided between the uses. Other provisions in the General Plan would assure affordable housing.

POLICY GROUP C-LU-3 COMMERCIAL LAND USE

Objective. Provide sufficient land areas and locations for a variety of retail and commercial services, to serve the consumer needs of the community and visitors.



~~LU-3a C-LU-3a~~ **Commercial use classifications.** The following land-use plan categories are applicable to commercial lands. Table LU-4 defines permitted uses, densities, lot sizes, and coverages for each classification.

All proposed retail uses with either: (1) a floor area greater than 30,000 square feet; or (2) physical alteration of eight or more acres; or (3) generation of 1,000 or more vehicle trips per day, shall require a use permit. The use permit review shall include, at a minimum:

- Potential impact on existing and projected traffic conditions.
- Impact on municipal utilities and services.
- Impact on the physical and ecological characteristics of the site and surrounding area.
- Impact on the community.
- Fiscal impacts of the use.

Commercial – Central [C-C]. This designation covers ~~most~~ all or portions of the ~~nineteen square seven~~ blocks ~~surrounding~~ situated between Eighth and Fifth Street generally south of the Plaza and includes retail, professional office, civic, hotel, theater, residential, and similar uses. The Central-Commercial Area forms the center of the City and is designed to be a high density, pedestrian-oriented activity area, with

shops and services, banks, offices, restaurants, and entertainment supporting a variety of day and night activities.

Commercial – General [C-G]. This designation provides the full range of retail, entertainment, and service commercial uses in Uniontown, ~~Valley West, Westwood/Sunset~~, Sunny Brae, Greenview, and Bayside neighborhood centers, and other areas, such as ~~Northtown, Giuntoli Lane, and~~ Samoa Boulevard. C-G development must be compatible with the surrounding residential uses and provide convenient access for patrons arriving by bicycle, public transit, motor vehicle, or on foot. A primary difference between the C-G areas and the Plaza Area **Commercial Central area** is parking. Businesses in the C-G area will be expected to provide sufficient on-site parking while C-C areas depend upon on-street and public lot parking facilities. C-G areas are intended to have convenient access from residential areas in order to provide for day-to-day shopping and service needs.

Commercial – Visitor Serving [C-VS]. This land use designation permits hotels, motels, recreation vehicle parks, ~~theaters,~~ restaurants, ~~auto sales centers,~~ gas stations, mini-marts, and similar uses which primarily attract or serve the needs of travelers, tourists, and but may also cater to local patrons.

The C-VS designation is not intended for general retail sales. C-VS uses are appropriate at highway interchanges where they are visible from the road and easily accessible by travelers and tourists. Similarly, C-VS uses are appropriate at locations near natural amenities or other attractions for visitors. ~~The~~ Currently, the sole area designated for C-VS is located outside of the Coastal Zone, situated at the State Route 101 and Giuntoli Lane interchange, west of Valley West Boulevard, and along Janes Road/Heindon Road.

TABLE LU-4 COMMERCIAL LAND USE CLASSIFICATIONS

ALLOWABLE USES	C-C	C-G	C-VS	C-M
SALES OF GOODS & SERVICES				
General retail sales and services	X	X		X
Specialty retail sales and services	X	X	X ¹	X
Personal service establishments	X	X		X
Shopping centers	X	X		X
High-impact retail commercial uses	X	X	✗	
Wholesale trade and warehousing		X		
Transient lodging	X	X	X	X
Travel trailer [RV] park			X	
Animal sales and services		X		X
MOTOR VEHICLE RELATED SALES & SERVICE				
Motor vehicle sales and rentals		X	✗	
Motor vehicles services		X	X ²	
Gas sales		X	X	
RESTAURANTS, BARS, TAVERNS AND PUBS	X	X	X	X
NIGHTCLUBS	X	X	X	
COMMERCIAL RECREATION / ENTERTAINMENT				
Indoor recreation services	X	X		X
Outdoor recreation uses and services		X	X	
Theaters	X	X	X	X

BUSINESS AND PROFESSIONAL OFFICES				
Offices designed to serve customer traffic	X	X		X
Offices designed to attract little customer traffic	X	X		X
Health services	X	X		X
EDUCATIONAL, CULTURAL & RELIGIOUS USES				
Libraries, museums, art galleries, and similar uses	X	X		X
Mortuaries and funeral homes		X		
PUBLIC & SEMI-PUBLIC USES				
Government administrative offices	X	X		X
Post offices	X	X		X
RESIDENTIAL				
Multi-family residential	X	X		X

[Revised by Ordinance No. 1377, September 2008]

¹ Limited to firms specializing in providing goods and services primarily intended for the care, comfort, and support of coastal visitors and the traveling public.

² Restricted to highway commercial, transient related services, as contrasted with similar businesses intended for area residents.

~~LU-3b Revitalization of existing commercial areas. Reinvestment to upgrade and/or expand existing commercial centers at Sunny Brae, Westwood, Valley West, Greenview, and Uniontown shall be encouraged. Upgrades should include improvement of parking and landscaping areas; provision of facilities to accommodate bicycles, pedestrians, and transit and to reduce vehicle trips; and residential units on upper floors or in new structures.~~

~~LU-3c Northtown Commercial Area (Not applicable in Coastal Zone). The Northtown Commercial Area includes the area along "G" and "H" Streets from 11th Street to Sunset Avenue. If existing residential structures located along north "G" Street are converted to commercial use, some residential use should be required to be maintained on each site. Any conversions to commercial use should be required to provide on-site parking where feasible, in accordance with the parking standards of the Arcata Land Use Code. The design of parking areas shall maintain, or not detract from, the historical character of the existing structure.~~



~~LU-3d Inclusion of residential uses. Commercial developments should include residential units where feasible. Residential units should be located on upper floors or at the rear, to maintain uninterrupted commercial uses at the street level. This shall not apply to the C-VS land use category. Any residential development in new structures shall comply with the development standards of the R-M land use category.~~

~~LU-3e Primary residential uses in Commercial - Central [C-C]. To maximize housing opportunities, residential uses are allowed as the primary use on vacant sites designated C-C, at densities consistent with the R-H designation, with a use permit.~~

~~TABLE LU-5 SPECIFIC CONSIDERATIONS FOR CERTAIN COMMERCIAL AREAS~~

AREA	SPECIAL CONSIDERATIONS
Giuntoli Lane at State Route 101	Commercial development should include consolidated access points, parking that is screened, and setbacks from the Mad River. This property is within the urban services boundary, must be annexed, and has a Planned Development (PD) overlay [Graham Property].

POLICY GROUP C-LU-4 INDUSTRIAL LAND USE

Objective. Provide for uses which will retain and generate jobs, including labor-intensive manufacturing, processing, assembly, warehousing, services, and complementary non-industrial uses, in appropriate locations.

~~LU-4a~~ C-LU-4a *Industrial uses.* The following land use designations are applicable to industrial lands. Table LU-6 defines permitted uses, densities, lot sizes, and coverages for each classification.

Industrial – Limited [I-L]. This land use designation is intended to provide attractive industrial areas suitable for light manufacturing and limited commercial uses. High impact industrial uses more prone to produce noise, odors, heavy truck traffic, or dust are not permitted in limited industrial areas. The I-L land use designation includes auto sales; service and repairs; sales of mobile homes, trucks and tractors; warehousing and wholesaling establishments; outdoor sales and storage lots; light industrial activities (when conducted within a building); and similar uses. Some retail sales uses and services, particularly those involving sales of products made on the premises, will be allowed as an accessory use. Residential uses may also be permitted where they are compatible with the nature of the production process, or the related sales of products made on the premises (such as artists' live/work space). The major I-L areas are the West Samoa Boulevard Employment Center, ~~a portion of the West End Employment Center (near the State Route 299/Giuntoli Lane interchange and the Aldergrove Industrial Park)~~, the area west of "K" Street, South "G" Street, and South "I" Street.

Industrial – General [I-G]. This land use designation indicates areas which are appropriate for manufacturing; large-scale wood processing and storage; auto wrecking and storage yards, and all other general industrial operations. Some industrial operations generate noise, odors, or traffic which make them incompatible neighbors with residential or most commercial uses.



TABLE LU-6 INDUSTRIAL / PUBLIC FACILITY LAND USE CLASSIFICATIONS

ALLOWABLE USES	I-L	I-G	PF
SALES OF GOODS & SERVICES			
Personal services establishments	X		
High impact commercial uses	X		
Outdoor sales and storage of merchandise	X	X	
Wholesale trade and warehousing	X	X	
MOTOR VEHICLE-RELATED SALES AND SERVICES			
Motor vehicle sales and rentals			
Motor vehicle services	X		
Gas stations	X		
RESTAURANTS AND NIGHTCLUBS	X		
COMMERCIAL RECREATION / ENTERTAINMENT			
Indoor recreation services	X		
BUSINESS AND PROFESSIONAL OFFICES			
Offices designed to serve customer traffic	X		
Offices designed to attract little customer traffic	X		
EDUCATIONAL, CULTURAL & RELIGIOUS USES			X
RESIDENTIAL	X		
PUBLIC & SEMI-PUBLIC USES			X
HIGH IMPACT MANUFACTURING & PROCESSING		X	
MODERATE IMPACT MANUFACTURING & PROCESSING	X	X	
LOW IMPACT MANUFACTURING & PROCESSING	X	X	

[Revised by Ordinance No. 1377, September 2008]

~~**LU-4b C-LU-4b**~~ **Conversion and reuse of old industrial sites.** The City shall encourage the conversion and reuse of abandoned or inactive industrial sites such as closed lumber mill sites. An environmental site assessment will be required for sites where prior uses may have caused soil contamination. Manufacturing uses may be allowed on older I-G sites, where activities are conducted in enclosed spaces and noise, light, air quality, or traffic impacts do not significantly impact adjacent uses.

~~**LU-4c Incubator industrial sites. Encourage small business incubator sites and cottage industries as part of the City's mix of industrial uses.**~~

~~**LU-4d Industrial performance standards. The City shall develop and adopt performance standards ensuring that new and upgraded industrial uses are attractively designed, keep noisy uses in enclosed spaces, do not emit light or glare off site, and contain other features that make them compatible with adjacent uses. [Move to Other Initiatives.]**~~

~~**LU-4e C-LU-4e**~~ *Specific areas and parcels.* Certain land areas and parcels have unique characteristics, limitations, and/or opportunities that require careful consideration when development or a change of use occurs. The considerations described **in Policy C-LU-4f** below shall be made for the identified parcels.

~~**LU-4f C-LU-4f**~~ **South "I" Street.** Development of a new "business park" at the site of the former Little Lake Industries lumber mill on South "I" Street shall be a priority of

the City. The site shall be planned as a mixed-use development. A master plan shall be prepared for the site which includes the specific considerations found in Table LU-7.

~~LU-4g Coastal related resource extraction and processing. The City of Arcata recognizes the national need for the responsible exploration, recovery, and processing of the country's energy resources. However, the City also recognizes the potential adverse impacts such activities can have on sensitive land and marine resources and on the scenic quality of coastal resources. Therefore, the City finds that, in order to minimize adverse impacts to such resources, on- and off-shore petroleum product exploration, recovery, and processing should be confined to those geographic areas which now accommodate those uses and activities. Consistent with this policy, the City shall prohibit on-shore petroleum exploration, production, and processing within its boundaries, and shall oppose the use of off-shore areas south and west of Arcata and in Humboldt County in general for such uses.~~ [Strike policy as inconsistent with override provisions of PRC 30262 and 30263; replace with policy language based on PRC 30250(b), 30255, 30262 30263, and 30515 verbiage. See suggested new Policies C-LU-1d, C-LU-2g, and C-LU-4g through C-LU-4i.]

C-LU-4g Oil and gas development, including onshore facilities, shall be permitted in accordance with Policy C-GM-2g, if the following conditions are met:

(1) The development is performed safely and consistent with the geologic conditions of the site.

(2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.

(4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas, Geothermal Resources of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

(7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.

(C) The following guidelines shall be used when applying subparagraphs (A) and (B):

(i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:

(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.

(II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.

(ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).

(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.

(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.

(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

C-LU-4h (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this coastal land use plan shall be permitted if:(1) alternative locations are not feasible or are more environmentally damaging;(2) adverse environmental effects are mitigated to the maximum extent feasible;(3) it is found that not permitting such development would adversely affect the public welfare;(4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.
(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

C-LU-4i Any person authorized to undertake a public works project or proposing an energy facility development may request the City to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the City determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Coastal Land Use Code Chapter 9C.92.
If the City does not amend its local coastal program, such person may file with the Coastal Commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of the California Coastal Act. The City shall be provided an opportunity to set forth the reasons for its action. The Coastal Commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the City's certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of the Coastal Act.

TABLE LU-7 SPECIFIC CONSIDERATIONS FOR CERTAIN INDUSTRIAL AREAS

AREA	EXISTING USE	CONSIDERATION
"K" Street Industrial Area	I-L	Provide live-work spaces; revitalize older industrial uses.
West End Road Corridor	I-L and I-G	Promote more intensive industrial uses.
Aldergrove Industrial Park	I-L	Coordinated light industrial development, with increased landscaping.
Giuntoli Lane/ Valley East area	I-L and I-G	Planned Development for entire property to minimize access points on Giuntoli, and coordinate land uses.

AREA	EXISTING USE	CONSIDERATION
(Zanzi) APN's 507-141-037 & 507-141-042		interior circulation, shared parking, and overall building layout. Constraints include setback area along Mad River. APN 507-141-042 may allow for a public facility type use to accommodate a future City park along the Mad River. A special consideration for this parcel shall include dual (Industrial Limited [IL] and/or Public Facilities [PF]) land use activities.
Northcoast Hardwoods site (Samoa Blvd.)	I-G	Planned Development for entire property to minimize access points on Samoa, and coordinate land uses, interior circulation, shared parking, and overall building layout.
Winkel Property - Little Lake Industries (South I Street)	I-L	Planned development for entire site to encourage: <ol style="list-style-type: none"> 1. An area not less than 25-feet wide adjacent and parallel to "I" Street shall be a landscape buffer between heavy manufacturing uses to the west and internal development on the site. Landscaping within the buffer strip shall include a dense planting of trees of species appropriate to the coastal environment. 2. A multi-use coastal access pathway shall be included along the entire landscape buffer to connect the Samoa Boulevard area to the Arcata Marsh and bay shoreline. 3. The former marsh areas at the southern portion of the property (south of the railroad tracks) shall be restored or recreated. 4. A small portion of the site adjacent to the Marsh Commons area, or along Butcher Slough, may be suitable for limited residential development. 5. A small portion of the site adjacent to the restored marsh area may be suitable as a site for an "eco-lodge" or other eco-tourism uses focused on coastal recreation. 6. The northern portion of the site east of the landscape buffer may be developed as a "business park" with light industrial and business-service uses. Comprehensive development standards for the business park area, including sidewalks, landscaping, and building design, shall be included in the master plan for the site. 7. A creekside conservation area shall also be required parallel to the top of the bank of Butcher Slough.

~~[Revised by Ordinance No. 1377, September 2008]~~

POLICY GROUP C-LU-5 PUBLIC FACILITIES

Objective. Provide appropriate locations and sites for water storage and delivery; wastewater collection and treatment; drainage; solid waste management; fire protection; parks and recreation; civic and institutional uses; and education (public and private) facilities.



~~LU-5a~~ C-LU-5a Public Facility [PF] uses. Public Facility land use category is applicable to those lands which are to be used for the various types of public facilities, except that some public facility uses are also allowed in other land-use categories. Public facility uses include certain uses which may be owned by private individuals, private organizations, or private institutions, as well as by government entities. Uses include schools, public services and administrative offices, wastewater and solid waste management facilities, public parking lots, parks and non-commercial recreation uses, golf courses, auditoriums, and other public assembly spaces, hospitals, cultural facilities, community gardens, communication (including telecommunications) and transportation facilities, and utilities. The types of uses allowable within this category shall be specified in Table LU-6.



~~LU-5b Development standards for public facilities. Standards applicable to development of public facility uses shall be as specified in Table LU-6.~~

~~LU-5c~~ C-LU-5c Limitation of corporation yard expansion. Development of the City corporation yard facilities shall be restricted to its existing boundaries. A landscape screen shall be maintained along with northern and eastern perimeter of the oxidation pond.

~~TABLE LU-8 SPECIFIC CONSIDERATIONS FOR CERTAIN PUBLIC FACILITY AREAS~~

AREA	SPECIAL CONSIDERATIONS
<p>Mad River Hospital Area APN's 507-191-033, 507-191-076, 507-291-032 & 507-191-077</p>	<p>Hospital development on APN's 507-191-077 and 507-291-032, in conjunction with an overall Master Site Plan, shall retain 50% contiguous open space, have adequate provisions for on-site retention of stormwater, be compatible in scale with surrounding uses, provide permanent open space or conservation easements to the City of Arcata or a land trust, and limit extent of impervious surfaces (e.g. parking lots) as much as possible through a Planned Development. A conservation easement shall address provisions to: preserve prime agriculture soils; encourage limited agriculture activities; and promote trail systems, wellness gardens, and health-related outdoor activities. On APN 507-291-032, north of Wiyot Way, a residential specific consideration shall be placed on this site that would allow for development of hospital-related housing, including, but not limited to: life care facilities, assisted living facilities, medical related group quarters, medical services extended care facilities, temporary housing for family members of hospital patients, or housing for doctors, nurses, and hospital staff per PC Resolution 08-11. If a Master Site Plan for the Mad River Hospital Area is not approved by the year 2020 for a Public Facility (PF) Land Use Designated areas on APN's 507-191-077 and 507-291-032, then consideration should be given to reverting the PF designated lands back to an Agriculture-Exclusive (A-E) designation.</p>

AREA	SPECIAL CONSIDERATIONS
M Street Fire Station Site APN's 020-127-004 & 005 & 020-128-002	Provide for a residential overlay to this site to make it compatible with adjacent residential low density neighborhood to the west. The special consideration should be considered if a new fire station is constructed south of the intersection of Sunset Avenue at Baldwin Street. Residential overlay considerations shall be placed on the "M" Street site per PC Resolution 08-07.

~~[Revised by Ordinance No. 1377, September 2008]~~

POLICY GROUP C-LU-6 AGRICULTURAL AND NATURAL RESOURCE LANDS

Objectives. Preserve and promote the sustained production of natural resources; preserve and promote the agricultural, forest, and aquaculture lands; and protect public natural resource/open space lands, including stream courses, wetlands, tidelands, and open space areas. Provide for complementary uses including farm housing, processing of agricultural and aquaculture products, and access for timber harvesting, in designated areas.

~~**LU-6a C-LU-6a**~~ *Agricultural and Natural Resource classifications.* The following land use categories are applicable to agricultural and natural resource lands. Table LU-9 defines permitted uses, densities, lot sizes, and coverages for each category.

Natural Resource [NR]. This designation is applied to public or private lands where protection of unique and/or sensitive natural resources, or managed production of resources, are the primary objectives. The resources element describes three subdistrict zones within the NR district which are designated: Wetland Stream Protection Zone (NR-WSPZ), ~~Timber Production Zone (NR-TPZ)~~, and Public Trust Zone (NR-PTZ). Examples of lands designated NR include the ~~Community Forest (NR-TPZ)~~, Janes Creek /McDaniel Slough Linear Park (NR-WSPZ), and the Arcata Marsh and Wildlife Sanctuary (~~NR-PTZ~~ NR-PT). Recreation may be considered as a secondary use when there are no adverse impacts to the protected resources. This designation is also applicable to productive resource lands, such as ~~timber-producing forested areas (NR-TPZ) and~~ aquaculture in Arcata Bay (NR-PTZ). The land between Humboldt State University and the Community Forest is an example of productive forest lands designated (NR-TPZ).

The NR designation is not applied to small or "pocket" wetlands, that exist on parcels large enough to accommodate development without adversely impacting the wetlands. The designation is also not applied to wetlands used as grazed agricultural lands, or riparian areas in other zones. These resource areas are independently protected by applicable stream and wetlands standards.

Agriculture Exclusive [A-E]. This designation is intended to preserve land for agricultural production. The A-E designation is appropriate for lands with prime agricultural soils and wetlands that could be used as grazed agricultural lands. Structures associated with agricultural production, such as barns and farmhouses, are appropriate uses in A-E areas.

~~**Agriculture Residential [A-R]. This designation allows very low density residential development on agricultural lands. Structures associated with agricultural production, such as barns and farmhouses, would be appropriate uses in these agricultural areas.**~~



TABLE LU-9 AGRICULTURAL AND NATURAL RESOURCE LAND USE CLASSIFICATIONS

ALLOWABLE USES	A-E	A-R	NR-PT	NR-WSP
RESIDENTIAL				
Single-family dwellings <u>as “farm dwellings”*</u>	X	✗	✗	
Mobile / manufactured homes <u>as “farm dwellings”*</u>	X	✗		
Secondary residential uses <u>Accessory uses to existing farm dwellings</u>	X	✗		
Bed & Breakfast (as secondary use with use permit)		✗		
COMMERCIAL RECREATION & ENTERTAINMENT				
Coastal dependent recreation	✗		X	
<u>Boat launching facilities</u>				
<u>Coastal access trails</u>	X		X	X
AGRICULTURE, MINING, SILVICULTURE & AQUACULTURE				
General agriculture, except keeping confined animals	X	✗	X	X
Agriculture, including keeping of confined animals	X			
Agriculture-related processing facilities	X	✗	✗	
Commercial greenhouse operations	X	✗		
Aggregate and other mining			✗	
Silvicultural operations			✗	
Aquacultural operations			X	
NATURAL RESOURCE CONSERVATION USES	X	✗	X	X
DENSITY				
Density Range	1 primary residential unit <u>farm dwelling*</u> per parcel (and a secondary unit)	1 primary residential unit per parcel (and a secondary unit)	1 unit per existing parcel	

[Revised by Ordinance No. 1377, September 2008]

* See Glossary for definition

~~LU-6b Compatibility between agricultural and adjacent non-agricultural uses. Agricultural practices can include spraying of herbicides, application of fertilizer, operation of farm equipment, and use of local roads by slow moving and large vehicles. These practices can cause noise, health, light, odor, and travel impacts for residents in adjacent non-agricultural areas. To minimize these impacts, development of new non-agricultural uses that locate adjacent to existing agricultural uses shall maintain setbacks and establish buffers. The potential impacts of adjacent agricultural practices shall be required to be disclosed to future residents. Where new or expanding agricultural uses locate adjacent to existing non-agricultural areas, the agricultural user shall be responsible for maintaining setbacks and establishing buffers.~~

C-LU-6b Compatibility between agricultural and adjacent non-agricultural uses. Agricultural practices can include spraying of herbicides, application of fertilizer, operation of farm equipment, and use of local roads by slow moving and large vehicles. These practices can cause noise, health, light, odor, and travel impacts for residents in adjacent non-agricultural areas. To minimize these impacts,

development of new non-agricultural uses that locate adjacent to existing agricultural uses shall maintain setbacks and establish buffers. The potential impacts of adjacent agricultural practices shall be required to be disclosed to future residents. Where new or expanding agricultural uses locate adjacent to existing non-agricultural areas, the agricultural user shall be responsible for maintaining setbacks and establishing buffers.

~~LU-6c~~ **C-LU-6c** *Protection of agricultural lands and uses within the City.* Agricultural lands represent an important natural resource within the City. The protection of agricultural lands shall include the following:

1. Lands designated Agricultural Exclusive [A-E] with Grade* 1 and 2 soils are the City's prime agricultural resource; lands designated [A-E] with Grade* 3 and 4 soils support less intensive uses than lands with higher grade soils, but are still viable for resource production. A-E lands shall not be developed, except for agricultural-related uses.
2. Agricultural uses on lands designated other than A-E shall be allowed and encouraged, consistent with other General Plan policies.
3. Existing agricultural practices on seasonal wetlands shall be allowed to continue, consistent with other **General Coastal Land Use** Plan policies.
4. The minimum lot size for lands designated A-E shall be ~~twenty acres, except in the coastal zone where the minimum lot size shall be~~ sixty acres. Designated uses for agricultural lands within the coastal zone shall include the following:
 - The "Permitted Uses" section shall include: "Agricultural Structures, including greenhouses or other nursery structures erected over exposed soil."
 - The "Conditionally Permitted Uses" section shall include: **(1) Single-family residences as "farm dwellings," limited to occupancy by the owner/operator of the subject agricultural lands, whose presence and occupancy is necessary to the farming operation ; and (2)** Greenhouses or other nursery structures erected on concrete perimeter foundations may be permitted if no less environmentally damaging ~~alternate~~ **alternative** is available.
 - Greenhouses on slab foundations are prohibited.

Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in areas designated A-E if they do not interfere with adjacent agricultural uses, or limit potential of the site to return to agricultural use, or displace the wildlife utilizing the area, especially in seasonal wetlands. This shall be implemented in the City's Land Use Code.

~~LU-6d~~ **Uses allowed in diked/reclaimed former tidelands. Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are summarized below:**

- ~~1. Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards.~~

~~2. Farm-related structures, including barns, sheds, and farmer-occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses. No more than one primary and one secondary residential unit shall be allowed per parcel.~~

~~3. Restoration projects.~~

~~4. Nature study, aquaculture, and similar resource-dependent activities compatible with the Public Trust resources and uses.~~

~~5. Incidental public service purposes which may temporarily impact the resources of the area (such as burying cables or pipes).~~

~~LU-6c Relationship with the Open Space and Resource Conservation and Management Elements. The Open Space and Resource Conservation and Management Elements (General Plan Chapter 4) address the natural resource values of agricultural and natural resource lands. Lands designated Agriculture Exclusive [A-E] and Natural Resource [NR] are important components of City's open space, as defined in the Open Space Element. The conservation and management of these lands for their natural resource values, as well as their biological, hydrological and soil resources, are specifically addressed in the Resource Conservation and Management Element. The policies of both these elements shall apply to future agricultural and natural resource land use decisions.~~

C-LU-6d A Use Permit shall be required for any activity or development, other than non-consumptive, passive recreational uses, proposed on Natural Resources designated lands.

C-LU-6e Uses allowed in diked/reclaimed former tidelands. Allowable uses in grazed or farmed wetlands are limited to uses compatible with the Public Trust, specifically agricultural operations limited to apiaries, field and truck crops, livestock raising, and orchards.

~~TABLE LU-10 SPECIFIC CONSIDERATIONS FOR CERTAIN AGRICULTURAL AREAS~~

AREA	SPECIFIC CONSIDERATION
Arcata Bay Storage APN 021-121-010	Provide for agriculture-related manufacturing due to aggregate fill deposits on the Arcata Bay Storage site per PC Resolution 08-09.

~~[Revised by Ordinance No. 1377, September 2008]~~

Other Initiatives

- Protection of natural resources and agricultural lands. Agricultural [A-E] and Natural Resource [NR] designated lands make up over half of the community land base. Their productive, open space, and natural resource

values are important to the community and conversion to other non-compatible uses shall be prohibited.

- Industrial performance standards. The City shall develop and adopt performance standards ensuring that new and upgraded industrial uses are attractively designed, keep noisy uses in enclosed spaces, do not emit light or glare off site, and contain other features that make them compatible with adjacent uses.

2.3 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
LU-1	Land Use Code Amendments Revise the City Land Use Code (formerly the Land Use and Development Guide, or LUDG) zoning districts and land use regulations to be consistent with the General Plan land use designations, densities, primary and secondary uses, building intensity, lot sizes, and coverages. Add inclusionary zoning provisions for affordable housing.	Community Development Department/ Planning Commission	Year 1
LU-2	Conversion and Reuse of Inactive Mill and other Industrial Sites Solicit property owner cooperation and pursue funding for environmental site assessments and clean-up of abandoned or inactive mill sites. Encourage conversion of these sites when proposed reuse is consistent with General Plan goals and policies.	Community Development Department/ Property Owners	Ongoing beginning in Year 1
LU-3	Maintain Economic Strategies Plan The Economic Strategy Report is intended to be a guide for City actions pertaining to economic improvement. The report should be updated periodically for compliance with General Plan policies.	City Manager's Office	Every five years beginning in Year 3
LU-4	New Business Park Master Plan Seek funding for and prepare a business park master plan for the reuse of the South "I" Street property for mixed-use development.	Community Development Department	Year 2
LU-5	Neighborhood Centers City staff will communicate City policy regarding mixed use to neighborhood center owners and managers, and work proactively with them to maximize use of the centers.	Community Development Department	Year 1
LU-6	Industrial Performance Standards City staff will communicate City policy regarding performance standards to industrial area owners and managers and work proactively with them to improve appearances, and reduce noise, light, and glare from operations.	Community Development Department	Year 1
LU-7	Affordable Housing	Community	2002

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
	Include inclusionary zoning measures and/or incentives in the next update of the Housing Element.	Development Department	

COASTAL GROWTH MANAGEMENT ELEMENT

2.4 INTRODUCTION

Growth Management Overview. Since it was originally incorporated in the late 1850s, Arcata has grown to an estimated 1998 population of about 16,500 persons. The General Plan includes an assumption of low population growth, to about 20,000 persons, by the year 2020. The majority of the City's growth has been, and is planned to be, located within the present City boundary, and concentrated around the downtown area, existing neighborhood commercial centers (see Land Use Element), and Humboldt State University. Growth is directed to these areas because they have existing urban services and infrastructure. There are currently about 7,500 students enrolled at Humboldt State University, with maximum enrollment limited to 8,500 (full time equivalent) students. This potential enrollment increase will also impact the size and characteristics of the City.

The City of Arcata has an incorporated area defined by its City limits; an Urban Services Boundary that defines the limits for extending City services and infrastructure so as to accommodate new development anticipated within the time frame of this General Plan; a Sphere of Influence boundary that indicates unincorporated lands which ultimately may be developed and annexed to the City; and a Planning Area which includes nearby unincorporated lands. Collectively, these planning features and the policies that guide related development activities, such as annexation, constitute the City's growth management program. The City's Sphere of Influence is shown on Figure LU-a, the Planning Area on Figure LU-b, and the Urban Services Boundary on Figure GM-a. Each of these features is described in more detail below.

~~Annexations/ Expansion of City Boundaries.~~

~~The Cortese/Knox Local Government Reorganization Act of 1985 sets forth the rules and regulations under which Arcata may expand its adopted City limits. The legislative intention of this law is to encourage orderly growth and development, which is considered essential to the social, fiscal, and economic well being of the state. It recognizes that the formation of local agency boundaries is an important factor in assuring that development is orderly. Within the legislation, the Local Agency Formation Commission (LAFCo) is given the sole and exclusive authority for the annexation of additional territory to a city. The Coastal Land Use Plan applies only to the land areas which are within the city boundary.~~



Sphere of Influence.

~~Before LAFCo may approve territorial annexation, it must define and adopt a Sphere of Influence for the City. A Sphere of Influence is described as a plan for the probable ultimate physical boundaries and service area of a local agency. The Sphere of Influence boundary includes all City lands and unincorporated lands that may be annexed as part of the ultimate development of the City. This ultimate development extends beyond the twenty-year time frame of the General Plan. Designating unincorporated (under the jurisdiction of the County) lands within the Sphere of Influence is done for two reasons:~~

- ~~1. It allows the City to plan for the eventual annexation and extension of services as part of community growth.~~
- ~~2. It designates uses for these lands that are compatible with adjacent City lands. The City's Sphere of Influence is adopted, as required by state law, by the Humboldt County LAFCo, a county-wide agency.~~

Arcata Planning Area.

~~California planning law requires the City to adopt a general plan for lands within its limits and also for any land outside its boundaries which bears relation to its planning. Defining a Planning Area is a means by which the City can communicate its concerns for the future of surrounding lands under the jurisdiction of the County or neighboring cities. The Planning Area may extend beyond the City's Sphere of Influence.~~

~~The Planning Area includes the City, the Sphere of Influence and surrounding county lands that are intended to remain unincorporated, where uses and activities impact the City. The Planning Area boundary is determined by geographic features, such as the Pacific Dunes, Pacific Ocean, Mad River, Fickle Hill ridgeline, and hydrological features such as the watersheds of Arcata's creeks. Other considerations for determining the Planning Area include preserving viewsheds and maintaining a greenbelt around the City.~~

FIGURE GM-a URBAN SERVICES BOUNDARY (11 X 17)

FIGURE GM-a URBAN SERVICES BOUNDARY (11 X 17) part 2

The Urban Services Boundary.

The Urban Services Boundary is a mapped limit line surrounding the City's developed and developing areas. It can also include areas of the Sphere of Influence where urban development is planned. Inside the City limits, the boundary excludes areas inappropriate for urban development, such as agricultural lands and the community forest. Where it extends beyond the City limits, it does not extend outside the City's Sphere of Influence. The boundary is determined by the City's interest in extending services and infrastructure (water, wastewater collection, police services, etc.) to urban uses. The City provides certain areas, such as Jacoby Creek, with "water only" services. The Urban Services Boundary encompasses the area wherein urban development may occur during the General Plan's twenty-year time frame.

Guiding Principles and Goals.

- A. Lands in the Sphere of Influence should remain undeveloped until they are annexed to the City.
- B. Preserve the rural character and promote resource protection in the Planning Area.
- C. Maintain an Urban Services Boundary that serves only the existing urban area, and areas appropriate for development by the year 2020.
- D. Locate new urban development in areas contiguous to existing urban uses.
- E. Protect flood-prone, steeply sloped, streamside buffer areas and productive natural resource, agricultural, and forest lands from urban development.
- F. Incorporate greenbelts, designated natural areas, and other open space into the planning area and Sphere of Influence in order to maintain an identity separate from surrounding communities.
- G. Manage the timing and amount of growth in accordance with the ability to maintain acceptable levels of service and quality of life for existing and new residents.

2.5 POLICIES

The Coastal Growth Management Element contains the following ~~policies~~ policy groups:

~~GM-1 Planning Area~~

~~GM-2 Sphere of Influence~~

~~GM-3 Annexation~~

~~GM-4~~ C-GM-1 Urban Services and Urban Services Boundary

~~POLICY GM-1 PLANNING AREA~~

~~Objective. Advocate appropriate uses and management for Planning Area lands outside the City boundary, including Arcata's creek watersheds and coastal areas, in recognition that they will affect the future form of the Arcata community.~~

~~**GM-1a Planning Area.** The Planning Area shall include all lands within the boundary shown on Figure LU-a. The Planning Area includes lands where any future changes or management practices are likely to have an impact on the City of Arcata. The City shall request that all land use applications received by the County, or resource management plans received by other agencies, be referred to the City. The City shall review and comment on these applications and plans. The City shall also advocate that the County implement policies and that property owners manage for the conservation of these unincorporated lands. This policy applies to lands within the Planning Area but outside the Sphere of Influence.~~

~~**GM-1b Referrals by Humboldt County.** The City shall review all development and infrastructure proposals affecting the Planning Area and communicate the City's position on these matters to the applicable decision-making body. Humboldt County shall be requested to refer all planning studies and applications for development in the Planning Area to the Arcata Community Development Department, for review and comment, prior to taking action.~~

~~**GM-1c Land-use designations within the Planning Area.** The City shall request that the County of Humboldt retain rural and agricultural designations on lands located within the Planning Area. The City shall request that the County adopt consistent land use designations for lands within the planning area but outside the Sphere of Influence, as shown on Figure LU-b.~~

~~**GM-1d Greenbelt.** The rural and agricultural lands within the Planning Area are designated by the City as open space or greenbelt. The intent is that such lands shall not be developed with urban densities or uses and that land uses shall be limited to agricultural production and natural resources conservation.~~

~~**GM-1e Resource Protection in the Planning Area.** Proposals which could affect the Planning Area's resources, including those resources addressed in the Resources Conservation and Management Element, shall be reviewed by the City. City review shall address the proposal's compatibility with applicable General Plan policy. The City shall communicate the intent of this policy to agencies with jurisdiction within the Planning Area (for example, the California Department of Forestry and Fire Protection for timber management, and the Humboldt Bay Harbor, Recreation and Conservation District for Humboldt Bay tidelands management) together with the policies in the Resource Conservation and Management Element.~~





~~POLICY GM-2 SPHERE OF INFLUENCE~~

~~Objective. Designate an appropriate amount of urban reserve and open space land in the Sphere of Influence to provide for the ultimate development of the City.~~

~~GM-2a Sphere of Influence. The proposed Sphere of Influence boundary, which must be adopted by LAFCo for the City of Arcata, is shown on Figure GM-a. The boundary defines land parcels that are eligible for annexation to the City in the future. The City shall maintain an adequate amount of land in the Sphere of Influence to accommodate future growth, consistent with the goals and policies of this plan, as well as to protect open space and productive resource uses. Annexation of property may not proceed unless or until such lands are within the Sphere of Influence boundary.~~

~~GM-2b Changes to the Sphere of Influence boundary. The City shall comprehensively evaluate the Sphere of Influence boundary at least every five years, but more frequently if appropriate. Any boundary amendments shall be considered by the Planning Commission and recommended to the City Council, prior to any action by LAFCo. Any City decision to change the boundary shall be based on the following:~~

- ~~1. The resulting area has an adequate supply of land to accommodate projected housing needs allocated by the Humboldt County Council of Government.~~
- ~~2. Any owner of property located adjacent the Sphere of Influence boundary may request that the City add his or her lands to the Sphere of Influence.~~
- ~~3. Any such proposal shall also identify the requested land use designations and any other necessary or appropriate amendments to the various elements of the General Plan.~~
- ~~4. In considering such requests, and at each periodic comprehensive evaluation, the City Council, upon recommendation of the Planning Commission, shall determine whether it would serve the public interest to designate additional lands for which to provide municipal services and developed with urban uses.~~
- ~~5. An amendment to the Sphere of Influence to include additional lands shall be subject to environmental review pursuant to CEQA.~~
- ~~6. A proposal to amend the Sphere of Influence may be considered concurrently with an annexation request.~~
- ~~7. Any adjustment to the sphere boundary incorporates adequate provisions for open space.~~

~~GM-2c Areas in Sphere of Influence intended only for partial services. Some areas are included in the Sphere of Influence only for the purpose of receiving City water service, such as the Jacoby Creek residential area. Such areas are not to be considered for annexation during the 20-year time frame of this Plan.~~

~~GM-2d City land-use designations. The City's land use designations for parcels located within the Sphere of Influence are shown in Figure LU-a. These designations have legal force and effect only upon annexation of particular land areas to the City.~~



~~GM-2e Prezoning of parcels within the Sphere of Influence. Lands in the Sphere of Influence shall not be prezoned until the City considers particular annexation requests. Such prezoning shall be consistent with the City land use designations for the Sphere area, or a General Plan Amendment would be required. The purpose shall be to provide maximum latitude to the City to determine the appropriate timing of expansion of the City boundaries, extension of services, and urban development.~~

~~GM-2f County Land-use and Zoning designations in Sphere of Influence. The City shall request that Humboldt County adopt agricultural, natural resource, or other rural land use designations, within the Sphere of Influence, as a holding zone to prevent premature development prior to annexation to the City. This shall not apply to areas which are already fully developed such as Pacific Manor. The County's land-use designations are legally binding until annexation to the City is completed.~~

~~GM-2g Resource lands in the Sphere of Influence. The City shall periodically review the SOI boundary, especially to the west, to determine whether resource lands are being adequately protected.~~

~~POLICY GM-3 ANNEXATIONS~~

~~Objective. Provide for logical annexations of unincorporated areas, within the City's Sphere of Influence and/or Planning Area, when the existing or proposed development is consistent with community character and City services can be adequately provided.~~

~~GM-3a City annexation procedure. The City prefers to consider annexation requests prior to LAFCo consideration. If area property owner(s) or residents request that the City initiate an annexation request to LAFCo, the following procedures shall apply:~~

~~1. Initiation:~~

~~a. If lands are inhabited, a petition must be signed by no less than fifty percent of the resident voters, or at least twenty-five percent of owners of property located within the annexation area;~~

- ~~b. If lands are uninhabited but consist of more than one parcel and owner, a petition must be signed by a majority of owners representing more than fifty percent of the annexation area;~~
- ~~c. If a single parcel, a petition must be submitted by owner(s).~~
- ~~2. The Planning Commission shall review and make a recommendation on the requested annexation to City Council.~~
- ~~3. Final Action shall be taken by Council regarding Resolution of Intention for annexation.~~
- ~~4. Following City Council approval of annexation request, including any accompanying General Plan amendment, pro-zoning ordinance and/or environmental document, the City shall transmit the annexation request to LAFCo for its consideration and decision.~~

~~GM-3b Required materials for consideration of annexations of non-urbanized land areas. The following shall apply to annexation requests where the land proposed to be added to the City is not developed with urban land uses prior to annexation:~~

- ~~1. The City, or experts under contract to the City, shall prepare a detailed annexation study addressing items "a" through "f" listed below.~~
 - ~~a. A comprehensive and detailed analysis of the fiscal impacts of the annexation, addressing the full range of revenues and expenditures. One-time capital costs of facilities, as well as recurring operating costs and revenues, shall be evaluated;~~
 - ~~b. A study and/or proposal for tax-sharing agreements with other taxing entities, such as the County;~~
 - ~~c. An accompanying General Plan Amendment, if requested or appropriate;~~
 - ~~d. A proposed preliminary development plan, including phasing if appropriate;~~
 - ~~e. An assessment of the City's capacity to provide facilities and services, including: wastewater collection and treatment; stormwater management; water supply and distribution; streets and circulation; fire protection; police services; parks; and others as appropriate;~~
 - ~~f. A pro-zoning ordinance. The costs of preparing the annexation study, including City administrative costs, shall be borne by the property owner(s) requesting the City to consider the annexation.~~
- ~~2. An environmental document pursuant to CEQA.~~
- ~~3. A Planned Development or Specific Plan may be required for any land area greater than five acres.~~

~~GM-3c Criteria for annexation of undeveloped land areas. All undeveloped lands proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall:~~

- ~~1. Be within Urban Services Boundary and adjacent to existing urban development.~~
- ~~2. Not exceed the City's capacity to provide services and infrastructure to accommodate proposed development.~~
- ~~3. Have annexation timed so that availability of services and infrastructure is concurrent with need.~~
- ~~4. Have a positive or neutral fiscal impact, or other overriding public benefits;~~

~~5. Be in compliance with General Plan policies.~~

~~6. Not include prime agriculture land (Soil Index 60 or higher) other than with designation and zone as Agriculture Exclusive [A-E].~~

~~GM-3d **Criteria for annexation of areas with existing urban development.** All lands with existing urban development proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall:~~

~~1. Be within the Urban Services Boundary and adjacent to existing city boundary.~~

~~2. Have facilities brought up to City standard prior to or concurrent with annexation.~~

~~3. Have costs of service extensions borne entirely by owners of annexing properties and not by existing City taxpayers or ratepayers, or, have a financing mechanism in place prior to annexation.~~

~~GM-4~~ **GROUP C-GM-1 URBAN SERVICES AND URBAN SERVICES BOUNDARY**

Objective. Define the boundary that limits the extent of City services and urban uses, within the City's incorporated area and Sphere of Influence. Extend City services to urban uses within the urban services boundary when provision of those services will not exceed the City's planned system capacities

C-GM-1a *Location of new development relative to existing developed areas, services; limitations.* New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

C-GM-1b *Location, amount of new development relative to coastal access.* The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

C-GM-1c *Rural land divisions.* Land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent

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

C-GM-1d *Location of hazardous industrial development.* Where feasible, new hazardous industrial development shall be located away from existing developed areas.

C-GM-1e *Location of visitor-serving facilities.* Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

C-GM-1f *Location or expansion of coastal-dependent industrial development.* Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.

C-GM-1g *Water oriented recreation.* Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

C-GM-1h *Commercial recreation; priorities.* The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

C-GM-1i *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

C-GM-1j *Upland support areas.* Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

C-GM-1k *Recreational boating facilities.* Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

C-GM-1l *Commercial fishing and recreational boating industries.* Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for

those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

C-GM-1m *Commercial and recreational fishing.* The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

C-GM-1n *Coastal-dependent industrial facilities.* Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this coastal land use plan, they may nonetheless be permitted in accordance with this section and Policies C-LU-4f and C-LU-4g if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

~~**GM-4a-C-GM-1o *Urban Services Boundary.* The City shall maintain an Urban Services Boundary, beyond which urban services shall not be provided (except as provided for in Policy GM-4b), and urban development shall not be approved (see Figure GM-b). Rural residential development may be approved outside the Urban Services Boundary only if the development would not require the extension of water, sewer, and other public facilities. The area within the Urban Services Boundary shall be annexed at the time of development.**~~

Any **proposed** changes to the Urban Services Boundary shall be ~~based on processed~~ **by the City as an LCP amendment and shall be supported by** an analysis of: **(1) soil type, vegetation, topography (slope); (2) the availability of public water and sewer services; (3) the reserve capacity of community services to serve development within the area proposed for inclusion into the services area; (4) whether the extension of services the boundary change would facilitate would induce new development inconsistent with this Coastal Land Use Plan or, in instances where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses would be precluded by other development; (5) potential impacts to coastal resources; (6) existing property lines; (7) existing land use; and (8) the potential for development.** The boundary shall not be extended into the prime agricultural land or flood-prone areas on the west and south, nor extend past the Mad River on the north. To the east, the boundary shall not be extended into the steeper portions of Fickle Ridge, as designated on the ~~General~~ **Coastal Land Use** Plan Map. Parts of the Jacoby Creek and Bayside areas are included within the urban services boundary.

Only the Agriculture-Exclusive [A-E], Natural Resource [NR], and Public Facilities [PF] land use designations shall be applied to areas outside the Urban Services Boundary ~~and~~ within the Coastal Zone.

~~GM-4b~~ **C-GM-1p** *Services outside City boundary.* The City shall not extend sewer mains or new water mains or provide new service connections to portions of the Planning Area outside the City Limits except under the following conditions:

1. Emergency sanitary sewer connection. The City may provide an emergency sewer line extension provided **all of** the following conditions are met:
 - a. The property is located within the City Urban Services Boundary for water and sewer.
 - b. The property is adjacent to the City limits.
 - c. The on-site sewage disposal system has failed.
 - d. It is not feasible to replace or repair the on-site sewage disposal system as evidenced by a letter from the County of Humboldt Division of Environmental Health.
 - e. The on-site sewage disposal system failure is considered a health hazard by the County of Humboldt Division of Environmental Health.
 - f. The owner has submitted a complete application to the City of Arcata for annexation of the property within 18 months from the date that sanitary sewer service was provided.
 - g. LAFCo has approved the emergency sanitary sewer connection.
 - h. The sewer connection shall be sized to only accommodate the failed system.
2. The City may contract to provide sewer services to other service districts subject to the following guidelines:
 - a. Only those areas with existing contracts as of December 31, 1998 shall be served.
 - b. No new contracts for services shall be approved.
 - c. No new connections shall be allowed to the sewer lines in the area between the City Limits and the Arcata Planning Area Boundary.

~~[Revised by Ordinance No. 1377, September 2008]~~

~~GM-4c~~ **C-GM-1q** *Requirements and procedures for modifying Urban Services Boundary.* ~~The Evidence substantiating the~~ following findings must be ~~made~~ **provided by the City in support of any LCP amendment** to modify the Urban Services Boundary:

1. There are existing urban uses or urban uses designated on the land use plan map for the area being considered.
2. There is sufficient existing or planned infrastructure capacity to extend water, sewer, police protection, and other services, without reducing service standards for other areas. **Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.**
3. The area to be served is adjacent to existing urban development.
4. The area to be served is within the City limits or Sphere of Influence.
5. City services extensions will not adversely impact natural resources in the area.
- 6. The service boundary modification would not induce new development inconsistent with this Coastal Land Use Plan.**

2.6 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
GM-3	Urban Services Boundary Update Title 5 and Title 7 of the Arcata Municipal Code to define and describe criteria for modifying Urban Services Boundary, consistent with General Plan policy.	Community Development Dept./ Planning Commission	Year 1
GM-4	Update Sphere of Influence Boundary Comprehensively evaluate the Sphere of Influence Boundary to ensure that City growth and resource protection objectives are being met.	Community Development Dept.	Every 5 Years
GM-5	Rezoning Ordinance Prepare and adopt a rezoning ordinance that does not allow resource lands to be rezoned, but requires consideration of land use designations at time of annexation.	Community Development Dept.	Year 2
GM-6	Local Agency Formation Commission Submit changes in Sphere of Influence and updates of maps to LAFCo, and request that maps be updated.	Community Development Dept.	Year 5

COASTAL TRANSPORTATION ELEMENT

2.7 INTRODUCTION

Transportation concerns how people and goods move through and around the City. The transportation element addresses how roadway, transit, rail, freight, bicycle, and pedestrian systems can be planned to achieve maximum individual mobility in a manner consistent with community character and environmental protection. California law requires that transportation and land use policies be closely correlated. The Arcata General Plan accomplishes this correlation in two ways. First, travel demand has been forecasted based on the amount and distribution of growth allowed by the land use plan. Second, the policies of the transportation, land use and air quality elements have been interwoven to provide a balance between land uses and the transportation facilities that serve them. The overall theme of this element is achieving a balanced transportation system.

Overview of Existing and Future Transportation Conditions

Existing Roadway System. Arcata's pattern of highways and streets is similar to many small and rural communities. The central business district has a traditional grid pattern of streets, with a one-way couplet system comprising the primary arterial. A non-grid series of arterial and collector streets surrounds the central business district and serves outlying residential subdivisions, neighborhood shopping centers, Humboldt State University, and industrial areas. On the outer edges of Arcata, the transportation system is comprised of rural roads and highways serving isolated farms and residences. Arcata is bisected by the State Route 101 freeway, the main state route serving the North Coast of California from San Francisco to Oregon.



Functional Classifications of the Street System. Arcata's existing and planned primary streets and their functional classifications are shown in Figure T-a. The functional classification system is described in the following paragraphs.

Freeways and Highways. Freeways are high speed facilities with restricted access that move traffic on an intercity or regional basis. Access to freeways is limited to grade-separated interchanges. Routes 101 and 299 are designated as freeways. Highways are also high-speed facilities, but with fewer restrictions on access and at-grade intersections. Route 255 is designated as a highway.

Arterial Streets. The primary function of arterial streets is to provide intracity mobility as efficiently as possible. In addition to interconnecting the various parts of the city, arterial streets also provide some access to abutting lands. Compared to other communities, arterials in Arcata have fewer traffic control devices at intersections. As of 1998, all of the traffic signals in Arcata were located on state facilities. Examples of arterials include the “G” and “H” Street one-way couplet, Alliance Road, Samoa Boulevard and L.K. Wood Boulevard.

Minor Arterials. Local streets, while providing access to development on adjacent lands, primarily provide mobility between arterial and collector streets. Examples include Buttermilk, Jacoby Creek (within the sphere of influence) West End, Union, and Upper Bay Road.

Collector Streets. Collector streets provide both mobility and access to land in about equal proportions. These roadways move vehicular, pedestrian, and bicycle traffic within and between residential, commercial, and industrial areas. As the name implies, collector streets are intended to collect traffic from local streets and channel it to the arterial street system. Examples of collector streets include 7th Street, 14th Street, Union Street, Buttermilk Lane, and Fickle Hill Road.



Local Streets. Local streets mainly serve to provide access to development on abutting parcels of land. These low-speed roadways provide access between land uses and collector streets. Local streets serve all types of land use including residential, commercial, and industrial. Often, local streets in residential areas are utilized by through traffic, resulting in complaints from residents about speeding and high traffic noise volumes.

Rural Roads. Rural roads are generally two-lane unimproved facilities located on the outer edges of the community. Their primary function is to provide connection and access to farms, isolated residential areas, and industrial uses. Rural roads usually do not have typical urban improvements such as underground drainage, lighting, sidewalks, or curbs and gutters. Examples of rural roads in the Arcata area include Mad River Road, Upper Bay Road, Jackson Ranch Road, the western portion of Foster Avenue, and Jacoby Creek Road.

FIGURE T - a STREET FUNCTIONAL CLASSIFICATIONS (11x17)

FIGURE T - a STREET FUNCTIONAL CLASSIFICATIONS (part 2)

Existing and Projected Traffic Volumes and Intersection Levels of Service.

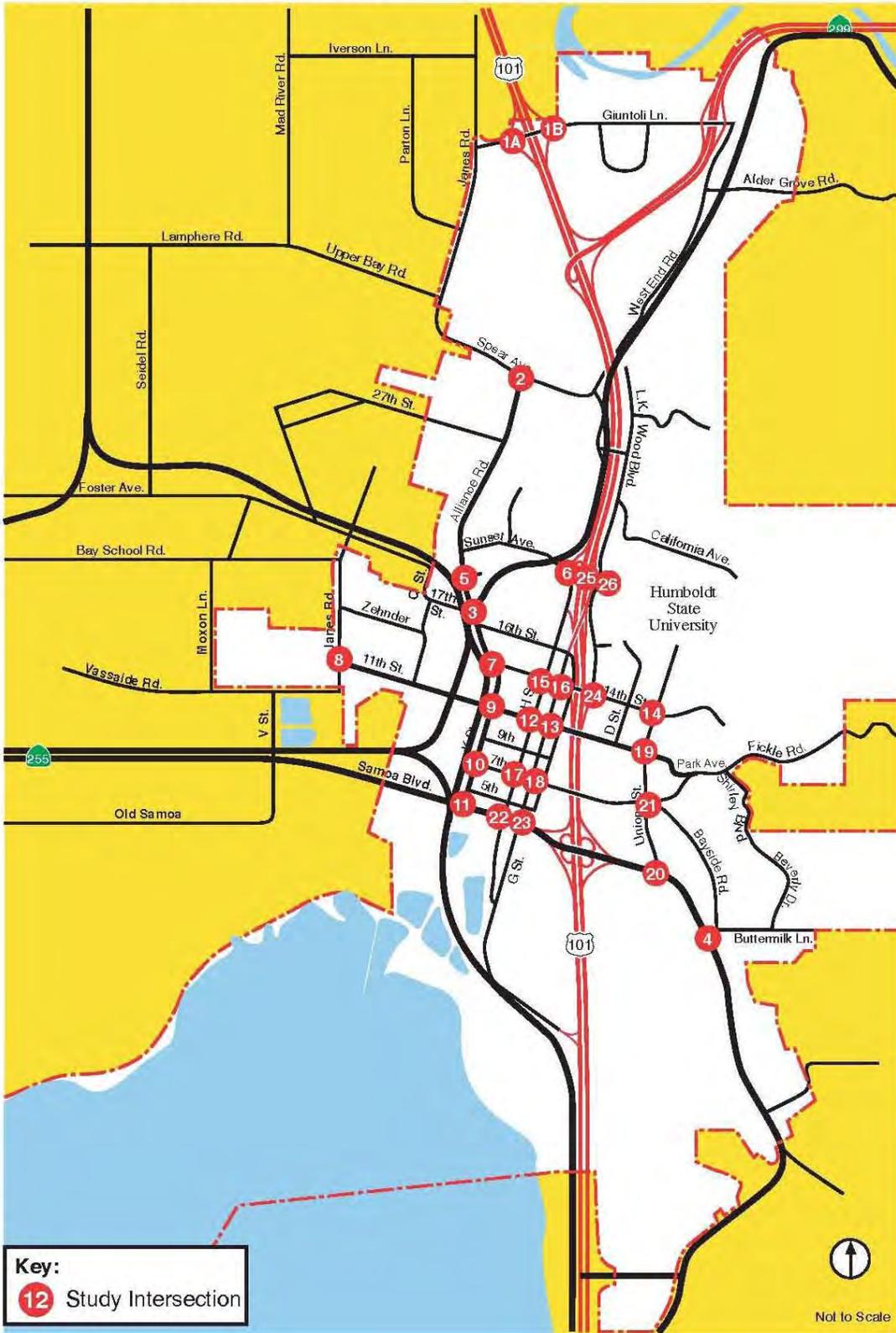
Existing and projected future average weekday traffic volumes are shown for selected street locations in Figure T-c. Existing volumes were established with traffic counts conducted in 1996. Projected traffic volumes were developed using the Arcata Citywide Traffic Model. The model was created to evaluate three potential year 2020 growth or “buildout” scenarios for Arcata. The traffic volumes reported in Figure T-c represent the buildout scenario associated with the land use plan. Table T-1 provides levels of service definitions for intersections. Existing and projected future volume/capacity ratios and afternoon peak hour levels-of-service for key intersections are shown in Table T-2. The locations of key intersections analyzed are shown in Figure T-b.

Traffic Volumes. Arterial streets with the highest daily traffic volumes are Samoa Boulevard, Alliance Road, Spear Avenue, "K" Street, and 11th Street. Collector and local streets carry considerably less traffic than arterial streets. The highest projected traffic volume on a surface street is on Samoa Boulevard west of State Route 101, with an average daily volume of over 17,000 vehicles. The largest percent increases in daily traffic volumes are on Alliance Road, "K" Street, and 11th Street east of "K" Street. Projected future traffic volumes on State Route 101 range from nearly 41,000 vehicles per day north of Arcata to 43,000 vehicles per day south of the City. Traffic volumes on Highway 299 east of Arcata are projected to increase from about 10,000 vehicles per day to over 16,000. Traffic volumes on these freeways reflect continuing growth in areas outside Arcata that will result in increased through traffic, particularly McKinleyville to the north along State Route 101.

Intersection Levels-of-service. Level of service (LOS) is a qualitative and quantitative description of intersection operations defined in terms of a letter grade and either the volume to capacity ratio or total stopped delay per vehicle during the peak hour. Levels of service range from LOS A, representing free flow conditions to LOS which signifies excessive delays, long vehicle queues, and generally unacceptable conditions. The level of service criteria, defined in the 1995 Highway Capacity Manual prepared by the Transportation Research Board, are used by local agencies nationwide to establish standards of acceptability. What is considered acceptable may vary from one jurisdiction to another.



Figure T - b Key Intersections



Level of service for a signalized intersection is defined by its volume to capacity ratio. A ratio of 1.00 indicates that the intersection's volume equals its capacity. At unsignalized intersections, the total stopped delay is applied only to vehicles required to stop.

TABLE T-1 LEVEL OF SERVICE DEFINITIONS FOR INTERSECTIONS

LEVEL OF SERVICE	SIGNALIZED INTERSECTIONS	UNSIGNALIZED INTERSECTIONS
A	Uncongested operations; all queues clear in a single cycle. Volume to capacity ratio of 0.00 to 0.60.	No delay for stop controlled approaches. Delay equals 0 to 5 seconds.
B	Uncongested operations; all queues clear in a single cycle. Volume to capacity ratio of 0.61 to 0.70.	Minor delay for stop controlled streets. Delay equals 5.1 to 10 seconds.
C	Light congestion; occasional backups on critical approaches. Volume to capacity ratio of 0.71 to 0.80.	Moderate delay for stop controlled approaches. Delay equals 10.1 to 20 seconds.
D	Significant congestion of critical approaches but intersection remains functional. Some vehicles required to wait through more than one cycle during brief periods. No long queues formed. Volume to capacity ratio of 0.81 to 0.90.	Long delay for stop controlled streets. Delay equals 20.1 to 30 seconds.
E	Severe congestion with long standing queues on critical approaches. Blockage of intersection may occur if intersection does not provide protected left turns. Queues may extend into adjacent intersections. Volume to capacity ratio of 0.91 to 0.99.	Very long delays for stop controlled intersections, reaching level of tolerance for average driver. Delay equals 30.1 to 45 seconds.
F	Total breakdown; stop and go operations. Volume to capacity ratio of 1.00 or greater.	Extreme congestion, intolerable delay for stop controlled vehicles. Delay equals 45.1 seconds or greater.

Source: 1994 Highway Capacity Manual (Special Report 209) & Circular 212, Transportation Research Board.

Delay for unsignalized intersections is based on average stopped delay in seconds per vehicle.

Table T-2 identifies the existing and projected service levels at the two signalized and twenty-one unsignalized key intersections within the City. Projected service levels are based on the estimated buildout of the land use plan by the year 2020.

TABLE T-2 AFTERNOON PEAK HOUR INTERSECTION SERVICE LEVELS

SIGNALIZED INTERSECTIONS ¹	EXISTING		PROJECTED	
	V/C RATIO	LOS	V/C	LOS
23) G Street / Samoa Boulevard	<1	A	<1	A
22) H Street / Samoa Boulevard	<1	A	<1	A
Unsignalized Intersections¹	Delay	LOS	Delay	LOS
1A) Giuntoli / 101 SB Ramps	8	B	>45	F
1B) Giuntoli / 101 NB Ramps	3	A	>45	F
2) Alliance Road / Spear Ave.	5	A	6	B
3) Alliance Road / 17th Street	1	A	14	C
4) Bayside Road / Crescent Way	4	A	7	B
5) Alliance Road / Foster Ave.	1	A	11	C
6) Sunset Ave. / "G" & "H" Streets	4	A	9	B
7) Alliance Road / 14th Street	1	A	4	A
8) Janes Road / 11th Street	2	A	5	A
9) K Street / 11th Street	6	B	10	B
10) K Street / 7th Street	1	A	9	B
11) K Street / Samoa Boulevard	>45	F	>45	F
12) H Street / 11th Street	7	B	15	C
13) G Street / 11th Street	10	C	23	D
14) Union Street / 14th Street	2	A	5	A
15) H Street / 14th Street	7	B	12	C
16) G Street / 14th Street	12	C	16	C
17) H Street / 7th Street	4	A	7	B
18) G Street / 7th Street	4	A	11	C
19) Union Street / 11th Street	2	A	3	A
20) Union Street / Samoa Boulevard	4	A	>45	F
21) Union Street / 7th Street	3	A	4	A
24) L.K. Wood Blvd. / 14th Street	5	A	5	B
25) Sunset Ave. / US 101 NB Ramp	2	A	10	B
26) Sunset Ave. / L.K. Wood Blvd.	8	B	11	C

¹ See Figure T - b for intersection locations. V/C Ratio = volume to capacity ratio.
< less than, > greater than.

All of the intersections analyzed presently operate at LOS C or better with an average delay of twelve seconds or less per vehicle in the afternoon peak hour. The one exception is the intersection of "K" Street with Samoa Boulevard, which operates at LOS F for the southbound to eastbound left turn. This movement must wait for gaps in both directions of traffic on the four-lane segment of Samoa Boulevard.

Table T-2 also presents the projected afternoon peak hour intersection levels of service for the buildout scenario. At buildout, the two signalized intersections ("G" and "H" Streets at Samoa Boulevard) continue to operate well under capacity at LOS A. Two of the City's unsignalized intersections are projected to operate at LOS F. These are:

1. Giuntoli Lane/US 101 Southbound Ramps – failed service level is for left turn movement from the southbound off-ramp approach onto Giuntoli Lane. This intersection meets the Manual of Uniform Traffic Control Devices' (MUTCD's) peak hour volume warrant for signalization. This intersection should be monitored for possible installation of a traffic signal, all-way stop control, or traffic roundabout.

2. Giuntoli Lane/US 101 Northbound Ramps – failed service level is for left turn movement from the northbound off-ramp approach onto Giuntoli Lane. This intersection meets Manual of Uniform Traffic Control Devices (MUTCD's) peak hour volume warrant for signalization. This intersection should be monitored for possible installation of a traffic signal, all-way stop control, or traffic roundabout.

Other intersections which operate near or over capacity include the unsignalized intersection of "K" Street/Samoa Boulevard. This intersection currently operates at LOS F for the southbound left turn onto Samoa Boulevard, and continues to operate poorly for this movement with buildout under the land use plan. All of the remaining unsignalized intersections are projected to operate at LOS D or better. Most intersections, however, operate at LOS A or LOS B. Existing and projected peak hour service levels are based on existing intersection control and lane configurations as of 1998. Improvements anticipated by this plan will likely improve the LOS to acceptable levels for all intersections.

Existing and Projected Transit Ridership. The Arcata & Mad River Transit System (A&MRTS) and Humboldt Transit Authority are the two transit systems providing service in the City of Arcata. Transit services are offered along major streets in the city and to major inter-route transfer points including the Arcata Transit Center and Humboldt State University (HSU). HSU student ridership is significant during the school season when extra shuttles are provided to accommodate overflows in the morning peak hour. Table T-3 shows existing and projected A&MRTS bus ridership.

During the school season, A&MRTS ridership increases significantly, by more than 150%. As of 1998, HSU subsidized student bus fares by \$0.60 resulting in increased ridership and reduced vehicle travel to the university. The subsidy is funded through parking fines at the University. A 1995 survey indicated that 75% of A&MRTS riders are traveling to and from school, 12% for work, and the remaining 14% for various purposes including shopping, recreational, and personal trips.

TABLE T-3 A&MRTS RIDERSHIP SUMMARY: EXISTING AND PROJECTED

PASSENGER TYPE	AVERAGE SUMMER MONTHLY RIDERSHIP	AVERAGE SUMMER DAILY RIDERSHIP	AVERAGE SCHOOL SEASON MONTHLY RIDERSHIP	AVERAGE SCHOOL DAILY RIDERSHIP
All Passengers	5,900	300	14,900	850
Students			11,000	750
DAILY STUDENT RIDERSHIP BY PERIOD				STUDENT RIDERS DURING PERIOD
7 to 11 AM				400
11 to 3 PM				250
3 to 7 PM				200
PM Peak Hour - All Passengers				70
Source: A&MRTS superintendent Larry Pardi.				
Note: A&MRTS provides extra shuttles to HSU during school season to accommodate overflow in the morning peak, extra shuttles are not required in the afternoon peak, but buses have standing room only.				

PROJECTED A&MRTS INCREASE IN RIDERS (AT 2020 LAND USE PLAN BUILDOUT)			
	1% Increase in Riders	3% Increase in Riders	5% Increase in Riders
Passengers	62	183	304
Note: Increase in daily ridership based on projected land use in traffic analysis zone's [TAZ's] within 1/4 mile of transit corridor stops and 1990 census mode split within each TAZ.			

In 1997, fares represented 20% of the A&MRTS capital and operating costs. The balance of the costs are funded through Transportation Development Act (TDA) funds (70%), State Transit Assistance (STA) funds (5%), and Federal Transit Administration (FTA) Section 18 funds (5%). The two A&MRTS fixed routes serve most of the City, and most points are within 1/3 mile of a bus stop. As of 1998, the system runs on weekdays from 7:00 AM to 7:00 PM with sixty-minute headways. Saturday service is from 9:00 a.m. to 5:00 p.m. with 120-minute headways. In addition to fixed routes, A&MRTS provides "demand responsive" dial-a-ride service. This service accommodates about fifteen to twenty passengers per day. The majority of these passengers are elderly or disabled with destinations to the Mad River Adult Day Health Center.

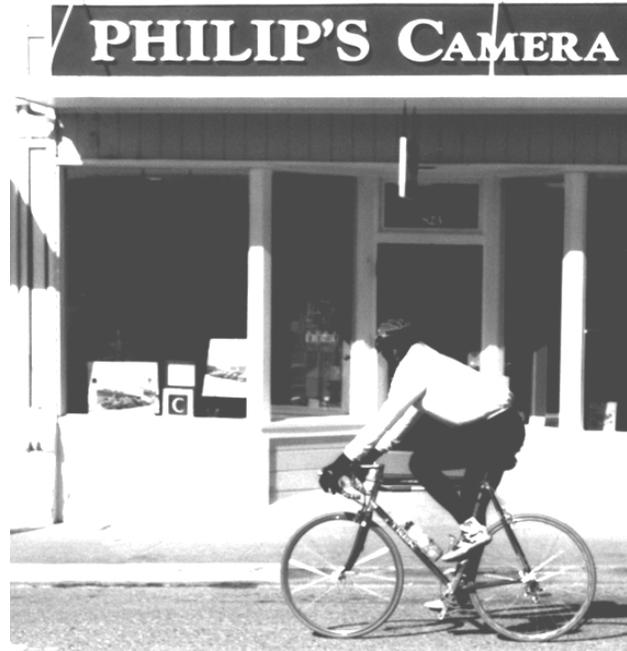
The Humboldt Transit Authority provides regional public transportation through the Redwood Transit System (RTS). This fixed route system serves cities along the Highway 101 corridor from Trinidad to Scotia. The RTS has four stops in Arcata including Humboldt State University and the Arcata Transit Center. The City of Arcata contributes to the funding for RTS. The Arcata Transit Center, located on "F" Street between 9th and 10th Streets, provides a centralized transit facility for buses operated by A&MRTS, RTS, Greyhound, and Amtrak. The Transit Center provides a park-and-ride lot and secure bicycle facilities.

The A&MRTS 1995 Transit Development Plan projected a 16% increase in ridership between 1995 and the year 2000 based on an equal projected increase in population. The plan recommends service improvements comprised of redesigning the present "Red Route" creating a more direct and faster route with consistent thirty-minute headways between downtown and Humboldt State University, and thirty-minute headways between downtown and Sunny Brae. If additional resources become available, the plan recommends providing evening service on the Red Route during the school season and providing a third bus on the Red Route during the school season to achieve thirty-minute headways.

Table T-3 also presents year 2020 projected increases in average school daily riders. This information is derived from growth in population and employment in Traffic Analysis Zones (TAZs) within transit corridors and 1/4 mile from bus stops, and a 1%, 3% and 5% increase in riders over 1990 census mode split information. While relatively small percentages, the increases represent a large increase in riders for Arcata. A sensitivity analysis indicates that these increases in riders could reduce vehicle trips between 0.5% and 2.3% and reduce annual vehicle miles of travel between 0.2% and 1.1%.

Bicycle and Pedestrian Facilities.

Arcata's bicycle transportation system consists of Class II bike lanes and Class III bike routes on public streets. Class II bike lanes are on-street facilities delineated from motor vehicle travel lanes by pavement striping and markings. Class III bike routes are specially designated corridors in which the travel lanes are shared by motor vehicles and bicycles. Arcata presently provides a comprehensive bike lane system connecting most major areas of the City on primary arterial streets. Most Class II bike lanes are located on north-south streets, while Class III bike routes provide east-west connection on key streets. The western portion of the City (west of Alliance Road) is least served by bike lanes, providing an opportunity to expand the bike lane system to encompass more residential areas.



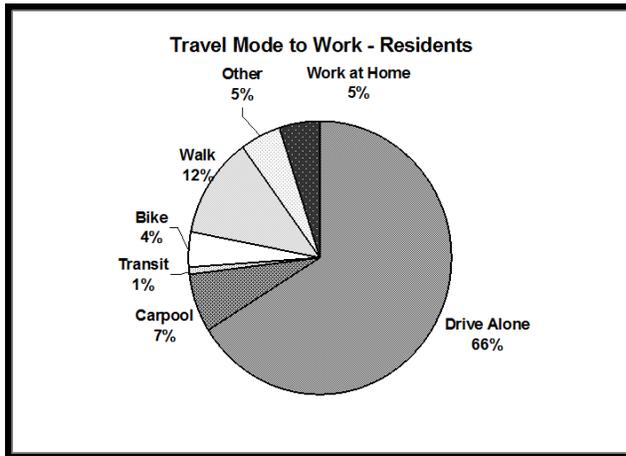
Pedestrian facilities are provided throughout Arcata in the form of sidewalks on public streets. The City's design standard for streets includes five-foot wide sidewalks on both sides of the street with a fifty-foot wide right of way. Many streets, particularly local, collector, and rural roads, do not have curb and gutters or sidewalks – forcing pedestrians to walk on unpaved shoulders or within the travel lanes. While the downtown and areas surrounding Humboldt State University provide a continuous sidewalk system in other areas of the City, there are many gaps in the sidewalk system. The City's standard five-foot wide sidewalk meets the minimum Americans with Disabilities Act (ADA) requirements, but wider sidewalks are desirable for high-traffic pedestrian locations and to encourage walking. Narrow sidewalks are often obstructed with utility poles, signs, and street furniture, further reducing their effectiveness. In addition, the City's street standards lack sufficient width for a planting strip or street trees, which are important elements in promoting walking as an alternative mode of transportation. Opportunities exist, however, within the standard fifty-foot wide right of way to provide street trees in planter boxes located in the parking lane, or to add a planting strip between the sidewalk and travel lanes when new development projects are considered.

Existing Freight and Railroad Transportation Systems. Arcata has designated truck routes on several key arterial and collector streets including Giuntoli Lane, Valley West/Valley East Boulevard, West End Road, Alliance Road, "K" Street, Spear Avenue, L. K. Wood Boulevard, 11th Street, Fickle Hill Road, Janes Road, and Samoa Boulevard. These streets provide intracity connections for freight travel and serve most

of the industrial areas of the City. All state facilities including Routes 101, 299, and 255 are designated truck routes.

Arcata has a railroad mainline managed by the North Coast Railroad Authority, with spurs serving industrial properties. Although most rail service was suspended following damage to tracks caused by storms in 1997, the main line and many spurs in Arcata were active prior to that time. They served several industrial uses in the northeast and southwest areas of the City and were used to move freight between Arcata and Eureka. Service consisted of one round trip at night between the hours of 7:30 p.m. and 7:30 a.m. The North Coast Railroad Authority has permitted passenger service between Arcata and Eureka on certain holidays each year as special event excursions. There

has been discussion about initiating regular passenger rail service between Arcata and Eureka, but no plans have been developed.



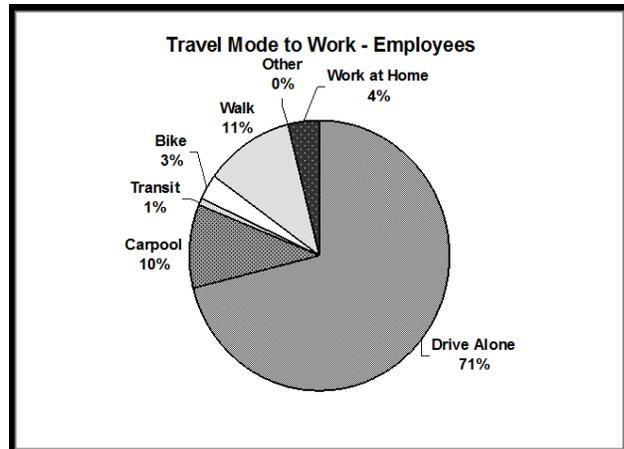
Existing Modes of Travel. Based on 1990 census data, the majority of Arcata residents drive alone to work (66%) as shown in the accompanying figure. Walking and bicycling modes make up 12% and 4% respectively. About 5% of Arcatans work at home. Public transit is the least utilized mode of travel at 1%. While low on a citywide basis, public

transit usage is higher in some areas of the City when examined at the census block level. Transit mode of travel in the downtown area, for example, is about 8%. Similarly, walking and bicycling modes are high in certain areas, up to 16%. Travel modes for people who work in Arcata are similar to those of residents, with the exception that more employees drive alone (71%) and carpool (10%). Compared to residents, fewer employees walk (11%) and bike (3%), while the same amount (1%) use public transit.

Existing Travel Demand Management.

The most comprehensive use of Transportation Demand Management (TDM) measures is by the City’s largest employer, HSU, which has the following programs:

1. HSU subsidizes free travel on A&MRTS buses for students, faculty, and staff. This subsidy covers \$3.00 for every \$11.00 spent for transit service.
2. The University’s “Ease the



- Crunch” campaign offers information to students explaining the proximity of the campus to residential areas and the convenience of transit use. The information includes transit routes and subsidy programs available.
3. HSU provides approximately 2000 bike racks on campus to ensure safety of bicycles.
 4. HSU purchased bike racks for buses, enabling members of the university community to combine bus and bicycle commutes to and from the campus.
 5. HSU provides the fee for bicycle licensing.

Guiding Principles and Goals.

- A. Provide a transportation system which allows safe and efficient travel.
- B. Create a transportation system which provides a choice of travel modes.
- C. Provide for increased use of alternatives to the single-occupant vehicle, including walking, bicycling, public transit, carpooling/vanpooling, and ridesharing.
- D. Manage the street and highway system to promote more efficient use of existing capacities rather than increase the number of travel lanes.
- E. Create a transportation system which will improve the livability of residential neighborhoods, including use of methods to calm or slow traffic and reduce through-traffic on local neighborhood streets.
- F. Educate residents, employees, and students about the importance of using alternative forms of transportation instead of the single-occupant automobile.
- G. Promote land use patterns that encourage walking, bicycling, and public transit use.
- H. Establish a set of curb parking prices that are high enough to maintain an adequate supply of available spaces.

2.8 POLICIES

The Coastal Transportation Element includes the following ~~policies~~ policy groups:

~~T-1 Balanced Transportation System with Choice of Modes~~

~~T-2 Travel Demand Management~~

~~T-3 Bus Transit System~~

~~T-4 C-T-1 Streets and Highways Plan~~

~~T-5 C-T-2 Bicycle and Pedestrian Facilities~~

~~T-6 Parking Supply and Parking Management~~

~~T-7 C-T-3 Rail and Freight Transportation~~

~~T-8 Financing Transportation Improvements~~

~~POLICY T-1 BALANCED TRANSPORTATION SYSTEM WITH CHOICE OF MODES~~

~~Objective. Create and maintain a balanced transportation system with choice of bus transit, bicycle, and pedestrian as well as private automobile modes. Reduce the percentage of trips that are made by automobile and provide the opportunity and facilities to divert trips from automobiles to other modes.~~

~~T-1a Investment in alternative modes. In order to provide a realistic and cost-effective balance between travel modes, the City shall emphasize investment in alternative modes (bikeways, etc.) as a priority over increasing vehicular capacities of streets.~~

~~T-1b Interconnections and transfers between travel modes. The City shall provide and maintain a Transit Center to facilitate interconnection and transfers between bus routes and systems. As funding permits, Transit Center facilities shall be improved to encourage its use as a multi-modal transfer point. Pedestrian and bicycle amenities shall be provided at other locations which serve as modal transfer points such as bus stops and park-and-ride lots.~~

~~T-1c Intercity travel. The City shall coordinate with Humboldt County and Caltrans to provide adequate facilities for vehicles, buses, and bicycles to serve intercity demand. Joint efforts may include transportation improvements outside of Arcata which serve intercity travel, such as bicycle links, timed transfer bus stops, park-and-ride lots, and regional transit service and development of park-and-ride lots in Arcata to reduce intercity vehicular travel.~~

~~T-1d Critical transportation facilities. Critical transportation facilities for emergency vehicle access and emergency evacuation shall be maintained and improved as a priority need. Critical transportation facilities include the major routes into and out of the City such as Highways 101, 299, and 255, their interchanges with City streets and primary intra-city street connections including Samea Boulevard, 11th Street, "G" and "H" Streets, Sunset Avenue, L.K. Wood Boulevard, Alliance Road, Janes Road, and Giuntoli Lane. Due to the potential for structural failure of these facilities in a seismic emergency, alternative routes and procedures for their use shall be identified.~~

~~T-1e Parking and public transit service study. The City shall undertake a comprehensive study of parking and public transit service options for the downtown/uptown area and HSU, with cost/revenue implications presented for each option. This study shall be undertaken jointly with HSU.~~

~~POLICY T-2 TRAVEL DEMAND MANAGEMENT~~

~~Objective. Reduce the percentage of automobiles and reduce the annual vehicle-miles of travel.~~

~~T-2a Land use development patterns. The City encourages and supports travel demand management efforts. The City shall promote land use and development patterns that encourage walking, bicycling and transit use. In recognition of the link between land use and transportation, the land use plan shall discourage low density, homogenous land use patterns that foster automobile travel and are impractical to serve with transit. Land use planning shall emphasize high density and mixed land use patterns which translate into higher transit and pedestrian travel in the downtown and neighborhood commercial areas. Infill, redevelopment, and reuse of underutilized property at higher densities shall be encouraged prior to outward expansion of City boundaries. The following land use measures are emphasized:~~

- ~~1. Mixed use neighborhood centers within transit corridors which include housing and commercial services near employment.~~
- ~~2. Land use patterns which maximize linking trip opportunities by assembling uses, thus allowing people to take care of a variety of daily needs with a single trip.~~
- ~~3. Clustering of higher density housing and incorporation of residential apartments on upper floors of buildings in the downtown area.~~
- ~~4. Intogration of new housing into neighborhood shopping centers, including Sunny Brae, Westwood, and Valley West.~~
- ~~5. Pedestrian-oriented land use and urban design, including the following elements:~~
 - ~~a. Pedestrian-scale block patterns.~~
 - ~~b. Incorporate pedestrian and bicycle amenities into public and private projects.~~
 - ~~c. Design streets for multi-modal use.~~
 - ~~d. Intograte transit stop facilities into public and private projects.~~
 - ~~e. Orient buildings and houses to street.~~
 - ~~f. Provide attractively landscaped streets and buffers.~~
 - ~~g. Preserve existing and historic urban fabric.~~
 - ~~h. Eliminate blank wall facades.~~
 - ~~i. Incorporate bicycle routes and enhancements in public and private projects.~~
- ~~6. A fixed urban services boundary to reduce sprawl and infrastructure costs.~~
- ~~7. Focused growth along existing or planned transit corridors rather than extension of transit to serve now isolated development.~~
- ~~8. Prevention of large areas of single uses. Isolated single use developments at the edge of the City could encourage automobile travel for commuting and errands.~~

~~9. Provision of convenience retail and services in ground floor space in the downtown to accommodate the needs of employees and reduce the need for mid-day automobile trips.~~

~~POLICY T-3 BUS TRANSIT POLICY~~

~~Objective. Maintain a bus transit system which connects and serves major commercial and employment areas within Arcata, Humboldt State University, public schools, and higher density residential areas. Increase average citywide transit mode share of daily person trips to 5% from the 1998 level of 1%.~~



~~T-3a 5-year transit plans. The City shall maintain the existing A&MRTS routes (as shown in Figure T-d), frequency, and level of service until increased demand, additional development, and transit planning studies identify the need for either route modification, an expanded route system, or increased service on existing routes. The transit planning studies should evaluate the cost-effectiveness and feasibility of increased routes and service based on projected capital and operating costs, fare box recovery, and federal subsidies (see Policy T-3c for planning criteria).~~

~~T-3b Regional transit service. Short and long-range transit plans shall be coordinated with the regional transit service provided by the Redwood Transit System. The City supports regional transit plans which improve service and timed transfers, and reduce headways for intercity travel.~~

~~T-3c Bus route system. Public transportation is an enterprise activity and its services must be designed to be as efficient and productive as possible. As a transit operator, the City must balance demand with resources for a sustainable system. The City shall consider adding transit routes or modifying existing transit routes and level of service based on the transit planning efforts described in Policy T-3a. Criteria to evaluate and identify thresholds for changes to the A&MRTS system shall be developed. General guidelines for planning future routes and service include:~~

- ~~1. Accessibility of route to residents and employees. Calculate the number of people living or working within walking distance of the route (typically 1,000 feet). Assuming 1% to 8% of that population would use transit (based on existing transit mode share by census block), determine if the route will serve an adequate population for cost-effective service.~~

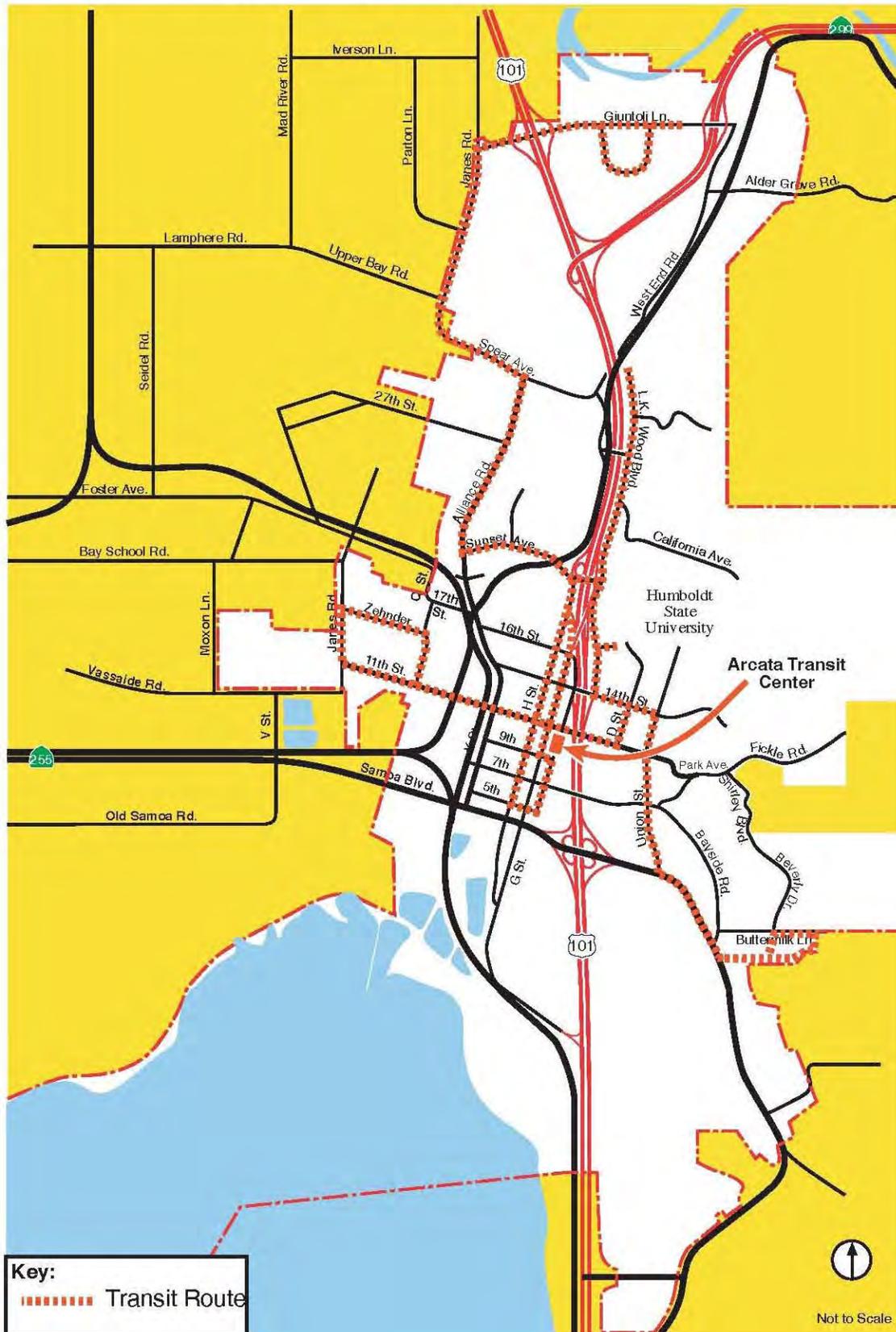


- ~~2. Review the housing density within the proposed route corridor. Minimum densities of at~~

- ~~least seven dwelling units per acre are necessary to support local transit service. Ideally, the average housing density within a transit corridor or transit served nodes should range between eighteen to twenty dwelling units per acre, depending on the proximity to stops.~~
- ~~3. Evaluate the efficiency and directness of future routes. Compare bus travel time with automobile travel time to avoid a disproportionality which favors automobile use. Determine if the route requires inefficient loops which take riders out of their way and discourages transit use. Design routes to be as direct as possible with turnarounds at endpoints.~~
 - ~~4. Evaluate the diversity of the destinations served. Efficient routes serve a diversity of land uses including residential, employment, schools, and shopping. Evaluate the number of activity centers connected by the route and the transfer opportunities provided.~~

~~T-3d Transfers between routes and systems. The public transit system shall provide convenient transfers between routes, other transit services, and other modes of travel. The Arcata Transit Center shall serve as the primary multi-modal transfer station. Bus stops should be located near municipal parking lots or future park and ride lots. The A&MRTS and Redwood Transit System schedules shall be coordinated to provide a timed transfer system at key stops.~~

Figure T - d A&MRTS Transit Routes



~~T-3e Bus stops. Existing bus stops should be improved and new bus stops on future routes should be designed with appropriate amenities and features. Design elements include either bus stop lanes or bus turnouts. Bus stop design amenities which increase rider comfort and feeling of safety and encourage walking and bicycling are emphasized, including shelters, benches, lighting, shade trees, signs, information kiosks, waste receptacles, paved surfaces, and secure bicycle parking. Bus stop areas should be consistently maintained and cleaned, including vandalism repair and graffiti removal. Developers shall be required to provide bus stops and amenities on their frontage if the property is located on an existing or future bus route and is an appropriate location for a stop. Pedestrian and bicycle access should be provided to neighborhood bus stops.~~



~~T-3f Transit subsidies. The City supports continued A&MRTS contract services with Humboldt State University to provide subsidized fares to its students and employees. This subsidy, which allows these users to ride without cost to the individual, is the single most important Transportation Demand Management strategy for Arcata.~~

~~T-3g Transit implications of new development. The public works department and A&MRTS shall evaluate proposed new development projects and make recommendations prior to project approval regarding transit improvements and road designs.~~

~~T-3h Increased weekend transit service. The feasibility and cost-effectiveness of providing weekend bus service to Eureka should be studied.~~

POLICY ~~T-4~~ GROUP C-T-1 STREETS AND HIGHWAYS PLAN AND POLICY

Objectives. Plan an internal street system consistent with Arcata's small-town, non-metropolitan character and which: 1) efficiently utilizes existing facilities and reduces need for investment in new or expanded street and highway facilities or capacities; 2) improves connectivity of streets to provide for direct routes between origins and destinations; 3) has a high quality of regular maintenance and repair; and 4) maintains a level of service which minimizes delays, but allows for higher levels of congestion during the short peak periods on weekdays.

~~T-4a~~ C-T-4a Freeways and Highways. State Routes 101 and 299 are designated as freeways for their entire length in the City. State Route 255 is designated as both an arterial and a highway within the City. The following standards shall apply to these classifications:

1. Function. The function of freeways is to provide for high speed automobile and freight movement for intercity and regional travel. Freeway access is highly controlled to achieve this function. Freeway operations, design, and maintenance are under the jurisdiction of the State. Highways (Route 255) also function to move automobiles and freight at relatively high speeds with little friction from intersections and conflicting traffic. Access is controlled on highways, but not as restrictive as freeways. [See functional classification map in Figure T-a.]
2. No additional travel lanes. The City does not support development of any additional through-travel lanes to State Routes 101, 299, or 255 in Arcata or nearby areas. Existing and projected traffic volumes do not warrant additional lanes on these facilities.
3. Auxiliary lanes. The City does not support construction of auxiliary lanes between existing interchanges, or any new interchanges, on State Route 101.
4. Interchange improvements. The City supports interchange improvements that reduce potential conflicts created by unrestricted access from freeway off-ramps.
5. Landscaping. The City encourages Caltrans to maintain and improve landscaping along freeway corridors in Arcata and surrounding areas to improve aesthetics, provide a visual and noise buffer, and maintain the rural and small-town character of the region.
6. Undesignated right of way. All public rights of way with no land use designation (i.e. freeways, highways and associated interchanges) shall be used for transportation purposes only, including multi-modal use. All land uses within these rights of way shall be for transportation or related (i.e. lighting, drainage, utilities, pedestrian and bicycle) purposes. If vacated these areas shall be designated in accordance with the Land Use Code.

~~T-4b~~ C-T-4b Arterial Streets. Routes designated as arterial streets are shown on the functional classification map in Figure T-a. The following shall apply to these routes:

1. Functional classification and designated routes. Arterial streets are intended to provide a high degree of mobility and serve longer trips within the City. Arterials connect various neighborhoods within Arcata and provide direct connections to the state highway system. Arterials are intended to emphasize traffic movement over access to property.
2. Alternative street cross-sections for arterial streets. The Department of Public Works shall prepare alternative cross-sections for new arterial

- streets utilizing a smaller right-of-way, and prepare alternative cross-sections for existing rights-of-way that reduce traffic speed and safely accommodate bicycle and pedestrian traffic.
3. Arterial street connectors. Extend existing roads to increase the City's arterial connectivity if proposed development creates significant traffic congestion or overwhelms existing neighborhoods. The Foster Avenue to Sunset connector is a planned road extension if feasible. This project will extend Foster Avenue east of Alliance Road to connect with Sunset Avenue near the State Route 101 interchange to create an east-west facility between Spear Avenue and 14th Street. This extension would bypass the residential neighborhoods on Sunset Avenue, provide a direct arterial connection from Alliance Road to State Route 101, and improve and facilitate bus routing.
 4. No additional automobile travel lanes on arterial streets. Street projects to improve traffic flow shall emphasize intersection improvements and facility maintenance. Construction of additional arterial street travel lanes shall be considered only when no other feasible congestion management methods are available.
 5. Minimize the installation of new traffic signals. New traffic signals shall be provided only in instances where there is no feasible alternative to relieve a demonstrated safety problem at an intersection (based on documented accidents). Alternatives which shall be studied prior to signals include roundabouts or installation and monitoring of all-way stop signs.
 6. Minor improvements at intersections. Minor projects to improve traffic safety include redistributing lane allocations and coordination of traffic signals. Improvement projects shall be designed to accommodate the needs of pedestrians and bicyclists.

~~T-4e~~ C-T-4c Collector Streets. Routes designated as collector streets are shown on the functional classification map in Figure T-a. The following shall apply to collector routes:

1. Functional classification and designated routes. Collector streets serve to provide access to land use and movement of traffic, pedestrians, and bicycles within residential, commercial, and industrial areas. Collectors generally penetrate, but should not have continuity through residential neighborhoods. Collector streets collect traffic from local streets and distribute it to the arterial street system.
2. Alternative street cross-sections for collector streets. The Department of Public Works shall prepare alternative cross-sections for new collector streets utilizing a smaller right-of-way, and prepare alternative cross-sections for existing rights-of-way that reduce traffic speed and safely accommodate bicycle and pedestrian traffic.
3. No additional automobile travel lanes on existing collector streets. No additional travel lanes are planned on collector streets. If congestion

occurs, it shall be managed using alternative methods such as intersection improvements or diversion of trips to other travel modes.

4. Intersection Improvements. No new traffic signals are planned on collector streets. Other alternatives that may be considered to improve safety at intersections include stop signs, roundabouts, or other traffic calming measures.

~~T-4d~~ **C-T-4d Local Streets.** All streets within the city not classified in another category in Figure T-a are designated as local streets. The following standards apply to these streets:

1. Functional classification and designated routes. Local streets function to provide access to adjacent land use and exist in any land use setting such as residential, commercial, and industrial areas. Movement on local streets is intended to involve traveling to and from a collector facility. Therefore, the trip length on a local street is intended to be short, volumes should be low, and speeds slow.
2. Alternative street cross-sections for local streets. The Department of Public Works shall prepare alternative cross-sections for new local streets utilizing a smaller right-of-way, and shall prepare alternative cross-sections for existing rights-of-way that reduce traffic speed and safely accommodate bicycle and pedestrian traffic.

~~T-4e~~ **C-T-4e Rural Roads.** Routes designated as rural roads are shown on the functional classification map in Figure T-a. The following standards shall apply to these roads:

1. Functional classification. Rural roads serve very low density land uses (mostly agricultural and rural residential) outside of the urbanized area of Arcata. Rural roads are usually not intended to serve through traffic, but often accommodate truck traffic related to the land uses served.
2. Maintain rural character. Rural roads shall be maintained in a manner which will retain their rural character and discourage use as alternatives to arterials and highways for longer distance travel.

~~T-4f~~ ~~**Traffic calming. The City shall employ the following measures to reduce speeds and “calm” traffic in the various neighborhoods:**~~

- ~~1. **Neighborhood Traffic Management. A Neighborhood Traffic Management Program (NTMP) shall be developed to respond to problems in a consistent and methodical approach. The NTMP should be a two-phase program, with the first phase involving education and community-driven measures, and the second phase involving installation of restrictive physical devices in appropriate circumstances. Neighborhood residents and businesses should be invited to participate in the program so that they can evaluate the**~~

~~benefits and trade-offs of various measures and be involved in the decision-making process.~~

~~T-4g Street closures. All neighborhood streets shall be kept open unless there is a demonstrated safety problem. The following traffic-calming measures will keep streets open and safe, and will reduce through-traffic:~~

- ~~1. Full or partial diverters or closures of streets.~~
- ~~2. Median barriers at intersections.~~
- ~~3. Diagonal diverters at intersections.~~
- ~~4. Entrance barriers at beginning of street.~~
- ~~5. Conversion of street to one way.~~

~~T-4h Street maintenance. The Pavement Management System shall be maintained to identify and prioritize street maintenance projects in the City's Capital Improvement Program (CIP). The maintenance program shall include regular street cleaning and repair of pavement, sidewalks, and bicycle lanes, and pay particular attention to conditions that discourage bike usage.~~

~~TABLE T-4 PASSIVE AND RESTRICTIVE TRAFFIC CALMING MEASURES~~

POLICY T-5 GROUP T-2 BICYCLE AND PEDESTRIAN FACILITIES

Objective. Create a complete, interconnected bicycle and pedestrian circulation system. Increase the percentages of person trips via walking and bicycling. Provide a pedestrian and bicycle system which serves commuter as well as recreational travel.

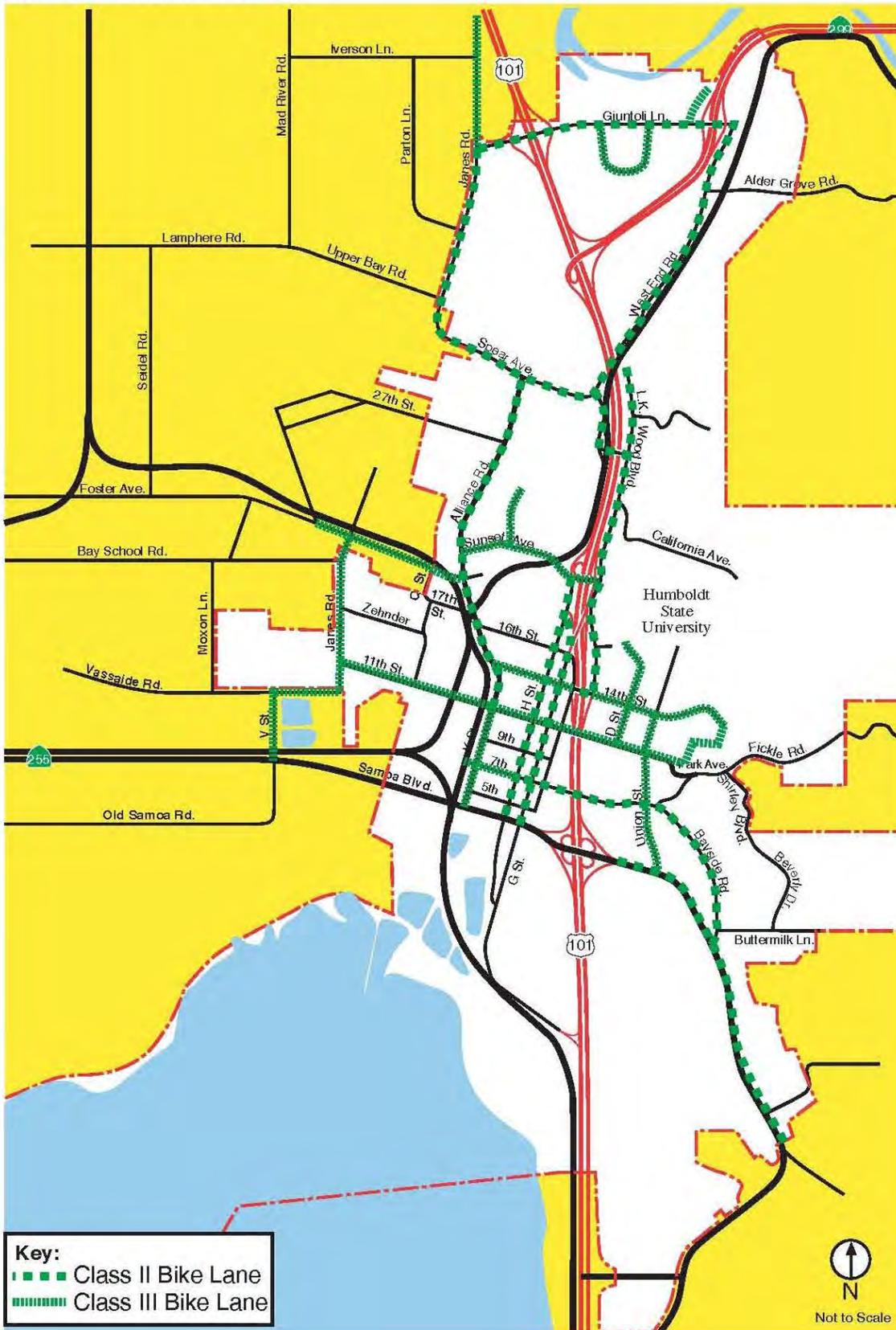
~~T-5a~~ **C-T-5a Overall bicycle route system and connectivity.** The bicycle route system plan is shown in Figure T-e. The bicycle route system shall be improved and expanded as necessary to serve new development and activity centers. Routes that provide access to and between major destinations including public facilities, schools, parks and open space, employment, and shopping, shall be the highest priority. Future improvements may be made which upgrade bike routes to a higher class. The City shall:



1. Regularly (at least every two years) update the Arcata Bicycle Plan and coordinate planning efforts with Caltrans and the Humboldt County Council of Government's bicycle plans and advocacy groups to provide continuous bicycle routes.

2. Maintain existing bicycle routes and provide additional routes where feasible connecting the various neighborhoods with Humboldt State University. Class II bike lanes shall be provided on routes with the highest bicycle demand, or where there is sufficient right of way.

Figure T - e Bikeway Map



3. Improve and maintain bicycle infrastructure including removal of height differences between pavement and gutter pans, smooth pavement on street edges, drainage inlet grates, and street cleaning to remove debris from street shoulders. 4. Consider developing standards for a "Bicycle Boulevard," a low-volume and low-speed through-street where bicycles have priority over vehicles, conflicts between vehicles and bicycles are minimized or eliminated, and bicycle travel time is reduced by removal of stop signs and other impediments.

~~**T-5b Class I bikeways. Class I bikeways are within completely separated right of way for exclusive use of non-motorized modes. They generally serve corridors not served by streets and provide a recreational opportunity or a high-speed commuter route. Class I bikeways can be multi-use trails serving bicyclists, pedestrians, rollerbladers, and equestrians. A Class I bikeway shall be included on the proposed Sunset-Foster arterial. The following standards shall apply to development of Class I bikeways:**~~

- ~~1. **Bikeway continuity. Off-street bikeways do not need to be continuous but need to connect to other types of facilities at each end of the bikeway to provide an interconnected system.**~~
- ~~2. **Right of way opportunities. As opportunities arise, the City shall utilize existing or acquire new easements or right of way for Class I bikeways. Such opportunities may include connecting dead-end streets in new developments with existing neighborhoods, along streets with excess width and unpaved right of way, along drainage channels or creeks, or along abandoned railroad rights of way.**~~
- ~~3. **Design standards. Two-way Class I bikeways shall be constructed with a minimum width of eight feet and a preferred width of ten feet (five feet for one-way travel). Caltrans design standards shall be used for other design elements such as drainage slope, clearance, signing and striping, and control where bikeways intersect streets.**~~

~~**G-T-5c A continuous trail system shall be developed throughout the City which connects to the California Coastal Trail system.**~~

~~**T-5c Class II bikeways. Class II bikeways are lanes located on the outside edge of roadways, including all arterial streets, and delineated from vehicle travel lanes with striping and pavement markings. The following standards apply to Class II bikeways:**~~

- ~~1. **Design standards. Caltrans design standards shall be used for Class II facilities. Minimum widths are five feet adjacent to on-street parking or vertical curb without on-street parking, and four feet on streets without curb and gutter. Appropriate signing and pavement markings shall be provided to identify the bicycle lane. Caltrans**~~

~~standards shall be used for bike lane markings or transitions at intersections.~~

- ~~2. Required street width. The standard street width of forty-foot curb-to-curb can accommodate Class II bike lanes in both directions if parking is eliminated from one side of the street and vehicle travel lanes are reduced to eleven feet. Bike lanes should be provided in both directions, if feasible, unless the street is one-way. Streets appropriate for Class II bike lanes include those where on-street parking needs are not critical. Alternatively, prohibition of parking on one side of the street during certain hours of the day may be considered to accommodate bicyclists.~~
- ~~3. Bike lanes in new development areas. New collector streets in new development areas should have a cross-sectional standard with a minimum curb to curb width of forty-eight feet, which can contain two twelve-foot vehicle travel lanes, seven-foot wide parking lanes, and five-foot wide bike lanes.~~



~~**C-T-5d** The City shall strive to complete the links in the California Coastal Trail (CCT) by participating and consulting with the U.S. Fish and Wildlife Service, the State Department of Parks & Recreation, the State Coastal Conservancy, the County of Humboldt, the California Department of Transportation, the Wiyot Tribe, the Blue Lake Rancheria, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the City of Arcata California Coastal Trail (CCT) segment, including opening trails for vertical access as identified within the City's coastal access inventory. The CCT shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent unincorporated Coastal jurisdictions (Humboldt County).~~

~~**T-5d** Class III bikeways. Class III bikeways are unmarked bicycle routes which share the street with other vehicles. This type of facility is usually established on low-volume local neighborhood streets, but can be located on any type of street. Many of the existing City designated bicycle routes consist of this type of facility. Any Class III bike routes on routes to school with younger bicyclists should have wider outside lane widths (fourteen to sixteen feet). Prohibition of parking during school hours may be considered to achieve the desired width.~~

~~**T-5e Bicycle parking facilities. Secure bicycle parking facilities should be provided at important activity centers, civic facilities, apartment complexes, employment centers, shopping centers, major bus stops, and schools. Bicycle parking facilities include racks, lockers, and bollards.**~~

~~Developers shall be required to provide a minimum number of bicycle parking devices at convenient and visible locations within the development. The required number of bicycle parking spaces shall be calculated as a proportion of the number of vehicle parking spaces.~~

~~**T-5f Pedestrian enhancements. Prioritize implementation of improved pedestrian facilities and enhancements in areas of the city with the greatest need including the Arcata Plaza, Westwood Center area, the Sunset Avenue neighborhood, Samea Boulevard, Alliance Road, Spear Avenue, Janes Road in the vicinity of the Pacific Union School, and Bayside Road in the vicinity of Jacoby Creek School. The following pedestrian improvements and safety enhancements should be considered in future planning for these areas:**~~

- ~~1. Close sidewalk gap.~~
- ~~2. Install vertical curbs to keep vehicles from parking on sidewalks.~~
- ~~3. Reduce street crossing distance with curb extensions and smaller curb radii.~~
- ~~4. Use on-street parking as a pedestrian buffer.~~
- ~~5. Install textured crosswalks.~~
- ~~6. Provide adequate street lighting focused on crossings.~~
- ~~7. Restrict parking near crosswalks to improve sight distance.~~
- ~~8. Install rumble strips on approaches to crosswalks.~~
- ~~9. Plant street trees or place street trees in planters in the parking lane.~~
- ~~10. Relocate intersection stop bars five feet back from crosswalks to improve driver and pedestrian visibility.~~

~~**T-5g C-T-5b** *Pedestrian pathways and multi-use trails.* Pedestrian pathways or multi-use trails for the exclusive use of non-motorized transportation modes should be provided. Pathways may be long facilities located along corridors or short facilities providing direct access through development projects or connecting areas not directly accessible by streets. Pathways should be planned to serve both recreational and commuter needs. The following shall apply to pedestrian pathways or multi-use trails:~~

- ~~1. Easement dedication. Dedication of easements for pathways for access to the coast through new private developments may shall be required consistent with the requirements of Coastal Land Use Code Chapter 9C.61.~~
- ~~2. Cooperation with local and regional agencies and jurisdictions. The City shall cooperate with other agencies to establish and maintain off-street pathways and trails utilizing creek, utility, and railroad right of way.~~
- ~~3. Foster Avenue Extension. Multi-use paths or trails shall be included in the Foster Avenue extension to Sunset Avenue.~~

4. Other Locations. Other potential locations for multi-use paths are within the North Coast Railroad right of way from Giuntoli Lane Eighth Street to Samoa Boulevard, along the west side of Samoa Boulevard/Old Arcata Road east of State Route 101, and along the perimeter of Arcata Bay towards Manila.

~~**T-5h Sidewalks. A continuous and interconnected system of sidewalks shall be provided throughout the City. The existing standard right of way of most arterials, collectors, and local streets (fifty foot) permits a five-foot sidewalk in each direction, the minimum width to comply with Americans with Disabilities Act (ADA) requirements. Some commercial areas in downtown Arcata should have wider sidewalks to accommodate higher levels of pedestrian traffic and window shopping. The following standards shall apply to sidewalks:**~~

- ~~1. Sidewalk continuity. Gaps in existing sidewalks should be closed to provide a continuous pathway. Cul-de-sacs should be discouraged because they disrupt pedestrian connectivity.~~
- ~~2. Sidewalk widths. New development projects shall be required to construct or reconstruct sidewalks along the property frontage. Required widths for new or reconstructed sidewalks are shown in Table T-5.~~
- ~~3. Sidewalk Requirements. Where adequate width exists to maintain ADA minimum clearance, sidewalk pedestrian amenities should be provided in the downtown commercial area. These include benches, bicycle parking, pedestrian-scale lighting, street trees, flower boxes, trash receptacles, drinking fountains, and awnings. Private development projects shall be required to include sidewalk improvements; other landowners are encouraged to provide improvements.~~
- ~~4. Sidewalk Maintenance. Sidewalk facilities shall be systematically inspected and maintained to clean and repair damaged surfaces and remove impediments such as poles, newspaper racks, and other paraphernalia that interfere with pedestrian flow.~~

~~**TABLE T-5 SIDEWALK FUNCTIONAL WIDTH REQUIREMENTS**~~

DESCRIPTION	WIDTH
Low density residential area for two-way pedestrian traffic	6 foot
Low intensity commercial area for two-way pedestrian traffic and window shopping	8 foot
Higher density commercial and residential area for two-way pedestrian traffic, window shopping, and street furniture allowance	10 foot
Minimum width of sidewalk at bus stop with bench on sidewalk, without a shelter	8 foot
Minimum width of sidewalk at bus stop with a shelter on sidewalk	12 foot
High intensity commercial area with high pedestrian traffic and a variety of outdoor sidewalk use such as shopping and dining	12 to 15 foot

~~**POLICY T-6 PARKING SUPPLY AND PARKING MANAGEMENT**~~

~~Objective. Provide an adequate supply of parking in perimeter lots downtown. Minimize the impacts of Humboldt State University parking into adjacent neighborhoods. Ensure that new development provides an adequate but not excessive supply of parking.~~

~~T-6a Downtown parking. The following shall apply to parking within the Plaza Area Commercial land use category:~~

- ~~1. Develop additional public parking lots. Municipal parking lots shall be provided in the perimeter of downtown to create an adequate parking supply to serve existing businesses, future development, and to replace on-street parking removed for pedestrian, bicycle, and landscaping improvements. One municipal lot is planned to complete the City's parking system, but additional parking lots may be provided if additional demand or opportunities arise.~~
- ~~2. In-lieu fee for on-site parking. Payment of a fee in-lieu of providing required parking spaces may be permitted in the Central Commercial District or for Landmark Historic Structures. Fees collected shall be used exclusively to fund municipal off-street parking lots or alternative travel mode facilities.~~
- ~~3. On-site parking standards. The City shall consider reducing the parking standards applicable within the Plaza Area Commercial land use category. New development is encouraged to pay in-lieu fees rather than provide parking on-site within the immediate Plaza area. Any on-site parking in the downtown should be located to the rear or side of buildings.~~

~~T-6b Parking in neighborhoods impacted by Humboldt State University (Not applicable in Coastal Zone). The City shall employ the following measures to reduce the impacts of HSU-related parking on the surrounding neighborhoods:~~

- ~~1. Management of on-street parking. Metered on-street parking shall continue to be provided along local streets in the neighborhoods south of Humboldt State University to prevent all-day parking by students.~~
- ~~2. Preferential parking zones. The restrictive residential permit parking program shall be maintained for neighborhoods severely impacted by HSU to provide residents and their visitors more on-street parking and to discourage students from driving to campus.~~
- ~~3. Other parking management approaches. Alternative parking management approaches shall be considered if the student population and parking demand increases. Alternative approaches include time limit parking without meters, increasing no-parking zones to decrease supply of spaces, and implementing a strictly~~

~~enforced tow-away policy. The City encourages Humboldt State University to reduce parking impacts on the City.~~

~~T-6c Parking standards for new development. The City's parking standards shall be revised to specify a maximum parking ratio as well as a minimum parking ratio for new development. Parking lots should be located, where feasible, to the rear or side of commercial and multi-family residential buildings.~~

~~T-6d Shared or joint-use parking for commercial development. A 25% reduction in the individual use parking requirements may be allowed where two or more non-residential uses provide joint parking. Developers of projects with appropriate land uses for effective shared parking are encouraged to provide joint parking facilities. Examples of compatible land uses include office buildings and any use that generates primarily an evening parking demand such as restaurants and theaters. The Urban Land Institute (ULI) Shared Parking manual shall be used to establish criteria for the parking generation characteristics of land uses.~~

~~POLICY T-7~~ GROUP C-T-3 RAIL AND FREIGHT TRANSPORTATION

Objective. Provide a transportation system which adequately serves the freight shipment needs of the City's industrial and commercial uses. Recognize that freight transportation via truck or railroad is an essential element of the area's economic base.

~~T-7a Retention of railroad right of way. The North Coast Railroad Authority is encouraged to maintain railroad rights-of-way even if service is abandoned. The City may consider purchase of right of way should the Authority decide to sell. Railroad right of way may potentially be used for creation of multi-use trails. Long range potential uses of railroad right of way include an exclusive bus transitway or passenger rail service. [Move to *Other Initiatives*.]~~

~~T-7b Train service. Existing or improved levels of freight train service to industrial uses is encouraged as demand increases. The City supports improvements to facilities and operations and increases in freight service as a necessity for maintaining a viable industrial economy. However, freight train service during the day, particularly in the peak morning and afternoon hours, is discouraged. The possibility of providing passenger train service between Arcata and Eureka using renovated historic trolleys should be considered.~~

~~T-7c Truck routes. The transportation system shall be planned to provide truck mobility to serve all commercial and industrial land uses in Arcata. Specific truck routes are designated in Figure T-f, although other highways, arterials, and collector streets may be designated in the future. The City shall actively enforce truck routes and speed limits.~~

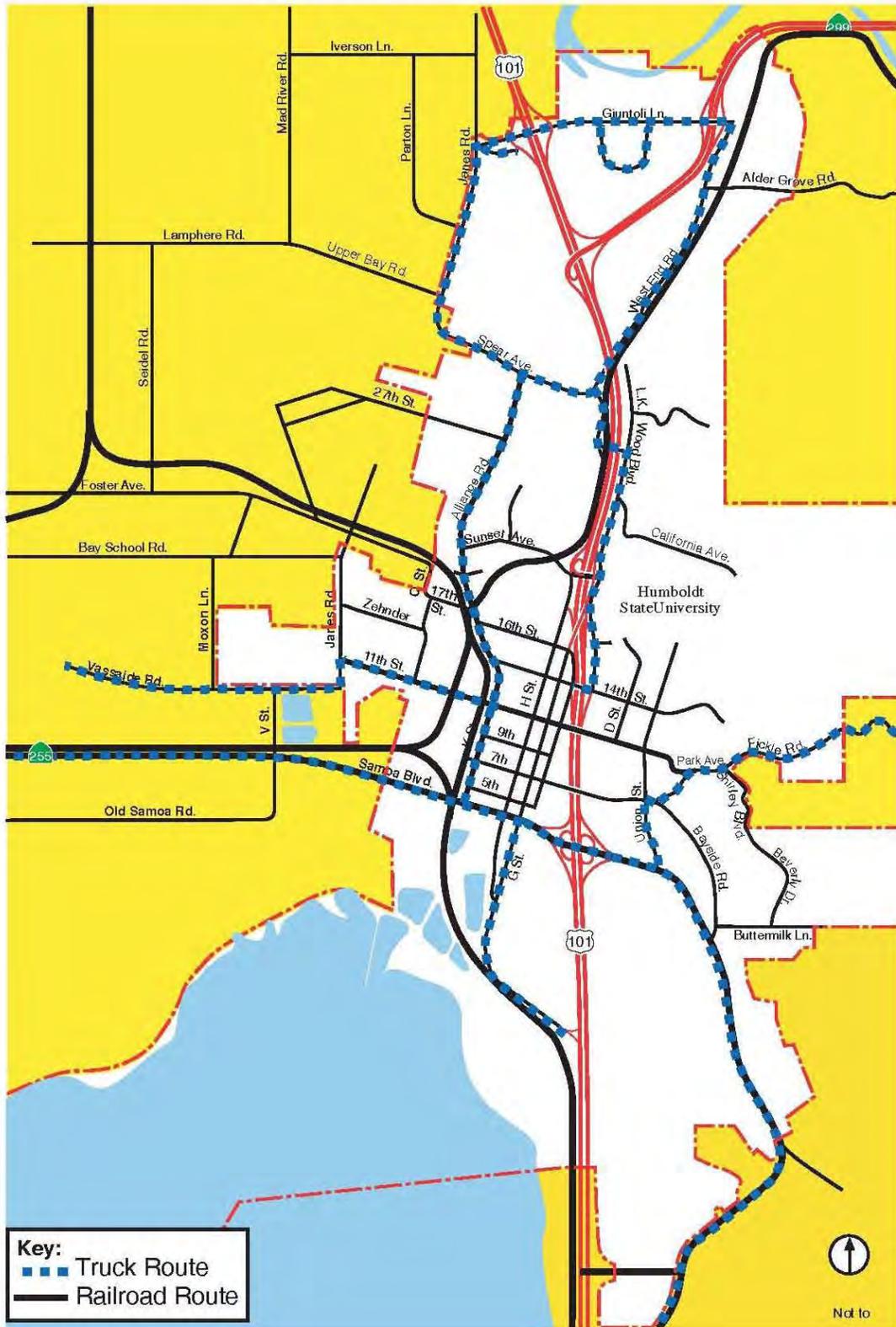
~~T-7d **Rails to trails conversions.** The City supports plans to convert abandoned railroad rights of way to provide multi-use trails. Planning efforts shall be coordinated with federal, state, and regional agencies to obtain funds to purchase or lease abandoned lines if the railroad authority selects not to dedicate the right of way. If feasible, active railroad lines may be used for multi-use trail purposes. [Move to *Other Initiatives*.]~~

~~**POLICY T-8 FINANCING TRANSPORTATION IMPROVEMENTS**~~

~~**Objective.** Ensure that adequate funding is available to implement transportation improvements required to adequately serve the amount of growth allowed by the land use plan. Ensure that private development provides on-site transportation improvements and contributes an appropriate share of funding for off-site improvements.~~

~~**T-8a Developer responsibilities and exactions.** Developers shall be required to construct transportation improvements along their property frontages. Where appropriate, a traffic impact study shall be required which identifies on-site and off-site impacts and mitigation measures.~~

FIGURE T - f FREIGHT AND RAIL ROUTES



~~The developer shall be required to provide all necessary access and circulation facilities within the property and such facilities shall be designed to meet City standards. The following improvements may be required:~~

- ~~1. If development is located on an existing street:

 - ~~a. dedication of right of way;~~
 - ~~b. widening of street along property frontage to provide for a travel lane;~~
 - ~~c. bicycle lane and parking lane;~~
 - ~~d. reconstruction of curb, gutter and sidewalk;~~
 - ~~e. transit facilities and landscaping within the right of way.~~~~
- ~~2. If development is located in a new growth area not served by streets:

 - ~~a. dedication of right of way to construct a street to connect the project site to a public street;~~
 - ~~b. construction of the street and connecting intersection(s) to City standards;~~
 - ~~c. after the dedication is accepted, the City will maintain the street.~~~~
- ~~3. In all instances, the developer shall be responsible for mitigating any off-site traffic impacts of the proposed development in a manner consistent with the policies of this plan. Measures may include a reduction in the size or density of the development; installation of pedestrian, bicycle and transit amenities to encourage alternative travel modes; or implementation of Transportation Demand Management measures.~~

~~T-8b Subdivision improvements. All on-site transportation infrastructure shall be constructed using standards approved by the City. Developers are required to establish mechanisms, such as homeowners associations, to provide future maintenance of on-site streets and intersections that are not dedicated. The City may elect to require streets connecting to a public street to be dedicated to the City.~~

~~T-8c Traffic impact fees. The City may adopt a citywide traffic impact fee in accordance with the requirements of AB 1600 to fund transportation improvements to mitigate the traffic impacts of new development. The traffic impact fee may substitute in whole or in part for the off-site mitigation requirements described in Policy T-8a, but would be in addition to the developer's responsibility for on-site and frontage improvements. The traffic impact fee may be used to fund roadway extensions, intersection improvements, safety improvements, transit facility improvements, and pedestrian and bicycle facilities or amenities.~~

~~T-8d Transit finance. A&MRTS should continue to fund capital and operating expenses through fare box revenue, Humboldt State University subsidies,~~

~~and state and federal subsidies. The City will explore the possibility of new development contributing a one-time fee towards A&MRTS capital expenses through the citywide traffic mitigation fee ordinance.~~

Other Initiatives

- Cooperation with local and regional agencies and jurisdictions. The City shall cooperate with other agencies to establish and maintain off-street pathways and trails utilizing creek, utility, and railroad right of way.
- Retention of railroad right of way. The North Coast Railroad Authority is encouraged to maintain railroad rights-of-way even if service is abandoned. The City may consider purchase of right of way should the Authority decide to sell. Railroad right of way may potentially be used for creation of multi-use trails. Long range potential uses of railroad right of way include an exclusive bus transitway or passenger rail service.
- Rails to trails conversions. The City supports plans to convert abandoned railroad rights-of-way to provide multi-use trails. Planning efforts shall be coordinated with federal, state, and regional agencies to obtain funds to purchase or lease abandoned lines if the railroad authority selects not to dedicate the right of way. If feasible, active railroad lines may be used for multi-use trail purposes.

2.9 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
LU-4	Amend LUC to Incorporate Street Standards Add Street Standards to City's LUC (formerly LUDG)	Community Devel. Dept.	Year 1
I-4	Create Neighborhood Traffic Management Program Prepare and adopt a two-phase traffic management program. Phase 1 will involve education and community-driven measures, including developing a handbook describing procedures for residents to initiate a local NTMP. At a minimum, the handbook should define the procedures for initiation, types of data to be collected, a toolbox of measures, a method for establishing priorities, and potential funding mechanisms. Phase 2 will involve installing traffic calming devices in appropriate circumstances.	Public Works Dept.	Year 1
I-2	Pavement Management Program A pavement management program will evaluate roadway conditions, and schedule and complete needed maintenance and repair in a timely manner.	Public Works Dept.	Ongoing
I	Capital Improvements Program (CIP)	Public Works Dept.	Annually

-3	Include transportation improvements, including bicycle and pedestrian facilities, in the City's CIP		
4	Adoption of Traffic Mitigation Fee Ordinance	Public Works Dept.	Year 1
-4	Adopt a citywide traffic impact fee in accordance with AB 1600 to mitigate the traffic impacts.		
5	Develop Additional Public Parking Lot on West Side of Downtown	Community Devel. Dept.	Year 2
6	Develop Comprehensive Pedestrian Plan and Priorities	Public Works Dept.	Ongoing
7	Seek sidewalk improvement program funding.		
7	Bicycle Boulevards	Public Works Dept.	Year 1
-7	Provide primary bicycle corridors between major activity centers. Clearly sign all bicycle boulevards and include traffic calming measures to discourage automobiles.		
8	Foster Avenue Connection	Public Works Dept.	Year 3
-8	Secure funding for the Foster Avenue connection, including bicycle paths.		

COASTAL PUBLIC FACILITIES & INFRASTRUCTURE ELEMENT

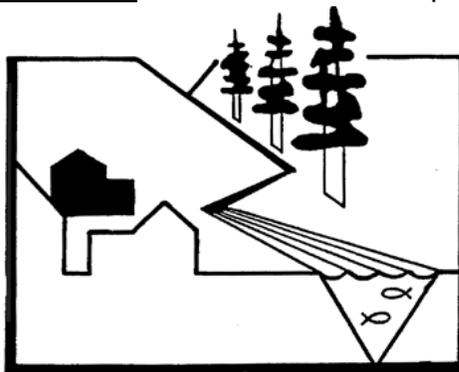
2.10 INTRODUCTION

Overview of Arcata's Water Supply and Delivery System. Community water systems divert free-flowing and subsurface water sources for domestic use. The City of Arcata recognizes that water and other natural resources are vital to the community, but also must be conserved. The City provides economic incentives and educational materials for water conservation, and also integrates water reclamation and wastewater treatment at the Arcata Marsh and Wildlife Sanctuary.



The City of Arcata uses a system of trunk lines and mains, above ground water tanks, and booster pumps to deliver domestic water to residents, businesses, industry, and other facilities within the City's Urban Services Boundary. The City water supply, drawn from wells located in the bed of the Mad River, is provided by the Humboldt Bay Water District which pumps, treats, and sells the water to the City. The City's Urban Water Management Plan defines water sources, conservation measures, usage, projections and shortage contingencies. In addition to the existing Mad River water source, the Management Plan also identifies a moderately deep groundwater aquifer in the north Arcata area as an additional water source. The City's Water Master Plan addresses the function and capacity of the water system, including equipment efficiency and life expectancy, water storage, pumping, storage, and fire flows.

Overview of Arcata's Stormwater and Wastewater Collection and Treatment Systems. Arcata's best known public facility is the Arcata Marsh and Wildlife Sanctuary



(AMWS) where municipal wastewater is treated and re-used for wetlands, ponds, and related wildlife habitat. The AMWS complies with California State Water Quality Board and California Coastal Zone Wetlands Enhancement Program policies and standards. But more importantly, the AMWS employs natural systems to successfully treat and reuse wastewater that most other communities dump or export. Treated wastewater flows through five marshes in the 170-acre sanctuary, where natural organisms filter the water before it is

released into Arcata Bay. The resulting nutrient-laden water and habitat attracts more than 200 species of birds, as well as other species. The City has a Wastewater Treatment Plant Master Plan to guide plant operations.

The City also manages a stormwater drainage system, and has a Drainage Master Plan to guide management practices. The Plan includes a hydrological analysis, drainage management alternatives, a capital improvement program, needs-assessment and financial summary, and a recommended operational plan. The Plan's objectives are: to identify and quantify the existing stormwater and drainage system, including channels, wetlands, creeks, culverts and pipes; to determine the available capacity of the system; and to identify design, maintenance, and repair alternatives to improve the capability of the system.

DRAINAGE MASTER PLAN MANAGEMENT GOALS

- Minimize increases in the volume and the flow of stormwater runoff associated with new development so as to minimize an increase in the hazards and the costs associated with flooding.
- Minimize the erosion potential from a development or construction site so as to prevent deposition of sediment into streams and other receiving water bodies.
- Maintain the integrity of stream hydrology by preventing stream channel erosion so as to sustain the hydrologic functions of streams.
- Reduce the pollutant load in stormwater runoff from developing and urbanizing areas so as to preserve the natural biological functions of streams and other receiving water bodies (and flood management and stream habitat quality)
- To the extent practical, acquire easements and properties necessary for effective drainage management.

~~**Overview of Arcata's Educational and Public Facilities. The educational opportunities available in Arcata include public and private schools for kindergarten through twelfth grades, vocational training programs, and Humboldt State University. These facilities have been integrated into the community and represent an important facet of Arcata's identity as a place to live, work, and learn.**~~

~~**There are three public school districts (Pacific Union, Arcata, and Jacoby Creek Elementary School Districts) and several private schools that provide kindergarten through eighth grade education. High school education is provided by the Northern Humboldt Union High School District, which also serves the community of McKinleyville to the north. The College of the Redwoods Community College, located approximately fifteen miles south of Arcata, offers occupational, transfer and Associate degree programs.**~~

~~**Humboldt State University, the northernmost of California State University's system of twenty campuses, offers undergraduate and graduate degrees in more than fifty subject areas. The University also offers cultural activities, music, art, theater and athletic events that are open to the community. The University's Master Plan includes a maximum enrollment limit of 8,500 full-time equivalent students.**~~

~~Public facilities offer locations for community interaction and events, ranging from community wide celebrations to group meetings, instructional classes, and weddings. The City has enclosed spaces such as the Community Pool, Community Center, City Hall, schools, and places of worship. The City also has twenty four separate parks including Redwood Park, the Marsh and its interpretive center and the Arcata Ballpark. Collectively, they provide gathering places for all manner of social, cultural, political, recreational, religious, educational, and entertainment events. Their physical form and design are also important in representing recognizable features that strengthen community identity. Arcatans have come to recognize that their public facilities are important components of community character.~~



~~Overview of Arcata's integrated waste management program. Arcata residents have a long standing tradition of active commitment to resource conservation. Being far from the production centers of consumer goods, local native peoples and the City's early settlers were resourceful and "made do" with what they had. The civic and church led drives for scrap metal and newspapers during WWI and WWII, and the youth and volunteer drives of the 1950 and 1960 set the stage for the citizen recycling activism following Earth Day 1970.~~

~~Since 1990, the City's role in source reduction, recycling and composting components of integrated waste management has shifted from facilitative to managing contracts for collection and processing of recyclable materials, composting organic debris from the City's operations, and direct performance of public education responsibilities. In 1989, the State of California passed Assembly Bill 939, requiring every city and county in the State to develop an integrated waste management planning document called a Source Reduction and Recycling Element (SRRE). AB939 and its accompanying regulations specify the content for the City's SRRE and require that the SERE provide a detailed plan for achieving "landfill diversion" goals of 25% by 1995, and 50% by 2000. The plan includes a "Waste Generation Study," (WGS) which reports the composition and quantity of solid waste disposed and diverted from disposal by Arcata. It is from this study, and its baseline projections of solid waste generation, that the City of Arcata is accountable for 25% and 50% diversion targets.~~

~~Prior to AB939, municipal solid waste management focused on collection and landfilling. With the passage and implementation of AB939, California cities and counties are required to adopt the "Integrated Waste Management Hierarchy", Emphasizing the "highest and best use" of secondary resources, the IWM Hierarchy establishes the following priority order for dealing with discarded materials:~~

- ~~1. Waste Prevention or "source reduction" systems to prevent waste at the source.~~

- ~~2. Recycling and Composting systems for collecting, processing, and manufacturing with discarded materials. Organic material is composted for soil amendment.~~
- ~~3. Transformation a term for incineration disposal.~~
- ~~4. Landfill Disposal.~~

~~The City of Arcata has been in the forefront of recycling and has the oldest community-owned recycling center in the State. The Arcata Source Reduction and Recycling Element has eight main components are:~~

- ~~1. The Source Reduction Component identifies programs to be implemented by the City to reduce the quantity of waste generated.~~
- ~~2. The Recycling Component defines programs to be implemented to increase the type and quantity of materials recycled.~~
- ~~3. The Composting Component identifies programs to be implemented to increase the composting of organic wastes.~~
- ~~4. The Special Waste Component identifies wastes requiring special handling and disposal, and programs to manage special wastes which cannot be handled at current or future permitted disposal facilities.~~
- ~~5. The Education and Public Information Component describes educational and informational programs to be implemented to educate and increase public participation in the adopted Source Reduction and Recycling Element's programs.~~
- ~~6. The Disposal Facility Capacity Component identifies disposal capacity needed to meet the community's needs for fifteen years.~~
- ~~7. The Funding Component identifies costs and funding for the City's Source Reduction and Recycling Element plan implementation and how the City will fund these programs.~~
- ~~8. The Integration Component demonstrates that the programs to be implemented are sufficient to achieve a 25% diversion rate by 1995 and a 50% rate by the year 2000.~~

~~(Note: The Arcata Source Reduction and Recycling Element is not part of the General Plan.)~~

~~Each of these components includes the following integrated waste management goals:~~

~~ARCATA INTEGRATED WASTE MANAGEMENT GOALS:~~

- ~~1. Reduce the quantity of waste generated.~~
- ~~2. Educate Arcata residents to reduce, re-use, repair, compost, and recycle.~~
- ~~3. Maximize public involvement.~~
- ~~4. Minimize negative environmental impacts of solid waste management.~~
- ~~5. Increase economic incentives for source reduction, re-use, repair, composting, and recycling.~~

- ~~6. Improve measurement and standardize accounting of source reduction, re-use, composting, recycling, waste hauling, and disposal activities to increase knowledge and create a database for long term use.~~
- ~~7. Integrate source reduction, re-use, repair, composting, and recycling programs into all City activities.~~

Guiding Principles and Goals.

- A. Provide an adequate water supply and delivery system for day-to-day and emergency needs.
- B. Maintain the Arcata Marsh and Wildlife Sanctuary as an exemplary model of how natural systems can be effectively and efficiently used to treat and reclaim wastewater.
- C. Utilize natural systems and processes for managing stormwater.
- ~~D. Promote lifelong learning by supporting educational facilities and programs at all levels.~~
- ~~E. Recognize that public facilities are the primary gathering places for social, cultural, political, educational and entertainment events/celebrations, and that these facilities are important components of the community's identity.~~
- ~~F. Publicly advocate reducing solid waste as the first priority for waste management; and promote recycling-based manufacturing through: City purchase of recycled products, education, and community support. Support new technology and education programs that reduce solid waste by an additional 10% every five years and maintain a long-term strategy for achieving "Zero Waste."~~



2.11 POLICIES

The Coastal Public Facilities and Infrastructure Element contains the following ~~policies~~ policy groups:

- C-PF-1 Water Supply and Delivery
- C-PF-2 Wastewater Collection, Treatment and Disposal
- C-PF-3 Stormwater Management
- ~~PF-4 Educational Facilities~~
- ~~PF-5 C-PF-4~~Community Facilities
- ~~PF-6 Integrated Waste Management~~

POLICY GROUP C-PF-1 WATER SUPPLY AND DELIVERY

Objective. Manage the City’s potable water resources to ensure adequate quantities for community use, to promote water conservation, to maintain water quality, and not to deplete source supplies.

~~PF-1a Water supply. Surface and subsurface water quantities that supply the City are dependent on rainfall and adequate upstream storage. The City shall continually monitor the water quantity and quality in its system and adhere to the Humboldt Bay Municipal Water District’s rationing system to ensure that adequate supplies reach all users. The City shall also develop additional water sources to meet current peak use and future use demands.~~

~~PF-1b C-PF-1a Capacity and management of City water delivery system. The City shall update its Urban Water Management Plan, at least every five years, to maintain current projections, management, and contingency programs for water delivery. The Plan shall identify needed water delivery system improvements and anticipated extensions so that they can be budgeted for in the City’s Capital Improvement Program.~~ The City water system shall not be extended beyond the Urban Services Boundary (except as provided for in Policy GM-4b of the Growth Management Element).

~~The City shall update its Water Master Plan, at least every five years, to assess system efficiency and ensure that there is adequate storage capacity and fire flows to meet City needs.~~ [Move statement of intent language to *Other Initiatives*]

~~PF-1c Water conservation. The City shall use a combination of economic incentives, educational programs, and auditing to promote water conservation.~~

~~Water rates will continue to be higher for~~

~~consumption above baseline usage. Information about conservation devices such as flow restrictors, and practices such as off-peak irrigation, will be made available to the public. The City shall also implement water conservation measures through the water, wastewater, and drainage~~

<p>HUMBOLDT BAY MUNICIPAL WATER DISTRICT’S FIVE STAGE RATIONING SYSTEM</p> <ol style="list-style-type: none"> 1. In effect at all times to assure best use of water in storage. 2. Goes into effect when the storage reservoir reaches between 60% and 55% of capacity, and Ruth Lake area rainfall is 70% or less of historical rainfall. 3. Goes into effect when Ruth Lake reaches 40% of capacity and rainfall is 60% or less of historical average. All wholesale and retail customers will be required to reduce usage by 10 to 15% over the previous two-year average. 4. Goes into effect when Ruth Lake reaches 30% of capacity and rainfall is 50% or less of historical average. All wholesale and retail customers will be required to reduce usage by 16 to 30% over the previous two-year average. 5. Goes into effect when Ruth Lake reaches 25% of capacity and rainfall continues at 50% or less of historical average. All wholesale and retail customers will be required to reduce usage up to 50% as may be determined by the rate of use of available supply and weather conditions.
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~~master plans, and through leak detection and inflow and infiltration (I/I) reduction programs.~~

~~PF-1d Water quality. The City shall perform periodic testing and, if necessary, treatment of its domestic water supply to ensure that it meets all state and federal safe drinking water standards, as required by the federal safe drinking water act.~~

POLICY GROUP C-PF-2 WASTEWATER COLLECTION, TREATMENT, & DISPOSAL

Objective. Collect and treat wastewater to achieve safe water quality standards, utilizing the City's internationally renowned marsh treatment facility.

~~PF-2a C-PF-2a Capacity and management of City wastewater collection system. The wastewater collection system is designed to transport community sewage to the treatment plant. The City shall update its Collection System Maintenance Program, at least every five years, to maintain current projections, management, and contingency programs for wastewater collection. The Plan shall identify needed collection system improvements and anticipated extensions, so that they can be budgeted for in the City's Capital Improvement Program. The City shall continue to monitor groundwater infiltration and surface water inflow (I/I) and take necessary action to ensure that these sources do not cause the collection system or the treatment plant to exceed capacity. The City wastewater collection system shall not be extended beyond the Urban Services Boundary except as provided in Policy ~~GM-4b~~ C-GM-3b.~~

[Move statement of intent language to *Other Initiatives*]

~~PF-2b Arcata Marsh wastewater treatment system. The City shall update its Wastewater Treatment Plant Master Plan, at least every five years, to evaluate the entire system; reflect any changes in treatment standards; ensure wastewater treatment is meeting current standards; verify that there is adequate treatment system capacity; and assure adequate water flows to maintain habitat.~~

~~The City shall maintain the existing facilities of the Arcata Marsh and Wildlife Sanctuary and construct new facilities consistent with the Marsh Enhancement Plan adopted by the City Council.~~ [Move to *Other Initiatives*]

~~PF-2c Compliance with California Regional Water Quality Control Board wastewater treatment and discharge standards. The City shall regularly test its wastewater and make necessary adjustments in treatment levels, to ensure that it meets California Regional Water Quality Control Board standards. The City shall also keep its National Pollution Discharge Elimination System Permit (NPDES) current and in compliance with U.S. Environmental Protection Agency standards.~~

~~PF-2d Composting and disposal of sludge and other system byproducts. The City includes sewage sludge in compost processed at the treatment plant. The City uses this composted material as a soil amendment. The City shall continue this practice as an efficient means of recycling treatment plant byproducts and shall investigate the possibility of selling excess compost to generate revenue.~~

~~PF-2e Treatment of wastewater from other communities. The City, until 2012, accepts for treatment wastewater from the unincorporated community of Fieldbrook. This practice may continue as long as there is adequate treatment system capacity. The City shall not enter into any new agreements for processing wastewater from other communities.~~

~~PF-2f Maintain the Joint City/ Humboldt State University Wastewater Utilization Program. Humboldt State University faculty and students were instrumental in the design, testing, and development of the Arcata Marsh and Wildlife Sanctuary. The City and the University jointly participate in a wastewater utilization program, which provides ongoing research projects for students studying wastewater, stormwater, and water quality issues. The City and University maintain a five-year agreement to operate the program, with the City providing the funding and the University providing the student research and faculty advisors. The City shall renew the program with the University when the current agreement ends, as long as there are funds available to compensate the University. [Move to *Other Initiatives*]~~

POLICY GROUP C-PF-3 STORMWATER MANAGEMENT

Objective. Implement the City's drainage master plan to utilize natural drainage systems; minimize increases in stormwater runoff, flooding, and erosion; maintain the integrity of stream hydrology; reduce pollutant loads; and acquire easements and properties for effective drainage management.



C-PF-3a Development shall be designed and managed to minimize increases in stormwater runoff volume and rate, to the maximum extent practicable, to avoid adverse impacts to coastal waters.

C-PF-3b The City shall develop a comprehensive implementing stormwater quality management ordinance which sets as minimum requirements in the

approval of new development the following water quality best management practices:

1. Reducing erosion to the greatest extent practicable through onsite retention of sediment during and after construction by: (a) minimizing the potential sources of sediment from the outset; (b) controlling the amount of runoff onto and from the site, and its ability to carry sediment, by diverting incoming flows and impeding internally generated flows; and (c) retaining sediment on the project site through the use of sediment-capturing devices.
2. Minimizing runoff of entrained non-sediment pollution from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the extent feasible.
3. Minimizing land disturbance during development construction phases to the extent feasible, including soil compaction associated with construction activities to retain the natural stormwater infiltration capacity of the soil.
4. Minimizing the disturbance of natural vegetation, including significant trees, native vegetation, and root structures, important for preventing erosion and sedimentation.
5. Prohibiting grading during the rainy season (i.e., November 1 to March 30), except in response to emergencies, and unless the review authority determines that soil conditions at the project site are suitable, adequate erosion and sedimentation control measures will be in place, and there is a low probability of significant precipitation occurring during the requested extended period for grading operations.
6. Stabilizing site soils promptly through the use of soil stabilization BMPs, including, but not limited to, re-vegetation on graded or disturbed areas as soon as feasible.
7. Limiting the application, generation, and migration of toxic substances, and ensuring their proper storage and disposal.
8. Applying nutrients and fertilizers at rates necessary to establish and maintain vegetation and landscaping without causing significant nutrient runoff to surface waters.

C-PF-3c Best management practices (BMPs) for controlling stormwater runoff and maintaining water quality shall be incorporated into the design and operation of new development. All post-construction structural BMPs (or suites of BMPs) for new residential, commercial, industrial, and public facilities development within the Coastal Zone shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile 1-hour storm event, with the incorporation of an appropriate safety factor for flow-based BMPs.

C-PF-3d The City shall develop a water quality checklist to be used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

C-PF-3e The City shall require markers or stenciling for all new storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

C-PF-3f The use of existing watercourses and detention basins may be authorized to convey stormwater only if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided.

~~PF-3a~~ **C-PF-3g Utilization of City streams and watercourses as natural drainage systems.** Arcata's network of creeks provide a natural drainage system, however, they are very susceptible to damage from urban pollutants carried by runoff, and from drainage facilities that alter creek flows and natural functions. ~~The City shall utilize creeks~~ **Creeks and other natural drainage courses may be utilized for urban stormwater runoff drainage purposes only when if; the basic natural functions will not be degraded (a) development is sited and designed to preserve the infiltration, purification, detention, and retention functions of the natural drainage course, to the maximum extent practicable; and (b) the drainage is conveyed from the developed area of the site in a non-erosive manner.**

~~PF-3b~~ **C-PF-3h Control of stormwater runoff, flooding, and erosion.** Stormwater runoff, especially at peak flows, can cause significant flooding and erosion if adequate precautions have not been taken. ~~As stated in the Drainage Master Plan, the City shall manage the storm~~ **Storm** and surface water ~~system in Arcata to maintain a hydrologic balance in order to protect water quality, prevent property damage, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas shall be managed in a manner consistent with all Coastal Land Use Plan policies.~~

~~PF-3c Stormwater quality. Enforce surface water controls, facilities such as detention basins and natural infiltration areas, and education programs to protect surface and ground water quality. [Move to Other Initiatives]~~

~~PF-3d City drainage system. The City shall take a comprehensive approach to drainage system management in order to effectively control the quantity of stormwater runoff, assure water quality, and reduce potential flood damage from peak flows. As stated in the City Drainage Master Plan, the City shall gradually expand the City managed drainage system to:~~

- ~~1. Continue maintenance of all drainage facilities within public right-of-way, regardless of size.~~
- ~~2. Extend responsibility onto private property only when permanent easements are dedicated or otherwise available from the private property owner, and need is established based on technical criteria.~~
- ~~3. Define service limits upstream of the City as the point at which runoff from a publicly (not county) dedicated street enters the drainage~~

~~system, or when a drainage feature needs repairs/improvements which have public benefits that exceed the cost of said repairs/improvements. [Move to Other Initiatives]~~

~~PF-3c Easements and properties for drainage management. The City shall secure the easements and properties necessary to complete and maintain the drainage system identified in the Drainage Master Plan.~~

~~POLICY PF-4 EDUCATIONAL FACILITIES~~

~~**Objective.** Identify student enrollment increases, based on the projected future population of the City, and coordinate with local school (public and private) districts, Humboldt State University, and other education providers to maintain and improve educational facilities and services, while preserving established community/student ratios.~~



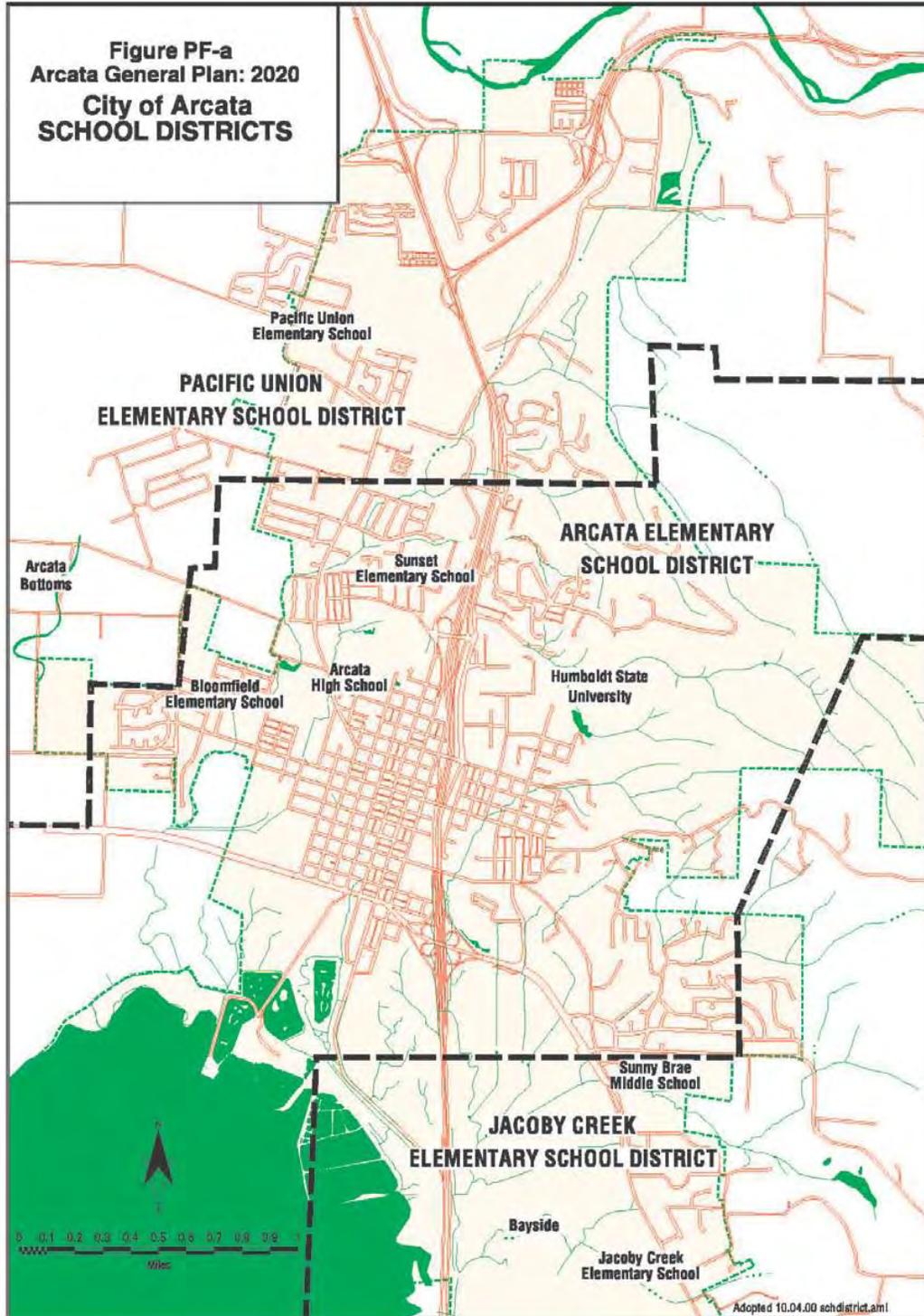
~~PF-4a Coordination with Arcata, Pacific Union, and Jacoby Crook school districts. The City shall provide demographic information to assist the School Districts in projecting future student enrollments. The City shall encourage the school districts to expand existing schools rather than designating new sites for this purpose.~~

~~PF-4b Coordination with private and specialized education providers. The City shall accommodate providers of private, vocational, and specialized education that fills an identified community need, when they desire to locate in the City.~~

~~PF-4c Coordination and development review with Humboldt State University (Not applicable in Coastal Zone). The City shall designate at least one member of the City Council and one Planning Commission member as liaisons to Humboldt State University and request that the designated Council member be appointed to the University President's Advisory Council.~~



~~PF-4d Joint use of school facilities for community events and recreation. School facilities are primary locations for neighborhood level events and recreational activities. The City, school districts, and community organizations shall develop and maintain partnerships for the joint use of school facilities.~~



POLICY ~~PF-5~~ GROUP C-PF-4 PUBLIC FACILITIES

Objective. Provide adequate facilities for services and programs administered by the City and other public service providers, including City administrative and meeting facilities (City Hall), police and fire departments, libraries, and community centers.



~~**PF-5a Facilities for community service and private organizations. Community service organizations, as well as non-profit and private organizations offer shelter, assistance, training and other human services. These organizations also offer places for religious, cultural, social, entertainment and recreation activities. The City shall allow facilities, operated by community service and private organizations, to be located in incorporated areas designated General Commercial [C-G]; Central Commercial [C-C]; Residential High Density [RH]; Limited Industrial [I-L]; and Public Facility [P-F]. Operations and functions of these facilities may be subject to a use permit, to be granted and revocable at the discretion of the City.**~~

~~**PF-5b C-PF-5b**~~ **City administrative and operations facilities and community centers.** The City shall limit development of the Corporation Yard facilities to within existing boundaries, and shall maintain a landscaped screen along the northern and eastern perimeter of the oxidation pond.

~~**PF-5c Public libraries and civic facilities operated by other agencies. The City shall coordinate with Humboldt County to provide public library facilities in the City. The City shall also coordinate with other agencies, such as the Redwood Regional Transit System, to maintain joint-use facilities in the City.**~~

~~**PF-5d Telecommunications facilities. Telecommunication towers, commercial dishes and antenna, monopoles, and other transmitting and receiving facilities shall be co-located (grouped together) to minimize the number of facilities and shall be screened to reduce impacts. Placement of commercial (serving more than a single user) telecommunication facilities shall be limited to lands designated Public Facility [P-F], Industrial [I-L & I-G], and Commercial [C-G, C-C, & C-VS], with a use permit.**~~

~~Cellular, broadcast, and receiving towers shall not exceed ten feet in height, unless it can be demonstrated that additional height (up to thirty feet) would not create adverse visual or safety impacts. These facilities shall be screened from view and associated equipment rooms and switching devices shall be designed and landscaped to blend with their surroundings. In approving a use permit, findings must be made that the proposed location is the most appropriate for the neighborhood, that the facility is of the minimum size necessary for the intended use, and that it is set back and screened to reduce visual and safety impacts. Any proposed city construction projects involving trenching shall be reviewed for opportunities to extend high speed networking infrastructure.~~

~~PF-5e Maintenance of City streets and right-of-ways. The City's streets and right-of-ways shall be adequately maintained for public use. Utilities within rights-of-way shall be placed underground, when feasible, to reduce obstructions such as poles and above-grade utility boxes on sidewalks. Pavement and landscape management programs shall be periodically reviewed and prioritized.~~

~~POLICY PF-6 INTEGRATED WASTE MANAGEMENT~~

~~**Objective.** Reduce solid waste generation at the source; maximize re-use and repair of appropriate items and material; promote composting and recycling; and properly transport non-recyclable solid waste to approved disposal sites.~~

~~PF-6a Source reduction. Source reduction and materials re-use are the most cost effective ways to minimize solid waste. Source reduction, or waste prevention, reduces the growing costs of collection, recycling, and disposal systems. Source reduction and re-use shall be promoted through educational programs and incentives. Examples of effective source reduction and re-use activities that shall be promoted are:~~

- ~~1. Backyard composting, landscaping with low water needs, and grass mulching.~~
- ~~2. Purchasing durable re-usable goods instead of disposable items (e.g., cloth diapers, rechargeable batteries).~~
- ~~3. Repairing equipment and appliances.~~
- ~~4. Purchasing goods from second-hand stores, flea markets and swap meets.~~
- ~~5. Reducing the use of packaging by buying in bulk or purchasing fresh food at farmers markets.~~
- ~~6. Electronic mail and forms, double-sided copying and re-use of scrap paper.~~
- ~~7. Reusable coffee cups and beverages provided in dispensers.~~
- ~~8. Termination of unwanted mail.~~

~~9. Incentives such as on-call garbage collection and differential solid waste fees shall be used to encourage source reduction.~~

~~The Source Reduction and Recycling Element shall be updated every five years and shall incorporate the most efficient and cost-effective source reduction programs.~~

~~PF-6b Recycling. The City's recycling program shall continue and expand, unless a more efficient and cost-effective method of collecting and reusing materials is identified. The City shall continue to contract for recycling, collection, and processing, in order to help meet and exceed the State diversion goal. The following programs shall also be promoted:~~

- ~~1. Collection of commercial corrugated cardboard.~~
- ~~2. Collection of office paper.~~
- ~~3. City procurement policies and practices favoring reusable and recycled products.~~
- ~~4. Implementation of density bonuses for buildings designed to promote recycling.~~
- ~~5. The City's active involvement in the Humboldt County Recycling Market Development Zone.~~
- ~~6. Educate the public to "close the loop" and buy locally-made products with recycled content.~~
- ~~7. Recycling education that includes self-haul services for recyclable materials not collected curbside.~~
- ~~8. Encourage the development and expansion of recycling-based manufacturing.~~

~~After the year 2000, in order to minimize increases in solid waste volumes and maximize the amount of material returned to productive use, the City shall continue these programs with a target of reducing landfill volumes 10% every five years.~~

~~PF-6c Collection, transport and disposal of non-recyclable solid waste. The City shall continue to contract for solid waste collection, transport, and disposal. Solid waste collected for disposal shall be transported to an approved landfill, or other approved solid waste processing or disposal facility. The City will provide education materials about proper use and disposal of household hazardous waste, non-toxic alternatives to household hazardous waste, and recycling of materials (e.g., motor oil, anti-freeze, paint, batteries) in conjunction with recycling centers and local businesses.~~

Other Initiatives

- The City shall update its Urban Water Management Plan, at least every five years, to maintain current projections, management, and contingency programs for water delivery. The Plan shall identify needed water delivery system improvements and anticipated extensions so that they can be budgeted for in the City's Capital Improvement Program.
- The City shall update its Water Master Plan, at least every five years, to assess system efficiency and ensure that there is adequate storage capacity and fire flows to meet City needs.
- The wastewater collection system is designed to transport community sewage to the treatment plant. The City shall update its Collection System Maintenance Program, at least every five years, to maintain current projections, management, and contingency programs for wastewater collection. The Plan shall identify needed collection system improvements and anticipated extensions, so that they can be budgeted for in the City's Capital Improvement Program. The City shall continue to monitor groundwater infiltration and surface water inflow (I/I) and take necessary action to ensure that these sources do not cause the collection system or the treatment plant to exceed capacity.
- Maintain the Joint City/ Humboldt State University Wastewater Utilization Program. Humboldt State University faculty and students were instrumental in the design, testing, and development of the Arcata Marsh and Wildlife Sanctuary. The City and the University jointly participate in a wastewater utilization program, which provides ongoing research projects for students studying wastewater, stormwater, and water quality issues. The City and University maintain a five-year agreement to operate the program, with the City providing the funding and the University providing the student research and faculty advisors. The City shall renew the program with the University when the current agreement ends, as long as there are funds available to compensate the University.
- Stormwater quality. Enforce surface water controls, facilities such as detention basins and natural infiltration areas, and education programs to protect surface and ground-water quality.
- City drainage system. The City shall take a comprehensive approach to drainage system management in order to effectively control the quantity of stormwater runoff, assure water quality, and reduce potential flood damage from peak flows. As stated in the City Drainage Master Plan, the City shall gradually expand the City managed drainage system to:
- Continue maintenance of all drainage facilities within public right-of-way, regardless of size.

- Extend responsibility onto private property only when permanent easements are dedicated or otherwise available from the private property owner, and need is established based on technical criteria.
- Define service limits upstream of the City as the point at which runoff from a publicly (not county) dedicated street enters the drainage system, or when a drainage feature needs repairs/improvements which have public benefits that exceed the cost of said repairs/improvements.

2.12 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
PF-1	Water Master Plan Update the City Water Master Plan, at least every five years, to assess system efficiency and ensure there is adequate storage capacity and fire flow. The Master Plan will also include economic incentives, education programs, and monitoring measures to promote water conservation.	Environmental Services Department	Every five years starting in Year 2
PF-2	Wastewater Collection System Maintenance Program Update the City Wastewater Collection System Maintenance Program, at least every five years, to assess collection system capacity and condition, ensure there is adequate treatment and disposal capacity, and recommend improvements necessary to reduce groundwater infiltration and surface water inflow. The Master Plan will also include economic incentives, education programs, and monitoring measures to reduce wastewater generation.	Environmental Services Department	Every five years starting in Year 3
PF-3	Stormwater Management Drainage Master Plan Update the City Drainage Master Plan, at least every five years, to implement current provisions for minimizing increases in stormwater runoff, maintaining the integrity of stream hydrology, and reducing pollutant loads. The Master Plan will also include economic incentives, education programs, and monitoring measures to promote on-site retention and reduce flooding and erosion impacts.	Environmental Services Department	Every five years starting in Year 1
PF-4	Source Reduction and Recycling Element Update the Source Reduction and Recycling Element (SRRE), every ten years, to implement the most current technology for reducing solid waste generation at the source, maximize re-use and repair of goods, promote composting and recycling, and properly transport non-recyclable solid waste to approved disposal sites. The SRRE will also include economic incentives, education programs, and monitoring measures to achieve the City's goal of reducing solid waste volume by an additional 10% every five years, and the overall long-term strategy for "zero-waste."	Environmental Services Department	Every ten years starting in Year 10
PF-5	Telecommunication Facilities Ordinance	Community	Year 2

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
	Prepare a Telecommunication Facilities Ordinance that implements policy PF-5d and specifies findings required for a use permit.	Development Dept.	
PF-6	Marsh Enhancement Plan. Update the Marsh Enhancement Plan to reflect the City's acquisition and addition of the Hunt Property.	Environmental Services	Year 3

Chapter 4 Environmental Quality and Management

Coastal Open Space Element
Coastal Resource Conservation and Management Element
Coastal Air Quality Element



OPEN SPACE ELEMENT

4.1 INTRODUCTION

Overview of Arcata's Open Space Resources. Arcata's open spaces take many forms and serve a variety of functions. Open space areas represent a significant and desirable component of the community's character and maintain natural, recreational, and visual resources for future community use and enjoyment. Open space is valuable for both passive and active uses. Designating or otherwise protecting lands as open space provides for: protection of natural habitats and species; managed production of natural resources such as agricultural and forest products; recreational uses; coastal access; scenic, aesthetic resources; and avoidance of development on such areas as steep slopes, faults, and flood zones that are potentially hazardous to the community. Open space is also valuable for preserving scenic views and other aesthetic considerations. The overall system is also enhanced when open space lands are linked by natural biological corridors, greenways, easements, and other types of connections. Open space categories are described in more detail below, and mapped on Figure OS-a located in the map pocket at the end of this chapter.

Open Space for the maintenance and enhancement of natural resources protects plant and animal habitat, especially in areas where rare, endangered, or threatened species exist. Arcata's creek watersheds and watercourses, McDaniel, Gannon, Butcher and Mad River sloughs, Arcata and Aldergrove Marshes, wetlands, baylands and tidelands, and ecological and scientific study areas, may also be included in this category.

Open space for the managed production of resources includes forest lands on the west slopes of Fickle Hill, agricultural lands in the Arcata Bottom and Bayside areas, aquaculture areas in Arcata Bay, and the aggregate deposits along the Mad River. These areas are important for their production of food, wood, and mineral products, as well as for maintaining water quality and other ecological functions.

Open space for outdoor recreation includes City parks and ballfields, such as Redwood Park and the Community Center; cultural and special use areas such as the Arcata Ball field, Skate park, and Plaza; neighborhood parks such as Sunny Brae and Stewart Parks; and natural areas such as the Arcata Marsh and Shay Park.



Open space for public health and safety includes earthquake fault zones, liquefaction areas, steeply sloped hillsides, and 100-year floodplains.

In many cases, open space can provide multiple benefits. Agricultural lands in the Arcata Bottom and forested lands on the western slopes of Fickle Hill are important for their natural and resource production capabilities. These lands also retain natural drainage systems, sustain natural habitats, enhance the community's viewshed and provide an aesthetic resource. Designating these and other open spaces in the General Plan documents their value to the community. It also allows City decision-makers to identify open space as an important resource when considering proposed changes in community form.

Within the city and surrounding Planning Area, natural resource lands that are part of the open space system include: ocean beach; sand dunes; back-dune woodlands; Arcata Bay; Mad River; Mad River Slough; and buffer strips along the Mad River, and Jacoby, Jolly Giant, Janes, Sunset, Grotzman, Beith, and Campbell Creeks.

The Open Space Element is closely linked with the Resource Conservation and Management, Public Safety, and Parks and Recreation Elements of the General Plan. These linked elements contain policies for the protection, management, enjoyment, and access to and appropriate use of identified open space areas. The Open Space Element identifies natural and productive resource areas, parks, coastal access, outdoor recreation, and hazard areas that should be considered for their open space values.

Guiding Principles and Goals.

- A. Protect open space lands with native biotic resources as a natural legacy for future generations.
- B. Protect and manage public trust lands to sustain plant and animal species and ecosystem health.
- C. Recognize that the value of natural resources lands of all sizes and shapes are significantly enhanced when linked together in an open space system.
- D. Designate as open space, resource lands capable of producing agricultural, forest, mineral, and aquaculture products; and manage those lands for sustained production as well as habitat, hydrological, mineral, recreational, and aesthetic values.
- E. Preserve sufficient lands, for both active and passive recreational activities, and coastal access to serve the present and future needs of the community.
- F. Protect lands that, due to instability or seismic risks, pose potential risk to human health and well-being.

General Plan Parks and Recreation Element Goals:

- To provide a wide spectrum of recreational opportunities for Arcata residents of all ages.
- To provide all residents with a wide assortment of parks and related facilities.
- To promote sharing of facilities and programs with other entities.
- To emphasize fiscal efficiency in the provision of parks and recreation programs.
- To provide aesthetically pleasing parks and recreational facilities which are compatible with their environment.
- To bring park and recreation facilities into compliance with changing federal and state laws, and encourage user safety.

G. Provide additional entryways to the Community Forest to promote greater accessibility from Arcata's adjacent neighborhoods.

4.2 POLICIES

The Coastal Open Space Element includes the following ~~policies~~ policy groups:

C-OS-1 Overall Open Space System

C-OS-2 Natural resource Protection and Enhancement

C-OS-3 Open Space for Managed Production of Resources

C-OS-4 Open Space for Outdoor Recreation/Coastal Access

C-OS-5 Open Space in Health and Safety Hazard Areas

POLICY GROUP C-OS-1 OVERALL OPEN SPACE SYSTEM

Objective. Designate, maintain, and enhance the quality, and increase the amount of permanently protected open space in the Arcata Planning Area, including: natural resource areas; resource production areas; outdoor recreation areas; and areas subject to health and safety hazards. These areas are to be protected, linked together in a network wherever practical for accessibility, managed for resource production, and maintained for enjoyment by City residents and visitors.

~~OS-1a~~ C-OS-1a **Designation of open space lands with native biotic resources and ecosystems.** The native biotic resources of the forested western slopes of Fickle Hill, river and creek riparian zones, the Arcata and Aldergrove Marshes, and Arcata Bay tidelands and sloughs are unique ecosystems that have important habitat values in addition to their other open space values. These areas as designated on Map OS-a shall be protected as open space for their resource values.



~~C-OS-1b~~ **Open Space Plan Map.** ~~The areas designated as open space are shown on Figure OS-a. Generally, these lands are designated as A-E, NR, or PF on the land use map. Other lands, where identified open space resources have been preserved through easements or other means, are also subject to this element's policies.~~ [Move to *Community Development* chapter; recast as part of prefacing discussion in Section 2.10 *Introduction*]

~~OS-1c~~ **Relationship to Resource Conservation and Management and Public Safety Elements.** ~~This element identifies hazard areas that shall be maintained as open space for the benefit of the community. The policies of this element~~

~~and policies found in the Public Safety Element provide common direction for the designation and avoidance of hazard areas. The natural open space features of these areas, such as vegetation, shall be retained, except where they contribute to instability or increase hazards. [Move to *Health and Safety* chapter; recast as part of prefacing discussion in Section 6.1 *Introduction*]~~

~~OS-1d **Linkages between open space areas.** Linkage of open space lands, especially along biological corridors and greenways, is important for animal migration, non-motorized vehicle transportation, and community recreation, and shall be encouraged. Trails along levees or adjacent to railroad tracks and street rights-of-way can serve as links to parks, open space, and natural areas. Easements shall also be considered as a lower cost alternative to preserving links between open space. [Move to *Other Initiatives*.]~~

~~OS-1e **Appropriate uses and development limitations within open space lands.** Certain open space areas contain wetlands and other critical habitat, and must be preserved in a natural condition and enhanced. Other areas can accommodate managed activities such as mining and timber harvesting, subject to sustainable yield policies RC-6 and RC-8 in the Resource Conservation & Management Element, while other areas shall be designated for interpretive and recreational use. Each designated open space area of the City shall be evaluated by the appropriate City advisory board (e.g., Crooks & Wetlands Committee) to determine the resources present, the acceptable level of use, and appropriate preservation. The management of, and development in, open space areas are subject to applicable policies of the Resource Conservation and Management and Land Use Elements. [Move to *Other Initiatives*.]~~

~~OS-1f **C-OS-1b** *Designation of lands with scenic, aesthetic, historic, and cultural value.* The City has scenic routes, including State Route 101 and Samoa Boulevard; vistas, including the forested slopes of Fickle Hill and the Arcata Bottoms; and areas of historic and cultural value, such as the Plaza. The open and natural characteristics of these areas shall be maintained. Policies for retaining scenic vistas and landscape features are included in the Community Design Element of the **General Coastal Land Use** Plan.~~

~~OS-1g **Public and private ownership and management of open space.** Open space resource areas are owned and managed by the City, state agencies, land trusts, corporations, and private individuals. The City shall set the standard for responsible resource land stewardship through its management of the Community Forest, marshes, parks, and other resource lands, and encourage other~~



~~public and private entities, entrusted with the ownership and management of similar resource areas, to consider natural resource values to the community in all long term use decisions. [Move to *Other Initiatives*.]~~

~~**OS 1h Greenbelts.** Preserving greenbelts of agricultural and other open space lands is an effective method of defining urban development limits. The City shall encourage the County to preserve agricultural designations in the City's Planning Area. The City also supports greenbelt preservation through land and conservation easement acquisition.~~

~~These measures will help preserve visual and associative links to nature, and reinforce the distinction between the City and adjacent communities. [Move to *Other Initiatives*.]~~

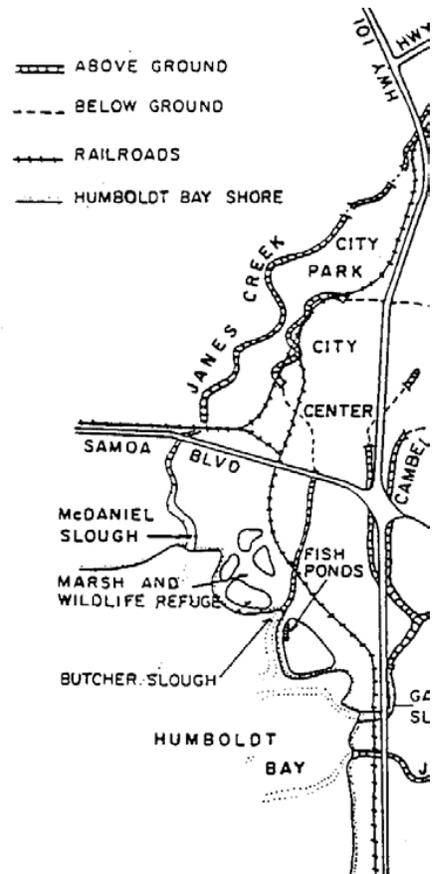
~~**OS 1i Acquisition of open space areas.** There are several privately held land parcels, including forested property on the west slopes of Fickle Hill, which would contribute significantly to the City's open space system. The City shall pursue acquisition of these parcels, from willing sellers, for their open space values. Joint funding for land acquisition will be coordinated with County, regional and state agencies. [Move to *Other Initiatives*.]~~

POLICY GROUP C-OS-2 NATURAL RESOURCES PROTECTION AND ENHANCEMENT

Objective. Designate, maintain, and enhance natural resource areas, including sensitive habitat areas, necessary to sustain plant and animal life and native biological diversity.

~~**OS 2a Open space plan map designations for natural resource protection. Publicly held lands containing crooks, wetlands, other open water, marsh, sensitive habitat, forests, and other important natural resources are designated on the Open Space Map.** [Move to *Environmental Quality and Management* chapter; recast as part of prefacing discussion in Section 4.1 Introduction]~~

~~**OS 2b C-OS-2a Development limitations and management for maintenance of biotic resources and diversity, including aquatic resources and sensitive habitats.** Creeks, marshes, and wetlands are significant components of Arcata's natural open space system. The City shall restore and maintain this system for the benefit of residents, visitors, fish, and wildlife.~~



The Arcata Bay and tidelands represent an important natural edge and open space feature of the City. Buildings, landform alterations, or access routes in this area shall be of a design and scale that preserves open space and natural characteristics and maintains public views to the Bay.

Local creeks which flow openly through the developed portion of the community shall have biological corridors and greenways established, and shall be maintained as visual assets to any developments which adjoin them.

The natural features of the Mad River corridor, Arcata's creeks and adjacent areas, marshes, and other wetland areas, shall be retained.

Unique vegetation and wildlife areas shall remain in a natural condition. Such areas include sand dunes and backdune woodlands, eel grass area, salt marshes, and special habitats (tern and osprey nesting areas, cormorant rookery, harbor seal area and egret roost). The policies of this element shall also call for protection for habitat of species that become threatened in the future.

POLICY GROUP C-OS-3 OPEN SPACE FOR MANAGED PRODUCTION OF RESOURCES

Objective. Designate and conserve resource areas, including forest and agricultural lands, fisheries and aquaculture, groundwater, and mineral resources, for their sustainable, long-term productive capabilities

OS-3a Designations for forest, agriculture, fisheries, aquaculture, groundwater, and mineral resource uses and management. All publicly held lands, and some privately held lands adjacent to the Community Forest and east of Aldergrove Industrial Park, actively managed for production of forest, fisheries, aquaculture and mineral resources are designated as Natural Resource [NR] on the General Plan Land Use Element map. Productive agricultural lands are designated on the Open Space Map. [Move to *Environmental Quality and Management* chapter; recast as part of prefacing discussion in Section 4.1 Introduction]

~~OS-3b Development limitations and management~~



~~for productive resource areas. The policies of the Resource Conservation and Management Element shall be followed for the development and management of productive resource lands. This includes policies for: Natural Biological Diversity; Streams Management; Wetlands Management; Baylands and Tidelands; Agricultural and Forest Resources; and Water, Energy, Soils and Mineral Resources. The City shall require that management of open space resources be consistent with these and other applicable General Plan policies. [Move to *Environmental Quality and Management* chapter; recast as part of prefacing discussion in Section 4.1 *Introduction*]~~

POLICY GROUP C-OS-4 OPEN SPACE FOR OUTDOOR RECREATION AND COASTAL ACCESS

Objective. Designate and secure public access to a sufficient supply of land and water areas with recreation resource value, including parks, forests, coastal areas, baylands, and stream corridors, to meet the outdoor recreation needs of Arcata residents and visitors.

~~OS-4a Designations for park lands and outdoor recreation areas. All publicly hold park lands and outdoor recreation areas are designated as Public Facility [PF] on the General Plan Land Use Element map. The natural resources present on these lands are also subject to the applicable policies of the Resource Conservation & Management Element. Recreation areas are mapped on Figure OS-a. [Renumber as C-OS-4k]~~



C-OS-4a Maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

~~OS-4b Coastal access policy. The City shall maintain coastal access corridors to Arcata Bay and other public use areas and public trust lands within the coastal zone.~~

~~Coastal access routes include:~~

- ~~1. Access from Samea Boulevard to Arcata Bay via South "I" and "G" Streets.~~
- ~~2. Access to Mad River Beach via Mad River Road.~~
- ~~3. Access to Manila Dunes via Samea Boulevard. [Revise, renumber as C-OS-4e]~~

C-OS-4b Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

~~**OS-4c Relationship to the Parks and Recreation Element. This element contains policies for management of open space lands designated for outdoor recreation. The Parks and Recreation Element contains goals and policy direction for: providing a range of recreation opportunities; sharing facilities; park and recreation program efficiency; environmental compatibility; and user safety. [Move to prefacing discussion in *Open Space Element* Section 4.1 *Introduction*]**~~

C-OS-4c Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

For purposes of administering this policy, "new development" does not include:

(a) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(b) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(c) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(d) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(e) Any repair or maintenance activity for which a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this policy, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Nothing in this policy shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

C-OS-4d The public access policies of this coastal land use plan shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

The public access policies of this coastal land use plan shall be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this policy shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

In carrying out the public access policies of this coastal land use plan, the City shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

~~OS-4b~~ C-OS-4e Coastal access policy. ~~The City~~ Approved new development shall maintain coastal access corridors to Arcata Bay and other public use areas and public trust lands within the coastal zone.

Coastal access routes include:

1. Access from Samoa Boulevard to Arcata Bay via South "I" and "G" Streets.
2. Access to Mad River Beach via Mad River Road.
3. Access to Manila Dunes via Samoa Boulevard.

4. Samoa Boulevard from Highway 101 west to the City Limits Line at Slaughter House Road, including the trail connection into the McDaniel Slough Wetlands Enhancement Project.

C-OS-4f Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

C-OS-4g Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in areas designated A-E if they do not interfere with adjacent agricultural uses, or limit potential of the site to return to agricultural use, or displace the wildlife utilizing the area, especially in seasonal wetlands.

C-OS-4h Designations for park lands and outdoor recreation areas. All publicly held park lands and outdoor recreation areas are designated as Public Facility [PF] on the General Plan Land Use Element map. The natural resources present on these lands are also subject to the applicable policies of the Resource Conservation & Management Element. Recreation areas are mapped on Figure OS-a.



POLICY GROUP C-OS-5 OPEN SPACE IN HEALTH AND SAFETY HAZARD AREAS

Objective. Designate health and safety hazard areas such as seismic fault and liquefaction zones, unstable soils or slopes, floodplains, areas susceptible to wildland fire, and watershed/reservoir safety zones. Provide appropriate protections, or restrictions, to minimize unnecessary exposure of people and property to health and safety hazards.

OS-5a C-OS-5a *Designation of open space for public safety.* Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards. Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.

Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development (**i.e., human-occupied residential, commercial, industrial, public facility uses**). A flood plain overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map)

developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.

~~OS-5b Development limitations and management for health and safety hazard areas. The policies of the Public Safety Element shall be followed for all development activity in areas with known or suspected safety hazards. In particular, seismic hazards, other geologic hazards, and flood hazards policy topics are applicable.~~ [Move to *Health and Safety* chapter; recast as part of prefacing discussion in Section 6.1 *Introduction*]



Other Initiatives

- Linkages between open space areas. Linkage of open space lands, especially along biological corridors and greenways, is important for animal migration, non-motorized vehicle transportation, and community recreation, and shall be encouraged. Trails along levees or adjacent to railroad tracks and street rights-of-way can serve as links to parks, open space, and natural areas. Easements shall also be considered as a lower cost alternative to preserving links between open space.
- Appropriate uses and development limitations within open space lands. Certain open space areas contain wetlands and other critical habitat, and must be preserved in a natural condition and enhanced. Other areas can accommodate managed activities such as mining and timber harvesting, subject to sustainable yield policies RC-6 and RC-8 in the Resource Conservation & Management Element, while other areas shall be designated for interpretive and recreational use. Each designated open space area of the City shall be evaluated by the appropriate City advisory board (e.g., Creeks & Wetlands Committee) to determine the resources present, the acceptable level of use, and appropriate preservation. The management of, and development in, open space areas are subject to applicable policies of the Resource Conservation and Management and Land Use Elements.
- Public and private ownership and management of open space. Open space resource areas are owned and managed by the City, state agencies, land trusts, corporations, and private individuals. The City shall set the standard for responsible resource land stewardship through its management of the Community Forest, marshes, parks, and other resource lands, and encourage other public and private entities, entrusted with the ownership and management of similar resource areas, to consider natural resource values to the community in all long term use decisions.

- Greenbelts. Preserving greenbelts of agricultural and other open space lands is an effective method of defining urban development limits. The City shall encourage the County to preserve agricultural designations in the City’s Planning Area. The City also supports greenbelt preservation through land and conservation easement acquisition.
- These measures will help preserve visual and associative links to nature, and reinforce the distinction between the City and adjacent communities.
- Acquisition of open space areas. There are several privately held land parcels, including forested property on the west slopes of Fickle Hill, which would contribute significantly to the City’s open space system. The City shall pursue acquisition of these parcels, from willing sellers, for their open space values. Joint funding for land acquisition will be coordinated with County, regional and state agencies.

4.3 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURES	RESPONSIBLE PARTY	TIME FRAME
OS-4	<p>Open Space Preservation Preserve existing and acquire additional open space lands identified in this element through the following measures:</p> <ul style="list-style-type: none"> • Purchase of open space lands in fee. • Secure easements by negotiated agreement. • Maintain open space designations on City and County planning maps. <p>An appointed Open Space Advisory Committee will be responsible for implementing the Open Space Element and making relevant recommendations to City Council, including possible funding through bond measure approval. The advisory body is to participate in the next County General Plan update and promote incorporation of the City’s open space goals, policies, and implementation measures in the County community plans covering the Arcata Planning Area.</p>	<p>Community Development Dept./ Planning Commission</p>	<p>Year 1-</p>

COASTAL RESOURCE CONSERVATION & MANAGEMENT ELEMENT

4.4 INTRODUCTION

Overview of Arcata's Natural Resources. Collectively, Arcata’s natural resources constitute a significant component of the community. The forested hillsides, including the community forest, the Arcata Bottom, baylands, tidelands, creeks and wetlands are features of the natural ecosystem, which is as much a part of the community as homes,

businesses, and schools. Goals and policies for conserving, enhancing, and managing the City's natural systems and features are critical ingredients of the General Plan.

Arcatans have demonstrated that natural resource conservation and management are civic responsibilities, which can be met by emphasizing resource

enhancement rather than resource depletion. By taking an ecosystem management approach, the City can evaluate natural resource interrelationships, and plan to maintain regional biodiversity when making resource conservation and management decisions.

Overview of Arcata's watercourses, wetlands, baylands and tidelands.

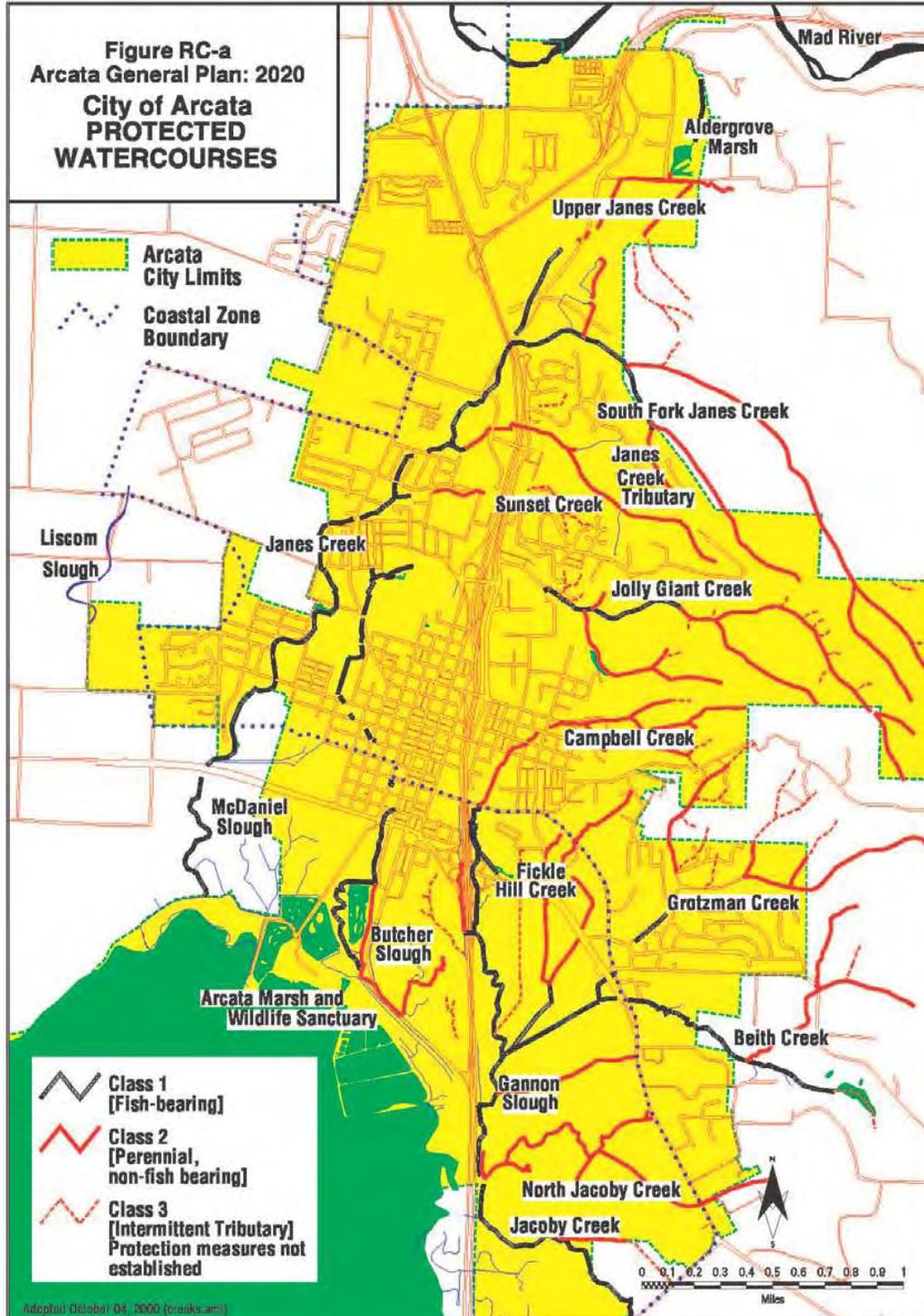
Arcata's nine named creeks and associated sloughs provide: flood control, freshwater habitat, riparian habitat, scenic enjoyment, water quality, educational opportunities, public safety, fish and wildlife habitat (e.g., fish spawning and migration, wildlife nesting and foraging areas), open space, recreation, marine habitat, and groundwater recharge. These creeks also have tributaries with similar feature and functions. Arcata's creeks and sloughs, including areas with tidal action, are illustrated in Figure RC-a, on the following page.



Biodiversity - "The variety of organisms considered at all levels, from genetic variants belonging to the same species through arrays of species to arrays of genera, families, and still higher taxonomic levels; includes the variety of ecosystems, which comprise both the communities of organisms within particular habitats, and the physical conditions under which they live."

Edward O. Wilson
The Diversity of Life, 1992

The City has an adopted a Creeks Management Plan (CMP) which contains policies for: creek zone and flood hazard management; erosion and sedimentation, vegetation and wildlife; water quality; recreation; and public awareness. The CMP was adopted to address land uses that have significantly altered Arcata's creeks from their original condition.



These alterations have resulted from the present use of stream courses as storm drains, and past land use practices which produced large amounts of sediment, contributing to creek degradation. Alterations also included structures such as tidegates, which prevent or severely limit access for anadromous fish to all but Jacoby and Jolly Giant creeks. Except for Jacoby Creek, the riparian forests have been completely removed from at least half of each stream channel. Pollutants from a variety of sources (including petroleum products from urban run-off and suspended sediments from soil erosion) degrade the appearance and the biological integrity of the creeks.

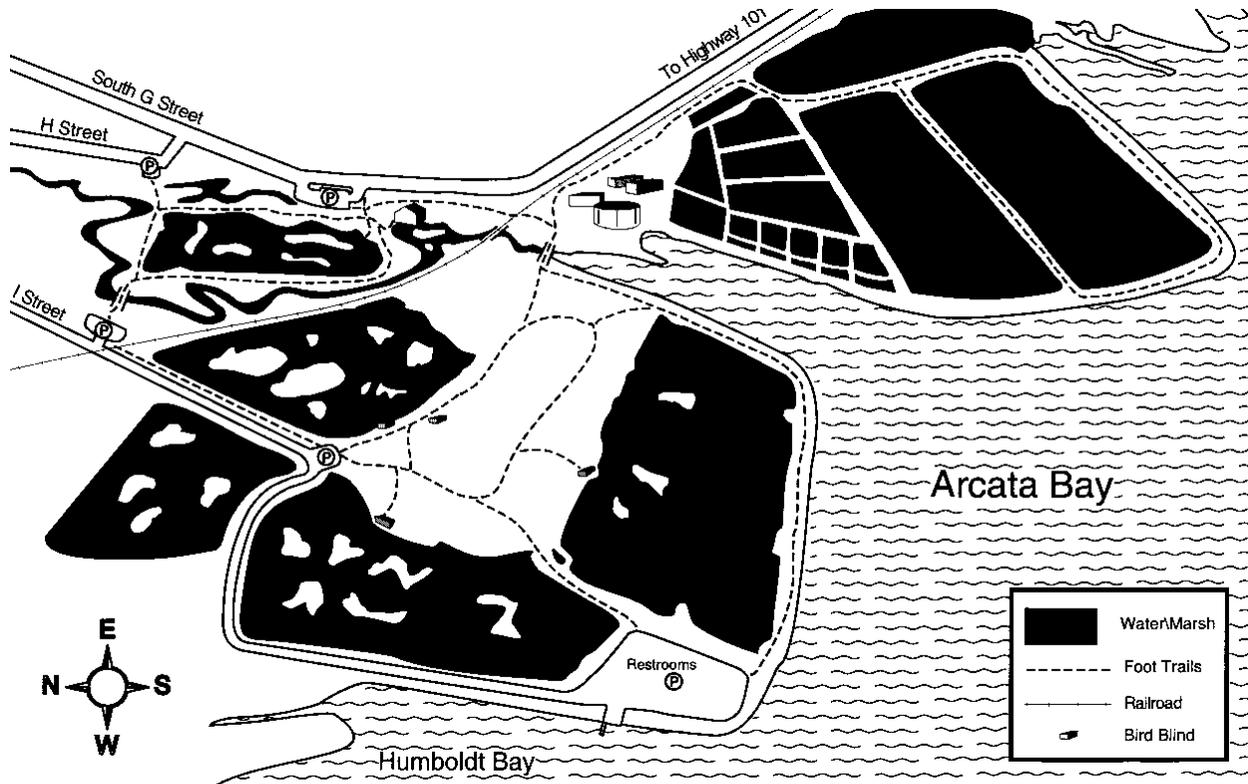
The Resource Conservation and Management Element contains overall goals and policies for creek management, which are supported by CMP policies and implementation measures. The CMP provides policy direction for new and modified development along creeks, and for existing activities in creek zones, in order to fully realize the creek's beneficial uses.

The westernmost reach of the Mad River forms the northern boundary of Arcata's Planning Area. The river originates at the northern edge of the Yolla-Bolly wilderness area, in Trinity County, approximately 100 miles southeast of its outlet to the Pacific Ocean. Its associated riparian corridor forms the northern portion of the City's perimeter greenbelt and a natural buffer between Arcata and the community of McKinleyville, to the north.

Wetlands provide flood protection, groundwater recharge, water quality treatment, food production and wildlife habitat, which are valued by the community. Wetlands are highly productive, complex ecosystems, seasonally or permanently saturated, and support specially adapted vegetation. Wetlands are often found in transitional zones, or ecotones, between uplands and open water habitats. Arcata's marshes may be among the best examples of local wetlands. The Aldergrove marsh was a log pond that has now been reconstructed and significantly enhanced as a ten acre freshwater marsh, as part of the Aldergrove Industrial Park development. A plan view of the 170 acre Arcata Marsh and Wildlife Sanctuary is shown on the following page.



Arcata Bay is part of Humboldt Bay, which is fourteen miles in length, from north to south; covers more than 17,000 acres; and is the second largest coastal estuary in California. A significant portion of the northerly waters of Arcata Bay are owned by the City, are within its City limit, and represent a significant natural, visual, aquacultural, and recreational resource for the community. The tidelands adjacent to the Bay include salt marshes and sloughs, excepted where diked/reclaimed and used as pastureland.



Overview of agricultural resources. Agricultural lands represent an important natural resource within the City. Arcata’s agricultural lands are currently used primarily for flowers, silage and hay production, food production, and livestock grazing. The Ferndale, Russ, and Loleta series are Arcata’s most productive agricultural soils.

The agricultural lands in and around Arcata produce crops of raspberries, strawberries, lilies, daffodils, potatoes, corn, artichokes, hay (forage for cattle), and a number of other shallow rooted crops. There is community support for the continuation of dairy, beef, vegetable, fodder, and flower production in the City and the Planning Area, and recognition that protection of agricultural values, as well as open space and recreational values, is important.

Arcata's agricultural lands include farmed wetlands. Most of the farmed wetland areas around Humboldt Bay are former tidelands, once owned by the State, which private parties acquired from the State under the Swamp and Overflowed Lands Act. These lands were diked/reclaimed around the turn of the century.



These areas are below ten feet in elevation, have relatively impermeable soils, and retain run-off for long periods of time. While the State conveyed the fee title interest in these former tidelands, they are still subject to an easement under the Public Trust Doctrine, for the benefit and enjoyment of the people of this state. Much of this Public Trust land bordering Arcata bay can provide important wildlife habitat and recreational opportunities.

These farmed wetlands are no longer salt and brackish wetlands, but now function as freshwater wetlands, with meandering year-round creek and slough channels. Arcata's diked former tideland areas typically include the less productive types of Loleta and Bayside soils and are generally used for pasture.

Soil classifications are based on the most recent surveys. In the event that an updated soil survey is completed in the future, the classifications and associated mapping shall be changed accordingly.

Overview of forest resources. The eastern portion of Arcata is located on forested slopes of Fickle Hill Ridge. The slopes contain mostly second growth conifer stands. These forested lands are both publicly and privately held. The City of Arcata owns two separate tracts of forest land that comprise approximately 1,125 acres. Together, the publicly owned Arcata Community and Jacoby Creek Forests constitute a significant ecological, recreational, economic and educational resource for the citizens of Arcata and the surrounding region.

The City adopted the *1994 Arcata Community Forest & Jacoby Creek Forest Management Plan* to provide guidance for integrated multi-resource management activities and to establish standards and guidelines for the Arcata Community Forest and Jacoby Creek Forest. The Resource Conservation and Management Elements contain overall goals and policies for forest management. The Forest Management Plan includes goals, policies, detailed management direction, monitoring and evaluation techniques for the City-owned forests. The forest management plan goals are listed below.

THE 1994 ARCATA COMMUNITY FOREST & JACOBY CREEK FOREST MANAGEMENT PLAN GOALS ARE TO:

- Maintain the health of the forest system, specifically, maintain the integrity of the watershed, wildlife, fisheries and plant resources, their relationships, and the process through which they interact with their environment.
- Produce marketable forest products and income to the City in perpetuity, balancing timber harvest and growth.
- The Community Forest shall also be managed to provide forest recreational opportunities for the Community.
- The City's forests shall serve as models of managed redwood forests for demonstration and educational purposes.

Guiding Principles and Goals.

- A. Protect, maintain and enhance natural ecosystem processes and functions in the region, in order to maintain their natural ecological diversity.
- B. Restore and maintain the physical and biological integrity of Arcata's streams.
- C. To protect, restore, enhance, and maintain riparian habitat on those lands subject to wetlands and streamside protection zone.
- D. Recognize and protect wetlands as highly productive complex ecosystems that provide vital habitat and cleansing systems.
- E. Restore and maintain the physical and biological integrity of publicly owned former tidelands (farmed wetlands) subject to the Public Trust easement, to a diversity of tidal, freshwater, and riparian habitats.
- F. Protect and enhance prime agricultural lands for their food production, resource, and aesthetic values.
- G. Manage a sustainable production of forest products on both public and private timberlands.
- H. Manage water resources at the watershed level, to maintain high ground and surface water quality.
- I. Manage surface and groundwater resources to provide water quality and quantity adequate to support natural ecosystem processes and functions.
- J. Conserve soil resources as the foundation of resource production, and minimize erosion and other soil depleting processes.
- K. Promote energy conservation, and development and use of alternative, non-polluting, renewable energy sources for community power in both the public and private sectors.
- L. Maintain an active relationship with adjacent communities and government agencies to encourage cooperative management of natural resources and ecosystems in Arcata's Planning Area.
- M. Conserve natural resources through reduced materials consumption and recycling (see integrated waste management policies in the Public Facilities & Infrastructure Element).
- N. Establish an Agricultural Advisory Committee to help maintain a compatible relationship between agricultural and non-agricultural activities and uses.



4.5 POLICIES

The following ~~policies~~ policy groups are included in the Coastal Resource Conservation and Management Element:

C-RC-1 Natural Biological Diversity/Ecosystem Function

C-RC-2 Streams Conservation & Management

C-RC-3 Wetlands Management

C-RC-4 Open Waters of Arcata Bay and Tidelands

C-RC-5 Agricultural Resources Management

~~RC-6 Forest Resources Management~~

~~RC-7~~ C-RC-6 Water resources Management

~~RC-8 Energy Resources Management~~

~~RC-9 Soils and Mineral Resources~~

POLICY GROUP C-RC-1 NATURAL BIOLOGICAL DIVERSITY/ ECOSYSTEM FUNCTION

Objective. Set an overarching policy that emphasizes the overall value of biological diversity and the fact that all natural resources are optimized when they function as part of a healthy ecosystem.

~~RC-1a~~ C-RC-1a *Maintain Biological and ecological integrity.* ~~Maintaining ecological balance, system function, biological integrity, and natural diversity is the primary focus of the Resource Conservation and Management Element.~~ Protecting ecological functions of natural habitats, and natural drainage and infiltration processes, will enhance natural ecosystems in the Planning Area. Ecological systems and natural processes are not to be significantly disrupted by land use development (e.g., a culvert or other drainage device that blocks fish passage). Ecological system functions elements and processes are maintained through the following measures:

1. ~~The~~ When restoration and mitigation is proposed, the structure, functions, and composition of ecological systems within the City shall contain the same native plant and animal species, in the same relative abundances and proportions, which are found in the least-disturbed natural ecosystems in the Planning Area.
2. ~~The~~ When restoration and mitigation is proposed, the ecological functions performed by ecological systems in the City shall resemble the functions of the least-disturbed natural ecosystems in the Planning Area.
3. Ecological systems and natural processes are not disrupted by exotic organisms to a significant degree.

~~4. Ecological systems and natural processes are not to be disrupted by land use activities to a significant degree (e.g., a culvert or other drainage device that blocks fish passage).~~

~~An "adaptive management" approach shall be utilized to maintain ecological and biological integrity, including monitoring the status of ecological systems in the City and adjusting City implementation of this Plan, in order to more closely~~

~~approximate the conditions provided in the Planning Area's least-disturbed natural ecosystems.~~

[Move first sentence of prefacing statement to *Resource Conservation* chapter preamble. Move adaptive management statement to *Other Initiatives*. Recast Measure 4 to prefacing statement.]

C-RC-1b **Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes), to the maximum extent practicable as defined herein.**

~~RC-1b~~ **C-RC-1c** *Non-native plant and animal species.* Some non-native species, such as pampas grass (*Cortaderia jubata*), Himalaya berry (*Rubus discolor*), Scotch broom (*Cytisus scoparius*), blue gum eucalyptus (*Eucalyptus globulus*), English ivy (*Hedera helix*), English holly (*Ilex aquifolium*), and cotoneaster (*Cotoneaster franchetii*), are invasive exotics that can and do displace native species. The presence of these non-native species reduces the area's natural diversity, biological integrity and aesthetics. Only native species, or species demonstrated to be non-invasive, shall be used in public landscapes and are to be strongly encouraged in private landscapes. **Developments proposing landscaping, or required to incorporate landscaping into their site plans for purposes of mitigating adverse environmental impacts and/or conformance with planning and zoning provisions, which are located in proximity to ESHAs where such landscaping could affect the biological integrity of the adjacent ESHA, shall, to the maximum extent feasible utilize native species plantings derived for local stocks. The use of plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, as may be identified from time to time by the State of California, or listed as a "noxious weed" by the governments of the State of California or the United States, are prohibited and shall not be allowed to naturalize or persist in landscaped areas.** The City shall provide public information that explains why invasive species are a problem. The City shall also maintain a program that recommends effective but non-toxic eradication measures, and eradicates non-native species on public lands where they are displacing native species.

~~RC-1c~~ **C-RC-1d** *Habitat value protection.* Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of their habitat values, and only uses dependent on and compatible with maintaining those resources shall be allowed within ESHAs. Proposed development in areas adjacent to ESHAs **and parks and recreation areas** shall be sited and designed to prevent impacts which would significantly degrade such areas, and must be compatible with the continuance of such habitat areas.

~~RC-1d~~ **C-RC-1e** *Sensitive habitat definition.* The City declares the following to be ESHAs within the Planning Area:

1. Rivers, creeks, sloughs, and associated riparian habitats: ~~Mad River~~; Jacoby Creek; Beith Creek; Grotzman Creek; Campbell Creek; Jolly Giant Creek; Janes Creek; Gannon Slough; Butcher Slough; and McDaniel Slough.
2. Wetlands, estuaries, and associated riparian habitats: Arcata Bay; Mad River Slough; Liscom Slough; Butcher Slough; the Aldergrove marshes and ponds; and the Arcata Marsh and Wildlife Sanctuary.
3. Other unique habitat areas: waterbird rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered plant and animal species on federal or state lists; and vegetated dunes.
4. Public Trust lands such as grazed or farmed wetlands (i.e., diked/reclaimed former tidelands).

This list of habitats is not inclusive of all environmentally sensitive habitat areas as defined by Section 30107.5 of the Coastal Act, either as may be currently present within the City, or as might be identified as environmentally sensitive habitat areas at some future time. Any areas not specifically designated in the LCP as environmentally sensitive habitat areas that meet the definition of environmentally sensitive habitat areas in Section 30107.5 of the Coastal Act shall be accorded all the protection provided for environmentally sensitive habitat areas in the LCP.

Moreover, certain developments and uses may be authorized within particular categories of ESHA regardless of demonstration of their dependency upon the resources area: (1) Diking, dredging, and filling of wetlands shall be consistent with Policy Group C-RC-3 and Section 30233 of the Coastal Act; and (2) development entailing channelization, damming, or other substantial alterations of rivers and streams shall be consistent with Policy Group C-RC-2 and Section 30236 of the Coastal Act.

RC-1e C-RC-1f

Development on parcels designated Natural Resource [NR] on the Land Use Plan Map, or within 250 feet of such a designation, or development potentially affecting a sensitive habitat area, shall be required to be in

Threshold of City review for sensitive habitat effects.



conformance with applicable habitat protection policies of this Element. All proposed development plans, including grading and drainage plans, submitted as part of a

planning entitlement application for these areas, shall show the precise locations of all sensitive habitat areas on the site plan.

~~RC-1f~~ **C-RC-1g** *Sensitive habitat buffer requirements.* A setback separating all permitted development from adjacent sensitive habitat areas shall be required. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area as a result of the development. The following shall apply to such setbacks:

1. The minimum width of setbacks for streams and wetlands shall be as provided in ~~policies RC-2 and RC-3~~ **Policy Groups C-RC-2 and C-RC-3**, respectively.
2. The minimum width of all other habitat setbacks shall be 100 feet, unless ~~the designated setback would eliminate all reasonable use of the property~~ it can be factually demonstrated that a buffer of reduced width would adequately protect the affected resources consistent with the provisions of Coastal Land Use Code Chapter 9C.59. Conversely, if information collected in the analysis of the potential adverse impacts of a proposed development on adjacent environmentally sensitive habitat areas indicate the need for buffer widths greater than 100 feet to adequately protect the resources, such enhanced width buffers shall be applied accordingly.
3. A definition and map of sensitive habitat will be maintained by the City. The sensitive habitats map is intended to serve as a repository of collated data for use as a screening review tool in the review of future development proposals and is not intended to serve as a comprehensive inventory of all ESHA within the City for purposes of administering the policies and standards of the Local Coastal Program (LCP).

~~RC-1g~~ **C-RC-1h** *Sensitive habitat information required in development application review.* Where there is a question regarding the boundary, buffer requirements, location, or current status of an ESHA identified pursuant to General Plan policies, the public or private applicant shall provide the City with the following:

1. Base map delineating topographic lines, adjacent roads, and location of dikes, levees, flood control channels, and tide gates, as applicable.
2. Vegetation map, including identification of species that may indicate the existence or nonexistence of a sensitive environmental habitat area.
3. Soils map delineating hydric and non-hydric soils.
4. Census of animal species indicating the existence, or non-existence, of an environmentally sensitive habitat area.

This information shall be provided to the Department of Fish and Game, US Fish and Wildlife Service, National Marine Fisheries Service, and other affected agencies for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question shall be based on the substantial evidence in the record and supported by written findings.



C-RC-1i Land divisions, including subdivisions, lot splits, and lot line adjustments involving lots containing or within proximity to ESHA for which protective buffers are required, may only be approved if the resulting parcels contain adequate space to place all improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) outside of areas required for watercourse and/or other ESHA buffer protection.

~~**RC-1h Habitat integration for ecological integrity and development of a protected habitat corridor system. An ecological connection network plan for linking native habitats in the Planning Area, and all of the environmentally sensitive habitat areas identified in this Plan, shall be prepared. The network shall incorporate all existing large areas (or "nodes") of habitat for fish and wildlife species (such as marshes and forests) and "linkages" or "corridors" of natural habitat (such as stream zones and sloughs) for migration and species movement. The plan will link large "nodes" of natural habitat together with the "linkage" connections as a functioning ecological network. Nodes and linkages shall include a "core" of natural ecosystem elements and shall provide a protected "buffer" along the outer margins of the core habitat which shall function to protect the ecological values in the "core" habitat. [Move to *Other Initiatives*.]**~~

~~**RC-1i Use of biocides and other compounds with biological consequences. Pesticides, herbicides and insecticides (biocides); hormones and antibiotics (growth promoters); and hydrocarbon based compounds, used both commercially and individually, can accumulate to toxic levels in biological organisms, including humans. Certain of these substances, even at low levels, can affect reproductive health. The City shall maintain and make available a current list of alternative, environmentally safe products for controlling unwanted vegetation and pests, growing crops and enhancing production of animal products. The use of substances and compounds which can accumulate to toxic levels is restricted by**~~

~~the City (Pesticide Ordinance), and a program for fostering the reduction in private use shall be developed and implemented.~~

[Revise and move to *Other Initiatives*.]

C-RC-1j Economic Viability Determination. If the application of the policies and standards contained in this Coastal Land Use Plan or Coastal Land Use Code regarding use of property designated as Environmentally Sensitive Habitat Area (ESHA), or Environmental Buffer Area (EBA) would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat Area provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic viability determination as required in Coastal Land Use Code Section 9C.072.035.

In addition, the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA or EBAs that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to ESHA and EBA.

To evaluate whether a restriction would not provide an economically viable use of property as a result of the application of the policies and standards contained in this Coastal Land Use Plan or the Coastal Land Use Code regarding use of property designated as Environmentally Sensitive Habitat Area or Environmental Buffer Area, an applicant must provide the information about resources present on the property that is needed to determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope/nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined.

POLICY GROUP C-RC-2 STREAMS CONSERVATION & MANAGEMENT

Objective. Enhance, maintain, and restore the biological integrity of entire steamcourses (headwaters to mouth), and their associated riparian habitats, as natural features in the City's landscape.

RC-2a C-RC-2a **Designation of protected streams.** The provisions of this policy shall apply to those streams shown on the Protected Watercourse Map (Figure RC-a). These watercourses and their associated riparian areas serve as habitat for fish and wildlife, provide space for the flow of stormwater runoff and flood waters, and furnish open space and recreational areas for city residents.

C-RC-2b **The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of**

marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

~~RC-2b~~ **C-RC-2c** *Environmental Buffer Area (EBA).* A streamside protection ~~area~~ is hereby established along both sides of the streams identified on the City **Protected Watercourse Map**. The purpose of the EBA is to remain in a natural state in order to protect streams' ecosystems and their associated riparian habitat areas. The EBA shall ~~include~~ **be established as follows:**

~~1. In areas where existing development, as defined in the Land Use Code, is adjacent to the stream, the EBA shall be not less than 25 feet outward on both sides of the stream, measured from the top of bank.~~

~~2. In all other locations within the City, the The EBA shall be not less than 100 feet outward on in width measured outward from both sides of the stream, ~~measured commencing~~ from the top of bank.~~

~~3.~~ **2.** In locations within the City having significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the EBA shall be expanded to encompass all of the riparian vegetation, except in no case shall the EBA exceed 250 feet in width from the top of bank on either side of the stream.

3. The width of the EBA may be reduced consistent with the provisions of Coastal Land Use Code Chapter 9C.59 if, based upon the presence of adjoining development in closer proximity to the stream and riparian resources, the intensity of the proposed development, and in consideration of other physical factors, it can be demonstrated that, with the addition of other mitigative features, such as landscaped screening and berming, the reduced-width buffer would afford adequate protection to the stream and riparian resources from direct, indirect, and cumulative adverse impacts.

~~EBA's outside of the City shall follow the policies in the Humboldt County Framework Plan, regarding Streamside Management Areas.~~

~~RC-2c~~ **C-RC-2d** *Allowable uses and activities in Environmental Buffer Areas.* The following compatible land uses and activities may be permitted in EBAs, subject to all other policies ~~in this Element~~ **of the Land Use Plan**, including those requiring avoidance of impacts and other mitigation requirements:

~~1. Outside the Coastal Zone:~~

- a. agricultural operations compatible with maintenance of riparian **and stream** resources;
- b. fencing along property boundaries and along EBA setback boundaries to prevent bank erosion and degradation of natural riparian vegetation by livestock **and unauthorized human intrusion**;

- c. maintenance of existing roads, driveways, and structures;
- d. construction of public road crossings where there are no feasible alternatives, provided such crossings minimize their lengths through the EBA;
- e. forest management practices as permitted by the State of California or Arcata's Forest Management Plan;
- f. construction and maintenance of foot trails for public access when designed to minimize impacts on the adjacent ESHA;
- g. construction and maintenance of utility lines;
- h. resource restoration projects;
- i. emergency or preventive removal of sediment and vegetation for flood control purposes ~~(only when authorized by the City of Arcata)~~ authorized by coastal development permit;

~~2. In the Coastal Zone:~~

- ~~a. all uses and activities listed in (1) above;~~
- ~~b. j. public coastal access improvements; and~~
- ~~c. k. boat launching facilities.~~

3. If the provisions herein would result in any legal parcel, not on Public Trust lands, created prior to the date of this plan, being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to ~~allow a reasonable economic use of the parcel~~ avoid an unconstitutional taking of the property, subject to approval of a conditional use permit and consistent with Policy and Coastal Land Use Code Chapter 9C.72. Any land use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.

~~RC-2d The Wetland and Stream Protection Combining (WSP) Zone. The WSP zone of the Land Use and Development Code shall be applied to all streamside protection areas. [The WSP zone should be a land use designation under the NR district, e.g., NR-WSP, NR-AG, NR-TPZ.] [Delete policy in entirety due to potential confusion the application of the designation may have with respect to reasonable investment-backed expectations a purchaser may have with grad to permissible development at the site.]~~

~~D-3e RC-2e Arcata Bay Open waters, shoreline, and tidal marshes. Proposed land uses and development shall not significantly alter the natural appearance or landforms of the waters, shoreline, and tidal marshes of Arcata Bay, which are designated in the natural resource land use category. Where these resources are visually degraded, developments shall be required to restore or enhance their appearance.~~

Development within the area bounded by Samoa Blvd., Butcher's Slough and Gannon Slough shall include local native plant landscaping, screenings and other measures to ensure compatibility with scenic coastal resources and with the educational, recreational, wildlife and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.

C-RC-2f Land divisions, including subdivisions, lot splits, and lot line adjustments involving lots containing or within proximity to ESHA for which protective buffers are required, may only be approved if the resulting parcels contain adequate space to place all improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures and features such as detention/retention ponds and bio-filtration swales) outside of areas required for watercourse and/or other ESHA buffer protection.

~~RC-2e~~ **C-RC-2g** *Review and approval of projects affecting streamside protection areas.* Applications for development on any parcel which is located partially or wholly within ~~an SPA~~ **a streamside Environmental Buffer Area** shall be ~~subject consistent with all Coastal Land Use Plan policies, including but not limited~~ to the requirements of Policy RC-1 and RC-2.

~~RC-2g~~ ~~Maintenance of streams as natural drainage systems. Arcata's creeks carry a significant amount of the City's stormwater. Drainage controls shall be enforced through implementation of the Drainage Master Plan, to protect water quality, and minimize erosion, sedimentation and flood impacts to City creeks. A comprehensive stream maintenance program shall be prepared to augment stormwater utility rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance riparian habitat. [Move to Other Initiatives]~~

C-RC-2h Conservation easement, or deed restrictions. Dedication of an offer to dedicate a conservation easement, or equivalent deed restriction, encompassing the area within the EBA shall be required as a condition of approval of any discretionary planning permit, including design review, when any portion of the project site falls within an EBA. Easements may be conveyed to the City of Arcata, to another governmental agency, or City-approved non-profit entity which shall manage the easement to protect the stream's and/or riparian corridor's EBA functions.

~~RC-2h~~ ~~Restoration of degraded creek resources. Portions of Janes, Jolly Giant, Campbell, and Grotzman Creeks are culverted or covered, causing degradation of creek resources. Streams such as Janes Creek have tide gates which are barriers that prevent anadromous salmonids from accessing critical habitat. Furthermore, recreational use has degraded riparian vegetation along upland reaches of certain creeks (e.g., Jolly Giant, Campbell, and Jacoby Creeks) within Redwood Park and the Community Forest. Lack of vegetation along creek courses can cause erosion, resulting in water and airborne impacts. Restoration activities for improving degraded stream resources shall include:~~

- ~~1. Uncovering of creek courses in public rights-of-way, as part of public works improvement projects.~~
- ~~2. Encouraging landowners to restore degraded EBA and stream resources, including native riparian vegetation establishment and exotic species removal, as part of a new development or renovation.~~
- ~~3. Controlling uses that are damaging to upland reaches of creeks in the Community Forest and Redwood Park.~~
- ~~4. Removing or modifying barriers such as tide gates that prevent migrating anadromous salmonids which are federally listed endangered species from reaching their critical habitat.~~
- ~~5. Exclusionary fencing to keep livestock out of the EBA.~~

~~The Streams Management Plan shall be implemented to provide guidance for rehabilitation and management of creeks that flow through Arcata. The SMP addresses new and modified development along creeks, and existing activities in creek zones. Stream rehabilitation projects shall be designed to maintain or improve flow capacity, trap sediments and other pollutants which decrease water quality, minimize channel erosion, prevent new sources of pollutants from entering the stream, and enhance instream and riparian habitat. [Move to *Other Initiatives*]~~

~~[Policies RC-2b, c, f, & h revised by Ordinance No. 1377, September 2008]~~

C-RC-2i Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policy Group C-RC-1.

POLICY GROUP C-RC-3 WETLANDS MANAGEMENT

Objective. To protect existing wetlands areas and their functional capacities and values, maintain a standard of “no net loss” in area and value, restore degraded wetland areas, enhance wetlands functions, and create additional wetland areas to replace historical losses, **while identifying particular instances when the filling, dredging, and diking of wetlands may be permitted.**

~~RC-3a~~ **C-RC-3a** Requirement for wetland delineation and study. All proposed development applications shall include a site plan that shows the precise location of any wetlands that exist on the subject property. Any application for development on a parcel where wetlands may be present shall include a wetland reconnaissance or delineation report as follows:

1. The reconnaissance or wetlands delineation and report shall be based upon field investigations and shall be prepared by a professional or technical expert qualified in wetlands biology or plant ecology.
2. For purposes of this plan, wetlands shall include coastal zone lands where one or more of the following three characteristics are present:
 - a. source of water (surface or subsurface) which is present for sufficient periods to promote hydric soils formation or growth of hydrophytic plant species;
 - b. hydric soils; or
 - c. **prevalence of** hydrophytic plants.
3. Where a reconnaissance indicates the probable existence of wetlands, detailed wetland delineation shall be required, including a map with the best available contour information showing where each of the three factors are present and the precise boundaries of any areas which are determined to be wetlands.
4. If wetlands are found to exist on the property, an analysis of the potential functional or habitat value of the wetlands shall be provided.

~~RC-3b~~ **C-RC-3b** **Diking, Filling, or Dredging** of wetlands. The following shall apply:

1. Filling, dredging, or diking of wetlands shall be prohibited in the Coastal Zone, unless it can be demonstrated that:

a. ~~the wetland restrictions, if imposed, would render a parcel, not subject to the Public Trust, unusable for any use permitted by the land use plan;~~

~~b. there is no feasible, less environmentally superior damaging alternative to wetland fill for development of a permitted use; and~~

b. feasible mitigation measures have been provided to minimize adverse environmental effects; and

c. the fill, dredging, or diking is limited to the ~~least amount necessary to allow development of permitted uses following:~~

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.



(7) Nature study, aquaculture, or similar resource dependent activities.

~~2. Filling of wetlands outside the Coastal Zone may be permitted only when the following has been demonstrated by the project proponent:~~

~~a. the fill is the least amount necessary to allow a reasonable and harmonious configuration of development on the parcel;~~

~~b. the wetlands proposed to be filled are small and isolated, and have limited functional value when compared to larger, contiguous wetland areas.~~

~~3. Filling of wetlands shall only be authorized if appropriate mitigation, resulting in “no net loss” in area and value of wetlands, is provided. Mitigation may shall consist of creating and maintaining a new wetland wetlands, at appropriate multiple areal ratio, such as 4:1, for offsetting temporal and other losses and to ensure that the compensatory wetlands are~~ of equal or greater functional capacity and value than the wetland proposed to be filled, restoration of previously degraded wetlands, or enhancement of existing wetland areas.

The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policy Group C-RC-1.

~~RC-3c C-RC-3c~~ *Designation of Environmental Buffer Areas (EBA).* An EBA shall be established to separate all permitted development from adjacent existing wetlands which are to be preserved in a natural state and new wetland areas which are created as a mitigation. The EBA's purpose is to remain in a natural state in order to protect wetland ecosystems and their associated habitat areas from destruction or degradation. The extent of the EBA shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study, but shall include the wetland area and a setback area which shall ~~generally range from be a 50-foot minimum to a of 100 foot maximum feet in width measured outward commencing from the wetland:upland boundary. Specific findings, based on evidence provided for City review, shall be required for setbacks~~ **The width of the EBA may be reduced to less than 100 feet consistent with the provisions of Coastal Land Use Code Chapter 9C.5, if, based upon the intensity of the proposed development, the sensitivity of the resources affected, the presence of adjoining development in closer proximity to the wetlands resources, and in consideration of other physical factors, it can be demonstrated that, with the addition of other mitigative features, such as landscaped screening and berming, the reduced-width buffer would afford adequate protection to the wetlands resources from direct, indirect, and cumulative adverse impacts.**

~~RC-3d C-RC-3d~~ *Allowable uses and activities in Environmental Buffer Areas.* The following compatible land uses and activities may be permitted in EBAs, subject to all other policies in this **Element Land Use Plan**, including those requiring avoidance of impacts and other mitigation requirements:

1. Resource restoration or enhancement projects.
2. Farming, consistent with policy ~~RC-3i C-RC-3m.~~
3. Outdoor recreation activities, such as bird watching, hiking, boating, horseback riding, and similar activities.

4. Education, scientific research, and use of nature trails.
 5. Drainage ditches when compatible with wetland function and which do not significantly alter wetland hydrology.
 6. Minor modification of existing, serviceable structures which does not entail expansion of such structures.
 7. Fencing to prevent livestock and unauthorized human intrusion from degrading wetlands and riparian vegetation.
- Any use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.

~~RC-3i Management of Arcata Marsh for wetlands values as well as wastewater treatment. The marsh and wildlife sanctuary serves a variety of purposes and functions, including providing wetland habitat for a variety of species, wastewater treatment, and recreational use. These purposes shall be balanced for the benefit of all users.~~ [Move to Land Use Policies Group C-LU-6]

~~RC-3h C-RC-3i~~ All proposed development within or adjacent to the areas identified on the map as wetlands or riparian corridors shall comply with ~~City Wetlands Development Standards~~ the development standards of the Land Use Code and shall include the following:

1. A wetland delineation.
2. A mitigation plan for impacted areas.
3. Setback and buffer areas from delineated wetlands.
4. Easements and/or deed restrictions for access to and from and for conservation of the onsite delineated wetlands.
5. ~~Permitted~~ A list of permitted and protected uses/activities within delineated wetland areas.
6. ~~Fencing~~ Provisions for fencing to prevent livestock or unauthorized human intrusion from degrading wetlands and riparian vegetation.

~~RC-3j~~ A Wetlands Buffer Area shall be required to be established pursuant to Policy Group RC-3 to protect the areas shown as surrounding wetlands ~~on the Wetlands Map delineated in accordance with Policy C-RC-3a~~. All development within the buffer areas shall comply with Wetlands Buffer Area Development Standards of the Coastal Land Use ~~and Development Guide Code~~.

~~RC-3o Wetland and Stream Protection Combining (:WSP) Zone. The :WSP zone of the City's Land Use Code shall be applied to all Wetland Protection Areas.~~

~~RC-3f~~ C-RC-3e Review and approval of projects affecting Environmental Buffer Areas.

Applications for development on any parcel which is located partially or wholly within an EBA shall be subject to the requirements of Policy RC-1 and RC-3.



~~RC-3g~~ **C-RC-3f** *Conservation easements or deed restrictions*. Dedication of an offer to dedicate a conservation easement, or equivalent deed restriction, encompassing the area within the EBA shall be required as a condition of approval of any discretionary action, including design review, when any portion of the project site falls within an EBA. ~~Such easements~~ **Easements** may be conveyed to the City of Arcata, another governmental agency, or City-approved non-profit entity which shall manage the easement to protect the EBA's functions.

~~RC-3h~~ *Designation of wetland protection zones. The WSP Zone shall be applied to wetlands, wetland setbacks, wetland buffer areas and modified wetland buffer areas, as defined in the City's Land Use Code, at the time of development review and approval.*

C-RC-3h *Wetlands Map.* A wetlands map, maintained by the City, will show the general location of wetlands, riparian corridors, and uplands within the City limits and urban services zone. The wetlands map is to be utilized as a screening review tool and is not intended to serve as a comprehensive inventory of wetlands within the City for purposes of administering the policies and standards of the Local Coastal Program (LCP).

~~RC-3i~~ *Management of Arcata Marsh for wetlands values as well as wastewater treatment. The marsh and wildlife sanctuary serves a variety of purposes and functions, including providing wetland habitat for a variety of species, wastewater treatment, and recreational use. These purposes shall be balanced for the benefit of all users.* [Move to Land Use Policies Group C-LU-6]



~~RC-3h~~ **RC-3i** All proposed development within or adjacent to the areas identified on the map as wetlands or riparian corridors shall comply with ~~City Wetlands Development Standards~~ the development standards of the Land Use Code and shall include the following:

1. A wetland delineation.
2. A mitigation plan for impacted areas.
3. Setback and buffer areas from delineated wetlands.
4. Easements and/or deed restrictions for access to and from and for conservation of the onsite delineated wetlands.

5. ~~Permitted~~ A list of permitted and protected uses/activities within delineated wetland areas.

6. ~~Fencing~~ Provisions for fencing to prevent livestock or unauthorized human intrusion from degrading wetlands and riparian vegetation.

~~RC-3j~~ A Wetlands Buffer Area shall be required to be established pursuant to Policy Group RC-3 to protect the areas shown as surrounding wetlands on the Wetlands Map delineated in accordance with Policy C-RC-3a. All development within the buffer areas shall comply with Wetlands Buffer Area Development Standards of the Coastal Land Use ~~and Development Guide Code~~ Code.

~~RC-3j~~ C-RC-3k *Minimum mitigation requirements for wetland impacts.* Diking, dredging, or filling of a wetland that is otherwise in accordance with the policies of this ~~General Coastal Land Use~~ Plan, shall, at a minimum, require the following mitigation measures, monitoring program, and funding.

1. A detailed restoration plan, monitoring program, and funding source for each site shall be required as part of the project application. The restoration plan shall include provisions for restoration to equal or greater wetland biological productivity. The monitoring program shall include reporting requirements that document mitigation success. Dedication of the land to a public agency, purchase, or other stewardship method which permanently restricts the use of the site to habitat and open space purposes, shall be required. The site shall be dedicated, purchased, or other stewardship agreed upon, and mitigation funding shall be provided, prior to any permitted diking or filling.

2. ~~Areas adequate to~~ Upland areas suitable for the creation of compensatory wetlands mitigation which would maintain or replace the functional capacity of the diked, dredged, or filled wetland, shall be opened to tidal action, or other sources of surface water shall be provided. This provision shall apply to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if, as part of a restoration program, they are opened to tidal action or provided with other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication described under part 1 shall apply to any program or activity performed pursuant to this policy.

3. Mitigation shall, to the maximum extent feasible, be of the same type as the wetland to be filled (e.g., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.).

~~4. Where no suitable private or public restoration or enhancement sites are available, or where a wetlands mitigation bank in Arcata's Planning Area has been established that provides suitable replacement area, an in-lieu fee may be required to be paid. The fees shall be paid to an appropriate public agency for use in the restoration or enhancement of an area of equivalent productive value or surface area, or to the entity managing the wetlands mitigation bank.~~

~~RC-3k~~ C-RC-3l *Wetland functional capacity maintenance requirement.* Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of these resources. Functional capacity means the ability of the wetland or estuary to be physically and biologically self-sustaining and to maintain natural species diversity. In

order to establish that the functional capacity is being maintained, all of the following must be demonstrated:

1. Presently-occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem (i.e., natural species diversity, abundance and composition are essentially unchanged as the result of the project).
2. A species that is rare or endangered will not be significantly adversely affected.
3. Consumptive (e.g., fishing, aquaculture and hunting) or non-consumptive (e.g., water quality and research opportunity) values of the wetland or estuary ecosystem will not be significantly reduced.

~~RC-3~~ **C-RC-3m** *Uses allowed in diked/reclaimed former tidelands.* Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are specified in Land Use Element Policy LU-6 and are summarized below:

1. Agricultural operations limited to accessory structures to existing agricultural use, apiaries, field and truck crops, livestock raising, ~~greenhouses (provided they are cold frames, "hot houses" and other temporary or seasonal greenhouse-like, controlled environment structures intended to foster plant germination and early growth, if~~ not located on slab foundations and crops are grown in the existing soil on site), and orchards.

~~2. Farm-related structures, including barns, sheds, and farmer-occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses. No more than one primary and one secondary residential unit shall be allowed per parcel.~~

~~3.~~ 2. Restoration projects.

~~4.~~ 3. Nature study, aquaculture, and similar resource- dependent activities compatible with the Public Trust resources and uses.

~~5.~~ 4. Incidental public service purposes which may temporarily impact the resources of the area (such as burying cables or pipes).

Expanding farming operations into non-farmed wetlands, by diking or otherwise altering the functional capacity of the wetland is not permitted. ~~Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required.~~

POLICY GROUP C-RC-4 OPEN WATERS OF ARCATA BAY & TIDELANDS

Objective. Maintain existing Bay wetlands and tide lands, protect them from urban and agricultural encroachments, or degradation, and manage the open waters of Arcata Bay for their wildlife, fisheries, navigation and ecological values and recreation and tourism uses.



~~RC-4a~~ C-RC-4a Protection of open waters /tideland areas of Arcata Bay. The tidal and water areas of Arcata Bay constitute a fragile Public Trust resource and access shall be controlled to avoid resource degradation, while maintaining the public's right to navigation. Tidal marshes shall be enhanced and maintained, especially in the areas of McDaniel, Gannon, and Butcher's Sloughs, to protect wetland values.

~~RC-4b~~ C-RC-4b Access to Arcata Bay. The following routes are designated as Public Access Corridors and are to be properly signed and identified as approved Bay access points.

1. "I" Street from Samoa Boulevard, south through the Arcata Marsh and Wildlife Sanctuary to the boat launching facility on Arcata Bay.
2. South "G" Street south of "H" Street, to Highway 101.
3. Highway 101 from Samoa Boulevard (Highway 255), south to Bayside Cutoff.
4. Samoa Boulevard from Highway 101 west to ~~Mad River Slough~~ **the City Limits Line at Slaughter House Road, including the trail connection into the McDaniel Slough Wetlands Enhancement Project.**

A New development within and along the Public Access Corridors shall be designed and sited to allow for the development of a system of foot trails and interpretive sites ~~shall be established~~ along the Arcata Bay shore westward to the City limit, subject to the following guidelines.

5. All planning and development in the area that is both South of Samoa Boulevard and west of State Route 101 and which is identified as tidelands, former tidelands, wetlands or riparian corridor on the adopted Wetlands Map shall be reviewed by the Creeks & Wetlands Committee, and coordinated with California Department of Fish and Game.
6. Development in the area bounded by Butcher's Slough and Gannon Slough should occur in conjunction with management of the National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.
7. Motorized vehicles shall be restricted to paved roads and parking lots.
8. Pedestrians shall be restricted to designated trails and facilities.
9. Valid scientific and educational studies of wetlands and tidelands are encouraged.

~~RC-4e~~ **C-RC-4c** *Coastal-dependent and public trust uses of Arcata's tidelands.* Tidelands of Arcata Bay support a variety of wildlife as well as human activities. The following provisions shall be made for managing tideland areas.

1. New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development.
2. Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Lands [~~NR-PTL~~ **NR-PT**], and identified as passive use recreational areas.
3. The Arcata Marsh and Wildlife Sanctuary shall be designated as Natural Resource [NR] and the recreational component of the project identified as a passive use recreational area.
4. The continued use of the tideland for scientific and educational studies is encouraged.
5. The Arcata Marsh and Wildlife Sanctuary (AMWS) shall be maintained and new facilities shall be consistent with the AMWS plan adopted by the City Council.
6. The South "I" Street boat launch shall be enhanced and maintained to accommodate small watercraft and windsurfing.
7. The placement of interpretative sites along the Arcata Bay shore, including Nature and Wildlife Centers, shall be coordinated with other agencies, and serve as an educational focal point for Arcata's natural resource areas.
8. Access on the levee from the AMWS westward to the City limit will be provided for passive recreation and nature observation.

~~RC-4d~~ **C-RC-4e** *Diking, dredging, filling, and shoreline structures.* Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted where it has been demonstrated that **there is no feasible environmentally less damaging alternative**, the Public Trust resources and values are being protected, and **feasible** mitigation measures have been provided, which minimize adverse environmental effects, for the following limited uses.

1. Incidental public service purposes including, but not limited to, burying cables and pipes **or inspection of piers**, and maintaining existing ~~dikes~~ **intake** and ~~public facilities~~ **outfall lines**.
2. Maintaining ~~a~~ **the existing, or restoring the previously dredged depth of the existing** channel ~~adequate to serve~~ **servicing** the boat ramp ~~at current levels of use~~.
3. Resource restoration purposes.
4. Nature study, aquaculture, or similar Public Trust resource dependent activities.
- ~~5. Agriculture as currently practiced within existing farmed wetlands but not including the expansion thereof.~~

The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policy Group C-RC-1.

~~RC-4e~~ **C-RC-4i** *Aquaculture use of coastal wetlands/tidelands.* To protect aquaculture activities in Arcata Bay, the City shall:

1. Ensure that its wastewater discharge does not aggravate existing coliform loading problems in Arcata Bay.
2. Take measures to reduce coliform loading of perennial streams within its jurisdiction, as part of a stream maintenance program. These measures shall include controlling identified sources of coliform loading such as septic tank leachate and runoff from agricultural operations.

Aquaculture shall not adversely impact natural ecological processes nor native wildlife or fisheries or their habitat in the Bay. No new aquaculture uses shall be permitted unless it can be demonstrated that adequate precautions will be taken to prevent new adverse impacts to natural ecological processes. The City shall continue its management of:

1. Integrated wetland enhancement and wastewater treatment.
2. The tidelands, for commercial and native oyster harvesting.

~~RC-4f~~ **C-RC-4d** *Management of bayfront and marsh areas for coastal access, recreation, and tourism.* Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust ~~Land Zone [NR-PTL NR-PTZ]~~ and protected from uncontrolled access. The following guidelines shall be used when permitting access to these areas:

1. Motorized vehicles shall be restricted to paved roads and parking lots.
2. Pedestrians shall be restricted to designated trails and facilities.
3. Valid scientific and educational studies of the wetlands and tidelands shall be encouraged.

New development shall not restrict public access to the shoreline. Public access to the shoreline shall be required of new development. Where consistent with the Humboldt Bay National Wildlife Refuge's Management Plan, controlled public access to the Refuge's Jacoby Creek Unit shall be developed along Arcata Bay from the AMWS to the City's westward limit.

C-RC-4f In order to ~~serve coastal-dependent uses or~~ protect existing ~~development structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply,~~ shoreline structures (such as ~~revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls,~~ dikes or tidegates) that ~~may~~ alter the natural shoreline, may be permitted only when they ~~are designed to eliminate or mitigate adverse impacts on local shoreline sand supply,~~ do not effect any federally listed species, ~~and~~ no other feasible, less environmentally-damaging alternative is available, and only when not located within a wetland, unless the wetland will be the primary beneficiary of the structure, ~~and the structure is approved as consistent with Policy Group RC-3. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.~~

RC-4g Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems. The disposal of dredge spoils on existing wetlands shall not be permitted unless such disposal is necessary for either a Public Trust resource restoration project ~~or for the maintenance of existing agricultural operations in farmed wetlands.~~ ~~Fill will be allowed for aquaculture projects if it can be shown that it is necessary for the project, is required to be located within the wetland, and there is no other feasible, less environmentally damaging, alternative.~~

C-RC-4h Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

POLICY GROUP C-RC-5 AGRICULTURAL RESOURCES MANAGEMENT

Objective. Protect and enhance agricultural uses on prime agricultural lands within the City, and encourage more productive agricultural use of agriculturally suitable lands.

~~**RC-5a Promotion of and participation in agricultural production within the City. Diverse and intensive agricultural production and increased participation shall be promoted, in order to maintain the value of agricultural lands, improve the economic base, and increase employment and food production. The City does not, however, advocate more intensive agricultural uses and practices that would have adverse environmental impacts. Agricultural operations, such as Community Supported Agriculture (CSA) are strongly encouraged.**~~ [Move to Other Initiatives.]

C-RC-5a Prime agricultural land; maintenance in agricultural production. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the City's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already

severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Policy LU-___.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

~~RC-5b Agricultural Advisory Committee. The City shall appoint an Agricultural Advisory Committee to advise on agricultural issues and programs. The responsibilities of the committee shall include, but are not limited to:~~

- ~~1. Development of a Community and Farm Protection Ordinance, as well as conflict resolution protocol.~~
- ~~2. Development of programs (educational, leasing, and purchase) that will encourage responsible productive uses of agricultural lands.~~
- ~~3. Identification of lands for preservation and/or acquisition programs.~~
- ~~4. Maintain a database of resources available to farmers, such as Williamson Act advantages, conservation easements, organic farming practices, and marketing strategies.~~

C-RC-5b Agricultural land; determination of viability of uses; economic feasibility evaluation.

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Policy LU-___ as to any local coastal program or amendment to any City's certified local coastal program, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to the local coastal program.

~~RC-5c Community and farm protection. Maintaining a compatible relationship between agricultural and residential uses will be based on:~~

- ~~1. Recognizing the rights of owners of productive agricultural land to make agricultural use of their land.~~
- ~~2. Identifying and minimizing potential conflicts between agricultural operations and adjacent residential, commercial, and community facility uses.~~

~~3. A Community and Farm Protection Ordinance shall provide a foundation for minimizing conflicts, educating the community, and a protocol for mediating unresolved disputes. Once adopted, the ordinance shall be mailed to all owners of agricultural and adjacent lands and disclosed to affected property owners at the time of parcel transfer.~~

C-RC-5c Lands suitable for agricultural use; conversion. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless:

(1) continued or renewed agricultural use is not feasible; or

(2) such conversion would preserve prime agricultural land or concentrate development consistent with the following:

(a) New residential, commercial, or industrial development, except as otherwise provided in this Coastal Land Use Plan, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where fifty percent (50%) of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

~~RC-5d Permanent protection for agricultural lands. Protection of agricultural resources shall be secured through the purchase of conservation easements, development rights, and outright acquisition. The City shall work in conjunction with other entities such as land trusts, whenever possible, to preserve agricultural buffers and maintain and enhance agricultural uses on prime agricultural soils.~~

C-RC-5d All divisions of prime agricultural lands, development adjacent to prime agricultural lands, and conversions approved pursuant to Policy LU-6 shall only be authorized pursuant to an approved continued viability report and agriculture management plan demonstrating that the parcel(s) will remain viable for, and actively engaged in, agricultural use once subdivided, and that development adjacent to prime agricultural lands shall diminish the productivity of such prime agricultural lands.

C-RC-5e No divisions of prime agricultural lands suitable for agriculture, except those conversions approved pursuant to Policy LU-6, and no development

adjacent to prime agricultural lands, shall diminish the productivity of such prime agricultural lands.

C-RC-5f All structural development on agriculturally zoned lands shall be subject to siting, design and performance standards to protect the maximum amount of agricultural lands and minimize interference with production activities.

C-RC-5g Otherwise permissible residential development on agricultural lands shall be subject to appropriate regulations as to maximum size and bulk, requirements for supplemental design review, and/or discretionary consideration of the relative risk of impact to operational sustainability, to ensure that agricultural lands and lands suitable for agricultural use do not lose their long-term productivity, disabling the intergenerational transfer of agricultural lands within farm families.

C-RC-5h New non-agricultural development immediately adjacent to agricultural areas shall be required to include location, design, construction, and maintenance techniques that protect agriculture uses and minimize conflicts between the agricultural and the non-agriculture uses.

C-RC-5i The long-term productivity of soils shall be protected. Any prime agricultural soils removed in the construction of agricultural-related structures that could not be feasibly located elsewhere to avoid such impacts, shall be stockpiled and reused on productive agricultural lands.

~~POLICY RC-6 FOREST RESOURCES MANAGEMENT~~

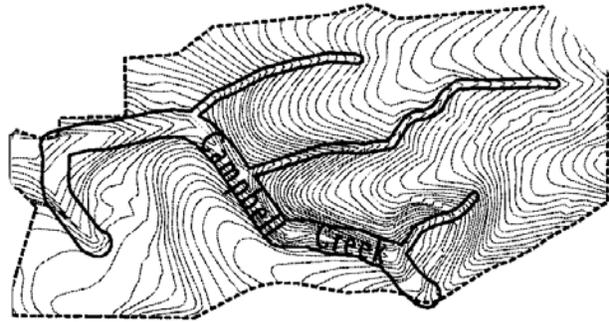
~~Objective. Protect and enhance private and public forest lands (Community and Jacoby Creek) to maintain the integrity of the ecosystem while providing timber production, recreation, and habitat values.~~

~~RC-6a Management of Arcata Community Forest (Not applicable in Coastal Zone).
The City's forest management plan includes the following policies:~~

- ~~1. Recreation and aesthetics resource management - The community forest will emphasize dispersed, day-use opportunities. Recreational use shall not be allowed to impact other resources such as fish, wildlife, or watershed.~~
- ~~2. Timber resource management - To ensure the sustainable and long-term production of forest products, the rate of harvesting must not exceed the rate of production. Long-term productivity refers to the continuing ability of the forest to produce timber while retaining the associated values of watershed, wildlife, soils, recreation and aesthetics. This is dependent upon the use of management practices that do not allow for the deterioration or impairment of soil productivity or the alteration of the natural landscape beyond its~~

~~ability to recover. For planning purposes, long term means that exceeding fifty years.~~

- ~~3. Watershed resource management—Water quality, soil, riparian, and aquatic biological productivity shall be maintained and enhanced through the application of City forest management standards and the implementation of watershed improvement projects.~~



- ~~4. Wildlife resource management—Wildlife habitat is managed to promote species diversity and to ensure that populations of indigenous species are maintained. This can best be achieved through the maintenance and enhancement of habitat values. Habitat values which lead to species diversity include the following elements: breeding, foraging, watering, rearing, hiding and thermal cover.~~
- ~~5. Vegetation and botanical resources—Maintain the native component of species found in the redwood forest, both by controlling exotics and managing for a species mix that would be found naturally in the redwood forest.~~

~~RC-6b Management of Jacoby Creek Forest (Not applicable in Coastal Zone). The management policies for the Jacoby Creek Forest are the same as those for the Arcata Community Forest, listed above, except that the Jacoby Creek Forest is not open to recreational use.~~

~~RC-6c Allocation of forest fund revenues (Not applicable in Coastal Zone). At least twenty percent of net forest fund revenues, derived from timber cutting, shall be directed towards park acquisition, maintenance, and development. This can include acquisition of stream corridors, and riparian and greenbelt areas. These areas contribute to the diversity of parks and, in the case of linear parks along stream corridors, provide passive recreation areas compatible with the environment. The acquisition of open space shall be emphasized as an appropriate use for the remaining revenues.~~

~~RC-6d Management practices for private timberlands (Not applicable in Coastal Zone). The management of private timberlands shall be encouraged to use current principles of sustainable forestry for all aspects of forest use and function: recreation; timber production; biodiversity; air and water quality; and carbon storage. Timber owners are encouraged to apply for~~

~~conservation easements, certified forestry, or compensation for carbon storage.~~

~~RC-6e Timber harvest plans (Not applicable in Coastal Zone). The City, in cooperation with California Department of Forestry, shall request review of all Timber Harvest Plans (THP) within the Planning Area. The City shall review THPs for measures that protect water quality, control erosion and flooding, and preserve the City viewshed. The city shall recommend that THPs which do not include these measures not be approved.~~

~~RC-6f Urban conversions (Not applicable in Coastal Zone). The sustainable management of timber resources, and related uses, shall be encouraged, so that the long term economic return from productive timber production will provide sufficient incentives to prevent urban conversions. Urban conversions are discouraged within the Urban Services Boundary.~~

~~RC-6g Setbacks (Not applicable in Coastal Zone). Development adjacent to the Community Forest boundary shall be setback at least 150 feet, unless this would make the use of the parcel infeasible for its designated purpose. However, larger setbacks may be required to prevent exposure to potential hazards and to maintain forest integrity.~~

~~RC-6h Monitoring (Not applicable in Coastal Zone). Monitoring of forest practices, to ensure consistency with adopted management and harvest plans, shall be carried out as an implementation measure of this Element. The general objectives of the monitoring will be to:~~

- ~~1. Determine the effectiveness of management practices at multiple scales (i.e., individual sites to watersheds).~~
- ~~2. Validate ecosystem functions and processes have been maintained as predicted.~~

~~POLICY RC-7~~ GROUP C-RC-6 WATER RESOURCES MANAGEMENT

Objective. Manage Arcata's water resources from a watershed perspective, to maintain surface and subsurface water quality and quantity. Runoff will be managed for the benefit of aquatic habitats.

C-RC-7a Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

~~**RC-7b Protection of groundwater sources. Septic systems and onsite disposal of toxic substances are the leading causes of groundwater contamination. Septic systems within the Urban Services Boundary shall not be permitted, and incidents of onsite toxics disposal shall be referred to the appropriate county and state agencies.**~~

RC-7a C-RC-7b Protection of surface waters from point and nonpoint pollution sources. The use of natural stormwater drainage systems, which preserve and enhance natural features, shall include the following:

1. Efforts to acquire land or obtain easements for drainage and other public uses of floodplains, where desirable to maintain stream courses in a natural state, shall be supported.
2. Recreational opportunities and aesthetics shall be considered in the design of stormwater detention/retention and conveyance facilities.
3. Sound soil conservation practices shall be required, and impacts of proposed developments, with regard to water quality and effects on watersheds, wetlands and drainage courses, shall be carefully examined.
4. The quality of runoff from urban and suburban development shall be improved through use of appropriate and feasible mitigation measures including, but not limited to, artificial wetlands, grassy swales, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, and other best management practices (BMPs).
5. New development shall be required to mitigate to the maximum extent feasible increases in stormwater peak flows and/or volume. Mitigation measures should take into consideration impacts on the Mad River, Arcata Bay, and adjoining lands in the City and Planning Area.
6. New project designs shall minimize drainage concentrations, maximize permeable surfaces (such as unpaved parking areas) and maintain, to the extent feasible, natural site drainage conditions.
7. New projects that affect the quantity and quality of surface water runoff shall be required to allocate land necessary for detaining post-project flows and/or for incorporating measures to mitigate water quality impacts related to urban runoff. To the maximum extent feasible, new development shall not produce a net increase in peak stormwater runoff.

~~**RC-7c Watershed and urban runoff management. To protect structures, critical facilities, existing habitat values and water quality, flooding shall be managed on a watershed basis, using a combination of biotechnical solutions, flood protection practices, and Drainage Master Plan's management practices.**~~

C-RC-7c Long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments in the following order of priority:

a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development shall incorporate effective post-construction Site Design and Source Control BMPs, to minimize adverse impacts to water quality and coastal waters resulting from the development to the maximum extent practicable.

If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policies 6.C.1, through 6.C.4., development shall also incorporate post-construction Treatment Control BMPs. Developments of Water Quality Concern (see Policy 6.C.10.) are presumed to require Treatment Control BMPs. Treatment Control BMPs may include, but are not limited to, biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inlet filters, wet vaults, or hydrodynamic separator systems.

~~**RC-7d Water quality monitoring. Water quality and quantity shall be monitored on a regular basis to ensure that City policies are being adhered to.**~~

C-RC-7d Development projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques include, but are not limited to, the following:

a. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

b. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

c. Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

d. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain or enhance, where appropriate and feasible, on-site stormwater infiltration capacity.

e. To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

C-RC-7e Developments of Water Quality Concern, defined as those types and classes of development that have the potential for adverse coastal water quality impacts due to the development size, type of land use, impervious site coverage, or proximity to coastal waters, shall be subject to additional requirements for design and implementation of post-construction treatment control BMPs in order to minimize stormwater pollution and protect coastal waters.

Developments of Water Quality Concern include the following:

a. Development of housing consisting of five or more dwelling units.

b. Any development where 75% or more of the parcel will be impervious surface area.

c. Any development that results in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.

d. Development of parking lots with 5,000 square feet or more of impervious surface area, that may contribute to stormwater runoff.

e. New street, road, and highway facilities having 5,000 square feet or more of impervious surface area.

f. Industrial park, commercial strip mall, or restaurant development with 5,000

square feet or more of impervious surface area.

g. Development of commercial or industrial outdoor storage areas of 5,000 or more square feet, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.

h. Development of vehicle service facilities (including retail gasoline outlets, commercial car washes, and vehicle repair facilities).

i. All hillside development that will occur on slopes greater than 12 percent, located in areas with erodible soils.

j. Development of heavy industrial sites.

k. All development that will occur within 125 feet of the ocean or coastal waters (including estuaries, wetlands, rivers, streams, and lakes), or that will discharge runoff directly to the ocean or coastal waters, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area. "Discharge directly" is defined as runoff that flows from the development to the ocean or to coastal waters that is not first combined with flows from any other adjacent areas.

Any other development determined by the Review Authority to be a Development of Water Quality Concern.

C-RC-7f The City shall develop a water quality checklist to be used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

C-RC-7g The City shall require markers or stenciling for all new storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

C-RC-7h The City shall develop a comprehensive implementing stormwater quality management ordinance which sets as minimum requirements in the approval of new development the following water quality best management practices:

1. Reducing erosion to the greatest extent practicable through onsite retention of sediment during and after construction by: (a) minimizing the potential sources of sediment from the outset; (b) controlling the amount of runoff onto and from the site, and its ability to carry sediment, by diverting incoming flows and impeding internally generated flows; and (c) retaining sediment on the project site through the use of sediment-capturing devices.

2. Minimizing runoff of entrained non-sediment pollution from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the extent feasible.

3. Minimizing land disturbance during development construction phases to the extent feasible, including soil compaction associated with construction activities to retain the natural stormwater infiltration capacity of the soil.

4. Minimizing the disturbance of natural vegetation, including significant trees, native vegetation, and root structures, important for preventing erosion and sedimentation.

5. Prohibiting grading during the rainy season (i.e., November 1 to March 30), except in response to emergencies, and unless the review authority determines that soil conditions at the project site are suitable, adequate erosion and sedimentation control measures will be in place, and there is a low probability of significant precipitation occurring during the requested extended period for grading operations.

6. Stabilizing site soils promptly through the use of soil stabilization BMPs, including, but not limited to, re-vegetation on graded or disturbed areas as soon as feasible.

7. Limiting the application, generation, and migration of toxic substances, and ensuring their proper storage and disposal.

8. Applying nutrients and fertilizers at rates necessary to establish and maintain vegetation and landscaping without causing significant nutrient runoff to surface waters.

(Also see Public Facilities Stormwater Management Policies Group PF-3, Other Geologic Hazards Policy Group PS-3, and Public Safety Flood Hazards Policy Group PS-4.)

POLICY RC-8 ENERGY RESOURCES MANAGEMENT

~~Objective. Reduce the net emissions of greenhouse gases from Arcata; reduce other negative impacts of energy production and use, including risks from nuclear power, air emissions, fuel spills, and wildlife and habitat destruction; reduce energy costs to the city and its residents, and increase the percent of energy purchases from sources within our region; increase the city's and nation's energy security and reduce our vulnerability to changes in energy availability and price; increase public awareness of energy issues and encourage an energy conservation ethic; monitor the cost and effectiveness of Arcata's actions so we and others can learn~~

Advisory Proposition B Approved by Arcata Voters April 8, 1980

"In accordance with America's renewed determination to be energy self reliant, be it resolved that the citizens of Arcata and their City government are committed to the enactment of conscientious energy conservation measures and the accelerated development and active promotion of safe and economical alternative renewable energy sources for our community.

Be it further resolved that the City government of Arcata support complete independence from nuclear power including the permanent closure of the Humboldt Bay nuclear power plant and its replacement by safe, clean and efficient generating sources more compatible with the resources and health and safety of the Northcoast, such as conservation, solar power and generation from wood waste."

~~from them; and implement Arcata's Advisory Proposition B.~~

~~**RC-8a** Encouragement of appropriate energy alternatives. In making energy purchases, the City shall consider how suppliers meet the objectives of this policy. The City shall choose suppliers that provide good tradeoffs among these objectives, giving due consideration to investment in energy conservation as an alternative use of energy funds.~~

~~In addition, the City shall attempt to purchase at least 10% of its electrical energy (in energy units, not cost) from renewable sources within Humboldt County by the year 2020.~~

~~The City shall take measures to encourage the availability to, and use by, residents of energy suppliers that best meet the objectives of this policy. The City shall convert City vehicle fleets to a mix of fuels that best meets the objectives of this policy.~~

~~**RC-8b** Encouragement of energy efficiency and conservation. The City shall coordinate with energy suppliers and agencies to educate residents, property owners, and business operators about the need for and benefits of conserving energy. The City shall maintain and distribute current information about building insulation; energy efficient appliances, lighting, and heating; other conservation measures and materials; and home power alternatives.~~

~~The City shall continuously seek and implement cost-effective steps to reduce City energy use. The City shall attempt to reduce the City's total consumption of purchased energy by at least 20% (in energy units, not cost) by the year 2010.~~

~~The City shall adopt the goals of the national "Energy Star Program" (or its successor programs) for all City construction projects and all construction projects assisted by grants for which the City is an applicant. These goals include achieving a minimum of 15% greater energy efficiency than would a building designed with existing Title 24 standards.~~

~~Explore and, if appropriate, adopt energy efficiency standards for existing residential and commercial buildings upon substantial remodel. Consider requiring energy efficiency inspections, disclosure, and retrofits at change of ownership based on cost-effective and commercially available energy efficiency measures.~~

~~**RC-8c** Promotion of energy efficiency in transportation. The City shall give strong consideration to energy conservation and the goals of this policy in all transportation and traffic management decisions. It is City policy to reduce the need for motor vehicle trips within the city and between the city and~~

~~other destinations, and to reduce per trip energy consumption; this policy applies to trips by residents, non-residents, and city staff. Such measures as bike and pedestrian paths, public transportation, parking and traffic management, and encouraging use of alternative-fueled vehicles shall be used to make these reductions.~~

~~RC-8d Restoration for Greenhouse Gases Absorption. Foster and restore forests and other terrestrial ecosystems that offer significant carbon mitigation potential.~~

~~[Policies RC-8b & d revised by Ordinance No. 1377, September 2008]~~

~~POLICY RC-9 SOILS AND MINERAL RESOURCES~~

~~Objective. Conserve and manage soil and mineral resources.~~

~~RC-9a Erosion control measures on slopes and other areas of instability. Policy PS-3 Other Geologic Hazards in the General Plan Public Safety Element includes provisions for protecting steep and unstable slopes, and minimizing erosion and sedimentation. This policy shall be followed as a safety precaution and also to conserve soil resources.~~

~~RC-9b Protection of productive soils and soils with limitations. Local soils range from productive soil types capable of supporting agriculture and forestry, to those susceptible to shrink-swell and erosion. Clay soils are the most susceptible to shrink-swell, caused by fluctuations in moisture content. According to available soils information, the Bayside series is the only soil type in the Arcata area with identified clay content. Building construction on this soil type shall include measures to avoid damage from shrink-swell.~~

~~Certain areas of the City have high liquefaction potential during seismic events. Policy PS-2 Seismic Hazards, in the General Plan Public Safety Element, addresses mitigation of liquefaction hazards. This policy shall be followed as a safety precaution, and also to manage related soil limitations. Policy RC-5, relating to agricultural soils, shall also be followed to conserve productive soils. The continued research, identification, and protection of productive soils by the Natural Resource Conservation Service and educational institutions shall be encouraged.~~

~~RC-9c Management of mineral resource extraction, processing and transport (gravel). Areas along the Mad River, within and upstream of the City's Sphere of Influence, are currently used for aggregate resource extraction. The City shall encourage Humboldt County to limit the quantity of aggregate extracted to an amount that is mean annual recruitment; and request that Policy RC-1 and RC-2 be applied to protect natural biological diversity and ecosystem functions along the river. The City shall also~~

~~request that the County not approve or renew permits for commercial mineral resource extraction in A-E designated lands of the City's Planning Area. Mineral resource operations shall not result in additional soil runoff and shall be consistent with the City's seismic safety policies (see Policy PS-2 in Public Safety Element).~~

Other Initiatives

- Habitat integration for ecological integrity and development of a protected habitat corridor system. An ecological connection network plan for linking native habitats in the Planning Area, and all of the environmentally sensitive habitat areas identified in this Plan, shall be prepared. The network shall incorporate all existing large areas (or "nodes") of habitat for fish and wildlife species (such as marshes and forests) and "linkages" or "corridors" of natural habitat (such as stream zones and sloughs) for migration and species movement. The plan will link large "nodes" of natural habitat together with the "linkage" connections as a functioning ecological network. Nodes and linkages shall include a "core" of natural ecosystem elements and shall provide a protected "buffer" along the outer margins of the core habitat which shall function to protect the ecological values in the "core" habitat.
- Use of biocides and other compounds with biological consequences. Pesticides, herbicides and insecticides (biocides); hormones and antibiotics (growth promoters); hemoglobin coagulant based rodenticides; and hydrocarbon based compounds, used both commercially and individually, can accumulate to toxic levels in biological organisms, including humans. Certain of these substances, even at low levels, can affect reproductive health.
- The City shall maintain and make available a current list of alternative, environmentally-safe products for controlling unwanted vegetation and pests, growing crops and enhancing production of animal products. The use of substances and compounds which can accumulate to toxic levels is restricted by the City (Pesticide Ordinance), and a program for fostering the reduction in private use shall be developed and implemented.
- Maintenance of streams as natural drainage systems. Arcata's creeks carry a significant amount of the City's stormwater. Drainage controls shall be enforced through implementation of the Drainage Master Plan, to protect water quality, and minimize erosion, sedimentation and flood impacts to City creeks. A comprehensive stream maintenance program shall be prepared to augment stormwater utility rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance riparian habitat.

- Restoration of degraded creek resources. Portions of Janes, Jolly Giant, Campbell, and Grotzman Creeks are culverted or covered, causing degradation of creek resources. Streams such as Janes Creek have tide gates which are barriers that prevent anadromous salmonids from accessing critical habitat. Furthermore, recreational use has degraded riparian vegetation along upland reaches of certain creeks (e.g., Jolly Giant, Campbell, and Jacoby Creeks) within Redwood Park and the Community Forest. Lack of vegetation along creek courses can cause erosion, resulting in water and airborne impacts. Restoration activities for improving degraded stream resources shall include:
 - Uncovering of creek courses in public rights-of-way, as part of public works improvement projects.
 - Encouraging landowners to restore degraded EBA and stream resources, including native riparian vegetation establishment and exotic species removal, as part of a new development or renovation.
 - Controlling uses that are damaging to upland reaches of creeks in the Community Forest and Redwood Park.
 - Removing or modifying barriers such as tide gates that prevent migrating anadromous salmonids which are federally listed endangered species from reaching their critical habitat.
 - Exclusionary fencing to keep livestock out of the EBA.

- The Streams Management Plan shall be implemented to provide guidance for rehabilitation and management of creeks that flow through Arcata. The SMP addresses new and modified development along creeks, and existing activities in creek zones. Stream rehabilitation projects shall be designed to maintain or improve flow capacity, trap sediments and other pollutants which decrease water quality, minimize channel erosion, prevent new sources of pollutants from entering the stream, and enhance instream and riparian habitat.

- Promotion of and participation in agricultural production within the City. Diverse and intensive agricultural production and increased participation shall be promoted, in order to maintain the value of agricultural lands, improve the economic base, and increase employment and food production. The City does not, however, advocate more intensive agricultural uses and practices that would have adverse environmental impacts. Agricultural operations, such as Community Supported Agriculture (CSA) are strongly encouraged.

~~4.6 IMPLEMENTATION MEASURES~~

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
RC-	Creeks Management Plan	Environmental	Year 4

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
4	Regularly update the City Creeks Management Plan, at least every five years, to implement current provisions for maintaining biological integrity of entire watercourses. The Creeks Management Plan will also include updated provisions for education and restoration programs for degraded creeks.	Services Dept./Creek Advisory Committee	then every 5 years
RC-2	Community Forest Management Plan Update the Community Forest Management Plan, at least every ten years, to implement current provisions for managing recreation, aesthetic, timber, watershed, wildlife, and vegetation resources. The Management Plan will also include updated provisions for allocation of forest fund revenues and urban conversions, as well as setbacks from the Community Forest boundary and a monitoring program for forest practices.	Environmental Services Dept./Forest Management Committee	Year 5 then every 10 years
RC-3	Energy Efficiency and Conservation Program Conduct a continuous program to identify and purchase appropriate energy supplies, implement and evaluate energy conservation measures, provide energy education and public information, and promote energy efficiency in transportation. Establish a funding mechanism to assure that a significant portion of the savings are used to fund energy programs and as a reward for savings.	Environmental Services Dept./Energy Task Force	Year 1 then every 5 years
RC-4	Non-native Plant and Animal Species Removal Program The City shall provide public information that explains why invasive species are a problem. The City shall maintain a program that recommends effective but non-toxic eradication measures, and eradicates non-native species on public lands where they are displacing native species.	Environmental Services Dept./Agricultural Advisory Committee	Year 1 then every 5 years
RC-5	SPAs, WSP Combining Zone, Resource Setbacks and Energy Conservation Measures (PLUC Amendment) Revise the PLUC (formerly LUDC) regulations to be consistent with the General Plan policies for SPAs, the WSP combining Zone, natural resource (forest) area setbacks and energy conservation techniques.	Environmental Services Dept./Planning Commission	Year 1 then every 5 years
RC-6	Surface Water Quality Ordinance Prepare and adopt a water quality ordinance using water quality standards established in the Drainage Master Plan. The ordinance shall address the physical, biological, and chemical parameters of water quality, include monitoring provided through the MOU with HSU, and shall be updated at least every five years.	Environmental Services Department	Year 1 then every 5 years
RC-7	Wetlands Management Plan Prepare a Wetlands Management Plan that includes mapping of all known wetland areas,	Environmental Services Dept./Creek	Year 2

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
	guidelines for wetlands management, setbacks, restoration goals and objectives, and review and approval requirements for wetland alterations.	Advisory Committee	
RC-8	Sensitive Habitat Mapping Using the sensitive habitat definition from Policy RC-1d, prepare and regularly update a map of sensitive habitat in the City.	Environmental Services Dept.	Year 1
RC-9	Pesticide Ordinance Regularly update the City's Pesticide Ordinance.	Environmental Services Dept.	Every 5 years
RC-10	Create Agricultural Advisory Committee This City shall appoint a committee to be an impartial forum for addressing agricultural issues between property owners and agricultural operators. The committee will also be responsible for preparing the agricultural operations ordinance, researching incentives for continued agricultural operations, and advising the Planning Commission on any proposed development that would affect agricultural productivity.	City Council	Year 1
RC-11	Participate in Humboldt Bay Management Plan The City shall designate a representative to attend meetings, review documents, and represent the City's interest during the preparation of the Humboldt Bay Management Plan.	City Council appoints a representative	Year 1
RC-12	Community and Farm Protection Ordinance The Agricultural Advisory Committee shall develop and maintain a Community and Farm Protection Ordinance, which shall provide a foundation for minimizing conflicts, educating the community, and a protocol for mediating unresolved disputes.	Agricultural Advisory Committee	Year 1

COASTAL AIR QUALITY ELEMENT

4.7 INTRODUCTION

Overview of factors contributing to air pollution. One of the best ways to control air pollution is to develop transportation infrastructure and land use goals and policies which compliment and work in harmony towards air pollution control objectives. Air quality in the City of Arcata is regulated by the North Coast Unified Air Quality Management District (NCUAQMD). The NCUAQMD's primary responsibility is to achieve and maintain federal and state air quality standards. NCUAQMD currently meets all federal standards, but is classified as non-attainment (exceeds maximum limits) for California Ambient Air Quality Standards for airborne particles that are ten microns in diameter and smaller (PM-10).

Federal and state ambient air quality standards also include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead. Of these pollutants, motor vehicles are a major contributor of carbon monoxide, nitrogen dioxides, and ozone. While engine and fuel improvements have significantly reduced these emissions from motor vehicles, measures to reduce vehicle travel can further improve air quality from these pollutants.

Particulate matter includes a wide range of solid or liquid particles including smoke, dust, aerosols, and metallic oxides. Two significant sources of PM-10 include motor vehicle exhaust with its associated secondary reactions in the atmosphere related to exhaust gases, and wood-burning stoves/fireplaces. PM-10 emissions associated with motor vehicles include vehicle exhaust and tire and brake wear. However, most particulate releases from motor vehicles are a result of road dust suspension. For example, road dust comprises 77% (580 tons/year) of vehicle-related PM-10 releases in the Arcata/Eureka area. Because road dust sources cannot be controlled, reductions in vehicle use are needed to significantly reduce PM-10 emissions caused by suspended road dust.

Wood-burning stoves, fireplaces, and residential open waste burning are also a source of PM-10 emissions. Research on human health effects of PM-10 show a correlation between elevated PM-10 concentrations and aggravation of chronic illnesses and elevated mortality rates. Fine particulate matter can affect health more than larger particles because it can bypass respiratory filtration systems and lodge deep in the lungs¹.

Overview of Arcata's air quality. Air quality is affected by both emissions and meteorological conditions. Arcata air quality is influenced by its coastal location and relatively stable temperatures are throughout the year. Temperatures average 50 degrees Fahrenheit, with a yearly average range of 40-60 degrees Fahrenheit. Prevailing winds are from the northwest in summer and southwest in the winter. During winter months moderate temperatures, frequent fog, and moderate to heavy precipitation cause inversions which impact air quality.

Arcata is within the northwestern most air district in the State, the NCUAQMD, which encompasses 7,100 square miles including the counties of Humboldt, Del Norte, and Trinity, and serves a population of nearly 170,000. The NCUAQMD presently meets all federal and state air quality standards, except for the state standard for particulate matter of ten microns and smaller (PM-10). The table below shows the federal and state PM-10 standards.

TABLE AQ-1 AMBIENT AIR QUALITY STANDARDS FOR PM-10 EMISSIONS

AVERAGE TIME	FEDERAL STANDARD	CALIFORNIA STANDARD
Annual Arithmetic Mean	50 ug/m ³	30 ug/m ³
24 Hour Average	150 ug/m ³	50 ug/m ³

Source : North Coast Unified Air Quality Management District Particulate Matter (PM10) Attainment Plan, Draft Report, 1995. ug/m³ = micrograms per cubic meter.

The NCUAQMD began measuring North Coast PM-10 concentrations in 1985. Of the total suspended particulates measured, PM-10 comprise approximately 60% of particulate matter. Table AQ-2 shows local PM-10 measurements.

TABLE AQ-2 PM-10 MEASUREMENTS IN THE ARCATA/EUREKA AREA

MONITORING LOCATION	MAX. 24 HOUR VALUE	ANNUAL AVERAGE
Arcata (1990)*	43.0	11.8
Eureka (1985)	75.0	32.7
Eureka (1990)	83.0	24.4
Eureka (1996)	87.3	15.9

Source: Summary of NCUAQMD Air Monitoring Data, June 1997.

All values are in ug/m³ = micrograms per cubic meter.

* The 1990 measurement in Arcata was part of a special purpose study performed by the state.

While the values shown in Table AQ-2 do not indicate that Arcata or Eureka always exceed state standards, the NCUAQMD as a whole has a non-attainment classification and all communities within the district contribute to that status.

Primary sources of PM-10 contributors in the Arcata/Eureka area include residential fuel combustion (24%); industrial wood and paper manufacturing (19%); paved road dust (16%); construction and demolition (14%); and unpaved road dust (7%). During periods of high PM-10 releases, wood-burning fireplaces account for approximately 50%, automobiles 31%, pulp mills 14%, and other sources 5%. Table AQ-3 shows general overall sources of pollution by major category, and the percent contribution of each source to the various pollutants.

The last district study conducted by the NCUAQMD was the Chemical Mass Balance Study of Composition of Particulate Matter, in 1992. That study did find that diesel emissions constituted a fairly large component of PM-10. Diesel emissions have been declared a toxic emission by the State, and the State Air Resources Board is instituting a diesel engine replacement/retrofitting program.

Measurements indicate that the Eureka area has the greatest measured PM-10 concentrations in the Humboldt Bay area of the NCUAQMD. While the Eureka area air

quality is improving, several days during the winter months still exceed state PM-10 standards. District-wide, the number of days which exceed standards have decreased from about 24% in 1985 to about 8% in 1993; 3% in 1994; 2% in 1995; 3% in 1996; and 2% in 1997. This represents a 92% decrease over the past twelve years. The months with highest PM-10 concentrations are December, January and February due to meteorological conditions² and increased use of wood burning stoves and fireplaces.

Although air quality is improving, air quality is only measured on 1/6 of the days in the year. The general criterion for non-attainment is one exceedance of the standard during a calendar year. Generally, the NCUAQMD must record no exceedances for three consecutive years to be considered in attainment for pollutants.

Significance criteria for air contaminants. The NCUAQMD publishes significant emission rates for stationary sources of air contaminants (Regulation I, Rule 130). Emissions are considered significant (defined in terms of tons emitted per year) if a new or modified stationary source exceeds the values shown in Table AQ-4. There are no established significance criteria for mobile sources of emissions, but large projects (such as residential subdivisions and shopping centers) can be compared with stationary source criteria to identify the cumulative impacts of many mobile sources such as motor vehicles.

North Coast Unified Air Quality Management District PM-10 attainment plan. As required by the California Clean Air Act, the NCUAQMD adopted an attainment plan in 1995 to identify major PM-10 sources and develop and implement control measures to meet state ambient air quality standards. The NCUAQMD's attainment plan established goals to reduce PM-10 emissions and eliminate the number of days in which standards are exceeded. Exceptions are made for uncontrollable events such as wildfires, structure fires, and unusually high winds. The plan includes three areas of recommended control strategies to meet these goals: transportation, land use, and burning. The table below identifies the categories of measures included in each control strategy. The draft PM-10 attainment plan developed by the North Coast Unified Air Quality Management District was adopted May 11, 1995.

TABLE AQ-3 EMISSIONS SOURCES AND CONTRIBUTION TO VARIOUS POLLUTANTS

SOURCE TYPE	EXAMPLES OF EMISSION CONTRIBUTORS				
Industrial	pulp mills, sawmills, power plants, other heavy industry				
Commercial	gas stations, restaurants, dry cleaners, body shops, etc.				
Residential	home heating, residential open waste burning, solvent/ paint use, lawn equipment etc.				
Mobile	cars, planes, trains, road dust and other transportation sources				
Agriculture and Forestry	forest management burning, field burning, herbicide use, etc.				
POLLUTANTS	INDUSTRIAL	COMMERCIAL	RESIDENTIAL	MOBILE	AGRICULTURAL
Nitrogen Dioxide	17.2%	1.0%	3.0%	78.8%	0%
Carbon Monoxide	7.1%	2.0%	4.1%	46.9%	39.8%
Sulfur Dioxide	59.0%	1.0%	1.0%	39.0%	0%
PM-10	13.1%	7.1%	6.1%	58.6%	15.2%

Total Organic Gases	7.1%	47.5%	6.1%	30.3%	9.1%
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TABLE AQ-4 SIGNIFICANT EMISSION RATES FOR STATIONARY SOURCES (TONS/YEAR)

CONTAMINANTS	TONS PER YEAR
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
PM-10	15
Ozone	40
Various Other Contaminants [1]	0.0004 to 10

Source: Regulation I of the NCUAQMD, Rule 130-Definitions

[1] Other contaminants include lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, and reduced sulfur compounds. Contact NCUAQMD for detailed information on emission rates and significance criteria.

TABLE AQ-5 NCUAQMD CONTROL MEASURES

CATEGORY	CONTROL MEASURES
Transportation	Public transit, rideshare programs, park and ride lots, vehicle buy back and smoking vehicle programs, traffic flow improvements, bike routes.
Land Use	Pedestrian and transit oriented development, walkable communities, integration of land use and transportation planning.
Burning	Residential open waste burning restrictions, conventional fireplace replacements, improved woodstoves, new development requirements, woodstove curtailments on high smoke days, education, and home weatherization.

The control measures described above are included in the NCUAQMD's PM-10 Attainment Plan and provide additional measures to reduce air pollution emissions. The NCUAQMD has existing control measures for commercial, non-residential burning, industry, forestry and agricultural burning, and construction. These measures are not included in the attainment plan because emissions reductions resulting from them are already reflected in the air quality monitoring. This element's objectives and policies include many of the NCUAQMD PM-10 Attainment Plan's control measures, particularly for transportation and land use planning.

Guiding Principles and Goals.

- A. Reduce motor vehicle related air pollution.
- B. Participate in regional efforts to improve air quality.
- C. Educate the community about effects of air pollution and how it can be reduced.
- D. Reduce emissions from wood-burning stoves and fireplaces.
- E. Reduce emissions from forest management and burning.
- F. Reduce emissions from industrial sources.
- G. Reduce emissions from residential open waste burning.

4.8 POLICIES

The Coastal Air Quality Element includes the following ~~policies~~ policy groups:

C-AQ-1 Reduce Point and Area Sources of Air Pollutants

~~AQ-2 Reduce Mobile Sources of Air Pollutants~~

~~AQ-3 C- AQ-2 Regional Air Quality Standards, Monitoring, and Education~~

~~AQ-4 Odor~~

POLICY GROUP C-AQ-1 POINT AND AREA SOURCES OF AIR POLLUTANTS

Objective. Improve air quality by reducing emissions from stationary point sources of air pollution (e.g., equipment at commercial and industrial facilities), and stationary area sources (e.g., wood-burning fireplaces and gas powered lawn mowers) which cumulatively emit large quantities of emissions.

~~**AQ-1a Reduce emissions from stationary point sources: commercial and industrial. Coordinate with energy providers to develop incentive programs encouraging the use of less polluting, energy efficient designs and equipment in commercial and manufacturing uses. Encourage commercial and industrial uses to self-enforce emissions reductions by maintaining and repairing equipment, correcting leaks, installing control devices, and minimizing accidental releases. Coordinate with NCUAQMD to establish buffer zones between point sources and the public, particularly sensitive receptors such as schools, hospitals, and convalescent facilities.**~~

C-AQ-1a New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

~~**AQ-1b Reduce emissions from stationary area sources: residential, commercial, and industrial. Limit wood-burning fireplace installations in new construction to low-emitting, State and EPA certified fireplace inserts or woodstoves, pellet stoves, or natural gas fireplaces. New construction retrofits must comply with energy efficient construction codes to reduce energy consumption including high efficiency windows, water heaters, and furnaces.**~~

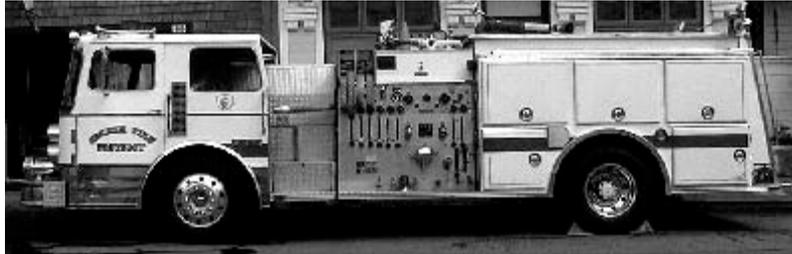
C-AQ-1b Review of development projects for emissions reductions. Evaluate new construction plans to reduce point and area sources of pollution. Consult with the NCUAQMD during the environmental review process to ensure that:

1. Air quality impacts of development projects are assessed using analytical methods and significance criteria for emission rates approved by the NCUAQMD.

2. Air quality mitigation is feasible, workable, monitorable, and cost effective.
3. Impacts of projects that may be individually insignificant, but cumulatively significant are minimized or mitigated.
4. Innovative measures are incorporated into the project design to reduce air quality impacts.

Encourage the NCUAQMD to enforce these measures and their related policies.

~~AQ 1c **Coordination between NCUAQMD and Arcata Fire Protection District.** Arcata Fire Protection District officials shall coordinate with the NCUAQMD to develop procedures for identifying, monitoring, and informing the public of high pollutant incidents related to fires and accidental or intentional releases of toxic or unknown materials. Coordination should encompass current air quality levels, meteorological conditions (stagnant air), prevailing wind directions, location of nearby sensitive receptors, potentially affected land uses, and types of potential toxic materials. Coordination and required permits are particularly important during the planning and implementation of controlled burns.~~



~~POLICY AQ-2 MOBILE SOURCES OF AIR POLLUTANTS~~

~~**Objective.** Improve air quality by reducing emissions from transportation sources, particularly motor vehicles, and other mobile sources. Reduce vehicle miles of travel and encourage shifts to alternative modes of travel.~~

~~**AQ-2a** *Implement land use measures to reduce vehicle trips, miles traveled, and air pollutant emissions.* Implement or encourage the land use and development measures which reduce motor vehicle travel as outlined in the Transportation Element. These measures are also effective in reducing mobile sources of air pollutants.~~

~~**AQ-2b** *Implement transportation measures to reduce vehicle trips, miles traveled, and air pollutant emissions.* Implement or encourage the following measures to reduce vehicle miles traveled and provide alternatives to the single occupant motor vehicle, as outlined in the Transportation Element.~~

- ~~1. Provide as direct and safe a travel route as possible for all travel modes.~~
- ~~2. Implement and support public education programs explaining the negative impacts of single occupant vehicle use, and encourage the development of employer-based measures to reduce employee automobile travel.~~

~~3. Require A&MRTS and encourage other fleet operators to convert vehicles to run on less polluting alternative fuels at the earliest feasible time (See Policy RC-8a).~~

~~AQ-2c Reduce or minimize the creation of "hot spots" or localized places of concentrated automobile emissions. Implement or encourage the following measures to reduce hot spots, which occur where groups of vehicles are required to idle (e.g., at congested intersections, driveways and drive-through facilities).~~

~~1. Minimize the delay and congestion at unsignalized and signalized intersections to reduce emissions from idling vehicles. Attempt to achieve this through reducing automobile travel, minor capacity improvements, or fine-tuning of intersection operations. Discourage major capacity improvements at intersections, minimize new signalized intersections, or any other improvement which discourages walking, bicycling, or transit use.~~

~~2. Minimize or restrict land uses with drive-through facilities located in areas of concentrated traffic or near congested intersections.~~

~~3. Construction of projects with large parking lots or high volume driveways shall identify traffic impacts and provide evidence that project design will optimize internal circulation and minimize delay. Ensure that mitigation measures balance the needs of automobiles, pedestrians, bicyclists, and transit riders.~~

~~AQ-2d Design Arcata's highest traveled arterials to minimize stopping. Recognize that automobiles are most efficient and less polluting at constant, moderate speeds between 25 and 35 miles per hour. Minimize idling delay, excessive congestion, and excessive speeds with the following measures:~~

~~1. Encourage Caltrans to coordinate traffic signals on Samea Boulevard to maximize progression.~~

~~2. Eliminate traffic bottlenecks with traffic flow improvements (such as re-allocating turning lanes, or converting all-way stop control to roundabouts or two-way stop control), without impacting the safety of pedestrians, bicyclists, or transit facilities.~~

~~3. Review access plans for commercial driveways to ensure designs minimize idling vehicles and concentrations of traffic. For larger projects require multiple driveways rather than single driveways and consider turn restrictions where delays to existing driveways could be significant.~~

~~4. Encourage and support law enforcement's efforts to expeditiously manage traffic incidents.~~



~~AQ-2e Recognize that poor air quality is caused by the combination of high pollutant emissions and meteorological conditions which do not allow for dispersal of pollutants. The City shall coordinate a joint effort with the NCUAQMD to minimize the impact of high pollutant incidents and notify the public about~~

~~meteorological conditions that contribute to poor air quality. The joint effort shall include employing the following measures:~~

~~1. Implement added air pollution control measures during predictable meteorological events of stagnant air. Inform the public of high pollutant incidents and encourage measures which minimize impacts, such as limiting use of wood-burning fireplaces, gas-powered equipment, and avoiding non-essential vehicle travel.~~

~~2. Promote and encourage employer-based Transportation Demand Measures (such as subsidized bus fare, flexible work hours, and incentives to carpool) to reduce automobile travel, particularly during periods of poor air quality.~~

~~3. Support and encourage local industrial and commercial efforts to reduce emissions and particulate pollution from industrial plants and trucks, particularly during periods of poor air quality.~~

~~4. Require traffic and construction site dust control measures at construction projects. Require measures which reduce emissions from construction activity and maximize efficiency of traffic flow during inversion conditions.~~

~~AQ-2f Enforce air quality control measures and monitoring at construction sites. Construction emissions shall be controlled because, although they are temporary in nature, they can often be the greatest air quality impact of a project. Require the following control measures for construction activities when necessary:~~

~~1. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the storm drain system.~~

~~2. Cover trucks hauling soil, sand, and other loose material.~~

~~3. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas.~~

~~4. Sweep paved access roads and parking areas daily.~~

~~5. Sweep streets daily if visible material is carried onto adjacent public streets.~~

~~For larger construction sites (four acres or greater) require the following measures when necessary in addition to those above:~~

~~6. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.~~

~~7. Enclose, cover, water, or apply non-toxic soil binders to open materials stockpiles.~~

~~8. Limit traffic speeds to 15 mph on unpaved access roads.~~

~~9. Install erosion control measures to prevent silt runoff onto public roadways.~~

~~10. Replant vegetation in disturbed areas within 30 days after project completion.~~

~~For construction sites near sensitive receptors, require the following measures when necessary, in addition to those above:~~

~~11. Install wheel washers for exiting trucks, or wash all equipment leaving site.~~

~~12. Install wind breaks, or plant trees/vegetation at windward sides of construction areas, or avoid removing existing vegetation which acts as a windbreak.~~

~~13. Suspend excavation and grading activity when winds exceed 25 mph.~~

~~14. Limit area subject to excavation, grading, and other construction activities at any one time.~~

~~**AQ-2g Enforce air quality control measures and monitoring for agricultural operations. Air emissions from agricultural operations, including field burning, airborne soils, and over spray from herbicide applications, shall be controlled and monitored through air quality standards as well as adherence to the Land Use Code.**~~

**POLICY AQ-3 GROUP C-AQ-2 REGIONAL AIR QUALITY STANDARDS,
MONITORING AND EDUCATION**

Objective. Participate in regional efforts to improve and monitor air quality and meet air quality goals, coordinate transportation and land use development planning with the North Coast Unified Air Quality Management District, and educate the public.

~~**AQ-3a Air quality standards and monitoring.** Identify potential emission sources of airborne toxins from mobile and stationary sources. This may be in coordination with the California Air Resource Board and the NCUAQMD, as appropriate. Enforce rigid high standards to restrict fumes, smoke, dust, or other environmental pollutants from stationary sources of pollution.~~

~~**AQ-3b Develop and distribute material to educate the public on air quality issues. Work with Humboldt State University, the California Air Resources Board, and the NCUAQMD to develop educational material regarding air quality, impact of air quality on people, plants and animals, and what citizens can do to improve air quality. The City will make this information available.**~~

~~**AQ-3c Cooperation in enforcement activities and programs.** Cooperate with the NCUAQMD in implementing and enforcing the district's rules and programs. Consider joint implementation of programs between the City and the district such as:~~

- ~~1. A voluntary wood burning devices dryness certification program.~~
- ~~2. Free cordwood moisture checks.~~
- ~~3. Brochures on wood burning.~~
- ~~4. Conversion of conventional wood burning devices to EPA certified devices.~~
- ~~5. Use of district non-compliance funds for low-cost replacements.~~

~~Develop stricter ordinances, guidelines, and development agreements for new residential development to limit wood burning devices. Use district techniques to identify improper wood burning device use, improperly dried fuel, and faulty equipment, and provide education to violators or take enforcement action.~~

~~**AQ-3d Indoor air pollution. Factors such as sealed building interiors, inadequate ventilation, non-openable windows, and use of building materials that release toxic substances contribute to indoor air pollution. To maximize indoor air quality, the installation of openable windows and adequate ventilation systems, the use of pollution-reducing houseplants, as well as the selection of non-toxic**~~

~~building materials and interior finishes, is encouraged in all new buildings and in the retrofitting of existing buildings. The City shall maintain a list of non-toxic building materials and interior finishes, provide available information about building techniques and designs that reduce or eliminate indoor air pollution, and encourage a good-faith effort by private industry to use these materials and techniques.~~

~~POLICY AQ-4 ODOR~~

~~Objective. Minimize public exposure to noxious odors from industrial, manufacturing, processing, and food and beverage production operations.~~

~~AQ-4a Odor controls. Identify potential sources of noxious odors and regulate these sources to avoid adverse affects on adjacent sensitive receptors. Noxious odors are defined as foul smelling airborne emissions that are sufficiently concentrated to cause physical discomfort to those inhabiting adjacent areas. Regulations imposed to reduce effects of these odors shall include limiting hours for odor emissions, periodic monitoring, and filtering to reduce concentrations.~~

Other Initiatives

AQ-1c Coordination between NCUAQMD and Arcata Fire Protection District. Arcata Fire Protection District officials shall coordinate with the NCUAQMD to develop procedures for identifying, monitoring, and informing the public of high pollutant incidents related to fires and accidental or intentional releases of toxic or unknown materials. Coordination should encompass current air quality levels, meteorological conditions (stagnant air), prevailing wind directions, location of nearby sensitive receptors, potentially affected land uses, and types of potential toxic materials. Coordination and required permits are particularly important during the planning and implementation of controlled burns.

AQ-3a Air quality standards and monitoring. Identify potential emission sources of airborne toxins from mobile and stationary sources. This may be in coordination with the California Air Resource Board and the NCUAQMD, as appropriate. Enforce rigid high standards to restrict fumes, smoke, dust, or other environmental pollutants from stationary sources of pollution.

AQ-3c Cooperation in enforcement activities and programs. Cooperate with the NCUAQMD in implementing and enforcing the district's rules and programs. Consider joint implementation of programs between the City and the district such as:

1. A voluntary wood-burning-devices dryness certification program.
2. Free cordwood moisture checks.
3. Brochures on wood burning.
4. Conversion of conventional wood burning devices to EPA certified devices.

5. Use of district non-compliance funds for low-cost replacements.

Develop stricter ordinances, guidelines, and development agreements for new residential development to limit wood burning devices. Use district techniques to identify improper wood burning device use, improperly dried fuel, and faulty equipment, and provide education to violators or take enforcement action.

4.9 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURE DESCRIPTION	RESPONSIBLE PARTY	TIME FRAME
AQ - 4	Air quality education and air emissions reduction programs Continuous monitoring local air quality and setting high standards for air quality. The City, including the Fire Department, shall work with the NCUAQMD to establish an air quality monitoring station in Arcata.	NCUAQMD	On-going
AQ - 2	Funding sources for wood-burning appliance retrofits for low income and elderly Research and apply for grant funding for qualifying low-income and elderly households to retrofit wood-burning appliances that have high emission rates.	Community Devel. Dept.	On-going

Endnotes

1. For further information on the health effects of PM-10 see the California Air Resources Board publication "Facts about Air Pollution and Health" (ARB Publications Department); the EPA document National Air Quality and Emissions Trends Report (EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC); the Air Resources Board December 1982 publication California Ambient Air Quality Standards for Particulate Matter (PM-10); Federal Register Vol. 62, No. 138, 1997 for information on PM-2.5; and Health & Environment Digest Vol. 10, No. 4 "Airborne Particulates: A Deadly Public Health Concern."

Chapter 5

Coastal Design and Historical Preservation

Coastal Design Element
Coastal Historical Preservation Element



COASTAL DESIGN ELEMENT

Preface

The Design and Historic Preservation Design Elements are not mandated under the state planning law. They are included in the Arcata General Plan because the issue of community appearance and livability is important to Arcata. In addition to addressing community-wide design features and criteria, the Design Element also is important for protection of scenic and visual qualities of the City and the coastal zone as required by the California Coastal Act of 1976.

5.1 INTRODUCTION

Overview of Arcata's Design Character. The city of Arcata is located in a setting of great natural beauty. A sense of physical and visual separation from other communities is provided by extensive open space lands which surround the city. These include Arcata Bay, marsh lands, and agricultural lands to the south; the agricultural lands of the Arcata Bottoms to the west; the Mad River and its agricultural floodplain to the north; and forested hills to the east. For residents and visitors alike, the aesthetic encounter with the landscape of the North Coast is presented along the State Route 101 corridor and several other principal roadways. From the south, the State Route 101 parallels and provides scenic views to the marshes and open waters of Arcata Bay to the west and agricultural land with a forested coastal foothill backdrop to the east. The sense of scale and "fit" of the Arcata townscape complements this scenic rural coastal environment.



The overall urban form of the city consists of a dense and compact urban core centered around the Plaza and downtown, with a series of varied and dispersed residential neighborhoods extending into the hills and bordering agricultural areas. These provide residents with a range of

housing environments and an immediate relationship to natural areas. Several interspersed agricultural areas accentuate the juxtaposition of town and country. Much of the character of Arcata is derived from the architectural styles of its buildings, particularly of older historical residences and commercial buildings near the City's center. For the most part, buildings are small in scale and only a few buildings are three stories or more in height.

Guiding Principles and Goals .

- A. Promote orderly and harmonious development of the City.
- B. Assure that new development is designed to preserve important natural features and scenic resources.
- C. Promote building designs that are well suited to their functions and sites.

- D. Prevent excessive and unsightly grading of hillsides associated with development.
- E. Create visual environments which are of high aesthetic quality and variety.
- F. Achieve maximum benefit from natural environmental settings.
- G. Assure that new buildings are designed to fit appropriately with the existing neighborhood context.
- H. Promote stability of land values and desirability of investment in the City.
- I. Incorporate “green building” concepts and features into new and renovated structures.

5.2 POLICIES

The Coastal Design Element contains the following ~~policies~~ policy groups:

~~D-1 Overall Community Character~~

~~D-2 Downtown Arcata Design~~

~~D-3 C-D-1 Scenic Routes, Resources, and Landscape Features~~

~~D-3 C-D-2 Subdivision Design~~

~~D-5 Residential Design~~

~~D-6 Design of Commercial and Industrial Development~~

~~D-7 Landscape Design~~

~~POLICY D-1 OVERALL COMMUNITY DESIGN CHARACTER~~

~~Objective. Maintain a community with diversity and quality in the built environment; with small-scale structures that are harmonious with their neighborhood context; and with a sharp physical and visual distinction between the urban area and the surrounding open space lands.~~

~~D-1a Maintain small scale of building. Buildings shall be designed to maintain the small-scale character of the community.~~

- ~~1. This may be accomplished by breaking larger developments into several smaller buildings rather than constructing a single large, monolithic building.~~
- ~~2. This shall be accomplished by avoiding large, unbroken expanses of wall and roof planes.~~
- ~~3. This shall be accomplished by providing articulation in building mass, surfaces, rooflines, wall planes, and facades, and including architectural ornamentation.~~

~~D-1b Emphasize Arcata Plaza area as the main community focal point (Not applicable in Coastal Zone). Buildings fronting on streets around the Arcata Plaza shall be multi-story. Architectural and other design elements shall emphasize the importance of the Arcata Plaza as the community's main focal point for commerce, entertainment, and special events. Designs shall promote pedestrian access and continuity of retail space at the street level. Parking should be accommodated off-site to the extent practicable.~~



~~D-1c Promote quality and diversity of design compatible with neighborhood context. Site and building design shall be harmonious with the neighborhood context, including existing structures. Within new subdivisions, diversity in building appearance rather than repetitive designs is encouraged.~~

~~D-1d Preserve natural landforms and landscape features. Site designs shall have the minimum disturbance necessary to natural conditions such as existing contours and vegetation, and shall preserve, to the maximum extent practicable, any unusual natural features.~~

~~D-1e Promote energy efficiency and solar access. Site and building design shall emphasize energy efficiency and solar orientation.~~

~~D-1f Create buffers between incompatible land uses. At boundaries between different land-use designations, and where different and incompatible land-uses are adjacent, buffer areas shall be incorporated into site design for new development. Buffers may consist of additional setbacks, landscaping, and visual and noise barriers such as fences or walls.~~

~~D-1g Provide for bicycles, pedestrians, and transit in design. Design of commercial, industrial, and multi-family housing shall incorporate provisions for bicycle and pedestrian circulation, and bus transit. Facilities should be located and designed so that these alternative travel modes are fully interconnected.~~

~~D-1h City edges. The development pattern shall be managed to retain the sharply demarcated physical and visual separation of Arcata from the urbanized areas of Eureka and McKinleyville. This shall be accomplished by:~~

- ~~1. Restricting development in surrounding open space lands to very low density (minimum parcel size from twenty to sixty acres).~~
- ~~2. Requiring that construction in hillside areas shall be sited so that it does not intrude above the ridgeline.~~

- ~~3. Retaining existing vegetation, providing landscape screening, and shielding exterior lighting to minimize visible impacts of any development on prominent sites or in open space areas, especially hillside sites visible from State Route 101.~~

~~D-1i Renewable green building. Site and building design shall incorporate green building concepts including maximizing use of recycled materials and recycling, energy efficiency, solar access, insulation, energy efficiency, use of toxic-free materials, natural lighting, native landscaping, permeable surfaces around structures, and minimizing construction waste generation.~~

~~POLICY D-2 DOWNTOWN (CENTRAL COMMERCIAL) DESIGN~~

~~Objective. Maintain and continue to develop a built environment which accentuates the Plaza and surrounding downtown lands designated in the Commercial-Central use category as the commercial and cultural hub of the city, maintains the historical flavor of building and site design, integrates bicycle and pedestrian facilities, and which incorporates appropriate trees and other "softscape" elements.~~

~~D-2a Design of Arcata Plaza (Not applicable in Coastal Zone). The basic historical pattern or design of the Plaza shall be retained, including the symmetrical arrangement of pathways, the open expanse of lawn, and the central focal point of the McKinley statue.~~

~~D-2b Streetscape design. Future changes to public street rights-of-way in the downtown shall focus on improving amenities and safety for pedestrians, bicycles, and reasonable and safe vehicle access. The following design features should be considered in future improvement projects:~~



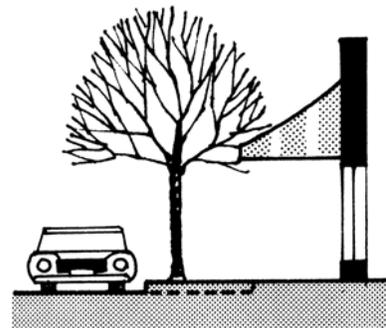
- ~~1. Increase the width of sidewalks.~~
- ~~2. Demarcate pedestrian crosswalks with pavement marking or special paving materials or colors.~~
- ~~3. Provide or improve bike lanes, where appropriate.~~
- ~~4. Incorporate street trees in appropriate locations.~~
- ~~5. Use special paving materials or patterns for sidewalks at key locations or intersections.~~
- ~~6. Provide landscape screening between parking lots and the street.~~
- ~~7. Provide street and parking lot lighting that is adequate for safety but that is not overly bright.~~

- ~~8. Establish a uniform lighting fixture and post (or pole) design for streetlights;~~
- ~~9. Establish a uniform design for various items of "street furniture," such as benches, trash receptacles, water fountains, etc.~~
- ~~10. Require undergrounding of utilities and elimination of poles and overhead wires.~~

~~D-2c Alloys. The existing alleys in the downtown shall be retained and should be improved as multi-functional accessways. Businesses are encouraged to use alleys for secondary entries. Enhancements should emphasize amenities and safety for pedestrians, such as improved surfacing, lighting, landscaping, and enclosures for garbage and recycling receptacles where space permits.~~

~~D-2d Street trees. The City shall encourage the installation of street trees within the downtown area. The City shall develop a comprehensive street tree planting and maintenance program which includes the following components:~~

- ~~1. Identification of streets where trees may be installed.~~
- ~~2. Standards for the location of street trees; generally, locations will either be in wells located between on-street parallel parking areas, in cutouts within the sidewalk where the sidewalk is of sufficient width (7 feet or more), or in containers where the preceding locations are not workable.~~
- ~~3. Standards for spacing between street trees (usually 20 to 35 feet on center).~~
- ~~4. Specification of a list of acceptable tree species and the appropriate streets and locations for each species.~~
- ~~5. Standards for size of trees and specifications for their installation (e.g. size of well, staking, materials).~~
- ~~6. Identification of responsibilities, procedures, and standards for tree maintenance. Where space is insufficient for street trees, trees may be incorporated into the landscape design on private property adjacent to the street property line.~~



~~D-2e Design criteria for new structures and additions. The height, scale, and mass (volume) of new buildings and additions to existing buildings shall be compatible with other buildings in the immediate vicinity. Each building shall have an entry from the sidewalk to the street level floor. Building elevations shall be articulated; long, continuous, unbroken wall and roof planes should be avoided. The visual organization and proportions of building elevations — including the size, spacing and shape of window and door openings — should be consistent with neighboring buildings.~~

~~Architectural detailing and ornamentation, such as cornices, eaves, recessed or covered entryways, and awnings, are encouraged. Design review applications shall include depiction of buildings on adjoining lots, either in elevation drawings or photographs.~~

~~D-2f Design criteria for vacant lots on Arcata Plaza. In addition to the criteria in D-2e, the following criteria shall also apply to development on vacant parcels with frontage on streets surrounding the Plaza:~~

- ~~1. All buildings shall have a minimum height of two stories to create a sense of enclosure for the City's central open space and focal point.~~
- ~~2. All floors of buildings should be parallel to and at the street parcel line.~~
- ~~3. Any building located at a corner or intersection shall incorporate architectural features at the ground floor which emphasize pedestrian circulation, such as building cut-offs, walk-through arcades, pedestrian spaces, or similar elements.~~
- ~~4. Parking is encouraged to be provided off-site; if any on-site parking is provided, it shall be accessed from the rear.~~
- ~~5. Loading docks shall not be required.~~



~~D-2g Design criteria for remodeling existing facades (storefronts). In remodeling facades, the distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible. Deteriorated architectural features shall be repaired rather than replaced whenever practicable. Storefronts shall be designed to fit inside the original opening and not extend beyond it. Contemporary design for alterations and additions to existing structures shall not be prohibited when such alterations and additions do not destroy significant historical or architectural character of the property. The size and proportions of any additions shall be compatible with the original building.~~

~~D-2h Site design, including parking areas. The placement of new buildings and building additions on a site should be compatible with site layout on neighboring properties. In general, buildings should be sited immediately adjacent to the sidewalk and any onsite parking should be placed to the rear of the building. Parking areas shall be separated from the street and sidewalk by a landscape buffer of at least six feet. Trees that reach a mature height of at least twenty feet should be included in the interior of all~~

~~parking lots with more than two parking spaces. Pedestrian spaces, circulation areas, or gathering areas are encouraged as design elements.~~

~~D-2i Design of signs. Permanent signs in the Central-Commercial area shall be oriented to pedestrians rather than automobile traffic, and shall conform to the following criteria:~~

- ~~1. Signs shall be placed so that they do not obscure other building elements such as windows, cornices, or decorative details.~~
- ~~2. Size, materials, style, and color shall complement the building facade and shall be compatible with the surrounding area.~~
- ~~3. Copy shall be limited to icons, logos, business identification, and hours of operation (rather than advertising copy).~~
- ~~4. Flush-mounted signs with copy in a specifically designated horizontal band is the preferred type; monument and hanging (cantilevered) signs may be allowed, provided that the latter has a vertical clearance of at least 7.5 feet and an encroachment permit is obtained.~~
- ~~5. Pole signs shall be prohibited, except for public traffic, directional and safety signs.~~
- ~~6. When lighted, signs shall be designed to minimize glare and with the minimum amount of illumination necessary to make the sign legible; neon signs with distinctive designs are acceptable. Plastic-faced internally lit signs should be discouraged.~~
- ~~7. At the time of any future alterations of an existing sign, the sign shall be required to be modified to conform in its entirety to these policies. Alterations shall mean any change to the structure, area, or height of a sign, but shall not mean a change in copy.~~

~~D-2j Incorporation of amenity features in new development. Any new development shall incorporate an appropriate combination of project enhancements in lieu thereof. Potential enhancements include, but are not limited to, the following:~~

~~special paving materials in parking lots~~

~~public art, including sculpture and murals~~

~~outdoor spaces for public use~~

~~street trees or street furniture~~

~~fountains or other water features~~

~~secondary pedestrian access from alleys~~

~~balconies or decks on upper floors~~

~~sidewalk and/or entry mosaics or decorative~~

~~tile~~

~~special architectural features~~

~~flower beds~~

~~window boxes~~

~~courtyards~~

~~awnings~~

~~planted wall trellises~~

~~recessed entryways~~

POLICY ~~D-3~~ GROUP C-D-1 SCENIC ROUTES, RESOURCES, AND LANDSCAPE FEATURES

Objective. Identify and protect scenic routes, resources, and landscape features. Retain natural features, coastal scenic resources, and scenic vistas as important aesthetic components of the built environment and visual and associative links to nature. Minimize impairment and obstructions of scenic views to the minimum necessary to allow reasonable development.

C-D-3a Scenic and visual qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by the City and the County of Humboldt shall be subordinate to the character of its setting.

~~D-3a~~ C-D-3b Designation of coastal scenic highways. The following coastal scenic highways are hereby designated:

1. 7th Street and Bayside Road, from 7th Street overcrossing to Crescent Drive.
2. Bayside Cutoff, from State Route 101 to Old Arcata Road.
3. Old Arcata Road, from Bayside Cutoff to Crescent Drive.
4. Samoa Blvd. (State Route 255), from Crescent Drive to ~~Manila~~ **the western city limits at Slaughter House Road.**
5. Janes Road, from 11th Street to Foster Avenue.
6. State Route 101, from the southerly City boundary to the ~~Mad River~~ **Seventh Street overpass.**
7. South "I" Street, from Samoa Blvd. south.
8. South "G" Street, from "H" Street to State Route 101
- ~~9. All public roads west of the City in the Arcata Bottom.~~

D-3b Designation of non-coastal scenic highways (Not applicable in Coastal Zone). The following non-coastal scenic highways are hereby designated:

1. Fickle Hill Road
2. Jacoby Creek Road
3. Golf Course Road
4. L. K. Wood Blvd. from the St. Louis Road Overcrossing to 14th Street

~~D-3e~~ C-D-3c Design policy for projects affecting scenic highways. The following standards shall

apply to any development which affects scenic highways:

1. Billboards or other off-premises signs are prohibited.

2. Landscape planting along State Route 101 shall not interrupt scenic views to the bay or eastward across agricultural lands.
3. New development or redevelopment in the industrial area of South "G" Street shall provide dense landscape screens along all perimeter lot lines visible from State Route 101.
- ~~4. The City shall work jointly with the County of Humboldt, Caltrans, and the Coastal Commission to enhance scenic views along scenic highways, particularly State Route 101 and 255 corridors.~~

[Copy struckthrough declaratory intent statement to *Other Initiatives*; change to **bold doubleunderlined**.]

~~D-3d C-D-3d~~ *Scenic entryways.* The appearance of the following additional entryways, ~~should~~ **shall** be enhanced with appropriate landscaping and entry signs or structures:

1. Samoa Blvd. (State Route 255) between ~~Jackson Ranch Road~~ **the western city limits at Slaughter House Road** and "K" Street.
 2. State Route 101 between Bayside cutoff and Samoa Blvd.
 - ~~3. State Route 101 between the Mad River and Giuntoli Lane.~~
 - ~~4. State Route 299 from North Bank Road to Giuntoli Lane.~~
 5. Old Arcata Road from Bayside Cutoff to Jacoby Creek Road
- These public improvements may include uniform landscaping, pedestrian enhancements, and directional signing.

C-D-3e **Arcata Bay—Open waters, shoreline, and tidal marshes.** Proposed land uses and development shall not significantly alter the natural appearance or landforms of the waters, shoreline, and tidal marshes of Arcata Bay, which are designated in the natural resource land-use category. Where these resources are visually degraded, developments shall be required to restore or enhance their appearance. Development within the area bounded by Samoa Blvd., Butcher's Slough and Gannon Slough shall include local native plant landscaping, screenings and other measures to ensure compatibility with scenic coastal resources and with the educational, recreational, wildlife and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.

D-3f **Bay and ocean views.** Views of Arcata Bay and the Pacific Ocean from vantage points along public streets in hillside areas of Arcata shall not be blocked by development. Any impairment or partial obstruction of these ocean views from new development shall be the minimum necessary to allow reasonable development.

D-3g **Wooded hillsides.** Views of wooded hillsides forming the City's eastern edge from vantage points along public streets west of the State Route 101 should



not be blocked by development.

~~D-3h~~ **C-D-3f** *Farmlands and open countryside.* Views of farmlands and open countryside — in the Arcata Bottom, along the State Route 101 south of Samoa Boulevard, north of Giuntoli Lane, and along State Route 255 west of the city, ~~should~~ **shall** be protected. New development ~~should~~ **shall** be sited and designed to minimize any impairment of such views.

D-3i **Preservation of hedgerows (windrows, or rows of trees).** Preservation of the following windrows, hedgerows, or groves of trees shall be encouraged:

1. The cypress windrows separating Arcata Heights from the Sunset neighborhood.
2. The trees along the north and western edges (Alliance Road) of the Sunset neighborhood.
3. The trees on the small knoll adjacent to State Route 101 south of Spear Avenue.
4. The windrow of trees adjacent to the west side of the State Route 101 between 7th and 14th Streets.
5. Windrows in the Arcata Bottom.
6. The row of trees along the westerly side of State Route 101 at the State Route 299 interchange.
7. The groves of eucalyptus and other trees which line Bayside Road between Union Street and Crescent Way.
8. The elm trees on "J" Street between 14th and 16th Streets.
9. Redwood Grove at 7th and Union, and Bayside Road to be left intact.

D-3j **Streamside riparian areas.** Creeks or drainage channels and any associated riparian vegetation shall be retained in a natural state and incorporated into site design as a visual asset to development which adjoin them.

POLICY ~~D-4~~ C-D-2 SUBDIVISION DESIGN

Objective. Achieve subdivision design which accommodates orderly growth; assures proper development of land and access to lots; promotes open space retention; insures adequate circulation, utilities, and services; preserves existing landforms; and retains significant vegetation.

D-4a **Design of roadways and subdivision improvements.** New subdivisions shall comply with the following criteria:

1. Unless it is demonstrated to be infeasible, all new lots shall have frontage on a public street or improved alley. Where direct access is infeasible, the number of lots or units to be served by a common access driveway easement shall be based on accessway design meeting all, but not limited

to, these requirements: public safety access, ingress, egress, parking, utilities, drainage, and environmental issues.

2. The arrangement of proposed streets shall conform to the Transportation Plan, where possible. When not shown on the Street Plan, the design shall provide for the appropriate connections to existing streets. Cul-de-sacs should be avoided where possible.
3. The subdivision design may utilize narrow or "skinny" streets and various traffic calming approaches; alleys are encouraged for access to garages.
4. Gated subdivision streets shall be prohibited in order to maintain a sense of community.
5. Use of natural drainage techniques in subdivision design is encouraged. In general, curbing and gutters are appropriate for street drainage, safety and delineation and protection of pavement edge. Where curbing is not required, some other type of edge definition and stabilization shall be furnished.
6. Natural drainage patterns shall be preserved to minimize potential slippage and flooding. Building site grading shall be contoured to direct water away from structures.
7. No lighting shall be allowed that results in illumination above the tree canopy.
8. Sidewalks and bikeways shall be provided; sidewalks may be furnished on one side of the street only. In planned developments, additional sidewalks and bikeways may be located away from the street.
9. Illumination of streets shall be unobtrusive and the lowest intensity compatible with safety.
10. Landscaping shall be provided as part of subdivision design; plantings shall include street trees or an equivalent number of trees planted on individual lots adjacent to the street frontage.
11. Where subdivisions abut a major street or railroad, or include more than one land-use or housing type, landscape buffers shall be included at appropriate locations to create a visual screen and minimize any adverse impacts.

D-4b **Lot patterns.** Lot boundaries should be regular in shape and lots should either have direct access to a public street or to an access easement which connects to a public street. Clustering of lots with common open space areas and/or common parking lots is encouraged.

D-4c **Grading and hillside subdivisions.** In hillside areas, subdivision design and grading shall minimize disturbance to natural landforms, not destroy visual quality, nor create conditions that could increase the risk of landslides, flooding, or erosion. Designs shall comply with the following criteria:

1. Street layout should in general be parallel to topographic contours to reduce the extent of cut and fill slopes.
2. Long, continuous, or unbroken manufactured slopes should be avoided.

3. Graded slopes should be contoured by varying slope increments and undulating banks vertically and horizontally; building pad elevations should be varied to avoid the appearance of monotonous, flat, level pads.
4. Generally, slopes greater than 2:1 (horizontal: vertical) should be avoided.
5. Permitted densities shall be adjusted in designated hillside areas such that the steeper the slope, the less the allowed density; in such areas, at least fifty percent of each new lot shall be retained as ungraded "natural area."
6. Along ridgelines, new development or lighting which would extend above the tree canopy shall be prohibited.
7. Parallel on-street parking should not be provided on steep street segments; in such areas, alternative designs for on-street parking shall be required.

D-4d **Retention of natural features.** Design of subdivisions shall be based upon an analysis of the natural conditions and features of the site. To the maximum extent practicable, development shall be located to preserve natural features and avoid areas of environmental sensitivity, including but not limited to: wetlands, significant or mature trees or stands of trees, creekside riparian habitat areas, floodplain areas, and areas with slopes greater than thirty percent. Residential structures, including decks and balconies, shall not extend into significant natural areas.

D-4e **Open space and parks.** New residential subdivisions shall either be required to dedicate land for public parks or stormwater detention facilities, provide commonly-owned and maintained park or open space lands for use by residents of the subdivision, pay a fee in-lieu thereof, or some combination of the foregoing.

~~POLICY D-5 RESIDENTIAL DESIGN~~

~~**Objective. Create residential living environments which meet the needs of residents, are aesthetically pleasing, provide for personal safety and privacy, promote social interaction, maintain continuity with the community's past, and provide for leisure needs. Blend residential design objectives with neighborhood conservation area objectives expressed in the Historical Preservation Element.**~~

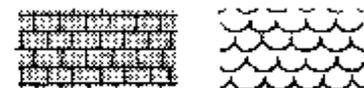
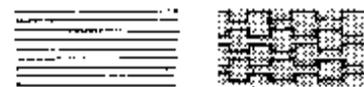
~~**D-5a Multi-family housing design. Within each neighborhood where multi-family is allowed by the Land Use Element, multi-unit housing designs should comply with the following criteria:**~~

- ~~**1. Buildings should maintain the scale and character of other residential structures in the immediate vicinity and avoid abrupt changes in height and bulk between structures.**~~



- ~~2. Buildings should be grouped compactly to provide more usable open space.~~
- ~~3. Building elevations should be articulated and long, continuous wall and roof planes should be avoided. Architectural features such as bay windows, balconies, porches, and similar elements are encouraged.~~
- ~~4. Features should be incorporated into site and architectural designs which provide maximum exposure to sunlight and protection from rainstorms and other adverse climatic conditions (such as covered entryways).~~
- ~~5. Site and building design shall incorporate features to mitigate noise from nearby noise sources (see Noise Element).~~
- ~~6. Sufficient useable outdoor open space should be provided to accommodate the recreation and leisure needs of the residents, of the development, and individual households.~~
- ~~7. Individual units should be designed to be readily distinguishable from one another from the exterior.~~
- ~~8. Parking should be designed to protect the privacy of residents and prevent intrusion of noise and lights from vehicles.~~
- ~~9. Parking lots shall be landscaped with trees that reach a mature height of at least twenty feet and shall be visually screened from the street by solid walls, fences, or a planted landscape buffer of at least six feet in width. Site design should incorporate safety features that maintain visibility and provide security lighting.~~
- ~~10. Service and storage areas, such as for recycling and garbage, shall be screened by fencing or walls; appropriate landscape planting and setbacks from adjacent properties shall be provided.~~

~~D-5b Single-family residential design. The intent in single-family residential design shall be to allow maximum flexibility consistent with maintaining existing community character. Maintaining character means architectural style consistency, structures proportional to the site and surroundings, and harmony with the design of adjacent buildings. Good design respects its neighbors, is properly sited for privacy and solar access, minimizes disturbance of natural site conditions, and is landscaped to complement the streetscape, including street trees where appropriate.~~



~~Design of single-family houses on existing lots in hillside areas shall adhere to the following additional criteria:~~

- ~~1. Disturbance of existing landforms (cut and fill) shall be minimized.~~

- ~~2. Terrain-adaptive architectural designs which fit into the contour of the hillside are encouraged, including:

 - ~~a. Reduced-footprint design with multi-level structures;~~
 - ~~b. Multiple "Stop-up" or "stop-down" structures;~~
 - ~~c. Stilt houses, with enclosure of area underneath the building.~~~~
- ~~3. Significant trees and drainageways should not be disturbed.~~
- ~~4. Development should be confined to portions of a site which are less steeply sloped.~~
- ~~5. Garages should be located under or over the structure depending on whether the lot is uphill or downhill from the street.~~
- ~~6. The scale and character of buildings should be matched with the terrain, scale, and character of the surrounding neighborhood.~~

~~POLICY D-6 DESIGN OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT~~

~~Objective. Create commercial centers and industrial areas which are functional, suited to the needs of the particular businesses, responsive to site conditions, and compatible with the neighborhood context.~~

~~D-6a Design of commercial development. The following criteria shall apply to design of new commercial development, except for the Plaza area (which is addressed in Policy D-2):~~

- ~~1. To encourage pedestrian access buildings should be sited so that entries and front facades face the public sidewalk, loading docks and vehicular entrances shall be located to the side or rear.~~
- ~~2. When located adjacent or near to residential areas, buildings should respect the residential character by avoiding long, uninterrupted expanses of wall and roof planes, and by incorporating architectural features such as covered entries or porches, cupolas, towers, arbors or pergolas, etc. which add variety and interest to larger buildings.~~
- ~~3. Pedestrians and bikes should be accommodated through appropriate location of walkways and rain-sheltered entrances to buildings.~~
- ~~4. Drive-through service windows for restaurants shall be restricted to the Valley West area.~~
- ~~5. Where commercial development abuts residential or other non-commercial uses, appropriate visual and noise buffers shall be~~



~~included in the site design, such as increased setbacks or landscaped screening.~~

- ~~6. Service and storage areas shall be screened by fencing and appropriate landscape plantings.~~
- ~~7. The siting and design of buildings shall promote energy efficiency and solar access, and shall minimize impacts on other nearby uses.~~
- ~~8. Parking areas are encouraged to be provided to the rear or side of buildings and include trees that reach a mature height of at least twenty feet whenever feasible.~~
- ~~9. Noise impacts shall be minimized through acoustical features in building design and on-site sound attenuation.~~

~~D-6b Design of industrial development. In addition to the criteria stated in Policy D-6a, the following criteria shall also apply to new industrial development:~~

- ~~1. Building facades that include regional materials (e.g., locally produced wood, stone and recycled products) are encouraged. Prefabricated and manufactured materials may be used only where they are compatible with surrounding development.~~
- ~~2. Outdoor storage areas, including storage of trucks and equipment, shall be screened from view from adjacent streets and parcels by appropriate fencing and landscaping.~~



~~D-6c Design of institutional development. Since institutional uses such as churches, schools, government facilities, and others are frequently located within residential areas, their design shall be reviewed for compatibility with the adjacent residential neighborhood. In addition, the City requests that HSU, school districts, and other institutional entities adhere to the following criteria, which shall apply to design of any facilities within Arcata:~~

- ~~1. Long, uninterrupted expanses of wall and roof planes should be avoided and architectural features which add interest and variation, such as porches, cupolas, towers, arbors or pergolas, etc., should be incorporated.~~
- ~~2. Appropriate buffers and screening should be provided between institutional uses and adjacent residential uses, including increased setbacks, fencing, and landscaping.~~

- ~~3. The massing of buildings and the visual organization of facades, including the proportion of window and door openings to total wall surface, exterior materials and colors, and architectural detailing and ornamentation, should be designed to harmonize with any adjacent residential uses.~~
- ~~4. Appropriate setbacks and landscaped buffers should be provided to minimize noise and visual impacts.~~

~~D-6d Design of signs. The following criteria shall apply to all signs, except those located within the Central Commercial Area use category:~~



- ~~1. Signs shall be placed so that they do not obscure other building elements such as windows, cornices, or decorative details.~~
- ~~2. Size, materials, style and color shall complement the building facade and shall be compatible with the surrounding area.~~
- ~~3. Copy shall be limited to icons, logos, services identification, and hours of operation (rather than advertising copy) except as required by law or ordinance.~~
- ~~4. Flush-mounted signs and monument signs are the preferred types; no more than one free-standing sign may be allowed per business street frontage (including alleys), and freestanding signs shall not exceed fifteen feet in height.~~
- ~~5. Pole signs are discouraged; when permitted, such signs shall not exceed fifteen feet in height.~~
- ~~6. Signs shall not be of a height or design which is intended to be read from the State Routes 101 or 299, except for in the commercial visitor-serving district.~~
- ~~7. When lighted, signs shall be designed to minimize glare and with the minimum amount of illumination necessary to make the sign legible; neon signs are acceptable.~~
- ~~8. All off-premises (or off-site) business identification and advertising signs are prohibited.~~
- ~~9. The planned sign program is encouraged whenever there are multiple businesses on a site; no more than three signs may be allowed per parcel except through approval of a planned sign program permit. The planned sign program shall require harmony in shape, placement, materials, and other appropriate design elements for all signs on the site.~~
- ~~10. At the time of any future alterations of a lawfully permitted existing sign, except for a change in copy, the entire sign shall be modified as necessary to conform to these policies.~~

~~POLICY D-7 LANDSCAPE DESIGN~~

~~Objective. Promote landscape designs which are appropriate for the climate zone and the specific site conditions, integrate harmoniously with the scale and architecture of buildings on the site, improve the overall aesthetic appearance of the city and its neighborhoods, and serve to protect the general safety and welfare.~~

~~D-7a Landscape plans required. A landscape plan drawn to scale shall be required for all new development subject to discretionary review by the City. The plan shall identify existing and proposed trees, shrubs, groundcovers, and other landscape elements. Native species are encouraged for all new landscaping.~~

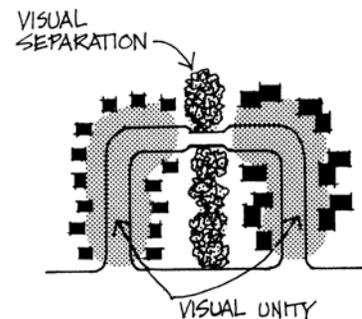
~~D-7b Planting area required. A minimum landscape planting area shall be required in all commercial, industrial, and multi-family residential land use zones; these shall be contained in the zoning ordinance and expressed as a percent of site area.~~

~~[Revised by Ordinance No. 1377, September 2008]~~

~~D-7c Parking lot landscaping. All parking areas, other than single family residential, containing two or more parking spaces shall be landscaped. Landscaping shall include a minimum of a six-foot wide screen or buffer between the parking area and any public street. Trees that reach a mature height of at least twenty feet shall be provided within the parking area at a ratio of one or more trees to each five parking spaces.~~

~~D-7d Site design criteria. Landscaping shall be an integral part of site development, connecting site design elements, enhancing the site identity, and creating a pleasing appearance. Landscape designs shall conform to the following criteria:~~

- ~~1. Existing natural site vegetation should be incorporated, to the extent appropriate.~~
- ~~2. Coverage by impervious surfaces should be minimized in order to reduce runoff.~~
- ~~3. Cut and fill slopes shall be landscaped for erosion prevention.~~
- ~~4. Landscaping should include trees adjacent to the public street right-of-way, where appropriate.~~
- ~~5. Consideration should be given to native plant species and to those non-invasive exotics which have demonstrated adaptability to local climate.~~
- ~~6. Where a development borders a major street, railroad, or different land use type, a landscape buffer shall be provided to create a visual~~



~~screen, promote privacy, and to shield the development from any adverse external effects, and to shield neighboring properties from any adverse effects of the development. The buffer may include fencing, berms, plantings, or a combination thereof. The appearance of fences from public streets should be softened with plant materials.~~

- ~~7. The design for a particular site should harmonize with the surrounding landscape, including the landscape design of adjacent lots.~~
- ~~8. Site design should incorporate safety features such as maintaining visibility and providing security lighting.~~

~~D-7e Upgrade of non-conforming landscape. When improvements are made to structures on sites where landscaping is non-conforming, landscaping should be required to be upgraded if feasible.~~

~~D-7f Maintenance of required landscaping. All required landscape plantings shall be properly maintained to assure survival; any non-surviving plants shall be replaced.~~

~~5.3 IMPLEMENTATION MEASURES~~

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
LU-1	Design Review Standards, Sign Regulations, Language Standards (LUC Amendment) Prepare a PLUC amendment (formerly LUDG) to implement Design Element policies, including standards for review, sign regulations, landscape standards, and applicability of design review (specify when design review and approval is required).	Community Development Dept./ Planning Commission	Year 1-
D-1	Design Review Commission/Project Design Review Review and approve the design of private and public projects.	Comm. Devel. Dept./ Design Review Comm.	Ongoing
D-2	Downtown Street Tree Program Prepare a street tree program consistent with the Design Element for review and recommendation by the Design Review Commission and approval by the City Council. Financial assistance may be provided by the Arcata Community Development Agency.	Public Works Department/ Downtown Business Organizations	Year 1-
D-3	Design Criteria and Brochure Prepare design review brochures or handouts which explain and illustrate design criteria, standards, and procedures.	Community Development Dept./Design Review Comm.	Year 1-
D-4	Design Awards Program Recognize and award projects that demonstrate the highest quality design and context.	Comm. Devel. Dept./Design Review Comm.	Ongoing
D-5	Samea Blvd. Public Improvements Program	Public Works	Year 2-

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
	The City of Arcata shall work to obtain funding to develop a specific public improvements program to improve the appearance of Samea Blvd. from State Route 101 to "I" Street. These improvements may include uniform landscaping, pedestrian enhancements, and directional signing.	Department	
D-6-	Design Review MOU Develop Memorandum of Understanding with other governmental agencies for design review.	City/County/State agencies/Special Districts	Year 2-

COASTAL HISTORICAL PRESERVATION ELEMENT

5.4 INTRODUCTION

Arcata's Historical and Cultural Resources. For centuries before the arrival of European-American settlers in 1850, Arcata and the Humboldt Bay region were the home of the Wiyot. An Algonquian-speaking people, the Wiyot lived along the lower Mad River, other local streams, and along Humboldt Bay. Their way of life was shaped by the remarkable surroundings of forested hills, bountiful streams and rivers, and the Pacific and Bay shores, which generously provided for both their survival and cultural needs.

Humboldt Bay was located by European-Americans for the first time in 1849. The discovery of gold in the Trinity and Klamath River regions resulted in large numbers of settlers coming to the area. The displacement, disease, violence, and cultural disintegration accompanying white settlement brought almost total annihilation to the Wiyot peoples. Today, the Wiyots are, for the most part, associated with three Humboldt Bay area rancherias. They are involved in various tribal economic projects and in the revitalization of cultural traditions such as language, basket weaving, ceremonies, and reclaiming ancestral lands.

Arcata, first known as Union, was settled in the spring of 1850 as a supply center for the interior mining districts. The townsite at the foot of Fickle Hill was selected by the Union Company and subdivided into blocks and lots. A wharf was soon constructed into Arcata Bay with a horse-drawn railway connecting to the Plaza, where merchandising establishments supplied both the miners and growing numbers of residents.



The importance of gold, however, was soon eclipsed by lumbering. It was timber resources — particularly the vast, virgin forests of giant redwoods which covered the ridges and valleys along California's north coast — that sustained the development of Arcata through the 19th century and into the mid-twentieth century. By 1930 Arcata's population had reached 1,700 and was growing. A public water system and fire department came along in 1884, followed by the *Arcata Union* newspaper in 1886, electricity in 1895, railroad connections with San Francisco in 1914, the establishment of Humboldt State Normal School (now Humboldt State University) in 1914, and the Redwood Highway in 1925 [Susie Van Kirk: *Touring Arcata's Architecture*, 1988]. Many fine examples of both residential and commercial structures from Arcata's early history survive today. The Plaza itself, with the statue of McKinley (1906) at its center, dates from the town's beginnings, and recalls the "greens" of New England or the town squares of the south. Although none of the original 1850s buildings around the Plaza remain, a variety of classical revival and false-front buildings from the turn-of-the century survive around its perimeter. The Plaza remains the city's commercial hub to

the present day. Many of the commercial buildings have been restored, best exemplified by the Jacoby Building (1857), which pioneered modern-day historical preservation endeavors in the city with its restoration in 1977.

An inventory of Arcata's historical structures and sites in 1979 [Susie Van Kirk: *Reflections of Arcata's History: eighty years of architecture*, 1979] identified four early periods of residential building styles: settlement (1850-1885) Victorian (1885-1900), Transitional (1900-1910) and Craftsman (1910-1930), in addition to the modern period (1930-present). The City's first historic preservation ordinance [Ordinance No. 935] was adopted by the City Council in 1980.

Since that time, 85 structures or sites have been formally designated by ordinance as local historic landmarks.

The City's Historic Landmarks, Neighborhood Conservation Areas, and Specific Plan Districts are shown on Figures HP-a and HP-b.

[Throughout this element the name of the Historic Landmarks Commission has been changed to Historic and Design Review Commission, per Ordinance No. 1377, September 2008.]



Guiding Principles and Goals.

- A. Promote preservation of structures and sites that are representative of the various periods of the city's social and physical development.
- B. Preserve the historical character of the Plaza and the surrounding commercial district.
- C. Encourage owners of eligible structures to seek historic landmark status and to invest in restoration efforts.
- D. Conserve the many examples of early residential building styles found in the city's older neighborhoods, from Bayside to Arcata Heights.
- E. Assure that new construction and additions to existing historically-designated buildings maintain the character and livability of the historic neighborhoods.
- F. Promote interest in and appreciation of the value of Arcata's history and its heritage of historic buildings.
- G. Encourage tourism and economic development through historic resource preservation.
- H. Prevent destruction of archaeological and cultural resources and assure that any artifacts receive proper disposition.

5.5 POLICIES

The Coastal Historical Preservation Element contains the following ~~policies~~ policy group:

C-H-1 Historic Landmarks

~~H-2 Noteworthy Structures~~

~~H-3 Arcata Plaza Area Historic District~~

~~H-4 Neighborhood Conservation Areas~~

~~H-5 Controls on Demolitions of Structures~~

~~H-6 Public Participation, Information, and Education Policy~~

~~H-7~~ C-H-2 Archaeological and Cultural Resources

POLICY GROUP C-H-1 HISTORIC LANDMARKS

Objective. Designate and preserve significant structures and sites that are representative of the city's social and physical development; that are reminders of past eras, events, and persons important in local, state, or national history; which provide significant examples of architectural styles of the past; or which are unique and irreplaceable assets to the city, and the neighborhood in which the structure or site is located.

H-1a National Register and State Historic Landmarks designations. The City encourages owners of eligible structures to request National Register and State Historical Landmarks designations for their properties. As of 1998, three National Register sites have been designated: the Arcata Hotel (on the Plaza), the Whaley House (14th and H Streets), and the Schorlig House (1050 12th Street). The Jacoby Storehouse is among the State Registered Historical Landmarks.

CH-1b Local Historic Landmarks designations. Structures or sites having special character or special historic, architectural, or aesthetic interest or value shall be designated as local Historic Landmarks. Such structures or sites shall be protected from demolition and inappropriate alterations. Locally designated Historic Landmarks are shown in Figure HP-a and are listed in Table HP-1, at the end of the Element. An updated inventory of structures and sites eligible for designation as a Local Historic Landmark shall be maintained by the City. One or more of the following criteria shall be required for a structure or site to be eligible for listing:

1. The building or site is particularly representative of a distinct architectural period, type, style, or way of life.
2. The building is of a type or style which was once common but is now rare.
3. The building is at least 50 years old.
4. The building or site is connected with a person or event important to local history.
5. The architect or builder is famous or well-recognized.
6. The building's style, construction method, or materials are unusual or significant.

7. The overall effect of the design or building details are beautiful or unusual.
8. The building contains original materials or workmanship of high or unusual value.

C-H-1c **Historic Landmarks (HL) combining zone.** The City shall formally designate Historic Landmarks with a special combining zone in the Land Use Code. The zone shall serve as a disclosure of the importance of the structure and of the limitations placed on its alteration or demolition. The request for designation may be initiated by the owner, City Council, Planning Commission, or the Historic and Design Review Commission. If initiated by the City, the owner shall be notified and be able to contest the process.

H-1d **Discretionary review and approval requirements for demolition.**
[See policy H-5].

H-1e **Design review approval for alterations and additions.** The following types of changes to a structure designated by the HL combining zone shall not be permitted without first obtaining approval of the Historic and Design Review Commission:

1. Any exterior modifications or alterations, including changes in materials.
2. Interior alterations that would affect the exterior appearance.
3. Any addition to the designated structure.
4. Construction of a new building on a parcel with a designated Historic Landmark.

H-1f **Design criteria for alterations of and additions to local Historic Landmarks.** At the discretion of the Community Development Director and/or Historic and Design Review Commission, an owner proposing any construction or alteration that may affect the historical character of the structure may be required to obtain an analysis of the proposed changes by a cultural resources consultant or other knowledgeable professional to determine the impact on the building's historical features.



In modifying historic structures, the distinguishing original qualities or character of the building shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided whenever possible. Whenever practicable deteriorated architectural features shall be repaired or restored rather than replaced. Contemporary design for additions are not

prohibited when such additions are compatible with and do not destroy the historical or architectural character of the property.

H-1g **Preservation Incentives.** To encourage property owners to obtain local Historic Landmark designation, the City will provide the following incentives or assistance:

1. Exemption from the requirements to provide any additional off-street parking, except for additions 200 or more square feet in size.
2. Exemption, for nonconforming uses, from Land Use Code limitations pertaining to non-conforming structures and site conditions.
3. Compliance with the State Historic Building Code and portions of the Uniform Code for Building Conservation, rather than the current edition of the Uniform Building Code.
4. Conservation easements for facades that may provide tax advantages to the donor.
5. Establishment of a Mills Act program, by the City, which would provide property tax reductions for historic properties subject to program criteria.
6. Facade rehabilitation grants or loans, through the Community Development Agency, for designated historic commercial structures.

H-1h **Historical Landmarks on the Humboldt State University campus (Not applicable in Coastal Zone).** The City encourages HSU to initiate procedures for the recognition and protection, in compliance with Public Resources Code Section 5024, of historic structures and other historic resources on the campus. The following structures, located on the HSU campus, are hereby identified as local Historic Landmarks.

- | | |
|-------------------|------------------|
| 1. Founders Hall. | 3. Nelson Hall. |
| 2. Gist Hall. | 4. Jenkins Hall. |

H-1i **Historic and Design Review Commission (HDRC).** The City Council shall create a Historic and Design Review Commission consisting of persons having knowledge, by virtue of training or experience, of Arcata's social and building history or of design and building. The Commission shall promote public involvement and education in preserving Arcata's heritage of older buildings.

~~POLICY H-2 NOTEWORTHY STRUCTURES~~

~~**Objective. Identify and encourage retention of structures which could qualify as historical landmarks, but are not currently designated. Although some of these structures may lack the level of significance attached to designated landmarks, they have an architectural or design character which represents particular building styles or eras in the City's development, and they contribute to the overall character and historical texture of a neighborhood.**~~

~~H-2a Noteworthy structures list. The City shall direct the Historic and Design Review Commission to recommend and keep current a “Noteworthy Structures” list, and encourage retention of these structures. Noteworthy structures are those which may not have complete documentation as to their historical or architectural merit but which have notable characteristics. In order to be eligible for listing, a structure should have one of the following attributes:~~

- ~~1. Representative of a particular architectural style.~~
- ~~2. Representative of a period in the city's historical development.~~
- ~~3. Associated with social history of the city.~~
- ~~4. Of unusual or special design character.~~



~~H-2b Incentives, list preparation, notification, and future landmark designation. These properties listed as noteworthy structures shall be eligible for the following incentives and assistance:~~

- ~~1. Exemption from the requirements to provide any additional off-street parking, except for additions 200 or more square feet in size.~~
- ~~2. Exemption, for nonconforming uses, from Land Use Code limitations pertaining to non-conforming structures and site conditions.~~
- ~~3. Compliance with the State Historic Building Code and portions of the Uniform Code for Building Conservation, rather than the current edition of the Uniform Building Code.~~
- ~~4. Conservation easements for facades that may provide tax advantages to the donor.~~
- ~~5. Facade rehabilitation grants or loans, through the Community Development Agency, for designated historic commercial structures.~~

~~The Historic and Design Review Commission shall notify the owners of property being considered for placement on the list. These owners shall be given the opportunity to contest and appeal the listing. There shall also be a procedure established for properties to be removed from the list. The owners of properties listed as having noteworthy structures are encouraged to apply for Historic Landmark designation.~~

~~H-2c Noteworthy structures on Humboldt State University campus (Not applicable in~~



~~Coastal Zone). The Wagner House located on campus is hereby identified as a noteworthy structure. The City requests that all structures of historic value be preserved and protected from demolition and from alterations or additions that are incompatible with their historical character. Noteworthy structures on the HSU campus will be added to the noteworthy structures list developed by the City pursuant to H-2a.~~

~~H-2d Design review approval. Design Review Commission review and approval, with input from the Historic and Design Review Commission, shall be required for all exterior alterations to noteworthy structures, when or if alterations require a building permit, including changes in types of materials and additions.~~

~~H-2e Design criteria for alterations and additions. Prior to approval of any exterior change, the Design Review Commission shall make findings of fact that the alteration or addition is compatible with and does not destroy the historical or architectural character of the property and the immediate neighborhood.~~

~~H-2f Demolition Controls. [See policy H-5].~~

~~POLICY H-3 ARCATA PLAZA AREA HISTORIC DISTRICT~~

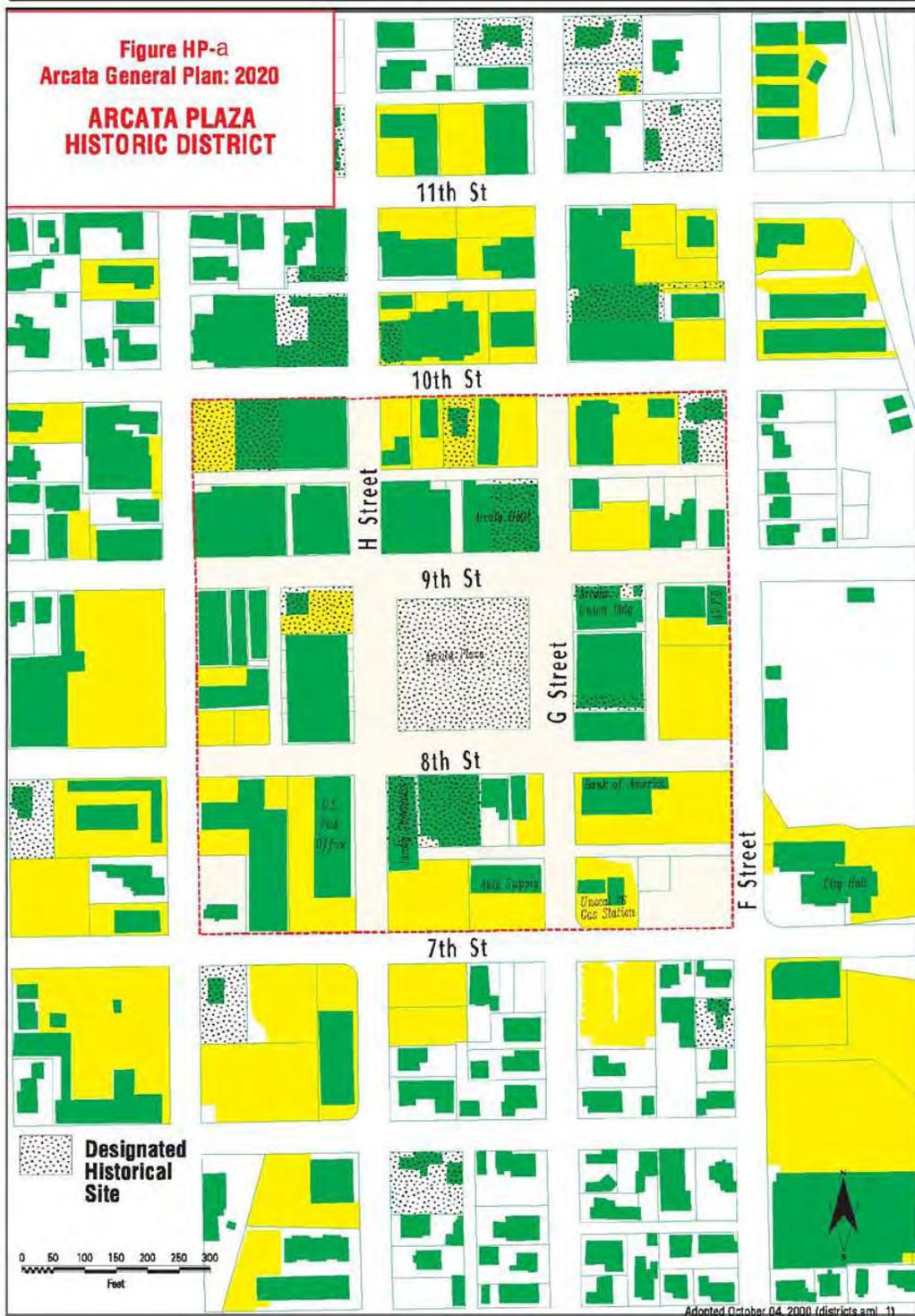
~~**Objective.** Protect and preserve the Arcata Plaza and the older structures that border the adjacent streets and help define the Plaza's character, for the unique historical, architectural, aesthetic, and economic values that it represents to the city.~~

~~H-3a Arcata Plaza Historic District (Not applicable in Coastal Zone). The Plaza Area has a special character and unique historical, aesthetic and cultural interest and significance to the residents and businesses of Arcata. Reflecting its central place in Arcata's heritage and identity, the Plaza Area, as shown on Figure HP-a, is hereby designated as a local historic district.~~



Figure HP-a
Arcata General Plan: 2020

**ARCATA PLAZA
HISTORIC DISTRICT**



~~H-3b Historic District combining zone (Not applicable in Coastal Zone). The Plaza Area Historic District shall, by ordinance pursuant to the Land Use Code, be designated within the Landmark Historic District Combining Zone. Structures within the Historic District shall receive the same protections as are provided to individually designated Historic Landmarks.~~

~~H-3c Controls on demolition (Not applicable in Coastal Zone). [Policy H-5 applies.]~~

~~H-3d Design review approval (Not applicable in Coastal Zone). Review and approval by the Design Review Commission shall be required for all exterior alterations of and additions to structures located within the Plaza Area Historic District.~~

~~H-3e Design criteria for alterations and additions (Not applicable in Coastal Zone). [Policies D-2e and D-2g shall apply]~~

~~H-3f Regulatory and other incentives for preservation (Not applicable in Coastal Zone). In addition to the regulatory and other incentives in H-1g, the following shall also apply:~~

- ~~1. The City Council, with the help of the Historic and Design Review Commission and the Historical Sites Society of Arcata, shall develop a commemorative plaque program to provide special identification of historical structures.~~
- ~~2. Non-conforming uses that have historical value will be allowed to continue.~~

~~H-3g Arcata Plaza as a historic site (Not applicable in Coastal Zone). The Arcata Plaza Historic District includes at its center the city park known as the Arcata Plaza. The following principal features of the Plaza which define its historical character shall be preserved:~~

- ~~1. The McKinley Statue at the center of the Plaza.~~
- ~~2. The generally symmetrical pattern of walkways.~~
- ~~3. The open nature of the Plaza and the absence of buildings within it.~~
- ~~4. The Women's Christian Temperance Union drinking fountain on "H" Street.~~
- ~~5. The existing Plaza palm trees.~~

~~POLICY H-4 NEIGHBORHOOD CONSERVATION AREAS (NCAs) AND SPECIFIC PLANS~~

~~Objective. Designate the Central Arcata, Arcata Heights, Bayview, and Bayside areas as Neighborhood Conservation Areas and assure that new construction, modifications or alterations of noteworthy structures, and significant changes to~~

~~other structures are harmonious with the existing character of these neighborhoods.~~

~~H-4a Neighborhood Conservation Areas. The following NCAs, with the boundaries shown in Figure HP-b, are hereby established:~~

- ~~1. Bayview Conservation Area.~~
- ~~2. Arcata Heights Conservation Area.~~
- ~~3. "Central" Conservation Area.~~

~~H-4b Demolition controls. [See policy H-5.]~~

~~H-4c Design review. All structures located within an NCA, including single-family houses, historic structures identified in specific plans, and existing structures with exterior alterations or renovation of more than 25 percent of the floor and/or exterior wall area, shall be subject to approval. Prior to approval, the finding must be made that the design will be compatible with the existing character of the NCA.~~

~~H-4d Rehabilitation assistance programs. Any City-sponsored or assisted rehabilitation programs shall give priority to qualifying structures within the boundaries of NCAs. Such rehabilitation shall be consistent with the architectural and aesthetic character of the area and the individual structure.~~

~~H-4e Design criteria for alterations and additions. Prior to approval of any exterior change requiring a building permit, the Design Review Commission shall make a finding that the alteration or addition is compatible with and does not destroy the historical or architectural character of the property and the surrounding neighborhood conservation area.~~

~~H-4f Specific Plan Districts. The following Specific Plan Districts, with boundaries shown in Figures HP-b and HP-c, are hereby established:~~

- ~~1. Bayside Specific Plan District.~~
- ~~2. "South of Samea" (SOS) Specific Plan District.~~

~~Specific Plans prepared for these Districts will include preservation measures for historic and noteworthy structures.~~

~~POLICY H-5 CONTROLS ON DEMOLITIONS OF STRUCTURES~~

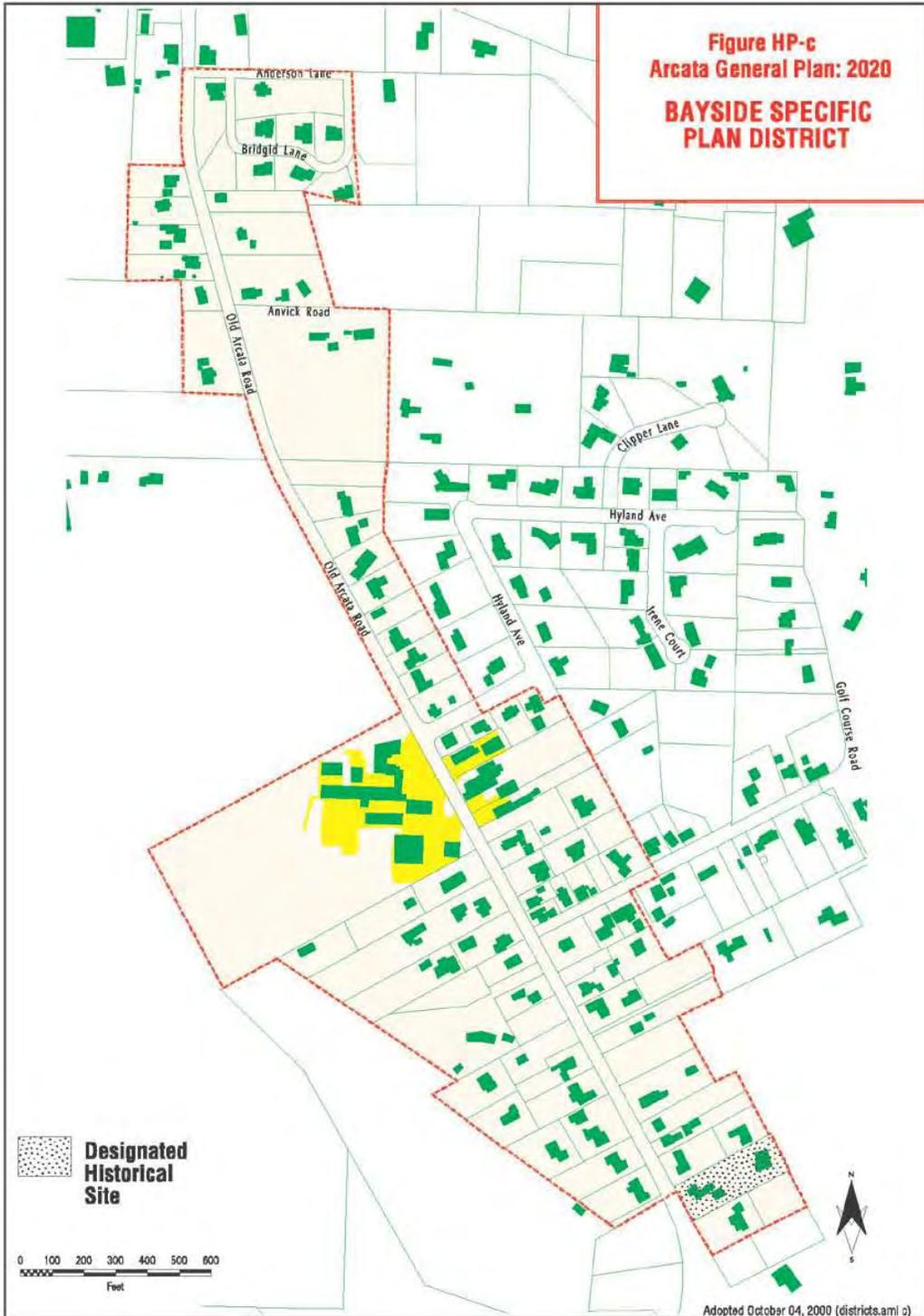
~~**Objective.** To prevent the premature demolition of existing buildings without first evaluating whether they are contributory to the historical or architectural character of the City or neighborhood and to consider the potential for preservation of those found to contribute to such character.~~

~~H-5a Discretionary demolition review required. No building within the City shall be demolished, in whole or in part, without review and approval by the Historic and Design Review Commission prior to issuance of a Demolition Permit. A Notice of Proposed Demolition shall be provided to all property owners within a 300-foot radius and to the Historical Sites Society of Arcata.~~

~~Figure HP-b Historic Landmarks and Neighborhood Conservation Areas (11 x 17, front side)~~

~~Figure HP-b Historic Landmarks and Neighborhood Conservation Areas (11 x 17, front side)~~

**Figure HP-c
Arcata General Plan: 2020
BAYSIDE SPECIFIC
PLAN DISTRICT**



~~Prior to its decision, the HLC shall consider the recommendations of the Historical Sites Society of Arcata or its designated representative. For partial demolitions, the applicant shall be required to submit a demolition plan showing those portions to be demolished and those to be retained. The following findings shall be required to approve demolition permit:~~

- ~~1. The building does not contribute to the historical or aesthetic character of the neighborhood or the city.~~
- ~~2. Although the building does have historical or aesthetic merit, it:
 - ~~a. has sustained substantial damage to key structural components, and~~
 - ~~b. there are no feasible alternatives to demolition of the building.~~~~

~~H-5b Waiting period for demolition of designated landmarks. Any approved demolition permit for designated historical landmarks shall be automatically subject to a delay of 180 days before the building permit for demolition may be issued by the City.~~

~~H-5c Deconstruction of older buildings. In those instances where demolition is authorized, it is encouraged that the buildings be deconstructed and that building components, fixtures, and materials be salvaged for future re-use.~~

~~POLICY H-6 PUBLIC PARTICIPATION, INFORMATION, AND EDUCATION POLICY~~

~~Objective. Promote public awareness of the City's historical heritage and resources, provide information and education about the methods and techniques to protect and enhance the quality of those resources, and encourage public participation in preserving Arcata's historical heritage.~~

~~H-6a Role of Historical Sites Society of Arcata (HSSA). The City shall send notice to the HSSA on all matters pertaining the preservation of historical resources. These include, but are not limited to, requests for comments on proposed Historic Landmarks, additions to the list of noteworthy structures, and proposed alteration or demolition of such structures.~~



~~The HSSA may submit its comments to the Historic and Design Review Commission. In consultation with the HSSA and the HLC, the Community Development Department shall prepare a brochure which provides guidelines and federal standards for restoration, alteration, and additions~~

~~to historical landmark and noteworthy structures. The HSSA is also designated as the organization to oversee the operation of Phillips House Museum of the City of Arcata.~~

~~H-6b Commemorative plaques for historical structures. In order to provide greater recognition and identification of designated historical landmark structures and to comply with federal standards, a commemorative plaque program should be developed. The HSSA is encouraged to be the lead organization for this effort.~~

~~H-6c Informational guides and walking tours. The City encourages the HSSA and Arcata Chamber of Commerce to prepare informational guides or walking tour guides for Arcata's most significant historical resources. The purposes of the tour guide(s) are to promote appreciation of the community's heritage sites and contribute to Arcata's tourism attractions.~~

~~H-6d Brochure on benefits and advantages for designating historical landmarks. The Arcata Community Development Department shall prepare an informational brochure which describes the benefits and advantages of having structures or sites designated as local Historic Landmarks.~~



POLICY ~~H-7~~ GROUP C-H-2 ARCHEOLOGICAL AND CULTURAL RESOURCES

Objective. Protect and preserve Native American and Euro-American archeological sites and cultural resources within the City of Arcata.

C-H-7a Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, or their duly delegated local equivalent agency, reasonable mitigation measures shall be required.

H-7a C-H-7b *Cultural Resources Project Review.* As part of the environmental and project review process, the City of Arcata shall enter into a Memorandum of Agreement (MOA) with the ~~Northwest Information Center of the Historical Resources Information System of the State of California~~ either and/or both the Tribal Historical Protection Offices of the Wiyot Tribe and the Blue Lake Rancheria. Under the MOA, all proposed discretionary projects under the California Environmental Quality Act shall be subject to cultural resources sensitivity review by the Northwest Information Center. In order to provide a context for city projects, for the evaluation of cultural significance and for the interpretation of the results of cultural resources project

reviews, the City of Arcata shall contract for a general prehistoric, ethnographic, and historic overview of the city and its environs.

C-H-7c **Archaeological Surface Reconnaissance.** If the cultural resources project review determines that the project is located in an area with a high probability of archaeological resources, an archaeological survey by a professional archaeologist or other qualified expert shall be performed.

~~H-7e~~ **C-H-7d** *Mitigation of potential impacts on archeological resources.* If the results of the surface reconnaissance show that the project area contains a resource of cultural significance, and if it is demonstrated that a project will cause damage to such a resource, ~~the City may~~ **all approved development shall** require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of other treatment include, but are not limited to, the following:

1. Modifying the project to avoid portions of the site with archaeological resources.
2. Providing or conveying easements or other deed restrictions.
3. Capping or covering archaeological resources with a soil layer before construction.
4. Planning open space to incorporate archaeological sites.

C-H-7e **Monitoring of Construction.** In appropriate circumstances, when archaeological resources are likely to be present at a construction site, monitoring of excavation and other soil disturbing activities by archeological and/or Native American observers shall be required.

C-H-7f **Discovery of archeological resources.** Upon discovery of archeological or paleontological materials, all grading or other land-disturbing construction activities at the site shall be suspended until the nature of the cultural resources has been ascertained and the appropriate disposition method determined.

TABLE HP - 1 DESIGNATED HISTORICAL SITES LIST

#	NAME		Street Address	Built	Historic Period
1	Fry House	290	12th Street	1874	Settlement Period
2	Dillon House	188	11th Street	1886	Settlement Period
3	Cates House	185	12th Street	1884	Settlement Period
4	Malvich House	1030	C Street	1914	Craftsman Period
5	Moore House	930	D Street	1903	Transitional Period
6	Shuman House	965	A Street	1906	Transitional Period
7	Aaron Alden House	947	A Street	1908	Transitional Period
8	Putnam-McCready House	913	A Street	1910	Transitional Period
9	Simms-Hunt House	855	A Street	1905	Transitional Period
10	Phillips House	71	7th Street	1855	Settlement Period
11	Beacom House	68	12th Street	1889	Settlement Period
12	Maronich House	87	12th Street	1889	Victorian Period
13	Susan House	67	11th Street	1874	Settlement Period
14	Leveque House	320	Park Avenue		
15	Ca. Central Creameries Plant	2151	9th Street	1918	Craftsman Period
16	Thomas Devlin House	885	K Street	1900	Transitional Period
17	Burrows House	453	F Street		

#	NAME		Street Address	Built	Historic Period
18	Simpson House	493	G Street		
19	Truesdell House	494	H Street	1876	Settlement Period
20	Fleckenstein-Newton House	588	H Street		
21	Monette House	665	F Street	1885	Settlement Period
22	Senevey-Menefee House	513	I Street	1880	Settlement Period
23	Baiocchi House	895	7th Street	1925	Craftsman Period
24	Selvage House	609	J Street	1874	Settlement Period
25	Eddy-Greene House	987	8th Street		
26	Vaissade House	927	J Street	1905	Transitional Period
27	Nixon House	1022	10th Street	1858	Settlement Period
28	Minor Theatre	1013	H Street	1914	Craftsman Period
29	Minor Building	1015	H St.	1914	Craftsman Period
30	Epicurean Restaurant	1057	H Street	1884	Victorian Period
31	First National Bank	1000	H Street	1913	Craftsman Period
32	Arcata Theater	1036	G Street	1937	Modern Period
33	Seely & Titlow Building	970	I Street		
34	Chevret House	739	10 th Street		
35	Murray House	987	F Street	1901	Victorian Period
36	Hotel Arcata	780	9th Street	1915	Craftsman Period
37	Hunt House	839	9 th Street		
38	Plaza		Block 167	1850	Settlement Period
39	Union Building	898	G Street	1890	Victorian Period
40	KXGO Radio/ Western Auto	826	G Street		
41	Old Post Office Building	735	8th Street		
42	Jacoby Building	791	8th Street	1857	Settlement Period
43	Packer's House	630	11th Street	1870	Settlement Period
44	Sowash House	1160	G Street	1914	Craftsman Period
45	Morgan House	1192	G Street	1901	Victorian Period
46	Miller House	1193	G Street	1900	Transitional Period
47	Pythian Castle	1100	H Street	1884	Victorian Period
48	Stewart Foster House	1139	H Street		
49	Moulton-Barlow House	860	11th Street	1907	Transitional Period
50	Wagner Block House	1157	J Street	1920	Craftsman Period
51	Wagner Block House	1187	J Street	1920	Craftsman Period
52	Wagner Block House	1087	12th Street	1920	Craftsman Period
53	Schorlig House	1050	12th Street	1885	Victorian Period
54	C.E. Daniels House	918	12th Street	1885	Victorian Period
55	Beers-Ely House	1285	I Street	1877	Settlement Period
56	Bair-Stokes House	916	13th Street	1888	Victorian Period
57	Horel House	980	13th Street	1904	Transitional Period
58	McCormack/ MacMillan House	1056	13th Street	1903	Transitional Period
59	Gastman-Gaynor Beer House	1362	K Street	1902	Transitional Period
60	David Wood House	1318	H Street	1910	Craftsman Period
61	Ericson House	1376	H Street	1870	Settlement Period
62	Whaley House	1395	H Street	1855	Settlement Period
63	Zehndner-Parton House	1164	14th Street	1902	Transitional Period
64	Stone House	902	14th Street	1888	Victorian Period
65	Cullberg House	1452	I Street	1862	Settlement Period
66	A. Gastman House	1492	H Street	1898	Victorian Period
67	William-Smith House	1542	H Street	1888	Victorian Period
68	Jako-Wagner House	1593	F Street		
69	Barter Bungalow/ Court	1645	G Street	1930	Craftsman Period

#	NAME		Street Address	Built	Historic Period
70	Smith-Mckenzie House	1619	H Street	1877	Settlement Period
71	Scribner House	1661	H Street	1885	Victorian Period
72	Sweet House	1717	H Street	1911	Craftsman Period
73	Godden House	938	17th Street	1919	Craftsman Period
74	Davidson-Carroll Store/ House	1593	I Street	1914	Craftsman Period
75	Keller House	1566	I Street	1894	Victorian Period
76	Stewart School Building	1125	16th Street	1925	Craftsman Period
77	St. Mary's Church	1090	16th Street	1884	Victorian Period
78	Greenwood Cemetery	1757	J Street	1860	Settlement Period
79	Nelson Hall		Humboldt St. Univ.	1940	Craftsman Period
80	Gist Hall		Humboldt St. Univ.	1933	Craftsman Period
81	Jenkins Hall		Humboldt St. Univ.	1950	Craftsman Period
82	Founders Hall		Humboldt St. Univ.	1921	Craftsman Period
83*	Bayside Post Office	1786	Old Arcata Road		
84*	Chaffey House	1220	Spear Avenue	1887	Victorian Period
85*	O'Grady House	1630	27th Street		
86*	Strobel House	1621	J Street	1874	Settlement Period
87*	Zehndner-Harpst-Austin House	1860	11th Street	1870	Settlement Period
88	McMillian House	589	F Street		
89	Old Methodist Church- Parsonage House	1166	H Street		
90	Liscom-Morrell House	1166	I Street		
91	Morrell-St. Louis House/Barn/Milk House	3215	St. Louis Road		
92	Janes School House	1105	Spear Avenue		
93	Pointsett House	3501	Boyd Road		

*Numbers do not appear on map.

[Revised by Ordinance No. 1377, September 2008]

5.6 IMPLEMENTATION MEASURES

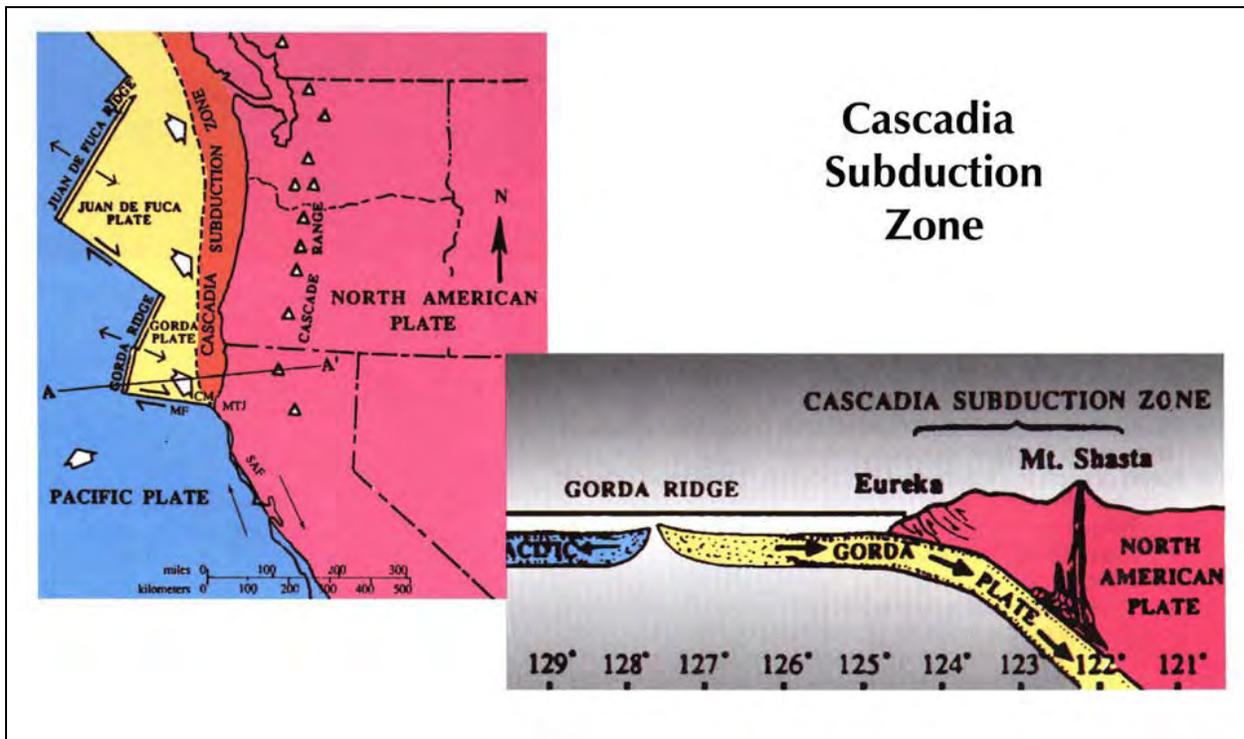
#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
LU-1	Historic Landmarks, conservation easements (LUC Amendment) A. Revise development standards for designated landmarks (delete additional uses, restrict conversion of res. structures in res. zones to non-residential uses, add other incentives). B. Revise Historical Landmarks combining zone re: demolition controls. C. Add authority for conservation (facade) easements. D. Define role of Historic and Design Review Commission. E. Add requirement for demolition permit. F. Create authority for Mills Act contracts.	Community Development Dept./ Planning Commission	Year 1-
H-1	Create Historic and Design Review Commission The City shall appoint a Historic and Design Review Commission for the purpose of pursuing Certified Local Government status, developing a	City Council	Year 1-

	Noteworthy Structure List and promoting other historic preservation activities. This includes coordinating with HSU for listing of State owned historic structures.		
H-2-	Historic resources inventory Update historical resources inventory (add structures throughout the City based on age, and add Bayside area to inventory).	Comm. Devel. Dept./ Historic and Design Review Commission	Year 2-
H-3-	Certified local government status Apply to the State Office of Historic Preservation for Certified Local Government status.	Historic and Design Review Commission	Year 2-
H-4-	Training and information program Develop a design brochure(s) and a brochure on benefits of landmark designation.	Historic and Design Review Commission	Year 2-
H-5-	Noteworthy Structures List The Historical and Design Review Commission shall prepare and maintain a noteworthy structures list.	Historic and Design Review Commission	Year 1-

Chapter 6

Coastal Health and Safety

Coastal Public Safety Element ~~Noise Element~~



COASTAL PUBLIC SAFETY ELEMENT

6.1 INTRODUCTION

Overview of Emergency Preparedness and Police and Fire Services. Preparation for, and timely and adequate response to emergencies are essential community services that require planning and community-wide coordination. Emergency preparedness is the combined responsibility of the City, emergency response organizations, and community residents. Arcata's Volunteer Fire Department and City Police Department provide critical emergency response services and leadership, and serve as the community's primary response agencies in emergency situations. These agencies are most efficient when they can rely on emergency response organizations, such as the State of California's Office of Emergency Services, community groups, and individuals to provide organized support when needed. The Neighborhood Emergency Services Teams (NEST) that exist in several of Arcata's neighborhoods are good examples of local organizations with the resources and training to respond to emergencies.



Overview of Arcata's Potential Seismic and Geologic Hazards. The northern coast is one of California's most seismically active regions, and special precautions must be taken to protect residents from the effects of seismic events and hazards. Faults in and around the community, and the offshore Cascadia subduction zone (a 750-mile long major thrust fault) are considered active. Recent geotechnical studies identify fault zones, as well as areas susceptible to ground shaking, liquefaction, and tsunami run-up that represent safety hazards to the community. The potential for a major seismic event has prompted emergency response organizations, such as the Humboldt Earthquake Education Center at Humboldt State University, to provide information promoting earthquake and tsunami awareness and emergency preparedness. Geologic safety hazards also include potential slope instability on Arcata's hillsides and soil erosion. Mapped hazard areas are shown on Figure PS-a, located in a map pocket at the end of this Element.

The Cascadia Subduction Zone

North of the Mendocino Triple Junction, the Gorda Plate and its northern extension, the Juan de Fuca Plate, move eastward on a collision course with the North American Plate. The Gorda Plate slowly descends beneath the North American Plate along the Cascadia Subduction Zone. Most scientists believe that the upper 50 miles or so of the contact between the Gorda Plate and the North American Plate is locked. This boundary is called the megathrust. Source: [Living on Shaky Ground](#) Humboldt State University

Potential Flooding Hazards Overview. Arcata is bordered by the Mad River to the north, and bisected by several streams. These watercourses and their associated floodplains have been altered over time and are subject to future change. They have the potential, during peak flows, to overtop their banks with sufficient volume and velocity to damage adjacent structures, facilities, and natural areas. A number of Arcata's creeks have been modified with culverts, channels, and coverings. These structures inhibit natural infiltration and flood protection, resulting in increased flood volumes and velocities downstream. There is strong community interest in returning local creeks to more natural conditions, and incorporating measures, such as detention basins and natural infiltration, that will reduce flood velocities and volumes.



ARCATA'S DRAINAGE MASTER PLAN GOALS INCLUDE:

- Minimize increases in the volume and the flow of stormwater runoff associated with new development, so as to minimize increases in the hazards and the costs associated with flooding.
- Minimize the erosion potential from a development or construction site so as to prevent deposition of sediment into streams and other receiving water bodies.
- Maintain the integrity of stream hydrology by preventing stream channel erosion so as to sustain the hydrologic functions of streams.
- Reduce the pollutant load in stormwater runoff from developing and urbanizing areas so as to preserve the natural biological functions of streams and other receiving water bodies (and flood management and stream habitat quality).
- To the extent practical, acquire easements and properties necessary for effective drainage management.

Hazardous Materials Overview. Human exposure to hazardous materials and conditions must be minimized to ensure the well being of the community. Reducing this exposure must include cleaning up contamination from the past and avoiding use of hazardous materials in the future. Hazardous materials used primarily in wood products processing and auto-related operations have resulted in site and groundwater contamination that remain today. Minimizing future health hazards can be accomplished by:

1. Elimination of many toxic substances.
2. Substitution of environmentally safe alternatives.
3. Safer handling and disposal procedures of those materials still available.

There is community interest in replacing harmful substances and materials with biodegradable and less damaging substitutes, and cleaning up existing contaminated sites.

Human Health Hazards Overview. Sound physical and mental health are important factors when considering the well being of the community. Access to health care providers, social services, counseling, and facilities such as hospitals, clinics, temporary shelters and food distribution sites, should be taken into consideration when planning the community's future. These services and facilities are typically provided by agencies and organizations other than the City; however, the City can play an important role in minimizing health hazards by identifying locations where treatment and assistance are available, and by promoting accessibility to these services.

Guiding Principles and Goals.

- A. Establish and maintain emergency response capabilities and services at both the City and neighborhood levels.
- B. Promote seismic safety by restricting development in high risk areas, and strengthening buildings and infrastructure to withstand seismic events.
- C. Recognize that certain slopes and soils lack stability and are best left undisturbed.
- D. Establish and maintain sufficiently sized flood areas along Arcata's watercourses, to accommodate flood flows without damaging property or injuring residents.
- E. Reduce fire hazards through prevention and suppression.
- F. Protect residents and the natural environment from exposure to hazardous materials and substances.
- G. Promote a sense of security and safety by maintaining and supporting police services.
- H. Promote social services and programs that improve the physical and mental well being of community residents.
- I. Continue participating in the Humboldt joint powers authority, and promote hazardous materials reductions and safe handling.

NEST GOALS ARE TO:

- Organize the neighborhood.
- Evaluate your risk at home.
- Practice your skills as a group.
- Learn about disaster-preparedness.
- Prepare your family for any event.
- Train in survival & life saving skills.
- Obtain the necessary equipment & supplies.
- Get the neighborhood ready to support itself.
- Provide accurate information to emergency services.
- Provide skilled volunteer services to the community.
- Recover quickly from any disaster.
- Get positive results in disaster efforts (PRIDE).

6.2 POLICIES

The Coastal Public Safety Element contains the following ~~policies~~ policy groups:

C-PS-1 Emergency Preparedness

C-PS-2 Seismic Hazards

C-PS-3 Other Geologic Hazards

C-PS-4 Flood Hazards

C-PS-5 Fire Hazards

C-PS-6 Hazardous Materials

~~PS-7 Crime Prevention and Response~~

~~PS-8 Human Health Hazards~~

POLICY GROUP C-PS-1 EMERGENCY PREPAREDNESS

Objective: Ensure that the City, its residents, businesses, agencies, and organizations are prepared for emergencies or disasters and have effective response and recovery plans in place.

~~PS-1a **City Emergency Response Plan.** The City shall maintain a comprehensive response plan for emergencies, including seismic events, tsunamis, slope failures, floods, storms, fires, and materials spills or contamination. The plan will provide for timely and coordinated response to emergencies that threaten community residents, property, and vital services. The plan will identify City and other emergency response agencies that should be contacted, and also identify neighborhood resources available for more localized assistance and relief.~~

~~PS-1b **Evacuation routes/transportation facilities.** Emergencies such as floods, storms, fires, distantly generated tsunamis, and hazardous materials spills may necessitate immediate evacuation of affected areas. A map of evacuation routes shall be included in City and neighborhood emergency response plans. These plans will also include evacuation methods for residents who are without, or unable to operate, vehicles. An emergency access plan shall be developed for access to the east side of town (east of State Route 101) after a major seismic event.~~

APPLICATIONS FOR THE INCIDENT COMMAND SYSTEM:

- Fires, hazardous materials (HAZMAT), and multicasualty incidents.
- Multijurisdiction and multi-agency disasters.
- Wide area search and rescue missions.
- Pest eradication programs.
- Oil spill response and recovery incidents.
- Single and multi-agency law enforcement actions.
- Air, rail, water, and ground transportation accidents.
- Planned events (celebrations, parades, concerts).
- Private sector emergency management programs.
- State or local major natural hazards management.

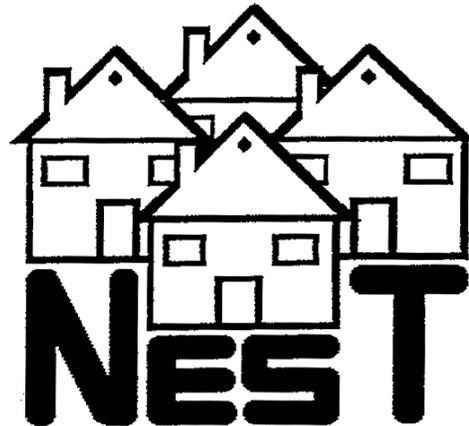
~~PS-1c **Disaster preparedness coordination using the Standardized Emergency Management System.** City staff responsible for~~

~~emergency response shall be trained in Standardized Emergency Management System (SEMS) implementation, which is necessary to receive reimbursement from the State of California for disaster response related costs. This training includes instruction about the Incident Command System (ICS) which is used to manage emergency incidents or non-emergency events.~~

~~PS-1d~~ **C-PS-1a** *Siting and design of critical facilities.* Adequate shelter and continued operation of essential services, including communications, medical treatment, water delivery, fire and police services, and key transportation facilities are vital for responding to emergencies. These facilities and services shall be located and designed to withstand disaster impacts and have backup systems, such as emergency generators and water storage (including private and open water sources), that allow for their continuous operation during **and after** emergencies. New critical facilities shall not be located in areas with high physical hazards, including high liquefaction potential, **100- and 500-year** flood zones, and tsunami hazards. ~~Critical~~ **New critical** facilities shall be designed ~~to be functional at peak capacity, following a magnitude 7.7~~ **consistent with the standards of the California Building Code with respect to** earthquake ~~in the Mad River fault zone~~ **resiliency.**

C-PS-1b **Development & design standards for emergency response.** New and renovated structures, as well as streets, driveways, and alleyways, shall be designed to provide adequate entry and exit by emergency vehicles and personnel. This includes visible street numbering, emergency vehicle turn-arounds, accessible building entry points and stairways, lighting, and interior evacuation routes.

~~PS-1f~~ **Citizen training/Neighborhood and Business Emergency Services Teams.** The City of Arcata Police Department coordinates the organization and training of Neighborhood Emergency Services Teams and Business Emergency Services Teams (NEST and BEST). The NEST program is essential for mobilizing neighborhood response to emergencies. The NEST program shall be expanded to all neighborhoods.



POLICY GROUP C-PS-2 SEISMIC HAZARDS

Objective: Protect existing and new structures from seismic hazards. Identify and map seismic hazards and assure that any development within such hazard areas does not proceed until geologic and soils conditions are adequately investigated and appropriate mitigation measures, if any, are incorporated into development plans.

C-PS-2a **New development shall minimize risks to life and property in areas of high geologic hazard. assure stability and structural integrity, and neither create**

nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

C-PS-2b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to, California Geological Survey Geohazard Maps. Low intensity/occupancy uses (such as open space, easy to evacuate recreational facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.

C-PS-2c Applications for development located in or near an area subject to geologic hazards, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. Such study shall be prepared consistent with the requirements of Land Use Code.

C-PS-2d Setbacks for seismic faults shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.

~~PS-2a C-PS-1e~~ *Development within fault zone/surface rupture areas.* ~~The City shall maintain current seismic information that identifies fault zones and probable surface rupture areas.~~ Development in these identified fault zones and probable surface rupture areas shall be avoided, unless it can be demonstrated that structures and facilities can be designed to withstand effects of faulting and surface rupture. Building setbacks from faults, surface ruptures, and other seismic hazards, as specified in the most current Uniform California Building Code or Alquist-Priolo Act, shall be maintained.

[Copy struckthrough advisory/declarative language to *Other Initiatives*; change to **bold doubleunderlined**]

~~PS-2b C-PS-2f~~ *Mitigation of ground-shaking hazards.* ~~Arcata will experience ground shaking during an earthquake. The City maintains seismic data files that identify areas where ground shaking will most likely damage buildings and infrastructure.~~ New construction and renovation shall incorporate the most current and effective seismic engineering measures to strengthen building foundations and infrastructure in these areas.

[Copy struckthrough advisory/declarative language to *Other Initiatives*; change to **bold doubleunderlined**]

~~PS-2c C-PS-2g~~ *Mitigation of surface rupture and groundshaking hazards.* The City's Alquist-Priolo Special Studies Zone map (Figure PS-a) and Geologic Hazard Land Use

Matrix (Table PS-1) identify areas highly susceptible to surface rupture and groundshaking. Construction in these areas shall be restricted, unless it can be demonstrated, in site-specific geotechnical reports prepared by qualified personnel, that structures and facilities can be designed to withstand liquefaction hazards induced by seismic events.

~~PS-2d~~ **C-PS-2h** *Requirement for and review of "Geotechnical Reports."* New building and infrastructure construction, and substantial renovations in areas with seismic hazards, shall incorporate geotechnical report specified measures into project design. Geotechnical reports shall be required for structures or infrastructure in seismic hazard areas. Required reports, prepared by ~~a registered geologist, certified engineering geologist, or registered engineer with expertise in seismic engineering~~ one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions, shall recommend mitigation for seismic impacts and identify alternative solutions. The City ~~may~~ shall require independent review of the geotechnical reports.

~~PS-2e~~ **C-PS-2i** Shoreline hazards (tsunami, tidal flooding). ~~A State of California study~~ Various studies and models (Planning Scenario in Humboldt and Del Norte Counties, California, for a Great Earthquake on the Cascadia Subduction Zone, Special Publication 115, California Department of Conservation, Division of Mines & Geology, 1995, California Geological Survey/USC Tsunami Research Center/CalEMA, 2010) ~~indicates~~ indicate that the Arcata Bay shoreline and



adjacent areas, between McDaniel Slough and Mad River Slough, could be inundated by tsunami run-up. The City shall prohibit the location of critical facilities in the tsunami run-up area, and use available emergency broadcasting systems to communicate tsunami warnings. Should coastal access within the tsunami run-up zone be provided in the future, appropriate evacuation route signage shall be posted.

C-PS-2j **Failure of Matthews Dam.** All new buildings designed for human occupancy or use that are located in the area of potential inundation resulting from a catastrophic failure of Matthews Dam shall have an early-warning system and evacuation plan in place for those persons living and working there.

~~PS-2g~~ **C-PS-2k** *Earthquake-resistant building and infrastructure standards.* The current ~~Uniform~~ California Building Code standards for strengthening buildings and infrastructure to withstand earthquakes shall be enforced. The competency of existing road and utility networks shall be evaluated and, where necessary, upgraded to withstand the most current ground acceleration standards.

~~PS-2h **Public information and disclosure.** The Humboldt Earthquake Education Information Center, at Humboldt State University, and the City of Arcata have earthquake/tsunami awareness information that is available to the public. The Center and the City will continue to make the most current information available to help the community prepare for and respond to seismic events.~~

THE HUMBOLDT EARTHQUAKE EDUCATION INFORMATION CENTER:

- . Prepares and distributes earthquake education materials.
- . Provides information when significant earthquakes occur.
- . Conducts workshops for emergency planners, teachers and others.
- . Has speakers for community group conferences and meetings.
- . Operates the Humboldt earthquake hotline.
- . Maintains a website.
- . Conducts intensity studies of regional earthquakes.

GEOLOGIC HAZARD LAND USE MATRIX – KEY TERMS AND ABBREVIATIONS

Term	Explanation
P	Development prohibited
R1	Engineering geologic report and soils engineering report required. Engineering geologic report must be prepared by a Certified Engineering Geologist®. Soils engineering report may be prepared by a Registered Civil Engineer® with appropriate geotechnical knowledge and experience or by a Certified Engineering Geologist® with appropriate geotechnical knowledge and experience.
R2	Engineering geologic report required. Engineering geologic report may be prepared by a Registered Geologist® with appropriate geotechnical knowledge and experience.
®	All registrations and certifications must be licensed by the State of California.
D	Report requirement is left to the discretion of the City Building Inspector.
*	Fault Rupture Hazard. “SSZ” refers to Alquist-Priolo Special Studies Zone. “PAF” refers to Potentially Active Fault. See Hazards Map (Figure PS-a) and Seismic Safety Policies
**	See Slope Stability Hazard Map (Figure PS-b)
***	High Liquefaction indicates soil saturation and instability in moderate seismic events. Medium Liquefaction indicates soil saturation and instability in major seismic events. Low Liquefaction indicates soil saturation and instability in major seismic events. See Hazards Map (Figure PS-a)

POLICY GROUP C-PS-3 OTHER GEOLOGIC HAZARDS

Objective. Protect existing and new structures from non-seismic geologic hazards such as unstable slopes and soils. Require that all non-seismic geologic hazards be adequately addressed and mitigated.

C-PS-3a New development shall minimize risks to life and property in areas of highly unstable soils and slope hazard, ensure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

C-PS-3b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to California Geological Survey Geohazard Maps, U.S. Geological Survey (USGS) Assessment of Sandy Beaches, USGS Assessment of Rocky Shorelines, U.S. Army Corps of Engineers, California Emergency Management Agency Tsunami Run-up maps, and the Pacific Institute’s Coastal Erosion and Flooding Maps. Low intensity/occupancy uses (such as open space, easy to evacuate recreational

facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.

C-PS-3c Setbacks for liquefaction zones, unstable soils or steep slopes shall be established as part of the development review process. Where severe safety considerations exist (e.g., within zones of extreme and high instability), open space easements shall be granted to the City to protect people and property from health and safety hazards.

C-PS-3d Blufftop and cliff face setbacks. All development located on a blufftop or in proximity to a cliff face, shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life. Stability shall be defined as maintaining a minimum factor of safety against sliding of 1.5 (static) or 1.1 (pseudostatic). This requirement shall apply to the principal structure and accessory or ancillary structures. Slope stability analyses and erosion rate estimates shall be performed by a qualified Certified Engineering Geologist (CEG), Registered Civil Engineers (RCE), Geotechnical Engineer (GE) or a group of the aforementioned specialists approved by the City, with expertise appropriate to the site and anticipated hazard conditions.

C-PS-3e Siting and design of new shoreline development and protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100-year economic life of the structure, taking into consideration the 100-year storm event and storm surge.

C-PS-3f New development on bay fronting parcels shall only be approved with conditions requiring that no shoreline protective structure be allowed to be constructed in the future to protect the development from bluff erosion. Prior to the issuance of a coastal development permit for the development, a deed restriction acceptable to the Director of Community Development shall be recorded memorializing the prohibition on future shoreline protective structures.

C-PS-3g Land divisions, including subdivisions, lot splits, lot line adjustments, and conditional certificates of compliance that create new shoreline or blufftop lots, shall not be permitted unless the land division can be shown to create lots which can be developed safe from geologic hazard and without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time.

~~PS-3a~~ C-PS-3h *Slope stability hazards.* Slope areas greater than 15%, shown on Figure PS-a, and certain less steep slopes with erosive soils may become unstable if disturbed. The City shall restrict grading, vegetation removal, and new construction in areas with unstable soils unless it can be demonstrated that these activities can occur

without impacts. All grading of slope areas shall follow natural contours to maximize stability.

TABLE PS - 1 GEOLOGIC HAZARD LAND USE MATRIX

BUILDING TYPE/ LAND USE	EARTH-QUAKE SHAKING HAZARD	FAULT RUPTURE HAZARD*		SLOPE STABILITY HAZARD**					LIQUEFACTION POTENTIAL***							
		SSZ	PAF	V	IV	III	II&I	LOW	LOW →	HIGH	LOW	LOW →	HIGH			
Hazardous Essential Private	R1 R1 R1	R2 R2 R2	R2 R2 R2	D D D	D D D	R1 R1 R1	R1 R1 R1	R1 R1 R1	D R1 R1	D R1 R1	D R1 R1	D R1 R1	D R1 R1			
														Critical	Moderate Risk	Low Risk
Residential structures on existing lots with footing loads greater than typical 2 story wood frame dwellings or residential structures with 3 stories or more	Major Subdivisions	Heavy Industrial	Multi family structures greater than 4-plexes	Minor subdivisions	Light industrial, warehousing, commercial	Residential wood frame structures 2 stories or less on existing lots										

C-PS-3i **Grading standards for erosion and sedimentation control.** The design, extent, and location of grading shall minimize disturbance of the natural terrain and land features and shall not impact offsite areas. Trees and native vegetation shall be retained around graded areas to stabilize hillsides; retain moisture; reduce erosion, siltation and nutrient runoff; and retain the natural beauty of the area. Cleared areas susceptible to erosion shall be stabilized so that no materials are transported offsite.

C-PS-3j **Hillside development standards.** The land areas subject to hillside development standards are shown in Figure PS-a. Development on lands within these areas shall be subject to the following standards:

1. Each new lot created in areas subject to hillside development standards shall be required to contain a contiguous buildable area of at least 4,000 square feet. All parts of the building area shall have a natural slope of less than 15%. No more than 4,000 square feet of any existing lot which was legally created prior to adoption of this plan, and does not meet the preceding 15% standard, may be disturbed for development.
2. At least 50% of the area of any lot undeveloped as of the date of this plan shall be included in a "natural area" which shall remain in a natural, ungraded, undeveloped state. All slopes in excess of 25% shall be included in the natural area.
3. Vegetation removal in the natural area of each lot shall be subject to review and approval by the City.
4. All access roads and driveways shall be kept to the minimum feasible width and shall be designed to minimize grading and disruption of vegetation.
5. Access roads shall not exceed 15% slope for any distance. Individual driveways shall not exceed 17% slope.
6. Access roads or driveways shall be designed to avoid steep slopes and shall not have cuts exceeding fifty feet (50') nor fills exceeding twenty-five feet (25') in height.
7. The design, scope and location of grading for development should cause the minimum disturbance of the terrain and natural features of the land. Unavoidable grading should complement natural land forms. Mass grading of large pads and terraces shall not be permitted.
8. All manufactured slopes shall be planted or otherwise protected from the effects of storm run-off and erosion.
9. Time limits to avoid extensive grading during the wet season shall be imposed on new developments.
10. Any necessary conditions to control erosion and assure site restoration shall be required by the City. Measures shall include short-term controls to minimize erosion at construction sites and long-term controls for minimizing sedimentation and maintaining water quality.
11. Development in areas subject to development standards should demonstrate a concern for the view of the hills as well as the view from the hill.

C-PS-3k **Slope-density land use restrictions.** Slopes greater than 25% are to be designated as natural areas and shall not be included in density calculations. Minimum parcel sizes on slopes shall be contingent on the site's ability to accommodate a building site with adequate access and utilities.

C-PS-3f All development that requires a coastal grading/development permit shall submit a plan to control post-construction stormwater runoff flows, and maintain or improve water quality ("Post-Construction Stormwater Plan"). This plan shall specify Site Design, Source Control, and if necessary, Treatment Control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to the local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the City's local coastal program or in the proposed amendment to a certified local coastal program.

(b) As part of the review for certification of the land use plan and/or zoning amendments associated with any conversion, the economic feasibility evaluation required by subdivision (a) shall be submitted to the Coastal Commission by the local government, as part of the City's submittal of the local coastal program amendment to its local coastal program. If the City determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the City by a consultant selected jointly by the City and the Executive Director of the Coastal Commission.

~~PS-3e~~ **C-PS-3I** *Geotechnical reports.* Geotechnical reports shall be prepared for development of areas with unstable slopes and/or erosive soils. These reports will be prepared by ~~qualified professionals~~ one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions, consistent with Policy ~~PS-2d~~ **C-PS-2h**. Measures to ensure slope and soil stability shall be incorporated into the project design.

~~PS-3f Provide available information, including potential for site slippage, effects of groundwater on slopes and soils, erosion potential, and other hazards, to homebuilders prior to the start of construction.~~

POLICY GROUP C-PS-4 FLOOD HAZARDS

Objective. Protect current and future populations and property from flood hazards. Assure that new development within floodplains does not proceed until appropriate mitigation measures are incorporated into development plans.

C-PS-4a New development shall minimize risks to life and property in areas of high flood hazard.

C-PS-4b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to, FEMA Flood Insurance Rate Maps and coastal storm surge maps, and the tsunami inundation/runup maps and models prepared by CalEMA/USC Tsunami Research Center/CGS. Low intensity/occupancy uses (such as open space, easy to evacuate recreational facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.

C-PS-4c Setbacks for mapped Flood Hazard Zone A areas shall be established as part of the development review process. Where severe safety considerations exist (e.g., within floodways), open space easements shall be granted to the City to protect people and property from health and safety hazards.

C-PS-4d The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, identified in the current guidance from the Ocean Protection Council, or equivalent state guidance. The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazards analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes within the tsunami inundation zone, projects shall assume the inundation plus an assumed rise in sea level — a minimum sea level rise rate of 3 feet per century and critical infrastructure shall assume the inundation plus an assumed rise of 4.5 feet per century; greater sea level rise rates shall be used if development is expected to have an economic life greater than 100 years, if development has few options for adaptation to sea level higher than the design minimum, or if the best available and most recent scientific information supports a higher design level.

C-PS-4e All bay front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding, and beach and bluff erosion hazards, and avoid the need for a shoreline or bluff face protective structure at any time during the life of the development.

C-PS-4f All new development entailing the construction of structures intended for human occupancy, situated within historic, modeled, or mapped tsunami inundation hazard areas, shall be required to prepare and secure approval of a tsunami safety plan. The safety plan shall be prepared in coordination with the Humboldt County Office of Emergency Services, Sheriff's Office, and City or Tribal public safety agencies, and shall contain information relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The safety plan information shall be conspicuously posted or copies of the information provided to all occupants. No new residential land divisions shall be approved

unless it be demonstrated that either: (a) timely evacuation to safe higher ground, as depicted on adopted tsunami hazard maps, can feasibly be achieved before the predicted time of arrival of tsunami inundation at the project site; or (b) the development is designed to incorporate structural resiliency and modeled inundation freeboard features to allow for occupants to vertically evacuate and “shelter-in-place” on upper floors or roof areas.

C-PS-4g New residential subdivisions situated within historic and modeled tsunami inundation hazard areas, such as depicted on the tsunami hazard maps described in Policy C-PS-4 above, shall be designed and sited such that the finished floor elevation of all new permanent residential units are constructed with one foot of freeboard above the maximum credible runup elevation as depicted on the most recent government prepared tsunami hazards maps, or as developed by local agency modeling, whichever elevation is greater, taking into account sea level rise rates of 3 to 6 feet per century. For tsunami resilient design purposes, a minimum sea level rise rate of 3 feet per century shall be used when combined with a maximum credible tsunami condition. Additionally, all such structures containing permanent residential units shall be designed to withstand the hydrostatic and hydrodynamic loads and effects of buoyancy associated with inundation by storm surge and tsunami waves up to and including the tsunami runup depicted on the tsunami hazard maps, without experiencing a catastrophic structural failure. For purposes of administering this policy, “permanent residential units” comprise residential units intended for occupancy as the principal domicile of their owners, and do not include timeshare condominiums, visitor-serving overnight facilities, or other transient accommodations.

~~PS 4a Floodplain Mapping. The City shall continue participating in the National Flood Insurance Program and maintain the most current Flood Insurance Rate Maps (FIRM) on file. The City shall also continue requesting that the Federal Emergency Management Agency provide hydrographic modeling (using the 1964 flood levels as a benchmark) and an update of flood mapping for the Mad River.~~

The Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program providing insurance to the public in participating communities. FEMA is the main federal government agency contact during natural disasters and publishes Flood Insurance Rate Maps, which identify flood potential based on a 100-year flood.

~~PS 4b~~ **C-PS-4i** *Limitations to development adjacent to Arcata Bay and along Bay shoreline (tidal flooding, tsunami, failure of dikes or tidegates).* The Arcata Bottom and other low lying areas adjacent to Arcata Bay, McDaniel, Butcher’s and Gannon Sloughs, and Arcata Marsh are susceptible to flooding from extreme Bay tidal action, tsunami run-up, seiche, dike or tidegate failure, heavy rainfall that can’t drain, and Mad River flood events. Accordingly, in conformity with Open Space Policy C-OS-5a, land uses in these areas shall be limited to those where exposure of persons and property to such risks would be minimized, such as prohibiting residential development. Where not otherwise restricted, habitable structures and related

improvements shall be appropriately elevated above flood levels, designed so as not to restrict flood flows, and shall comply with applicable provisions of Resource Conservation and Management Policy RC-2: Streams Conservation and Management, pertaining to Streamside Protection Areas (RC-2b and RC-2c). Land alterations for recreation and natural resource uses shall also not restrict or increase or channelize flood flows in a way that could cause inundation to adjacent areas.

PS-3d **Slope-density land use restrictions.** Slopes greater than 25% are to be designated as natural areas and shall not be included in density calculations. Minimum parcel sizes on slopes shall be contingent on the site's ability to accommodate a building site with adequate access and utilities.

PS-3e **Geotechnical reports.** Geotechnical reports shall be prepared for development of areas with unstable slopes and/or erosive soils. These reports will be prepared by qualified professionals, consistent with Policy PS-2d. Measures to ensure slope and soil stability shall be incorporated into the project design.

PS-3f Provide available information, including potential for site slippage, effects of groundwater on slopes and soils, erosion potential, and other hazards, to homebuilders prior to the start of construction.

POLICY GROUP C-PS-4 FLOOD HAZARDS

Objective. Protect current and future populations and property from flood hazards. Assure that new development within floodplains does not proceed until appropriate mitigation measures are incorporated into development plans.

PS-4a **Floodplain Mapping.** The City shall continue participating in the National Flood Insurance Program and maintain the most current Flood Insurance Rate Maps (FIRM) on file. The City shall also continue requesting that the Federal Emergency Management Agency provide hydrographic modeling (using the 1964 flood levels as a benchmark) and an update of flood mapping for the Mad River.

PS-4b **Limitations to development adjacent to Arcata Bay and along Bay shoreline (tidal flooding, tsunami, failure of dikes or tidegates).** The Arcata Bottom and other low lying areas adjacent to Arcata Bay, McDaniel, Butcher's and Gannon Sloughs, and Arcata Marsh are susceptible to flooding from extreme Bay tidal action, tsunami run-up, seiche, dike or tidegate failure, heavy rainfall that can't drain, and Mad River flood events. Where not otherwise restricted, habitable structures and related improvements shall be appropriately elevated above flood levels, designed so as not to restrict flood flows, and shall comply with applicable provisions of Resource Conservation and Management Policy RC-2: Streams Conservation and Management, pertaining to Streamside Protection Areas (RC-2b and RC-2c). Land alterations for recreation and natural resource uses shall also not restrict or increase or channelize flood flows in a way that could cause inundation to adjacent areas.

C-PS-4j **Limitations on development within Flood Zone.** The mapped Floodzone A as determined by FEMA should be kept free of structures and other obstructions that would restrict flood flows. New construction in Flood Zone A shall be elevated, flood-proofed, designed to not constrict flood flows or drainage, and/or include other features, such as access for evacuation and emergency response, to protect human safety and minimize property damage. Landform alterations shall not impede flood flows in adjacent upstream or downstream areas. Any development in the floodplain must be consistent with City floodplain zoning regulations.

C-PS-4k **Limitations to development within flood hazard zones.** Arcata's creeks and sloughs have the potential to cause localized flooding and shall be maintained to allow the flow of floodwaters. Structures and other land form alterations in areas susceptible to localized flooding, outside areas defined in policies RC-2b and RC-3c, should be setback from the watercourse. Elevated and flood-proofed structures, and/or floodwater detention basins shall be provided to minimize flood damage and prevent any net increase in floodflows upstream or downstream. The City shall promote flood management practices for entire watercourses, to minimize the need for sandbagging and other temporary flood control measures that can have detrimental impacts to adjacent areas.



~~PS 4o **Flood Insurance.** Flood insurance is available from private insurers to compensate home and business owners for flood related losses. Flood insurance rates are set by a site's proximity to mapped flood prone areas. The City shall make information about flood prone areas available to the public, to aid community residents and business owners in determining whether flood insurance should be purchased.~~

C-PS-4m **Development standards in floodplains (surface drainageways and detention areas).** All plans for new construction that could potentially encroach into a floodplain must incorporate measures for flood protection and show that there will be no adverse impact to the carrying capacity of the floodway. Setbacks, easements covering Floodzone A, and minimal use of impervious surfaces are measures strongly encouraged. Elevation of structures, anchoring, flood-proofing, and construction of detention basins are considered secondary and less desirable measures. The City's floodplain administrator shall verify this information and require appropriate certification before any development permits are granted.

C-PS-4n **Preventive maintenance of streams and drainageways.** Local streams carry the majority of Arcata's floodwaters and shall be maintained for flood protection as well as natural biological functions. All improvements and maintenance shall be done in accordance with the City's Drainage Master Plan.

C-PS-4o **Development review: drainage standards and drainage fees.** All new development shall meet current City drainage standards and pay all applicable drainage fees. The City shall provide incentives to reduce the amount of impervious surface associated with new and renovated uses by reducing drainage fees.

POLICY PS-5 GROUP C-FIRE HAZARDS

Objective. Minimize risk of personal injury and property damage resulting from structural (urban) and wildland fires.

C-PS-5a New development shall minimize risks to life and property in areas of high fire hazard.

C-PS-5b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps.

C-PS-5c Setbacks for areas susceptible to wildland fire shall be established as part of the development review process. Where severe safety considerations exist (e.g., within extreme or high fire risk zones), open space easements shall be granted to the City to protect people and property from health and safety hazards.

~~PS-5a Management of urban fire hazards (development/design standards).~~

~~Structural fires demand immediate response from a combination of onsite and Fire Department resources in order to minimize injury and damage. Fire suppression devices such as extinguishers and sprinklers are important for initial response, reduce fire insurance premiums, and satisfy operations requirements for certain types of businesses. These devices are encouraged in new and renovated non-residential buildings and in all residential structures with more than four units, even when not required by fire and building code.~~

~~All buildings should have adequate lighting, street numbering, and access to ensure rapid response by fire fighting vehicles. To ensure urban fire safety, the City shall enforce the Uniform Building and Uniform Fire Codes (UBC & UFC) currently in effect, and the Universal Building Code when it is adopted.~~



~~PS-5b C-PS-5d Review of development for fire safety. The Arcata Volunteer Fire Department takes an active role in reviewing new development for compliance with fire safety standards. The City shall continue to incorporate Fire Department review to ensure that driveways, turns around, and other access ways have sufficient width, vertical clearance, and turn-around space for fire fighting vehicles.~~ Roadways shall have an all-weather surface and grades shall not exceed the Fire Department's maximum slope standards for emergency access.

[Copy struckthrough advisory/declarative language to *Other Initiatives*; change to **bold doubleunderlined**]

~~PS-5c **Water supply (fire flow)**. The City's fire hydrant system provides the primary source of water for fighting urban fires. The City shall maintain fire hydrant spacing so that no residential structure is more than 500 feet from a hydrant and no commercial or industrial structure is more than 300 feet from a hydrant. Each hydrant shall have adequate fittings and be capable of providing adequate water flows to meet Fire Department standards.~~

~~The City shall maintain adequate fire flows in its water system. Open water sources such as ponds, swimming pools, private storage tanks, and reservoirs may be used as a secondary water source by fire fighting apparatus. These sources shall be equipped with appropriate filtering devices or strainers to prevent clogging of water pumps.~~

~~**PS-5d C-PS-5g** *Management of wildland fire hazards.* **Wildland fires in forested areas of the City can cause property damage and threaten nearby structures.** Buildings in forested areas shall use materials such as non-flammable perimeter vegetation and roofing material to prevent exposure to wildland fires. **The City shall encourage the Arcata Fire Department to maintain its mutual aid agreement with the California Department of Forestry and Fire Prevention (CDF) to insure rapid response to wildland fires.**~~

[Copy struckthrough advisory/declarative language to *Other Initiatives*; change to **bold doubleunderlined**]

~~PS-5e **Fire suppression services**. The Arcata Volunteer Fire Department's (AVFD) jurisdiction (shown as District #1 on the AVFD service area map) includes the City's incorporated, sphere of influence, and planning areas, except for an outlying area along Jacoby Creek Road. The AVFD maintains two fire stations to provide rapid response to all fire calls within its service area. They also maintain mutual aid agreements with the CDF and the Eureka Fire Department for rapid response to fires in outlying areas.~~

POLICY GROUP C-PS-6 HAZARDOUS MATERIALS

Objective. Minimize the personal injury, property damage, and public health risks associated with the production, use, storage, disposal, and transporting of toxic substances or hazardous materials.

C-PS-6a **Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.**

~~PS-6a **Reduction of hazardous waste (source reduction).** There are increasing numbers of environmentally safe materials and substances available that offer alternatives to hazardous materials. Improved water based paints that replace oil and lead based paints, cellulose insulation materials that replace asbestos, and biodegradable antifreezes that replace glycol based coolants, are all examples of safer materials and substances currently in use. The City shall request information from County, State, and Federal agencies, as well as manufacturers and suppliers, regarding environmentally safe products and shall have a list of those products available to the public.~~



~~PS-6b **Contaminated sites.** There are sites in and around the City where wood product milling and production, vehicle and equipment storage and repair, agricultural production, and other uses may have resulted in site contamination. Materials such as lead based paints may also contribute to contamination. Many of these sites are inactive and may be appropriate for alternative uses. Environmental Site Assessments shall be required prior to development review and approval of potentially contaminated sites, and cleanup is required prior to reuse. The City shall record and map sites with known contamination.~~

~~PS-6c **Use of potentially harmful materials on public lands and rights-of-way.** The City of Arcata does not use toxic sprays or substances on vegetation in public lands or rights-of-way, and has been persuasive in stopping State agencies, such as Cal Trans, from using toxic sprays along State rights-of-way within the City limits. The City shall continue this practice and prohibit other public agencies from using toxic sprays or substances within the City limits (see Resource Conservation and Management Element Policy RC-1i).~~

C-PS-6b **Siting of facilities handling hazardous waste.** Businesses and agencies that use, store, or produce hazardous materials shall train employees and other users in safe handling and storage procedures, and shall post current Occupational Safety and Health Act (OSHA) and Humboldt County hazardous materials requirements. Businesses shall also comply with Federal “community right-to-know” regulations. The City shall consider proximity to sensitive receptors, such as schools, hospitals and other health care facilities, day care centers, and other immobile populations, when reviewing new facilities and businesses involved in these activities.

~~PS-6e **Household and other small-quantity generators.** Households and small businesses accumulate solvents and cleaners, petroleum products, pesticides, and other toxic substances that are potentially hazardous if spilled, released into the atmosphere, or ingested. The City shall maintain a list of toxic substances which should be avoided and publicize collection dates and locations where these substances can be disposed of properly. The City shall coordinate with the County Hazardous Materials Department (Humboldt County) and the State Department of Toxic Substances Control (California Environmental Protection Agency) to ensure that collection sites are accessible to community residents.~~

~~The City shall also encourage property owners and real estate agents to remove hazardous materials, or disclose their presence, to purchasers as part of property transfers. Property purchasers should have the option of accepting certain materials, such as paint, or requesting removal and cleanup prior to the property transfer.~~

C-PS-6c **Hazardous waste management (recycling, treatment, disposal).** All commercial and industrial businesses and other operations that use, store, or produce hazardous materials, shall contract with a licensed hauler for pickup and disposal of waste materials, except for individual disposal complying with County, State and Federal requirements. All hazardous materials shall be stored in safe containers and locations, and use of these materials shall be in compliance with County, State and Federal standards.

~~PS-6g **Hazardous materials education program.** The City shall work with the Humboldt County Health Department and the California Department of Toxic Substances to develop educational materials explaining hazardous materials' impact on people, plants, and animals, and provide information on alternatives to hazardous materials. This information shall be made available to the public.~~

~~**POLICY PS-7 CRIME PREVENTION AND RESPONSE**~~

~~**Objective. Promote law enforcement agency and community group efforts to reduce crime and assure timely and effective responses to calls for service.**~~

~~**PS-7a *Development/building and site design standards for crime prevention.* Some criminal acts in and around buildings can be prevented or minimized by incorporating safety and security precautions into building and site design. These include a combination of onsite features such as alarm systems, secured entryways, lighting, and visible access. Crime prevention measures, such as providing alarm systems, security lighting, street numbers, and visibility for police surveillance, should be incorporated into, and around, new and renovated buildings. Gated communities hinder police and fire suppression access and shall be prohibited, consistent with Community Design Element policy.**~~

~~**PS-7b *Community-based policing.* Community-based policing has proven effective in reducing crime by involving citizens in crime prevention. The City Police Department provides training to business and neighborhood groups in how to discourage crime and best respond when crime occurs. The City shall continue to provide citizen training, maintain relationships with community groups, and encourage Business Emergency Services Teams (BESTs) to reduce crime and augment the essential services of the Police Department. Foot and bike patrols shall be promoted to maximize interaction between citizens and police, to foster friendship, understanding, and mutual help.**~~

~~**PS-7c *Cooperative Law Enforcement.* There are three law enforcement agencies based in Arcata: The Arcata Police Department, the HSU Police Department, and**~~

~~the California Highway Patrol. These agencies work together, responding to incidents throughout the City. The City shall continue to cooperate with other law enforcement agencies to maximize public safety within its boundaries. The City Police Department shall be the primary response agency within City limits since it is the only agency directly accountable to the government and citizens of Arcata.~~

~~PS-7d *Independent review.* The Arcata Police Department has an established review procedure for investigating complaints against law enforcement personnel. Complaints may also be referred to the Humboldt County Grand Jury. [Revised by Ordinance No. 1377, September 2008]~~

~~PS-7e *Education and crime prevention funding.* The City recognizes that funds spent on education and crime prevention are more effective in reducing crime than funds spent on apprehending, prosecuting, and incarcerating criminals. The City shall pursue a long-term strategy of funding education and crime prevention programs.~~

~~POLICY PS-8 HUMAN HEALTH HAZARDS~~

~~Objective. Promote access to services and programs (prevention, treatment, and long term care) that will improve human health conditions for current and future populations. The City recognizes that its resources are limited but will work with other government agencies, non-profit organizations, social service and health care providers to help all residents meet and maintain basic physical and mental health. The City will serve as a model for other governmental entities that are addressing local health needs~~

~~PS-8a *Health care programs and facilities.* The City of Arcata does not directly provide health care programs or facilities; however, these facilities are operated in the City by a variety of health care providers and professionals, as well as non-profit and other organizations. The City shall allow health care facilities (such as clinics, counseling centers, and doctors offices) to be located in appropriate areas of the City, and encourage programs that serve all segments of the population.~~

~~PS-8b *Social services programs.* The City administers certain social services, such as temporary and permanent housing programs. Other public agencies, including the State of California, and Humboldt County, offer social services, such as public assistance, and food subsidy programs. There are also non-profit, religious, social, and other organizations, as well as businesses that offer social services such as counseling, educational, family assistance, child care, health education, and food subsidy programs. Social service needs shall be monitored, through population trend analysis and other indicators, and information disseminated to other social service providers.~~

~~Larger employers shall be encouraged to provide childcare services. The City shall coordinate with other public agencies and service providers to avoid~~

~~duplication of services and shall assist in coordination, planning, and evaluating social services delivery. Additional services, such as Travelers Aid, shall also be encouraged, either through City sponsorship or identification of appropriate service providers. Social service facilities shall be located in areas that are accessible to users.~~

~~The General Plan Housing Element goal is to provide housing opportunities for people of all income levels, through the development of a wide range of housing types. The Element also contains affordability and fair housing policies as well as design standards to serve the needs of all population segments. The Housing Element shall be implemented to promote affordable and accessible housing for segments of the population with limited financial resources and limited mobility.~~

~~PS-8c Needs of cultural groups and special populations. Cultural groups, such as Native Americans and other local ethnic populations, and special populations, such as those with physical and mental disabilities, may require more specialized services than those provided in community-wide programs. The City shall allow, where appropriate, use of public spaces for cultural group activities, and shall consider the needs of special populations in City programs, activities, and land use planning.~~

~~PS-8d Improving community health. Health care costs and other factors, such as lack of knowledge, limited mobility, and cultural beliefs, prevent certain segments of the community from seeking both preventative care and treatment for illness. This can lead to increased rates of infection and the spread of disease, which impact community health. Non-communicable diseases, such as alcoholism and substance addiction, worsen without treatment and can also impact community health. The City shall encourage low cost health providers to offer preventative, urgent, and continuing health care services, including alcoholism and substance abuse programs, that are accessible to all segments of the community.~~

~~Community health may be jeopardized by lack of free access to clean water and sanitation facilities. The City shall work with other government agencies, non-profit organizations, and social service providers to plan, develop, and maintain such facilities.~~

~~The City shall prohibit camping/living in areas such as the Arcata Community Forest, where clean water and sanitation facilities are not available. If feasible, the City may provide or permit a short-term camping area for unsheltered persons.~~

Other Initiatives

PS-1a **City Emergency Response Plan.** The City shall maintain a comprehensive response plan for emergencies, including seismic events, tsunamis, slope failures, floods, storms, fires, and materials spills or contamination. The plan will provide for timely and coordinated response to emergencies that threaten community residents, property, and vital services. The plan will identify City and other emergency response agencies that should be contacted, and also identify neighborhood resources available for more localized assistance and relief.

PS-1b **Evacuation routes/transportation facilities.** Emergencies such as floods, storms, fires, distantly generated tsunamis, and hazardous materials spills may necessitate immediate evacuation of affected areas. A map of evacuation routes shall be included in City and neighborhood emergency response plans. These plans will also include evacuation methods for residents who are without, or unable to operate, vehicles. An emergency access plan shall be developed for access to the east side of town (east of State Route 101) after a major seismic event.

APPLICATIONS FOR THE INCIDENT COMMAND SYSTEM:

- Fires, hazardous materials (HAZMAT), and multicasualty incidents.
- Multijurisdiction and multi-agency disasters.
- Wide area search and rescue missions.
- Pest eradication programs.
- Oil spill response and recovery incidents.
- Single and multi-agency law enforcement actions.
- Air, rail, water, and ground transportation accidents.
- Planned events (celebrations, parades, concerts).
- Private sector emergency management programs.
- State or local major natural hazards management.

PS-1c **Disaster preparedness coordination using the Standardized Emergency Management System.** City staff responsible for emergency response shall be trained in Standardized Emergency Management System (SEMS) implementation, which is necessary to receive reimbursement from the State of California for disaster response related costs. This training includes instruction about the Incident Command System (ICS) which is used to manage emergency incidents or non-emergency events.

PS-1f **Citizen training/Neighborhood and Business Emergency Services Teams.** The City of Arcata Police Department coordinates the organization and training of Neighborhood Emergency Services Teams and Business Emergency Services Teams (NEST and BEST). The NEST program is essential for mobilizing neighborhood response to emergencies. The NEST program shall be expanded to all neighborhoods.

PS-2h **Public information and disclosure.** The Humboldt Earthquake Education Information Center, at Humboldt State University, and the City of Arcata have earthquake/tsunami awareness information that is available to the public. The Center and the City will continue to make the most current information available to help the community prepare for and respond to seismic events.

PS-3f Provide available information, including potential for site slippage, effects of groundwater on slopes and soils, erosion potential, and other hazards, to homebuilders prior to the start of construction.

PS-4a **Floodplain Mapping.** The City shall continue participating in the National Flood Insurance Program and maintain the most current Flood Insurance Rate Maps (FIRM) on file. The City shall also continue requesting that the Federal Emergency Management Agency provide hydrographic modeling (using the 1964 flood levels as a benchmark) and an update of flood mapping for the Mad River.

PS-4e **Flood Insurance.** Flood insurance is available from private insurers to compensate home and business owners for flood-related losses. Flood insurance rates are set by a site's proximity to mapped flood-prone areas. The City shall make information about flood-prone areas available to the public, to aid community residents and business owners in determining whether flood insurance should be purchased.

PS-5a **Management of urban fire hazards (development/design standards).** Structural fires demand immediate response from a combination of onsite and Fire Department resources in order to minimize injury and damage. Fire suppression devices such as extinguishers and sprinklers are important for initial response, reduce fire insurance premiums, and satisfy operations requirements for certain types of businesses. These devices are encouraged in new and renovated non-residential buildings and in all residential structures with more than four units, even when not required by fire and building code.



All buildings should have adequate lighting, street numbering, and access to ensure rapid response by fire-fighting vehicles. To ensure urban fire safety, the City shall enforce the Uniform Building and Uniform Fire Codes (UBC & UFC) currently in effect, and the Universal Building Code when it is adopted.

PS-5c **Water supply (fire flow).** The City's fire hydrant system provides the primary source of water for fighting urban fires. The City shall maintain fire hydrant spacing so that no residential structure is more than 500 feet from a hydrant and no commercial or industrial structure is more than 300 feet from a hydrant. Each hydrant shall have adequate fittings and be capable of providing adequate water flows to meet Fire Department standards.

The City shall maintain adequate fire flows in its water system. Open-water sources such as ponds, swimming pools, private storage tanks, and reservoirs may be used as a secondary water source by fire-fighting apparatus. These sources shall be equipped with appropriate filtering devices or strainers to prevent clogging of water pumps.

PS-5e **Fire suppression services.** The Arcata Volunteer Fire Department's (AVFD) jurisdiction (shown as District #1 on the AVFD service area map) includes the City's incorporated, sphere of influence, and planning areas, except for an outlying area along Jacoby Creek Road. The AVFD maintains two fire stations to provide rapid response to all fire calls within its service area. They also maintain mutual aid agreements with the CDF and the Eureka Fire Department for rapid response to fires in outlying areas.

PS-6a **Reduction of hazardous waste (source reduction).** There are increasing numbers of environmentally safe materials and substances available that offer alternatives to hazardous materials. Improved water-based paints that replace oil and lead based paints, cellulose insulation materials that replace asbestos, and biodegradable antifreezes that replace glycol based coolants, are all examples of safer

materials and substances currently in use. The City shall request information from County, State, and Federal agencies, as well as manufacturers and suppliers, regarding environmentally safe products and shall have a list of those products available to the public.

PS-6b **Contaminated sites.** There are sites in and around the City where wood product milling and production, vehicle and equipment storage and repair, agricultural production, and other uses may have resulted in site contamination. Materials such as lead based paints may also contribute to contamination. Many of these sites are inactive and may be appropriate for alternative uses. Environmental Site Assessments shall be required prior to development review and approval of potentially contaminated sites, and cleanup is required prior to reuse. The City shall record and map sites with known contamination.

PS-6c **Use of potentially harmful materials on public lands and rights-of-way.** The City of Arcata does not use toxic sprays or substances on vegetation in public lands or rights-of-way, and has been persuasive in stopping State agencies, such as Cal-Trans, from using toxic sprays along State rights-of-way within the City limits. The City shall continue this practice and prohibit other public agencies from using toxic sprays or substances within the City limits (see Resource Conservation and Management Element Policy RC-1i).

PS-6e **Household and other small-quantity generators.** Households and small businesses accumulate solvents and cleaners, petroleum products, pesticides, and other toxic substances that are potentially hazardous if spilled, released into the atmosphere, or ingested. The City shall maintain a list of toxic substances which should be avoided and publicize collection dates and locations where these substances can be disposed of properly. The City shall coordinate with the County Hazardous Materials Department (Humboldt County) and the State Department of Toxic Substances Control (California Environmental Protection Agency) to ensure that collection sites are accessible to community residents.

The City shall also encourage property owners and real estate agents to remove hazardous materials, or disclose their presence, to purchasers as part of property transfers. Property purchasers should have the option of accepting certain materials, such as paint, or requesting removal and cleanup prior to the property transfer.

PS-6g **Hazardous materials education program.** The City shall work with the Humboldt County Health Department and the California Department of Toxic Substances to develop educational materials explaining hazardous materials' impact on people, plants, and animals, and provide information on alternatives to hazardous materials. This information shall be made available to the public.

PS-8c Needs of cultural groups and special populations. Cultural groups, such as Native Americans and other local ethnic populations, and special populations, such as those with physical and mental disabilities, may require more specialized services than those provided in community-wide programs. The City shall allow, where appropriate, use of public spaces for cultural group activities, and shall

consider the needs of special populations in City programs, activities, and land use planning.

~~6.3 IMPLEMENTATION MEASURES~~

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
LU-1	Update seismic setbacks/structural requirements and hillside development standards (LUC Amendment) Update City land use code for setbacks from known faults and other hazards, geotechnical review and structural requirements, and hillside development standards.	Community Development Dept.	Year 1
PS-1	Neighborhood and Business Emergency Services Teams (NEST and BEST) Promote the formation of NESTs in all neighborhoods and the formation of BESTs in business communities. The City Police Department shall have a designated NEST/BEST coordinator available to assist neighborhoods with NEST organization and training, and to supply training materials (such as the <u>Captain's Handbook Disaster Planning Guide</u>).	Police Department	Ongoing
PS-2	Emergency preparedness and response programs Maintain and distribute current information about seismic risks and emergency preparedness (such as living on shaky ground - <u>How to Survive Earthquakes & Tsunamis on the North Coast</u> distributed by the Humboldt Earthquake Education Center, HSU). Maintain Standardized Emergency Management System training for senior City staff, including Incident Command System, multi/inter-agency coordination, mutual aid, and operational area concepts.	City Manager's Office/Arcata Fire & Police Departments	Ongoing
PS-3	Floodplain mapping and management program Update floodplain mapping throughout the planning area, including continued participation with National Flood Insurance Program.	Federal Emergency Management Agency	Year 5
PS-4	Cooperative law enforcement/independent review Establish an ombudsman and/or police review commission for independent investigation and mediation of complaints, and for reviewing law enforcement procedures.	District Attorney/ State AG/ Grand Jury/ Human Rights Commission	Year 5
PS-5	Safer materials and substances list Maintain a list of safer materials and	Environmental Services Dept.	Year 2

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
	environmentally friendly substances to replace toxic substances and hazardous materials.		
PS-6	Education program for reduction of hazardous waste (resource reduction) The City shall compile information from County, State and Federal agencies, as well as from manufacturers and suppliers, regarding environmentally safe products and shall make that information available to the public.	Environmental Services Dept.	Ongoing
PS-7	Brownfield sites Record and map sites having known contaminants, contingent upon funds availability.	Community Development Dept.	Year 2
PS-8	Hazard information and protection Complete the updates of the GIS base maps for hazards, and link a computer at the Permit Application Counter in Community Development to the GIS for public and staff access.	Environmental Services Dept./ Community Development	Year 1

~~NOISE ELEMENT~~

~~6.4 INTRODUCTION~~

~~The Noise Element is one of the seven required General Plan Elements that must be prepared by California cities and counties (Government Code Section 65302). The California General Plan Guidelines state that the Noise Element of the General Plan provides a basis for comprehensive local programs to control and abate environmental noise and to protect citizens from excessive exposure. The Noise Element is required to identify and appraise noise in the community and follow the guidelines adopted by the Office of Noise Control in the State Department of Health Services. Local governments must analyze and quantify noise levels, and the extent of noise exposure, through actual measurements or the use of noise modeling.~~

~~The air into which noise is emitted, and on which it travels, is a common resource of the community. It is a public good and as such its use, as well the responsibility of maintaining it, belongs to everyone.~~

~~**THE STATE OF CALIFORNIA GENERAL PLAN GUIDELINES* FOR THE FUNDAMENTAL GOALS OF THE NOISE ELEMENT ARE:**~~

- ~~• To provide sufficient information concerning the community noise environment so that noise may be effectively considered in the land use planning process. In so doing, the necessary groundwork will have been developed so that a community noise ordinance may be utilized to resolve noise complaints.~~
- ~~• To develop strategies for abating excessive noise exposure through cost-effective mitigating measures in combination with zoning, as appropriate, to avoid incompatible land uses.~~
- ~~• To protect those existing regions of the planning area whose noise environments are deemed acceptable and also those locations throughout the community deemed "noise sensitive."~~
- ~~• To utilize the definition of the community noise environment, in the form of CNEL or Ldn noise contours as provided in the Noise Element for local compliance with the State Noise Insulation Standards. These standards require specified levels of outdoor to indoor noise reduction for new multi-family residential constructions in areas where the outdoor noise exposure exceeds CNEL (or Ldn) 60 dB.~~

~~(*Appendix A of the Guidelines)~~

~~Loud noise is a health issue. The human ear is not designed to accommodate loud noise for long durations. Exposure to sounds louder than 90 decibels (e.g., a power lawnmower) for more than one or two hours begins to damage the inner ear. Therefore, all people, businesses, industry, and organizations have an obligation to respect the health and comfort of others, and to acknowledge that the effects of broadcasted noise are not limited to their own private property. In sharing the community's common resources, everyone has an obligation to respect the health of others in ways that are compatible with, and do not detract from, other uses. Noise levels from sources commonly found in the community are shown in Figure N-a.~~

~~Definitions of noise, potential effects on people, and existing ordinances. Noise, commonly defined as unwanted sound, is an environmental phenomenon to which people are exposed throughout life. Noise is among the most pervasive pollutants, a waste product generated primarily by human activities.~~

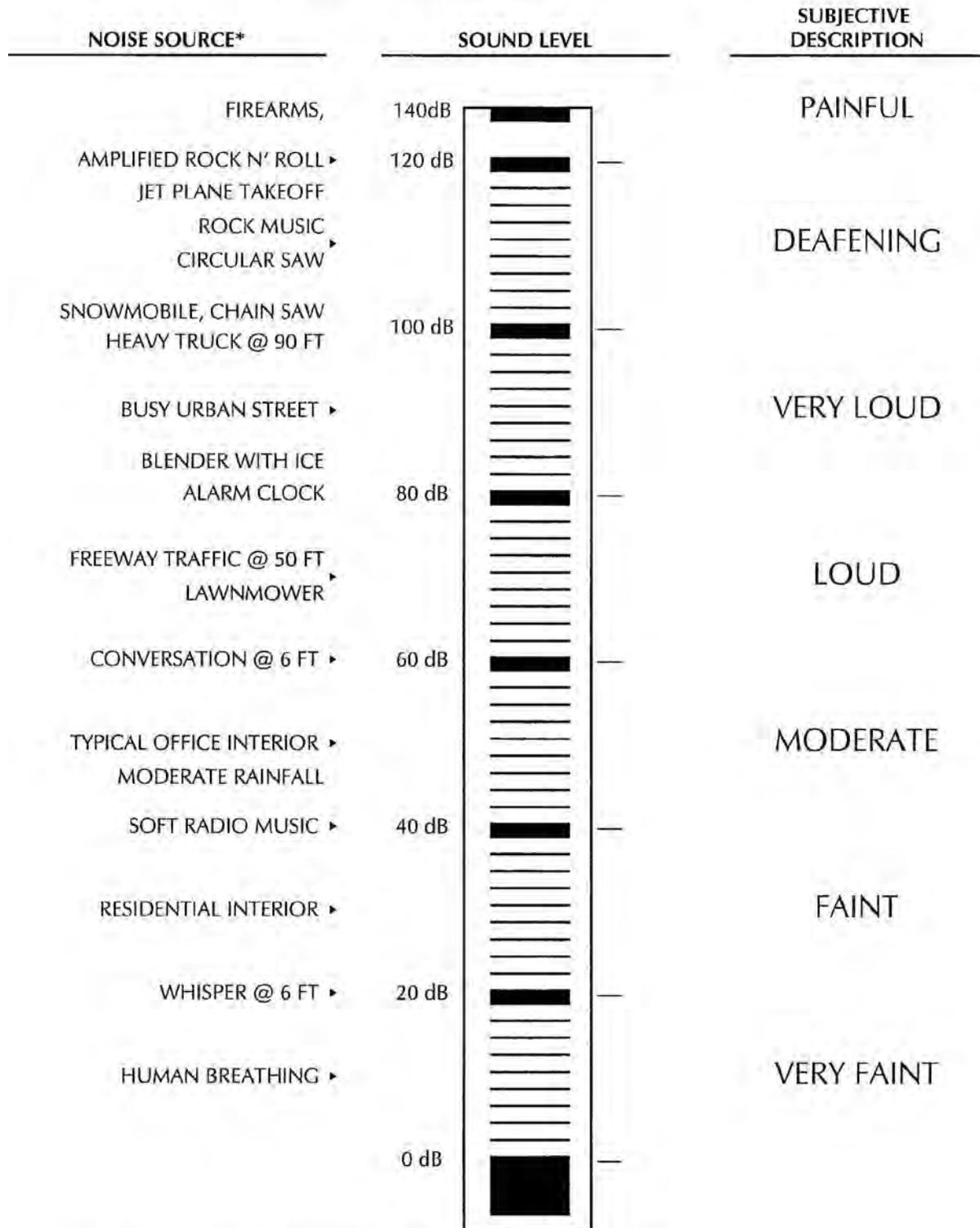
~~As urbanization and development have intensified globally, regionally, and locally in Arcata, noise levels have also increased. Studies have shown that increased noise levels have a direct adverse impact on the quality of home, work, and recreational environments.~~

~~In recognition of these adverse impacts, the Arcata City Council passed a Plaza Area Noise Ordinance (City Ordinance #1249) prohibiting unnecessary, excessive, and annoying noise from all sources. The Noise Ordinance states that excessive noise levels, offensive noise, and unreasonably disturbing noise are detrimental to the public health, welfare and safety and are contrary to the public interest. Detrimental noises interfere with: sleep, communication, relaxation, and the full use of private property; use and enjoyment of the Arcata Plaza by the general public; noise sensitive land uses, particularly residential apartments and lodging; and productive commerce. Detrimental noises contribute to hearing impairment and a range of adverse physiological stress conditions and adversely affect the value of real property.~~

~~It is the intent of the Noise Ordinance to protect the public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet by reducing excessive noise levels and by prohibiting the generation of offensive, or unreasonably disturbing, noise.~~

~~Noise environment overview. Arcata has experienced change from its small, rural town beginnings to a growing, urban community with more intensive and diverse uses. Preservation of surrounding open spaces, and General Plan policies for more efficient land uses, have promoted in-fill urban development which intersperses residential uses (noise receptors) with commercial and industrial land uses (noise generators). The proximity of noise generators to noise receptors such as higher volume vehicle travel on local roadways has resulted in increased noise levels at receptor sites. Future development of commercial and industrial uses will increase the potential for future noise conflicts.~~

FIGURE N-a A WORLD OF NOISE



* Unless otherwise noted, noise levels are measured at the source

~~A September 1997 community noise survey conducted as part of General Plan background studies showed that typical noise levels in noise sensitive areas of the City range from 46 dB to 63 dB Ldn. Traffic, local roadways, major roadways (including State Routes 101, 299 and 255), railroad operations, industrial activities, and neighborhood activities are the primary sources of background noise levels. Some residences have outdoor activity areas directly exposed to major noise sources (such as the railroad tracks, major roadways, and industrial areas) that exceed generally acceptable noise exposure criteria.~~

~~Noise complaints received by the City also measure noise levels. The Arcata Police Department has received increasing numbers of noise complaints over the last several years. Police activity reports show 866 noise complaints in 1995; 954 in 1996; and 1,043 in 1997, which is a twenty percent increase. Some of the most frequent noise complaints within the City of Arcata are associated with barking dogs, loud parties, boom boxes, car stereos, existing industrial activities, and existing on-site commercial noise sources such as outdoor speaker systems, street sweeping, and early morning garbage pickup. Some of these noises are considered infractions, and are covered in the penal code. Others are referred to other agencies, or determined to be unenforceable, and are not included in the complaint records.~~

~~Future noise environment overview. Community noise levels can increase with development. This is especially true for noise along major roadways, such as State Routes 101 and 299. The projected future noise controls are shown in Figure N-b. As development continues, there is a growing potential for noise increases due to commercial or industrial operations. It is now recognized that noise pollution can often be reduced through attenuation measures such as barriers, mufflers, and insulation, with little or no penalty to progress.~~



~~Responsibilities of a Noise Element. The Noise Element advances the ethic that a low noise level environment is a common resource that can be enjoyed by all, and that noise generated by some has the potential to negatively affect others. The Noise Element provides a mechanism for evaluating and mitigating the potential effects of noise on the community. It identifies potential noise sources that exceed acceptable standards and noise sources that may be considered annoying. It also provides criteria for determining acceptable noise exposure. The California General Plan Guidelines state that the Noise Element will be as detailed as necessary to describe the local situation and mitigate local noise problems. This means that the City is not limited to applying noise controls and noise reduction techniques to projects and other activities requiring City review and permits, but can address other noise generating activities in the community.~~

~~The Noise Element sets policy direction for evaluating the potential effects of noise due to new industrial processes or commercial noise sources. (Projected future noise contours are shown on Figure N-b.) Many times, however, noise sources are overlooked during the review process, or are added on-site at a later date. Once the project is approved, the administrative actions for responding to complaints of these noise sources generally fall outside of the City's review process. In these cases a noise ordinance is required in order to determine compliance with local standards or the potential for annoyance.~~

~~In the event of an individual being annoyed due to a neighbor's barking dog or an existing commercial activity, a noise ordinance would provide a complaint and enforcement mechanism. These types of noises, however, are most effectively addressed through educating community members about "good neighbor policies," since dog ownership, or existing commercial activities, are not subject to City review, and enforcement is usually considered as a last resort. Complaint and enforcement mechanisms include:~~

- ~~• Ordinance 1249, for the Plaza Area only.~~
- ~~• Penal code 415 - Disturbing the Peace.~~
- ~~• Land Use and Development Guide regulations.~~

~~City responsibilities. The City of Arcata can set an example for business and industry by considering the acoustic concerns and future noise impacts of City operations and business. The City can lead the way by demonstrating that ongoing operations and new noise-producing uses and products can meet specified noise criteria by making effective noise attenuation information available, and by providing a procedure for mediating noise disputes. The City can accomplish this by preferential purchasing of quieter equipment; reducing use of noisy equipment (as demonstrated by City Council action to eliminate the use of leaf blowers in certain public areas); limiting hours of operation for public works projects (except for emergencies) in residential areas; and incorporating acoustic materials and barriers in all new City facilities.~~



~~Public surveys on noise show that many people do not know how to effectively address noise issues. Community members in general appear to lack knowledge of how to reduce noise conflicts. There also seems to be a pattern of governmental agencies responding to noise complaints with little or no enforcement or action against noise violations. This pattern may be as typical of Arcata as other urban settings. To address this issue, procedures and educational materials are being developed, including a noise control manual.~~

~~**Community responsibilities.** The quality of the soundscape is a growing environmental concern and is an important aspect of the City's livability. To increase public awareness of achieving and maintaining a high quality soundscape, the community can draw on noise attenuation techniques, such as those in the Noise Control Manual.~~

~~One of the most effective ways to contribute to the solution is to be a good neighbor. Most importantly, this means taking responsibility for reducing noise at the source. Businesses and industry can contain noise generating uses and activities within buildings, or construct barriers so that noise does not reach adjacent areas. Residents should also consider how the noise they generate could affect others and reduce the level accordingly. Motorists and other vehicle operators should be conscientious of the potential for vehicle noise to disturb others. Figure N-c shows noise control measures for all neighbors and neighborhoods.~~

~~Guiding Principles and Goals.~~

- ~~A. Reduce noise at the source.~~
- ~~B. Protect City residents from the harmful and disturbing effects of noise through controls on noise-producing activities.~~
- ~~C. Promote noise mitigation techniques in the design of both noise receptors and noise generators.~~
- ~~D. Encourage state-of-the-art land use planning methodologies and acoustic control techniques (refer to City Noise Control Manual) to reduce existing and potential noise conflicts.~~
- ~~E. Encourage cooperative and voluntary action by businesses and industry, to reduce noise omissions from annoying noise sources.~~
- ~~F. Promote mediation as a means of reducing noise complaints which result from existing noise sources.~~
- ~~G. Educate community residents about good neighbor policies, the benefits of reduced noise levels, and living in a community with a high quality soundscape.~~
- ~~H. Bring all noise sources into compliance with noise guidelines by strongly encouraging voluntary compliance, pursuing funding for noise attenuation measures to mitigate any financial hardships, and through enforcement of a Noise Ordinance.~~

~~FIGURE N-c NOISE CONTROL MEASURES~~

~~6.5 NOISE POLICIES~~

~~The Noise Element contains the following policies:~~

- ~~N-1 Noise Attenuation~~
- ~~N-2 Stationary Noise Sources and Levels~~
- ~~N-3 Transportation Noise Sources and Levels~~
- ~~N-4 Requirements for Acoustical Analysis~~
- ~~N-5 Intrusive and Intermittent Noise Sources~~

~~POLICY N-1 NOISE ATTENUATION~~

~~**Objective.** Reduce, or eliminate, noise impacts at their source by providing enclosures, barriers, and other on-site noise attenuation measures for noise generating activities. Monitor noise levels to ensure that acceptable noise levels are maintained on adjacent sites.~~

~~**N-1a Noise attenuation measures.** Noise attenuation measures, and stationary noise source controls shall include the use of barriers, setbacks, site design, baffles, enclosures, silencers, and improved facade construction techniques.~~

~~**N-1b Noise attenuation guidelines.** Noise attenuation measures and stationary noise source controls shall follow the guidelines provided in the technical document entitled: Noise Control Manual (which is considered an implementation measure).~~

~~**N-1c Noise mitigation.** Where noise mitigation measures are required, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.~~

~~**N-1d Noise level reduction.** To reduce existing, objectionable, industrial, and stationary noise levels at the source, the City shall work with local industries to incorporate noise control technology through building and site design and engineering solutions. The City shall make available current acoustical attenuation techniques (Noise Control Manual) for new and retrofitted industrial development.~~

~~**N-1e Noise standards enforcement.** Enforcement of noise standards shall be accomplished through development and implementation of a noise control ordinance, post-project compliance testing, and through the use of mediation.~~

~~**N-1f Mediation of noise conflicts.** Where noise conflicts may occur, all affected parties shall strive to use innovative and positive solutions to solve these disputes, including the use of trained mediators. The City recognizes that~~

~~many noise issues can be resolved before they get to the complaint stage if there is a procedure for airing the issue with an impartial third party.~~

~~N-1g Resolution of noise disputes. The City shall establish positive ways to discuss and resolve noise issues and disputes, including the use of trained mediators.~~

~~POLICY N-2 STATIONARY NOISE SOURCES AND LEVELS~~

~~Objective. Establish acceptable noise levels for land uses and activities that will protect community residents from the harmful effects of excessive noise exposure from stationary noise generators. Maintain interior and exterior noise standards that will achieve land use compatibility with respect to community noise.~~

~~N-2a Noise contour maps. The noise contour map (Figure N-b) and other estimates of noise source levels shall be used in conjunction with the noise source criteria to evaluate the feasibility of a proposed project.~~

~~N-2b New development of noise sensitive uses. New noise receptors shall not be allowed where the noise level from non-transportation noise generators will exceed noise level standards (Table N-1), unless effective noise mitigation measures that meet City standards are incorporated.~~

~~N-2c Noise created by new or proposed stationary noise sources. Noise created by new or proposed stationary noise sources, or the expansion or alteration of an existing use, shall be mitigated so as not to exceed noise level standards (Table N-1) at noise sensitive land uses. All noise generators not in compliance with these standards will be encouraged to mitigate impacts.~~

~~N-2d Acceptable noise levels. New construction and retrofits at existing buildings shall include appropriate insulation, glazing, and other sound attenuation measures so that they comply with standards contained in Table N-1. These standards are intended to set levels for external noise sources that could potentially impact a new dwelling or other noise-sensitive use.~~

~~TABLE N-1 NOISE STANDARDS FOR NEW PROJECTS AND RETROFITS~~

LAND USE Noise Level Descriptor	EXTERIOR			INTERIOR		
	7am-7pm	7-10pm	10pm-7am	7am-7pm	7-10pm	10pm-7am
Residences, Transient Lodging, Hospitals, Nursing Homes						
Hourly L_{eq}	55 dB	50 dB	45 dB	45 dB	40 dB	35 dB
Maximum	75 dB	75 dB	70 dB	65 dB	65 dB	60 dB
Auditoriums, Theaters, Libraries, Schools, Churches						
Hourly L_{eq}	55 dB	55 dB	n/a	40 dB	40 dB	n/a
Maximum	75 dB	75 dB	n/a	60 dB	60 dB	n/a

- ~~1. The City can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.~~
- ~~2. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).~~
- ~~3. The standards will be applied at the outdoor activity areas of the receiving land use, and at the building facade for upper floor receivers which do not have an outdoor activity area facing the noise source. Where no outdoor activity area is identified, the City has the option to apply only the interior noise level performance standards.~~

~~**POLICY N-3 TRANSPORTATION NOISE SOURCES AND LEVELS**~~

~~**Objective.** Establish acceptable noise levels, for land uses and activities, that will protect community residents from the harmful effects of excessive noise exposure due to transportation noise sources. Maintain interior and exterior noise standards that will achieve land use compatibility with respect to community noise.~~

~~**N-3a** New development of noise sensitive land uses. New development of noise receptors will not be permitted in areas exposed to existing or projected levels of transportation noise exceeding levels specified in Table N-2, unless exterior noise or noise levels in interior spaces can be reduced to meet City Standards (Table N-2).~~

~~**N-3b** Transportation noise. Transportation noise sources shall be periodically measured, and significant increases mitigated, so as not to exceed the levels specified in Table N-2 for outdoor activity areas or interior spaces of existing receptors.~~

~~**TABLE N-2 – MAXIMUM ALLOWABLE TRANSPORTATION NOISE SOURCES EXPOSURE**~~

LAND USE	OUTDOOR ACTIVITY AREAS ¹ $L_{dn}/CNEL, dB$	INTERIOR SPACES	
		$L_{dn}/CNEL, dB$	L_{eqT}, dB^2
Residential	60³	45	--
Transient Lodging	60⁴	45	--
Hospitals, Nursing Homes	60³	45	--
Theaters, Auditoriums, Music Halls	--	--	35
Churches, Meeting Halls	60³	--	40
Office Buildings	--	--	45
Schools, Libraries, Museums	--	--	45
Playgrounds, Neighborhood Parks	70	--	--

- ~~1. Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.~~
- ~~2. As determined for a typical worst case hour during periods of use.~~
- ~~3. Where it is not possible to reduce noise in outdoor activity areas to 60 dB $L_{dn}/CNEL$ or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB $L_{dn}/CNEL$ may be allowed provided that available exterior noise level~~

~~reduction measures have been implemented and interior noise levels are in compliance with this table.~~

- ~~4. In the case of hotel/motel facilities or other transient lodging, outdoor activity areas such as pool areas may not be included in the project design. In these cases, only the interior noise level criterion will apply.~~

~~N-3c Roadway projects. To minimize noise impacts, the following criteria may be used as a test of significance for roadway projects:~~

- ~~1. Where existing traffic noise levels are less than 60 dB L_{dn} at the outdoor activity areas of noise receptors, a +5 dB L_{dn} increase in noise levels due to a roadway improvement project will be considered significant.~~
- ~~2. Where existing traffic noise levels range between 60 and 65 dB L_{dn} at the outdoor activity areas of noise receptors, a +3 dB L_{dn} increase in noise levels due to a roadway improvement project will be considered significant.~~
- ~~3. Where existing traffic noise levels are greater than 65 dB L_{dn} at the outdoor activity areas of noise receptors, a +1.5 dB L_{dn} increase in noise levels due to a roadway improvement project will be considered significant.~~

~~POLICY N-4 ACOUSTICAL ANALYSIS REQUIREMENTS~~

~~**Objective.** Establish a consistent procedure and framework for conducting and reviewing acoustical analyses.~~

~~N-4a Noise sensitive land uses. Where receptor land uses are potentially exposed to existing or projected exterior noise levels exceeding the levels specified in Table N-2 or the performance standards of Table N-1, an acoustical analysis shall be required as part of the environmental review process, so that noise mitigation may be included in the project design. An acoustical analysis prepared pursuant to the Noise Element shall:~~

- ~~1. Be the financial responsibility of the applicant.~~
- ~~2. Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.~~
- ~~3. Include noise level measurements, with sufficient sampling periods and locations, to adequately describe local conditions and the predominant noise sources.~~
- ~~4. Estimate existing and projected cumulative (twenty years) noise levels in terms of L_{dn} or CNEL and/or the standards of Table NI, and compare these levels to the adopted policies of the Noise Element.~~
- ~~5. Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise sensitive land uses.~~

- ~~6. Estimate noise exposure after proscribed mitigation measures are implemented.~~
- ~~7. Describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures.~~

~~POLICY N-5 INTRUSIVE AND INTERMITTENT NOISE SOURCES~~

~~**Objective.** Protect community residents from the effects of excessive, intrusive, and intermittent noise. Set standards for intrusive and intermittent noise sources for both daytime and nighttime periods. Intrusive noise sources have a qualitative aspect that can be annoying. These sources may contain a tonal component which is absent from the existing general background noise. They may also be rhythmic, reoccurring or impulsive in nature, or comprised mainly of music or speech. Intrusive noise can result in annoyance or interference with sleep. These types of noise sources can include, but are not limited to, industrial processes, warning horns, backup alarms, and pressure release devices.~~

~~**N-5a** Intrusive noise. When intrusive noise sources have been identified, the detrimental effects (sleep interference or the potential for annoyance) shall be disclosed to neighboring receptor properties.~~

~~**N-5b** Noise levels due to non-transportation sources. Noise levels due to non-transportation sources which may be intermittent or recurring, impulsive noises, pure tones, or noises consisting primarily of speech or music, shall be subject to the criteria contained within Table N-1, with a 5 dB penalty applied to the criteria.~~

~~**N-5c** Rhythmic, reoccurring, or impulsive noise sources. When noise sources have been identified to be rhythmic, reoccurring, or impulsive in nature or comprised mainly of music or speech, they may comply with applicable noise level criteria and still be annoying to individuals. When these types of noise sources have been identified, they may be subject to additional mitigation or mediation.~~

~~**N-5d** Construction site tool or equipment noise. The following shall apply to construction noise from tools and equipment:~~

- ~~1. The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 7 P.M. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays.~~
- ~~2. No heavy equipment related construction activities shall be allowed on Sundays or holidays.~~

~~This shall apply to construction noise from tools and equipment which are subject to the review of the City, and which may affect receptor uses. This policy shall not apply to emergency work of public service utilities or by variance under a noise ordinance.~~

~~N-5e Stationary and construction equipment noise. All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.~~

~~N-5f Noise Ordinance. The City of Arcata shall develop and adopt a City-wide noise ordinance. The ordinance shall contain noise level criteria consistent with the criteria contained within the noise element.~~

~~6.6 IMPLEMENTATION MEASURES~~

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
N-1	Citywide and downtown noise ordinances Adopt a citywide noise ordinance to protect public health, safety, welfare, and quiet by reducing existing noise levels and prohibiting the generation of loud noise from new sources. Amend the existing downtown noise ordinance to be consistent with Noise Element standards.	Police Department	Year 1
N-2	Noise Control Manual Maintain and apply a Noise Control Manual that contains techniques for soundproofing new structures and muffling equipment and motors; promotes use of acoustic materials, barriers and setbacks; and requires acoustic analysis to determine potential noise impacts.	Community Development Department/ Planning Commission	Year 1
N-3	Education programs The City shall maintain current information about noise monitoring and attenuation techniques effective in identifying and reducing noise.	Community Development Dept.	Ongoing
N-4	Record of noise complaints The Arcata Police Department shall maintain a record of noise complaints.	Arcata Police Dept.	Ongoing
N-5	Noise reduction inquiry procedure The City recognizes that many noise issues can be resolved before they get to the complaint stage, if there is a procedure for airing the issue with an impartial third party.	Community Development Dept.	Year 1

CITY OF ARCATA

COASTAL LAND USE CODE



Municipal Code - Title 9C

OCTOBER 2008

LAND USE CODE ACKNOWLEDGEMENTS

City Council and Manager

2008 Council

Mark Wheatley – Mayor
Alex Stillman - Vice Mayor
Harmony Groves
Michael Machi
Paul Pitino
Michael Hackett - City Manager

2011 Council

Susan Ornelas
Michael Winkler - Vice Mayor
Shane Brinton
Alex Stillman
Mark Wheatley
Randy Mendoza - City Manager

Planning Commission

2008 Commission

Robert Flint
Carol Dellabalma
Michael Winkler
Paul Hagen
Judith Mayer
Robert Burnett
Julie Vaissade-Elcock

2011 Commission

Robert Flint
Charles Giannini
Paul Hagen
Judith Mayer
Daniel Tangney
Julie Vaissade-Elcock

City Staff

Larry Oetker - Community Development Director
Tom Conlon - Former Community Development Director
David Loya, Deputy Community Development Director
Mike Mullen, AICP - Planning Programs Manager
ElizaBeth Schatz - Senior Planner
Joe Mateer - Senior Planner
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CHAPTER 9C.10 - PURPOSE AND APPLICABILITY OF LAND USE CODE

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- 9C.10.010 - Purposes of Coastal Land Use Code
- 9C.10.020 - Authority, Relationship to General Plan and Local Coastal Program
- 9C.10.030 - Responsibility for Administration
- 9C.10.040 - Applicability of the Coastal Land Use Code
- 9C.10.050 - Rules of Interpretation

9C.10.010 - Purposes of Land Use Code

Title 9C of the Arcata Municipal Code constitutes the City of Arcata Coastal Land Use Code, hereafter referred to as "this Coastal Land Use Code." These regulations carry out the policies of the Arcata General Plan and Local Coastal Program by classifying and regulating the uses of land and structures within the City, consistent with the General Plan and the Local Coastal Program. This Coastal Land Use Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Coastal Zone portion of the City. More specifically, the purposes of this Coastal Land Use Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and community identity of Arcata;
- B. Conserve and protect the City's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Minimize automobile congestion by promoting bicycle/ pedestrian-oriented development, safe, calm and effective traffic circulation, and adequate off-street parking facilities; and
- E. Ensure compatibility between different types of development and land use.

9C.10.020 - Authority, Relationship to General Plan and Local Coastal Program

- A. **Authority.** The regulations within this Coastal Land Use Code are enacted based on the authority vested in the City of Arcata by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
- B. **Consistency with General Plan and Local Coastal Program (LCP).** This Coastal Land Use Code is a primary implementation tool used by the City to carry out the goals, objectives, and policies of the Arcata General Plan and Local Coastal Program (LCP), including the Coastal Land Use Element. The Arcata City Council intends that all provisions of this Coastal Land Use Code be consistent with the General Plan and Local Coastal Program, including the Coastal Land Use Element, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the General Plan and Local Coastal Program ~~(where applicable)~~, including the Coastal Land Use Element. However, if there is a conflict between the Coastal Land Use Code and any section of the Municipal Code, in the Coastal Zone the Coastal Land Use Code takes precedence.

C. If there is a conflict between Coastal Land Use Code provisions, the most stringent code provision applies.

☞ **D. LCP provisions.** The following provisions of this Coastal Land Use Code constitute the City's ordinances for the implementation of the Arcata LCP, in compliance with the California Coastal Act:

- Article 1 - Coastal Land Use Code Applicability
- Article 2 - Zoning Districts and Allowable Land Uses
- Article 3 - Site Planning and Project Design Standards**
- Article 4 - Standards for Specific Land Uses**
- Article 5 - Resource Management
- Article 6 - Site Development Regulations
- Chapter 9C.70 - Permit Application Filing and Processing**
- Section 9C.72.030 - Coastal Permit
- Section 9C.72.050 - Emergency Permit
- Chapter 9C.74 - Public Hearings
- Chapter 9C.76 - Appeals
- Chapter 9C.79 - Permit Implementation, Time Limits and Extensions
- Section 9C.80.070 – Type of Subdivision Approval Required**
- Section 9C.81.060 - Findings Required for Tentative Map Approval**
- Chapter 9C.90 - Nonconforming Uses, Structures, and Parcels**
- Chapter 9C.92 - Amendments
- Chapter 9C.96 - Enforcement and Penalties**
- Chapter 9C.10 - Glossary**

9C.10.030 - Responsibility for Administration

- A. **Responsible bodies and individuals.** This Coastal Land Use Code shall be administered by: the Arcata City Council, hereafter referred to as the "Council;" the Planning Commission; the Community Development Director, referred to as the "Director;" the Zoning Administrator (who shall be the Director or the designee of the Director); the Historic and Design Review Commission, referred to as "HDRC;" the Environmental Coordinator (who shall be the Director or the designee of the Director, such as the Public Works Director, the Director of Environmental Services, or a Senior Planner); and the Community Development Department, hereafter referred to as the "Department."
- B. **Exercise of discretion.** In the event that a provision of this Coastal Land Use Code allows the review authority for a permit or other decision to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, no discretion shall be exercised unless the review authority shall first make all of the following findings:
 - 1. The proposed project complies with all applicable provisions of this Coastal Land Use Code;
 - 2. The exercise of discretion will act to improve the compatibility of the proposed project with its site, surrounding properties, and the community, to a greater extent than if discretion were not exercised;
 - 3. The manner in which discretion is exercised will result in a more practical application of the provisions of this Coastal Land Use Code given specific characteristics of the site and its surroundings than if discretion were not exercised; and
 - 4. The decision is consistent with the General Plan and Local Coastal Program.

5. The decision is protective of all coastal resources as mandated by the policies of the Coastal Act.

9C.10.040 - Applicability of the Land Use Code

This Coastal Land Use Code applies to all land uses, subdivisions, and development within the City of Arcata, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Coastal Land Use Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 9C.20.020 (General Requirements for Development and New Land Uses), and Chapter 9C.90 (Nonconforming Uses, Structures, and Parcels). No Building Permit or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Coastal Land Use Code.
- B. **Subdivisions.** Any subdivision of land proposed, or recognized by Certificate of Compliance, within the City after the effective date of ~~this Land Use Code~~ the Coastal Act shall be consistent with the minimum parcel size requirements of Article 2 (Zoning Districts and Allowable Land Uses), Article 8 (Subdivision Regulations and Procedures), and all other applicable requirements of this Coastal Land Use Code.
- C. **Continuation of an existing land use.** An existing land use is lawful and not in violation of this Coastal Land Use Code only when operated and maintained in compliance with all applicable provisions of this Coastal Land Use Code, including Chapter 9C.90 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Coastal Land Use Code are not retroactive in their effect on a land use that was lawfully established before the effective date of ~~this Land Use Code or any applicable amendment, except as otherwise provided by Chapter 9.90~~ the Coastal Act.
- D. **Effect of Land Use Code changes on projects in progress.**
1. A planning permit application (Article 7) that has been accepted by the Department as complete prior to the effective date of this Coastal Land Use Code or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.
 2. A project that is under construction on the effective date of this Coastal Land Use Code or any amendment, need not be changed to satisfy any new or different requirements of this Coastal Land Use Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
- E. **Minimum requirements.** The provisions of this Coastal Land Use Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Coastal Land Use Code provides for discretion on the part of a review authority (designated City official or body), that discretion may be exercised to impose more stringent requirements than set forth in this Coastal Land Use Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Coastal Land Use Code.
- F. **Conflicting requirements:**
1. **Land Use Code and Municipal Code provisions.** If conflicts occur between requirements of this Coastal Land Use Code ~~occur, the most restrictive shall apply~~, or if conflicts occur between this Coastal Land Use Code and the Arcata Municipal Code, or other regulations of the City, ~~the most restrictive shall apply~~ in the Coastal Zone, the Coastal Land Use Code shall take

precedence.

2. **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Coastal Land Use Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the ~~development agreement or specific plan~~ Coastal Land Use Code shall apply.
3. **Private agreements.** This Coastal Land Use Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

G. Federal, State, and Local agencies.

1. Development or new land uses proposed by federal, state, or local agencies (e.g., school districts) within the City shall comply with the requirements of this Coastal Land Use Code to the maximum extent allowed by applicable federal or state laws.
2. Federal agencies are not subject to the provisions and permit requirements of this Coastal Land Use Code, the City's Local Coastal Program, including the Coastal Land Use Element, or the permit requirements of the Coastal Commission, but are subject to the consistency process provided by the federal Coastal Zone Management Act of 1972 (CZMA). Non-federal development on federal lands may be subject to both the CZMA consistency process and the requirements of this Coastal Land Use Code and the Coastal Commission.

- H. **Other requirements may apply.** Nothing in this Coastal Land Use Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

9C.10.050 - Rules of Interpretation

- A. **Authority.** The Zoning Administrator has the authority to interpret any provision of this Coastal Land Use Code. Whenever the Zoning Administrator determines that the meaning or applicability of any Coastal Land Use Code requirement is subject to interpretation, the Zoning Administrator may issue an official interpretation. The Zoning Administrator may also refer any issue of interpretation to the Planning Commission or HDRC, as appropriate for their determination. Interpretations may be appealed in compliance with Chapter 9C.76 (Appeals).
- B. **Language.** When used in this Coastal Land Use Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."
- C. **Time limits.** Whenever a number of days is specified in this Coastal Land Use Code, or in any permit, condition of approval, or notice provided in compliance with this Coastal Land Use Code, unless otherwise specified, the number of days shall be construed as calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. **Zoning Map boundaries.** See Section 9C.12.020 (Zoning Map and Zoning Districts).

- E. **Allowable uses of land.** See Section 9C.20.030 (Allowable Land Uses and Permit Requirements).
- F. **State law requirements.** Where this Coastal Land Use Code references applicable provisions of State law (for example, the California Government Code, California Coastal Act, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

CHAPTER 9.12 - ZONING MAP

Sections:

- 9.12.010 - Purpose
- 9.12.020 - Zoning Map and Zoning Districts
- 9.12.030 - Land Use Code Map

9C.12.010 - Purpose

This Chapter establishes the zoning districts applied to property within the City and adopts the City's Zoning Map, Land Use Code Map, and Coastal Zone Boundaries maps.

9C.12.020 - Zoning Map and Zoning Districts

The Council hereby adopts the City of Arcata Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Coastal Land Use Code by reference as though it were fully included here.

- A. Zoning districts established.** The City of Arcata shall be divided into zoning districts that implement the Arcata General Plan. The zoning districts shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map. The purposes and requirements of each zoning district are in Article 2 (Zoning Districts and Allowable Land Uses).
- B. Interpretation of zoning district boundaries.** If there is uncertainty about the location of any zoning district boundary shown on the Zoning Map, the Zoning Administrator shall determine the location of the boundary, as follows.
1. Where a boundary approximately follows alley or street lines, the street or alley center line shall be construed to be the boundary;
 2. Where a boundary approximately follows lot lines, the lot lines shall be construed to be the boundary;
 3. If a boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; provided that ~~when no~~ unsubdivided acreage is may be subdivided, by location of the zoning boundary that divided the acreage, ~~shall~~ The boundary shall not be construed to be a new lot line ~~or street center line within 20 feet of the location of the boundary, according to the scale of the map;~~ and
 4. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the vacated or abandoned street or alley.
- C. Zoning Map amendments.** Any amendment to the Zoning Map shall comply with Chapter 9.92 (Amendments).

TABLE 1-1 - ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
Agricultural and Resource Districts		
AE	Agricultural - Exclusive	Agricultural - Exclusive
AR	Agricultural - Residential	Agricultural - Residential
NR-TP	Natural Resource - Timber Production	Natural Resource - TP
NR-PT	Natural Resource - Public Trust	Natural Resource - PT
<u>C-AE</u>	<u>Coastal Agricultural - Exclusive</u>	<u>Coastal Agricultural - Exclusive C-AE</u>
<u>C-NR:SP</u> <u>C-NR:WP</u>	<u>Coastal Natural Resource with Stream Protection Overlay</u> <u>Coastal Natural Resource with Wetlands Protection Overlay</u>	<u>Coastal Natural Resource C-NR-WSP</u>
<u>C-NR-PT</u>	<u>Coastal Natural Resource - Public Trust</u>	<u>Coastal Natural Resource - PT</u>
Residential Districts		
RVL	Residential - Very Low Density	Residential - Very Low Density
RL	Residential - Low Density	Residential - Low Density
RM	Residential - Medium Density	Residential - Medium Density
RH	Residential - High Density	Residential - High Density
<u>C-RVL</u>	<u>Coastal Residential - Very Low Density</u>	<u>Coastal Residential - Very Low Density</u>
<u>C-RL</u>	<u>Coastal Residential - Low Density</u>	<u>Coastal Residential - Low Density</u>
<u>C-RM</u>	<u>Coastal Residential - Medium Density</u>	<u>Coastal Residential - Medium Density</u>
<u>C-RH</u>	<u>Coastal Residential - High Density</u>	<u>Coastal Residential - High Density</u>
Commercial Districts		
CC	Commercial - Central	Commercial - Central
CG	Commercial - General	Commercial - General
CV	Commercial - Visitor Serving	Commercial - Visitor Serving
CM	Commercial - Mixed Use Center	Commercial - Mixed Use Center
<u>C-CC</u>	<u>Coastal Commercial - Central</u>	<u>Coastal Commercial - Central</u>
<u>C-CG</u>	<u>Coastal Commercial - General</u>	<u>Coastal Commercial - General</u>

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<u>C-CV</u>	<u>Coastal Commercial - Visitor Serving</u>	<u>Coastal Commercial - Visitor Serving</u>
<u>C-CM</u>	<u>Commercial - Mixed Use Center</u>	<u>Coastal Commercial - Mixed Use Center</u>

Industrial and Public Facility Districts

IL	Industrial - Limited	Industrial - Limited
IG	Industrial - General	Industrial - General
PF	Public Facility	Public Facility
<u>C-IL</u>	<u>Coastal Industrial - Limited</u>	<u>Coastal Industrial - Limited</u>
<u>C-IG</u>	<u>Coastal Industrial - General</u>	<u>Coastal Industrial - General</u>
<u>C-PF</u>	<u>Coastal Public Facility</u>	<u>Coastal Public Facility</u>

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
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Combining Zones

:CZ	Coastal Zone	All
:HL	Historic Landmark	All
:NH	Natural Hazards	All
:NCA	Neighborhood Conservation Area	All
:PA	Plaza Area	Commercial - Central
:PD	Planned Development	All
:SCA :SCNR :SCR :SCC :SCI :SCP	Special Considerations - Agricultural Special Considerations - Resource Special Considerations - Residential Special Considerations - Commercial Special Considerations - Industrial Special Considerations - Public Facility	Agricultural: <u>Coastal Agriculture</u> Natural Resource: <u>Coastal Natural Resource</u> Residential: <u>Coastal Residential</u> Commercial: <u>Coastal Commercial</u> Industrial: <u>Coastal Industrial</u> Public Facility: <u>Coastal Public Facility</u>
:WP	Wetland Protection	Natural Resource – WSP; <u>Coastal Natural Resource – WSP</u>
:SP	Stream Protection	Natural Resource – WSP; <u>Coastal Natural Resource – WSP</u>

9C.12.030 - Land Use Code Map

A. ~~Land Use Code Map adopted. The official City map entitled "City and Sphere of Influence Land Use Code Map" is hereby adopted, and incorporated into this Land Use Code by reference as though it were fully included here. This map supersedes and replaces the maps adopted by Ordinances 1071 and 1151, and all subsequent amendments to those maps.~~

B. Purpose and effect of Land Use Code Map. The purpose and effect of ~~this map~~ the Land Use Code

~~Map~~ is to show, for the unincorporated territory within the City's Sphere of Influence adopted by the Humboldt County Local Agency Formation Commission, the potential zoning districts of this Coastal Land Use Code that the City intends to apply to the parcels that may be eventually annexed to the City. The land use designations shown on the Land Use Code Map ~~shall be~~ do not become effective immediately upon until after the annexation of each subject parcel to the City has been completed per Sections 9.92.060 and 9.94.040 of this Coastal Land Use Code and a Local Coastal Program amendment to apply the designations over the annexed properties has been adopted by the City and certified by the Coastal Commission pursuant to the procedures of Section 9.92.070 of this Coastal Land Use Code.

- C. **Amendments.** Amendments to the Land Use Code Map shall comply with the criteria and procedures in Chapters 9C.92 (Amendments), and 9.94 (Annexation) of the Land Use Code.

ARTICLE 2

Zoning Districts & Allowable Land Uses

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CHAPTER 9.20 -DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

- 9C.20.010 - Purpose
- 9C.20.020 - General Requirements for Development and New Land Uses
- 9C.20.030 - Allowable Land Uses and Permit Requirements
- 9C.20.040 - Exemptions from Planning Permit Requirements

9.20.010 - Purpose

This Chapter describes the City's requirements for the approval of proposed development and new land uses. The permit requirements established by this Land Use Code for specific land uses are in Chapters 9C.22 through 9C.28.

9.20.020 - General Requirements for Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Allowable use.** The land use shall be allowed by this Land Use Code in the zoning district applied to the site. The basis for determining whether a use is allowable is described in Section 9C.20.030 (Allowable Land Uses and Permit Requirements).
- B. **Permit and approval requirements.** Any planning permit or other approval required by Section 9C.20.030 (Allowable Land Uses and Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 9C.20.040 (Exemptions from Planning Permit Requirements).
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, the provisions of Article 3 (Site Planning and Project Design Standards), and any applicable conditions imposed by a previously granted planning permit.
- D. **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act, ~~and~~ the City's Subdivision Ordinance, and the Coastal Act.

9.20.030 - Allowable Land Uses and Permit Requirements

- A. **Allowable land uses.** The uses of land allowed by this Land Use Code in each zoning district are listed in Chapters 9C.22, 9C.24, and 9C.26 (Tables 2-1, 2-4, and 2-10, respectively), together with the type of planning permit required for each use. Each land use listed in Tables 2-1, 2-4, and 2-10 is defined in Article 10 (Glossary).
 1. **Establishment of an allowable use.**
 - a. Any one or more land uses identified by Tables 2-1, 2-4, and 2-10 as being allowable within a specific zoning district may be established on any parcel within that zoning district, subject to the planning permit requirements of Subsection B., and compliance with all applicable requirements of the Coastal Land Use Plan and this Coastal Land Use Code.
 - b. Where a single parcel is proposed for development with two or more of the land uses listed in the tables, the overall project shall be subject to the highest permit level required by Subsection B. for any individual use. For example, multi-use building proposed with a permitted use on the second floor and a use requiring Use Permit approval on the ground floor would require Use Permit approval.
 2. **Use not listed.**
 - a. A land use that is not listed in Tables 2-1, 2-4, or 2-10, and is determined by the Zoning Administrator to not be included in Article 10 (Glossary) under the definition of a listed land use, is not allowed within the City, except as otherwise provided Subsection A.3, or

Section 9C.20.040 (Exemptions from Planning Permit Requirements).

- b. A land use that is not listed in the tables within a particular zoning district is not allowed within that zoning district, except as otherwise provided Subsection A.3, or Section 9C.20.040.
3. **Similar and compatible use may be allowed.** The Zoning Administrator may determine that a proposed use not listed in this Article is allowable as follows:
- a. **Required findings.** The Zoning Administrator may determine that a proposed use is similar to, and compatible with a listed use and may be allowed, only after first finding that:
 - (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;
 - (2) The use will be consistent with the purposes of the applicable zoning district;
 - (3) The use will be consistent with the General Plan and any applicable specific plan;
 - (4) The use will be compatible with the other uses allowed in the district; and
 - (5) The use is not listed as allowable in another zoning district.
 - (6) The use will be consistent with the Coastal Land Use Plan and the otherwise applicable requirements of this Coastal Land Use Code.

A determination that a use qualifies as a “similar use” and the findings supporting the determination shall be in writing.
 - b. **Applicable standards and permit requirements.** When the Zoning Administrator determines that a proposed, but unlisted use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Land Use Code apply.
 - c. **Referral for determination.** The Zoning Administrator may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Planning Commission for a determination at a public meeting.
 - d. **Appeal.** A determination of similar and compatible use may be appealed in compliance with Chapter 9C.76 (Appeals).
- B. **Permit requirements.** Tables 2-1, 2-4, and 2-10 within Chapters 9C.22, 9C.24, and 9C.26 provide for land uses that are:
- 1. Permitted subject to compliance with all applicable provisions of this Land Use Code, subject to first obtaining a Zoning Clearance (Section 9C.72.100). These are shown as "P" uses in the tables;
 - 2. Allowed subject to Minor Use Permit approval (Section 9C.72.080), and shown as "MUP" uses in the tables;
 - 3. Allowed subject to Use Permit approval (Section 9C.72.080), and shown as "UP" uses in the tables;
 - 4. Allowed subject to the type of City approval required by a specific provision of Chapter 9C.42 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and

5. Not allowed in a particular zoning district, and shown as "—" uses in the tables.

Note: a land use authorized through the approval of a Zoning Clearance, Minor Use Permit, or Use Permit may also require Design Review approval (Section 9C.72.040), a Coastal Permit (Section 9C.72.030), a Building Permit, and/or other permit required by the Municipal Code.

9.20.040 - Exemptions from Planning Permit Requirements

The planning permit requirements of this Land Use Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. General requirements for exemption. The land uses, structures, and activities identified by Subsection B. below are exempt from the planning permit requirements of this Land Use Code only when:

1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Article (Zoning Districts and Allowable Land Uses), Article 3 (Site Planning and Project Design Standards) and, where applicable, Chapter 9C.90 (Nonconforming Uses, Structures, and Parcels);
2. No Coastal Permit is required by Section 9C.72.030;
3. Any permit or approval required by regulations other than this Land Use Code is obtained (for example, a Building Permit); and
4. The site is not within a :WP (Wetland Protection) or :SP (Stream Protection) combining zone.

B. Exempt activities and land uses. The following are exempt from the planning permit requirements of this Land Use Code when in compliance with Subsection A. above.

1. **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit.
2. **Fences and walls.** See Section 9C.30.030 (Fences, Walls, and Screening).
3. **Interior remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
4. **Repairs and maintenance.**
 - a. **Single-family dwellings.** Ordinary repairs to, and maintenance of, single-family dwellings.
 - b. **Multi-family, and non-residential structures.** Ordinary repairs to, and maintenance of multi-family residential and non-residential structures, if:
 - (1) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
 - (2) Any exterior repairs employ the same materials and design as the original construction.
5. **Small, portable residential accessory structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds and other small structures in residential zoning districts that are exempt from Building Permit requirements in compliance with the Municipal

Code and the Uniform Building Code. Additional structures may be approved in compliance with Section 9C.42.030 (Accessory Structures), where allowed by the applicable zoning district.

6. **Solar collectors.** The addition of solar collectors to the roof or side of a building, provided that the collectors comply with applicable height limit requirements; and ground-mounted solar collectors that comply with the setback requirements and height limitations of the applicable zoning district.
7. **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.
8. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zoning district. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 9C.44 (Telecommunications Facilities).

CHAPTER 9C.22 - AGRICULTURAL AND RESOURCE ZONING DISTRICTS

Sections:

- 9C.22.010 - Purpose
- 9C.22.020 - Purposes of the Agricultural and Resource Zoning Districts
- 9C.22.030 - Agricultural and Resource District Allowable Land Uses
- 9C.22.040 - Agricultural and Resource District Parcel and Density Standards
- 9C.22.050 - Agricultural and Resource District Site Planning and Building Standards
- 9C.22.060 - Agricultural and Resource District Land Use Limitations
- 9C.22.070 - Agricultural and Resource Special Considerations

9.22.010 - Purpose

This Chapter lists the land uses that may be allowed within the agricultural and resource zoning districts established by Section 9C.12.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

9.22.020 - Purposes of the Agricultural and Resource Zoning Districts

The purposes of the individual agricultural and resource zoning districts and the manner in which they are applied are as follows.

- A. **AE:CZ (Agriculture Exclusive) district.** The AE:CZ zoning district is applied to areas appropriate for agricultural uses such as horticulture and crop production, orchards, nurseries, vineyards, and livestock grazing, where the City intends that the land be preserved for agricultural production, and where residential use is accessory to agricultural production. The AE:CZ zoning district is consistent with and implements the Coastal Agriculture Exclusive land use classification of the ~~General~~ Coastal Land Use Plan.
- ~~B. **AR (Agriculture Residential) district.** The AR zoning district is applied to areas of agricultural lands that are also appropriate for very low density residential uses. The AR zoning district is consistent with and implements the Agriculture Residential land use classification of the General Plan.~~
- C. **NR (Natural Resource) district.** The NR:CZ zoning district is applied to public or private lands where the protection of unique and/or sensitive natural resources, or the managed production of resources are the City's primary objectives. The NR:CZ district is separated into two sub-districts: ~~Timber Production (NR-TP),~~ Wetland and Stream Protection (NR-WSP) and Public Trust (NR-PT). The C-NR zoning district is consistent with and implements the Coastal Natural Resource land use classification of the ~~General~~ Coastal Land Use Plan.

9C.22.030 – Coastal Agricultural and Resource District Allowable Land Uses

- A. **Allowable uses and planning permit requirements.** Table C-2-1 identifies the uses of land allowed by this Land Use Code in each agricultural and resource zoning district, and the planning permit required to establish each use, in compliance with Section 9C.20.030 (Allowable Land Uses and Permit Requirements).
- B. **Allowable uses within the Coastal Zone.** The land uses identified by Table C-2-1 as allowable in each agricultural and resource zoning district are also allowed within the Coastal Zone, except where the land uses allowed in the Coastal Zone are separately listed (as in the case of the AE:CZ zoning district). Land uses proposed on diked or otherwise reclaimed former tidelands are also subject to the limitations in Section 9C.22.060 (Coastal Agricultural and Resource District Land Use Limitations).
- C. **Additional City approval requirements.** Any land use identified as allowable by Table C-2-1 may require Design Review (Section 9C.72.040), a Coastal Permit (Section 9C.72.030), and/or a building permit in compliance with the Municipal Code, in addition to the planning permit required by Table C-2-1.
- D. **Standards for specific land uses.** Where the last column in the table ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other

sections of this Coastal Land Use Code may also apply.

CITY OF ARCATA MUNICIPAL CODE – TITLE 9 – LAND USE CODE

TABLE C-2-1 Allowed Land Uses and Permit Requirements for Agricultural and Resource Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit determined by specific use regulations — Use not allowed				
	PERMIT REQUIRED BY DISTRICT				
LAND USE (1)	AE	AE-CZ	AR	NR-TP WSP-CZ	NR-PT-CZ

AGRICULTURAL & OPEN SPACE USES

Agricultural accessory structure, 4,000 sf or less	P	P	MUP	MUP	MUP	9C.22.060,
Agricultural accessory structure, larger than 4,000 sf	MUP	MUP	MUP	MUP	MUP	
Agricultural processing - Very low impact	P	P	P	P	P	
Agricultural processing - Low impact	MUP	MUP	MUP	MUP	MUP	
Agricultural Processing - Moderate impact	UP	UP	UP	—	—	
Animal keeping	S	S	S	S	S	9C.22.060,
Aquaculture - Ocean dependent	—	MUP	—	MUP	MUP	
Commercial greenhouse - Perimeter foundation, 1,000 sf or less	P	MUP	MUP	—	—	
Commercial greenhouse - Perimeter foundation, larger than 1,000 sf	MUP	MUP	MUP	—	—	
Commercial greenhouse - Slab foundation	UP	—	UP	—	—	
Commercial greenhouse - Soil dependent, 1,000 sf or less	P	P	P	—	—	9C.22.060
Commercial greenhouse - Soil dependent, larger than 1,000 sf	MUP	MUP	MUP	—	—	
Crop production, horticulture, orchard, vineyard	P(2)	P(2)	P(2)	P(2)	P(2)	9C.22.060
Forestry	MUP	—	MUP	P(2)	—	
Nature preserves, habitat and wetland restoration	P(2)	P(2)	P(2)	P(2)	P(2)	9C.22.060
Winery	UP	UP	UP	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Boat launching facility	—	MUP	—	—	UP	9C.22.060
Coastal access trail	P	P	P	UP	UP	9C.22.060
Equestrian facility, maintaining 8 or fewer horses	P	MUP	UP	—	—	9C.42.050
Equestrian facility, maintaining 9 or more horses	MUP	MUP	UP	—	—	9C.42.050
Interpretive center	—	—	—	UP	UP	9C.22.060
Non-vehicular recreation	P	P(3)	P	P(3)	P(3)=	9C.22.060
Meeting facility, public or private	—	—	UP	UP	UP	
Parks and playgrounds	—	—	MUP	UP	UP	

Key to Zoning District Symbols

AE	Agriculture - Exclusive	NR-TP WSP	Natural Resource - Timber Production - Wetland and Stream Protection -
AE-CZ	Agriculture - Exclusive - Coastal Zone	NR-PT- CZ	Natural Resource - Public Trust - Coastal Zone
AR	Agriculture - Residential		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Zoning Clearance not required.
- (3) See Section 9C.22.060.B.

CITY OF ARCATA MUNICIPAL CODE – TITLE 9 – LAND USE CODE

TABLE 2-1 Allowed Land Uses and Permit Requirements for Agricultural and Resource Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required				
	UP	Use Permit required				
	S	Permit determined by specific use regulations				
	—	Use not allowed				
LAND USE (1)	AE	AE-CZ	AR	NR-TP WSP-CZ	NR-PT-CZ	Regulations
RESIDENTIAL USES						
Farmworker housing for agriculture activities on site	UP	UP	UP	—	—	
Home occupation	P	P	P	P	P	9C.42.090
Mobile home - Outside of mobile home park <u>as a farm dwelling (3)</u>	P	P UP	P	P	P	9C.42.120
Residential accessory use or structure to an existing farm dwelling (3)	P	P UP	P	—	—	9C.42.030
Residential care facility, 6 or fewer clients	MUP	MUP	P	—	—	
Second dwelling unit	P	P	P	—	—	9C.42.170
Single family Farm dwelling (3)	P	P UP	P	P	P	
RETAIL TRADE						
Mobile vendors	MUP	MUP	MUP	MUP	MUP	
Produce stand, 1,000 sf maximum	MUP	MUP	MUP	MUP	MUP	9C.42.140F
SERVICES						
Child day care - Large family day care home	P	P	P	P	P	9C.42.070C
Child day care - Small family day care home	P	P	P	P	P	
Lodging - Bed & breakfast inn (B&B) inn, 5 or fewer rooms	P	P	P	—	—	9C.42.060
Lodging - Bed & breakfast inn (B&B) inn, 6 or more rooms	MUP	MUP	MUP	—	—	9C.42.060
Lodging - Campground	—	—	—	UP	UP	
Lodging - Hostel	—	—	—	UP	UP	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Utility facility	UP	UP	UP	UP	UP	
Utility infrastructure	MUP	MUP	UP	UP	UP	
Windmill for electricity generation	MUP	MUP	UP	UP	UP	9C.42.190

Key to Zoning District Symbols

AE	Agriculture - Exclusive	NR-TP	Natural Resource - Timber Production -
		WSP	Wetland and Stream Protection -
AE-CZ	Agriculture - Exclusive - Coastal Zone	NR-	Natural Resource - Public Trust =
AR	Agriculture - Residential	PT-CZ	<u>Coastal Zone</u>

Notes:

- (1) See Article 10 for land use definitions.
- (2) Zoning Clearance not required.
- (3) A "farm dwelling" comprises a single-family residence occupied by the owner/operator of the farm, whose presence and occupancy is necessary to the operation of the agricultural uses at the site.

9C.22.040 – Agricultural and Resource District Parcel and Density Standards

A new subdivision, and the density of residential development shall comply with the following requirements shown in Table C-2-2.

Table C-2-2 – Parcel and Density Standards

Development Standard	Requirement by Zoning District		
	AE:CZ	AR	NR-TP -WSP:CZ, -PT:CZ
Minimum Lot Area	20 acres 60 acres in Coastal Zone	2.5 acres	20 acres 60 acres in Coastal Zone
Maximum Residential Density	1 dwelling per parcel, plus 1 second unit per parcel	1 dwelling per parcel, plus 1 second unit per parcel	1 dwelling per parcel

9C.22.050 - Agricultural and Resource District Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table C-2-3, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 of this Land Use Code.

Table C-2-3 – ~~AE:CZ, AR,~~ and ~~NR:CZ~~ District Standards

Development Standard	AE:CZ Zone Requirement	AR Zone Requirement	NR:CZ Zone Requirement
Setbacks – <i>Minimum and, where noted, maximum setbacks required. See Section 9C.30.090 for exceptions to these requirements.</i>			
Front	25 ft.	25 ft.	25 ft.
Side – Interior (each)	10 ft.	10 ft.	10 ft.
Side – Street side	10 ft.	10 ft.	10 ft.
Rear	25 ft.	25 ft.	25 ft.
Accessory structures	See 9.42.030 (Accessory Structures)		
Floor area ratio (FAR) – <i>Maximum allowable FAR. See the definition of FAR in Article 10 (Glossary)</i>			
Maximum FAR	0.10; additional FAR may be authorized through Use Permit approval.	0.10	Not Applicable
Height limit – <i>Maximum allowable height of structures. See Section 9C.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>			
Maximum Height	35 ft.	35 ft.	35 ft.
Landscaping – See Chapter 9C-.34 (Landscaping)			
Parking – See Chapter 9C-.36 (Parking and Loading)			
Signs – See Chapter 9C-.38 (Signs)			

9C.22.060 - Agricultural and Resource District Land Use Limitations

Land uses within the agricultural and resource zoning districts shall comply with the following limitations, as applicable.

- A. **Non-vehicular recreation.** Private and public non-vehicular recreational activities including hiking, riding, fishing, and other recreational activities that do not require permanent structures, facilities, or foundations may be permitted if they do not interfere with adjacent agricultural and/or resource uses, or limit potential of the site to return to agricultural and/or resource uses, or displace the wildlife utilizing the area, especially in seasonal wetlands.
- B. **Threshold of review for sensitive habitats.**
 - 1. **Habitat protection requirements.** Proposed development on a site within the NR zoning district or within 250 feet of an Environmentally Sensitive Habitat Area (ESHA), or development potentially affecting another sensitive habitat area, shall comply with the applicable habitat protection policies of the Resource Conservation and Management Element of the General Plan.
 - 2. **Application requirements.** All proposed development plans, including grading and drainage plans submitted as part of a planning permit application shall show the precise location of all sensitive habitat areas on the site plan.
- C. **Uses allowed in diked/reclaimed former tidelands.** Allowable uses and development in grazed or farmed wetlands shall be limited to the following uses compatible with the Public Trust, and other similar and related uses as determined by the review authority to be appropriate.
 - 1. Agricultural uses or operations limited to accessory structures, apiaries, horticulture and crop production, livestock raising, and orchards.
 - 2. ~~Farm related structures, including barns, sheds, and farmer occupied housing, necessary for the performance of agricultural uses or operations. These structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for this purpose, and each structure is sited and designed to minimize adverse environmental effects on Public Trust resources and uses. The number of dwelling units allowed is determined by Section 9.22.040.~~
 - 3. Restoration projects.
 - 4. Nature study, aquaculture, and similar resource-dependent activities compatible with the Public Trust resources and uses.
 - 5. Incidental public service purposes which may temporarily impact the resources of the area (such as burying cables or pipes).

9.22.070 - Agricultural and Natural Resource Special Considerations

Proposed Development and new land uses on parcels within the SCA (Special Considerations - Agricultural) or SCNR (Special Considerations - Resource) combining zone shall comply with the following requirements, as applicable, in compliance with General Plan Table C-LU-10.

SCA Zone	Area	SCA Zone Requirements
4	APN 021-121-010	Provide for agriculture related manufacturing due to aggregate fill deposits on the Arcata Bay Storage site per PC Resolution 08-09C.

CHAPTER 9.24 -RESIDENTIAL ZONING DISTRICTS

Sections:

- 9C.24.010 - Purpose
- 9C.24.020 - Purposes of the Residential Zoning Districts
- 9C.24.030 - Residential District Allowable Land Uses
- 9C.24.040 - Residential District Parcel and Density Standards
- 9C.24.050 - Residential District Site Planning and Building Standards
- 9C.24.060 - Residential District Land Use Limitations
- 9C.24.070 - Residential Special Considerations

9.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the residential zoning districts established by Section 9C.12.020 (Coastal Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

9C.24.020 - Purposes of the Residential Zoning Districts

The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

- A. **RVL (Residential - Very Low Density) district.** The RVL zoning district is applied to areas where physical constraints, the protection of natural features, or the preservation of semi-rural character have been identified by the General Plan as important considerations. The RVL zoning district is primarily applied to areas with steep slopes, and where the General Plan intends that the open space character of the City's hillsides and perimeter lands are to be preserved. Individual homesites are allowed in hillside areas, as long as precautions are taken to prevent the excessive removal of vegetation, and strict grading controls are enforced to prevent erosion (see Chapter 9C.52 for hillside development standards). The allowable density is two or fewer primary dwellings per acre. The RVL zoning district is consistent with and implements the Residential - Very Low Density land use classification of the General Plan.
- B. **RL (Residential - Low Density) district.** The RL zoning district is applied to areas appropriate for neighborhoods of single-family homes on individual lots, and related, compatible uses. The allowable density ranges from two to 7.25 dwellings per acre. The RL zoning district is consistent with and implements the Residential - Low Density land use classification of the General Plan.
- C. **RM (Residential - Medium Density) district.** The RM zoning district is applied to areas appropriate for a variety of housing types, including small-lot single-family housing, and various types of multifamily housing (for example, duplexes, townhouses, and apartments). The allowable density ranges from 7.26 to 15 dwellings per acre. The RM zoning district is consistent with and implements the Residential - Medium land use classification of the General Plan.
- D. **RH (Residential - High Density) district.** The RH zoning district is applied to areas appropriate for various types of multi-family housing, including duplexes, townhouses, and apartments. The allowable density ranges from 15.01 to 32 units per acre. The RH zoning district is consistent with and implements the Residential - High Density land use classification of the General Plan.

9.24.030 - Residential District Allowable Land Uses

Table 2-4 identifies the uses of land allowed by this Land Use Code in each residential zoning district, and the planning permit required to establish each use, in compliance with Section 9C.20.030 (Allowable Land Uses and

Permit Requirements).

Note: Where the last column in the table ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Land Use Code may also apply.

TABLE 2-4 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit determined by specific use regulations			
	—	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	<u>RVL:CZ</u>	<u>RL:CZ</u>	<u>RM:CZ</u>	<u>RH:CZ</u>	

AGRICULTURAL & OPEN SPACE USES

Agricultural accessory structure	MUP	UP	UP	UP	9C.42.030
Animal keeping	S	S	S	S	9C.42.050
Crop production, horticulture, orchard, vineyard	MUP	MUP	MUP	MUP	
Greenhouse and nursery structures, 300 sf or less	UP	UP	—	—	
Greenhouse and nursery structures, larger than 300 sf	—	—	—	—	
Produce stand, 1,000 sf maximum	MUP	MUP	MUP	MUP	9C.42.140F

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Equestrian facility	UP	—	—	—	9C.42.050
Meeting facility, public or private	MUP	MUP	MUP	MUP	
Parks and playgrounds, public	P	P	P	P	
Private residential recreation facility	—	MUP	MUP	MUP	
School - Public or private, elementary or secondary	MUP	MUP	MUP	MUP	

RESIDENTIAL USES

Home occupation	P	P	P	P	9C.42.090
Mobile home - Outside of mobile home park	P	P	P	P	9C.42.120
Mobile home park, including individual mobile homes	UP	UP	UP	UP	9C.42.120
Multi-family housing, 2 units	—	P	P	P	9C.42.130
Multi-family housing, 3 to 9 units	—	MUP(2)	P	P	9C.42.130
Multi-family housing, 10 or more units	—	—	P	P	9C.42.130
Organizational house (sorority, monastery, religious, etc.)	UP	UP	UP	UP	
Residential accessory use or structure	P	P	P	P	9C.42.030
Residential care facility, 6 or fewer clients	P	P	P	P	
Residential care facility, 7or more clients	UP	UP	UP	UP	
Rooming or boarding house	—	UP	P	P	
Second dwelling unit	P	P	P	P	9C.42.170
Single-family dwelling	P	P	P	P	
Transitional housing	UP	UP	UP	UP	

Key to Zoning District Symbols

<u>RVL:CZ</u>	Residential - Very Low Density	<u>RM:CZ</u>	Residential - Medium Density
<u>RL:CZ</u>	Residential - Low Density	<u>RH:CZ</u>	Residential - High Density

Notes:

- (1) See Article 10 (Glossary) for land use definitions.
- (2) Allowed only in compliance with Section 9C.24.060.B (RL Alternative Development Option).

TABLE 2-4 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit determined by specific use regulations			
	—	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	<u>RVL:CZ</u>	<u>RL:CZ</u>	<u>RM:CZ</u>	<u>RH:CZ</u>	

RETAIL TRADE

Accessory retail	<u>UP</u>	UP	P	P	<u>9C.42.020</u>
Convenience store	<u>UP</u>	UP	UP	UP	

SERVICES

Accessory services	<u>UP</u>	UP	P	P	<u>9C.42.020</u>
Child day care - Large or small family day care home	P	P	P	P	<u>9C.42.070</u>
Child or adult day care center	MUP	MUP	MUP	MUP	<u>9C.42.070</u>
Group Quarters	<u>UP</u>	UP	UP	UP	
Lodging - Bed and breakfast inn (B&B), 5 or fewer rooms	P	P	P	P	<u>9C.42.060</u>
Lodging - Bed and breakfast inn (B&B), 6 or more rooms	MUP	MUP	MUP	MUP	<u>9C.42.060</u>
Lodging - Hostel	MUP	MUP	MUP	MUP	
Medical services - Extended care	MUP	MUP	MUP	MUP	
Mobile maintenance services	<u>S</u>	S	S	S	<u>9C.42.090</u>

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Pipeline, utility transmission or distribution line	UP	UP	UP	UP	
Utility facility	UP	UP	UP	UP	
Utility infrastructure	P	P	P	P	
Windmill for electricity generation	MUP	UP	UP	UP	<u>9C.42.190</u>

Key to Zoning District Symbols

RVL	Residential - Very Low Density	RM	Residential - Medium Density
RL	Residential - Low Density	RH	Residential - High Density

Notes:

(1) See Article 10 (Glossary) for land use definitions.

9.24.040 - Residential District Parcel and Density Standards

A new subdivision, and the density of residential development shall comply with the requirements shown in Table 2-5.

Table 2-5 - Parcel and Density Standards

Development Standard	Requirement by Zoning District			
	RVL	RL	RM	RH
Minimum lot area	20,000 sf	4,000 sf, 6,000 sf average (1)(2)	3,000 sf	6,000 sf
Minimum lot width	60 ft (3)	60 ft (3)	30 ft (4)	30 ft (4)
Maximum lot depth	4 times lot width (2)	None	None	None
Residential density	2 or fewer primary units per acre, maximum (5)	2 minimum to 7.25 units maximum per acre (5)	7.26 minimum to 15 units maximum per acre (5)	15.01 minimum to 32 units maximum per acre (5)
Plus 1 second unit in compliance with Section <u>9C.42.170</u>				

Notes:

- (1) A parcel in a new subdivision may be as small as 4,000 square feet, but the average size of all the parcels must be 6,000 square feet, except where the subdivision complies with the Special Subdivision Design Standards of Section 9C.88.032.
- (2) Section 9C.24.060.B (RL Alternative Development Option) may allow a lower average.
- (3) May be reduced to 30 ft where the review authority determines that a lesser proposed width is sufficient to ensure safe and adequate access and parking.
- (4) A larger minimum width may be required where the review authority determines that 30 feet is insufficient to ensure safe and adequate access and parking.
- (5) See Section 9C.31.030 of this Land Use Code for Density Bonus Provisions.

9.24.050 - Residential District Site Planning and Building Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-6 through 2-9, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 of this Land Use Code.

Table 2-6 - RVL District Standards

Development Standard	RVL Zone Requirement	
	Code	Density Bonus

<i>Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-1.</i>		
Front	10 ft	N/A
Side - Interior (each)	5 ft	N/A
Side - Street side	10 ft	N/A
Rear	5 ft	N/A
Garage - Front	20 ft	N/A
Accessory structures	See <u>9C.42.030</u> (Accessory Structures)	
Streamside setbacks	See Chapter <u>9C.59</u>	

<i>Floor area ratio (FAR) - Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)</i>		
Maximum FAR	0.20	N/A

<i>Maximum site coverage - Maximum percentage of site area to be occupied by structures, parking, driveways, and pavement.</i>		
Maximum coverage	20%	N/A

Height limit -Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-2.		
Maximum height	35 ft.	37 ft

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)

e 2-1 - Setback Requirements

Figure

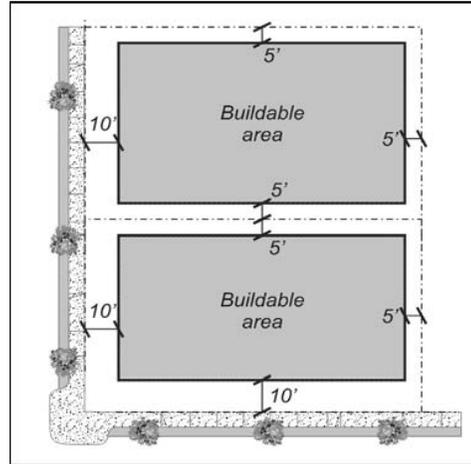


Figure 2-2 - Building Height and Profile

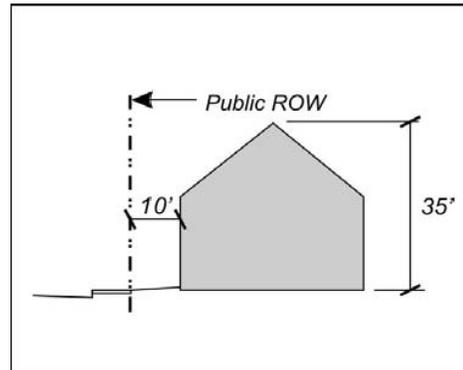


Table 2-7 - RL District Standards

Development Standard	RL Zone Requirement	
	Code	Density Bonus

Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-3.		
Front	10 ft	8 ft
Side - Interior (each)	5 ft	0 ft (townhouse and condo)
Side - Street side	10 ft	8 ft

Rear	5 ft	N/A
Garage - Front	20 ft	N/A
Accessory structures	See 9C.42.030 (Accessory Structures)	
Streamside setbacks	See Chapter 9C.59	

Floor area ratio (FAR) - <i>Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)</i>		
Maximum FAR	0.50	N/A

Maximum site coverage - <i>Maximum percentage of site area to be occupied by structures, parking, driveways, and pavement.</i>		
Maximum coverage	50%	Proportional to reduced lot area (see Section 9C.30.060)

Height limit - <i>Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-4.</i>		
Maximum height	35 ft.	38 ft

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)

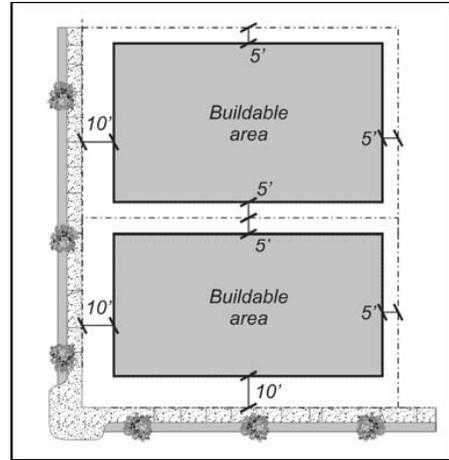


Figure 2-3 - Setback Requirements

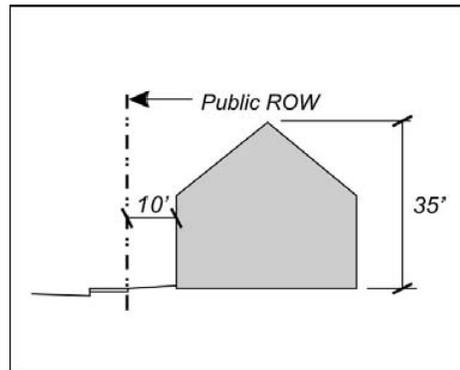


Figure 2-4 - Building Height and Profile

Table 2-8 - RM District Standards

Development Standard	RM Zone Requirement	
	Code	Density Bonus

Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-5.

Front	10 ft	5 ft
Side - Interior (each)	5 ft	0 ft (townhouse and condo)
Side - Street side	10 ft	5 ft
Rear	5 ft	N/A
Garage - Front	20 ft	N/A
Accessory structures	See 9C.42.030 (Accessory Structures)	
Streamside setbacks	See Chapter 9C.59	

Maximum site coverage - Maximum percentage of site area to be occupied by structures, parking, driveways, and pavement.

Maximum coverage	60%	Proportional to reduced lot area (see Section 9C.30.060)
------------------	-----	--

Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-6.

Maximum height	35 ft.	38 ft
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Landscaping - See Chapter 9C.34 (Landscaping)

Parking - See Chapter 9C.36 (Parking and Loading)

Signs - See Chapter 9C.38 (Signs)

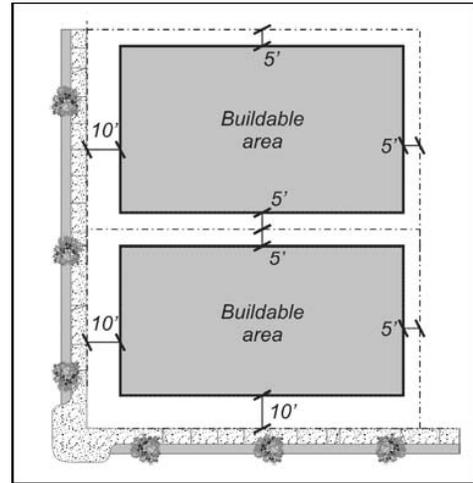


Figure 2-5 - Setback Requirements

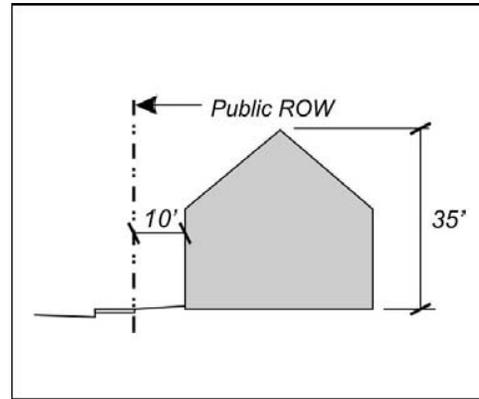


Figure 2-6 - Building Height and Profile

Table 2-9 - RH District Standards

Development Standard	RH Zone Requirement	
	Code	Density Bonus

Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-7.		
Front	10 ft	5 ft
Side - Interior (each)	5 ft	N/A
Side - Street side	10 ft	5 ft
Rear	5 ft	N/A
Garage - Front	20 ft	N/A
Accessory structures	See 9C.42.030 (Accessory Structures)	
Streamside setbacks	See Chapter 9C.59	

Maximum site coverage -Maximum percentage of site area to be occupied by structures, parking, driveways, and pavement.		
Maximum coverage	70%	N/A

Height limit -Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-8.		
Maximum height	35 ft.	45 ft

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)

Figure 2-7 - Setback Requirements

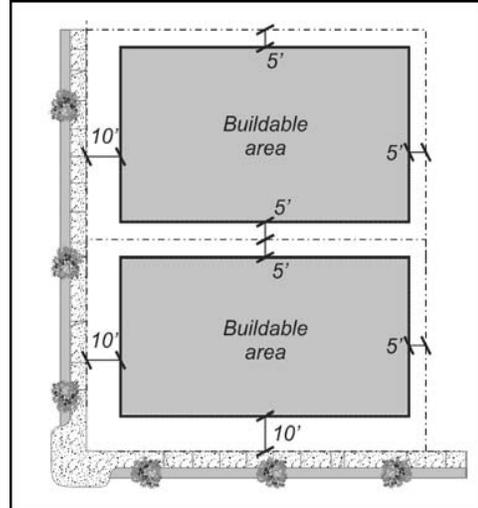
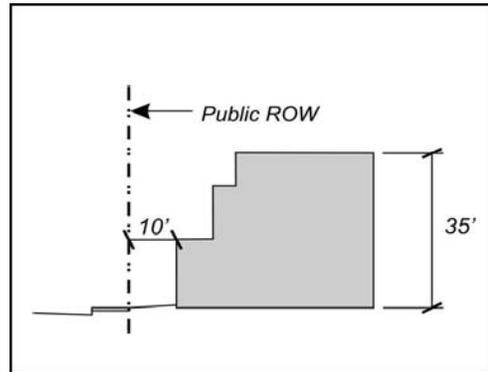


Figure 2-8 - Building Height and Profile



9.24.060 - Residential District Land Use Limitations**A. RVL district performance standards.**

1. **Grading.** All grading shall be strictly controlled to prevent the excessive removal of natural vegetation, and erosion. Development and grading on slopes greater than 15 percent may be allowed only with Hillside Development Permit approval.
2. **Seismic and geologic hazards.** The review authority shall ensure that each development proposal on a sloping site is designed to avoid or mitigate seismic and geologic hazards.

B. RL district alternative development option. An applicant for a development project within the RL zoning district on a site of less than one-half acre may choose to comply with the following standards instead of the other equivalent applicable standards of this Chapter.

1. **Permit requirement.** Minor Use Permit approval shall be required for a project with multiple uses, and/or with a use that would otherwise require Use Permit approval.
2. **Development standards.** A residential project of three or more dwelling units shall comply with the following standards:
 - a. **Reserved occupancy.** At least one unit shall be reserved for occupancy by a low income household; this reservation shall remain in place for a minimum of 15 years
 - b. **Maximum density.** Density shall not exceed one unit for every 3,000 square feet of the overall development area, regardless of the size of the units. No additional density bonus shall be provided. The units may be constructed in a single building or in any combination of separate buildings; and on a single lot, or result in multiple lots.
 - c. **Subdivision process.** A subdivision in compliance with this Subsection shall also comply with Article 8 (Subdivision Regulations and Procedures), provided that a public hearing is not required unless new lots are created.
 - d. **Floor area ratio.** Total project floor area ratio (FAR) shall not apply to an alternative development option.
 - e. **Site and building standards.** Project setbacks, site coverage and the height of structures shall comply with the requirements of the RL zoning district, provided that the review authority may reduce setback and increase site coverage requirements where the review authority finds that safe and adequate access and parking will be provided.
 - f. **Parking.** Off-street parking shall comply with the requirements of Chapter **9C.36** (Parking and Loading), provided that at least one space per unit shall be provided.
3. **Further subdivision.** A development approved in compliance with this Subsection shall not subsequently be further subdivided unless each new parcel complies with all the minimum lot area standards of the RL zoning district.

C. Planned residential development requirements. As required by General Plan Policy LU-2d, the development of a vacant site of one acre and larger shall require that the Planned Development combining zone first be applied to the property. The purpose shall be to: incorporate a mix of residential

types, unit sizes, and styles in a coordinated manner to allow clustering of units; to provide larger, more usable areas not affected by site coverage; and to protect natural resources or site features, including creekside riparian areas, wetlands, and significant vegetation such as trees. Where a planned residential development is adjacent to a non-residential use, appropriate visual and noise buffers shall be provided between the uses. Other provisions within a Plan Development should also address affordable housing.

9.24.070 - Residential Special Considerations

Proposed development and new land uses on parcels within the SCR (Special Considerations - Residential) combining zone shall comply with the following requirements, as applicable, in compliance with General Plan Table LU-3.

SCR Zone	Area	SCR Zone Requirements
1	Spear Av. & St. Louis Rd.	Residential development shall include a mix of housing types and shall be clustered to maintain stream course and riparian areas as open space.
2	Sunset at Baldwin APN's 505-121-021 & 505-121-019	Residential development shall be clustered to preserve Jolly Giant Creek course and wetland areas as open space, and to reserve right of way for the future extension of Foster Street to Sunset Avenue. Baldwin should be extended to intersect with the extension of Foster. Access to residential development should be from Foster and Baldwin. The eastern portion of the site may be used for a public facility use to allow for a new Fire Station in this site. A public facility special consideration shall be placed on the Sunset Avenue sites per PC Resolution 08-07.
3	North of Wiyot Way & south of Mustang Lane	On APN 507-291-032, north of Wiyot Way, a residential special consideration shall be placed on this site that would allow for development of hospital related housing, including, but not limited to: life care facilities, assisted living facilities, medical related group quarters, medical services, extended care facilities, temporary housing for family members of hospital patients, or housing for doctors nurses, and hospital staff per PC Resolution 08-11.

CHAPTER 9.26 -COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITY ZONING DISTRICTS

Sections:

- 9C.26.010 - Purpose
- 9C.26.020 - Purposes of Commercial, Industrial, and Public Facility Zoning Districts
- 9C.26.030 - Commercial, Industrial, and Public Facility District Allowable Land Uses
- 9C.26.040 - Commercial, Industrial, and Public Facility District Parcel and Density Standards
- 9C.26.050 - Commercial, Industrial, and Public Facility District Site Planning and Building Standards
- 9C.26.060 - Commercial, Industrial, and Public Facility District Land Use Limitations
- 9C.26.070 - Commercial, Industrial, and Public Facility Special Considerations

9.26.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial, industrial, and public facility zoning districts established by Section 9C.12.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

9.26.020 - Purposes of Commercial, Industrial, and Public Facility Zoning Districts

The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

- A. **CC (Commercial - Central) district.** The CC zoning district is applied to areas surrounding the Plaza, and is intended to accommodate retail, professional office, civic, hotel, theater, residential, and similar and compatible uses. The CC zoning district is consistent with and implements the Commercial Central land use classification of the General Plan.
- B. **CG (Commercial - General) district.** The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve local residents and businesses, including shops, personal and business services, and restaurants. Residential uses may also be accommodated as part of mixed use projects. The CG zoning district is consistent with the Commercial - General land use classification of the General Plan.
- C. **CM (Commercial - Mixed Use Center) district.** The CM zoning district is applied to areas identified by General Plan policy LU-1d as the existing neighborhood centers of Westwood, Bayside, Sunny Brae, and Greenview, where additional retail, personal and business services, and other neighborhood-oriented commercial services are encouraged, and where substantial additions to the existing centers shall include residential units on upper floors or in separate buildings. The CM zoning district is consistent with and implements the Commercial - Mixed Use Center land use classification of the General Plan, and policy LU-1d.
- D. **CV (Commercial - Visitor Serving) district.** The CV zoning district is applied to areas adjacent to highway interchanges and other suitable locales, such as along highway segments and major arterials in proximity to visitor attractions such as the Arcata Marsh and Wildlife Sanctuary, and the Plaza Area that are appropriate for uses that primarily serve the traveling public, including lodging, restaurants, ~~auto sales centers,~~ and service stations. Other compatible commercial uses intended for serving both visitors to the area, travelers in transit, and residents, include convenience stores,

specialty retail sales and services primarily intended for the care, comfort, and support of coastal visitors and the traveling public, certain highway commercial, transient related motor vehicle services, and similar ~~and compatible~~ uses. The CV zoning district is consistent with the Commercial - Visitor Serving land use classification of the General Plan.

- E. **IL (Industrial - Limited) district.** The IL zoning district is applied to areas appropriate for light and moderate impact manufacturing, and limited commercial uses. Residential uses may also be allowed where they are compatible with the nature of the production process, or the related sales of products made on the premises. The IL zoning district is consistent with the Industrial - Limited land use classification of the General Plan.
- F. **IG (Industrial - General) district.** The IG zoning district is applied to areas appropriate for light, moderate impact, and high impact manufacturing, and limited commercial uses. The IG zoning district is consistent with the Industrial - General land use classification of the General Plan.
- G. **PF (Public Facility) district.** The PF zoning district is applied to sites that are used or intended for use as various types of public facilities, and certain uses that may be privately owned, but are institutional in character. The PF zoning district is consistent with the Public Facility land use classification of the General Plan.

9.26.030 - Commercial, Industrial, and Public Facility District Allowable Land Uses

Table 2-10 identifies the uses of land allowed by this Land Use Code in the commercial, industrial, and public facility zoning districts, and the planning permit required to establish each use, in compliance with Section 9C.20.030 (Allowable Land Uses and Permit Requirements).

Note: Where the last column in the table ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Land Use Code may also apply.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial, Industrial, And Public Facility Zoning Districts		PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
		CC	CG	CV	CM	IL	IG	PF	
		P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required (2) S Permit determined by specific use regulations — Use not allowed							
LAND USE (1)		PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
		CC	CG	CV	CM	IL	IG	PF	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING									
Agricultural processing - Very low impact	—	—	—	—	—	P	P	—	
Agricultural processing - Low impact	MUP(4)	MUP(4)	—	—	—	P	P	—	
Biodiesel production	—	—	—	—	—	UP	UP	—	
Composting	—	—	—	—	—	MUP	MUP	—	
Construction contractors	—	—	—	—	—	P	P	—	
Furniture and fixtures manufacturing, cabinet shop	—	UP	—	—	—	P	P	—	
Laboratory - Medical, analytical, R&D	—	P	—	—	—	P	P	—	
Laundry, dry cleaning plant	—	UP	—	—	UP	P	P	—	
Manufacturing/processing - Low impact	MUP(4)	MUP(4)	—	—	—	P	P	—	
Manufacturing/processing - Moderate impact	—	—	—	—	—	MUP	MUP	—	
Manufacturing/processing - High impact	—	—	—	—	—	—	UP	—	
Media production	P	P	—	—	—	P	P	—	
Printing and publishing	P	P	—	—	—	P	P	—	
Recycling - Processing facility	—	—	—	—	—	MUP	P	—	9C.42.160
Recycling - Reverse vending machines	—	P	P	—	—	P	P	—	9C.42.160
Recycling - Scrap and dismantling yards	—	—	—	—	—	—	MUP	—	9C.42.160
Recycling - Small collection facility	—	MUP	—	—	—	MUP	P	P	9C.42.160
Solid waste disposal transfer station	—	—	—	—	—	UP	UP	—	
Storage - Business records	MUP	MUP	—	—	—	MUP	MUP	—	
Storage - Outdoor	MUP	MUP	MUP	MUP	—	P	P	P	9C.42.150
Storage - Personal storage facility (mini-storage)	—	UP	—	—	—	P	P	—	
Storage - Warehouse, indoor storage	—	UP	—	—	—	P	P	—	
Wholesaling and distribution	—	P	—	—	—	P	P	—	

Key to Zoning District Symbols

CC	Commercial - Central	IL	Industrial - Limited
CG	Commercial - General	IG	Industrial - General
CV	Commercial - Visitor Serving	PF	Public Facility
CM	Commercial - Mixed Use Center		

Notes:

- (1) See Article 10 (Glossary) for land use definitions.
- (2) Use Permit required for any proposed retail use with either: (a) a floor greater than 30,000 sf; or (b) physical alteration of eight or more acres; or (c) generation of 1,000 or more vehicle trips per day. See also Section 9C.26.060.
- (3) Residential units should only be located above nonresidential uses or at ground level behind the street-fronting nonresidential uses pursuant to Section 9C.42.110.
- (4) Allowed only in conjunction with the on-site retail sale of products produced on the site.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial, Industrial, And Public Facility Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required (2) S Permit determined by specific use regulations — Use not allowed						
	PERMIT REQUIRED BY DISTRICT						
LAND USE (1)	CC	CG	CV	CM	IL	IG	PF

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Bar, tavern, pub	UP	UP	UP	UP	UP	—	—	
Commercial recreation facility - Indoor	MUP	MUP	—	MUP	MUP	—	—	
Commercial recreation facility - Outdoor	—	MUP	MUP	—	—	—	—	
Conference/convention facility	UP	UP	UP	—	—	—	UP	
Fitness/health facility	MUP	P	—	MUP	P	—	—	
Library, museum, gallery	P	P	P	P	—	—	P	
Meeting facility, public and private	MUP	P	—	MUP	MUP	—	MUP	
Night club	UP	UP	UP	—	UP	—	—	
Park, playground	P	—	—	—	—	—	P	
School - Elementary, middle, secondary	—	—	—	—	—	—	P	
School - Specialized education/training	UP	MUP	—	MUP	MUP	—	MUP	
Sex oriented business	—	UP	UP	UP	UP	UP	—	<u>9C.40</u>
Sports and entertainment assembly facility	—	—	—	—	—	—	UP	
Studio - Art, dance, martial arts, music, etc.	MUP	MUP	—	MUP	MUP	—	—	
Theater, auditorium	MUP	MUP	MUP	MUP	—	—	—	

RESIDENTIAL USES

Caretaker unit	—	MUP	—	—	MUP	MUP	—	
Emergency shelter	—	UP	—	—	UP	UP	MUP	
Group Quarters	—	UP	—	—	UP	UP	MUP	
Home occupation	P	P	—	P	P	—	—	<u>9C.42.090</u>
Live/work unit	P	P	—	P	P	—	—	<u>9C.42.100</u>
Multi-family housing	P(3)	P(3)	—	P(3)	P	—	—	<u>9C.42.110</u>
Residential care facility, 7 or more clients	MUP	MUP	—	MUP	—	—	MUP	
Single-family dwelling	P(3)	P(3)	—	P(3)	P	—	—	
Transitional housing	—	UP	—	—	UP	UP	MUP	

Key to Zoning District Symbols

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CG	Commercial - General	IG	Industrial - General
CV	Commercial - Visitor Serving	PF	Public Facility
CM	Commercial - Mixed Use Center		

Notes:

- (1) See Article 10 (Glossary) for land use definitions.
- (2) Use Permit required for any proposed retail use with either: (a) a floor greater than 30,000 sf; or (b) physical alteration of eight or more acres; or (c) generation of 1,000 or more vehicle trips per day. See also Section 9C.26.060.
- (3) Residential units should only be located above the nonresidential uses or at ground level behind the street-fronting nonresidential uses pursuant to Section 9C.42.110.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial, Industrial, And Public Facility Zoning Districts	P	Permitted Use, Zoning Clearance required						
	MUP	Minor Use Permit required						
	UP	Use Permit required (2)						
	S	Permit determined by specific use regulations						
	—	Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	CC	CG	CV	CM	IL	IG	PF	
RETAIL TRADE (2)								
Accessory retail uses	P	P	P	P	P	—	P	9C.42.020
Artisan shop	P	P	P	P	P	—	—	
Auto and vehicle sales and rental	—	UP	MUP	—	P	—	—	
Auto parts sales with no installation services	P	P	P	P	P	—	—	
Building and landscape materials sales - Indoor	—	MUP	MUP	MUP	P	—	—	
Building and landscape materials sales - Outdoor	—	MUP	—	—	P	—	—	
Construction and heavy equipment sales and rental	—	MUP	MUP	—	P	—	—	
Convenience store	P	P	P	P	MUP	—	—	
Drive-through retail	—	UP	UP	—	—	—	—	9C.42.080
Farm supply and feed store	—	P	P	—	P	—	—	
Farmers market / Produce stands	P	P	P	P	—	—	P	
Fuel dealer (propane for home and farm use, etc.)	—	MUP	MUP	MUP	MUP	MUP	—	
Furniture, furnishings and appliance store	P	P	P	P	P	—	—	
General retail - Less than 20,000 sf	P	P	—	P	MUP	—	—	
General retail - 20,000 to less than 30,000	MUP	P	—	P	MUP	—	—	
General retail - 30,000 sf or more	UP	UP	—	UP	UP	—	—	
Mobile eating and drinking vendors	P	P	P	P	MUP	MUP	MUP	9C.42.140
Mobile home, boat, or RV sales	—	—	MUP	—	P	—	—	
Outdoor retail sales and activities	P	P	MUP	P	MUP	—	—	9C.42.140
Pet shop	—	P	—	P	P	—	—	
Restaurant, café, coffee shop	P	P	P	P	MUP	MUP	MUP	
Restaurant, formula	—	P	P	—	—	—	—	9C.42.164
Second hand store	P	P	P	P	—	—	—	
Service station	—	MUP	MUP	MUP	MUP	—	—	9C.42.180
Shopping center	MUP	MUP	—	MUP	—	—	—	
Warehouse retail	—	UP	MUP	—	UP	—	—	

Key to Zoning District Symbols

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CM	Commercial - Mixed Use Center		

Notes:

- (1) See Article 10 (Glossary) for land use definitions.
- (2) Use Permit required for any proposed retail use with either: (a) a floor greater than 30,000 sf; or (b) physical alteration of eight or more acres; or (c) generation of 1,000 or more vehicle trips per day. See also Section 9C.26.060.

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TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial, Industrial, And Public Facility Zoning Districts	P	Permitted Use, Zoning Clearance required						
	MUP	Minor Use Permit required						
	UP	Use Permit required (2)						
	S	Permit determined by specific use regulations						
	—	Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	CC	CG	CV	CM	IL	IG	PF	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL								
ATM	P	P	P	P	—	—	—	
Bank, financial services	P	P	MUP	P	—	—	—	
Business support service	P	P	—	P	—	—	—	
Medical services - Doctor office	P	P	P	P	—	—	MUP	
Medical services - Clinic, lab, urgent care	MUP	MUP	MUP	MUP	—	—	MUP	
Medical services - Extended care	MUP	—	—	MUP	—	—	MUP	
Medical services - Hospital	—	UP	UP	—	—	—	UP	
Office - Accessory	P	P	P	P	P	P	P	
Office - Business/service	P	P	—	P	P	—	—	
Office - Government	P	P	—	P	P	—	—	
Office - Processing	P	P	—	P	P	—	—	
Office - Professional	P	P	—	P	P	—	—	
SERVICES -GENERAL								
Adult day care - 14 or fewer clients	P	P	—	P	—	—	MUP	
Adult day care - 15 or more clients	MUP	MUP	—	MUP	—	—	MUP	
Catering service	—	P	—	—	P	P	—	
Cemetery	—	—	—	—	—	—	UP	
Child day care center	MUP	MUP	—	MUP	MUP	UP	MUP	9C.42.070
Child day care - large or small family day care home	P	P	—	P	P	—	—	
Drive-through service	—	MUP	MUP	MUP	—	—	—	9C.42.080
Drop-in center	—	UP	—	—	UP	UP	MUP	
Equipment rental	—	MUP	—	—	P	P	—	
Kennel, animal boarding	—	—	—	—	MUP	MUP	—	
Lodging - Bed & breakfast inn (B&B)	MUP	MUP	MUP	MUP	—	—	—	9C.42.060
Lodging - Hostel	MUP	MUP	MUP	MUP	—	—	—	
Lodging - Hotel or motel	P	MUP	P	MUP	—	—	—	
Lodging - Recreational vehicle (RV) park	—	—	MUP	—	—	—	—	
Maintenance service - Client site services	P	P	—	—	P	P	—	
Mortuary, funeral home	—	MUP	—	—	—	—	—	
Personal services	P	P	—	P	P	—	—	
Personal services - Restricted	—	P	—	—	—	—	—	
Public safety facility	—	—	—	—	—	—	MUP	
Repair service - Equipment, large appliances, etc.	—	—	—	—	P	P	—	
Social service organization	P	P	—	P	P	—	MUP	
Vehicle services - Major repair/body work	—	MUP	MUP	—	P	P	—	
Vehicle services - Minor maintenance/repair/retread	—	P	P	MUP	P	P	—	
Veterinary clinic, animal hospital	—	MUP	MUP	MUP	—	—	—	

LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	CC	CG	CV	CM	IL	IG	PF	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE								
Ambulance, taxi, or limousine dispatch facility	—	—	—	—	P	P	—	
Broadcasting studio	MUP	MUP	—	UP	P	UP	P	9C.44
Parking facility, public or commercial	P	P	P	P	P	P	P	
Pipeline, utility transmission or distribution line	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Telecommunications facility	UP	UP	UP	UP	UP	UP	UP	9C.44
Transit station or terminal	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Truck or freight terminal	—	—	UP	—	MUP	MUP	—	
Truck stop	—	—	UP	—	MUP	MUP	—	9C.42.164
Utility facility	—	—	—	—	MUP	MUP	P	
Utility infrastructure	P	P	P	P	P	P	P	

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Notes:

- (1) See Article 10 (Glossary) for land use definitions.
- (2) Use Permit required for any proposed retail use with either: (a) a floor greater than 30,000 sf; or (b) physical alteration of eight or more acres; or (c) generation of 1,000 or more vehicle trips per day. See also Section 9C.26.060.

9.26.040 - Commercial, Industrial, and Public Facility District Parcel and Density Standards

A new subdivision, and the density of residential development shall comply with the requirements shown in Table 2-11.

Table 2-11 – Parcel and Density Standards

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Maximum Density
CC	5,000 sf	50 ft.	3 times width	7.26 to 15 units per acre
CG	5,000 sf	50 ft.	3 times width	
CM	5,000 sf	50 ft.	3 times width	
CV	10,000 sf	80 ft.	3 times width	None allowed
IL	6,000 sf	60 ft.	None	7.26 to 15 units per acre
IG	1 acre	100 ft.	None	None allowed
PF	None	None	None	None

9.26.050 - Commercial, Industrial, and Public Facility District Site Planning and Building Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed,

constructed, and/or established in compliance with the requirements in Tables 2-12 through 2-18, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 of this Land Use Code.

Table 2-12 - CC District Standards

Development Standard	CC Zone Requirement
----------------------	---------------------

Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-9.

Front	None required
Side - Interior (each)	10 ft abutting to a residential zone; none required otherwise
Side - Street side	None required
Rear	10 ft abutting to a residential zone; none required otherwise
Accessory structures	See 9C.42.030 (Accessory Structures)

Floor area ratio (FAR) - Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)

Maximum FAR	3.0
-------------	-----

Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-10.

Maximum height	45 ft
----------------	-------

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)
Special Standards - See Section 9C.26.060.A

Figure 2-9 - Setback Requirements

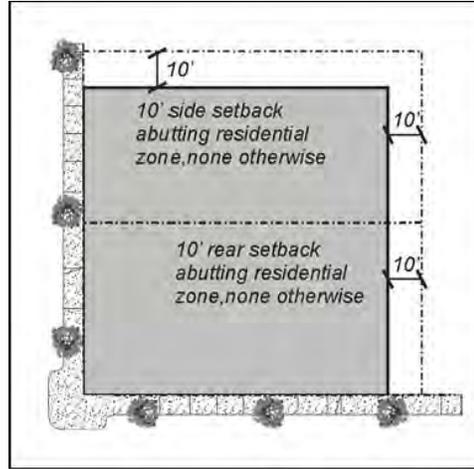


Figure 2-10 - Building Height and Profile

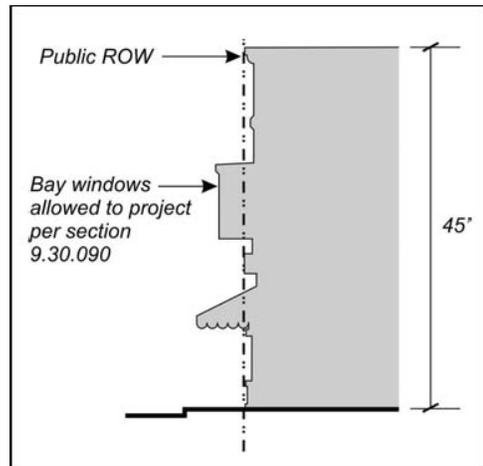


Table 2-13 - CG District Standards

Development Standard	CG Zone Requirement
----------------------	---------------------

Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-11.

Front	10 ft
Side - Interior (each)	10 ft abutting to a residential zone; none required otherwise
Side - Street side	10 ft
Rear	10 ft abutting to a residential zone; none required otherwise
Accessory structures	See 9C.42.030 (Accessory Structures)

Floor area ratio (FAR) -Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)

Maximum FAR	2.0
-------------	-----

Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-12.

Maximum height	35 ft
----------------	-------

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)
Special Standards - See Section 9C.26.060.A

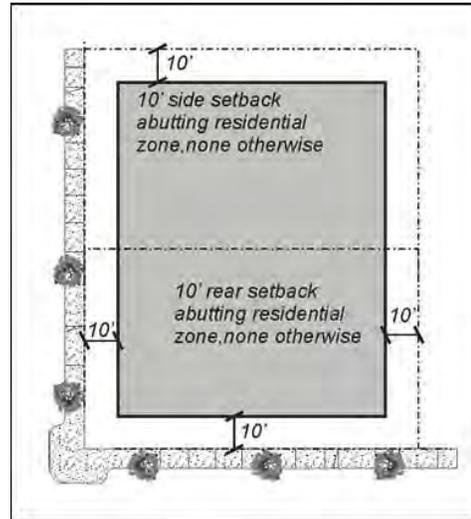


Figure 2-11 - Setback Requirements

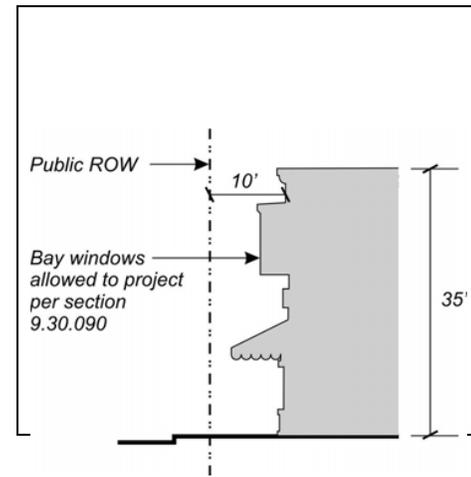


Figure 2-12 - Building Height and Profile

Table 2-14 - CM District Standards

Development Standard	CM Zone Requirement
Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-13.	
Front	None required
Side - Interior (each)	10 ft abutting to a residential zone; none required otherwise
Side - Street side	None required
Rear	10 ft abutting to a residential zone; none required otherwise
Accessory structures	See 9C.42.030 (Accessory Structures)
Floor area ratio (FAR) - Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)	
Maximum FAR	2.0
Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-14.	
Maximum height	35 ft
Landscaping - See Chapter 9C.34 (Landscaping)	
Parking - See Chapter 9C.36 (Parking and Loading)	
Signs - See Chapter 9C.38 (Signs)	
Special Standards - See Sections 9C.26.060.A&B.	

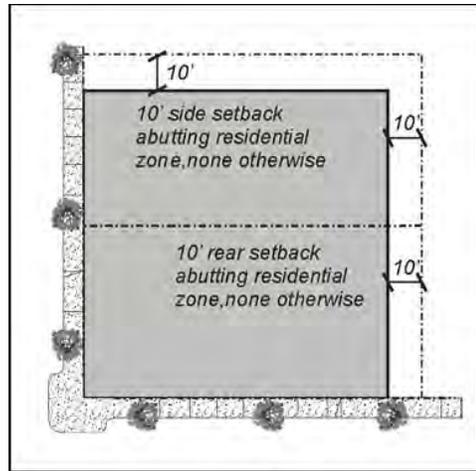


Figure 2-13 - Setback Requirements

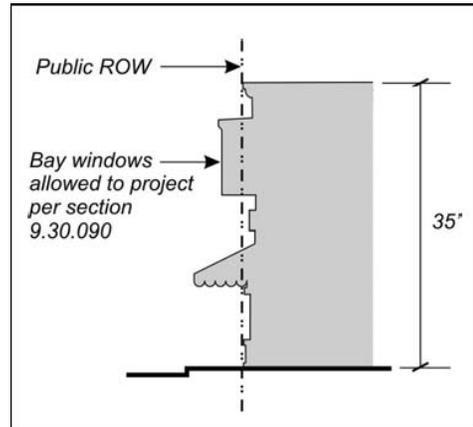


Figure 2-14 - Building Height and Profile

Table 2-15 - CV District Standards

Development Standard	CV Zone Requirement
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Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-15.

Front	15 ft
Side - Interior (each)	10 ft abutting to a residential zone; none required otherwise
Side - Street side	15 ft
Rear	10 ft abutting to a residential zone; none required otherwise
Accessory structures	See 9C.42.030 (Accessory Structures)

Floor area ratio (FAR) - Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)	
Maximum FAR	2.0

Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-16.	
Maximum height	45 ft

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)
Special Standards - See Section 9C.26.060.A.

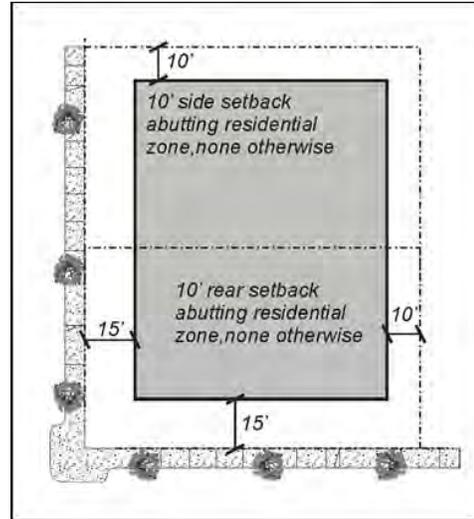


Figure 2-15 - Setback Requirements

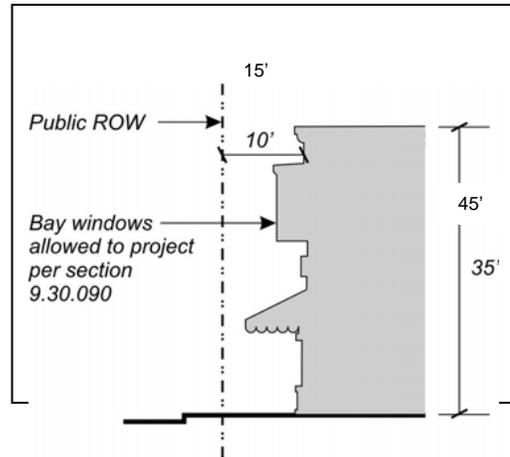


Figure 2-16 - Building Height and Profile

Table 2-16 - IL District Standards

Development Standard	IL Zone Requirement
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Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-17.

Front	10 ft
Side - Interior (each)	20 ft abutting to a residential zone; 10 ft required otherwise
Side - Street side	10 ft
Rear	20 ft abutting to a residential zone; 10 ft required otherwise
Accessory structures	See 9C.42.030 (Accessory Structures)

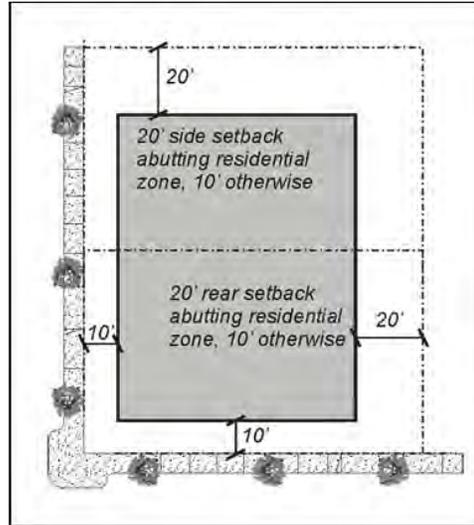


Figure 2-17 - Setback Requirements

Floor area ratio (FAR) -Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)

Maximum FAR	1.50
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Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-18.

Maximum height	45 ft
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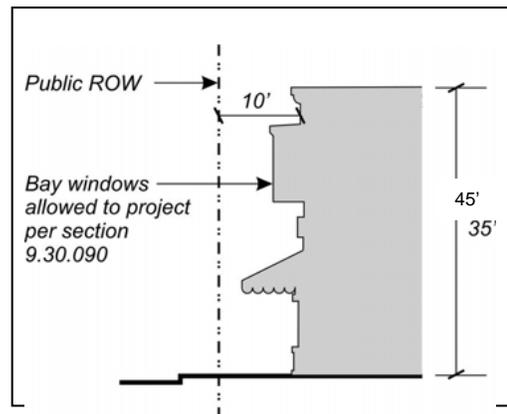


Figure 2-18 - Building Height and Profile

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)
Special Standards - See Section 9C.26.060.A.

Table 2-17 - IG District Standards

Development Standard	IG Zone Requirement
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Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-19.

Front	25 ft
Side - Interior (each)	25 ft abutting to a residential zone; 10 ft required otherwise
Side - Street side	25 ft
Rear	25 ft abutting to a residential zone; 10 ft required otherwise
Accessory structures	See 9C.42.030 (Accessory Structures)

Floor area ratio (FAR) -Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)	
Maximum FAR	1.50

Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-20.	
Maximum height	As determined by the review authority

Landscaping - See Chapter 9C.34 (Landscaping)
Parking - See Chapter 9C.36 (Parking and Loading)
Signs - See Chapter 9C.38 (Signs)

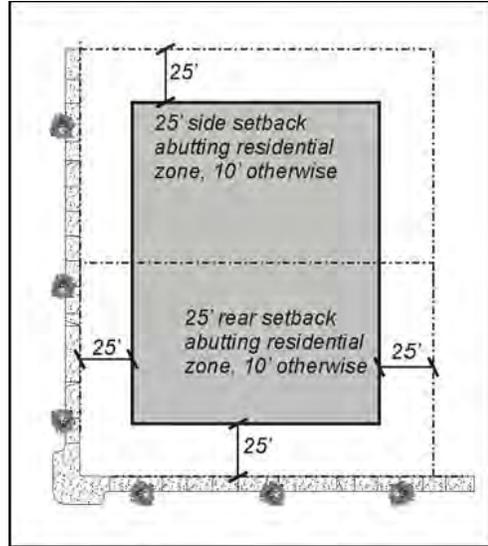


Figure 2-19 - Setback Requirements

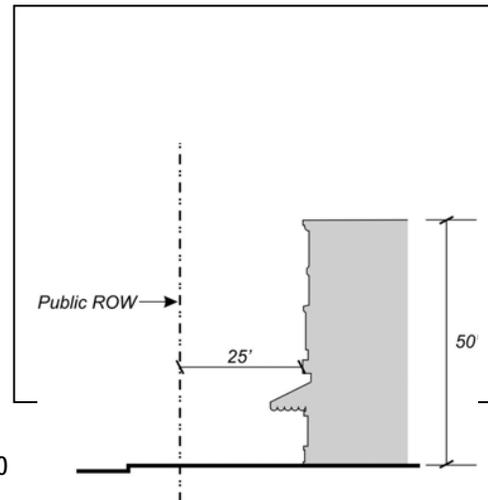


Figure 2-20 - Building Height and Profile

Table 2-18 - PF District Standards

Development Standard	PF Zone Requirement
----------------------	---------------------

Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-21.

Front	None required
Side - Interior (each)	
Side - Street side	
Rear	
Accessory structures	

Floor area ratio (FAR) -Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)

Maximum FAR	1.50
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Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-22.

Maximum height	As determined by the review authority
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Landscaping - See Chapter 9C.34 (Landscaping)

Parking - See Chapter 9C.36 (Parking and Loading)

Signs - See Chapter 9C.38 (Signs)

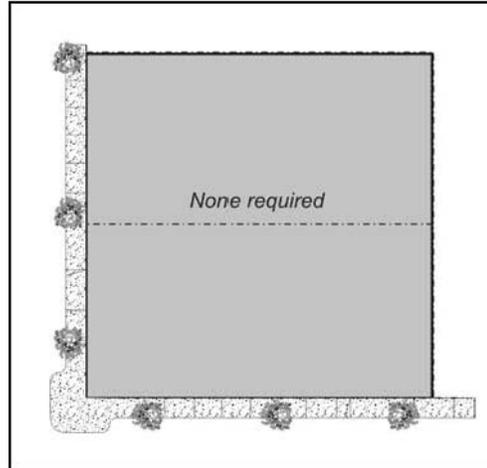


Figure 2-21 - Setback Requirements

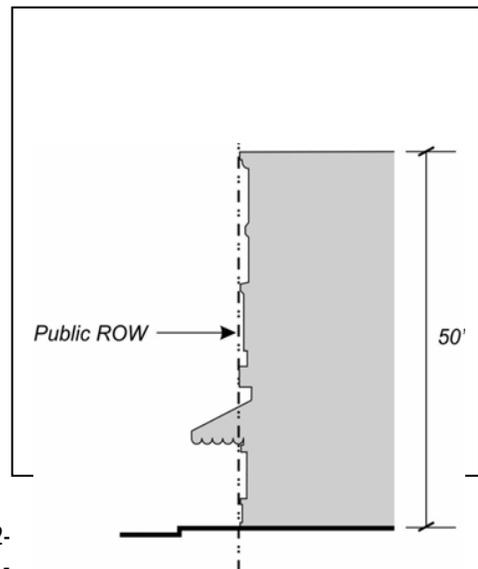


Figure 2-22 - Building Height and Profile

9.26.060 - Commercial, Industrial, and Public Facility District Land Use Limitations

Proposed subdivisions, other development and new land uses within the commercial, industrial, and public facility zoning districts shall comply with the following standards, as applicable.

A. Retail Use Permit considerations. The review of a Use Permit for a retail use allowed by Section ~~9C~~ 9.26.030 shall include the following, at a minimum, in compliance with General Plan policy LU-3a.

1. Potential impact on existing and projected traffic conditions;
2. Impact on municipal utilities and services;
3. Impact on the physical and ecological characteristics of the site and surrounding area;
4. Impact on the community; and
5. Fiscal impacts of the use.

B. CM zoning district requirements.

1. The existing ~~Westwood~~, Bayside, and Sunny Brae, ~~and Greenview~~ neighborhood centers are designated as multiple-use sites where additional retail establishments, personal and business services, and other neighborhood-oriented commercial services are encouraged.
2. An addition of more than 5,000 square feet to the ~~Westwood~~, Bayside, and Sunny Brae, ~~and Greenview~~ centers shall include residential units on upper floors, or in separate buildings, as determined by the review authority. An addition shall also include additional landscaping, improvement of parking lot designs, and provision of transit access, such as bus turnouts.
3. A new nonresidential use shall be developed as a mixed use project with a residential component.

9.26.070 - Commercial, Industrial, and Public Facility Special Considerations

Proposed development and new land uses on parcels within the SCC (Special Considerations - Commercial), SCI (Special Considerations - Industrial), or SCP (Special Considerations - Public Facility) combining zone shall comply with the following requirements, as applicable, in compliance with General Plan Table LU-5, Table LU-7 or LU-8.

SCC Zone	Area	SCC Zone Requirements
1	Ciuntoli Lane at Hwy. 101 Graham site	Commercial development should include consolidated access points, parking that is screened, and setbacks from the Mad River. This property is within the Urban Services Boundary, must be annexed, and has a Planned Development (PD) overlay.
SCI Zone	Area	SCI Zone Requirements
2	"K" Street Industrial area	Provide live-work spaces; revitalize older industrial uses.
3	West End Road Corridor	Promote more intensive industrial uses.
4	Aldergrove Industrial Park	Coordinated light industrial development, with increased landscaping.
5	Ciuntoli Lane/Valley East Area/Zanzi site	Planned Development for entire property to minimize access points on Ciuntoli, and coordinate land uses, interior circulation, shared parking, and overall building layout. Constraints include setback area along Mad River. APN 507 141 042 may allow for a public facility type use to accommodate a future City park along the Mad River. A special

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		consideration for this parcel shall include dual (Industrial Limited [IL] and/or Public Facility [PF]) land use activities.
6	Northcoast Hardwoods site	Planned Development for entire property to minimize access points on Samoa, and coordinate land uses, interior circulation, shared parking, and overall building layout.
7	Little Lake Industries (South I Street)	Planned Development for the entire site shall include: <ol style="list-style-type: none"> 1. An area not less than 25-feet wide adjacent and parallel to "I" Street shall be a landscape buffer between heavy manufacturing uses to the west and internal development on the site. Landscaping within the buffer strip shall include a dense planting of trees of species appropriate to the coastal environment. 2. A multi-use coastal access pathway shall be included along the entire landscape buffer to connect the Samoa Boulevard area to the Arcata Marsh and bay shoreline. 3. The former marsh areas at the southern portion of the property (south of the railroad tracks) shall be restored or recreated. 4. A small portion of the site adjacent to the Marsh Commons area, or along Butcher Slough, may be suitable for limited residential development. 5. A small portion of the site adjacent to the restored marsh area may be suitable as a site for an "eco-lodge" or other eco-tourism uses focused on coastal recreation. 6. The northern portion of the site east of the landscape buffer may be developed as a "business park" with light industrial and business-service uses. Comprehensive development standards for the business park area, including sidewalks, landscaping, and building design, shall be included in the master plan for the site. 7. A creekside conservation area shall be required parallel to the top of the bank of Butcher Slough.

SCP	Area	SCP Zone Requirements
8	Mad River Hospital Area APN's 507 191 032, 507 191 076, 507 291 032 & 507 191 077	Hospital development on APN's 507 191 077 and 507 291 032, in conjunction with an overall Master Site Plan, shall retain 50% contiguous open space, have adequate provisions for on-site retention of stormwater, be compatible in scale with surrounding uses, provide permanent open space or conservation easements to the City of Arcata or a land trust, and limit extent of impervious surfaces (e.g. parking lots) as much as possible through a Planned Development. A conservation easement shall address provisions to: preserve prime agriculture soils; encourage limited agriculture activities; and promote trail systems, wellness gardens, and health related outdoor activities. On APN 507 291 032, north of Wiyot Way, a residential specific consideration shall be placed on this site that would allow for development of hospital related housing, including, but not limited to: life care facilities, assisted living facilities, medical related group quarters, medical services extended care facilities, temporary housing for family members of hospital patients, or housing for doctors, nurses, and hospital staff per PC Resolution 08-11. If a Master Site Plan for the Mad River Hospital Area is not approved by the year 2020 for a Public Facility (PF) Land Use Designated areas on APN's 507 191 077 and 507 291 032, then consideration should be given to reverting the PF designated lands back to an Agriculture Exclusive (A-E) designation.
9	M Street Fire Station Site APN's 020 127 004 & 005 & 020 128 002	Provide for a residential overlay to this site to make it compatible with adjacent residential low density neighborhood to the west. The special consideration should be considered if a new fire station is constructed south of the intersection of Sunset Avenue at Baldwin Street. Residential overlay considerations shall be placed on the "M" Street site per PC Resolution 08-07.

CHAPTER 9.28 -COMBINING ZONES

Sections:

- 9C.28.010 - Purpose
- 9C.28.020 - Applicability of Combining Zones
- 9C.28.030 - Coastal Zone (:CZ) Combining Zone
- 9C.28.040 - Historic Landmark (:HL) Combining Zone
- 9C.28.050 - Natural Hazards (:NH) Combining Zone
- 9C.28.060 - Neighborhood Conservation Area (:NCA) Combining Zone
- 9C.28.070 - Planned Development (:PD) Combining Zone
- 9C.28.080 - Plaza Area (:PA) Combining Zone
- 9C.28.090 - Special Considerations (:SC) Combining Zone
- 9C.28.100 - Wetland Protection (:WP) and Stream Protection (:SP) Combining Zones

9.28.010 - Purpose

The provisions of this Chapter regulate development and new land uses in the combining zones established by Section 9C.12.020 (Zoning Map and Zoning Districts). Combining zones are applied to property in conjunction with a primary zoning district (for example, RVL:CZ on the Zoning Map would indicate that a site is designated Residential - Very Low Density (RVL), and is also within the Coastal Zone (:CZ)), to note where important site, environmental, safety, compatibility, and/or design issues require particular attention in project planning and design. The combining zones provide guidance for development within the combining zones through standards that apply to proposed development in addition to the standards and regulations of the primary zoning district.

9.28.020 - Applicability of Combining Zones

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Land Use Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Land Use Code shall be resolved in compliance with Section 9C.10.050 (Rules of Interpretation).

- A. Mapping of combining zones.** The applicability of any combining zone to a specific site is shown by the combining Zoning Map symbol established by Section 9C.12.020 (Zoning Map and Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map. The combining zones are only applied to property through the rezoning process (Chapter 9C.92) or through the adopted zoning map subject to the procedures set forth in Chapter 9.92 (Amendments).
- B. Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific combining zone:
1. Any land use normally allowed in the primary zoning district by this Article may be allowed within a combining zone, subject to any additional requirements of the combining zone;
 2. Development and new land uses within a combining zone shall obtain the approvals required by this Article for the primary zoning district; and
 3. Development and new land uses within a combining zone shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of this Land Use Code (e.g., Article 3 - Site Planning and Project Design Standards).

9.28.030 - Coastal Zone (:CZ) Combining Zone

- A. **Purpose.** The :CZ combining zone identifies properties that are subject to the policies and standards of the Coastal Act, and the City's Local Coastal Program, including the Coastal Permit requirements of Section 9C.72.030.
- B. **Applicability.** The :CZ combining zone is applied to the areas of the City located within the Coastal Zone established by the California Coastal Act of 1976, as amended.
- C. **Land use and development standards.** Proposed development and new land uses within the :CZ combining zone **requiring a coastal development permit** shall comply with the requirements of the Coastal Land Use Plan and this Coastal Land Use Code identified as being applicable within the Coastal Zone (~~e.g., Chapters 9.22 and 9.59~~) (i.e., see Section 9C.10.020.C), the standards of the primary zoning district, and all other applicable provisions of this Land Use Code.

9.28.040 - Historic Landmark (:HL) Combining Zone

- A. **Purpose.** The :HL combining zone is intended to assist in the protection, enhancement, perpetuation, and use of structures that are reminders of past eras, events, and persons important in local, state, or national history, or that provide significant examples of past architectural styles, or are landmarks in the history of architecture, or that are unique and irreplaceable assets to the City and the structures in the immediate neighborhood or that provide for Arcata citizens examples of the structures in which past generations lived.
- B. **Applicability.** The :HL combining zone is applied to property in compliance with the provisions of Chapter 9C.53 (Historical Resource Preservation) and Chapter 9.92 (Amendments), and may be combined with any primary zoning district established by Section 9C.12.020 (Zoning Map and Zoning Districts).
- C. **Land use and development standards.** Proposed development and new land uses within the :HL combining zone shall comply with the requirements of Chapter 9C.53, the primary zoning district, and all other applicable provisions of this Land Use Code.

9.28.050 - Natural Hazards (:NH) Combining Zone

- A. **Purpose.** The :NH combining zone provides regulations for areas subject to natural hazards, to:
 1. Protect lives and property from destruction and damage, to protect the community from the costs resulting from unstable or premature development occurring in these areas;
 2. Allow development that is appropriate in these areas, in compliance with Federal Emergency Management Agency (FEMA) and California Department of Water Resources regulations for flood control, and the Alquist-Priolo Earthquake Fault Zoning Act of 1972; and
 3. Alert property owners, potential buyers and other interested parties that a high potential for risk exists.

The :NH combining zone is applied only in the highest risk categories.

- B. **Applicability.** The :NH combining zone may be combined with any primary zoning district established by Section 9C.12.020 (Zoning Map and Zoning Districts), and shall, subject to the procedures set forth in Chapter 9.92 (Amendments), be combined with the primary zoning district in the following areas:

1. **Earthquake hazard areas.** Earthquake fault hazard areas, including:
 - a. The Alquist-Priolo Earthquake Fault Zone, as delineated by the Seismic Safety Element; and
 - b. All land within 300 feet of a Potentially Active Thrust Fault, as delineated by the Seismic Safety Element.

Proposed development and new land uses in these areas shall comply with the requirements of the Geologic Hazard Review process in Chapter 9C.62 (Geologic Hazard Review).

2. **Landslide hazard areas.** Landslide hazard areas with high landslide risk, as delineated by the Seismic Safety Element. Proposed development and new land uses in these areas shall comply with the requirements of the Geologic Hazard Review process in Chapter 9C.62 (Geologic Hazard Review).
3. **Liquefaction areas.** Liquefaction hazard areas with high liquefaction potential, as delineated by the Seismic Safety Element. Proposed development and new land uses in these areas shall comply with the requirements of the Geologic Hazard Review process in Chapter 9C.62 (Geologic Hazard Review).
4. **Special flood hazard areas.** Zone A as delineated on the Flood Insurance Rate Map (FIRM), adopted by reference and in areas subject to inundation from tsunami runup as depicted on maps cooperatively prepared by the California Geologic Survey, California Department of Emergency Management, and the Tsunami Research Center of the University of Southern California, as specified in Chapter 9C.60 (Flood Hazard Review). Proposed development and new land uses in these areas shall comply with the requirements of the Flood Hazard Review Process in Chapter 9C.60 (Flood Hazard Review).

- C. **Permit requirements.** Proposed development and new land uses shall comply with the planning permit requirements of the applicable primary zoning district, and the Geologic Hazard Review process (Chapter 9C.62 - Geologic Hazard Review), and/or Flood Hazard Review process (Chapter 9C.60 - Flood Hazard Review), as applicable.

1. Geologic or other studies may be required in addition to those otherwise required for Geologic Hazard Review or Flood Hazard Review, depending on the project proposed.
2. Site-specific reports prepared in compliance with this Section shall be considered amendments to the Seismic Safety Element maps when a conflict between the general map and a site-specific report is identified.

- D. **Land use limitations.** Any land use normally allowed as a permitted or conditional use in the primary zoning district by this Article may be allowed within the :NH combining zone, subject to the requirements of this Section, except as follows.

1. **Conditional uses.** The following uses may be permitted with Use Permit approval (Section 9C.72.080 - Use Permit and Minor Use Permit):
 - a. Uses that are allowed by this Article in the primary zoning district with Use Permit approval; and
 - b. The construction of levees, dikes or other flood structures designed to protect

property from natural flood hazards. Within the Coastal Zone, these structures shall comply with the requirements of Section 9C.22.030 (Agricultural and Resource District Allowable Land Uses), and Chapter 9C.59 (Environmentally Sensitive Habitat Area Protection and Preservation).

2. **Critical facilities.** Critical facilities within the :NH combining zone are limited as follows.
 - a. **Critical facilities defined.** For the purposes of this Section, the following are considered critical facilities:
 - (1) **Hazardous facilities.** Hazardous substance storage reservoirs, including gasoline, natural gas, oil, industrial waste, and any other substances on the EPA list of hazardous substances.
 - (2) **Essential facilities.** Hospitals, fire and police stations, emergency control centers, power plants, power substations, designated emergency communication facilities, schools and other similar uses that must be available to operate after an emergency.
 - (3) **High risk facilities.** Auditoriums, hotels, large motels, major office buildings, theaters, high density apartments, and other similar uses that accommodate large numbers of people.
 - b. **Prohibited areas.** Critical facilities are prohibited in:
 - (1) The High Liquefaction Hazard Area (Category I) as shown in Seismic Safety Element.; and
 - (2) Coastal High Hazard Areas (Tsunami), as defined in Article 10 (Glossary).
 - c. **Design standards.**
 - (1) Critical Facilities should be designed to function at peak efficiency after a magnitude 7.7 earthquake in the Mad River Fault Zone.
 - (2) Site specific investigations, as indicated by the Geologic Hazards Review process (Chapter 9C.62), shall be required prior to the construction of Critical Facilities. If it is found that engineering techniques cannot mitigate the hazards to within acceptable risk levels appropriate to the intended land use, the location of the proposed development should be reconsidered.

9.28.060 - Neighborhood Conservation Area (:NCA) Combining Zone

- A. **Purpose.** The :NCA combining zone is applied to areas identified by General Plan Policy H-4, to ensure that new construction, modifications or alterations of structures are harmonious with existing neighborhood character, and that historical resources are protected.
- B. **Applicability.** The :NCA combining zone may be combined with any primary zoning district established by Section 9C.12.020 (Zoning Map and Zoning Districts).
- C. **Land use and development standards.** Proposed development and new land uses on a site within the :NCA combining zone shall comply with the requirements of the primary zoning district, all other applicable provisions of this Land Use Code, and the provisions of this Section.

- D. Design Review requirements.** The Design Review process shall be required for each structure proposed within a Neighborhood Conservation Area (NCA) including single-family structures, historic structures, and existing structures with exterior alterations or renovations except as exempted in Subsection 9C.72.040 (B)(7)(b) of this Land Use Code.
1. **Considerations for review.** When reviewing a project within the :NCA combining zone, the review authority shall consider the following elements:
 - a. The height and mass of new structures should be roughly consistent with those of adjacent buildings;
 - b. New structures should not violate an established rhythm along the street – "rhythm" refers to the relationship of building masses to the spaces between them;
 - c. Certain basic architectural design elements of the new structures could reflect those of the old; for example, the facade of a new structure might be consistent with a basic vertical or horizontal orientation of the facades of its neighbors, or a new structure could have the same roof shape as surrounding buildings, or a new structure could borrow the front facade concepts that are found within the neighborhood.
 - d. Landscape elements, such as walks, fences, and planting masses should be encouraged to preserve or extend continuity between structures – large trees and shrubs should be preserved.
 - e. New development should take into account the location and design of existing off-street parking conditions within the neighborhood, such as driveways and garages.
 2. **Finding required for approval.** Design Review approval within the :NCA combining zone shall require that the review authority first find that the design of the proposed structure, alteration or addition is compatible with and does not destroy the historical or architectural character of the property and the neighborhood conservation area.

9.28.070 - Planned Development (:PD) Combining Zone

- A. **Purpose.** The :PD combining zone is intended to allow development of land as a single unit by taking advantage of modern site planning techniques to result in a more efficient use of land and a better living environment than is otherwise possible through strict application of development standards. The objective is to provide a means for project design to more effectively respond to on-site environmental resources, adjacent neighborhood character, and community needs, than a project that is possible only in compliance with the requirements of the primary zoning district.
- B. **Applicability.** The :PD combining zone may be combined with any primary zoning district established by Section 9C.12.020 (Zoning Map and Zoning Districts) . The :PD combining zone may provide for exceptions to development standards, including but not limited to: site coverage; density; lot area, width and depth; ground coverage; yard; height; parking; loading; sign; and landscaping requirements of the primary zoning district applicable to the site.
- C. **Permit requirements.** Planned Development Permit approval in compliance with Section 9C.72.070 (Planned Development Permit) shall be required for all development in a :PD combining zone.

D. Land use and development standards. Proposed development within the :PD combining zone shall comply with the land use activity requirements of the primary zoning district, and all other applicable provisions of this Land Use Code, except to the extent modified by the approved Planned Development Permit, and except as follows.

1. **Allowable density.** The Planning Commission may allow an increase of up to 20 percent over the amount of floor area or number of units permitted depending upon the nature of the site and design of the structures in relation to the surrounding area.

The 20 percent increase in the permitted density or floor area is in addition to any increase permitted by Chapter 9C.31 (Density Bonuses).

2. **Bike and pedestrian facilities.** In addition to any required open space land, the project developer shall dedicate land for bicycle and pedestrian route facilities if the project is adjacent to or contains a proposed route in the adopted Pedestrian and Bicycle Master Plan or in the Transportation Element of the General Plan.

- a. The developer shall dedicate land for bicycle and pedestrian route facilities which are available for the use, safety, and enjoyment of the general public. The location of the land dedicated for the bicycle and pedestrian route facilities shall generally conform to the location of the proposed route as designated in the Master Plan or in the Transportation Element. The cost of any improvements installed by the developer for the bicycle and pedestrian facility may be deducted from any park-in-lieu fee or recreation fee for new construction requirements of the development.

- b. In the case of a project that is not adjacent to, or that does not contain a proposed route of an adopted system, the developer may be required to dedicate bicycle or pedestrian route facilities for the use, safety, and enjoyment of the residents of the project. The type, alignment, and location of the bicycle or pedestrian route facilities shall be appropriate to the size, character and location of the project, as determined by the Planning Commission.

- c. Where practical, the bicycle and pedestrian route facilities shall provide access to a neighboring school, playground, shopping area, or other community facility, or to an adjacent street which, in the determination of the Planning Commission, is suitable for bicycle and/or pedestrian traffic.

9.28.080 - Plaza Area (:PA) Combining Zone

A. Purpose. The :PA combining zone establishes special standards for the Plaza area to address its unique character, including its predominant architecture. In conjunction with the underlying CC (Commercial - Central) primary zoning, the standards of this Section are intended to encourage development or redevelopment in a manner consistent with the unique character of the Plaza, while maintaining compatibility with the remainder of the Central Business District.

B. Applicability. The :PA combining zone may be applied only to parcels adjacent to and facing the Plaza. This shall include parcels within the four half-blocks opposite the sides of the Plaza and parcels opposite the four corners of the Plaza.

C. Land use and development standards. Proposed development and new land uses within the :PA combining zone shall comply with the requirements of the primary zoning district, and all other applicable provisions of this Land Use Code, except that:

1. Within the :PA combining zone, but not within the remainder of the CC zone, a residential use may be located only in upstairs or alley-frontage locations. Ground floor, street-frontage locations shall be used only for non-residential purposes.
2. The vision clearance requirements of Section 9C.30.040.E (Height limit at streets) do not apply within the :PA combining zone.
3. Any new development shall incorporate an appropriate combination of project enhancements. Potential enhancements include, but are not limited to the following:
 - Special paving materials in parking lots
 - public art, including sculpture and murals
 - outdoor spaces for public use
 - street trees or street furniture
 - fountains or other water features
 - secondary pedestrian access from alleys
 - balconies or decks on upper floors
 - sidewalk and/or entry mosaics or decorative tile
 - special architectural features
 - flower beds
 - window boxes
 - courtyards
 - awnings
 - planted wall trellises
 - recessed entryways

9.28.090 - Special Considerations (:SC) Combining Zone

- A. **Purpose.** The :SC combining zone is intended to identify areas of the City where certain specific parcels have unique characteristics and/or limitations that require careful consideration when development or a change of use occurs.
- B. **Applicability.** The :SC combining zone may be combined with any residential, commercial, industrial, or public facility zoning district established by Section 9C.12.020 (Zoning Map and Zoning Districts). When combined with a primary residential zoning district, the :SC designation shall be shown as :SCR (Special Considerations - Residential) on the Zoning Map. When combined with a primary commercial, industrial, or public facility zoning district, the :SC designation shall be shown as :SCC (Special Considerations - Commercial), :SCI (Special Considerations - Industrial), or as :SPC (Special Considerations Public Facility) on the Zoning Map.
- C. **Land use and development standards.** Proposed development and new land uses within the :SCR, :SCC, :SCI, and :SCP combining zone shall comply with the requirements of the primary zoning district, and all other applicable provisions of this Land Use Code, including the specific :SC combining zone requirements in Sections 9C.24.070 (Residential Special Considerations), and 9C.26.070 (Commercial, Industrial, and Public Facility Special Considerations).
- D. **Finding required for approval.** Project approval within the :SC combining zone shall require that the review authority first find that the project development and design is in conformance with the standard(s) as specified in Section 9C.24.070 or Section 9C.26.070 of this Land Use Code. If a finding for conformance cannot be made, then a justification based on changed circumstances or a better project design shall be made.

~~9.28.100 – Wetland Protection (:WP) and Stream Protection (:SP) Combining Zones~~

- ~~A. Purpose. The :WP combining zone is applied to sites and areas with or adjacent to wetlands. The :SP combining zone is applied to sites and areas with or adjacent to streams and tidelands. Both of the combining zones are intended to protect these significant environmental resources from destruction and degradation, and to retain and enhance the resources as valuable natural, scenic, and recreational amenities as appropriate.~~
- ~~B. Applicability. The :WP and :SP combining zones are applied to property in compliance with the provisions of Chapter 9C.59 (Environmentally Sensitive Habitat Area Protection and Preservation) and Chapter 9.92 (Amendments), and may be combined with any primary zoning district established by Section 9C.12.020 (Zoning Map and Zoning Districts) subject to the procedures set forth in Chapter 9.92 (Amendments).~~
- ~~C. Land use and development standards. Proposed development and new land uses within the :WP and :SP combining zones shall comply with the requirements of Chapter 9C.59 (Environmentally Sensitive Habitat Area Protection and Preservation), the primary zoning district, and all other applicable provisions of this Land Use Code.~~

ARTICLE 3

Site Planning and Project Design Standards

NOTE: CHAPTER 9.32 IS NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

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CHAPTER 9.30 -STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

- 9.30.010 - Purpose
- 9.30.020 - Applicability
- 9.30.030 - Fences, Walls, and Screening
- 9.30.040 - Height Limits and Exceptions
- 9.30.050 - Noise Standards
- 9.30.060 - Site Coverage Exception
- 9.30.070 - Outdoor Lighting
- 9.30.080 - Performance Standards
- 9.30.090 - Setback Requirements and Exceptions
- 9.30.100 - Solid Waste/Recyclable Materials Storage

9.30.010 - Purpose

This Chapter expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the General Plan and any applicable specific plan.

9.30.020 - Applicability

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 9.90 (Nonconforming Uses, Structures, and Parcels), and shall be considered in combination with the standards for the applicable zoning district in Article 2 (Zoning Districts and Allowable Land Uses) and those in Articles 4 (Standards for Specific Land Uses) and 5 (Resource Management). If there is a conflict between the standards in any of the Coastal Land Use Code Articles, including Articles 2, 3, 4, and 5, the most stringent standard protective of coastal resources shall control.

9.30.030 - Fences, Walls, and Screening

- A. Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated, except that these requirements do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety.
- B. Height limits.**
1. **General height limit.** Each fence, wall, and screening shall comply with the height limits shown in Table 3-1.

Table 3-1 - Maximum Height of Fences, Walls, and Screening

Location	Maximum Height
Within required front or street side setback	3 ft within a vision clearance area (see Section 9.30.040.E), 3 ft. within 5 feet of a street property line (an exception may be allowed for a greater height through a Minor Use Permit), and 6 ft elsewhere.
Within required interior side or rear setback	6 ft

Outside of required setbacks	6 ft. Up to 8 ft may be authorized by Design Review. (A fence higher than 6 ft also requires a Building Permit.)
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2. **Requirements for increased height.** Where Table 3-1 allows increased fence, wall, or hedge height with Design Review approval, the review authority may require conditions to address aesthetic issues and neighborhood concerns.

C. Measurement of fence and wall height.

1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material, including any materials directly attached to the fence.
2. The height of fencing atop a wall shall be measured from the base of the wall or sidewalk, whichever results in a greater height.
3. In cases where elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a height of 48 inches shall be allowed in all cases. See Figure 3-1.

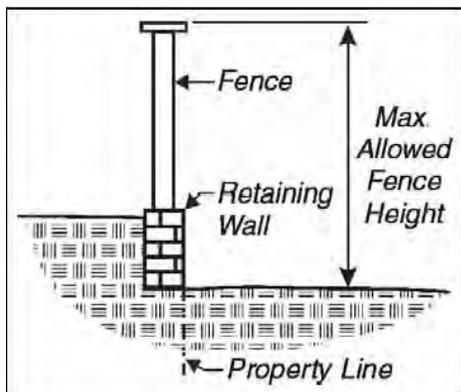


Figure 3-1 Fence Height Measurement

D. Specific fencing requirements.

1. **Fencing between different land uses.** Fencing between different land uses shall be required in compliance with Subsection F. (Screening).
2. **Outdoor equipment, storage, and work areas.** Screening of nonresidential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Subsection F. (Screening).
3. **Swimming pools, hot tubs, and similar features.** Swimming pools/spas and other similar water features shall be fenced in compliance with California Building Code (CBC) requirements, regardless of the other requirements of this Section.
4. **Temporary fencing.** Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction.

Temporary fencing may also be used for public safety purposes, during public events, for hazardous sites, and for construction sites. This fencing shall be approved by the Director.

E. Prohibited materials. The following fence materials are prohibited unless approved by the Director for animal control, garden protection, special security needs, or required by a City, State, or Federal law or regulation.

1. Barbed wire, or electrified fence, except within the AE, AR, and NR zoning districts;
2. Razor or concertina wire in conjunction with a fence or wall, or by itself within any zoning district;
3. Chain link and other wire fencing within the front and street side yards except in the IL, IG and PF zoning districts, or where other screening may be required by Design Review; and
4. Nails, broken glass, or other sharp objects on the top of fences or walls.

F. Screening. This Subsection establishes standards for the screening and separation of adjoining residential and nonresidential land uses, and certain outdoor activity areas.

1. When required. Screening in compliance with Subsection F.2 (Screening standards) shall be required:

- a. On the property line of a site with a non-residential land use adjacent to a site in a residential zoning district or with an existing residential use;
- b. To screen an open area used to display goods or materials for sale from abutting parcels;
- c. To provide relief from adjacent noise sources exceeding 60 dBA when the screening will comply with all other requirements of this Section;
- d. To screen industrial uses from the view of a public right-of-way; and
- e. To screen outdoor mechanical equipment, loading docks, and solid waste and recycling areas from the view of public rights-of-way and residential uses.

Outdoor storage areas shall be screened in compliance with Section 9.42.150 (Outdoor Storage). Parking areas shall be screened in compliance with Section 9.34.050.A (Landscaping Location Requirements - Parking areas).

2. Screening standards. Where required by Subsection F.1, screening shall be provided as follows.

- a. The screen shall consist of plant materials and a solid wall of masonry, wood, or similar durable material, a minimum of six feet in height.
- b. The maximum height of the wall shall comply with the provisions of Subsection B. (Height limits), except that a fence or wall provided to screen a commercial or industrial use from a residential use may exceed six feet if the review authority determines that the additional height is necessary to separate the two uses.

- c. The wall shall be decorative, with a graffiti resistant surface, subject to the approval of the review authority.
- d. A landscaping strip with a minimum width of five feet shall be installed between any screening wall and a public street. See Chapter 9.34 (Landscaping Standards).
- e. The screening requirements of this Subsection F.2 may be waived through Minor Use Permit approval if the review authority first determines that:
 - (1) The relationship of the proposed uses makes the required screening unnecessary;
 - (2) The intent of this Section can be successfully met by means of alternative screening methods;
 - (3) Physical constraints on the site make the required screening infeasible; or
 - (4) The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

9.30.040 - Height Limits and Exceptions

- A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Land Use Code, and exceptions to those height limits. The granting of any exception to height standards pursuant to this Section does not obviate the requirement for making findings of consistency with the policies and standards of the City's Local Coastal Program including but not limited to the protection of visual resources as set forth in Coastal Land Use Plan Policy Group C-D-1 and Coastal Land Use Code Chapter 9C.68 (Visual Resources Protection).
- B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses), except as otherwise provided by this Section, by Article 4 (Standards for Specific Land Uses), or through the Minor Use Permit process.
- C. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane that is parallel and located the allowed number of feet above the natural grade. See Figure 3-2. The location of natural grade shall be determined by the Director, and shall not be artificially raised to gain additional building height.

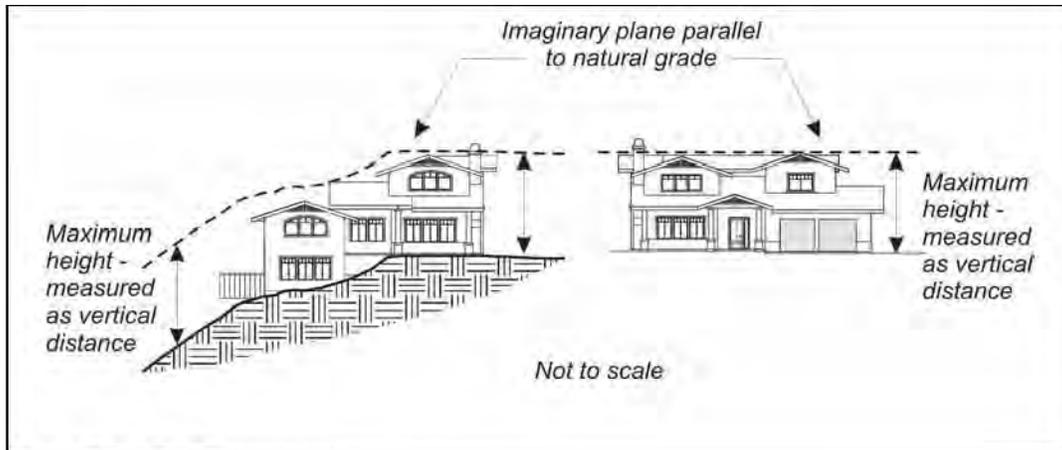


Figure 3-2 - Height Measurement

- D. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Land Use Code as noted:
1. **Architectural features.** A chimney, cupola, monument, mechanical equipment, or vent may exceed the height limits by a maximum of three feet. A spire, tower, or roof-mounted water tank may exceed the height limits by eight feet
 2. **Telecommunications facilities.** The height of communications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Chapter 9.44 (Telecommunications Facilities).
- E. **Height limit at street.** Development proposed adjacent to any public or private street or alley intersection, or the intersection of a driveway with a street, in other than the CC zoning district shall be designed to provide a vision clearance area for pedestrian and traffic safety. See Figure 3-3.
1. **Measurement of clearance area.** A vision clearance area is a triangle measured as follows, and may include private property and/or public right-of-way.
 - a. **Street intersections.** The vision clearance area shall be defined by measuring 20 feet from the intersection of the front and street side property lines or public street right-of-way (or the extension of the property lines where the corner is improved with curb, gutter, and sidewalk) and connecting the lines across the property.
 - b. **Driveways and interior property lines.** The vision clearance area shall be defined by measuring 15 feet along a driveway or interior property line from the intersection of the driveway or interior property line with the street property line, and 15 feet along the street line, away from the driveway or interior property line, and connecting the lines across the intervening property.
 - c. **Parking.** No parking spaces shall be located within a vision clearance area.
 2. **Height limit.** No structure, sign, or landscape element shall exceed 36 inches in height within the vision clearance area, unless approved by the Zoning Administrator, in consultation with the Public Works Director and Police Chief, except for tree canopies trimmed to a minimum of 10 feet above grade.

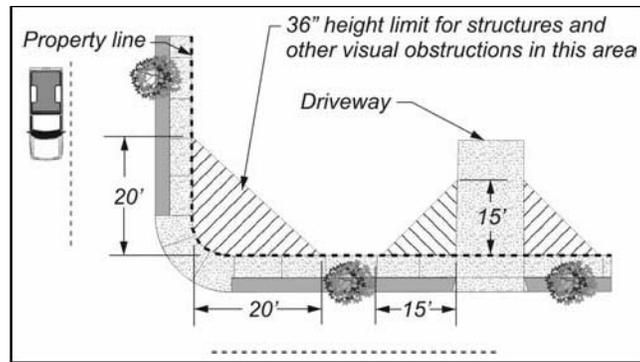


Figure 3-3 - Required Vision Clearance Area

9.30.050 - Noise Standards

- A. Purpose.** This Section implements the policies of the Noise Element of the General Plan, and provides standards for noise mitigation that are intended to protect the community health, safety, and general welfare by limiting exposure to the unhealthful effects of noise.
- B. Applicability.** No use, activity, or process shall exceed the maximum allowable noise levels established by this Section, except for the following noise sources:
1. **Emergencies.** Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;
 2. **State or Federal preempted activities.** Any activity regulated by State or Federal law;
 3. **Public health and safety activities.** Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety, and general welfare;
 4. **Parks.** Public agency sanctioned recreational activities and programs conducted in public parks; and
 5. **Solid waste collection.** The authorized collection of solid waste.
- C. Definitions.** Definitions of the technical terms used in this Section may be found in Article 10 (Glossary) under "Noise."
- D. Noise source standards.**
1. **Stationary and transportation source noise level limitations.** No use, activity, or process within the City shall generate noise in excess of the levels identified by Tables 3-2 and 3-3, as the noise is measured at the property line of a noise sensitive land use identified in Tables 3-2 and 3-3.
 - a. If the measured ambient noise level exceeds the applicable noise level standard in any category shown in the tables, the applicable standards shall be adjusted to equal the ambient noise level.
 - b. If the noise source being evaluated is continuous and cannot reasonably be discontinued

or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in the tables.

Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

Table 3-2 - Maximum Allowable Noise Level by Receiving Land Use

Noise Level Descriptor	Maximum Exterior Noise Level			Maximum Interior Noise Level		
	7 am - 7 pm	7 - 10 pm	10 pm - 7 am	7 am - 7 pm	7 - 10 pm	10 pm - 7 am

Dwellings, Transient Lodging, Hospitals, Extended Care, and Similar Uses

Hourly L_{eq}	55 dB	50 dB	45 dB	45 dB	40 dB	35 dB
Maximum	75 dB	75 dB	70 dB	65 dB	65 dB	60 dB

Meeting Facilities, Auditoriums, Theaters, Libraries, Schools, and Similar Uses

Hourly L_{eq}	55 dB	55 dB	n/a	40 dB	40 dB	n/a
Maximum	75 dB	75 dB	n/a	60 dB	60 dB	n/a

Notes:

1. The City can impose noise level standards up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.
2. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).
3. The standards will be applied at the outdoor activity areas of the receiving land use, and at the building facade for upper floor receivers which do not have an outdoor activity area facing the noise source. Where no outdoor activity area is identified, the City has the option to apply only the interior noise level performance standards.

Table 3-3 - Maximum Allowable Transportation Noise Exposure

Noise Sensitive Land Use	Outdoor Activity Areas (1)	Interior Spaces	
	dBA L_{dn}	dBA L_{dn}	dBA L_{eq} (2)

Residential	60 (3)	45	N/A
Transient lodging	60 (4)	45	N/A
Hospitals, extended care	60 (3)	45	N/A
Theater, auditorium	N/A	N/A	35
Meeting facility, public or private	60 (3)	N/A	40
Offices	N/A	N/A	45
School, library, museum	N/A	N/A	45
Playground, park	70	N/A	N/A

Notes:

1. Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
2. As determined for a typical worst-case hour during periods of use.
3. Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.
4. In the case of hotel/motel facilities or other transient lodging, outdoor activity areas such as pool areas may not be included in the project design. In these cases, only the interior noise level criterion will apply.

2. **Limitation on hours of construction.** In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, construction site tool and equipment noise shall be limited in compliance with Table 3-4 or as required by conditions of approval.

Table 3-4 - Allowable Hours of Construction

Day	Allowable Hours
Monday through Friday	8:00 a.m. to 7:00 p.m.
Saturday	9:00 a.m. to 7:00 p.m.
Sunday, Holidays	No heavy equipment-related construction activities allowed

All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

3. **Intrusive noise.** When intrusive noise sources have been identified through project review, the review authority shall require that the detrimental effects (sleep interference or the potential for annoyance) be disclosed to neighboring receptor properties.
 4. **Rhythmic, recurring, or impulsive noise sources.** When noise sources have been identified to be rhythmic, reoccurring, or impulsive in nature or comprised mainly of music or speech, they may comply with applicable noise level criteria and still be annoying to individuals. When these types of noise sources have been identified, they may be subject to additional mitigation or mediation, and shall be subject to the criteria in Table 3-3, with a -5 dB penalty applied to the criteria.
- E. **Standards for sensitive receptors.** New noise sensitive land uses as identified in Table 3-3 shall not be allowed where the noise level from existing non-transportation noise generators will exceed the noise level standards in Table 3-2, or where projected levels of transportation noise will exceed the levels specified in Table 3-3, unless effective noise mitigation measures are incorporated into project design to maintain outdoor and indoor noise levels on the receptor site in compliance with Tables 3-2, and 3-3.
1. **New noise-sensitive uses.** New construction and retrofits at existing buildings shall include appropriate insulation, glazing, and other sound attenuation measures so that they comply with standards in Table 3-3.

2. **Mitigation required.** Noise that may affect a proposed noise sensitive land use shall be mitigated to not exceed the noise level standards in Table 3-2 at the property line of any noise-sensitive land use identified in Table 3-3. Appropriate mitigation measures include:
- a. Noise attenuation measures, and stationary noise source controls shall include the use of barriers, setbacks, site design, baffles, enclosures, silencers, and improved facade construction techniques.
 - b. Where noise mitigation measures are required, mitigation shall occur primarily through site planning and project design, where feasible. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.
- F. **Acoustical analysis.** Where the Director determines that a proposed project is a noise sensitive land use (such as hospitals, schools, and health care facilities), or may generate noise in excess of any limit established by Tables 3-2 or 3-3, and/or where the use may generate noise in outdoor areas in excess of 60 dBA, the planning permit application for the use shall include an acoustical analysis, which shall:
1. Be the financial responsibility of the applicant;
 2. Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics;
 3. Include noise level measurements, with sufficient sampling periods and locations, to adequately describe local conditions and the predominant noise sources;
 4. Estimate existing and projected cumulative (20-year) noise levels in terms of Ldn or CNEL and/or the standards of Table 3-2, and compare those levels to the requirements of this Section and the policies of the Noise Element;
 5. Recommend appropriate mitigation to achieve compliance with this Section and the policies and standards of the Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings that contain noise-sensitive land uses;
 6. Estimate noise exposure after prescribed mitigation measures are implemented; and
 7. Describe a post-project assessment program that may be used to evaluate the effectiveness of the proposed mitigation measures.
- G. **Noise measurement.** Exterior noise levels shall be measured at the property line of the noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise.

9.30.060 - Site Coverage Exception

Lots which do not meet the standard for area or which are smaller than the specified minimum average lot size in the base zone may be developed with more site coverage than allowed by the base zone. The reduction in open space requirements may be allowed through the minor use permit process or on a proportional basis to the extent to which the lot area is substandard. For example, a 4,000 square foot lot in an RL zone (a lot which would be 67 percent of the minimum average lot size of 6,000 square feet) could be developed with site coverage equal to 1.33 percent of the 50 percent lot coverage requirement of the base zone (i.e., $1.33 \times 0.50 = 67\%$ site

coverage for a 4,000 square foot lot which would equate to 2,680 square feet of maximum site coverage).

9.30.070 - Outdoor Lighting

A. Standards for all outdoor lighting. Outdoor lighting on private property except for commercial or industrial parking shall comply with the following requirements. See Subsection B. for commercial and industrial parking area lighting requirements.

1. An outdoor light fixture shall be limited to a maximum height of 14 feet or the height of the nearest building, whichever is less.
2. Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures and lamps and motion sensors and/or daylight sensors unless determined infeasible by the Director.
3. Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by:
 - a. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and
 - b. Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.

4. No lighting on private property shall produce an illumination level greater than one foot-candle on any property within a residential zoning district except on the site of the light source.

5. No exterior lighting shall be placed or erected which results in an illumination level greater than one-half foot-candle being cast into an Environmentally Sensitive Habitat Area.

- ~~5.~~ 6. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.

B. Commercial/industrial parking area standards. The review authority may require compliance with the latest edition of the *Lighting Handbook* by the Illuminating Engineering Society of North America.

9.30.080 - Performance Standards

A. Purpose. This Section provides performance standards that are designed to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses.

B. Applicability. The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zoning districts, unless an exemption is specifically provided. Uses existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.

C. Air emissions. Other than as permitted by the North Coast Unified Air Quality Management District, no visible dust, gasses, or smoke shall be emitted, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.

- D. **Combustibles and explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code, and California Code of Regulations Title 19.
- E. **Dust.** Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the Director.
1. **Standards for all construction activities.** The Director may require the following control measures for construction activities when necessary:
 - a. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the streets and storm drain system;
 - b. Cover trucks hauling soil, sand, and other loose material;
 - c. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas;
 - d. Sweep and collect (i.e., vacuum) paved access roads and parking areas daily; and
 - e. Sweep and collect (i.e., vacuum) streets daily if visible material is carried onto adjacent public streets.
 2. **Additional standards for large construction sites.** When construction is proposed on a site of four acres or larger, the following measures will be required in addition to those above when determined by the Director to be necessary:
 - a. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
 - b. Enclose, cover, water, or apply non-toxic soil binders to open materials stockpiles;
 - c. Limit traffic speeds to 15 mph on unpaved access roads;
 - d. Install erosion control measures to prevent silt runoff onto public roadways; and
 - e. Replant vegetation in disturbed areas within 10 days after project completion.
 - f. Install wheel washers for exiting trucks, or wash all equipment leaving site;
 - g. Install wind breaks, or plant trees/vegetation at windward sides of construction areas, or avoid removing existing vegetation which acts as a windbreak;
 - h. Suspend excavation and grading activity when winds exceed 25 mph; and
 - i. Limit area subject to excavation, grading, and other construction activities at any one time.
- F. **Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or

demolition activities, and motor vehicle operations.

- G. **Light and glare.** Outdoor lighting shall comply with the requirements of Section 9.30.070 (Outdoor Lighting).
- H. **Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.
- I. **Noise.** The City's noise standards are in Section 9.30.050 (Noise Standards).
- J. **Odor.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
- K. **Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:
 - 1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
 - 2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

9.30.090 - Setback Requirements and Exceptions

- A. **Purpose.** This Section provides standards for the location, required size, and allowable uses of setbacks. Setback standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.
- B. **Setback requirements.**
 - 1. **Minimum setbacks for all structures.** Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zoning district, except:
 - a. Where a different setback requirement is established for a specific land use by Article 4 (Standards for Specific Land Uses);
 - b. Where a different setback requirement is established by another requirement of this Land Use Code; and
 - c. As otherwise provided by this Section or through the issuance of a Minor Use Permit.

No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or street right-of-way, except as provided by this Section.
 - 2. **Exemptions from setback requirements.** The minimum setback requirements of this Land Use Code do not apply to the following:
 - a. A projection into a required setback allowed by Subsection E. or projection into a right-of-

way if granted by a permanent easement from the City (e.g., awnings and bay windows);

- b. A fence or wall six feet or less in height, when located outside of a front or street side setback;
- c. A deck, earthwork, step, terrace, or other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point;
- d. A sign in compliance with Chapter 9.38 (Signs);
- e. A retaining wall less than 30 inches in height above finished grade.

The granting of any setback exception pursuant to this Section does not obviate the requirement for finding such an exception consistent with the requirements of the Coastal Land Use Plan and Chapter 9C.68 of this Coastal Land Use Code with respect to the protection of visual resources.

- C. **Measurement of setbacks.** Setbacks shall be measured and applied as follows, except that the Director may require different setback measurement methods where the Director determines that unusual parcel configuration makes the following infeasible or ineffective. See Figure 3-4.

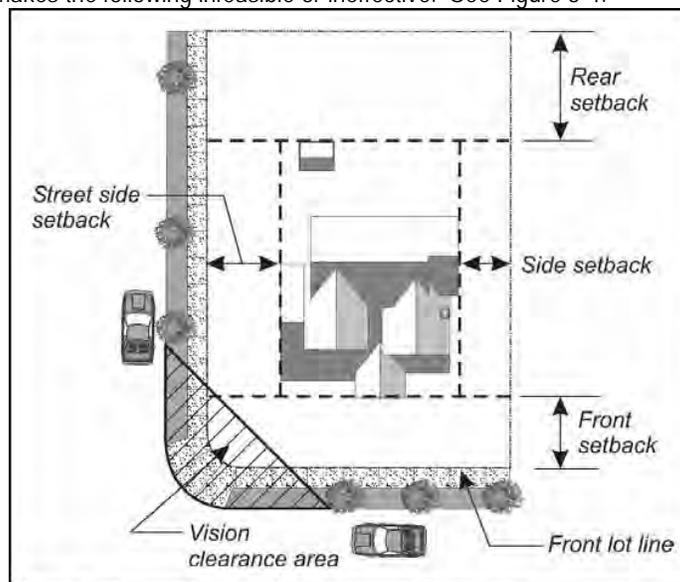


Figure 3-4 - Location and Measurement of Setbacks

- 1. **Front setback.** A front setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as follows. The front property line is the most narrow dimension of a lot adjacent to a street.
 - a. **Mapped street with future improvements.** If the City has established a plan that identifies a right-of-way for the future construction of a new street or the widening of an existing street, a required front or street side setback shall be measured from the plan line.
 - b. **Infill development within previously approved projects.** Where the City has established specific setback requirements for individual vacant parcels through the approval of a specific plan, subdivision map, or other entitlement, those setbacks shall apply to continuing development within

the approved project instead of the setbacks required by this Land Use Code.

- c. **Flag lot.** For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the front setback shall be measured from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel; establishing a setback line parallel to the lot line nearest to the public street or right-of-way.
 - d. **Corner lots.** The front setback shall be measured from the nearest point of the wall of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the Director.
2. **Side setback.** The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear setbacks.
 3. **Street side setback.** The side setback on the street side of a corner parcel shall be measured from the nearest point on the side property line bounding the street, or the edge of an easement for a private road, or the inside edge of the sidewalk, or a plan line established as described in Subsection C.1.c, whichever results in the greatest setback from the existing or future roadway.
 4. **Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line.
 - a. The Director shall determine the location of the required rear setback on a double-frontage parcel.
 - b. Where a parcel has no rear lot line because its side lot lines converge to a point, an assumed line five feet long within the parcel, parallel to, and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback.
- D. **Limitations on the use of setbacks.**
1. **Structures.** A required setback shall not be occupied by a structure other than those identified by Subsection B.2 as being exempt from the setback requirements of this Chapter.
 2. **Storage.** No front or street side setback shall be used for the accumulation, placement or storage of automobiles or other motor vehicles, building materials, scrap, junk, machinery, or other materials, except for the following:
 - a. Automobiles and trucks, not in excess of one-ton capacity, regularly in use, that are parked within a designated driveway; and
 - b. Building materials required for construction on the parcel, immediately before and during a construction project which has a valid Building Permit in force.
 3. **Storage of trailers prohibited.** No trailer shall be stored or parked within any required front or street side setback area in any nonresidential zoning district except where limited display areas are authorized through Minor Use Permit approval.
 4. **Mechanical and utility equipment.** See Subsection F.5 (Setback requirements for specific structures - Mechanical Equipment).

- E. **Allowed projections into setbacks.** Where allowed in the applicable zoning district, an architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3-5. See also Figure 3-5. These requirements are modified for accessory structures by Section 9.42.030 (Accessory Structures).

Table 3-5 - Allowed Projections into Setbacks

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Balcony, deck, covered or uncovered open porch - The width of which does not exceed 50% of the length of the wall to which it is attached	36 in	36 in (2)	36 in (2)
Balcony, deck, landing, porch, stairway - Uncovered, unenclosed, and less than 30 in. above grade	25% of setback	May project to property line (2)	
Balcony, deck, landing, porch, stairway - Uncovered and unenclosed, 30 in. or more above grade	6 ft	30 in (1)(2)	6 ft (1)(2)
Balcony, deck, landing, porch, stairway - Which may be roofed but is otherwise unenclosed	25% of setback to a maximum of 6 ft	20% of side setback (2)	20% of setback (2)
Balcony, deck, landing, porch, stairway - Covered and enclosed	Not allowed in setback		
Bay window, or similar projecting feature	36 in	36 in	36 in
Chimney/fireplace, 6 ft. or less in breadth	30 in	30 in (1)	30 in (1)
Cornice, eave, awning, roof overhang	30 in	30 in (1)	5 ft (1)

Notes:

- (1) Feature may project no closer to a side property line than 36 inches.
- (2) Feature shall not project into any Natural Area (per Subsection 9.52.040.A.2) or into any Environmental Buffer Area (per Subsection 9.59.020.B) as described in this Land Use Code.

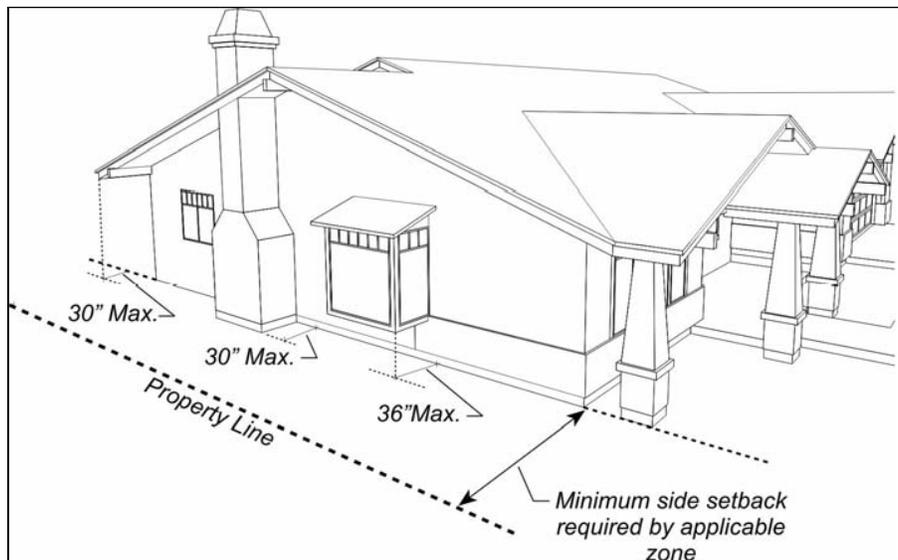


Figure 3-5 - Examples of Allowed Projections into Side Setback

F. Setback requirements for specific structures:

1. **Accessory structures.** See Section 9.42.030 (Accessory Structures).
2. **Fences.** See Section 9.30.030 (Fences, Walls, and Screening).
3. **Decks and other site design elements.** A detached deck, freestanding solar device, steps, terrace, or other site design element that is placed directly upon the grade, and that exceeds a height of 18 inches above the surrounding grade at any point, shall comply with the setback requirements of this Land Use Code for detached accessory structures or as exempt by the Director. (Note: a site design element less than 18 inches above grade is exempt).
4. **Swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa shall be set back a minimum of five feet from side and rear property lines, and shall not be located within a front setback.
5. **Mechanical equipment.** Ground-mounted mechanical equipment located outside of a structure shall comply with the setback requirements of the applicable zoning district. Examples of this equipment include: swimming pool pumps and filters, heating, ventilation, and air conditioning, and similar equipment; and transformers, cable television distribution boxes, and similar utility equipment that is not underground.

9.30.100 - Solid Waste/Recyclable Materials Storage

- A. Purpose.** This Section provides standards which recognize the City's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).
- B. Applicability.** These requirements apply to new multi-family residential and nonresidential development, and to existing multi-family residential or nonresidential development when changes to a structure are proposed that require a Building Permit, and are required by this Land Use Code to have Design Review approval.

- C. Extent of storage area required.** Solid waste and recyclables storage areas shall be provided in the number, dimensions, types, and locations required by the review authority to adequately serve the development proposed or existing on the site.
- D. Location requirements.** Solid waste and recyclable materials collection and storage areas shall be located in compliance with the requirements of the applicable zoning district, and the following requirements.
1. The collection and storage area shall be located inside a designated structure, on the outside of a structure enclosed within an approved fence or wall, a designated interior court or yard area with appropriate access, or in a rear yard and/or interior side yard. An exterior storage area shall not be located in any required front setback, street side setback, or in any area of required parking, landscaping or open space.
 2. Each collection and storage area shall be conveniently accessible to residents and employees. Each collection and storage area within a multi-family residential project shall be located within 250 feet of the dwellings it serves.
 3. Any driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the designated collector. Where a site is served by an alley, each exterior collection and storage area shall be directly accessible to the alley.
 4. Each multi-family and non-residential outdoor collection and storage area shall be screened from view. Solid waste receptacles for single-family homes should be stored within an enclosed garage or behind a fence.
- E. Design and construction.** Each storage area shall be designed and constructed to:
1. Be compatible with the surrounding structures and land uses;
 2. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;
 3. Provide a concrete pad within the fenced or walled area, and a concrete apron to facilitate the handling of individual bins or containers;
 4. Protect the areas and the individual bins or containers provided within from adverse environmental conditions which might render the collected materials unusable; and
 5. Be screened from view on at least three sides. The design of screening structures shall be architecturally compatible with the surrounding structures and subject to the approval of the Director.
 6. Waste grease receptacles shall be placed in secondary containment vessels and protected from the rain.
- F. Signs.** A solid waste and recyclable materials collection and storage area for a project of four or more dwelling units, a commercial development with two or more separate businesses, or any industrial use shall be provided identification signs as follows.
1. The minimum sign size, exterior or interior, shall be as necessary to identify the area to users,

as determined through Design Review.

2. Exterior signs identifying recycling areas shall be a maximum of four square feet per sign face, and shall be no higher than six feet, or may be attached to a wall. The maximum size limit may be increased through Design Review if warranted by the nature of the recycling area.

CHAPTER 9.31 -DENSITY BONUSES

Sections:

- 9.31.010 - Purpose
- 9.31.020 - Eligibility for Bonus, Incentives or Concessions
- 9.31.030 - Allowed Density Bonuses
- 9.31.040 - Allowed Incentives or Concessions
- 9.31.060 - Bonus and Incentives for Housing with Child Care Facilities
- 9.31.070 - Continued Availability
- 9.31.080 - Location and Type of Designated Units
- 9.31.090 - Processing of Bonus Requests
- 9.31.100 - Control of Resale
- 9.31.110 - Judicial Relief, Waiver of Standards

9.31.010 - Purpose

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 9.31.020. This Chapter is intended to implement the requirements of Government Code Section 65915, et seq., and the Housing Element of the City's General Plan to assist with the development of housing above the maximum allowable residential density.

9.31.020 - Eligibility for Bonus, Incentives or Concessions

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Land Use Code, except as provided by Section 9.31.040 (Allowed Incentives or Concessions). However, nothing in this Chapter shall supersede or in any way alter or lessen the effect or application of the Coastal Act or the Coastal Land Use Plan and Coastal Land Use Code provisions certified by the Coastal Commission to implement the Coastal Act.

- A. **Resident requirements.** The housing development shall be designed and constructed so that:
1. At least 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5; or
 2. At least five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105; or
 3. At least 10 percent of the total dwelling units in a condominium project as defined in Civil Code Section 1351(f), or in a planned development as defined in Civil Code Section 1351(k), for persons and families of moderate income, as defined in Health and Safety Code Section 50093; or
 4. The project is a senior citizen housing development as defined by Civil Code Sections 51.3 and 51.12.

A density bonus granted in compliance with Section 9.31.030 shall not be included when determining the number of housing units that is equal to the percentages required above.

- B. **Minimum project size to qualify for density bonus.** The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.

- C. **Condominium conversion projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.
- D. **Minimum Density.** The project must develop housing units over the maximum density otherwise allowed by the applicable General Plan designation and zoning district.

9.31.030 - Allowed Density Bonuses

The amount of a density bonus allowed a housing development shall be determined by the City in compliance with this Section. Nothing in this Chapter shall supersede or in any way alter or lessen the effect or application of the Coastal Act or the Coastal Land Use Plan ands Coastal Land Use Code provisions certified by the Coastal Commission to implement the Coastal Act.

- A. **Density bonus.** A housing project that complies with the eligibility requirements in Subsections 9.31.020.A.1, A.2, or A.3 shall be entitled to density bonuses as follows, unless a lesser percentage is elected by the applicant.
 - 1. **General density bonus.** The City shall grant at least a 20 percent increase in the number of dwelling units normally allowed by the applicable General Plan designation and zoning, except that:
 - a. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent; and
 - b. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent.
 - 2. **Bonus for condominium or planned development project.** A density bonus for a condominium project that complies with the eligibility requirements in Subsection 9.31.020.C shall consist of at least a five percent increase in the number of dwelling units normally allowed by the applicable General Plan designation and zoning district, except that for each one percent increase above 10 percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35 percent.
 - 3. **Density bonus for land donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Subsection, the applicant shall be entitled a density bonus for the entire development, only if the project proposes to develop housing units over the maximum density otherwise allowed by the applicable General Plan designation and zoning district, as follows; provided that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.
 - a. **Basic bonus.** The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan designation and zoning.
 - b. **Additional bonus.** For each one percent increase above the minimum 10 percent land donation described in Subsection 9.31.030.c.(2), the density bonus shall be increased by one percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density required by Subsections 9.31.030.A.1 and 9.31.030.A.2, up to a maximum combined mandated density increase of 35 percent.

- c. **Eligibility for bonus.** An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met.
- (1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - (3) The transferred land is at least one acre, or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City prior to the time of transfer.
 - (4) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.31.070 (Continued Availability), which shall be recorded on the property at the time of dedication.
 - (5) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.
 - (6) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one quarter mile of the boundary of the proposed development.
- B. **Greater or lesser bonuses.** The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section, or grant a proportionately lower density bonus than required by this Section for a development that does not comply with the requirements of this Section. The City shall not grant a density bonus in an amount that would result in development inconsistent with the policies and standards of its Local Coastal Program, including but not limited to development which would: (1) interfere with public access; (2) adversely impact coastal recreational opportunities; (3) result in adverse significant impacts to coastal water quality, environmentally sensitive areas, coastal agriculture, or archaeological or paleontological resources; (4) exposure persons or property to significant natural or man-made risks of geologic or other forms of instability, flooding, or wildfire; or (5) adversely impact service capacities in a manner that would preclude development of coastal-dependent and/or other coastal priority uses.
- C. **Density bonus calculations.** The calculation of a density bonus in compliance with this Subsection that

results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

- D. **Requirements for amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, or other discretionary approval.
- E. **Location of bonus units.** The developer may locate density bonus units in geographic areas of the housing development other than the areas where the units for the lower income households are located.

9.31.040 - Allowed Incentives or Concessions

- A. **Applicant request and City approval.** An applicant may submit to the City a proposal for the specific incentives or concessions listed in Subsection 9.31.040.C. that the applicant requests in compliance with this Section, and may request a meeting with the Director. The Council shall grant an incentive or concession request that complies with this Section unless the Council makes ~~either~~ any of the following findings in writing, based upon substantial evidence:
 1. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 9.31.020; or
 2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
 3. The density bonus would lessen or alter the application of Coastal Land Use Plan or Coastal Land Use Code provisions necessary to protect coastal resources consistent with the provisions of the Coastal Act.
- B. **Number of incentives.** The applicant shall receive the following number of incentives or concessions.
 1. One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.
 2. Two incentives or concessions for a project that includes at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.
 3. Three incentives or concessions for a project that includes at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.
- C. **Type of incentives.** The City may, at its sole discretion, grant a density bonus exceeding the state minimum requirements where the applicant agrees to construct a greater number of affordable housing units than required pursuant to Section 9.31.020 and necessary to qualify for the density bonus under this

section. If such additional density bonus is granted by the City and accepted by the applicant, the additional density bonus shall be considered an additional concession or incentive for purposes of Section 65915. For purposes of this Section, a concession or incentive shall mean any reduction in site development standards or any modification of zoning or architectural design requirements necessary pursuant to California Government Code Sections 65915(d)(3) or 65915(e) to facilitate the construction of the residential development project at the densities provided for in Section 65915. Concessions or incentives shall also include, but not be limited to, the following categories:

1. **Concessions Not Requiring Financial Pro Forma from Applicant.** The following concessions and incentives shall be available to the applicant without any requirement that the applicant demonstrate to the City that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l):
 - a. Parking Concessions. The following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project: 0-1 bedroom dwelling unit: 1 onsite parking space; 2-3 bedroom dwelling unit: 2 onsite parking spaces; 4 or more bedroom dwelling unit: 2.5 parking spaces;
 - b. Approval of mixed-use (housing and non-residential) development on a site designated for non-residential development by its zoning or General Plan land use designation provided that the residential dwelling units are on the upper floors or rear of commercially or industrially zoned properties where uninterrupted commercial or industrial uses are maintained at the street level and any residential units shall not be more than 25% of the first floor area.
 - c. Approval of the Density Bonus Standard as outlined in Section 9.24.050.
2. **Concessions Requiring Financial Pro Forma from Applicant.** The following concessions and incentives, when requested by the applicant, shall require the applicant to demonstrate to and receive approval from the City Council that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l):
 - a. A reduction of the standards beyond the incentives outlined in Section 9.24.050.
 - b. A reduction of the energy efficiency and conservation measures as outlined in Policy RC-8b of the General Plan;
 - c. Reduction in the minimum requirements of any of the following: private space; landscape requirements, including for parking lots; and architectural design requirements that exceed the minimum building standards established by local or state building code standards.
 - d. Reduction in the parking space dimensions, driveway width, parking aisle width, garage and carport dimensions; number of tandem parking spaces; and reduced bicycle parking requirements.
 - e. Modification of the criteria utilized to calculate the net area used for calculating density.
 - f. Any other reduction or waiver in site development standards or modification of zoning or architectural design requirements necessary pursuant to California Government Code

Sections 65915(d)(3) or 65915(e), or any other proposed concession or incentive not identified in Section 9.31.040.

- D. **Effect of incentive or concession.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

9.31.060 - Bonus and Incentives for Housing with Child Care Facilities

A housing development that complies with the resident and project size requirements of Section 9.32.020, and also includes as part of that development a licensed child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development shall be subject to the following additional bonus, incentives, and requirements.

- A. **Additional bonus and incentives.** The City shall grant a housing development that includes a child care facility in compliance with this Section either of the following:

1. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

- B. **Requirements to qualify for additional bonus and incentives.** The City shall require, as a condition of approving the housing development, that:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 9.31.070 (Continued Availability); and
2. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with Section 9.31.020.
3. The City shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities, or that the density bonus would lessen or alter the application of Coastal Land Use Plan or Coastal Land Use Code provisions necessary to protect coastal resources consistent with the provisions of the Coastal Act.

9.31.070 - Continued Availability

- A. **Duration of affordability.** The applicant shall agree to, and the City shall ensure the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

1. **Lower income units.** The continued availability of lower income units shall be maintained for 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
2. **Low and moderate income units - Development with public funding.** A housing development that receives a direct financial contribution as an additional incentive through

participation in the cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, shall maintain the availability of low- and moderate-income units for a minimum of 30 years, as required by Government Code Section 65916.

3. **Moderate income units in condominium.** The continued availability of moderate income units in a condominium project shall be maintained for a minimum of 10 years.
- B. Rent cost requirements.** The rents charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Section:
1. **Lower income units.** 30 percent of 65 percent of the area median income, for units targeted for lower income households, as defined in Health and Safety Code Section 50079.5; and
 2. **Very low income units.** 30 percent of 50 percent of the area median income, for units targeted for very low income households, as defined in Health and Safety Code Section 50105.
- C. Occupancy and resale of moderate income condominium or PD units.** An applicant shall agree to, and the City shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a condominium project or planned unit development, be persons and families of moderate income, as defined in Health and Safety Code Section 50093.
1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
 2. The City shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For purposes of this Section, the City's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale.

9.31.080 - Location and Type of Designated Units

The location, timing of construction, unit size, unit type, exterior appearance and development standards shall be as required by Section 9.32.40 of this Code. The Term of Affordability for Rental Inclusionary Units shall be as required in Section 9.32.080 of this Code. The Term of Affordability and Resale of For-sale Units shall be as required in Section 9.32.090 of this Code.

9.31.090 - Processing of Bonus Requests

Requests for a density bonus and other incentives shall be evaluated and decided as required by Section 9.32.110 (Administration of Inclusionary Units) of this Code. In addition, an application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Section shall be submitted in conjunction with the project application and shall be processed concurrently with all other applications required for the project in the manner provided for in the City's code. The cost of reviewing any required pro forma data submitted as part of the application in support of a request for a concession or incentive, including but not limited to the cost to the City of hiring a consultant to review said pro forma, shall be borne by the applicant. The application shall be submitted on a form provided by the City and shall include, at a minimum, the following information:

- A. A site plan showing the total number of units, the number and location of the units dedicated pursuant to California Government Code Section 65915(b), and the number and location of the proposed density

bonus units;

- B. The level of affordability of the dedicated units;
- C. A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. If the applicant is requesting concessions or incentives identified in Subsection 9.31.040.C.2 the application shall also include pro forma information demonstrating to the City that the requested concession or incentive results in an identifiable, financially sufficient, and actual cost reduction. Where the applicant is requesting the modification or waiver of a development standard or a zoning or architectural design requirement, the applicant shall submit evidence demonstrating that the application of the subject standard or requirement would preclude construction of the project at the densities provided for in California Government Code Section 65915 and that the waiver or modification is necessary to make development of the project financially feasible.
- D. If a density bonus is requested for a land donation pursuant to California Government Code Section 65915(h), the application shall show the location of the land to be dedicated and provide evidence that the requirements of Section 65915(h) have been met, thus entitling the project to the requested density bonus.
- E. If a density bonus is requested for construction of a child care facility pursuant to California Government Code Section 65915(l), the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Section 65915(l) have been met, thus entitling the project to the requested density bonus.

9.31.100 - Control of Resale

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the requirements of Subsections 9.32.090.B and Section 9.32.090.C shall apply.

9.31.110 - Judicial Relief, Waiver of Standards

- A. **Judicial relief.** The applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.
- B. **Waiver of standards preventing the use of bonuses, incentives, or concessions.**
 1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 9.31.020.A at the densities or with the concessions or incentives permitted by this Chapter.
 2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum lot size, side yard setbacks, and placement of public works improvements.
 3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
- C. **City exemption.** Notwithstanding the provisions of Subsections 9.31.110.A and 9.31.110.B, nothing in this Section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
2. Grant a density bonus, incentive or concession, or waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
3. Supersede or in any way alter or lessen the effect of application of the Coastal Act or the Coastal Land Use Plan and Coastal Land Use Code provisions certified by the Coastal Commission to implement the Coastal Act.

CHAPTER 9.32 -AFFORDABLE HOUSING REQUIREMENTS

NOTE: CHAPTER 9.32 IS NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

Sections:

- 9.32.010 - Purpose and Intent
- 9.32.020 - Definitions
- 9.32.030 - Inclusionary Housing Requirement
- 9.32.040 - Standards for Inclusionary Units
- 9.32.050 - Incentives, Concession, Assistance, and Subsidies
- 9.32.070 - Alternatives to Inclusionary Units
- 9.32.080 - Term of Affordability for Rental Inclusionary Units - Rent Costs
- 9.32.090 - Term of Affordability and Resale of For-Sale Units
- 9.32.100 - Income, Occupancy, Hazard Insurance, and Maintenance Requirement
- 9.32.110 - Administration of Inclusionary Units
- 9.32.120 - Administrative Fees
- 9.32.130 - Takings Determination
- 9.32.140 - Enforcement and Penalties

9.32.010 - Purpose and Intent

The requirements of this Chapter are intended to:

- A. Assist in achieving the City's goals for adequate housing by requiring residential projects to include a minimum percentage of housing units affordable to households of very-low, low, or moderate income to provide for a program of incentives and public subsidy to assist in this effort, and to implement the mixed income policies of the Housing Element of the City's General Plan.
- B. Establish standards and procedures to encourage the development of housing that is affordable to a range of households with varying income levels.

9.32.020 - Definitions

The specialized and technical terms and phrases used in this Chapter are defined in Article 10 (Glossary), under "Affordable Housing Requirements."

9.32.030 - Inclusionary Housing Requirement

- A. **Number and affordability of inclusionary units required.** Each new and substantially rehabilitated residential project shall be designed and constructed to include Inclusionary units to be rented, leased, or sold to very-low, low, or moderate income households. The residential project shall be designed so that at least one of the following applies.
 - 1. **Multifamily Residential Projects:**
 - a. Fifteen percent (15%) of the total number of the proposed dwelling units are reserved for very-low income household as defined in Health and Safety Code Section 50105; or
 - b. Twenty percent (20%) of the total number of the proposed dwelling units are reserved

for low income households as defined in Health and Safety Code Section 50079.5; or

- c. A combination of very-low and low income units may be approved after a review of the information submitted by the developer as specified in Section 9.32.110 provided that not less than 5% are very low income households and that not less than 18% of the total units are Inclusionary; or
- d. Fifty percent (50%) of the total number of the proposed dwelling units are reserved for qualifying senior citizens households; or
- e. Fifty percent (50%) of the total number of the proposed dwelling units are reserved for qualifying disabled households as defined by Section 12926 of the California Government Code.

2. Single Family Residential Projects

- a. Fifteen percent (15%) of the total number of the proposed dwelling units are reserved for low income households as defined in Health and Safety Code Section 50079.5; or
- b. Twenty percent (20%) of the total number of the proposed dwelling units are reserved for moderate income households as defined in Health and Safety Code Section 50093, or
- c. A combination of low or moderate income households may be approved after a review of the information submitted by the developer as specified in Section 9.32.110 provided that not less than 5% are low income households and that not less than 18% of the total units are Inclusionary; or
- d. Community Land Trust Restricted Single Family Projects as specified in Section 9.32.090 shall construct a minimum of ten percent (10%) of the total number of the proposed dwelling units reserved for low income households.

B. Exempt residential development. The following types of development are exempt from this Chapter and have no obligation to provide Inclusionary units:

- 1. A residential project proposed to contain five (5) or fewer Multifamily Residential dwellings at one location or contain five (5) or fewer Single Family Project residential dwellings at one location provided that the project meets the average density range as required by this code. If a project does not meet the average density range, the required number of Inclusionary units shall be based on the potential future build-out at the average density range. The Director may approve the incentives, concessions, and assistance, and subsidies described in Section 9.32.050 for a housing development which proposes less than the unit thresholds where at least one (1) of the total units are for very low or low income households, and the Director finds that the housing development is designed, or has appropriate conditions to ensure that the proposed units are compatible with the surrounding neighborhood;
- 2. A residential project outside of the City;
- 3. The substantial rehabilitation of existing residential dwellings that does not increase the total floor area and/or increase the number of residential units by more than the exception thresholds described in Section 9.32.030.B.1;
- 4. The creation of twelve (12) or fewer dwelling units through the adaptive reuse or conversion on

the upper floors of a non-residential existing structure to a residential use; and

5. The creation of twelve (12) or fewer dwelling units on the upper floors or rear of commercially or industrial zoned properties where uninterrupted commercial or industrial uses are maintained at the street level and any residential uses shall be not more than 25% of the first floor area.

9.32.040 - Standards for Inclusionary Units

- A. **Location of Inclusionary units.** Except as provided in Section 9.32.070, Inclusionary units shall be constructed on the same site as the market rate units in the project. The Affordable Housing Plan shall provide for the dispersal of buildings containing Inclusionary units to the maximum extent feasible, taking into account the funding and financing environments applicable to Inclusionary housing development. The Director may allow for variation from these principles, but only to the extent necessary, if the Director determines that an alternative configuration of Inclusionary units is required by funding or financing considerations associated with the development of the Inclusionary units or by the applicable residential land use designations within and adjacent to the residential project.
- B. **Timing of construction.** The Affordable Housing Plan and Inclusionary Housing Agreement required by Section 9.32.110 shall include a phasing plan that provides for the timely construction of the Inclusionary units as the project is completed. The phasing plan shall provide for development of the Inclusionary units concurrently with the market rate units; provided that the phasing plan may be adjusted by the Director away from strict concurrence where necessary to account for changes in financing and funding environments, economies of scale, and infrastructure needs applicable to development of the market rate and the Inclusionary units.
- C. **Unit size.** The Inclusionary housing component shall accommodate diverse family sizes by including a mix of studio, one, two and three-bedroom units as determined by the Director.
- D. **Unit types.** The household size, bedroom mix, and other exterior amenities shall be in the same ratio for Inclusionary units as for market rate units. Low and moderate income Inclusionary unit types shall be in the same ratio as the overall project.
- E. **Exterior appearance.** Inclusionary units shall be visually comparable with the market rate units. External building materials and finishes shall be the same type and quality for Inclusionary units as for market rate units. Interior materials finishes may vary in compliance with Section 9.32.050.A.6. No reduction in insulation, windows, heating systems, and other improvements relating to energy efficiency of the units are allowed.
- F. **Development standards.** Except as provided in the Affordable Housing Regulatory Agreement in compliance with Subsections 9.32.110.E, Inclusionary units shall comply with all applicable development standards of this Land Use Code.
- G. **Rounding.** The calculation of the Inclusionary units in compliance with this Subsection that results in fractional units higher than 0.75 shall be rounded up to the next whole number. For the purposes of calculating a bonus, the residential units do not have to be based upon individual subdivision maps or parcels. For the calculation of any in-lieu fee authorized under Subsection 9.32.070A.2 no rounding is authorized and the developer shall pay the fractional percentage of the fee.

9.32.050 - Incentives, Concession, Assistance, and Subsidies

The developer of a residential project subject to the requirements of this Chapter may request that the City

provide Inclusionary incentives in compliance with this Section. The goal of the Inclusionary incentives is to apply available incentives to qualifying projects in a manner that, to the extent feasible, offsets the cost of providing the Inclusionary units. The Director shall respond to a request for incentives in compliance with Section 9.32.110, and shall make a determination as to a package of Inclusionary incentives for the Inclusionary units after a review of the Affordable Housing Plan. The City shall grant at least one of the following concessions.

If an applicant agrees to construct more than 5% but less than 10% above the required number of affordable housing units as described in Section 9.32.030, the developer is entitled to one additional concession. If an applicant agrees to construct more than 10% above the required number of affordable housing units as described in Section 9.32.030, the developer is entitled to two additional incentives. If a density incentive and/or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Land Use Code, the Council may modify or waive any other development standards as necessary to accommodate the required Inclusionary Units.

A. Concessions Not Requiring Financial Pro Forma from Applicant. The following concessions and incentives shall be available to the applicant without any requirement that the applicant demonstrate to the City that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project:

1. **Parking Concessions.** The following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project:
0-1 bedroom dwelling unit: 1 onsite parking space;
2-3 bedroom dwelling unit: 2 onsite parking spaces; and
4 or more bedroom dwelling unit: 2.5 parking spaces.
2. **Mixed Use.** Approval of mixed-use (housing and non-residential) development on a site designated for non-residential development by its zoning or General Plan land use designation provided that the residential dwelling units are on the upper floors or rear of commercially or industrially zoned properties where uninterrupted commercial or industrial uses are maintained at the street level and any residential units shall not be more than 25% of the first floor area.
3. **Density Bonus.** Approval of the Density Bonus Standard as outlined in Section 9.24.050.
4. **Public Works Standard.** Approval of an alternative standard relating to road widths, curbs and gutters, sidewalks and on-street parking that is acceptable to the Public Works Director.
5. **General density bonus.** The City shall grant at least a 20 percent increase in the number of dwelling units normally allowed by the applicable General Plan designation and zoning, except that for each one percent increase above required percentages of affordable units outlined in Section 9.32.030, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent.
6. **Interior finish reductions.** The City may, to the maximum extent appropriate in light of project design elements as determined by the Director, allow builders to finish out the interior of Inclusionary units with less expensive finishes and appliances. This may include unfurnished second floors provided that the units have at least two (2) finished bedrooms; one (1) bathroom; one (1) kitchen; and one (1) living area.
7. **Streamlining and priority processing.** The Director may issue a Zoning Clearance for a residential project that is less than one (1) acre and includes a minimum of twenty-five percent (25%) very- low; thirty percent (30%) low income or forty percent (40%) total Inclusionary units.
8. **Bonus and incentives allowed for housing with child care facility.** A housing development

that complies with the resident requirements, which includes a licensed child care facility that serves 15 or more children, that will be located on the site, as part of, or adjacent to, the development shall be subject to the following additional incentives, and requirements.

- a. An additional density incentive that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
- b. The Child Care Facility may be counted as one Inclusionary Unit; or
- c. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- d. The City shall not be required to provide a density bonus or concession for a child care facility in compliance with this Subsection if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- e. The City shall require, as a condition of approving the housing development, that:
 - (1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable; and
 - (2) The percent of the households served by the childcare facility shall be equal to or greater than the percentage of very-low, low, and moderate income dwelling units that are required for Inclusionary units.

B. Concessions Requiring Financial Pro Forma from Applicant. The following concessions and incentives, when requested by the applicant, shall require the applicant to demonstrate to and receive approval from the City Council that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project.

1. **Additional Density Bonus.** A reduction of the standards beyond the incentives outlined in Section 9.24.050.
2. **Energy Efficiency.** A reduction of the energy efficiency and conservation measures as outlined in Policy RC-8b of the General Plan;
3. **Site, Building and Design Standards.** Reduction in the minimum requirements of any of the following: private space; landscape requirements, including for parking lots; and architectural design requirements that exceed the minimum building standards established by local or state building code standards to make an "Affordable (Single Family Residential Project)" or an "Affordable (Multifamily Residential Project)", or any other proposed concession or incentive not identified in Section 9.24.050.
4. **Parking.** Reduction in the parking space dimensions, driveway width, parking aisle width, garage and carport dimensions; number of tandem parking spaces; and reduced bicycle parking requirements.
5. **Net Area Calculation.** Modification of the criteria utilized to calculate the net area used for calculating density.
6. **Fee waivers or deferrals.** The City shall make available to a residential project developer a program of waiver, reduction or deferral of development fees, administrative and financing

fees for Inclusionary units. The program may include application, on behalf of a developer, to the California Housing Finance Agency to obtain school facility fee reimbursements for eligible projects and credit such funds to offset school fees paid by the project.

7. **Public Financial Assistance.** The developer may apply to the Department for local, local, State, and federal public funding in compliance with Section 9.32.110 to assist in the financing and development of the Inclusionary units. The City may facilitate applying for State allocation of tax credits, mortgage revenue bond funds, or State or Federal assistance to the project ("External Subsidy").

The Director shall make a recommendation regarding the proposed public funding assistance package to the City Council for inclusion in the City's Inclusionary Housing Agreement for the project. In making the recommendation to the City Council as to the feasible elements of public funding, and the Director, shall utilize the Affordable Housing Plan as required by Section 9.32.110 and other factors necessary to the evaluation. The City shall provide to developers and other interested parties criteria for evaluation of applicants for local public funding.

- C. **Effect of incentive or concession.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

9.32.070 - Alternatives to Inclusionary Units

- A. **Off-site Housing and Land Dedication.** The Owner shall submit a request for Alternatives to Inclusionary Units to the Director as early as possible in the regulatory process, as provided in Section 9.32.110.

1. **Off Site Housing.** In the case of off-site land, demonstrate to the City Council that the off-site location is and will remain committed to the timely development of the Inclusionary units as provided in the Affordable Housing Plan. This commitment may be demonstrated through ownership of the off-site location, or through adequate control of the use of the off-site location through joint ownership, joint venture or other contractual means. If necessary to ensure that Inclusionary units are developed concurrently with the market rate units, the City Council shall require the offer of dedication or evidence of off-site control as early as the first legislative entitlement. With respect to an off-site location, the City Council shall also condition development or occupancy of the residential project on development or occupancy of the off-site Inclusionary units, and the Inclusionary Housing Agreement must apply to and be recorded against both the residential project and the off-site land. With respect to dedicated land, the City, upon acceptance of the offer of dedication, shall publish a request for proposal for development of the site that will result in the production of the number of Inclusionary units credited to the site.
2. **Land Dedication.** In the case of land dedication, provide an irrevocable offer of dedication for the dedicated site at no cost to the City plus twenty percent (20%) of the estimated construction cost. The estimated construction cost shall be based on the cost per square foot of construction, as established by the building official for use in setting regulatory fees and Building Permits, multiplied by the total square footage, to be constructed, except for any floor area devoted to a garage. Said fee shall be placed in the Housing Trust Fund as determined by the City. If it is determined to be infeasible, and appropriate Findings can be made, to locate land available for dedication at the time of the Council approves the Affordable Housing Agreement, the City Council may consider an exception to the Off-Site Housing and Land Dedication and allow the payment of In-lieu fees. In the case of the exception, the owner shall pay a fee to the City. The fee shall equal to the appraised value of the acreage required for land dedication plus thirty percent (30%) of the estimated construction cost. The estimated construction cost shall be based on the cost per square foot of construction, as established by the building official for use

in setting regulatory fees and Building Permits, multiplied by the total square footage, to be constructed, except for any floor area devoted to a garage. Said fee shall be placed in the Housing Trust Fund.

- B. **Number of Inclusionary units credited to the dedication or off-site location.** The number of Inclusionary units credited to the dedication or off-site location will consist of the number of Inclusionary units which can with reasonable degree of certainty be developed on the land, given:
 - 1. The mix of Inclusionary unit sizes and type of structure in the Affordable Housing Plan;
 - 2. Densities permitted by applicable planning and zoning designations; and
 - 3. Site, infrastructure, environmental and other physical and planning constraints plus the Inclusionary units which can with reasonable degree of certainty be developed on the off-site land.
- C. **Site suitability.** The land proposed for dedication or for off-site location must be suitable as to size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria, as determined by the Director.
- D. **Site identification and regulatory status.** The developer shall identify the proposed dedicated site or off-site location and the number of proposed units to be credited thereby as part of the Affordable Housing Plan required by Section 9.32.110. At the same time or before the development project receives its legislative entitlements, the dedicated or off-site land shall have received all the legislative entitlements necessary for development of the Inclusionary units on the site. Unless the phasing plan requires otherwise, at the same time or before a residential project receives its first project-specific entitlements, the dedicated or off-site land shall have received all the necessary project-level approvals necessary for development of the Inclusionary units on such land, and prior to the issuance of a Certificate of Occupancy for a residential project, the dedicated land or off-site land shall be fully served with the infrastructure necessary for residential development.
- E. **Off-site location acceptance.** The review authority as outlined in the Affordable Housing Agreement may approve, conditionally approve or reject the proposed land dedication or off-site development proposal. If the land dedication or the off-site proposal is accepted or accepted as modified, the relevant elements of the Affordable Housing Plan shall be included in the applicable legislative approvals for both the residential development generating the requirement for the Inclusionary units, and if applicable, the dedicated site or off-site development project where all or part of the requirement is proposed to be met. If the dedication or off-site proposal is rejected, the Inclusionary units shall be provided in compliance with Section 9.32.030, within the project.

9.32.080 - Term of Affordability for Rental Inclusionary Units - Rent Costs

- A. **Term.** Each rental Inclusionary unit shall remain affordable for a period of no less than 55 years from the recordation of the Inclusionary Housing Agreement.
- B. **Rent cost requirements.** The annual rents charged for the Inclusionary housing units in the development shall not exceed the following amounts during the period of continued availability required by this Section:
 - 1. **Very low income households.** Rent costs shall be 30 percent of 50 percent of the area median income, for units targeted for very low income households, as defined in Health and Safety Code Section 50053. Very low income households are those earning 50 percent or less of area median income, as defined in Health and Safety Code Section 50105.

2. **Low income households.** Rent costs shall be 30 percent of 60 percent of the area median income, for units targeted for low income households, as defined in Health and Safety Code Section 50053. Low income households are those earning 80 percent or less of area median income, as defined in Health and Safety Code Section 50079.5.
3. **Moderate income households.** Rent costs shall be 30 percent of 110 percent of the area median income, for units targeted for moderate income households, as defined in Health and Safety Code Section 50053. Moderate income households are those earning 120 percent or less of area median income, as defined in Health and Safety Code Section 50093.
4. **Other Income limits.** Other Income limits that may be required by the City's Multifamily Housing Guidelines or other local, State, or federal agencies that are providing financial assistance to the project.

In each case the median income applicable to Humboldt County is as determined annually by the United States Department of Housing and Urban Development, adjusted for household size, less a reasonable allowance for utilities as may be published by the Eureka Housing Authority or the City of Arcata.

9.32.090 - Term of Affordability and Resale of For-Sale Units

- A. **Term.** Each single family Inclusionary unit shall remain affordable for a period of no less than 45 years for Single-Family Restricted projects and 99 years for Community Land Trust Restricted projects from the recordation of the Inclusionary Housing Agreement.
- B. **Sale to an income eligible household.** The purchase price charged for the Inclusionary housing units in the development shall be financed so that the monthly payments on the 30 year fixed interest rate private mortgage, City second mortgage, property taxes, and property insurance do not exceed the following amounts during the initial sale of the Inclusionary housing:
 1. **Very low income households.** Thirty percent of 50 percent of the area median income, for units targeted for very low income households, as defined in Health and Safety Code Section 50052.5;
 2. **Low income households.** Thirty percent of 70 percent of the area median income, for units targeted for low income households, as defined in Health and Safety Code Section 50052.5.
 3. **Moderate income households.** Thirty-five percent of 110 percent of the area median income, for units targeted for moderate income households, as defined in Health and Safety Code Section 50052.5.
 4. **Other Income limits.** Other Income limits that may be required by the City's Single-Family Housing Guidelines or other local, State, or federal agencies that are providing financial assistance to the project and are included in the Inclusionary Housing Agreement.

In calculating the incomes and/or affordability of Inclusionary units, the following relationship between unit size and household size shall apply:

Efficiency units:	1 person household
One-bedroom units:	1 person household
Two-bedroom units:	2 person household
Three-bedroom units:	3 person household
Four-bedroom units:	5 person household

- C. **Initial Sale of Inclusionary Units.** To ensure affordability, the Affordable Housing Plan and Agreement shall specify either single-family or Community Land Trust requirements, at Developer and/or Owner's option.
1. **Single-Family Restricted Projects.** Single-family restricted projects shall ensure that the City recoups all of the local financial assistance to the home buyer, if the household does not continue to be the principal residence of the family for the duration of the affordability period. At the time of the initial sale and any subsequent sale to an income-eligible purchaser, the qualified buyer of the designated Inclusionary unit shall enter into Loan Documents with the City. At a minimum, the Loan Documents shall include a Promissory Note Secured by Deed of Trust at zero percent (0%) interest for the term of affordability required under Subsection 9.32.090.A securing the difference between the property's market value, as determined by an appraisal, and the actual price paid by the income eligible purchaser.
The Promissory Note Secured by Deed of Trust shall also include a clause securing the City's share of equity in the property. The City shall also encumber any other monetary Inclusionary Incentives provided to the owner through the Affordable Housing Agreement.
The Loan Documents shall require that for the period of affordability, the City will have first right of refusal to purchase or transfer the right of refusal to an income qualified household or a non-profit affordable housing agency at an appraised value. If the home is re-sold the full unpaid principal, accrued interest, and share of equity amounts will be due on sale. The proceeds from the sale shall go into a segregated Affordable Housing Trust Fund. The City shall apply all proceeds from the sale to subsidize the Inclusionary unit or other for-sale Inclusionary housing units.
 2. **Community Land Trust Restricted Projects.** Community Land Trust restricted projects shall ensure that, if the housing does not continue to be the principal residence of the qualifying household for the duration of the period of affordability, that the housing unit is made available for subsequent purchaser only to a buyer whose household meets the income qualifications for that Inclusionary housing unit. The resale requirement must also ensure that the price at resale provides the original owner a fair return on their investment.

9.32.100 - Income, Occupancy, Hazard Insurance, and Maintenance Requirement

- A. **Rental units.** An income qualified household who occupies a rental Inclusionary unit shall occupy that unit as his or her principal residence and shall submit all documents necessary for the City or its agent to re-certify the income annually. The City shall require that the homeowner maintain the Inclusionary unit in good repair and to allow for an annual inspection of the external and internal condition of the Inclusionary units by the City or its agent.
- B. **For-sale units.** An initial income qualified owner who purchases a for-sale Inclusionary unit shall occupy that unit as his or her principal residence, and shall annually certify to the City that he or she is occupying the unit as their primary residence and that they maintain hazard insurance. After the initial income verification the Initial owner is no longer required to remain income eligible. The City shall require that the homeowner maintain the Inclusionary unit in good repair and to allow for an annual inspection of the external condition of the housing by the City or its agent.

9.32.110 - Administration of Inclusionary Units

- A. **Affordable Housing Plan.** The application for the first legislative entitlement for a residential project shall include a draft Affordable Housing Plan which shall contain, at a level of detail appropriate to the legislative entitlement, at least the following information:

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1. The name and address of the property owner, developer, and authorized agent;
 2. The name and address of the entity that will develop the Inclusionary units, if not the developer
 - a. In the case of land dedication, an executed irrevocable offer of dedication under the terms described in Section 9.32.070.
 - b. In the case of off-site location, the evidence of site control required in Section 9.32.070 and other information necessary to establish site location, suitability, development constraints, and the number of Inclusionary units assigned.
 3. **Project Description.** Narrative project description; site plans, floor plans, elevation schematics, and details of phasing of the residential project as a whole including the Inclusionary units;
 4. **Project Financing.** Financial pro-forma and construction and permanent financing sources and uses for the Inclusionary units with sufficient economic information to allow for evaluation of feasibility, financing and rates of return;
 5. **Number of dwelling units.** The total number of dwelling units approved for the housing development project, including the number of affordable dwelling units;
 6. **Description of targeted income group.** A description of the household income group to be accommodated by the housing development project, and the standards and methodology for determining the corresponding initial and long term affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
 7. **Marketing plan.** The marketing plan and applicant selection procedures for the affordable dwelling units;
 8. **Description and location of affordable units.** The location (fixed and/or floating), unit sizes (in square feet), and number of bedrooms of the affordable dwelling units and market rate units;
 9. **Term and type of the use restrictions.** Term of the affordability restrictions for the affordable dwelling units in compliance with Sections 9.32.080 and 9.32.090;
 10. **Completion and occupancy schedule.** A schedule for completion and occupancy of the affordable dwelling units;
 11. **Description of concessions and/or incentives.** A description and Land Use Code citation of the additional concessions and/or incentives being requested by the applicant; and
 12. **Other provisions.** Other information required by the Director or local, State, or federal funding agencies to ensure successful implementation and compliance with this Chapter.
- B. **Action on Affordable Housing Plan.** The Director shall review each proposed Affordable Housing Plan and make recommendations to the City Council. No legislative entitlement shall be granted without an adequate Affordable Housing Plan. The elements of the Affordable Housing Plan shall be incorporated into the terms and conditions of the applicable legislative entitlements and project-specific approvals.
- C. **Affordable Housing Regulatory Agreement.** No development agreement or project-specific approval may be issued by the City without an executed Affordable Housing Regulatory Agreement executed by the owner, the developer (if not owner), and the City. Recordation of the agreement shall be a condition of approval of any development agreement, disposition and development agreement or project-level

approval.

1. **Timing.** An Affordable Housing Regulatory Agreement shall be negotiated concurrently with the processing of an application for the earlier of a development agreement or the first project-specific approval. The City shall act with the advice of the Director. At the request of the developer, and if the developer makes available Affordable Housing Plan, the Affordable Housing Regulatory Agreement may be negotiated earlier in connection with the issuance of a legislative entitlement.
2. **Contents.** The agreement shall be consistent with the Affordable Housing Plan, and shall indicate ownership or rental project, the number and size of very low, low, and moderate income units, the developer of the Inclusionary units, the phasing and construction scheduling of the units, commitments for Inclusionary incentives, including City commitments for local public subsidy, and any other information required by the City relative to the Inclusionary units. In the case of land dedication or off-site Inclusionary housing, the agreement shall also contain the information required in Section 9.32.070.
3. **Continuing right-of-first-refusal.** The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the affordable dwelling units as per the method included in Section 9.32.090.C.
4. **Written approval of City required prior to transfer of unit.** The deeds to the affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for the affordable dwelling units without the prior written approval of the City;
5. **Confirmation of price by City.** When providing the written approval, the City shall confirm that the price (rent or sale) of the affordable dwelling unit is consistent with the limits established for low, very low, or moderate -income households, as published by HUD;
6. **Continuously occupied by eligible households.** The City shall have the authority to enter into other agreements with the developer, or purchasers of the affordable dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
7. **Enforcement of compliance.** Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance;
8. **Failure to comply.** Any default or failure to comply may result in daily penalties, liens, foreclosure, specific performance, or withdrawal of the Certificates of Occupancy; and
9. **Recovery of all City-related costs.** In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services.
10. **Remedies for breach of the agreement.** A description of the remedies for breach of the density bonus agreement by the owners, developers, and/or successors-in-interest of the development project; and
11. **Other provisions.** Other provisions to ensure successful implementation and compliance with this Chapter.

- D. **For-sale housing conditions.** In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of the affordable dwelling units during the applicable affordability restriction period:
1. **Eligible and qualified residents.** The affordable dwelling units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior or disabled housing;
 2. **Mandatory contents of instrument or agreement.** The initial purchaser of each affordable dwelling unit shall execute an instrument or agreement approved by the City which:
 - a. Restricts the sale of the unit in compliance with this Chapter during the applicable affordability restriction period;
 - b. Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and
 - c. Shall be recorded against each parcel containing an affordable dwelling unit.
- E. **Rental housing conditions.** In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of the affordable dwelling units during the affordability restriction period:
1. **Rules and procedures.** The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the affordable dwelling units for qualified tenants;
 2. **Annually verify tenant incomes.** Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;
 3. **Submittal of annual report to the City.** Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the affordable dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and
 4. **Use restriction period.** The applicable affordability restriction period shall be in compliance with Section 9.32.080 (Term of Affordability for Rental Inclusionary Units), above.

9.32.120 - Administrative Fees

The Council may by resolution establish reasonable fees and deposits for the administration of this Chapter.

9.32.130 - Takings Determination

Within a maximum of 15 days of the execution of an Inclusionary Housing Agreement, a Developer may request a determination that the requirements of this Chapter, taken together with the Inclusionary Incentives, as applied to the residential project through the Affordable Housing Regulatory Agreement, would legally constitute a taking of the property of the residential project without just compensation under the California or Federal Constitutions.

- A. If the developer and the City have been unable to reach agreement on the terms of an Inclusionary Housing Agreement, the applicable draft for purposes of the takings determination shall be the final draft proposed by the City which the developer may execute under protest without recordation.

- B. The developer has the burden of providing economic information and other evidence necessary to establish that application of the provisions of the Affordable Housing Regulatory Agreement to the residential project would constitute a taking of the property of the proposed residential project without just compensation. The Director shall perform an independent evaluation, and make a recommendation to the City Manager. The City Manager shall make the determination, which may be appealed in the same manner as Director decisions as provided in Chapter 9.76 (Appeals), provided that the decision of the City Manager shall be subject to appeal to the Council. In making the taking recommendation or determination, the decision maker shall assume each of the following:
1. Incorporation of the Inclusionary units in the residential project;
 2. Application of Inclusionary incentives;
 3. Incorporation into the residential project of the most cost- efficient product type for the Inclusionary units; and
 4. External funding where reasonably likely to occur.

If it is determined that the application of the provisions of this Chapter through the Inclusionary Housing Agreement would be a taking, the Affordable Housing Plan and the Inclusionary Housing Agreement shall be modified to reduce the obligations for Inclusionary units to the extent, and only to the extent necessary to avoid a taking. If it is determined no taking would occur though application of the Inclusionary Housing Agreement to the residential project, the requirements of this Chapter remain applicable, and no project-level approval shall be issued unless the developer has executed and recorded the Inclusionary Housing Agreement as proposed by the City.

9.32.140 - Enforcement and Penalties

- A. No legislative entitlement and no master parcel map shall be issued or valid without an Affordable Housing Plan as required by this Chapter.
- B. No project-specific approval nor development agreement shall be issued for any residential project unless an Inclusionary housing agreement has been approved and executed, and no building permit or certificate of occupancy shall be issued until the Inclusionary Housing Agreement has been recorded as required by this Chapter.
- C. The City may bring civil and criminal enforcement actions as are provided by the Municipal Code.

CHAPTER 9.34 -LANDSCAPING STANDARDS

Sections:

- 9.34.010 - Purpose
- 9.34.020 - Applicability
- 9.34.030 - Definitions
- 9.34.040 - Landscape and Irrigation Plans
- 9.34.050 - Landscape Location Requirements
- 9.34.060 - Landscape Standards
- 9.34.070 - Maintenance of Landscape Areas

9.34.010 - Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

9.34.020 - Applicability

The provisions of this Chapter apply to all land uses as follows:

- A. **New projects.** New residential subdivisions, multi-family residential projects, and nonresidential projects within all zone districts except for the AE, AR, and NR zone districts shall incorporate a minimum of ten (10) percent landscaping per site area. This requirement may be modified by the Director for the CC zone district if site restrictions limit landscaping opportunities. Landscaping requirements for parking areas, per Section 9.34.050 A, shall count toward the ten (10) percent site area landscaping requirement.
- B. **Existing development.** The approval of a Minor Use Permit, Use Permit, Planned Development Permit, Grading Permit, Variance, Coastal Permit, or application for Design Review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring the upgrading of nonconforming landscaping to comply with specific landscaping and irrigation requirements of this Chapter.
- C. **Timing of installation.** Required landscape and irrigation improvements shall be installed before final building inspection. The installation of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 9.79.060 (Performance Guarantees).
- D. **Alternatives to requirements.** The review authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this Chapter.
- E. **Responsibility of property owner.** The provision of required landscaping and maintenance shall be the responsibility of the property owner.

9.34.030 - Definitions

Definitions of certain technical terms and phrases used in this Chapter are under "Landscaping Standards" in Article 10 (Glossary) of this Land Use Code.

9.34.040 - Landscape and Irrigation Plans

- A. Landscape Plan.** A Landscape Plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 50 percent or more of floor area) or redevelopment of an existing use, as determined by the Director. The Landscape Plan shall be submitted with the application for a Building Permit. The Landscape Plan shall be approved by the Historic and Design Review Commission before the issuance of a Building Permit.
- B. Content and preparation.**
- 1. Required information.** Landscape Plans shall contain the following information:
 - a. Landscape Plan.** Detailed drawings and specifications clearly identifying the botanical and common name, size, and quantity of all plant materials. In addition, the Landscape Plan shall show the precise location and mature size of all plant material and other landscape elements, including method of irrigation.
 - b. Maintenance Plan.** Explanation of how the applicant will ensure that the maintenance of approved landscaping will comply with Section 9.34.070 (Maintenance of Landscape Areas) on a continuing basis.
- C. Financial security for installation of Landscaping.** The Director may require financial security for legitimate delays in the installation of approved landscaping prior to the issuance of a Certificate of Occupancy. The financial security shall be based on a rate of \$1.30 per square foot of landscaped area, with inflation adjustments every five years. All approved landscaping shall be in place within six months from the date of issuance of the Temporary Certificate of Occupancy.
- D. Changes to approved landscape plans.** The Director may authorize minor changes to an approved landscape plan in compliance with Section 9.79.080 (Change to an Approved Project).

9.34.050 - Landscape Location Requirements

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

- A. Parking areas.** Parking areas, other than single-family residential and secondary units, containing three or more parking spaces shall be landscaped as follows.
- 1. Landscape materials.** Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.
 - 2. Curbing.** Landscape areas shall be provided protective curbing in compliance with Section 9.34.060.A.4 (Protective curbing).
 - 3. Groundwater recharge.** The design of parking lot landscape areas shall consider and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.
 - 4. Perimeter parking lot landscaping.** All surface parking areas shall be screened from streets and adjoining properties, and open areas between the parking area and the public street shall be landscaped.
 - a. Adjacent to streets.**

- (1) A parking area proposed or existing adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of six feet.
 - (2) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback.
 - (3) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the review authority to meet the intent of this requirement.
 - (4) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection A.5.
 - (5) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 9.30.040.E (Height limit at street corners).
- b. **Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a screen or perimeter landscape strip where the parking area adjoins a side or rear property line unless the sites share a joint access drive. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required.
 - c. **Adjacent to structures.** When a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways.
 - d. **Adjacent to residential use.** A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum six-foot width between the parking area and the common property line bordering the residential use. A solid wall or fence, except for approved pedestrian access, and landscape buffer shall be provided along the property line to address land use compatibility issues (e.g., nuisance, noise, and light/glare) as determined by the review authority.
5. **Interior parking lot landscaping.**
- a. **Amount of landscaping.** Multi-family, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot. Trees that reach a mature height of at least 20 feet shall be planted within the parking lot at a minimum ratio of one tree for each five parking spaces.
 - b. **Location of landscaping.** Landscaping shall be dispersed throughout the parking area, as follows.
 - (1) Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, such as trees, shrubs, flowering plants, enhanced paving, and project identification.
 - (2) Landscaping shall be located so that pedestrians are not required to cross

unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

- B. Major Subdivisions.** A new major subdivision shall be designed and constructed to provide street trees at a rate of at least one tree for each 30 feet of street frontage and installed so there is not more than 60 feet between each tree. Irrigation shall be provided for the trees.

9.34.060 - Landscape Standards

- A. Landscape design.** The required landscape plan shall be designed to integrate all elements of the project to achieve desired aesthetic objectives, accommodate microclimates, and minimize water and energy demand.
- 1. Plant selection and grouping.** Plant materials shall be selected for adaptability to the site, non-invasiveness, color, form, and pattern; adhere to xeriscaping concepts; ability to provide shade; and soil retention capability.
 - a. The use, protection, and preservation of existing site vegetation, native species, and natural areas is encouraged, and may be required by conditions of approval as a result of project review in compliance with the California Environmental Quality Act (CEQA).
 - b. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a “noxious weed” by the governments of the State of California or the United States shall be approved as part of any proposed landscaping.
 - ~~b. c.~~ Fire prevention shall be addressed on sites in any wooded or vegetated area of the City identified by the Fire Department as being fire prone, by providing fire-resistant landscaping buffers between development areas and naturally vegetated areas, as identified by the Director.
 - 2. Minimum dimensions.** Wherever this Land Use Code requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.
 - 3. Height limits.** Landscape materials shall be selected, placed on a site, and maintained to not:
 - a. Exceed a maximum height of 36 inches within five feet of a street right-of-way or within the vision clearance triangle, except for trees with the lowest portion of their canopy maintained at a minimum height of 10 feet above grade; or
 - b. Interfere with the proper operation of existing solar energy equipment or passive solar design on subject or adjacent parcels.
 - 4. Protective curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide, except:
 - a. Where the review authority approves alternative barrier design determined to be equally effective in protecting landscaped areas from damage by vehicles or pedestrians; or
 - b. Where site drainage is to be directed into the landscaped area for pollutant filtering, and plant materials are protected by other means approved by the Director.

5. **Safety requirements.**
 - a. Landscape materials shall be located so that at maturity they do not:
 - (1) Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
 - (2) Conflict with overhead utility lines, overhead lights, or walkway lights; or
 - (3) Block pedestrian or bicycle ways.
 - b. Landscape design should incorporate security lighting, where determined by the review authority to be appropriate.
 6. **Water features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems, encourage solar power where feasible.
 7. **Impervious surfaces.** Landscape design should minimize the area of impervious surfaces, to reduce runoff.
 8. **Weed prevention.** The use of weed barrier fabric is highly discouraged and non-porous material is prohibited.
- B. Plant material.** Required landscape shall include trees, shrubs, and ground covers. Native species and the avoidance of invasive plant materials are encouraged. Artificial plant material is prohibited.
1. **Size at time of planting.** Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, five-gallon container for shrubs, and one gallon for perennials and vines or less for mass planting, unless otherwise approved by the review authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.
 2. **Trees.** Tree planting shall comply with the following standards.
 - a. Trees shall not be planted under any structure that may interfere with normal growth (for example, an eave, overhang, balcony, light standard or other similar structure).
 - b. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.
 3. **Groundcover and shrubs.** The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants.
 - a. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
 - b. Excessive use of turf is discouraged.
 - c. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to 15 percent of the total required landscape area.
 - d. Landscaped areas (e.g., shrub beds) shall be top dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.

- C. **Irrigation system requirements.** All landscaped areas for commercial, industrial, and multi-family projects shall include an automatic irrigation system.
- D. **Certification of landscape completion.** The applicant shall submit written verification to the Director that the required landscaping and irrigation improvements were completed as approved. Deviations from the approved landscape requirements require the submittal of “as-built plans” for review and approval by the Director.

9.34.070 - Maintenance of Landscape Areas

- A. **Maintenance required.** A written Landscape Maintenance Plan (except for existing single-family dwellings) shall ensure all site landscaping is maintained in a healthy and thriving condition at all times. At a minimum, the Landscape Maintenance Plan shall address pruning, trimming, weed control, cleaning, fertilizing, and irrigation. In addition, the Landscaping Maintenance Plan shall include provisions to replace plant material as needed to ensure continued compliance with approved landscape requirements.
- B. **Water waste prohibited.** Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited.
- C. **Anticoagulant rodenticides prohibited. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used.**
- ~~C~~ **D. Enforcement.** Failure to maintain landscape areas in compliance with this Section shall be deemed a nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked.

CHAPTER 9.36 -PARKING AND LOADING

Sections:

- 9.36.010 - Purpose
- 9.36.020 - Applicability
- 9.36.030 - General Parking Regulations
- 9.36.040 - Number of Parking Spaces Required
- 9.36.050 - Disabled/Handicapped Parking Requirements
- 9.36.060 - Bicycle Parking
- 9.36.070 - Motorcycle Parking
- 9.36.080 - Adjustment of Parking Requirements
- 9.36.090 - Parking Design and Development Standards
- 9.36.100 - Driveways and Site Access
- 9.36.110 - Loading Space Requirements

9.36.010 - Purpose

The requirements of this Chapter are intended to minimize impervious areas, to ensure that accessible, suitable, and well maintained off-street parking and loading facilities are provided for all uses and developments, and that the facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use.

9.36.020 - Applicability

- A. **Parking and loading facilities in compliance with this Chapter.** Each new land use and structure shall provide suitable off-street parking and loading facilities in compliance with this Chapter.
- B. **An increase in required parking and/or loading spaces.** When any non-residential structure is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking and/or loading spaces required, additional parking and/or loading spaces shall be provided in compliance with this Chapter.
- C. **Responsibility of the property owner.** The provision of required parking and loading spaces shall be the responsibility of the property owner.
- D. **Approval of Director required.** A new land use shall not be commenced and a structure shall not be occupied until the improvements required by this Chapter are completed and approved by the Director.

9.36.030 - General Parking Regulations

- A. **Parking and loading spaces to be permanent.** Each parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes. Areas not reviewed and approved for use as parking or loading shall not be used for such purposes.
- B. **Parking and loading to be unrestricted.** A lessee, owner, tenant, or other person having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Director.
- C. **Vehicles for sale.** Vehicles, trailers, or other personal property shall not be parked on private property for the purpose of displaying the vehicles, trailers, or other personal property for hire, rental, or sale,

unless the property is appropriately zoned, approved by the City for that use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property. However, one vehicle or trailer owned by the lessee, owner, or renter of the property may be displayed for the purpose of sale for a maximum of 30 days. This shall not be construed to allow the continued sale of vehicles.

D. Recreational vehicle parking.

1. The storage (parking for any period longer than 72 hours) of a recreational vehicle and/or boat in a residential zoning district shall be allowed only when all portions of the vehicle or boat are located entirely within the property boundaries and do not extend into the public right-of-way.
2. Parking within setback areas shall also comply with Subsection 9.30.090.D (Limitations on the Use of Setbacks).

E. Financial security for installation of parking and loading areas. The Director may require financial security for legitimate delays in the installation of approved parking or loading areas prior to the issuance of a Certificate of Occupancy. The financial security shall be based on a rate of \$4.00 per square foot of parking or loading area with inflation adjustment every five years. All approved parking or loading shall be in place within six months from the date of issuance of the Temporary Certificate of Occupancy. In no case shall the Disabled/Handicap Parking Requirements of Section 9.36.050 be delayed beyond the issuance of the Certificate of Occupancy.

F. Parking lot construction, reconstruction, resurfacing, or repainting.

1. The construction, reconstruction, resurfacing, or repainting of any parking lot that results in a revised layout shall first require:
 - a. A permit from the Building Department; and
 - b. Design Review approval, except for parking for a single-family or second dwelling unit on an individual parcel.
2. The purpose of this permit requirement is to ensure that the standards of this Chapter and requirements for appropriate access are met.
3. Compliance with Subsection 9.34.050.A (Landscape Location Requirements - Parking areas) shall be required.

9.36.040 - Number of Parking Spaces Required

Each land use shall be provided the number of off-street parking spaces required by this Section. See Sections 9.36.060, and 9.36.070 for off-street parking requirements for bicycles and motorcycles, respectively.

A. Parking requirements by land use.

1. Each land use shall provide no less and no more than the number of off-street parking spaces required by Table 3-6, except where an alternate number of spaces is required by the review authority through Minor Use Permit or Use Permit approval in compliance with Section 9.72.080. The number of spaces required and allowed by Table 3-6 may also be modified through Minor Use Permit approval at the request of the applicant.

2. A land use not specifically listed in Table 3-6 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-6 as a guide in determining the appropriate number of off-street parking spaces required for the use.
3. A mixed-use project shall provide parking for each component.

Table 3-6 - Parking Requirements by Land Use

Land Use Type	Minimum Number of Parking Spaces Required per Square Foot of Gross Interior Floor Area	Maximum Number of Parking Spaces Allowed per Square Foot of Gross Interior Floor Area
Agricultural and open space uses	1 per 800 sf	1 per 400 sf
Recreation, education, and public assembly uses	1 per 500 sf	1 per 350 sf
Residential uses - Single family and duplexes.	1 independently accessible space per dwelling unit	2 independently accessible spaces per dwelling unit
Residential uses - Multi-family (3 or more units)	1 space per dwelling unit	2 spaces per dwelling unit
Senior Housing	.75 space per dwelling unit	1.5 spaces per dwelling unit
Retail uses	1 per 500 sf	1 per 300 sf
Office Uses	1 per 500 sf	1 per 300 sf
Service uses (including residential care and medical services)	1 per 500 sf	1 per 300 sf
Auto Service and Repair	1 per 500 sf	1 per 300 sf
Hotels, Motels, and Inns	1 space per unit	1.5 spaces per unit
Animal Hospitals and Kennels	1 per 600 sf	1 per 400 sf
Transportation, communications, and infrastructure	1 per 500 sf	1 per 350 sf
Industrial, manufacturing and processing, wholesale	1 per 800 sf	1 per 500 sf
Mini-storage Warehouses	1 per 1,000 sf	1 per 800 sf
Heavy Equipment Sales and Repair	1 per 1,000 sf	1 per 800 sf

B. Multi-tenant sites. Where joint parking facilities are provided for two or more nonresidential uses in a single development, or two or more adjoining developments, the minimum requirement may be reduced to 75 percent of the sum of the requirements for the various uses computed separately, when the combined requirements total four or more spaces. The spaces shall be available to all users of all of the developments benefiting from this provision.

C. Excessive parking.

1. The City discourages a land use being provided more off-street parking spaces than required by this Chapter, to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.
2. The provision of off-street parking spaces in excess of the requirements in Table 3-6 is allowed only with Minor Use Permit approval in compliance with Section 9.72.080, and only

when additional landscaping and pedestrian amenities plus stormwater runoff detention/retention and BMP's are also provided to the satisfaction of the review authority.

- D. Rounding in calculations.** If a fractional number is obtained in calculations performed in compliance with this Section, one additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.
- E. No reduction in capacity.** Off-street parking or loading facilities shall not be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this Chapter.
- F. Nonconforming parking.** A structure with nonconforming off-street parking and/or loading may be physically changed or undergo a change in use in compliance with the following provisions.
1. **Residential uses.** Additional parking spaces shall not be required; provided, the change does not increase the number of dwelling units, nor eliminate required existing parking or access.
 2. **Nonresidential uses.**
 - a. The number of existing parking and loading spaces shall be maintained on the site and additional parking and/or loading spaces shall be provided in compliance with this Chapter for any additional floor area.
 - b. If the use of the structure is changed to one that requires more parking and/or loading spaces than the previous use, only the difference between the number of spaces required for the previous use and those required for the new use shall be added, even if the previous use was nonconforming as to the number of off-street spaces provided
 - (1) For purposes of this Subsection, the term "previous use" shall mean the last known permitted use of the same location.
 - (2) In areas within the Downtown identified by the General Plan that are also within the CC (Commercial - Central) and CG (Commercial - General) zoning districts, no additional off-street parking or loading spaces shall be required for a change in use of an existing structure.
 - c. When the floor area of an existing structure is increased, the number of parking and loading spaces shall be increased by the difference between the requirements for the new size and the requirements for the previous size in compliance with this Chapter, even if the previous parking and loading were nonconforming as to the number of off-street spaces provided before the increase.
 - d. Any increase in floor area shall not eliminate required existing parking, loading, or access.

9.36.050 - Disabled/Handicapped Parking Requirements

Parking spaces for the disabled shall be provided in compliance with the California Building Code (CBC), the Federal Accessibility Guidelines, and/or California Code of Regulations Title 24, as applicable. These spaces shall count toward fulfilling the off-street parking requirements of this Chapter.

9.36.060 - Bicycle Parking

Each multi-family project and nonresidential land use shall provide bicycle parking in compliance with this Section.

- A. Number of bicycle spaces required.** Sufficient bicycle parking and storage space shall be provided on sites except those with only one or two residential dwelling units in compliance with Table 3-7 and this Section.

Table 3-7 - Minimum Number of Bicycle Parking Spaces Required

Vehicle Parking Spaces Required	Number of Bicycle Spaces Required
3 - 10	100% of vehicle parking spaces
11 +	50% of vehicle parking spaces

(For illustrative purposes only, a triplex, which is required to provide six off-street vehicle parking spaces, would need to provide a minimum of six bicycle parking spaces. A multi-family development project requiring 20 off-street parking spaces would be required to provide a minimum of 10 bicycle parking spaces.)

- B. Bicycle parking design and devices.** Each bicycle parking or storage space shall be no less than six feet long by two feet wide, plus additional space as may be needed for access, and shall have a rack or rain-sheltered structure capable of supporting and securing bicycles of various types and sizes in an upright position. Each space shall be conveniently located for intended uses.

9.36.070 - Motorcycle Parking

A parking lot with 20 or more vehicle parking spaces shall provide motorcycle parking spaces conveniently located near the main entrance of a structure and accessed by the same aisles that provide access to the vehicle parking spaces in the lot.

- A. Number of spaces required.** A minimum of one motorcycle parking space shall be provided for each 20 vehicle spaces or fraction thereof.
- B. Space dimensions.** Motorcycle spaces shall have minimum dimensions of four feet by seven feet.

9.36.080 - Adjustment of Parking Requirements

- A. Shared on-site parking.**
- Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces may be allowed through Minor Use Permit approval in compliance with Section 9.72.080.
 - Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.
- B. Adjustment of parking.** A Minor Use Permit shall be required to alter the number of parking spaces required by Section 9.36.040 (Number of Parking Spaces Required), above based on quantitative information provided by the applicant that documents the need for fewer or more spaces (e.g., sales

receipts, alternative transportation developments that are either within 250 feet of a bus stop or within 1,000 feet of a transit center, documentation of customers, available public parking, other peak parking demand, etc.).

C. Alternative parking arrangements for the Downtown.

1. Other alternatives to the parking requirements of this Chapter, within the CG (Commercial – General) Downtown area identified by the General Plan and within the CC (Commercial – Central) zoning districts, may be approved by the Director in compliance with the following:
 - a. Pay a parking in lieu fee in compliance with Subsection D. (Parking in lieu fee within the Downtown and :HL Combining Zone), below; or
 - b. Provide the required parking facilities on another approved site in compliance with Subsection E. (Off-site parking allowed), below; or
 - c. Provide some other fair share contribution where authorized by the Council.
2. The agreement embodying one or a combination of these alternatives, except for Subsection C.1.c, determined to be acceptable to the City Attorney, shall be recorded before the issuance of a Building Permit for the project, or the issuance of a Certificate of Occupancy for a new use in an existing structure.

D. Parking in lieu fee within the Downtown and :HL Combining Zone.

1. **CC (Commercial - Central), CG (Commercial - General) in the Downtown area, and :HL Combining Zone.** Within the CG Downtown area identified by the General Plan and CC zoning districts and the :HL combining zone, in lieu of providing parking facilities required by this Chapter, the requirements may be satisfied by the payment to the City for each parking space required by this Chapter but not provided by the proposed development project in compliance with the following:
 - a. The amount shall be set by the Council, shall properly reflect the estimated cost of the construction of replacement parking, including the acquisition of needed land, and shall be identified in the City's Fee Schedule.
 - b. The Council may elect to decline the acceptance of the payment in lieu of providing the required parking facilities on a case-by-case basis, only if the Council first determines that it is feasible and desirable that the required parking be developed on the subject site.
 - c. The payment shall be deposited with the City in a special fund and shall be used for the purpose of acquiring and developing on-street and off-street parking facilities, or developing and operating transportation alternatives (e.g. bicycle facilities, mass transit, or pedestrian facilities). The annual Capital Improvements Program (CIP) shall identify the location and construction timing of the targeted improvements.
 - d. The in lieu fee shall be paid before the issuance of a Building Permit or the issuance of a Certificate of Occupancy for a new use in an existing building.
 - e. The Council shall solicit the recommendation of the Historic and Design Review Commission regarding aesthetics and function of the parking facilities.
2. **Fees not transferable.** All parking in lieu fees paid shall be credited to the parcel upon which the

use or structure is located, and shall not be transferable to another parcel.

- E. Off-site parking allowed.** Where approved by the Director, parking required for a use proposed within the CC (Commercial -Central) and CG (Commercial - General) zoning districts may be located in a common or shared parking facility away from the site of the proposed use in compliance with the following.
1. **Evaluation of proposal.** In considering a request for shared off-site parking, the Director shall consider how the distance between the parking area and the proposed use may affect whether the off-site facility will properly satisfy the parking needs of the proposed use.
 2. **Guarantee of continued availability.**
 - a. Required parking spaces that are approved off-site shall be committed by a recordable covenant, lease, or other agreement, acceptable to the City Attorney.
 - b. The parties to the covenant, lease, or agreement shall include the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site, with covenants reflecting the conditions of approval and the approved off-site parking plan.
 3. **Loss of off-site spaces.**
 - a. **Notification to the City.** The owner/operator of a business that uses approved off-site spaces to satisfy its parking requirements shall immediately notify the Director of a change of ownership or use of the property for which the spaces are required, and of termination or default of the agreement between the parties.
 - b. **Effect of termination of agreement.** Upon notification that a lease for required off-site parking has terminated, the Director shall determine a reasonable time in which one of the following shall occur:
 - (1) Substitute parking is provided that is acceptable to the Director; or
 - (2) The size or capacity of the use is reduced in proportion to the parking spaces lost.
- F. Use of compact car parking spaces.**
1. Up to a maximum of 33 percent of the required parking for multi-family residential, commercial, industrial, and institutional uses, providing a minimum of three off-street parking spaces, may be provided as compact parking spaces.
 2. Compact car parking spaces shall comply with Table 3-8.
 3. All compact car parking spaces shall be marked and/or posted with signs stating "Compact Cars Only."
 4. The marking shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

9.36.090 - Parking Design and Development Standards

Required parking areas shall be designed, constructed, and maintained in compliance with the following.

A. Access to parking. Access to parking areas shall be provided as follows for all parking areas other than garages for individual dwelling units.

1. Parking areas shall provide suitable maneuvering area so that vehicles enter from and exit to a public street in a forward direction or demonstrate to the Director that backing movements are safe.
 - a. Parking lots shall be designed to prevent access at any point other than at designated access drives.
 - b. Single-family dwellings and duplex units are exempt from this requirement.

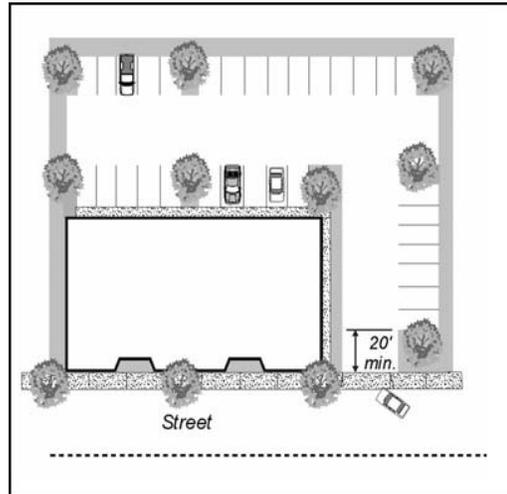


Figure 3-6 - Queuing Area

2. A nonresidential development that provides 20 or more parking spaces should have:
 - a. Access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, or back of sidewalk, to provide a queuing or stacking area for vehicles entering and exiting the parking area. See Figure 3-6.
 - b. Pedestrian pathways through the parking lot outside of the drive aisles to allow safe pedestrian access to the structures.
3. A minimum unobstructed clearance height of 10 feet shall be maintained above areas accessible to vehicles within nonresidential developments.

B. Access to adjacent sites.

1. **Nonresidential developments.**
 - a. Applicants for nonresidential developments are required, if feasible, to provide on-site vehicle and pedestrian access to parking areas on adjacent nonresidential properties to provide for convenience, safety, and efficient circulation.
 - b. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Director, guaranteeing the continued availability of the shared access between the properties.
2. **Residential developments.** Shared pedestrian access between adjacent residential developments is required for major subdivisions and multi-family projects.

C. Location. Parking areas shall be located as follows:

1. **Residential.** Residential parking shall be located on the same parcel as the dwelling unit to be served.

2. **Nonresidential.** Nonresidential parking shall be located on the same parcel as the uses served or within 300 feet of the use or structure to be served (within 500 feet in the CC and CG zone districts) if shared parking or public parking facilities are used to meet the parking requirements.
 3. **Within required setbacks.**
 - a. Nonresidential parking shall not be located within a required front setback.
 - b. Nonresidential parking may be located within a required side or rear setback; provided, it is separated from the side or rear property line by a screen or perimeter landscape strip unless the sites share a joint access drive.
 4. **Within the Downtown.** Nonresidential parking within the Downtown area identified by the General Plan shall not be located between a building and the fronting street.
- D. **Parking stall and lot dimensions.** Each parking space, drive aisle, and other parking lot features shall comply with the minimum dimensions required by Table 3-8, and as illustrated in Figure 3-7 below.
1. **Parking space dimensions.** Per Table 3-8.
 2. **Residential garages and carports.** Residential garages and carports shall be constructed and maintained with minimum clear inside dimensions of 20 feet in length and 10 feet in width for each vehicle space.

Table 3-8 - Minimum Off-street Parking Space Dimensions

Parking Angle	Standard Spaces		Compact Spaces		Minimum Drive Aisle Width (maneuvering areas)	
	Minimum Width	Minimum Length	Minimum Width	Minimum Length	One-Way	Two-Way
Parallel	8.5 ft	23 ft	7 ft	18 ft	12 ft	20 ft
30 degrees	8.5 ft	17 ft	7.5 ft	17 ft	11 ft	20 ft
45 degrees	8.5 ft	19.5 ft	7.5 ft	16 ft	13.5 ft	20 ft
60 degrees	8.5 ft	21 ft	7.5 ft	17 ft	18.5 ft	20 ft
Perpendicular	8.5 ft	19 ft	7.5 ft	16 ft	25 ft	25 ft

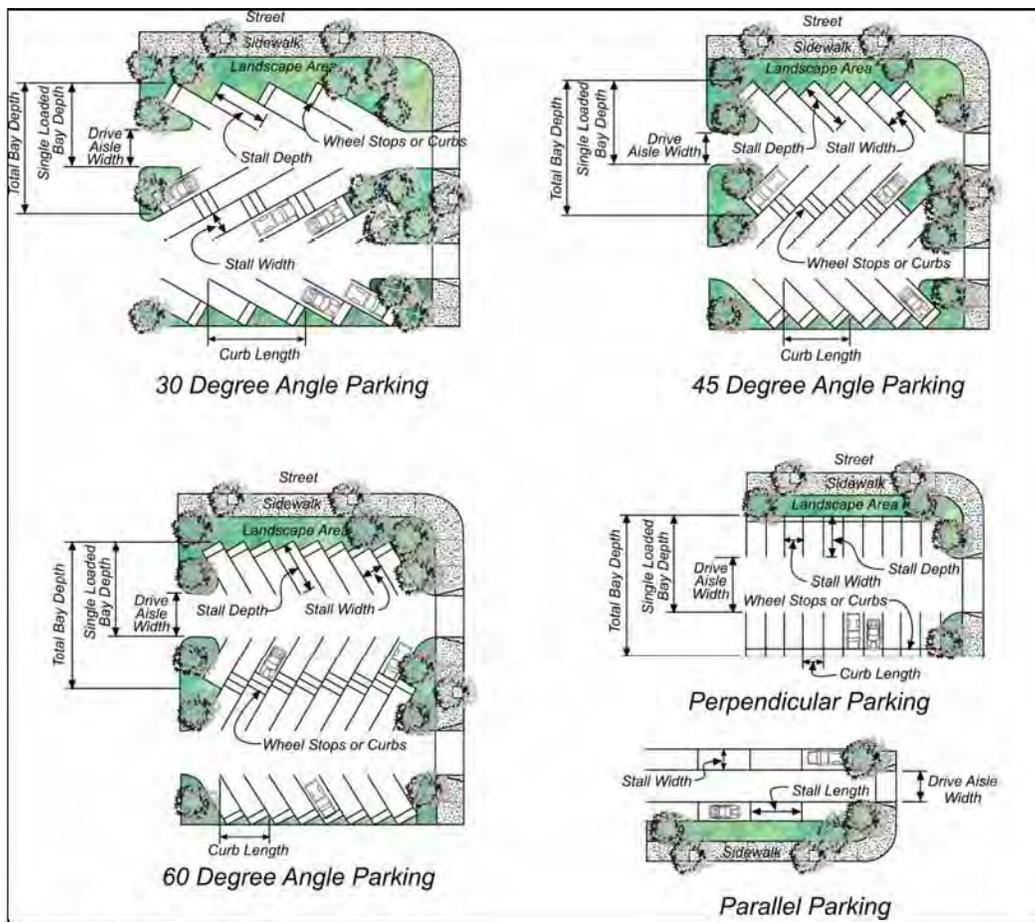


Figure 3-7 - Parking Lot Dimensions

- E. **Landscaping and screening.** Landscaping and screening shall be provided in compliance with Section 9.34.050 (Landscape Location Requirements).
- F. **Lighting.** Lighting shall be provided in compliance with Section 9.30.070 (Outdoor Lighting).
- G. **Striping and identification.**
 - 1. Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works.
 - 2. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
 - 3. The re-striping of any parking space or lot shall require the prior approval of a re-striping plan by the Historic and Design Review Commission.
- H. **Surfacing.**
 - 1. All parking spaces and maneuvering areas shall be paved and permanently maintained with a

durable pervious surface, asphalt, concrete, or comparable all-weather surfacing material approved by the Director of Public Works, and shall be graded to dispose of all surface water consistent with stormwater runoff detention/retention and BMPs per Subsection 9.66.040.B.3 of this Land Use Code to the satisfaction of the Director of Public Works.

2. Required parking areas in the AE, AR, NR, or RVL zoning districts may be surfaced with gravel, decomposed granite, or other all-weather surface as determined to be appropriate by the Director of Public Works, provided that the first 50 feet from a public street is paved with asphalt, concrete, or comparable all-weather surfacing material.
 3. All grading plans relating to the parking facilities shall be reviewed and approved by the Director of Public Works and the Building Official before any work can commence.
 4. Alternative parking surfaces shall be reviewed and approved by the Director of Public Works.
 5. Access drives with slopes of 15 percent or more shall be paved with asphalt, concrete, or comparable all-weather surfacing material for the entire length of the access drive.
- I. **Wheel stops/curbing.**
1. **Curbing.** In the RM, RH, CC, CG, CV, CM, IL, IG, and PF zoning districts, concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures except as provided by Subsection 9.34.060(a)(4).
 2. **Individual wheel stops.** Wheel stops shall be firmly attached to the ground and placed to allow for two feet of vehicle overhang area within the dimension of the parking space.
 3. **Curbed walkways.** Curbed walkways may be used as wheel stops and partially included in the minimum length of the parking space, only if the Public Works Director first determines that sufficient walkway width remains for safe and convenient pedestrian use.
- J. **Vehicle repair work not allowed.** Repair work or servicing of motor vehicles shall not be conducted in a non-enclosed off-street parking facility, except for minor work commonly performed on operating vehicles that are associated with a residential use.
- K. **Modifications by Director.** The Director may modify the provisions of this Section through a Minor Use Permit granted in compliance with Section 9.72.080.

9.36.100 - Driveways and Site Access

Each access drive providing site access from a street, alley, or other public right-of-way shall be designed, constructed, and properly maintained in compliance with the following.

- A. **Number of access drives.** To limit the number of potential conflicts between pedestrians, bicyclists and motor vehicles, the number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. The Director of Public Works in consultation with the Director of Community Development and the Chief of Police shall determine the permitted number of access drives based on public safety and the intended use of the parcel.
- B. **Distance from street corners.** Each access drive shall be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access drive to the centerline of the nearest

travel lane of the intersecting street, unless a lesser or greater distance is approved or required by the Director of Public Works.

C. Access drive spacing. Access drives shall be separated along the street frontage in compliance with the following:

1. **Single-family and duplex residential development.** Access drives on a single parcel shall be separated by at least 25 feet. Access drives on separate parcels shall be separated by at least 7 feet, unless a shared, single access drive is approved by the Director of Public Works. The separation shall not include the transition or wing sections on each side of the access drive.
2. **Multi-family and nonresidential development.** Where two or more access drives serve the same or adjacent multi-family or nonresidential development, the centerline of the access drives shall be separated by a minimum of 30 feet. Exceptions to this standard may be granted by the Director of Public Works.
3. **Approval of all access points.** Entrances from and exits to streets and alleys shall require encroachment permits, and shall only be provided at locations first approved by the Director of Public Works.

D. Access drive widths and lengths.

1. **Single-family dwellings.**
 - a. Each single-family dwelling shall be provided an access drive with a minimum length of 20 feet from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk.
 - b. The access drive width at the street entrance shall be between 10 and 20 feet wide.
2. **Multi-family or nonresidential developments.**
 - a. Each access drive shall have a minimum paved width in compliance with Table 3-8, above.
 - b. The maximum access drive width shall be 25 feet, exclusive of the area provided for a median divider.

E. Clearance from obstructions.

1. The nearest edge of an access drive curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facilities.
2. Street trees shall be a minimum of 10 feet from the access drive, measured at the trunk.
3. Access drives shall have an overhead clearance of 10 feet in height except within a parking structure which may be reduced to seven feet, six inches.

F. Maneuvering within the access drives and parking lots.

1. Each of the following parking lots shall be designed so that no more than two parking spaces

require backing movements within a street right-of-way in order to exit and enter the parking lot:

- a. Parking lots accessed from an arterial or collector street, as shown on the Street Functional Classification Plan within the Transportation Element of the General Plan;
 - b. All parking lots containing more than:
 - (1) Ten parking spaces, accessed from a minor street, and serving a residential use; and
 - (2) Five spaces, accessed from a minor street, and serving a commercial, industrial, quasi-public, or public use.
2. No construction shall result in new parking lots or new parking spaces which require backing movements directly onto the following streets without the approval of the Public Works Director.
- a. Alliance Road (including K Street from 13th to Samoa Boulevard);
 - b. Old Arcata Road;
 - c. Spear Avenue;
 - d. Janes Road;
 - e. Samoa Boulevard;
 - f. Union Street;
 - g. 11th Street between Janes Road and "G" Street; and
 - h. LK Wood Boulevard.

3. Each required parking space shall have unobstructed access from a street or alley, or from a drive aisle connecting with a street or alley, without requiring the moving of another vehicle.
4. Parking areas with access drives served from alleys shall have a minimum of 25 feet of maneuvering area, which may include the width of the alley.

G. Safety sight distance.

1. Within 20 feet of the street corner of any corner parcel, the height of any landscaping or screening may be required to be reduced in height or set back from the property line a distance to be determined to be necessary to ensure public safety by the Public Works Director and the Police Chief.
2. Other requirements relating to safety sight distance and visibility are identified in Subsection 9.30.040.E.

H. Surfacing. Access surfacing shall comply with the requirements in Subsection 9.36.090.H (Surfacing).

9.36.110 - Loading Space Requirements

A. Number of loading spaces required. Nonresidential uses shall provide off-street loading spaces in compliance with Table 3-9. Requirements for uses not listed shall be determined by the Director based upon the requirements for comparable uses.

Table 3-9 - Required Off-street Loading Spaces

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Industrial, manufacturing, research and development, institutional, and service uses	5,000 to 40,000 sf	1
	40,001 + sf	1 for each additional 40,000 sf, up to a maximum of 3.
Office, retail commercial, and other allowed uses	15,000 to 100,000 sf	1
	100,001 + sf	1 for each additional 100,000 sf, up to a maximum of 3.

B. Standards for off-street loading areas. Off-street loading areas shall be provided in compliance with the following.

1. **Dimensions.** Loading spaces shall be a minimum of 11 feet in width, 35 feet in length, with 14 feet of vertical clearance.
2. **Lighting.** Lighting shall also comply with the provisions of Section 9.30.070 (Outdoor Lighting).
3. **Location.** Loading spaces shall be:
 - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
 - b. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;

- c. Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only; and
 - d. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from a residential zoning district unless adequately screened, and authorized through Design Review.
 - 4. **Loading ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.
 - 5. **Screening.** Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and solid masonry walls with a minimum height of six feet.
 - 6. **Striping.**
 - a. Loading spaces shall be striped, and identified for "loading only."
 - b. The striping and "loading only" notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
 - 7. **Surfacing.**
 - a. All loading areas shall be surfaced with asphalt, concrete pavement, durable pervious surface, or comparable material as determined by the Director of Public Works and shall be graded to dispose of all surface water to the satisfaction of the Director of Public Works and the Building Official.
 - b. All grading plans relating to the loading facilities shall be reviewed and approved by the Director of Public Works before any work can commence.
- C. **Modifications by Director.** The Director may modify the provisions of this Section through a Minor Use Permit granted in compliance with Section 9.72.080, where the Director first determines that the operating, shipping, and delivery characteristics of the use do not require the number or type of loading spaces required by this Section.

CHAPTER 9.38 -SIGNS

Sections:

- 9.38.010 - Purpose
- 9.38.020 - Applicability
- 9.38.030 - Sign Permit and Master Sign Plan Requirements
- 9.38.050 - Exemptions from Sign Permit Requirements
- 9.38.060 - Prohibited Signs
- 9.38.070 - General Requirements for All Signs
- 9.38.080 - Sign Standards by Zone
- 9.38.090 - Standards for Specific Sign Types
- 9.38.100 - Nonconforming Signs
- 9.38.110 - Amortization
- 9.38.120 - Judicial Review

9.38.010 - Purpose

The regulations established by this Chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the City, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- A. Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;
- B. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop;
- C. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and
- D. Safeguard and protect the public health, safety, and general welfare.

9.38.020 - Applicability

- A. **Signs regulated.** The requirements of this Chapter shall apply to all new signs and all changes to existing signs in all zoning districts. Any alteration to an existing sign shall require that the existing sign be modified to comply with all applicable provisions of this Chapter.
- B. **Applicability to sign content.** The provisions of this Chapter do not regulate the message content of signs, regardless of whether the message content is commercial or noncommercial.
- C. **Historical signs.** An existing sign found to be of historical significance by the Council on the basis of a recommendation of the Historic and Design Review Commission is exempt from the provisions of this Chapter after the Council has adopted findings indicating that the sign has specific historic value.
- D. **Definitions.** Definitions of the specialized terms and phrases used in this Chapter may be found in Article 10 (Glossary) under "Sign."

9.38.030 - Sign Permit and Master Sign Plan Requirements

- A. Sign permit and/or master sign plan required.** No sign shall be constructed, installed, or modified, unless a sign permit and, where applicable, master sign plan approval is first obtained in compliance with this Section, or the sign is allowed without a sign permit by Section 9.38.050 (Exemptions from Sign Permit Requirements).
1. **Criteria for approval.** No sign permit or master sign plan shall be approved for an existing or proposed sign unless the sign is in compliance with all applicable requirements of this Chapter.
 2. **Effect of approval.** An approved sign shall be installed and maintained only in compliance with its sign permit and/or plan.
 3. **Building Permit.** A proposed sign may require a Building Permit in addition to a sign permit.
 4. **Temporary signs.** Temporary signs and temporary sign permits shall comply with Subsection 9.38.090.F (Temporary signs).
- B. Review authority.**
1. **Director.** The Director shall review and approve sign permit applications in compliance with the findings required by Subsection E. (Findings for approval), except as provided by Subsection B.2. The Director may also refer a sign permit application to the Historic and Design Review Commission for review and decision, as part of a development project that is otherwise subject to Design Review, or as a sign permit application that is not part of a larger project.
 2. **Design Review.** Design Review shall be required for:
 - a. Master sign plans in compliance with the findings required in Subsection E. (Findings for approval);
 - b. Sign permit applications proposing signs over 20 square feet in area, or proposing a sign that will increase the total sign area on a site to over 20 square feet; and
 - c. All signs for nonresidential uses in residential zoning districts, except signs for home occupations of two square feet maximum.
 - d. All signs located in Neighborhood Conservation Areas or on historic structures or sites.
 3. **Conditions of approval.** The review authority may require conditions of approval that it determines are necessary to achieve the purpose, intent, and objectives of this Chapter.
- C. Sign permit procedures.**
1. **Application requirements.** An application for a sign permit shall be prepared, filed, and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing).
 2. **Application contents.** Each application shall include all of the following:
 - a. A site plan and building elevations, drawn to scale or photographed, accurately showing the proposed location of each sign in relation to other signs on the site and building, including each existing and proposed sign of any type, whether or not requiring a permit;
 - b. Plans for the sign, drawn to scale, accurately detailing the design and proposed appearance of the sign, including mounting and lighting details;

- c. A complete color scheme for the sign;
 - d. Sufficient other details of the proposed sign to show that it complies with the provisions of this Chapter;
 - e. Written permission from the property owner for the placement of the proposed sign on the site;
 - f. Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the parcel; and
 - g. Other information as required by the Department.
- D. Master sign plans.** In order to achieve variety and to encourage good design, exceptions to the design requirements of this section may be permitted by the Historic and Design Review Commission, subject to a Master Sign Plan. Such exemptions may include, but are not limited to: height, area, location or illumination. In no case shall a sign prohibited in this Chapter be permitted, nor shall an exception be allowed that is detrimental to the health and safety of the community. The Master Sign Plan is intended to serve special and unique needs as listed below and is not an exemption or variance from the regulations of this Article. Subsequent sign applications meeting the approved Master Sign Plan design standards may exempt the property owner from Design Review.
- 1. A Master Sign Plan is an option for a parcel or parcels that meets one of the following conditions:
 - a. A non-residential project with two or more tenants;
 - b. One main building 10,000 square feet or greater in size;
 - c. Parcels one acre or greater in size;
 - d. Theater, auditoriums and other places of public assembly;
 - e. Parcels with frontage on more than one street or alley; or
 - f. A parcel that contains a non-conforming sign that has been involuntarily damaged to more than 50 percent of the replacement cost of the sign.
 - 2. A Master Sign Plan shall include all the information and materials required by Subsection C.2 (Application contents), and shall provide design standards for the style, construction, height, size, illumination, and placement of signs within the proposed project.
- E. Findings for approval.** The approval of a sign permit or master sign plan shall require that the review authority first make the following findings, as applicable.
- 1. **Sign permit findings.** The proposed sign complies with the standards of 9.38.070 through 9.38.090, and is in substantial conformance with the design criteria in Subsection 9.38.070.E (Design criteria for signs).
 - 2. **Master sign plan findings.** Each proposed sign complies with the finding required for sign permit approval in Subsection E.1 with exceptions provided in Section 9.38.050.
- F. Expiration and extension of sign permit or approval.**

1. Sign permit and sign plan approval shall expire 12 months from the date of approval unless the sign has been erected or a different expiration date is stipulated at the time of approval. Before the expiration of a sign permit, the applicant may apply to the Department for an extension of an additional 12 months from the original date of expiration. The Director may make minor modifications, or may deny further extensions of the approved sign at the time of extension.
 2. The expiration date of the sign permit or sign plan shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits.
- G. Security for removal.** A Building Permit application for a sign shall include either a financial security for \$500 to cover the cost of removal of an existing nonconforming sign on the site, or a signed waiver of the applicant's right to receive a Certificate of Occupancy until compliance with all City sign requirements. No Building Permit for a sign shall be issued for which a financial security or waiver is required until the bond is posted or the waiver is signed by the property owner. If a bond is posted, the bond shall be released upon compliance with all applicable City sign requirements. All existing signs shall be brought into compliance within 30 days of site occupancy.

9.38.050 - Exemptions from Sign Permit Requirements

The following signs are allowed without sign permit or master sign plan approval, provided that they comply with Section 9.38.070 (General Requirements for All Signs), and any required Building Permit is obtained.

A. Nonstructural modifications and maintenance.

1. Modifications to sign copy on signs, or changes to the face or copy of changeable copy signs;
2. Nonstructural modifications of the face or copy of an existing sign installed in compliance with a sign plan; provided, the modifications are consistent with the approved master sign plan;
3. The normal maintenance of signs, except as identified in Subsection 9.38.100.B (Maintenance and changes); and
4. Maintenance and modification of nonconforming sign up to 50% of its replacement cost.

B. Temporary signs. The following temporary signs are allowed without a sign permit.

1. **Real estate signs.** Real estate signs are allowed without a sign permit in compliance with California Civil Code Section 713, subject to the following requirements.
 - a. **Commercial and industrial zones.** A site within a commercial or industrial zone established by Article 2 (Zoning Districts and Allowable Land Uses) shall be allowed one real estate sign of no more than six square feet, with a maximum height for freestanding signs of six feet, for each parcel frontage.
 - b. **Residential zones.** A site within a residential zoning district is allowed the following real estate signs.
 - (1) **On-site signs.** One residential real estate sign not more than six square feet in area, advertising the sale or lease of a parcel or structure, may be located on the property it advertises.
 - (2) **Off-site directional signs.** Off-site real estate directional signs not more than six square feet in area may be located on private property, provided

that they do not obstruct or impede pedestrian or vehicular traffic, and are not secured to prevent removal. No real estate sign shall be permitted within the public right-of-way.

2. **Political, social issue or special event signs.** These non-illuminated signs are allowed without a sign permit and shall not be prohibited by any other development restrictions (i.e. CC&R's), provided that the signs:
 - a. Are placed on private property with the property owner's consent;
 - b. Shall not exceed a total aggregate area of 12 square feet on a site within a residential zoning district, and 32 square feet within a nonresidential zoning district;
 - c. Are not placed within 15 feet of a fire hydrant, street sign, or traffic signal, or interfere with, confuse, obstruct, or mislead traffic;
 - d. Are not placed unlawfully. The placement of a sign in a public right-of-way in violation of this Chapter or any other provision of the Municipal Code is a nuisance, and any sign so placed may be removed summarily and disposed of by the City; and
 - e. Political and special event signs are placed no more than 60 days prior to the event and are removed within 10 days after the conclusion of the political campaign or event to which they relate. A sign that is not removed will be removed by the City at the expense of the political candidate or organization involved.

3. **Construction Signs.** Construction identification signs may be allowed in all zoning districts from the date of Building Permit issuance to 90 days after the Building Permit Final Inspection, and in compliance with the following standards:
 - a. Signs are non-illuminated;
 - b. The total sign area of all constructions sign shall not exceed 32 square feet; and
 - c. Sign height shall not exceed six feet.

4. **Window signs.** A sign posted, painted, placed, or affixed in or on a window exposed to public view for a period not exceeding 60 days. Window signs include an interior sign which faces a window exposed to public view and is located within three feet of the window.

5. **Banners and pennants.** The use of a banner or pennants may be allowed for a licensed business for a period not to exceed 30 days per year. See Subsection 9.38.090(F)(1) for banners and pennants exceeding 30 days per year.

- C. **Governmental signs.** Signs installed by a Federal, State, or regional governmental agency, the City, County, or local agency, including the following signs:
 1. Emergency and warning signs necessary for public safety or civil defense;
 2. Traffic control and directional signs, and street name erected and maintained by an authorized public agency;
 3. Legal notices, licenses, permits, and other signs required to be displayed by law;
 4. Signs showing the location of public facilities (e.g., civic buildings and facilities, public telephones,

restrooms, and underground utilities).

5. Any sign, posting, public notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare.

D. Other signs.

1. **Street addresses.** Street address numbers not exceeding 12 inches in height located in non-residentially zoned parcels, and not exceeding 6 inches in height for residentially zoned parcels.
2. **Official flags.** Flags of national, State, or local governments, fraternal, or public service agencies, provided that:
 - a. The length of the flag shall not exceed one-third the height of the flag pole;
 - b. The height of the flag pole shall not exceed 15 feet within a residential zoning district, and 30 feet within a nonresidential zoning district; and
 - c. No private flag pole shall be located within a public right-of-way or required setback.
3. **Ball Field advertising signs.** Allowed for non-profit or governmental use. The signs shall not be visible from a street right-of-way.
4. **Historical markers.** Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones, provided that none of these exceed four square feet.
5. **Parking lot signs.** Signs identifying accessible parking spaces, tenant parking, customer parking only, etc., and/or noting that unauthorized vehicles may be towed, provided that each sign does not exceed two square feet in area.
6. **Service station price signs.** Service station price signs no larger than the minimum required by State law.
7. **Time and temperature signs, barber poles.** Time and temperature displays, and barber poles that do not exceed 10 square feet in area; and
8. **Window signs.** Window signs not greater than two square feet (aggregate) per use.
9. **Portable sidewalk signs.** Signs meeting the following standards:
 - a. Maximum size of 24 square feet or less;
 - b. No unusual hazards to the users of the sidewalks exist; and
 - c. Located on-site.

9.38.060 - Prohibited Signs

All signs not expressly allowed by this Chapter shall be prohibited. Examples of prohibited signs include the following:

- A. Abandoned signs;

- B. Animated and moving signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, the use of flame as illumination or as a design feature, or signs that emit a varying intensity of light or color;
- C. Internally illuminated plastic faced cabinet (can) signs except as expressly provided in Subsection 9.38.090.C;
- D. Off-site signs (e.g., billboards), except as allowed by Subsection 9.38.090.G (Off-site directional signs) and Subsection 9.38.030D (Master Sign Plan) for a multi-parcel tract of land in which the signage is not necessarily on the same premise as the business;
- E. Obscene signs (see definition under "Sign" in Article 10);
- F. Because of the City's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic;
- G. A sign in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except as approved by the review authority, or as required for safety and convenience and for control of on-site vehicle and pedestrian traffic;
- H. A vehicle sign including a sign attached to or suspended from a boat, vehicle, or other movable object that is parked within a public right-of-way, or located on private property but visible from a public right-of-way; except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of a vehicle;
- I. A sign burned, cut, or otherwise marked on or affixed to a rock, tree, or other natural feature;
- J. A sign placed within a public right-of-way, except as provided by Subsection 9.38.070.D;

9.38.070 - General Requirements for All Signs

- A. **Sign area measurement.** The measurement of sign area to determine compliance with the sign area limitations of this Chapter shall occur as follows.
 - 1. **Surface area.** The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 3-8.

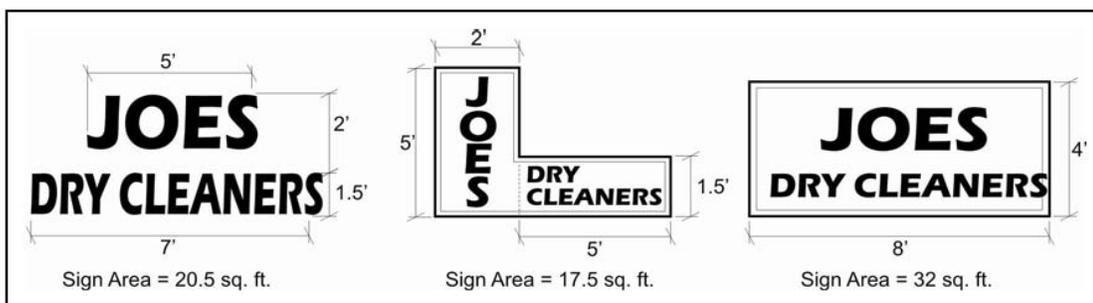


Figure 3-8 - Sign Area Measurement

- 2. **Sign structure.** Supporting bracing or framework that is clearly incidental to the display itself

shall not be computed as sign area.

3. **Multi-faced signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
4. **Three-dimensional objects.** Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Figure 3-9.

5. **Sign lighting.** Permanently installed illuminated panels, visible tubing, and strings of lights outlining all or a portion of a structure, other than lighting that is primarily for indirectly illuminating architectural features, signs, or landscaping, shall be deemed "signs" subject to this Chapter and shall be counted as part of the allowed sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least six inches for the purpose of area calculation.

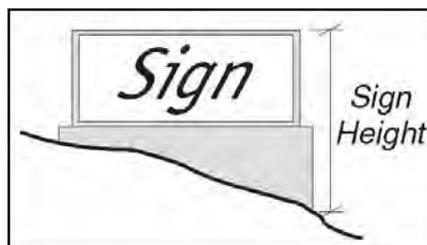


Figure 3-9 - 3-D Sign Measurement

- B. **Sign height measurement and limit.** The height of a sign shall be computed as the vertical distance from the lowest point of the base of the sign at normal grade, to the top of the highest attached component of the sign (see Figure 3-10). Sign height shall not exceed the limit established for the applicable zoning district by Section 9.38.080 (Sign Standards by Zone), or as required for a specific sign type by Section 9.38.090 (Standards for Specific Sign Types).

1. **Grade.** Normal grade shall be construed to be the lower of either the:
 - a. Existing grade before construction; or
 - b. Newly established grade after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of locating the sign.

2. **Where normal grade cannot be determined.** If normal grade cannot reasonably be determined, sign height shall be computed on the assumptions that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the street curb, or where there is no curb, the crown of a public street, whichever is lower.

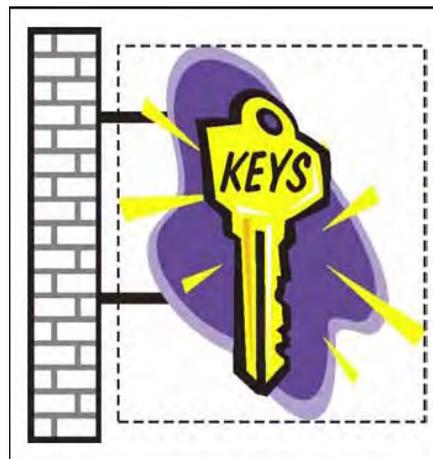


Figure 3-10 – Sign Height Measurement

- C. **Sign location requirements.** Each sign shall be located in compliance with the following requirements, and all other applicable provisions of this Chapter.

1. Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed in Section 9.38.050 (Exemptions from Sign Permit Requirements).

2. Each sign shall be located in compliance with the setback requirements of the applicable zoning district, except where a different requirement is established by Section 9.38.080 (Sign Standards by Zone) or Section 9.38.090 (Standards for Specific Sign Types).
3. No sign shall project over public property, or the public right-of-way, except where the City has granted an encroachment permit in addition to a sign permit.
4. No sign shall be placed such that it will interfere with the operation of, or obscure any part of a door or window, or other building design element including a cornice or other decorative detail.
5. No sign shall be placed where the sign will interfere with pedestrian or vehicular visibility or safety.
6. No sign shall be placed on a roof.

D. Signs placed within the public right-of-way.

1. No sign shall be allowed in the public right-of-way except for:
 - a. Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic;
 - b. Bus stop signs installed by a public transit company;
 - c. Informational signs of a public utility regarding lines, pipes, poles, or other facilities; or
 - d. Emergency warning signs installed by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way.
2. Any sign installed or placed within the public right-of-way other than in compliance with this Section shall be forfeited to the public and be subject to confiscation.
3. In addition to other remedies identified in Chapter 9.96 (Enforcement and Penalties), the City shall have the right to recover from the owner, or person placing the sign, the full costs related to the removal and disposal of the sign.

E. Design criteria for signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or Building Permit can be approved.

1. **Color.** Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be used if the overall effect of the sign is still compatible with the structure colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).
2. **Design and construction.**
 - a. A proposed permanent sign should be designed by a professional (e.g., architect, building designer, landscape architect, interior designer, or one whose principal business is the design, manufacture, or sale of signs), or others who are capable of producing professional results.

- b. Each permanent sign should be constructed by a person whose principal business is building construction or a related trade including sign manufacturing and installation, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability, to reduce maintenance costs and to prevent dilapidation.

3. Materials and structure.

- a. Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
- b. The size of the structural members (e.g. columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.

F. Copy design guidelines. The City does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

- 1. Sign copy should relate only to the name and/or nature of the business or commercial center.
- 2. Permanent signs that advertise continuous sales, special prices, make claims, or include phone numbers, etc. should be avoided.
- 3. Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.

G. Sign lighting. Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties.

- 1. Internally illuminated, plastic faced cabinet (can) signs are prohibited except as expressly provided in Subsection 9.38.090.C.
- 2. External light sources shall be directed and shielded so that they do not produce glare on any object other than the sign, and/or off the site of the sign. Reflective-type bulbs that exceed 15 watts shall not be used so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property.
- 3. The light illuminating a sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties.
- 4. Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
- 5. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
- 6. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
- 7. Light sources should utilize hard-wired fluorescent, LED, or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps shall be prohibited.

H. Sign maintenance.

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
2. Any repair to a sign shall be of equal or better quality of materials and design as the original sign.
3. A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance, and may be abated in compliance with the Municipal Code.
4. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed, and unpainted areas shall be painted to match the adjacent portion of the structure or the sign support structure.

9.38.080 - Sign Standards by Zone

Each sign shall comply with the sign type, area, height, and other restrictions provided by Table 3-10, except as otherwise expressly provided in Subsection 9.38.030 D (Master Sign Plans), Section 9.38.50 (Exemptions from Sign Permit Requirements), or Section 9.38.90 (Standards for Specific Sign Types).

Table 3-10 - Sign Standards For Residential, Agricultural, and Resource Zones

Zone District	Land Use Activity	Allowed Sign Type	Maximum Sign Height	Maximum Sign Area Allowed
Residential, Agricultural, and Resources Zones	Single-Family, Secondary Dwelling Units, or Duplexes	Wall	Below edge of roof	8 square feet per parcel
	Multi-Family Projects and Structures, Non-Residential Uses	Wall or freestanding	Wall sign: below roof edge; Freestanding: 8 feet	20 square feet per parcel
Commercial, Industrial, or Public Facility Zones	Permitted and Conditionally Permitted Uses	See Section 9.38.090 (Standards for Specific Types of Signs)		20 square feet per business. Total sign area allowed per parcel shall not exceed 100 square feet.

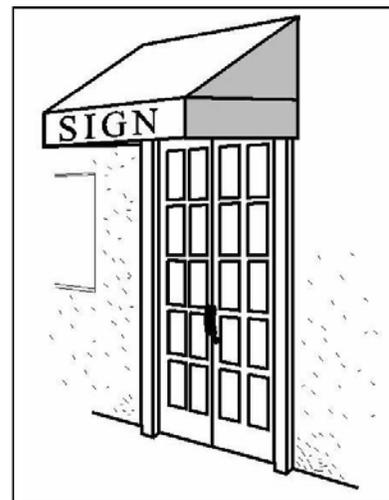


Figure 3-12 - Awning Sign

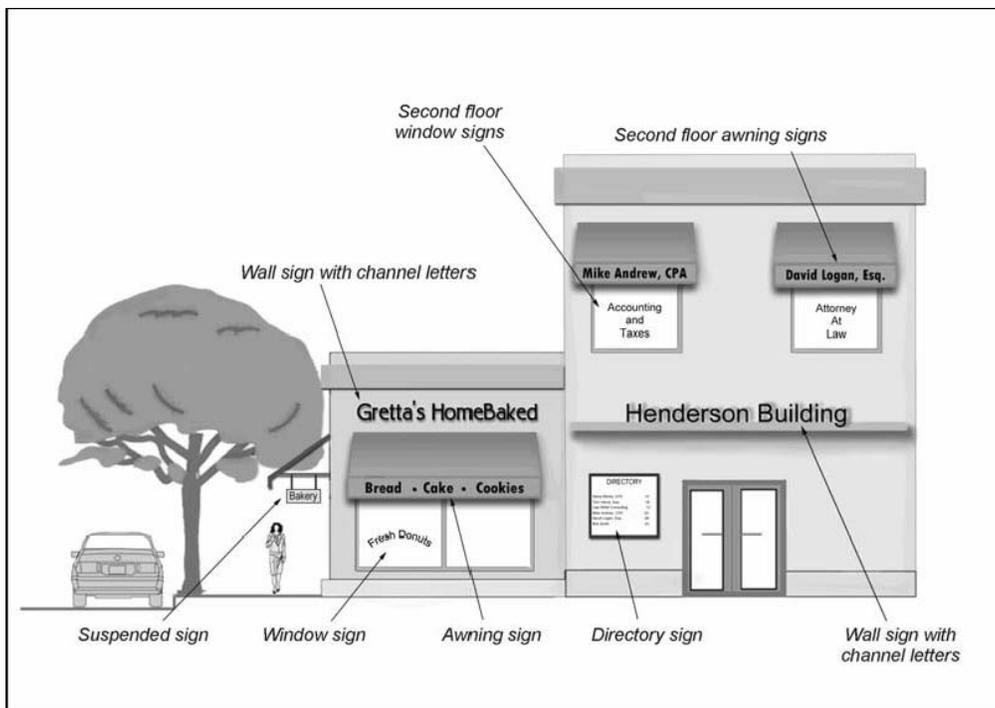


Figure 3-11 - Examples of Sign Types

9.38.090 - Standards for Specific Sign Types

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in this Section shall be included in the calculation of the total sign area allowed on a parcel by Section 9.38.080 (Sign Standards by Zone), unless this Section explicitly provides otherwise. Each sign shall also comply with the sign area, height, and other requirements of Section 9.38.080, and all other applicable provisions of this Chapter.

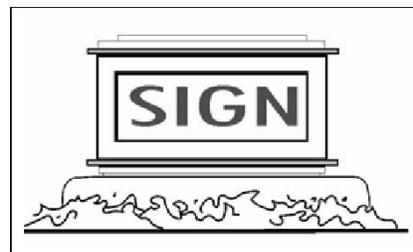


Figure 3-13 - Freestanding Sign

- A. **Awning signs.** Signs on awnings are limited to ground level or second story occupancies only.
- B. **Freestanding signs.** The following standards apply to freestanding signs in all zoning districts where allowed by Section 9.38.080 (Sign Standards by Zone).
 - 1. **Location requirements.** A freestanding sign may be located within a required front or street side setback provided that it complies with the vision clearance area requirements of Subsection 9.30.040.E (Height Limit at street corners), and the height limit requirements of Subsection B.2.
 - 2. **Height limit.** A freestanding sign shall not exceed a height of 10 feet if placed within 10 feet of a front or street side property line, 15 feet in the remaining area of the lot.
- C. **Freeway-oriented signs.** A sign designed to be read from Highway 101 and/or Highway 299 may be approved in compliance with the following requirements.

1. **Permit requirement.** Use Permit approval is required for a freeway-oriented sign.
2. **Where allowed.** Use Permit approval may allow a freeway-oriented sign only within the CV zoning districts, on a parcel within 500 feet of the right-of-way of Highway 101 and/or Highway 299. Internally illuminated plastic faced cabinet (can) signs may be allowed for businesses/uses (as defined by Subsection 9.26.020.D) that primarily serve the traveling public.
3. **Required findings.** The approval of a Use Permit for a freeway-oriented sign shall require that the Commission first find that the use or site cannot be adequately identified by other signs allowed within the applicable zoning district, in addition to the other findings required for Use Permit approval by Section 9.72.080.

D. **Murals.** A mural placed on the wall of a structure may be allowed in any commercial or industrial zoning district subject to Minor Use Permit, and as follows.

1. A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the sign area allowed by Section 9.38.080 (Sign Standards by Zone); a mural with text shall comply with the sign area limitations applicable to the site.



Figure 3-14 - Projecting Sign

2. The approval of a mural shall require that the review authority first find that the size, colors, and placement of the mural are visually compatible with the structure architecture, and that the mural will serve to enhance the aesthetics of the City.

E. **Projecting signs.** The following standards apply to projecting signs in all zoning districts where allowed by Section 9.38.080 (Sign Standards by Zone).



Figure 3-15 – Use of Icons/Symbols

1. The maximum projection of a sign from a structure wall over a public right-of-way shall not exceed 36 inches over a sidewalk. Larger projections from the structure wall over private property may be approved by the review authority. Any projection over a public right-of way shall require an Encroachment Permit.
2. The top of a projecting sign shall not exceed the lesser of 14 feet, eave height, parapet height, or sill height of a second floor window. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
3. A projecting sign shall maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade below.
4. Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged. See Figure 3-15.

5. Each sign shall have a maximum area of nine square feet on each sign face, regardless of the length of the building frontage.
6. Sign supports shall be well-designed and compatible with the design of the sign and building.

F. Temporary signs. Temporary signs are allowed subject to the following requirements.

1. **Banners and pennants.** Temporary banners and pennants on private property shall comply with the following requirements.
 - a. The use of a banner or pennants may be allowed only for a licensed business for a period between 31 to 120 days with a temporary sign permit. See Subsection 9.38.050(B)(5) for an exemption.
 - b. The application for a temporary sign permit for banners or pennants shall include the dates proposed by the applicant for scheduled banner use.
 - c. A financial security shall be posted for a banner permit as required by the Director. The financial security may be revoked if the temporary banners are not removed within two days following their scheduled use.
2. **Subdivision directional signs, off-site.** Off-site signs providing directions to a new subdivision may be allowed with sign permit approval, and shall comply with the following standards:
 - a. A maximum of two off-site signs may be located on private property (not within any public right-of-way).
 - b. The total area of each sign shall not exceed 12 square feet;
 - c. The height of each sign shall not exceed six feet;
 - d. The signs shall not be illuminated;
 - e. The signs may be displayed only during the first year following date of recordation of the final map, or until all of the units have been sold, whichever first occurs; and
 - f. The signs shall not affect pedestrian or vehicular safety.
3. **Subdivision signs, on-site.** On-site subdivision identification signs may be allowed with sign permit approval, in compliance with the following standards:
 - a. A maximum of two on-site signs may be located within the project boundaries; provided, no more than one sign for each street frontage is allowed, and multiple signs shall be separated by a minimum of 75 feet.
 - b. The area of each sign shall not exceed 24 square feet;
 - c. Sign height shall not exceed six feet;
 - d. The signs shall not be illuminated; and

- e. The signs may be displayed only during the first year following date of recordation of the final map, or until all of the units have been sold, whichever first occurs.

G. Off-site directional signs. Off-site directional signs are discouraged; however they may be allowed in compliance with the requirements of this Subsection, and subject to the approval of a sign permit.

- 1. **Where allowed.** A directional sign may be approved only for sites where the review authority determines that a property owner has considered all permanent signs allowed by this Chapter, and site visibility still remains seriously impaired.
- 2. **Sign standards.** An approved directional sign shall comply with all the following requirements, the other standards of this Section for the type of sign being proposed (e.g., freestanding, projecting, wall, etc.), and the sign standards for the applicable zoning district in Section 9.38.080 (Sign Standards by Zone).

- a. **Number, size, and height limitations.** Only three off-site directional signs, and limited to one per street, shall be allowed. The sign shall not exceed an area of three square feet and not exceed six feet in height.
- b. **Placement and content requirements.** The sign shall be placed only on private non-residential property, at the location specified by the sign permit. The sign content shall be limited to business name and directional arrow.



Figure 3-16 - Wall Sign

H. Wall signs. Wall signs are allowed in all zoning districts where listed by Section 9.38.080 (Sign Standards by Zone). A wall sign shall not project more than 12 inches from the surface to which it is attached.

I. Window signs. The following standards apply to permanent window signs where allowed by Section 9.38.080 (Sign Standards by Zone).

- 1. **Maximum sign area.** Permanent window signs shall not occupy more than 20 percent of the total elevation window area in which it is located.
- 2. **Sign materials.** Signs shall consist of individual letters, logos, or symbols applied to, stenciled on, painted, or etched into the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass.

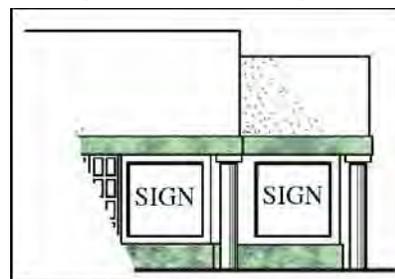


Figure 3-17 - Window Sign

9.38.100 - Nonconforming Signs

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Land Use Code.

A. General requirements. A nonconforming sign shall not be:

- 1. Changed to another nonconforming sign with a greater degree of nonconformity;

2. Structurally altered to a greater degree of nonconformity;
 3. Enlarged;
 4. Re-established after a business is discontinued for 120 days; or
 5. Re-established after damage or destruction to more than 50 percent of the replacement cost of the sign, or its components, as determined by the Building Official unless it is approved through a Master Sign Plan (see Sections 9.38.030 and 9.90.030).
- B. Maintenance and changes.** Nonstructural modifications and nonstructural maintenance (e.g., painting, rust removal) are allowed without a sign permit. Face changes and structural changes shall not exceed 50 percent of the replacement cost of the sign.

9.38.110 - Amortization

- A. Schedule for correction or removal.** Each sign that does not comply with the requirements of this Chapter shall be corrected or removed in compliance with the following schedule:
1. Immediately upon notification, each hazardous, abandoned, or dilapidated sign shall be corrected or removed.
 2. Each nonconforming sign shall be removed, replaced, or altered in compliance with this Chapter and with Section 9.90.030 (Nonconforming Structures) of this Land Use Code.
- B. Abatement and removal.** If a sign is declared hazardous, dilapidated, or abandoned, the sign shall be abated in compliance with Municipal Code Section 5500 (Abatement of Nuisances), except that, in the case of a hazardous sign, the sign is considered a "structure" with respect to the "Uniform Code for the Abatement of Dangerous Buildings" and shall be abated in compliance with that code.

9.38.120 - Judicial Review

Any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.8 et seq.

ARTICLE 4

Standards for Specific Land Uses

NOTE: CHAPTER 9.40, SECTIONS 9.42.020 THROUGH 9.42050, 9.42.070 THROUGH 9.42.164, AND 9.42.180 OF CHAPTER 9.42 ARE IS NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

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CHAPTER 9.40 - SEX-ORIENTED BUSINESS REGULATIONS

NOTE: CHAPTER 9.40 IS NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

Sections:

- 9.40.010 - Purpose
- 9.40.020 - Permit Requirements
- 9.40.030 - Specific Regulations

9.40.010 - Purpose

The Council finds that sex-oriented businesses have objectionable operational characteristics and effects on adjacent areas, particularly when located in close proximity to each other, located in the vicinity of facilities frequented by minors, and when located in close proximity to residentially zoned property and other incompatible uses. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of these regulations is to preserve the public health, safety and welfare of the citizenry.

9.40.020 - Permit Requirements

Sex-oriented businesses may be established only in those zoning districts listed in Table 2-10, "Allowed Land Uses and Permit Requirements for Commercial, Industrial, and Public Facility Zoning Districts." Sex-oriented businesses shall only be allowed with an approved Use Permit in conformance with Section 9.72.080 (Use Permit and Minor Use Permit).

9.40.030 - Specific Regulations

The following specific regulations apply to sex-oriented businesses.

- A. **Specified distance separation requirements.** Notwithstanding Section 9.40.020, no sex-oriented business shall be established or located:
 - 1. Within a 300-foot radius from any existing residential zoning district;
 - 2. Within 500 feet of any other sex-oriented business as defined in the glossary which is located either inside or outside the jurisdiction of the City; or
 - 3. Within 500 feet from any existing park, playground, religious facility, or school.

The distance between a proposed sex-oriented business use and each of the facilities or areas specified in 1 through 3 above shall be measured from property line to property line.
- B. **No outside display.** Sex-oriented businesses shall not display or exhibit any material depicting specified anatomical areas or specified sexual activities in a manner which exposes the material to the view of persons outside the building in which the sex-oriented business is located.
- C. **No parking lot loitering or alcoholic beverage consumption.** No loitering or consumption of alcoholic beverages shall be allowed in sex-oriented entertainment businesses parking lots. Parking lots shall contain signage stating that loitering and consumption of alcoholic beverages are prohibited in parking lots.

CHAPTER 9.42 -STANDARDS FOR SPECIFIC LAND USES

NOTE: SECTIONS 9.42.020 THROUGH 9.42050, 9.42.070 THROUGH 9.42.164, AND 9.42.180 OF CHAPTER 9.42 ARE NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

Sections:

- 9.42.010 - Purpose and Applicability
- 9.42.020 - Accessory Retail and Service Uses
- 9.42.030 - Accessory Structures
- 9.42.040 - Accessory Uses
- 9.42.050 - Animal Keeping
- 9.42.060 - Bed and Breakfast Inns (B&Bs)
- 9.42.070 - Child Day Care Facilities
- 9.42.080 - Drive-Through Facilities
- 9.42.090 - Home Occupations
- 9.42.100 - Live/Work Units
- 9.42.110 - Mixed Use Projects
- 9.42.120 - Mobile Homes and Mobile Home
- 9.42.130 - Multi-Family and Small Lot Single-Family Projects
- 9.42.140 - Outdoor Retail Displays and Sales
- 9.42.150 - Outdoor Storage
- 9.42.160 - Recycling Facilities
- 9.42.164 - Formula Restaurants
- 9.42.170 - Second Units
- 9.42.180 - Service Stations
- 9.42.190 - Windmills for Electricity Generation

9.42.010 - Purpose and Applicability

- A. **Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) within individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.
- B. **Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Land Use Code.
 - 1. Where allowed. The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zoning Districts and Allowable Land Uses).
 - 2. Planning permit requirements. The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this Chapter for a specific use.
 - 3. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zoning Districts and Allowable Land Uses) and 3 (Site Planning and Project Design Standards).
 - a. The applicability of the standards in this Chapter to the specific land uses listed is

determined by Article 2 (Zoning Districts and Allowable Land Uses).

- b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 or 3, the requirements of this Chapter shall control.

9.42.020 - Accessory Retail and Service Uses

This Section provides standards for specific ail sales and service uses, including restaurants, pharmacies, and the sale of retail merchandise, accessory to a primary commercial, industrial, or institutional use, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **General standard.** There shall be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, windows with merchandise visible from adjoining streets, etc.), nor access to any space used for the accessory retail or service use other than from within the primary structure.
- B. **Review and approval requirements.** Accessory retail and service uses require Design Review in compliance with Section 9.72.040. In order to approve an accessory retail or service use, the review authority shall first find that there will be no adverse effects on adjacent existing or potential residential uses from excessive traffic, noise or other effects of the accessory use.

9.42.030 - Accessory Structures

The following standards apply to accessory structures, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Relationship to primary use.** An accessory structure shall be incidental in function and scale to the primary structures on the site, and shall not alter the character of the primary structures or use.
- B. **Timing of installation.** An accessory structure shall only be constructed concurrent with or after the construction of a primary structure on the same site, unless construction in advance of a primary structure is authorized by a Minor Use Permit.
- C. **Attached structures.** An accessory structure attached to the primary structure shall comply with all zoning district requirements applicable to the primary structure, including setback requirements and height limits.
- D. **Detached structures.** An accessory structure that is detached from the primary structure shall comply with the following standards, except where this Section establishes a different requirement for a specific type of accessory structure.
 1. **Setback requirements.** Each detached accessory structure shall comply with the setback requirements of the applicable zoning district, except that:
 - a. An accessory structure not exceeding eight feet in height or a floor area of 200 square feet may be located with side or rear setbacks of at least three feet, if the structure is located on the rear half of the lot and has a wall with no openings facing the side and rear property lines; except that where the rear property line abuts an alley, the structure shall be set back a minimum of 15 feet from the center line of the alley or five feet from the property line, whichever is greater; and
 - b. An agricultural accessory structure not used for animal keeping in other than the AE or

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AR zones shall be located on the rear half of its lot, shall be set back a minimum of 10 feet from side and rear lot lines, and no closer than 10 feet from any residential structure on another lot. See Section 9.42.050 (Animal Keeping) for setback requirements for animal keeping structures.

2. **Height limits.** An accessory structure shall comply with the height limits of the applicable zoning district, except where this Section establishes different requirements for a specific type of structure.
3. **Separation between structures.** An accessory structure shall maintain at least a six-foot separation from other accessory structures and the primary structure unless the Building Official determines otherwise (see definition for "Accessory Structure" and related definitions).

9.42.040 - Accessory Uses

In addition to the uses expressly permitted in each zoning district by Article 2 (Zoning Districts and Allowable Land Uses), the following accessory uses are also permitted in compliance with this Section. See also Section 9.42.020 (Accessory Retail and Service Uses).

- A. **Administrative office.** The administrative office for an approved primary use on the same lot.
- B. **Parking.** Off-street parking and loading serving a primary use, located, designed, and constructed in compliance with Chapter 9.36 (Parking and Loading), but only if the parking is reserved for the residents, employees, patrons, or other persons participating in the primary activity on the site.
- C. **Production of goods.** The production of goods for sale by a firm engaged in an approved primary commercial use on the same lot, if:
 1. All goods produced are sold at retail by the same firm either on the same or other lots; and
 2. Production does not occupy more than 50 percent of the total floor area and open sales, display, storage, and service area occupied by the firm on the lot, or more than 3,000 square feet, whichever is less.
- D. **Sales.** Wholesale or retail sales to a buyer's custom order, of goods produced by an approved primary industrial use on the same lot.
- E. **Storage.** The storage of goods sold by an approved primary commercial use on the same lot, or used in or produced by an approved primary industrial use on the same lot.

9.42.050 - Animal Keeping

Animal keeping within the City shall comply with requirements of this Section, and shall occur only where allowed by Article 2 (Zoning Districts and Allowable Land Uses), and this Section.

- A. **Applicability.** These regulations are intended to regulate the keeping of animals other than domestic household pets, limiting the number and type of animals on a site in reasonable relationship to the lot sizes and residential densities of the applicable zoning districts, to ensure that animal keeping does not create adverse impacts on adjacent properties by reason of dust, insect infestations, noise, odor, or visual blight.

B. Allowable animal keeping activities and permit requirements.

1. **Activities and permit requirements.** Animal keeping, including related animal husbandry activities (breeding, etc.) is allowed only in compliance with the limitations on use and permit requirements in Table 4-1, and the animal keeping standards in Subsection C. The keeping of imported animals may require approval by the U.S. Department of Agriculture Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or the California Department of Food and Agriculture, in addition to any City approval required by this Section.

Table 4-1 - Allowable Animal Keeping and Permit Requirements

Type of Animal	Requirement by Zoning District				
	AE, AE-CZ, NR	AR, RVL	RL	RM, RH, CC, CG, & CM	Other Non-Commercial, Non-Residential Zones
Aviary for birds other than fowl or poultry	P	P	P	P	MUP
Beekeeping	P	P	—	—	MUP
Boarding or breeding kennels	P	MUP	—	—	MUP
Fowl and poultry, except roosters over 6 months of age	P	P	P	—	MUP
Hogs and swine	P	P	—	—	MUP
Horses and cows	P	P	—	—	MUP
Household pets	P	P	P	P	P
Roosters over 6 months of age	P	—	—	—	MUP
Other large animals (defined in Table 4-2)	P	P	—	—	MUP
Other small animals (defined in Table 4-2)	P	P	P	—	MUP
Medium sized animals	P	P	P	—	MUP

Key to permit requirements:

P	Permitted animal keeping, no City approval required for the animal keeping activity, provided that it complies with the standards in Subsections C. and D.
MUP	Minor Use Permit approval required in compliance with Section 9.72.080
—	Type of animal or activity not allowed.

2. **Minor Use Permit review.** Where Table 4-1 requires a Minor Use Permit for keeping a specified animal type, the purpose of the discretionary review shall include evaluation of how the proposed animals will be housed and/or confined, and whether the location, size, and design of the area on the site for animal keeping will be adequate to allow compliance with the other

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standards of this Section without unreasonable effort on the part of the animal manager. In approving a Minor Use Permit in compliance with this Section, the review authority may limit the maximum number of animals allowed on the site as appropriate to the characteristics of the site, the surrounding land uses, and the species of animals proposed.

- C. **Animal keeping standards.** Animal keeping within the ~~AR~~, RVL, and RL zones shall comply with the standards in Table 4-2, where allowed by Subsection B., Table 4-1. Animal keeping within the ~~AE~~, AE-CZ, and NR zones shall comply with the setback requirements of this Subsection, but is otherwise not regulated by this Section. Modifications to these standards may be granted by Minor Use Permit.

Table 4-2 - Animal Keeping Standards

Type of Animal or Facility	Maximum Number of Animals per Site (1)	Minimum Lot Area (2)	Minimum setback from Dwellings (3)
Aviary for birds other than fowl and poultry	1 per 500 sf of lot area		25 ft
Beekeeping	1 hive in per 10,000 sf of lot area in RVL, no limit in other allowed zones	½ acre in RVL 2 ½ acres in AR	25 ft
Fowl and poultry	1 per 500 sf of lot area		25 ft
Hogs and swine	4 per acre	½ acre in RVL 2 ½ acres in AR	25 ft
Horses and cows	4 per acre	½ acre in RVL 2 ½ acres in AR	25 ft
Other small animals - Including chinchillas, rabbits, non-poisonous reptiles, rodents, and other non-poisonous small animals.	No limitation when maintained within a dwelling as a household pet; 1 per 500 sf of lot area otherwise.		25 ft
Other medium animals - Pigmy goats, pot belly pigs, and miniature horses.	12 per acre		25 ft
Other large animals -Emus, goats, llamas, donkeys, ostriches, sheep, and similar sized animals.	8 per acre	½ acre in RVL 2 ½ acres in AR	25 ft

Notes:

- (1) Offspring allowed in addition to maximum number until six months of age, but not exceeding three times the number of adult animals.
- (2) Minimum gross lot area required for the keeping of animals.
- (3) Minimum setbacks from any door or window of any neighboring residential structure for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in the AE zone in pasture areas.

- D. **Maintenance and operational standards.** All animal keeping shall comply with all of the following maintenance and operational standards.
1. **Odor and vector control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure shall also not be allowed to accumulate within setback areas. Each site shall be maintained in a neat and sanitary manner.
 2. **Containment.** All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
 3. **Waterway protection.** All animal keeping shall adhere to the Best Management Practices as required by the City and as identified in Subsection 9.66.020 D.1.c of this Land Use Code.
 4. **Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel or other waterway. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.
 5. **Noise control.** Animal keeping shall comply with the noise standards established by Section 9.30.050 (Noise Standards).

9.42.060 - Bed and Breakfast Inns (B&Bs)

This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&B), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). The intent of these provisions is to ensure the compatibility between the B&B and nearby residential uses.

- A. **Exterior appearance.** The exterior appearance of an existing structure housing the B&B in ~~an AE, AR or a~~ residential zoning district other than Residential - Very Low Density (RVL) shall not be altered from its residential character except for allowed signs, and any structural modifications necessary to comply with Title 24 of the California Code of Regulations. A new structure for a B&B shall require Design Review in compliance with Section 9.72.040, to ensure that the structure is designed consistent with the residential character of the surrounding neighborhood.
- B. **Limitation on guest rooms.** A B&B in ~~an AE, AR or a~~ residential zoning district other than Residential - Very Low Density (RVL) shall be limited to five guest rooms. A Minor Use Permit shall be required for six or more guest rooms in ~~an AE, AR or a~~ residential zoning district other than Residential - Very Low Density (RVL).
- C. **Limitation on services provided.** Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. A B&B within a residential zoning district shall not be used for receptions, private parties, or similar activities for people other than the lodging guests, unless the activities are specifically authorized by the Use Permit or Minor Use Permit approval for the B&B.
- D. **Off-street parking.** Off-street parking shall be provided at a ratio of one space for each guest room, plus

a parking space for the on-site owner/manager of the B&B pursuant to Section 9.36.040 (Number of Parking Spaces Required). Parking shall not be located in a required front or side setback. Any night lighting for the parking area shall be limited to the minimum number of fixtures and illumination levels necessary for safety, and shall comply with Section 9.30.070 (Outdoor Lighting).

E. Signs. See Chapter 9.38.

9.42.070 - Child Day Care Facilities

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Land Use Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.

B. Definitions. Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under "Day Care."

C. Standards for large family day care homes. As required by Health and Safety Code Sections 1597.46 et seq., a large family day care home shall be approved if it complies with the following standards.

1. Location requirements. In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home, or child day care center. In no case shall a residential lot be directly abutted by a large family day care center on two or more sides.

2. Parking. A large family day care home shall be provided parking and drop-off areas as follows.

a. A minimum of two off-street parking spaces shall be provided in addition to those required by Section 9.36.040 (Number of Parking Spaces Required) for the single-family dwelling. The driveway may be used to provide these spaces, if the driveway is of sufficient length to accommodate the parking of two vehicles without either blocking any sidewalk or other pedestrian access.

b. A home located on a site with no on-street parking immediately in front of the site shall provide two off-street parking spaces for drop-offs in addition to the spaces required by Subsection C.2.a.

c. A home located on a street with a speed limit of 30 miles per hour or greater shall provide two off-street parking spaces for drop-offs in addition to the spaces required by Subsection C.2.a, that are designed to prevent vehicles from backing onto the street (e.g., circular driveway).

3. Outdoor activity areas.

a. Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall adequate to separate the children from neighboring properties.

b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.

4. **Noise.** Noise generated from the large family day care home shall not exceed the standards in Section 9.30.050 (Noise).
5. **Additional standards.** Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

D. Standards for child day care centers.

1. **Fencing.** Design Review shall be required for any proposed fencing. Child care facilities are eligible for a fencing exemption that would allow a five foot in height fence to adjoin a street property line.
2. **Parking and loading.**
 - a. Off-street parking shall be provided as required through the use permit process, but shall be a minimum of one space per employee on the largest shift.
 - b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
3. **Noise.** Potential noise sources shall be identified during the use permit process, and noise attenuation and sound dampening shall be addressed.

9.42.080 - Drive-Through Facilities

This Section establishes standards for the development and operation of drive-through facilities for very limited types of retail or service activities (e.g., ATMs, banks, or pharmacies) where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. General standards.

1. **Design objectives.** Drive-through facilities shall be designed and operated to mitigate problems of congestion, excessive pavement, litter, and noise.
2. **Limitation on location.** Drive-through service windows for restaurants shall be restricted to the Valley West area.

B. On-site circulation standards. A drive-through facility shall be provided internal circulation and traffic control as follows.

1. **Aisle design.**
 - a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
 - b. Drive aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or

drive-through service that is separated from other on-site traffic circulation on the site.

- a. The stacking area shall accommodate a minimum of three cars for each drive-up or drive-through window in addition to the vehicle receiving service.
 - b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).
 - c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
3. **Walkways.** A pedestrian walkway shall not intersect a drive-through aisle queuing area, but a walkway may be placed on the egress side and conforms to ADA requirements.
 4. **Exceptions.** The review authority may approve alternatives to the requirements of Subsections B.1, through B.3 where it first finds that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.
- C. **Signs.** Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

9.42.090 - Home Occupations

The following standards for home occupations are intended to encourage reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Permit requirements.** A home occupation in compliance with this Section shall require a City Business License. A home occupation that does not comply with each applicable requirement of this Section may be authorized by Minor Use Permit, provided that the review authority first makes the following findings, in addition to those required by Section 9.72.080 for Minor Use Permits:
1. The operating characteristics of the business will be such that it will have no significant adverse impact on the owners or occupants of neighboring properties; and
 2. The specific location, building type, orientation, access characteristics or other features of the subject property warrant the approval of the proposed use although it would not typically conform to zoning limitations.

Before receiving a City business license for a home occupation, all applicants shall sign an affidavit attesting that they have read, understand, and will comply with the standards and requirements of this Section, and that they agree to pay for all City costs incurred in the enforcement of these provisions, including attorneys' fees, if they are subsequently found to be operating a business in violation of the Municipal Code or other City ordinance.

- B. **Limitations on use.** The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.
1. **Uses allowed as home occupations.** The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.

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- a. Art and craft work (ceramics, painting, photography, sculpture, etc.);
 - b. Tailors, sewing;
 - c. Office-only uses, including an office for an architect, attorney, consultant, counselor, doctor, insurance agent, planner, tutor, writer, and electronic commerce; and
 - d. Personal trainers and licensed massage therapy and physical therapy.
2. **Uses prohibited as home occupations.** Businesses with operating characteristics that have significant adverse impacts on the owners or occupants of the neighboring residential properties shall be prohibited as home occupations. Examples of such operating characteristics are: dust, glare, heat, noise, noxious gasses, odor, smoke, excessive traffic, vibration, use of explosives or highly combustible materials, and use of hazardous or toxic materials. The types of businesses that will be prohibited as home occupations include: vehicle repair, animal hospitals and boarding facilities, storage yards, medical clinics and laboratories, sex-oriented businesses, wood cutting businesses, welding and machine shop operations, and other similar businesses.
- C. **Operating standards.** Home occupations shall comply with all of the following operating standards.
1. **Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
 2. **Visibility.** The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.
 3. **Signs.** There shall be no signs, other than one name plate, not exceeding two square feet in area, and only if attached flush to a wall of the structure. Hand lettered or magnetic door vehicle signs identifying the business are allowed; however, no vehicle sign shall be used to direct clients to the home occupation from off the site, pursuant to Section 9.38, Signs.
 4. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.
 5. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
 6. **Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
 7. **Employees.** A home occupation shall have no on-site employees other than full-time residents of the dwelling, unless a Minor Use Permit is obtained that would allow on-site employees.
 8. **Client/customer visits.** The home occupation shall be operated so as to not require more than 12 vehicle trips per day of clients, customers, and/or visitors to the residence. On-site presence of clients or customers shall be limited to one client or family at a time, and only between the hours of 9:00 a.m. and 8:00 p.m.
 9. **Deliveries.** The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for

FedEx, UPS, or USPS-type home pick-ups and deliveries.

10. **Utility service modifications.** No electric or gas utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.

9.42.100 - Live/Work Units

- A. **Purpose.** This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 9.42.110 (Mixed Use Projects).
- B. **Application requirements.** An application for a Live/Work Unit on a former mill site, dry cleaner site, service station site, or other sites determined by the Director to possibly contain hazardous materials shall include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department in order to determine if remediation may be required.
- C. **Limitations on use.** The nonresidential component of a live/work project shall only be a use allowed within the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall not be established or used in conjunction with any of the following activities:
 1. Sex-oriented businesses;
 2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
 3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use unless a Use Permit is obtained;
 4. Welding, machining, or any open flame work unless a Use Permit is obtained; and
 5. Any other activity or use, as determined by the Director or Building Official to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes unless a Use Permit is obtained.
- D. **Residential density.** Live/work units shall not exceed a maximum density of 33 units per acre. The affordable housing requirements and incentives of Chapter 9.32 shall not apply to live/work units.
- E. **Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- F. **Design standards.**
 1. **Floor area requirements.** The minimum floor area of a live/work unit shall be 1,000 square

feet. No more than 30 percent or 400 square feet, whichever is greater, shall be reserved for living space as defined under "Live/Work Unit" in Article 10 (Glossary). All floor area other than that reserved for living space shall be reserved and regularly used for working space.

2. **Separation and access.** Each live/work unit shall be separated from other live/work units and other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

3. **Facilities for commercial or industrial activities, location.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity. The street-fronting ground floor area of a live/work unit shall be used only for non-residential purposes; the review authority may require a deed restriction to maintain this requirement.

4. **Integration of living and working space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated from the work space, as required by Subsection F.2. The living space of a live/work unit shall have exterior access and an interior connection to the work space.

Examples

5. **Mixed occupancy structures.** If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

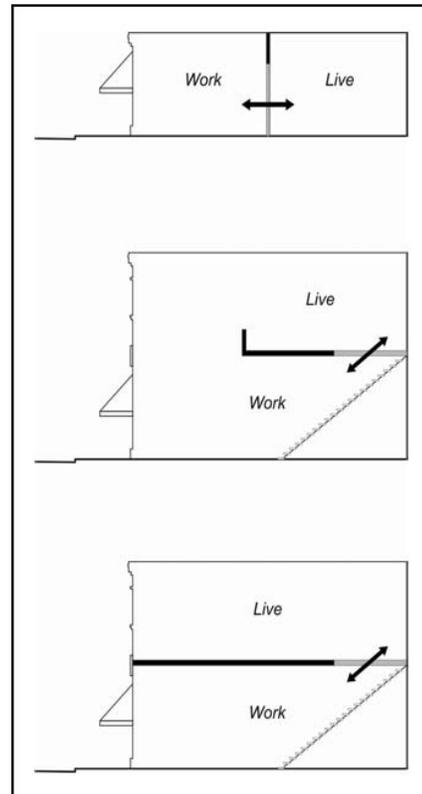


Figure 4-1 - Live/Work Arrangement

6. **Parking.** Each live/work unit shall be provided with off-street parking spaces pursuant to Section 9.36.040 (Number of Parking Spaces Required). The review authority may modify this requirement for the use of existing structures with limited parking.
7. **Accessibility.** The non-residential portions of a live/work unit shall comply with all applicable provisions of the Americans with Disabilities Act (ADA).

G. Operating requirements.

1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
2. **Notice to occupants.** The owner or developer of any structure containing live/work units shall

provide written notice to prospective live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zoning district.

3. **On-premises sales.** On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
 4. **Nonresident employees.** The live/work unit approval may limit the number of employees who do not reside in the live/work unit on the basis of constrained parking or traffic conditions in the site vicinity. The number of employees shall be limited in compliance with Building Code and Fire Code requirements, based on the non-residential floor area within the live/work unit.
 5. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit, if applicable, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.
- H. **Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.
- I. **Required findings.** The approval of a Use Permit pursuant to Section 9.42.100 C for a live/work unit shall require that the review authority first make all of the following findings, in addition to those findings required for Use Permit approval by Section 9.72.080 (Use Permit and Minor Use Permit):
1. The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C. (Limitations on use);
 2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;
 3. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
 4. The proposed use of each live/work unit would not adversely affect the health or safety of live/work unit residents by creation of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of materials, processes, products, or wastes.

9.42.110 - Mixed Use Projects

This Section provides standards for the design of mixed use projects, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A mixed use project combines residential and nonresidential uses on the same site, with the residential units typically located above the nonresidential uses (vertical mixed use). Residential units may be also allowed at ground level behind street-fronting nonresidential uses (horizontal mixed use) only under the limited circumstances specified by this Section.

A. Design considerations. A mixed use project shall be designed to achieve the following objectives.

1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.
2. Potential glare, noise, odors, traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
3. The design shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.
4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.



Figure 4-2 - Location of Residential in a Mixed Use Project

5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
 6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.
- B. Mix of uses.** A mixed use project may combine residential uses with any other use allowed in the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses); provided, that where a mixed use project is proposed with a use to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.
- C. Maximum density.** The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district.
- D. Site layout and project design standards.** Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements.
1. **Location of units.** Residential units shall not occupy ground floor space within the first 75 feet of floor area measured from each building face adjacent to a public or private street.
 2. **Parking.** In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 9.36.080 (Reduction of Parking Requirements).
 3. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
 4. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable

materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

E. Performance standards.

1. **Lighting.** Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.
2. **Noise.** Each residential unit shall be designed and constructed to minimize adverse impacts from nonresidential project noise, in compliance with Section 9.30.050 (Noise Standards).
3. **Hours of operation.** A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.

9.42.120 - Mobile Homes and Mobile Home Parks

This Section provides requirements and development standards for the use of mobile homes as single-family dwellings outside of mobile home parks, and for mobile home parks, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Mobile home outside of a mobile home park.

1. **Site requirements.** The site, and the placement of the mobile home on the site shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.
2. **Mobile home design and construction standards.** A mobile home outside of a mobile home park shall comply with the following design and construction standards:
 - a. The exterior siding, trim, and roof shall be of the same materials and treatment found in conventionally built residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same site;
 - b. The roof shall have eave and gable overhangs of not less than the industry standards measured from the vertical side of the mobile home, and the roof pitch shall be no less than the industry standards;
 - c. The mobile home shall be placed on a foundation system, subject to the approval of the Building Official; and
 - d. The mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), and has been constructed after January 1, 1974.

B. Mobile home park standards. The site for the mobile home park shall comply with the following requirements.

1. **Permit requirements.** A mobile home park shall require Design Review in compliance with Section 9.72.040, in addition to the Use Permit approval required by Article 2 (Zoning Districts and Allowable Land Uses).

2. **Allowable uses.** Use Permit approval for a mobile home park may authorize the following uses in addition to individual mobile homes.
 - a. Accessory structures, including awnings, portable, demountable or permanent carports, fences or windbreakers, garages, porches, storage cabinets, a management facility, laundry facility, swimming facilities, recreation room, recreational vehicle storage areas, vending machines, and other uses determined by the review authority to be of a similar nature.
 - b. A golf course, lake, park, playground, riding and hiking trails, equestrian facilities, other similar recreational structures and facilities, clubhouses, community centers, laundries, and similar uses; provided that all of these are designed for and limited to use by residents of the mobile home park and their guests.
 - c. Public utility and public service uses and structures.
 - d. Accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with Section 9.42.020 (Accessory Retail and Service Uses).

3. **Standards.** Each mobile home park shall comply with the following design and development standards.
 - a. **Minimum site area.** A mobile home park may be approved only on a site of one acre or larger.
 - b. **Density.** A mobile home park shall comply with the density limitations of the General Plan and the applicable zoning district.
 - c. **Setback requirements.**
 - (1) **Property lines.** Mobile homes and other structures shall be set back a minimum of 10 feet from all interior property lines, and 20 feet from the each street right-of-way adjoining the mobile home park. Park perimeter setback areas shall be landscaped and continually maintained, in compliance with Chapter 9.34 (Landscaping).
 - (2) **Separation between structures.** Each mobile home shall be separated from another mobile home or accessory structure by a minimum of 10 feet.
 - d. **Maximum site coverage.** The maximum percentage of site area to be occupied in a mobile home park by structures, parking, and driveways shall reflect the base zone requirements identified in tables 2-6 through 2-9.
 - e. **Parking.** Each mobile home shall be provided with at least one and no more than two off-street parking spaces, in compliance with Section 9.36.040.
 - f. **Utilities.** All utility distribution facilities (including cable television, communication and electric lines and boxes) within a mobile home park shall be placed underground. The developer is responsible for complying with these requirements, and shall make the necessary arrangements with the utility companies for the installation of the required facilities.

- g. **Storage for RVs, boats, etc.** Each mobile home park shall be provided at least one storage area for boats, recreational vehicles and extra vehicles, at a minimum ratio of 100 square feet of vehicle storage area per mobile home space. Each storage area shall be completely enclosed with fencing six feet in height, and shall be completely screened from exterior view. An occupied travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 (42 USC Section 4401 et seq.) shall not be allowed within a mobile home park.
- h. **Fencing.** A solid masonry wall, fence, or other decorative landscape screening of the maximum height allowed by this Land Use Code shall be installed as required by the review authority as part of the Use Permit approval for the mobile home park.
- i. **Landscaping.** Landscaping shall be provided in compliance with Chapter 9.34 (Landscaping).
- j. **Signs.** A mobile home park may be allowed one externally illuminated identification sign not exceeding the multi-family standards as specified in Table 3-10 of Section 9.38.080.A. The sign shall be integrated into the mobile home park landscaping, at a location specified in the Use Permit approval.
- k. **Skirting.** Skirting shall be provided along all sides of each mobile home.
- l. **Internal streets.** Streets within a mobile home park, and all other areas for vehicle circulation or parking shall be at least 24 feet from curb-to-curb, and shall be increased in width by eight feet for curb parking space on each side of the street where curb parking is permitted. All roads and parking spaces shall be permanently paved. All internal streets shall have street signs designed to City standards.

9.42.130 - Multi-Family and Small Lot Single-Family Projects

New or remodeled multi-family projects, and subdivisions of detached single-family homes on parcels of 4,000 square feet or less, shall comply with the standards of this Section, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). For the purposes of this Section, the term "remodeled" means the reconstruction or remodeling of at least 50 percent of the gross floor area of the original structure.

- A. **Accessory structures.** Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- B. **Building facades adjacent to streets.** A multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.
- C. **Front setback pavement.** No more than 40 percent of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement.
- D. **Parking location.** Off-street parking for a multi-family structure of three or more units shall be located so that it is not visible from the street fronting the parcel. A garage providing parking for a duplex or small-lot

detached unit may be located in compliance with the following standards, in addition to the requirements of Chapter 9.36 (Parking and Loading).

1. **Front setback.** A garage shall be set back from the front property line at least 10 feet further than the facade of the dwelling, to reduce visual impact from the street.
 2. **Side setback.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side, but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from each side property line.
 3. **Rear setback.** A garage shall be set back a minimum of five feet from a rear property line.
 4. **Facade width, parking orientation.** The front facade of a garage shall not exceed a width of 25 feet. Tandem parking is allowed.
- E. **Recreation space.** Each multi-family residential project, except duplexes, shall provide permanently maintained outdoor open recreation space for each dwelling unit (private space), and for all residents (common space), in addition to required setback areas, except where the review authority determines that existing public park or other usable public open recreation space is within convenient walking distance, or that the residential units are part of a mixed use project.
1. **Area required.** Private and common open space shall be provided as required by Table 4-3.
 2. **Configuration of recreation space.** Required recreation space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Chapter 9.34 (Landscaping Standards).
 - a. **Common recreation space.** All required recreation space shall be: easily accessible; continuous, usable site elements; separated from parking areas; safe and secure. Each common recreation space area shall have a minimum dimension of 20 feet by 10 feet.
 - b. **Private recreation space.** Private recreation space shall be at the same elevation as, and immediately accessible from within the unit. Each private recreation space area shall have no dimension less than 5 feet.

The review authority may allow required recreation space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide recreation space of equivalent utility and aesthetic quality.

Table 4-3 - Multi-family Project Recreation Space Requirements

Project Size	Minimum Common Recreation Space Required	Minimum Private Recreation Space Required
3 or 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 to 30 units	1,000 sf	
31 and more units	2,000 sf	

3. **Maintenance and control of common recreation space.** Required common recreation space shall be controlled and permanently maintained in a common interest development by a Home Owners Association (HOA). Provisions for control and maintenance shall be included in property covenants of all common interest developments.
4. **Non-qualifying site features.** The following do not comply with the requirements of this Land Use Code for the provision of recreation space.
 - a. Recreational buildings in a multi-family development that are also not counted as residential floor area in the development.
 - b. Proposed street rights-of-way or school sites.
 - c. Public and private vehicle access easements.
 - d. Accessory buildings (except greenhouses, glass-covered patios, and similar roofed structures, when:
 - (1) The exterior wall above the foundation is transparent; or
 - (2) At least 50 percent of the exterior wall area above the foundation is transparent, and 50 percent or more of the roof area is transparent.
 - e. Open parking areas.
 - f. Driveways and access-ways for dwellings.
 - g. Land area utilized for garbage and refuse disposal or other servicing maintenance.
 - h. Areas under a deck with less than 8 feet of vertical clearance.
- F. **Outdoor lighting.** Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 9.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least one foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficacy. All proposed lighting shall be shown on the required landscape plan.
- G. **Storage.** A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.
- H. **Laundry facilities.**
 1. **Rental units.** Where multi-family units are to be rented, the project shall be provided common laundry facilities consisting of at least one clothes washer and dryer for each five dwelling units. Washers and dryers may be coin-operated.
 2. **Ownership units.** Where multi-family units are to be individually owned, each unit shall be provided an individual laundry area within the unit or its garage, of sufficient size to accommodate a clothes washer and dryer. If located in the garage for an individual unit, the

laundry area shall not encroach into the required parking area.

- I. **Television antennas.** Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.

9.42.140 - Outdoor Retail Displays and Sales

- A. **Applicability.** The provisions of this Section apply to mobile and permanent facilities for outdoor display, sales (e.g., garden nurseries, lumber yards, mobile retail vendors, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor dining areas, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- B. **Mobile retail vendor outdoor displays and sales.** Mobile vendor outdoor displays and sales shall include, but are not limited to the following: mobile eating and drinking vendors, mobile prepared food vendors, mobile flower vendors, and mobile merchandise vendors. These and similar activities are not allowed to operate as a business within a public right-of-way unless an Encroachment Permit is obtained.

- 1. **Additional requirements for mobile eating and drinking vendors.** Mobile eating and drinking vendors include, but are not limited to sandwich wagons, recreational vehicle cafes, hot dog wagons, ice cream wagons, and similar uses. These activities are allowed subject to the following standards for each vendor:

- a. **Parking.** If located at a site for more than four hours per day, a minimum of one off-street parking space shall be provided.
- b. **Seating.** If located at a site for more than four hours per day, a minimum of 16 outdoor seating spaces with tables shall be provided.
- c. **Restroom.** If located at a site for more than four hours per day, a portable restroom facility shall be provided.
- d. **Hours of operation.** Hours of operation shall be limited from 6 a.m. to 10 p.m. daily, except for the Central Business District.
- e. **Exceptions.** Exceptions to minimum standards shall require a Minor Use Permit.

- C. **Permanent outdoor displays and sales.** The permanent outdoor display and sale of merchandise is allowed subject to the following standards.

- 1. Outdoor display and sales areas shall not encroach into required setback areas or the public right of way. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines unless otherwise allowed through a Minor Use Permit approval.
- 2. Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.
- 3. The outdoor display and sales area shall be directly related to a business occupying a

permanent structure on the subject parcel.

4. The review authority may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.
5. Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area.

D. News and flower stands.

1. Location requirements. A news or flower stand shall:

- a. Be located parallel and abutting the wall of a structure if located in the downtown area.
- b. In the case of a privately owned stand, it shall not be located within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes.
- c. The activity shall not be located within a public right-of-way unless an Encroachment Permit is obtained.

2. Design and construction requirements.

- a. A permanent stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.
- b. Shelving shall not exceed eight feet in height nor two feet in depth.

3. Maintenance. The news and flower stand shall be maintained in a clean and neat condition and in good repair, at all times.

4. Signs.

- a. The stands shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 9.38 (Signs).
- b. The owners or operators of the outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached.

5. Additional product sales. In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.

E. Outdoor dining areas.

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site; provided, the outdoor eating area shall also comply with the parking requirements of Section 9.36.040 for restaurants.

2. An outdoor eating area within the public right-of-way shall require an Encroachment Permit in addition to Minor Use Permit approval, and shall use only City approved furniture and enclosures. In no event shall sidewalk passage be reduced to below ADA standards.
 3. Signs shall comply with Chapter 9.38.
- F. **Produce stands.** This Section establishes standards for the development and operation of produce stands, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). Produce stands are also similar in use to that of a Farmers Market.
1. **Products.** Sales from a produce stand shall be limited to agricultural products such as vegetables, fruits, nuts, firewood, etc.
 2. **Maximum size.** A produce stand shall not exceed 400 square feet in floor area, or dimensions of 20 feet on each side, with a maximum height of 15 feet unless it is located in the Agricultural and Resource Zoning Districts where the maximum floor area can reach 1000 square feet.
 3. **Access.** The location and type of access to a public road from the produce stand site shall require an Encroachment Permit and the approval of the Public Works Director.

9.42.150 - Outdoor Storage

An outdoor storage or work area shall comply with the following requirements, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Enclosure and screening required.** Outdoor storage in commercial areas shall be entirely enclosed as approved by the review authority. The enclosure shall have a minimum height of six feet and a maximum height of eight feet.
- B. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the fence, except where authorized by the Minor Use Permit for the storage area.
- C. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zoning district, and the set back area shall be landscaped to the approval of the Director, and in compliance with Chapter 9.34 (Landscaping Standards).
- D. **Exceptions.** Exceptions to minimum standards shall require a Minor Use Permit.

9.42.160 - Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Reverse vending machines.** Reverse vending machines shall comply with the following standards.
 1. **Accessory use only.** Each machine shall be installed only as an accessory use to an allowed primary use.
 2. **Location requirements.** If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.

3. **Signs.** Sign area shall not exceed four square feet for each machine, exclusive of operating instructions. The sign area shall be subject to the overall site sign area limitations in Section 9.38.080 (Sign Standards by Zone).
 4. **Lighting.** Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.
- B. Small collection facility.** Where allowed by Table 2-10, a small collection facility shall comply with the following standards.
1. **Location requirements.** A small collection facility shall:
 - a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and
 - b. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
 2. **Maximum size.** A small collection facility shall not occupy more than 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 3. **Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.
 4. **Operating standards for small collection facilities.** Small collection facilities shall:
 - a. Not use power-driven processing equipment, except for reverse vending machines;
 - b. Accept only glass, metal or plastic containers, paper, and other recyclable materials;
 - c. Use containers that are constructed with durable waterproof and rustproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule, and shall be maintained in a clean and orderly manner;
 - d. Be screened where determined by the review authority to be necessary because of excessive visibility.
 5. **Signs.** Non-illuminated signs may be provided as follows:
 - a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container; and
 - b. Additional directional signs, consistent with Chapter 9.38 (Signs), may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
 6. **Parking requirements.**
 - a. No additional parking space shall be required for customers of a small collection facility

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located in the established parking lot of the primary use. One additional space shall be provided for the attendant, if needed.

- b. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined to be acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.

C. **Large collection facility.** Where allowed by Table 2-10, a large collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.

1. **Location requirements.** The facility shall not abut a parcel zoned for residential use.
2. **Container location.** Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
3. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
4. **Setbacks, landscaping.** Structure setbacks and landscaping shall be provided as required for the applicable zoning district.
5. **Outdoor storage.** Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
6. **Operating standards.**
 - a. The site shall be maintained clean, sanitary, and free of litter and any other trash or rubbish, shall be cleaned of loose debris on a daily basis, and shall be maintained free from rodents and other disease vectors.
 - b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

D. **Processing facilities.** Where allowed by Table 2-10, processing facilities shall comply with the following standards:

1. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use;
2. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. The facility shall not bale, compact, or shred ferrous metals, other than beverage and food containers. Outbound truck shipments from the site shall not exceed an average of two each day;
3. **Maximum size.** The facility shall not exceed 45,000 square feet of floor or ground area;
4. **Container location.** Containers provided for "after hours" donation of recyclable materials shall

be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials;

5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;
6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls; and
7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

9.42.164 - Formula Restaurants

Where restaurants are allowed by Article 2 (Zoning Districts and Allowable Land Uses), after July 5, 2002, the number of formula restaurants in the City shall be limited to nine establishments. A new formula restaurant shall only be allowed if it replaces an existing formula restaurant in one of the following business ~~districts: Janes Road (one restaurant allowed), Northtown (one restaurant allowed),~~ district: Uniontown (two restaurants allowed), and Valley West/Giuntoli Lane (five restaurants allowed). Replacement Formula Restaurants are allowed within the business district boundaries as identified Figure 4-3. No other business district shall allow a formula restaurant.

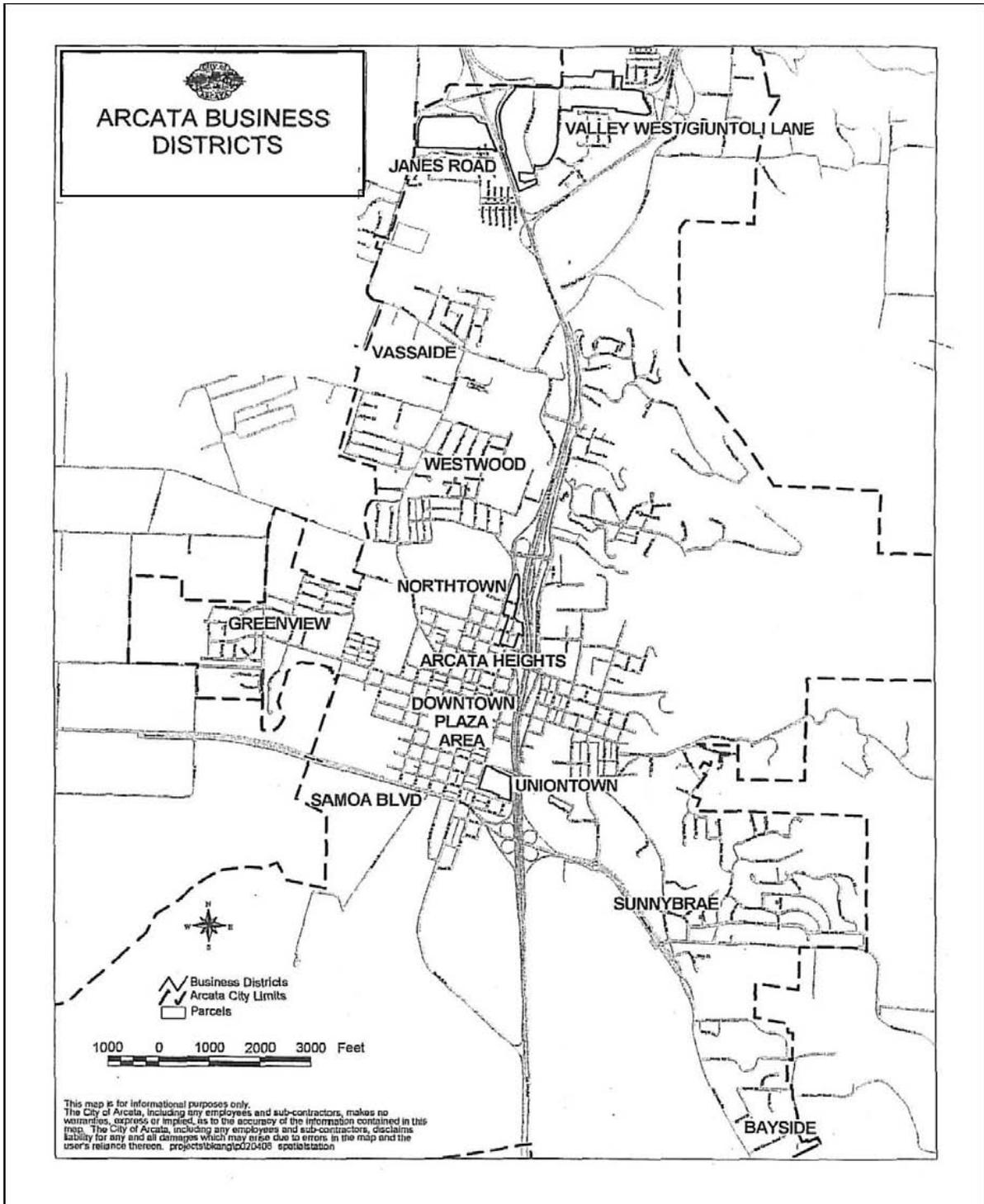


Figure 4-3 - Arcata Business Districts

9.42.170 - Second Units

This Section establishes standards for residential second units, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). Nothing in this Chapter shall authorize the City to supersede or in any way alter or lessen the effect or application of either the Coastal Land Use Plan or Coastal Land Use Code sections necessary to protect coastal resources consistent with the provisions of the Coastal Act.

- A. **Limitation on number of units.** No more than one second unit shall be approved on a single parcel.
- B. **Relationship to primary use.**
 - 1. **Standards.** A second unit shall be incidental and subordinate to the primary single-family residential use of the site in terms of size, location, and appearance, and shall not alter the character of the primary structure. The architectural style, including roof pitch and exterior materials of the second unit shall be similar in appearance to the primary dwelling unit.
 - 2. **Timing of construction.** A second unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the development standards for second units in Subsection E may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit, but which must maintain the relationship with Subsection B.1 above.
 - 3. **Exceptions.** Variation from the above standards identified in Subsection B.1 may be approved by the Historic and Design Review Commission (HDRC).
- C. **Minimum site area.** A parcel proposed for a second unit shall be a minimum of 5,000 square feet.
- D. **Owner Occupancy.** The property owner shall occupy either the primary dwelling or the second unit.
- E. **Development standards.** A second unit shall be designed to comply with the following standards:
 - 1. **Height limit.** The height of a second unit shall be no greater than the height of the primary dwelling unit as measured as the vertical distance from the natural grade to the highest point on the roof on the primary dwelling unit. Exceptions are limited to chimneys.
 - 2. **Maximum floor area.** The residential floor area of a second unit shall not exceed 50 percent of the residential floor area of the primary dwelling.
- F. **Exceptions.** Exceptions from the above standards in Subsections C, D, and E may be approved with a Minor Use Permit.
- G. **Off-street parking requirements.** A second unit shall require parking consistent with the requirements of Section 9.36.040 (Number of Parking Spaces Required).
- H. **Supplementary findings for administrative approval in coastal zone. A coastal permit for a second residential unit may be administratively authorized without a discretionary hearing provided:**
 - 1. **The parcel on which the second unit would be sited is twice the minimum lot size of the zoning district in which it is located: and**

2. The development of the second unit would be consistent with all policies and standards of the certified LCP, including but not limited to:
 - a. The second unit would not obstruct public access to and along the coast, or public trails.
 - b. The second unit would not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and would be compatible with the character of the area.
 - c. All development associated with the second unit would provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.
 - d. The means of accommodating the second unit: (1) would not have an adverse effect on coastal resources (2) would ensure adequate services will be provided to serve the proposed development; and (3) would not displace Coastal Act priority uses. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priority uses, the second unit shall be denied.

9.42.180 - Service Stations

This Section establishes standards for the development and operation of motor vehicle service stations, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. **Permit and application requirements.** A service station shall require Design Review in compliance with Section 9.72.040, in addition to the Minor Use Permit required by Article 2. Each application for a new or remodeled service station shall include a photometric plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection D.5 and Section 9.30.070 (Outdoor Lighting). The City may require an applicant to pay the cost for a lighting consultant engaged by the City to evaluate photometric plans and recommend alternatives to proposed lighting.
- B. **Limitations on location.**
 1. **Prohibited locations.** A new service station site shall not abut a residential zoning district or residential use.
 2. **Separation between stations.** A new service station shall not be closer than 500 feet to another service station except when both are at the same street intersection. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than two service stations shall be located at the same street intersection.
- C. **Site requirements.** A site proposed for new service station shall:
 1. Be located on an arterial street on a site with a minimum of 150 feet of frontage; and
 2. Have a minimum area of 15,000 square feet and a minimum depth of 100 feet.

The review authority may grant an exception to this requirement for a service station within a retail site

complex if the review authority determines that the exception improves traffic circulation or reduces traffic. Approval of the exception shall also require that the review authority ensure that the service station is effectively integrated into the architecture and design of the overall retail complex.

D. **Site planning standards.** The layout of a new service station site constructed after the effective date of this Land Use Code and its site features shall comply with the following standards.

1. **Site access and driveways.**

- a. Curb cuts for service station driveways shall be separated by a minimum of 30 feet from edge-to-edge.
- b. A driveway shall not be located closer than 50 feet to the end of a curb corner nor closer than 25 feet to an interior property line.
- c. The width of a driveway shall not exceed 25 feet, measured at the sidewalk.
- d. Each dispenser island shall be provided a stacking area that can accommodate a minimum of three waiting vehicles.

2. **Pavement.** A service station site shall be paved with a permanent surface of concrete or asphalt material and shall contain drainage facilities in compliance with all Federal, State, and local laws, rules, and regulations. Any unpaved portion of the site shall be landscaped and separated from the paved area by curbs or other barrier approved as part of the Design Review for the site.

3. **Drainage.** All surface drainage which could potentially be in contact with spilled oil and/or gasoline must be treated by a City approved oil water separator prior to entering the City stormwater system, in compliance with the Stormwater Ordinance. All roof and canopy drainage must be segregated.

4. **Landscaping.** Landscaping, consisting of trees, ground cover, shrubs, vines, and/or other plant materials approved by the review authority shall be installed, permanently maintained and, if necessary, replaced, in compliance with the requirements of Chapter 9.34 (Landscaping Standards).

5. **Lighting.** Exterior lights, including canopy, perimeter, and flood shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 9.30.070 (Outdoor Lighting). Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficacy.

6. **Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 9.38 (Signs).

7. **Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of six feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.

E. **Building design standards.**

1. **Architectural character.** Subject to the requirements of Design Review, service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.
2. **Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge.

F. **Facility operating standards.**

1. **Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the dispenser island. Where minor auto repair is permitted by Article 2, all repair activities shall occur entirely within an enclosed structure.
2. **Display.** There shall be no outdoor display of equipment or merchandise, except as allowed in compliance with Subsection G.1 (Outdoor storage).
3. **Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale.
4. **Convenience sales - Parking.** Where allowed, the sale of beer and wine, other drinks, food, and/or other merchandise shall be provided off-street parking shall be provided in compliance with Chapter 9.36 (Parking and Loading).

G. **Appurtenant uses.** The following appurtenant uses are prohibited unless specifically allowed as part of Minor Use Permit approval.

1. **Outdoor storage.** One or more outdoor storage and display cabinets or enclosures other than the primary structure(s) may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structure(s) on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, fuel additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited.
2. **Tow truck operations.** Where tow truck operations are approved as part of a service station by the review authority, no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than ten days, and shall be stored entirely within an enclosed structure.
3. **Rentals.** The rental or storage of trailers, travel trailers, vehicles, and other similar materials and merchandise, except the short term storage of vehicles allowed in compliance with Subsection G.2 (Tow truck operations), above.
4. **Prohibited uses.** The following uses are prohibited.
 - a. The rental, sale or storage of garden supplies and tools.
 - b. Incidental uses such as pinball or video game machines, pool tables, or laundry facilities.

- H. **Removal of tanks upon cessation or change of use.** If, for any reason, a service station ceases to sell fuel for more than twelve months, all fuel dispensers and signs shall be removed from the site and all fuel storage tanks shall be removed or treated in compliance with Federal and State regulations, subject to the approval of the Fire Department. An extension to the twelve month period may be granted by the Zoning Administrator if the owner of the service station can demonstrate that due diligence has been exercised, and through no fault of their own, the owner was unable to meet the timeline requirements of this chapter to resolve any required repairs or reconstruction of the facility.

9.42.190 - Windmills for Electricity Generation

Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), a windmill proposed for the generation of electricity, hereafter referred to as a "windmill," shall comply with the requirements of this Section.

- A. **Application requirements.** The Use Permit application shall include all information and materials required by Section 9.72.080, and the following.
1. Standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code (CBC), and certification by a California-licensed professional mechanical, structural, or civil engineer. A "wet stamp" shall be required for all drawings and analysis.
 2. Plans and specifications drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the California Electric Code.
 3. Evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states in the application, that the system will not be connected to the electricity grid.
 4. Evidence that the proposed height of the windmill tower does not exceed the height recommended by the manufacturer or distributor of the system.
- B. **Limitations on location.** No more than one windmill shall be approved on a single parcel closer than 500 feet from another windmill in the residential zoning districts.
- C. **Windmill design standards.**
1. **Setback requirements.** A windmill shall not be located closer to a property line than the height of the tower.
 2. **Height limit.** A windmill tower shall not exceed a maximum height of 65 feet on a parcel less than five acres in size, or a maximum height of 80 feet on a parcel of five acres or more in size; provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).
 3. **Windmill turbine.** A turbine proposed for the electricity grid shall have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the

CEC's Renewables Investment Plan, or certified by a national program recognized and approved by the CEC.

- D. Noise standards.** A windmill shall be designed, installed, and operated so that noise generated by the system shall not exceed the lesser of 60 decibels (dBA), or the maximum noise levels established by Section 9.30.050 (Noise Standards) for the applicable zoning district, as measured at the property line, except during short-term events including utility outages and severe wind storms.

CHAPTER 9.44 - TELECOMMUNICATIONS FACILITIES

Sections:

- 9.44.010 - Purpose
- 9.44.020 - Definitions
- 9.44.030 - Applicability
- 9.44.040 - Permit Requirements
- 9.44.050 - Limitations on Location
- 9.44.060 - Facility Design and Development Standards
- 9.44.070 - Operation and Maintenance Standards
- 9.44.080 - Discontinuance and Site Restoration

9.44.010 - Purpose

This Chapter establishes development standards consistent with Federal law to: regulate the placement and design of telecommunications facilities to promote an aesthetic appearance to preserve the historic, cultural, and archaeological values of Arcata, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; acknowledge and provide the community benefit associated with the provision of advanced communication services within the City; and to implement General Plan Policy PF-5d.

9.44.020 - Definitions

The technical terms and phrases used in this Chapter are defined in Article 10 (Glossary) under "Telecommunications Facilities."

9.44.030 - Applicability

- A. Applicability of Chapter.** The location, permit requirements, and other provisions of this Chapter shall apply to all telecommunications facilities within the City, except as provided in Subsection B. All telecommunications facilities shall also comply with all applicable requirements of State and Federal law. Nothing in this Chapter shall be construed to authorize the City, or to authorize the Coastal Commission in hearing an appeal of a Coastal Permit, to exert regulatory authority over the development of telecommunications facilities that is otherwise preempted by the Telecommunications Act of 1996 (P.L. 104-104, 110 Stat. 56 (1996)).
- B. Exceptions.** The following are exempt from the requirements of this Chapter.
1. The replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature, and that do not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
 2. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
 - a. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
 - b. For subscribing to a multipoint distribution service.

3. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zoning district, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a building permit and approval of the placement by the Director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible, on the top of buildings as far from the edge of rooftops as possible.
4. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license; provided that there shall be no more than one antenna support structure on a single parcel and that the antenna structure complies with the height limits of the applicable zoning district.

9.44.040 - Permit Requirements

A. **Use Permit required.** Use Permit approval is required for all telecommunications facilities subject to this Chapter. The securing of such Use Permit does not obviate the requirements of this Coastal Land Use Code to obtain a Coastal Permit authorization for the facilities consistent with all requirements of the Coastal Land Use Plan and Coastal Land Use Code.

B. **Application requirements.** In addition to the information required for a Use Permit application by Chapter 9.70 (Permit Application Filing and Initial Processing) the application for a telecommunication facility shall include, but may not be limited to all of the following information and materials.

1. General information.

- a. A notarized statement signed by the applicants that all information included in the submittal is materially accurate, true, complete, and verifiable. Inaccurate, untrue, misleading or false information submitted in pursuit of a Use Permit by the applicants, the provider company, or their agents may be grounds for denial of a Use Permit.
- b. The exact legal name, address or principal place of business, and phone numbers of applicants and any co-applicants, as well as any agents for the applicants or co-applicants. The landowner of the subject property, licensed carriers, and tenants for the facility shall be considered co-applicants.
- c. The name, title, address and phone number of the person to whom correspondence or communication regarding the applicants are to be sent.
- d. Original signatures for the applicants and all co-applicants applying for the Use Permit. If the applicants or co-applicants will be represented by an agent, original signature authorizing the agent to represent the applicants and/or co-applicants.
- e. Copies of all submittals pertaining to: FCC licensing; environmental impact analysis; FAA notice; aeronautical studies; and all data, assumptions, and calculations relating to service coverage and power levels.
- f. Details of proposed method of finance surety.
- g. Required plans and engineering plans, prepared, stamped and signed by a professional engineer licensed to practice in California.

2. **Siting information.** Applicants shall provide a zoning or assessor's map that clearly locates all existing and proposed facilities for their carrier in the City and outside the City within one mile of its corporate limits. Applicants shall also provide a vicinity plan at a scale of one-inch equals 40 feet that shows at a minimum the following (additional materials may be required):
- a. Property lines for the site;
 - b. Property lines of all properties adjacent to the site within 300 feet;
 - c. Existing tree cover on the site and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source;
 - d. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on the site and all adjacent properties within 1000 feet;
 - e. The proposed location of the facility, including mounts and equipment shelters;
 - f. Proposed security-barrier, indicating type and extent as well as point of controlled entry;
 - g. The location of all roads, public and private, on the subject property and on all adjacent properties within 500 feet including driveways proposed to serve the facility;
 - h. Distances, at grade, from the proposed facility to each building on the vicinity plan;
 - i. Contours at each two feet above mean sea level for the site and adjacent properties within 500 feet;
 - j. All proposed changes to the existing site, including grading, vegetation removal, and temporary or permanent roads and driveways;
 - k. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the facility; and
 - l. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from the sight lines.
3. **Additional visuals.** Applicants shall submit sight lines and photographs as follows.
- a. Sight line representations should be drawn from the closest public roads and the closest residential buildings (viewpoint) to the highest point (visible point) of the facility. Each sight line should be depicted in profile, drawn at a scale of one-inch equals forty 40 feet. The profiles should show all intervening trees and buildings. The number and locations of the representations shall be determined by the Director.
 - b. Each sight line should be illustrated by one, four-inch by six-inch color photograph of what can currently be seen (also called an existing or before-condition photograph).
 - c. Each of the existing-condition photographs should have the proposed facility superimposed on it to show what will be seen from public roads if the proposed facility is built, including antennas, mounts, equipment shelters, cables as well as cable units, and security barriers, if any, for the total height, width and breadth.

4. **Cross-sections.** Applicants shall submit cross-sections through the site which illustrate the following:
- a. Antennas, mounts and equipment shelters, with total elevation dimensions and average ground level of the highest point;
 - b. If the security barrier will block views of the facility, the barrier drawing should be cut away to show the view behind the barrier;
 - c. Any existing structures on the site to remain;
 - d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned;
 - e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level; and
 - f. Construction sequence and routes used to transport materials and equipment to the site.

5. **Radio frequency radiation (RFR) information.** Applicants shall provide a statement listing the existing and maximum future measurements of RFR from the proposed facility for the following situations.

- a. Existing, or ambient: the measurements of existing RFR.
- b. Existing plus proposed facility: maximum estimate of RFR from the proposed facility plus the existing RFR environment.

The certification shall be signed by a RF engineer, stating that the RFR measurements are accurate and meet FCC requirements.

6. **Operational characteristics.**

- a. Certification acceptable to the Director that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency radiation;
- b. A report, as required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.

- C. **Master Use Permit.** A service provider who intends to establish multiple wireless telecommunications facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities may be acted upon by the City as a single application, ensuring feasibility of long range company projections. An application for a Master Use Permit in compliance with this Chapter shall include the following information.

1. Written documentation of any facility sites in the City and in other adjacent cities and unincorporated areas in which the applicant has a legal or equitable interest, whether by ownership, lease, or otherwise.

2. Written documentation for each facility site identified in Subsection C.1 that none of the sites is already providing, or does not have, by adjusting the site, the potential to provide adequate coverage and/or adequate capacity to the City.
 3. Written documentation that specifies potential adjustment to the existing facility sites, including changes in antenna type, orientation, gain, height, or power output.
 4. Written documentation demonstrating that the applicant has examined all telecommunication facility sites in the City and in the other adjacent cities and unincorporated areas in which the applicants have no legal or equitable interest, whether by ownership, lease, or otherwise, to determine whether those facility sites may be used to provide coverage and/or adequate capacity to the City.
 5. Written documentation demonstrating that the applicant has analyzed the feasibility of repeaters in conjunction with all facility sites to provide adequate coverage and/or adequate capacity to the City. Radial plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.
- D. Communications consultant required.** At the time of filing a Use Permit application for a telecommunication facility, the applicant shall hire independent consultants whose services shall be paid for by the applicants. These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering; structural engineering; monitoring of electromagnetic fields; and if determined necessary by the Director, other consultants. The applicants shall grant permission for the City's independent consultants to conduct site visits as the consultants deem necessary.
- E. Required findings for approval.** The approval of a Use Permit for a telecommunication facility shall require that the review authority first make the following findings, in addition to those required for Use Permit approval by Section 9.72.080 (Use Permit and Minor Use Permit):
1. The telecommunication facility complies with all applicable requirements of this Chapter;
 2. The telecommunication facility will not adversely impact the character and aesthetics of any public right-of-way;
 3. The proposed location is the most appropriate for the neighborhood;
 4. The facility is of the minimum size necessary for the intended use; and
 5. The facility will be set back and screened to effectively reduce visual and safety impacts.

9.44.050 - Limitations on Location

- A. Zoning district priorities.** A telecommunication facility shall not be approved or located within other than the PF (Public Facility) zoning district; except that the review authority may approve a facility within the CG, CC, CV, IL, or IG zoning districts if it first determines that the applicant has demonstrated that all PF zoning district options are infeasible, and that there is no site within a PF district where the telecommunication facility would provide adequate coverage.
- B. Co-location required.** A new telecommunication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the review authority to

be aesthetically desirable. A service provider shall co-locate a new telecommunication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the review authority determines that this co-location will minimize the overall visual impact.

1. A service provider shall exhaust all reasonable measures to co-locate their telecommunications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new telecommunication facility site.
 2. Each service provider shall provide the City with responses from contacts with all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
 3. In order to facilitate co-location, Use Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.
- C. Siting on historically significant structure prohibited.** No telecommunication facility shall be sited on a structure that is listed on the National Register of Historic Places or the California Register, identified as an historic structure in a local historic survey or registry or as determined by a qualified architectural historian as having significant historic contribution to the area.

9.44.060 - Facility Design and Development Standards

Each proposed telecommunication facility shall comply with all of the following standards.

A. Facility placement.

1. A telecommunication facility located on the roof of a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
2. Telecommunication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the City.
3. A telecommunication facility shall be at least 1000 feet from any residence, and shall be at least 1,500 feet from any historic district, school, or hospital.

B. Height limitations.

1. All ground mounted telecommunication equipment, antennas, poles, or towers shall be of a minimum functional height.
2. The height of tower located on the ground shall not exceed 10 feet, unless the review authority determines that additional height, up to a maximum of 30 feet, will not create adverse visual or safety impacts.
3. The height of a telecommunication facility located on a structure other than a dedicated support

tower shall not exceed 15 feet above the highest point of the structure and shall at no time exceed the height allowed by the subject zoning district.

4. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.
- C. **Colors and materials.** All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the review authority or shall be adequately secured to prevent graffiti.
 - D. **Screening, landscaping.** All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the review authority. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
 - E. **Additional screening and landscaping.** As part of project review, the review authority may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.
 - F. **Power lines.** All power lines to and within a telecommunication facility site shall be underground.
 - G. **Backup power supplies.** A backup power supply (i.e., generator) located in an industrial zoning district shall be enclosed within a structure and operated in compliance with Subsection 9.44.060.D (Screening). In any zoning district, ancillary power supplies and fuel storage tanks to support backup power supplies shall require Use Permit approval.

9.44.070 - Operation and Maintenance Standards

- A. **Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
 1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
 2. Name, address, and telephone number of a local contact person for emergencies;
 3. Type of service provided; and
 4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.
- B. **Facility maintenance.** All telecommunications facilities and related equipment, including lighting, fences,

shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.

- C. **Landscaping maintenance.** All trees, foliage, and other landscaping elements on a telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. The review authority may also require a landscape maintenance agreement.
- D. **Noise.** Each telecommunication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- E. **Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Chapter.
- F. **Exterior lighting.** Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall also comply with Section 9.30.070 (Outdoor Lighting).

9.44.080 - Discontinuance and Site Restoration

All equipment associated with a telecommunication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.

ARTICLE 5

Resource Management

NOTE: CHAPTERS 9.54, and 9.56 ARE NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

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CHAPTER 9.50 - AGRICULTURAL PRESERVATION - RIGHT-TO-FARM

Sections:

9.50.010 - Purpose

9.50.020 - Applicability.

9.50.030 - Coastal Permit application contents.

9.50.040 - Supplementary findings for development within or adjacent to agricultural lands.

9.50.050 - Development standards.

~~9.50.020~~ 9.50.060 - Relationship to Nuisance

~~9.50.030~~ 9.50.070 - Disclosure Requirement

9.50.010 - Purpose

It is the policy of the City of Arcata to support agricultural uses within and around the City. Urban development adjoining agricultural uses often leads to restrictions on agricultural uses to the detriment of the agricultural uses and the economic viability of agriculture. The purposes of this Chapter are to support any current or future State law to:

- A. Preserve and protect agricultural land within the City zoned to allow agriculture;
- B. Support and encourage continued agricultural operations in the City; and
- C. Disclose to prospective purchasers, residents, and tenants of property adjoining or near agricultural uses of the inherent conflicts associated with the purchase of the residence including, but not limited to, chemicals, dust, light, noise, odors, and traffic that may accompany nearby agricultural uses.

9.50.020 - Applicability.

The provisions of this Chapter apply to all developments and uses situated in agricultural lands and lands suitable for agriculture and in lands designated for Agricultural Exclusive (AE), as implemented through Agricultural Exclusive (AE), zoning district standards.

9.50.030 - Coastal Permit application contents.

A. Agricultural lands conversion. For all conversions of agricultural lands and lands suitable for agriculture to non-agricultural uses pursuant to Coastal Land Use Policy C-RC-5b, a conversion/continued viability study shall be submitted consisting of the following information and analyses:

1. Baseline information.

(a) Mapping. Maps, photos and aerial photography adequate to identify the parent parcel, the proposed parcels, easements, restrictions, existing development and uses, wells and/or any other water supply lines, Natural Resources Conservation Service (NRCS) soils classifications, slopes, roads and any other relevant physical features.

2. Soils.

(a) Soil types found in the area.

(b) Storie index and capability classification ratings or equivalent ratings of all

identified soil types (as published by the NRCS, United States Department of Agriculture) of all identified soil types.

(c) The expected AUM (animal unit per month) yield for each soil type.

(d) The expected net dollar return for potential crops grown on each soil type.

(e) Identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouse-based cultivation), if any, and, the location and nature of their operation(s).

3. Geographic/Historical information.

(a) Existing land uses on the site:

(b) Potential effects of the proposed agricultural land conversion or development on agricultural food production, both short-term and long-term; and recommendations and conclusions of the development's effects on existing or potential agricultural production:

(c) Description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification, rating, texture, development, unique qualities) affecting agricultural operations in the area.

(d) Description of management techniques currently used, or could be used, in order to improve soil quality for agricultural operations.

(e) Identification of agricultural operations that utilize more than one parcel for production in the area, and identification of the current agricultural practices and average acreage for each individual operation.

(f) Description of the relationship or proximity of agricultural and urban land uses.

(g) Adequacy of access to agricultural operations in the area.

(h) The types of agricultural operations that have taken place in the area in the past and where have they occurred.

4. Water.

(a) Water availability in the area.

(b) Water sources.

(c) Water quality issues that impact agricultural operations in the area, (e.g., high mineral content, saltwater intrusion).

5. Access.

(a) Adequacy of access to agricultural operations in the area.

(b) If access is problematic, the nature of the conflict; and the impacts the access.

limitations have on agricultural operation(s).

6. Operational expenses.

(a) Fixed costs for any given crop, assumed to be constant regardless of the annual yield, based solely on current costs and not upon speculative on potential future circumstances. Note: Land cost are not to be included into the cost analysis pursuant to Coastal Act Section 30241.5.

(b) Capital costs including:

(1) Land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.

(2) Equipment, i.e. trucks, tractors, buildings, special equipment (e.g., irrigation), etc.

(3) Herd expenses, i.e., payment for bulls and heifers; and

(4) Miscellaneous expenses. Cost determination must also include depreciation and interest expenses.

(c) Cultivating cost including operating costs for:

(1) Labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits;

(2) Materials, i.e., water, seed, feed supplements, salt, fertilizer, and pesticides;

(3) Machinery;

(4) Fuel and repair; and

(5) Outside consultants (i.e., veterinary and management).

(d) Variable costs. The harvest costs based on the amount of yield only, expressed as the cost per unit of yield (e.g., tons, bushels, 100 weight, or pounds).

7. Gross revenue.

(a) Gross returns for each crop type grown in the area for the preceding five years, as detailed in the annual crop report issued by the County Agriculture Commissioner.

(b) Past return figures, factoring in the appropriate Producer Price Index (PPI) value to account to inflation over time.

8. Evaluations incorporating cost and revenue figures.

(a) Requisite minimum acreage for continued viable agricultural operation (farm family approach). Demonstration of continued viability shall be based upon:

(i.) A determination of projected net income, taking into account production

costs by crop computed on a per acre basis and subtracted from gross market receipts expected from that crop. The resulting farmer income per acre of productive land, shall then be divided into the county's median income figure to compute the number of acres required to support a farm family; or

(ii.) A determination of net return per acre, per crop type, for the area only by crop type. The gross revenue per acre for subject crop types as listed in the County Agricultural Commissioner's annual report subtracting the cost per acre associated with each crop type.

9. Prime agricultural land determination. All agricultural land and land suitable for agriculture that is proposed for conversion to nonagricultural use shall be evaluated for a determination of whether it should be categorized as prime or nonprime agricultural land. As defined in the Coastal Act, "prime agricultural land" is "those lands defined in paragraph (1), (2), (3), or (4) of subsection (c) of Section 51201 of the Government Code" (Coastal Act Section 30113). Government Code Sections 51200 through 51296, also known as the "Williamson Act," and Coastal Land Use Plan Policy C-LU-6c list the following definitions of prime agricultural land:

1) All land that qualifies for rating as Class I or Class II in the Natural Resource Conservation Service land use capability classifications;

2) Land which qualifies for rating eighty (80) through 100 in the Storie Index Rating;

3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;

4) Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five (5) years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than Two Hundred and no/100ths (\$200.00) Dollars per acre; and

5) Land of high agricultural value, meeting the following criteria:

a) Lands "actively used" (lands may be considered "actively used" even though they lie idle for up to ten years) for agricultural production such as nursery crops, pasture crops, dairy products, and/or livestock, and;

b) Lands which comprise a minimum of 20 acres in contiguous ownership.

10. Divisions of agricultural land. All land divisions of agricultural lands and lands suitable for agriculture shall submit a continued viability analysis and agricultural management plan detailing how the land will remain in active agricultural production once subdivided. The viability analysis and management plan shall consist of the following information:

(a) Property information. A summary of the current status of the property to be subdivided:

(i.) Current ownership.

(ii.) Property location and size.

(iii.) Climate of the area.

(iv.) Existing infrastructure both on and off farm.

(v.) A list of all known agricultural activities conducted on the property in the last 10 - 50 years.

(vi.) Principal management strategies applied by current owner (e.g. fertilizer applications, erosion management, waste disposal etc.)

(vii.) Personnel currently employed on the property.

(b) Property map. Illustration of how the proposed development fits within the current property structure:

(i.) North arrow and map scale

(ii.) Abutting lots, roads and water ways.

(iii.) Adjoining land uses.

(iv.) Perimeter bounds including walls and fences and the proposed subdivision boundary.

(v.) All existing buildings.

(vi.) Access roads and trails.

(vii.) Slope and major landform features.

(viii.) Soil types / land classes.

ix.) Easements

(x.) Dams, water courses and drainage facilities.

(xi.) Utility services (e.g. electrical and natural gas, domestic water supplies, and telephone).

(xii.) Proposed uses and internal fencing of the property with area and linear measurements shown.

(xiii.) Existing and proposed vegetation including windbreaks, areas of arable land, plantation forestry and native bush.

(iv.) If water or other materials are discharged off-site, the location, direction and type of discharge (e.g. pollution, soil erosion, manure, fertilizers):

(xv.) Important aesthetic, cultural and historical features.

(xvi.) Unique natural areas, e.g. raptor nests, ecologically significant habitats.

rare or endangered species.

(xvii.) Current land use.

(xviii.) Proposed subdivision boundaries.

(c) Proposed land uses for each of the proposed new subdivision lots. An evaluation of potential land-uses for the properties, based on the land capability and the local climate, comprising a list indicating the suitability of the land for each purpose and note any restrictions.

(d) Water management. A description of the water supply in terms of location, quality, quantity and power source, detailing any water entitlements that will be allocated to the lots, and providing an assessment of the likely water requirements for the proposed uses. If water or other materials are discharged off-site, the location, direction and character of discharge (e.g., stormwater drainage, crop bog draining, fertigation runoff, irrigation flowthrough) shall be specified.

(e) Soil quality and conservation practices. Description of the major soil types, their structure, fertility and permeability characteristics, and identification of any major soil erosion patterns if present, including the current and proposed future management of these problem areas.

(f) Pest management. A listing of any agricultural pest problems (e.g., vertebrate, invertebrate or noxious or invasive plants) on the property, their location and the impact of their presence on the viability of existing or potential agricultural production, and identification of any necessary structures or eradication practices (e.g., bird netting, packing sheds, baiting, defoliant spraying, etc.)

(g) Natural resources management. A description of the impact of the proposed development on the biological environment, including affects on fish, wildlife, or rare plant habitats.

(h) Adverse weather management. Description of crop-damaging climatic or meteorologic conditions, including the identification of necessary structures to lessen such damages (e.g., hail netting, frost control systems, etc.)

(i) Fire management. Description of any fire risk created by the proposed development, including recommended fire prevention and management measures.

(j) Adverse effects on adjacent land. Identification of potential impacts of the agricultural operation on adjacent land, including a description of how the impacts would be reduced to less than significant levels, addressing:

(i.) Air pollution (e.g. offensive smells and spray drift).

(ii.) Noise (e.g., water pumps, refrigeration, cultivation equipment).

(iii.) Exterior lighting.

(iv) Water borne pollution.

(v.) Farm implement traffic on access roads.

(k) Required Resources. An inventory of the human and material assets needed to conduct the proposed agricultural operations:

(i.) Number of personnel necessary to operate the properties, including the identification of changes to the current human resource base following instigation of the proposed development.

(ii.) Infrastructure required for the proposed development, (e.g., new access roads, dikes and levees, buildings, utility extensions, securement of water rights, etc.)

(iii.) Schedule of cultivation and processing equipment and implements needed to conduct the agricultural operations.

(l) Allowance for possible future expansion. An explanation of how the proposed development will impact future expansion of the business enterprises given that average minimum farm sizes scales of economy are generally increasing.

(m) Capital resources, operational costs, and profits. Illustration of the potential profitability and sustainability of the venture, including amounts and sources of start-up capital, anticipated costs, and projected income.

9.50.040 Supplementary findings for development within or adjacent to agricultural lands.

In addition to the findings for approval or conditional approval of a Coastal Permit, development authorization, or other entitlement as required by section 9.72.030.F.2, the following supplementary findings, based on factual evidence, shall be made for new development or uses involving ground disturbing activities and/or occurring in or adjacent to agricultural lands:

A. Protection of Soils Resources

(1) Alteration of landforms have been minimized to the greatest amount feasible;

(2) Potential adverse impacts from erosion, sedimentation, and the entrainment of silt and soils materials have been minimized to less than significant levels; and

(3) Productive topsoils have been salvaged and stockpiled for reuse.

B. Protection of Agricultural Resources.

(1) General. All development conforms to the development standards set forth in Section 9.70.035.

(2) Land divisions of prime agricultural land; adjacent agricultural lands. All subdivisions of prime agricultural lands shall demonstrate that they will not diminish the productivity of such prime agricultural lands or adjacent agricultural lands.

(3) Land division of agricultural lands and lands suitable for agriculture. Agricultural lands and lands suitable for agriculture shall not be divided unless it can be demonstrated pursuant to an approved continued viability analysis and agriculture management plan, prepared consistent with the requirements of Section 9.70.035.C, demonstrating that the parcel(s) will remain viable for agricultural use at the subdivided parcel size(s) and will not diminish the productivity of

adjacent agricultural lands.

(4) Residential development. Otherwise permissible residential development, whether for farm dwellings, other permissible single-family residential occupancy, or farm labor housing, shall not be allowed to diminish current or future agricultural use of the property, or of adjacent lands suitable for agriculture.

9.50.050 - Development standards.

A. Development of all structural improvements and uses on lands designated or suitable for agriculture consistent with all other LCP policies, shall:

(1) Support, and not interfere with, the primary use of the site as a productive agricultural unit for the continuing, renewed or expanded production of food and fiber. The structures or uses shall be designed to provide buffer areas between on- and off-site agricultural and nonagricultural uses to minimize land use conflicts.

(2) Be clustered adjacent to existing non-agricultural structures or along road frontages, and avoid construction on prime agricultural soils, except where it is demonstrated that all agriculturally unsuitable land on the site has been developed or cannot be used because of terrain or other constraints.

(3) Retain the maximum feasible amount of agriculturally designated lands available for existing or potential agricultural production:

(4) Be sited and designed to protect coastal resources, including but not limited to, ESHA and visual resources:

(5) Protect on-site water resources through sizing non-agricultural development to assure that adequate water resources are available to the site, to maintain habitat values and serve both the development and existing and proposed agricultural operations:

(6) Preclude growth inducement through prohibiting extension of urban sewer and water services to support on-site agricultural operations or other uses, except for reclaimed wastewater that may be used for agricultural enhancement.

(7) Site and design roads and driveways to be the minimum width and length necessary, to ensure that the road and driveways will not adverse affect agricultural productivity on the site or on adjoining lands, and designed to avoid unnecessary cut and fill, particularly by conforming to natural landforms

B. Guarantee of continuing agricultural use. As a condition of approval of a development involving the conversion from an agricultural use to a nonagricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agricultural use by recording a legal restriction against the property (e.g., agricultural conservation easement, offer to dedicate an agricultural easement, deed restriction) that limits the use of the land covered by the easement to agricultural uses.

C. Procedures for agricultural or open space easements. Any easement required by this section shall be reviewed as set forth in Section 9.69.080 of this code.

~~9.50.020~~ 9.50.060 - Relationship to Nuisance

- A. No existing or future agricultural use or any of its appurtenances, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, and all applicable City requirements, shall become a nuisance to adjacent land uses, when the action was not a nuisance at the time it began. The provisions of this Chapter shall not apply whenever a nuisance results from the negligent or improper action of any agricultural use or its appurtenances.
- B. This Chapter shall not be construed as modifying existing law relative to nuisances, but only to be utilized in the interpretation and enforcement of the provisions of this Land Use Code.

~~9.50.030~~ **9.50.070 - Disclosure Requirement**

- A. **Disclosure by subdivider or seller.** The subdivider or seller of any property located within 1,000 feet of land zoned for agricultural use shall disclose, through a notation on the Final Map, within Conditions, Covenants and Restrictions (CC&Rs), if prepared, and through the recordation of a separate acknowledgment statement, the presence of agricultural and appurtenant uses in the proximity through the following, or similar statement:

“The property you are purchasing or developing is located within 1000 feet of agricultural lands or uses, and you may be subject to inconvenience or discomfort from the following, or other similar agricultural uses: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, dairying, fish, poultry, and commercial practices performed as incidental to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers for transportation to market. These operations may generate, among other things, dust, smoke, noise and odor. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a city with a strong rural character and a healthy agricultural sector.”

- B. **Disclosure prior to issuance of a Building Permit.** Where a new structure intended for human occupancy is to be located on property which is located within 1,000 feet of land zoned for agricultural use, the owner of the property shall, prior to issuance of a Building Permit, sign and record a statement in a form equivalent to that specified in Subsection A. In lieu of signing the statement required above, the owner may submit evidence that the statement in Subsection A. has been made a part of subdivision documents creating the parcel on which the structure is proposed.

CHAPTER 9.52 - HILLSIDE DEVELOPMENT

Sections:

- 9.52.010 - Purpose
- 9.52.020 - Applicability
- 9.52.030 - Permit Requirements
- 9.52.040 - Hillside Subdivision Standards
- 9.52.050 - Site Planning and Development Standards
- 9.52.060 - Building Design Standards
- 9.52.070 - Hillside Development Permit

9.52.010 - Purpose

The purposes of this Chapter are to:

- A. Preserve the City's environmental and scenic resources by encouraging the retention of natural topographic features and vegetation;
- B. Recognize that as the slope of a development site increases so does the potential for environmental degradation including slope failure, and increased storm water runoff that will also increase the potential for erosion, and waterway sedimentation;
- C. Encourage appropriate road construction and grading practices in hillside areas;
- D. Encourage structures on hillside parcels to be designed with scale, massing, architectural design and detailing appropriate to maintain the visual character of hillsides as natural and open; and
- E. Recognize that commercial timber operations are allowed only in the AE, AR, and NR-TP zone districts.

9.52.020 - Applicability

- A. **Applicability.** The requirements and guidelines in this Chapter apply to new construction or remodeling, subdivisions, new land uses, and all other proposed development on a site in the areas subject to hillside development standards as mapped in the General Plan, Figure PS-a, Hazards Map.
- B. **Limitation on hillside development.** No new grading, construction or development shall occur on a slope of more than 25 percent, except that:
 - 1. Each new lot created in areas subject to this Chapter shall contain a contiguous buildable area of at least 4,000 square feet, with a natural slope of 15 percent or less.
 - 2. Each existing, legally created lot which cannot meet the 15 percent slope standard may develop a buildable area of 1,500 square feet if the City determines that there is no alternative building site.

9.52.030 - Permit Requirements

A proposed project that is subject to this Chapter shall be authorized by a Hillside Development Permit in compliance with Section 9.52.070 (Hillside Development Permit), in addition to any other permit required by this Land Use Code.

9.52.040 - Hillside Subdivision Standards

Any proposed subdivision and any existing, legally created, undeveloped lot shall comply with the following standards.

A. Parcel and building site.

1. Each parcel and building site shall comply with the Section 9.52.020.B and shall adhere to the hillside development standards found in Policy PS-3c of the Arcata General Plan: 2020.
2. A minimum of 50 percent of the area of each lot shall be designated as a natural area. All slopes greater than 25 percent shall be included in the natural area. This area shall be identified on each map that accompanies a development proposal. No grading or development shall be permitted in the natural area.
3. Areas with slopes greater than 25 percent shall not be included in the acreage used to calculate allowable density.

B. Roads. Each new road shall follow natural terrain contours to the maximum extent feasible to minimize grading and shall adhere to the hillside development standards found in Policy PS-3c of the Arcata General Plan 2020. Proposed driveways shall comply with the requirements of Section 9.52.050 (Site Planning and Development Standards).

9.52.050 - Site Planning and Development Standards

Each structure shall be located in the most accessible, least visually prominent, most geologically stable, portion or portions of the site. Siting structures in the least prominent locations is especially important on open hillsides where the high visibility of construction as viewed from public access points (e.g., Highway 101, the Arcata Marsh, or the Arcata Plaza) should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.

A. Site access. Each driveway shall follow natural terrain contours to minimize grading, and also shall comply with the following standards.

1. Common driveways and easements that serve more than one parcel are encouraged, and may be required in new subdivisions, to reduce the total amount of grading and pavement.
2. Driveway drainage facilities shall be subject to the approval of the City Engineer.
3. A driveway shall not have a grade steeper than five percent within 10 feet of a garage or carport entry or the street. Driveway finished grades shall not exceed an average of 17 percent.
4. Driveways shall be designed to minimize grading and disruption of vegetation.

B. Site coverage. Total site coverage by structures and other non-permeable surfaces shall match the zoning district standards.

C. Setbacks. Building setbacks for any proposed structure shall comply with the requirements of the applicable zoning district, or shall be determined as a Condition of Approval of a Hillside Development Permit. Residential development adjacent to the Community Forest Boundary shall be governed by the following standards:

1. No new lots shall be created which would require a residential unit to be located within 150 feet of the Community Forest Boundary; and

2. For a lot in existence prior to the adoption of this Land Use Code, the construction of any new structure will provide the maximum building setback from the Community Forest Boundary with a reasonable building footprint as determined by the Zoning Administrator.
- D. **Structure placement.** Each proposed structure shall comply with the following standards:
1. **Placement of structures.** Proposed structures shall comply with the following standards, to maintain the natural appearance of hillsides and ridgelines.
 - a. Each structure shall be located as follows (see Figures 5-1 and 5-2): No part of a proposed structure shall appear silhouetted against the sky above the nearest ridge or knoll when viewed from the nearest downhill street, except as provided for in Subsection 9.52.050 D(2).
 - b. Each structure shall be located to take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation.

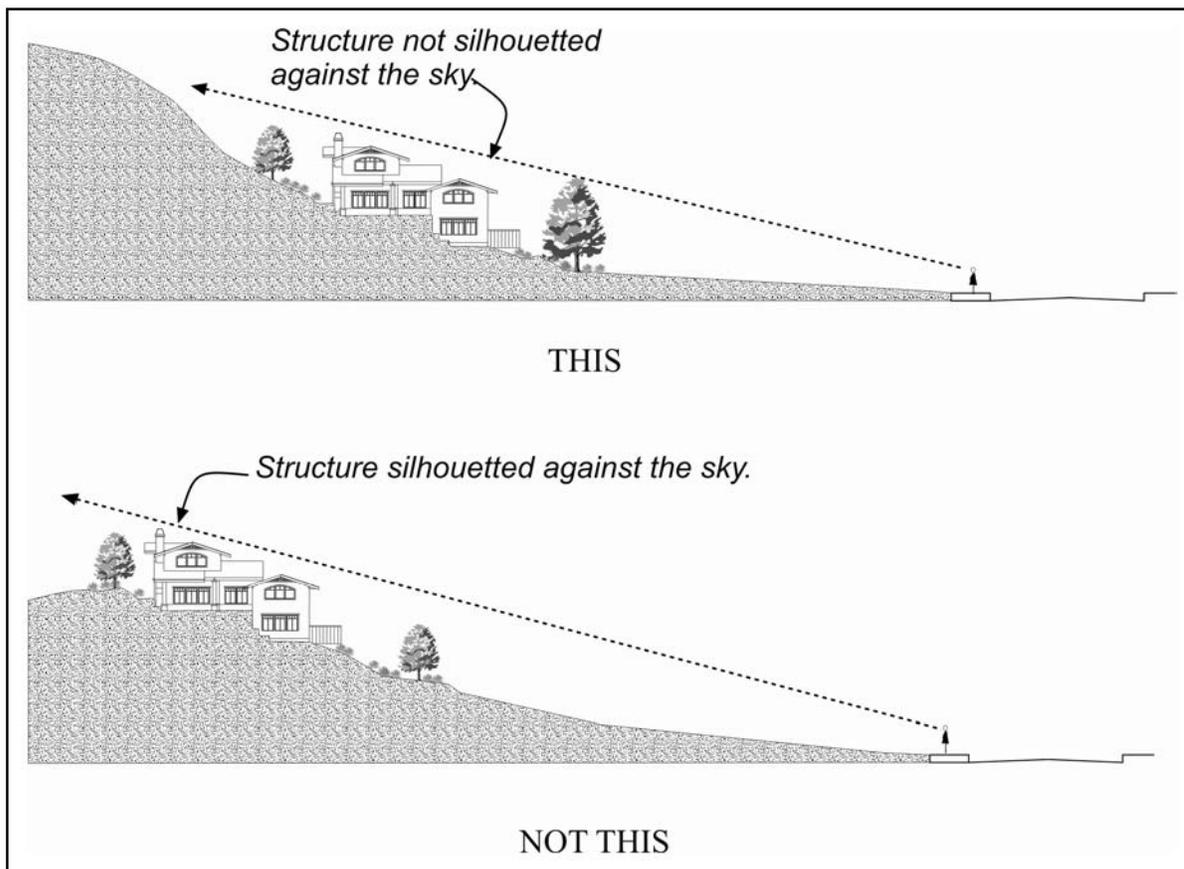


Figure 5-1 - Silhouetted Structure

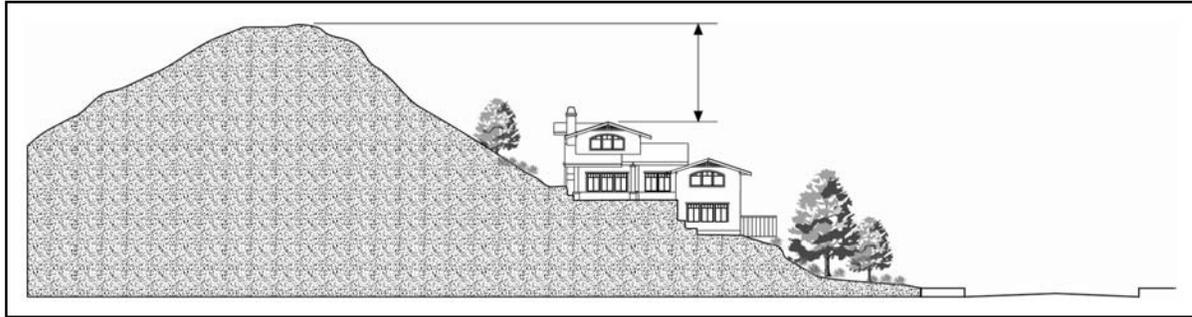


Figure 5-2 - Location of Structure Below Ridgeline

2. **Height limit above ridgeline.** Where the City determines that a legal lot existing prior to the effective date of this Section contains no feasible building site other than where a structure will extend above the ridgeline, proposed structures shall not exceed a height of 16 feet above the highest point on the ridgeline or hilltop within 100 feet of the proposed structure. See Figure 5-3.

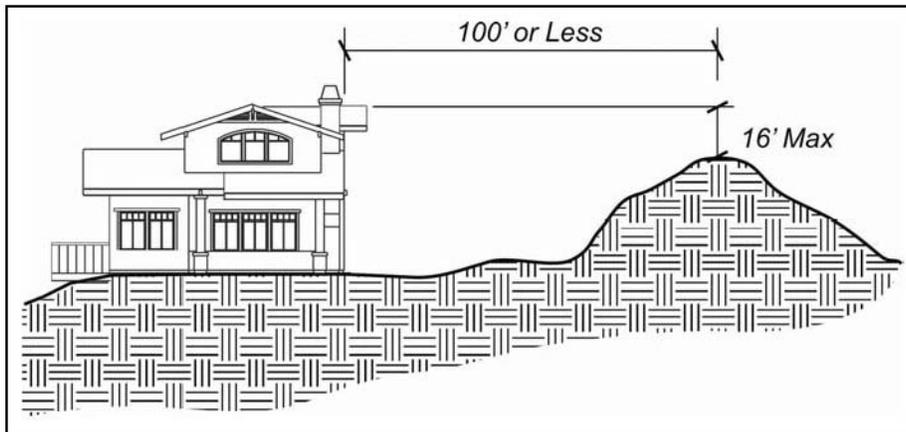


Figure 5-3 - Highest Point Within 100 Feet of Structure

- E. **View protection.** A proposed structure or addition to an existing structure shall be designed and located so that it avoids blocking views from other properties to the maximum extent feasible, as follows.
 1. New structures and tall landscaping shall not be placed directly in the view of the primary living areas on a neighboring parcel unless no other location is feasible. See Figure 5-4.

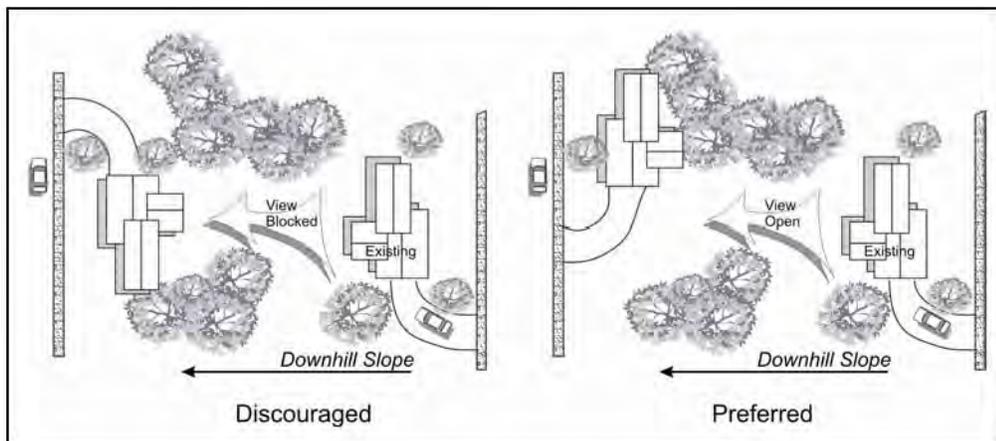


Figure 5-4 - View Protection

2. Mechanical equipment may be placed on rooftops or below a deck only if the equipment is not visible from off the site, except for unobtrusive solar collectors that are compatible with the roof line and architecturally integrated with the structure. Equipment shall also comply with the height limits in Chapter 9.44, except that satellite dishes shall be limited to 3 feet in height and television antennas to 7 feet in height for hillside developments.
 3. Story poles shall be placed prior to any new construction and prior to any notification requirements.
- F. **Exterior lighting.** Exterior lighting shall be properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures.
- G. **Other Standards.** Site planning and development for hillside areas shall also cross-reference with chapter 9.58 (Tree Preservation and Hazardous Tree Removal).

9.52.060 - Building Design Standards

Building and site design shall generally utilize varying setbacks and structure heights, split-level foundations, and low retaining walls to blend structures into the terrain.

- A. **Floor area ratio.** The gross floor area ratio (FAR) of all structures on a parcel in the RVL or RL zone district shall comply with the requirements of the applicable zoning district, or shall be determined as a condition of approval of a Hillside Development Permit.
- B. **Windows - Infill lots.** Windows, balconies, and outdoor living areas generally shall be located to protect the privacy of adjacent homes and yards.

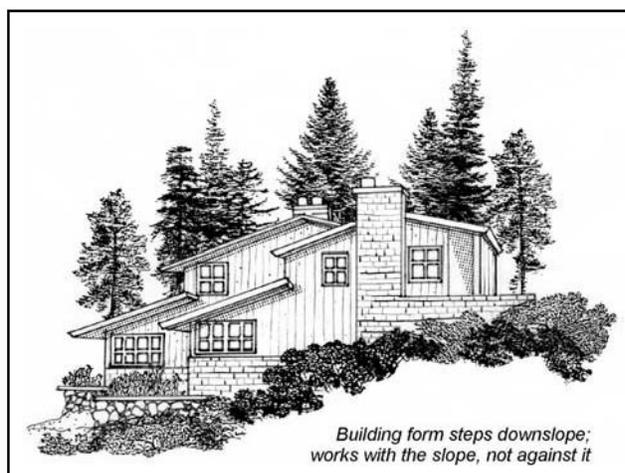


Figure 5-5 - Design Sensitive to Terrain (an example of building form, not intended to show preferred architectural style)

- C. **Exterior wall surfaces.** The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of single story elements, setbacks, overhangs, roof pitches, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
- D. **Colors and materials.** A mixture of materials and color shall be used to blend structures with the natural appearance of the hillside.
- E. **Roofs.** Roof pitches shall generally be placed to follow the angle of the slope; but with variations to avoid a monotonous appearance.
- F. **Support structures.** Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house, shall be enclosed unless visible structural members are an integral feature of the architectural design. Support structure wall surfaces shall not exceed six feet in height.

G. **Landscaping.** See Chapter 9.34 (Landscaping Standards).

9.52.070 - Hillside Development Permit

- A. **Purpose.** The Hillside Development Permit provides a review process for proposed development on hillside parcels, to ensure that a proposed project minimizes its visual and environmental impact. A Hillside Development Permit is conducted similar to that of a Minor Use Permit.
- B. **Applicability.** A Hillside Development Permit is required to authorize any proposed development that is subject to the requirements of this Chapter. Per Subsection 9.24.060 A.1 of this Land Use Code, development and grading on slopes greater than 15 percent in the Residential - Very Low (RVL) zoning district may be allowed only with Hillside Development Permit approval.
- C. **Application filing and processing.** An application for a Hillside Development Permit shall be filed and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing). A Hillside Development Permit application shall include all information and materials required by Section 9.70.030 (Application Preparation and Filing), and the following additional information.
1. **Site topography.** A topographic map covering the entire site, and areas on surrounding parcels within 50 feet of the site boundary. The map shall be prepared with a contour interval of two feet, and shall include:
 - a. The proposed building site;
 - b. Slopes less than or equal to 10 percent;
 - c. Slopes greater than 10 percent and less than 15 percent;
 - d. Slopes greater than 15 percent and less than 20 percent;
 - e. Slopes greater than 20 percent and less than 25 percent; and
 - f. Slopes greater than 25 percent.
 2. **Geotechnical report.** A preliminary geotechnical report that identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity. Depending upon the site characteristics and project design, a final geotechnical report may also be required.
 3. **Constraints analysis.** For properties determined by the City to potentially have sensitive environmental resources including endangered plants or animals or a wildlife corridor, a qualified professional approved by the City shall prepare a site constraints analysis. The report shall include proposed mitigation measures to effectively protect identified important biological features.
- D. **Project review and notice.** A Hillside Development Permit shall be reviewed, have public notice provided, and be decided in the same manner as a Minor Use Permit in compliance with Section 9.72.080 (Use Permit and Minor Use Permit).
- E. **Required findings.** The City may approve, conditionally approve, or disapprove a Hillside Development Permit application, and shall record the decision and the findings upon which the decision is based. The City may approve a Hillside Development Permit only after first finding all of the following:
1. The proposed project complies with the requirements of this Chapter and all other applicable

provisions of this Land Use Code;

2. The proposed project is consistent with the General Plan and any applicable specific plan;
 3. The establishment, maintenance, or operation of the use will not be detrimental to the public health, safety, or general welfare;
 4. The design, location, and size of proposed structures will be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection; and
 5. The placement of proposed structures on the site avoids slopes over 15 percent to the maximum extent feasible.
- F. Exceptions to standards.** The review authority may grant an exception to the standards of this Chapter as part of Hillside Development Permit approval only where it first finds that:
1. The exception is either necessary to allow a house with floor area of at least 1500 square feet on a site with excessive slope, Community Forest Boundary setback constraints, or other environmental constraints; or
 2. The exception will result in less visual impact than would development in compliance with the standard being adjusted.
- G. Conditions of approval.** In approving a Hillside Development Permit, the City may impose any conditions it deems reasonable and necessary to ensure that the approval will comply with the findings required by Subsection E.
- H. Post approval procedures.** The procedures and requirements in Chapter 9.79 (Permit Implementation, Time Limits, and Extensions), and those related to appeals in Chapter 9.76 (Appeals), shall apply following the decision on a Hillside Development Permit.
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CHAPTER 9.53 - HISTORICAL RESOURCE PRESERVATION

Sections:

- 9.53.010 - Purpose
- 9.53.020 - Applicability
- 9.53.030 - Review Authority
- 9.53.040 - Historical Resources Eligibility, Listing and Management
- 9.53.050 - Alteration of Historic Structures, Districts and Neighborhoods
- 9.53.060 - Demolition or Removal
- 9.53.070 - Rehabilitation Incentives
- 9.53.080 - Duty to Maintain and Repair
- 9.53.090 - Unsafe or Dangerous Condition
- 9.53.100 - Inadvertent Archaeological Discoveries

9.53.010 - Purpose

The provisions of this Chapter are intended to:

- A. Protect and Preserve Historical Resources listed on or eligible for listing on the California Register of Historical Resources, including all manner of properties: buildings, structures, sites (prehistoric, historic, traditional ethnic and Native American), objects, districts, and cultural landscapes.
- B. Implement the process of designation and preservation of property within the :HL combining zone (Section 9.28.040) by protecting sites and structures identified by the City as culturally, architecturally, and/or historically significant, that contribute to Arcata's historical character and identity, and that should be preserved and/or restored.
- C. Prevent the demolition of any existing building or portion of a building without first evaluating whether it contributes significantly to the historical or architectural character of the City or neighborhood, and to ensure consideration of the potential for preservation of buildings found to contribute significantly to that character, in compliance with General Plan Policy H-5a. Identify and encourage the retention of structures that could qualify as historical resources but are not currently designated.
- D. Implement the California State Historic Building Code (SHBC) for qualified historical buildings.
- E. Promote the stabilization of neighborhoods and areas of the City, promote the increase in economic and financial benefits to the City and its inhabitants, and the growth of tourist trade and interest.
- F. Ensure development that respects, complements and enhances historic architectural styles, maintains the scale and character, and thereby stabilizes neighborhoods, districts, and areas of cultural importance. Protect and preserve the Arcata Plaza and the older structures that border the adjacent streets that help define the Plaza's character. Assure that new construction, modifications or alterations of noteworthy structures, and significant changes to other structures are harmonious with the existing character of Neighborhood Conservation Areas (NCA).
- G. Conserve valuable building materials, historic fabric and energy resources by promoting preservation and adaptive use of historical resources.
- H. Promote historical and architectural reviews by the Historic and Design Review Commission on projects affecting historical resources.

9.53.020 - Applicability

This section identifies the various projects that may be subject to historic reviews in addition to all of the other planning permit or approval requirements of this Land Use Code and the Municipal Code.

A. Affected activities.

1. **Period of Significance.** Any historical resource that is at least 50 years old shall be subject to the requirements of this chapter.
2. **Construction or alteration within the :HL combining zone.** No person shall alter the exterior of, construct, or construct improvements to, relocate structures or demolish any structures that are designated within a :HL combining zone (Section 9.28.040), except in compliance with this Chapter.
3. **Noteworthy Structures.** Structures that could qualify as historical resources shall be identified and processed as outlined in the Arcata General Plan: 2020 Policies H-2a through H-2f.
4. **Arcata Plaza Area Historic District.** The Arcata Plaza Historic District, as identified in Figure HP-a from the Arcata General Plan: 2020, shall be protected and preserved as outlined in General Plan Policies H-3a through H-3g.
5. **Neighborhood Conservation Areas.** No person shall construct, modify or relocate any historic structure within a Neighborhood Conservation Area except in compliance with this chapter.
6. **Demolition of any structure in the City.** No person shall demolish any structure within the City, except in compliance with this Chapter.
7. **Ground Disturbing Projects.** All ground disturbing projects including those by the City will be subject to review in compliance with this chapter.
8. **Adoption of or amendments to the General Plan or to specific plans, and designation of Open Space.** In compliance with Senate Bill 18 (SB18) of 2004, such actions shall involve consultations with pertinent Tribal Governments.

- B. Relationship to CEQA.** Decisions by the City in compliance with this Chapter are "discretionary" and relate to "discretionary projects" as these terms are used in the California Environmental Quality Act (CEQA). See Section 9.78 (Environmental Impact Assessment) for a listing of "ministerial" projects that are statutorily exempt from CEQA review. CEQA requires analysis by the City as the lead agency under CEQA to determine if a proposed project will cause significant impacts to historical resources including archaeological and Native American Traditional Cultural Places.

9.53.030 - Review Authority

This Section assigns responsibilities for review, recommendations, and decisions on the approvals required by this Chapter to the following bodies, in addition to the responsibilities of the Planning Commission and Council.

- A. Historic and Design Review Commission.** The Historic and Design Review Commission (HDRC), as established by the Council for the purposes of this Chapter, shall conduct historic reviews; review and make recommendations on historical resource designations and historical resource reports; and implement Policy H1-I (Historical Landmarks Commission) of General Plan: 2020.

Duties of the HDRC shall include but not be limited to:

1. Recommendations for designation of historical resources, and conducting or facilitating historical resource inventories and surveys.
 2. Review of demolition applications.
 3. Review of any changes to a :HL designated historical resource including:
 - a. Any exterior alterations including changes in materials.
 - b. Interior alterations that would affect the exterior appearance.
 - c. Any addition to a :HL designated structure.
 - d. Construction of a new structure on a :HL designated site.
 4. Review of all exterior alterations that require building permits to Noteworthy Structures, and possible review of buildings constructed within the Period of Significance including changes in types of materials and additions.
 5. Review of all development, exterior alterations, and additions to structures located within the Plaza Historic District.
 6. Review of all development, exterior alterations, and additions to structures proposed within a NCA to determine that the design will be compatible with and does not destroy the historical or architectural character of the property and the surrounding NCA.
 7. Develop historic preservation design guidelines.
- B. Historical Sites Society.** The Historical Sites Society of Arcata (HSSA) is hereby recognized as a non-profit membership organization interested in historic preservation and local history.
- C. North Coastal Information Center (NCIC).** The NCIC of the California Historical Resources Information System and the City of Arcata will enter into a Memorandum of Agreement (MOA) no later than six months from the finalization of this land use code. The duties of the NCIC and the City will be established in the MOA and may include:
1. Providing pertinent records of recorded historical resources on file to the City.
 2. Drafting and providing pertinent, current sensitivity historical resource base maps to the City.
 3. Expediting NCIC record searches for City ground disturbing projects and activities that have the potential to cause significant impacts to historical resources.
 4. Providing the NCIC pertinent data and surveys from the City.
- D. Native American Tribal Governments.** Within six months of the finalization of this land use code, the City will enter into agreements with, at a minimum, the Wiyot Tribe and the Blue Lake Rancheria for consultations. The duties of the Native American Tribal Governments will be established in the MOA and may include:
1. Review of, adoption of, or amendments to the General Plan and to Specific Plans, and designation of open space which contains Native American traditional cultural places.

2. Review of the MOA between the City and the NCIC.
3. Review of City projects and discretionary projects within the City that have the potential to cause significant impacts to historical resources.
4. Review of the preservation of, or the mitigation of impacts to, places, features and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code (cultural places).
5. Establishing a protocol for notification of post-review of Native American discoveries per Subsection 9.53.100.C.

E. City of Arcata, Department of Community Development.

1. The City shall assign the responsibility of historical resources review in compliance with this chapter to the Department of Community Development.
2. The City shall obtain and update every six months, listings within the City on the Sacred Lands Inventory maintained by the State of California Native American Heritage Commission.

F. Appeals. The decisions of the HDRC shall be appealable to the Planning Commission and/or Council in accordance with Section 9.76 (Appeals).

9.53.040 - Historical Resources Eligibility, Listing and Management

A. Purpose and applicability. The Council shall have the authority to approve the designation of buildings, structures, sites (prehistoric, historic, traditional ethnic and Native American), objects, districts, and cultural landscapes as eligible for listing at the local, State or National level.

B. Procedure for designation of a Historic Landmark, Historic District, Cultural Landscape or Neighborhood Conservation Area. The application for the designation of a district, site, area, or structure may be initiated by the owner, HSSA, Council, Planning Commission or HDRC. If initiated by the HSSA or the City, the owner shall be notified and will be able to contest the process.

1. **Significance Criteria for listing.** In order to be eligible for listing, a district, site, area or structure should retain historical integrity and meet one or more of the following criteria:
 - a. The building, site or area is a significant representative of a distinct architectural period, type, style, or way of life.
 - b. The building, site or area is at least 50 years old, or in rare cases has achieved architectural or cultural significance in less than 50 years.
 - c. The building, site or area is connected with a person or event important to local, state or national history.
 - d. The architect or builder is famous or well-recognized.
 - e. The building's style, construction method, materials, or finishes are unusual or significant.
 - f. The building contains original materials or craftsmanship of high or unusual value.
 - g. The building or site's unique location or singular physical characteristic(s) represent an

established and familiar visual feature or landmark of a neighborhood, community, or the City.

2. **Referral.** The City shall refer a proposed :HL combining zone, district, Neighborhood Conservation Area, or cultural landscape designation for review and comment to the HSSA.
 3. **Notice and hearing.** Public notice shall be provided, and public hearings on a proposed rezoning to designate a :HL combining zone, historic district, Neighborhood Conservation Area, or cultural landscape shall be conducted by the HDRC, Planning Commission, and Council in compliance with Chapter 9.92 Amendments and 9.74 Public Hearings. In addition, notice of the hearings shall be provided to the HSSA, property owners, and adjacent property owners.
 4. **Notice of designation.** When a historical resource has been designated by the Council, the City Clerk shall promptly notify the owners of the affected property and record notification of the designation with the County Recorder's office in compliance with State law, per Public Resource Code 5029(b).
 5. **Content of ordinance.** Each designating ordinance shall include:
 - a. A description of the characteristics of the historical resource that justify the designation as identified in Section 9.53.040.B.1, a list of any particular features that should be preserved or restored, and the location and boundaries of the resource site;
 - b. In the case of the application of the :HL combining zone to multiple sites, the designating ordinance shall specify which structures within the combining zone are to be protected by the designation; and
 - c. The designating ordinance may also require the review of proposed changes in major architectural features of a publicly owned historical resource.
 6. **Pending Applications.** No application for a permit to construct, alter, demolish, or relocate a structure that is proposed for historical resource designation, filed after the designation process has been initiated in compliance with Section 9.53.040.B, shall be approved without compliance with this Chapter while the proceedings are pending.
 7. **Removal of designation.** The Council may amend or rescind the application of the :HL combining zone to property only through rezoning in compliance with Chapter 9.92 (Amendments).
- C. **Procedure for designation of a Noteworthy Structure.** HDRC shall recommend to the Council by resolution the inclusion of specified structures to the City's "Noteworthy Structures" list, to encourage their retention. Noteworthy Structures are those that may be eligible for Historic Landmark designation and may not have complete documentation as to their historical or architectural merit. Owners of properties listed as having Noteworthy Structures are encouraged to apply for designation within the :HL combining zone.
1. **Criteria for listing.** In order to be eligible for listing, a structure should have at least one of the following attributes:
 - a. Significant representative of a particular architectural style;
 - b. Significant representative of a period in the City's historical development;

- c. Associated with the social history of the City;
 - d. Of unusual or special design character, as determined by the HDRC; or
 - e. Contributing structure to a Neighborhood Conservation Area.
2. **Notification.** The HDRC shall notify the owners of property being considered for placement on the list, and shall provide notice and conduct a public hearing in compliance with Chapter 9.74 (Public Hearings) prior to listing a structure, so that the owners shall be given the opportunity to contest and appeal the proposed listing.
 3. **Effect of listing.** HDRC approval shall be required for any exterior alteration of a Noteworthy Structure, when or if alterations require a Building Permit, including changes in types of materials and additions. Rehabilitation incentives for Noteworthy Structures are listed in Section 9.53.070.C.1. No application for a permit to construct, alter, demolish or relocate a structure that is proposed for Noteworthy Structure designation, filed after the listing process has been initiated in compliance with Section 9.53.040.C, shall be approved without compliance with this Chapter while proceedings are pending.
 4. **Removal from list.** The HDRC may recommend to the Council to remove a structure from the City's Noteworthy Structures List through the same process as described by this Section for including a structure on the list. The property owner may also initiate this process through the HDRC.
- D. **Procedure for the identification, recordation, evaluation and management of an archaeological site or Native American Traditional Cultural Property (TCP).**
1. **Screening Process (to determine if a focused study will be required):** The City of Arcata will screen discretionary project applications (per CEQA) and those actions or projects proposed by the City to determine if the project may have a significant impact on an archaeological site(s) and/or Native American TCP(s) that qualify for inclusion, or are listed on the California Register of Historical Resources. Because the inventory of these types of historical properties is incomplete, the City shall take into consideration the comments and recommendations from knowledgeable information sources to determine (1) if a project falls within a sensitive location, and (2) a cultural resources study will be required for CEQA review and/or project planning. The screening process shall involve the following information sources:
 - a. **North Coastal Information Center (NCIC):** Recommendations from the NCIC based on project specific record searches conducted under a Memorandum of Agreement (MOA) between NCIC and the City;
 - b. **Tribal Review:** Comments and recommendations from culturally affiliated Native American Tribes, including but not necessarily limited to, the Wiyot Tribe and the Blue Lake Rancheria (the Tribal Historic Preservation Officer (THPO) for each Tribe will have the opportunity for review and comment on proposed projects via circulation of the CEQA Checklist distributed to agencies);
 - c. **Native American Heritage Commission (NAHC):** Report of a Native American culturally sensitive location by the NAHC based on its confidential Sacred Lands File records;
 - d. **Sensitivity Maps:** Archaeological and/or Native American culturally sensitive locations compiled for the City by NCIC and/or other reputable sources; and

- e. **Historic and Design Review Commission (HDRC):** Comments received from HDRC member(s).
2. **Cultural Resource Study Phases Under CEQA.** If project screening concludes that the project location is sensitive for potentially significant archaeological sites and/or Native American TCP's and the project has potential to cause significant impacts to historical resources, then the City shall require the applicant to retain a qualified professional to conduct one or more phased studies as follows:
- a. **Phase I - Identify Cultural Resources.** This phase generally involves four steps as follows:
- (1) A formal records search at the NCIC and background research about the area of study (e.g., ethnography, land-use history);
 - (2) An archaeological field survey guided by a research design;
 - (3) Consultations with knowledgeable persons having heritage ties to the cultural resources, including the updated list of Native American tribes and organizations recommended by the NAHC; and
 - (4) A written report that meets professional standards of the California Office of Historic Preservation.
- b. **Phase II - Evaluate the Significance of Cultural Resources.** If Cultural Resources are identified in Phase I, only impacts to significant cultural resources determined eligible for inclusion on the California Register of Historical Resources (or eligible for or listed in the National Register of Historic Places) will be considered under the CEQA environmental review process. For a cultural resource (i.e., building, site, structure, object, or district) to qualify for the California Register, it must have integrity and meet one or more of the following criteria:
- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - (2) Is associated with the lives of persons important in our past;
 - (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (4) Has yielded, or may be likely to yield, information important in prehistory or history.
- c. **Phase III - Management of Archaeological Resources and Native American Traditional Cultural Places.** If the results of the Phase I and II research show that the project area contains a significant cultural resource and it is determined by the City that the project will cause damage to such a resource, any number of the following may be recommended or required by the City, in conjunction with consultation with tribal governments and possibly with the California Office of Historic Preservation:
- (1) Modification of the project to avoid impacts to the cultural resources.
 - (2) Development of easements or other deed restrictions.

- (3) After appropriate archaeological testing, capping or covering the cultural resources with a soil layer before construction.
 - (4) Designation of Open Space to incorporate cultural resources.
 - (5) Mitigation of adverse impacts through archaeological excavations that meet professional standards to salvage data that would otherwise be lost during construction activities.
 - (6) Professional monitors during construction activities.
3. **Confidentiality.** Certain archaeological site information, including specific site locations, is considered confidential information excluded from public disclosure. Access to this information is specified in Appendix 6, Record Management and Access Policy Historical Resources Records, of the Information Procedural Manual of the California Historic Resources Information System.

9.53.050 - Alteration of Historic Structures, Districts and Neighborhoods

- A. Purpose.** The requirements of this Section are intended to protect historical resources including but not limited to buildings constructed within the Period of Significance, Historic Landmarks, Noteworthy Structures, Historic Districts, or Neighborhood Conservation Areas from unnecessary and/or inappropriate alterations, including reconstruction, new construction, additions, repairs, restoration, rehabilitation, or replacement not in compliance with the Secretary of the Interior's Standards. General Plan: 2020 Policies H-1e, H-1f, H-2d, H-2e, H-3d, H-3e, H4c, and H-4e shall guide proposed alterations where applicable.
- B. Applicability.**
- 1. **Activities requiring review by HDRC.** The following activities will require review by HDRC:
 - a. The exterior alteration of any structure within the :HL combining zone, Neighborhood Conservation Area, or Historic District, and any Noteworthy Structure, building constructed within the Period of Significance, or other historical resources whether previously identified or not as per CEQA (Section 15064.5 (a)(4) requiring a building permit or other discretionary permit.
 - b. Construction of a new building on a parcel with a designated Historic Landmark, Noteworthy Structure, building or other historical resource that dates within the Period of Significance, or located in a Neighborhood Conservation Area and/or Historic District.
 - 2. **Relationship to other City approvals.** HDRC approval shall be required in addition to any other permits required by this Land Use Code, and shall accompany any permit or any work otherwise altering the architectural features or appearance of the historical resource.
- C. Review authority and CEQA.** Alterations shall be reviewed, and approved or disapproved by the HDRC in compliance with CEQA, per Sections 15064.5(a)(4) or Section 15331.
- D. Notification of the Historical Sites Society of Arcata.** The City shall notify the Historical Sites Society of Arcata of all HDRC meetings considering alterations.
- E. Application Requirements and Procedures.** An application for HDRC review shall be filed with the Department. The application shall include the information and materials required by Community Development Department (CDD) handouts. Once CDD determines that the application is complete and

there is a project involving resources as identified in Subsection 9.53.050.B.1.a. above, the CDD shall request that the HDRC examine the application and conduct a historic review of the property.

- F. **Project Review and decision.** A HDRC review shall be completed and acted upon in the same manner as specified by Section 9.72.040 (Design Review).
1. **Standards for review.** In evaluating alteration applications, the HDRC shall consider the applicable eligibility criteria in Section 9.72.040, as well as any features to be preserved or other conditions specified in a consultant's historical resources report and/or recommendations from the HSSA. Proposed solar heating and cooling devices, energy collecting devices, windmills, or other similar structures shall be subject to Design Review guidelines.
 2. **Required findings.** The approval of an application to alter buildings constructed within the Period of Significance, Historic Landmarks, Noteworthy Structures, Historic Districts, or Neighborhood Conservation Areas shall require that the HDRC first find that all development and exterior alterations maintain the historical integrity of the resource, and that the change is compatible with and does not destroy the historical or architectural character of the property and the immediate neighborhood.
 3. **Substantial hardship.** The HDRC may approve an application for an alteration that may have a negative impact to a resource if an owner can present the following facts to the HDRC:
 - a. That failure to approve an application will result in immediate and substantial hardship because of conditions peculiar to the historical resource;
 - b. That the conditions have not been created by an act of the owner; and
 - c. That damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community.

In the approval process for an alteration based on a substantial hardship, the HDRC shall not consider personal, family, or financial difficulties, loss of reasonable prospective profits, and neighboring violations as justifiable hardships.

9.53.060 - Demolition or Removal

Any demolition or removal of a structure within the City shall first require HDRC to review a demolition or moving permit, as applicable, and in compliance with the requirements of this Section and CEQA.

- A. **Notification of application.** When an application is filed for a demolition or moving permit, the Director shall notify the HDRC at their next regularly scheduled meeting, and by mail to all property owners within a 300-foot radius (500-foot radius for projects not subject to CEQA exemptions), and to the Historical Sites Society of Arcata.
- B. **Required delay of action.** The demolition or removal of a structure designated with the :HL is prohibited during the 180 days following the date that an application for demolition or moving is approved by the HDRC, unless the delay time period is waived by the HDRC in compliance with Subsection B.2. The purpose of this automatic delay is to provide sufficient time for steps necessary to preserve the structure.
 1. **Extension of time period.** The Council may require that the delay period for demolition or removal for a structure designated :HL be extended for up to an additional 180 days after first finding that it is extremely probable that, within the additional time period:

- a. Satisfactory arrangements can be made to relocate the structure to an acceptable site, or
- b. A qualified public or private buyer will be found to purchase the structure.

The Council shall take action to extend the delay period at a public hearing, no later than 30 days prior to the expiration of the original 180 day time period. The total delay period shall be no more than 12 months from the date the application for a demolition or moving permit for a structure designated :HL is filed with the Department.

2. **Waiver of time period.** The owner of a designated Historic Landmark may request that the HDRC issue a waiver of any or all of the time period delaying demolition or removal. The HDRC may grant a waiver only after first finding that:

- a. Only in rare cases, satisfactory arrangements have been made to relocate the structure to an acceptable site after it has gone through the permitting process for a demolition or removal;
- b. The structure has been substantially destroyed by fire, wind, flood, earthquake, or other calamity as identified through Section 9.72.050 (Emergency Permit) so that it is of no further historic or architectural value to the community;
- c. The demolition or removal is of an outbuilding or other structure that does not contribute to the historic resource or;
- d. The action is the demolition of a portion of the structure that does not contribute to the historic resource.

- C. **Findings for Demolition.** Prior to its decision, the HDRC shall consider the recommendations of the Historical Sites Society of Arcata or its designated representative. The applicant shall be required to submit a demolition plan showing those portions to be demolished. The following findings shall be required to approve the demolition permit:

1. The building does not contribute to the historical or architectural character of the neighborhood or the City.
2. Although the building does have historical or architectural merit, it:
 - a. Has sustained substantial damage to key structural components, and
 - b. There are no feasible alternatives to demolition of the building that will not cause unusual and extreme economic hardship.

- D. **Economic Evidence.** In order to determine if unusual and extreme economic hardship exists, the HDRC shall evaluate such financial information as set below, which shall be submitted in any application to demolish a structure that dates within the Period of Significance:

1. For all property:
 - a. The amount paid for the property:
 - b. The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;

- c. The cost of any improvements since purchase by the applicant and date incurred;
 - d. The assessed value of the land, and improvements thereon, according to the most recent County assessments;
 - e. Real estate taxes for the previous two years;
 - f. Annual debt service, if any, for the previous two years;
 - g. All appraisals obtained within the previous five years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
 - h. Any listing of the property for sale or rent, price asked and offers received, if any;
 - i. Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and
2. For income producing property:
- a. Annual gross income from the property for the previous four years;
 - b. Record of itemized operating and maintenance expenses for the previous four years;
 - c. Annual cash flow for the previous four years.

9.53.070 - Rehabilitation Incentives

- A. **Purpose.** The rehabilitation incentives provided by this Section are intended to encourage the maintenance, preservation, and rehabilitation of designated Historic Landmarks and Noteworthy Structures in the City.
- B. **Applicability.** Upon the rezoning of a structure or site to the :HL combining zone, or listing as a Noteworthy Structure, the property owner shall be eligible for the incentives identified in Section 9.53.070.C.
- C. **Types of incentives allowed.**
 - 1. **General Incentives.** The following incentives, include but not limited to, shall be eligible for each site and structure designated within the :HL combining zone and for Noteworthy Structures.
 - a. Exemption from the requirements of this Land Use Code to provide any additional off-street parking, except for structural additions of 200 square feet or larger.
 - b. Exemption, for existing nonconforming uses, from the limitations of Chapter 9.90 (Nonconforming Uses, Structures, and Parcels) pertaining to non-conforming structures and site conditions.
 - c. Compliance with the State Historic Building Code and portions of the Uniform Code for Building Conservation, rather than the current edition of the Uniform Building Code.
 - d. At the option of the City, conservation easements for facades that may provide tax advantages to the donor, as approved by the City.

- e. At the option of the City, facade rehabilitation grants or loans, through the Community Development Agency, for designated historic commercial structures, to the extent available and as approved by the City.
2. **Specific incentives for structures and sites within the :HL district.** The Council may grant any or all of the following rehabilitation incentives to a site or structure that is designated within the :HL combining zone, in addition to the incentives in Subsection C.1.
- a. **Adaptive reuse.** In order to encourage the economic viability and preservation of Landmark Structures in the residential zoning districts, this Section provides for the occupancy of Landmark Structures within the :HL combining zone by land uses that are not otherwise allowed within the primary residential zoning district.
 - b. **Allowable land uses.** The following uses may be allowed if the proposed use and structure comply with all applicable requirements of Articles 2, 3, and 4 of this Land Use Code, and if the review authority makes the findings required by Subsection D.2.b.
 - (1) RVL zone: Multi-family housing.
 - (2) RL, RM, and RH zones: Multi-family housing; Medical services - Doctor Office (no private clinics, labs, pharmacies, or boutiques); Office - Business/Service; and Office - Professional.
 - c. **Fee waivers.** Permit fee waivers;
 - d. **State and Federal Incentives.** Other incentives include Federal Rehabilitation Tax Credits, California Heritage Fund Grant Program, and the Mills Act Property Tax Abatement Program. The HRA and Council do not have jurisdiction over all these funding sources. For instance, private parties and non-profits can apply for Federal Rehabilitation Tax Credits and/or funds from the California Heritage Fund Grant program without HRA or Council approval.
- D. **Review and approval of specific incentives for rehabilitation projects.**
- 1. **Hearing and action by HDRC and Council.**
 - a. The HDRC shall hold a public hearing to determine the eligibility of a property for any of the specific incentives for rehabilitation projects identified in Subsections C.1 and C.2, above and shall provide a written recommendation to the Council to approve or disapprove any specific incentives.
 - b. The Council shall hold a public hearing to consider the recommendation of the HDRC to approve or disapprove any incentives.
 - c. Notice of the public hearings shall be provided, and the hearings shall be conducted in compliance with Chapter 9.74 (Public Hearings) and include a notice to the Historical Sites Society of Arcata.
 - 2. **Required findings for approval.** The HDRC may recommend, and the Council may grant specific incentives for rehabilitation projects, only after first making all of the following findings:
 - a. **Findings for all incentives.**

- (1) Each incentive to be granted compensates the property owner for the rehabilitation project;
- (2) No approved incentive will impair the aesthetic, architectural, or historic integrity of the resource; and
- (3) No proposed incentive will be detrimental to the public health, safety, or general welfare.

b. Findings for adaptive reuse. In addition to the above findings, the HDRC and Council shall make the following findings for the approval of adaptive reuse:

- (1) The change of use will occupy no more floor area than the original use;
- (2) The proposed use will not significantly impair the exterior architectural character of adjoining properties; and
- (3) The change of use will result in:
 - (a) Substantial rehabilitation of significant architectural features if they have been altered;
 - (b) Substantial rehabilitation of the exterior appearance of the resource; and
 - (c) A maintenance plan that will ensure the upkeep and continued maintenance of the resource.

3. Conditions of approval. In approving adaptive reuse incentives, the Council may impose any conditions of approval deemed reasonable and necessary to ensure compatibility between the new use and the surrounding area.

9.53.080 - Duty to Maintain and Repair

If periodic maintenance and upkeep is not performed and the historical resource falls into disrepair, the disrepair shall not be used as justification for demolition, or any other alteration inconsistent with the provisions of this Chapter. Lien procedures through the nuisance abatement process, as outlined in Section 9.90.070, may be considered by the City to address a demolition by neglect. The HDRC can provide recommendations to the Council on nuisance abatement requests.

9.53.090 - Unsafe or Dangerous Condition

A. Correcting an Unsafe or Dangerous Condition. The provisions of this Chapter shall not prevent measures of construction, alteration, or demolition that are necessary to correct an unsafe or dangerous condition of a structure, other feature or part of a historical resource where:

1. The condition has been declared unsafe or dangerous by the Chief Building Official or the Fire Marshal; and
2. The proposed measures have been declared necessary by the official to correct the unsafe or dangerous condition; and
3. The proposed measures are done with due regard for preservation of the appearance of the

structure.

- B. Removing a Damaged Resource.** If more than 75% of a historical resource or other feature is damaged by fire, or other calamity to an extent that, in the opinion of the Building Official it cannot be reasonably repaired and restored, it may be removed in compliance with all applicable provisions of this Land Use Code and the Municipal Code.

9.53.100 - Inadvertent Archaeological Discoveries

The following standard operating procedures (SOPs) for handling "post-review" of inadvertent archaeological discoveries shall be adopted for all phases and aspects of work carried out by or for the City of Arcata and at the discretion of the City Community Development Department, attached as a Condition to Permits approved pursuant to CEQA. The intent is to avoid or minimize direct or indirect impacts to significant archaeological or Native American discoveries that may qualify for inclusion in the California Register of Historical Resources and the National Register of Historic Places.

- A. Notification of Discoveries.** The Director shall be notified immediately upon the inadvertent discovery of an archaeological find or the inadvertent discovery of Native American remains and /or grave goods.
- B. Establish List of Qualified Professional Archaeologists.** For City of Arcata Projects, the City shall make arrangements for the on-call services of one or more qualified archaeologists, using the list of qualified archaeologists provided by the North Coastal Information Center. These professionals will provide services as needed by the City to conduct rapid assessments of potentially significant archaeological finds discovered during city projects. CEQA Project Applicants will be provided the North Coastal Information Center list of qualified professional consultants to contact in the event that archaeological materials are encountered in a "post-review" scenario.
- C. Establish Protocol for Notifying Wiyot Tribal Representatives of Native American Discoveries.** A component of the agreement developed under 9.53.030.D will be the specification of a protocol for the notification of Wiyot tribal governments in cases of inadvertent discoveries of Native American cultural resources.
- D. SOP for Inadvertent Archaeological Discovery (General).** Ground-disturbing activities shall be immediately stopped if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
1. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these SOP, or if on-site at the time of discovery, by the Monitoring Archaeologist.
 2. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City if considered prudent to avoid further disturbances.
 3. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these SOP, shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for its treatment and disposition:

- a. The City's authorized Point-of-Contact (POC) and City Manager;
- b. The Contractor's authorized POC;
- c. Authorized POC of applicable agencies
- d. Tribal representative

In addition, in cases where a known or suspected Native American burial or skeletal remains are uncovered, the SOPs under paragraph E shall also be followed and the following contacts shall be notified:

- a. The Coroner of the county where the discovery is made; and
 - b. The Native American Heritage Commission (NAHC) in Sacramento (916-653-4082).
4. Ground-disturbing project work at the find locality shall be suspended temporarily while the City, its Lead Archaeologist, State Office of Historic Preservation (OHP) staff, and other applicable parties consult about appropriate treatment and disposition of the find. Should Native American remains be encountered, the provisions of State laws shall apply (see below). The Treatment Plan shall reference appropriate laws and include provisions for analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents.
 5. The City's officers, employees and agents, including Contractors, shall be obligated to protect significant cultural resource discoveries and may be subject to prosecution if applicable State or Federal laws are violated. In no event shall unauthorized persons collect artifacts.
 6. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know. The City's authorized representative shall be responsible for coordinating any requests by or contacts to the media about a discovery.
 7. SOPs shall be communicated to the City's field work force including its Contractors, employees, officers or agents, and such communications may be made through weekly tailgate safety briefings.
 8. Ground-disturbing work at a discovery locale may not be resumed until authorized by the City's POC.
- E. SOP for Inadvertent Discovery of Human Remains and Grave Goods.** The following policies and procedures for treatment and disposition of inadvertently discovered human remains shall apply:
1. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 2. Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense).
 3. In the event that known or suspected Native American remains are encountered, the above

procedures of SOP paragraph D for Inadvertent Archaeological Discovery (General) shall be followed (including notifications to those identified in D.3, in addition to the provisions of California law (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code), as follows:

- a. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC.
- b. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- c. Within 24 hours of their notification by the NAHC, the MLD will be granted permission by NCRA to inspect the discovery site if they so choose.
- d. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's POC means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses (if any) recommended by the MLD may be considered and carried out.
- e. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the City's POC rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to NCRA, NCRA shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity on the property in a location not subject to further subsurface disturbance.

F. Standard Operating Procedures (SOP) for Documenting Inadvertent Archaeological Discoveries.

1. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these SOP, shall make written notes available to the City describing: the circumstances, date, time, location and nature of the discovery; date and time each POC was informed about the discovery; and when and how security measures were implemented.
2. The City's POC shall prepare or authorize the preparation of a summary report which shall include: the time and nature of the discovery; who and when parties were notified; outcome of consultations with appropriate agencies and Native American representatives; how, when and by whom the approved Treatment Plan was carried out; and final disposition of any collected archaeological specimens.
3. The Contractor Foreman or authorized representative shall record how the discovery downtime affected the immediate and near-term contracted work schedule, for purposes of negotiating contract changes where applicable.
4. Monitoring Archaeologists and Native American Representatives shall maintain daily field notes.
5. Treatment Plans and corresponding Data Recovery Reports shall be authored by professionals who meet the Federal criteria for Principal Investigator Archaeologist and reference the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-44737).

6. Final disposition of all collected archaeological materials shall be documented in the final Data Recovery Report. Long-term storage of collections may be housed at the facility nearest to the discovery locale that conforms to Federal guidelines for curation of archaeological collections (36 CFR 79).

- G. **Filing with the California Historical Resources Information System (CHRIS).** Final Data Recovery Reports along with updated standard California site record forms (DPR 523 series) shall be filed at the appropriate Information Center of the California Historical Resources Information System (CHRIS).

- H. **Sacred Sites Inventory.** Confidential information concerning the discovery location, treatment and final disposition of Native American remains shall be forwarded to the Sacred Sites Inventory maintained by the NAHC.

CHAPTER 9.54 – RESOURCE CONSERVATION

NOTE: CHAPTER 9.54 IS NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

Sections:

- 9.54.010 - Purpose
- 9.54.020 - Applicability
- 9.54.030 - Energy Conservation Standard
- 9.54.040 - References to Additional City Resource Conservation Standards
- 9.54.050 - Construction Materials Recycling

9.54.010 - Purpose

The purpose of this Chapter is to establish additional standards that improve energy conservation and minimize solid waste disposal in new development.

- A. This Chapter provides standards to assist new development in achieving the conservation of community resources. This Chapter also provides cross-references to other sections of this Land Use Code that address resource conservation issues in relation to the topics of those regulations (e.g., subdivision design, exterior lighting, etc.).
- B. This Land Use Code includes a variety of standards, in addition to those in, or referenced in this Chapter, that interact to implement resource conservation goals. These standards provide for: development that is mixed use and walkable; housing for diverse family types (including second units); and the preservation of habitat, wetlands, and other environmental resources.
- C. Collectively, the resource conservation standards of this Land Use Code are intended to reduce per capita energy consumption, and its contributions to global greenhouse gas production, potable water consumption and resulting wastewater production, and solid waste production.

9.54.020 - Applicability

The provisions of this Chapter apply to all proposed development including new construction and demolition projects.

9.54.030 - Energy Conservation Standard

Each new structure shall be designed and constructed to achieve a minimum of 15 percent greater energy efficiency than otherwise required by the current California Code of Regulations, Title 24. Remodeling or other alterations to an existing structure shall require that the entire structure be brought into compliance with this requirement only if the proposed extent of change to the existing structure is sufficient that the Building Code would otherwise require that the entire structure comply with all applicable current Building Code requirements.

9.54.040 - References to Additional City Resource Conservation Standards

The following table identifies standards established by other Chapters of the Municipal Code that provide for the conservation of energy and/or other community resources.

Resource Issue	Topic of Land Use Code Regulation	Code Section
Energy conservation	Outdoor lighting - General lighting standards	9.30.070
	Outdoor lighting - Service stations	9.42.180
	Sign lighting	9.38.070.H
	Subdivision design - Lot orientation	9.88.030.C
Recycling and solid waste source reduction	Recycling facility standards	9.42.160
	Solid waste/recyclable materials storage	9.30.100
Solar access protection	Landscaping - Selection and placement	9.34.060.A.3.b
	Solar siting and solar access	9.56
Energy conservation through reduced automobile travel	Bicycle parking	9.36.060
	Live/work units	9.42.100
	Mixed use projects	9.42.110
Use of wind energy	Windmills for electricity generation	9.42.190
Water conservation	Landscaping - water waste prohibited	9.34.070.B

9.54.050 - Construction Materials Recycling

- A. Applicability.** All construction and demolition projects shall provide for the reduction, reuse, and recycling of waste materials in compliance with this Section, except that alterations to an existing residential structure that do not require that the entire structure be brought up to current Building Code standards are exempt.
- B. Waste Management Plan required.** All Building, Grading, and Demolition Permit applications shall include a Construction Waste Management Plan. The plan shall include the following information.
1. **Analysis of waste.** An analysis and estimate of the types and amount of waste to be generated.
 2. **Landfill options.** The name and location of the landfills to be used for the disposal of the materials and the projected costs of landfill disposal.
 3. **Alternatives to disposal.** A list of the materials to be salvaged, recycled, or reused during the project; the proposed market for each material; projected revenue from the sale of the materials, if any, and estimated costs. Materials to be recycled, reused, or salvaged should include asphalt, bricks, cardboard, concrete, dimensional wood, drywall, glass (windows, mirrors), green and wood waste from land clearing, metals (from banding, stud trim, ductwork, pipes, rebar, steel, iron, plumbing fittings, aluminum, zinc, copper, brass, and bronze), paint, plastics.
 4. **Materials handling procedures.** A description of the means by which materials to be recycled or reused will be handled, source separated, etc., in preparation for acceptance by the designated facilities.
 5. **Transportation.** A description of how materials will be transported, whether self-hauled to designated centers or collected by a waste hauler.
- C. Timing of approval.** No Building, Grading, or Demolition Permit shall be issued by the City until the

Director of Environmental Services has approved the Construction Waste Management Plan. The permittee may request and the Director may approve changes to the Waste Management Plan during the course of construction or demolition activities if unforeseen circumstances arise.

- D. **Final report.** Prior to final building inspection or issuance of a certificate of occupancy, the permittee shall submit to the City and receive approval of a final recycling report which documents to the satisfaction of the Director of Environmental Services that the construction and/or demolition waste materials generated by the project were recycled in compliance with the approved Waste Management Plan.

CHAPTER 9.56 - SOLAR SITING AND SOLAR ACCESS

NOTE: CHAPTER 9.56 IS NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

Sections:

- 9.56.010 - Purpose and Objectives
- 9.56.020 - Applicability
- 9.56.030 - Definitions
- 9.56.040 - Subdivision Design, Building Orientation, Easements, and Access
- 9.56.050 - Solar Access Easements
- 9.56.060 - Solar Shade Control Act
- 9.56.070 - Solar Rights Act

9.56.010 - Purpose and Objectives

- A. The City recognizes the importance of protecting the potential for solar energy use. The purpose of this Chapter is to maximize access to sunlight for City residents.
- B. This Chapter is intended to implement the *California Solar Rights Act* and the *California Solar Shade Control Act*, as well as to strive to meet the City's energy policy goals as outlined in the *Arcata General Plan 2020*. The provisions of this Chapter are intended to protect access to solar energy for future development in Arcata by serving as a guideline for new development. This is done by setting limits on the amount of shading permitted by new construction and requiring that new buildings be sited to maximize solar access. Proper building siting and orientation is required to fully utilize solar energy. These measures will benefit the citizens of Arcata by reducing dependence on non-renewable energy sources.
- C. The potential economic and environmental benefits of solar energy use are considered to be in the public interest; therefore, local governments are authorized to encourage and protect access to direct sunlight for solar energy systems. Solar easements are appropriate to assuring continued access to direct sunlight for solar energy systems, and may be created and privately negotiated.

9.56.020 - Applicability

The provisions of this Chapter shall apply to all development within the City, in all zoning districts, except for a condominium conversion in compliance with Section 9.84.040 (Condominium Conversions).

9.56.030 - Definitions

Definitions of the technical terms and phrases in this Chapter may be found in Article 10 (Glossary) under "Solar Access."

9.56.040 - Subdivision Design, Building Orientation, Easements, and Access

Design approaches that maximize natural heating and cooling opportunities and use of solar energy in development design shall be pursued whenever the energy conservation benefits and solar energy development potential are greater than the associated negative impacts. It is not intended that the requirements of this section result in reducing densities, reduced buildable lot area that may be occupied by a structure, precluding

construction under the zoning regulations applicable at the time a Tentative Map is filed, or cause the unnecessary removal of trees.

- A. **Application requirements.** A plan-view, shade projection map, detailing shadows cast on the ground by all buildings, and all vegetation exceeding 10 feet in height, on December 21 between the hours of 10 a.m. and 2 p.m. shall be provided with each subdivision or planning permit application.
- B. **Minimum solar access requirement.** The lot size, orientation, and building configuration of Planned Developments, subdivisions, and all other development that requires City discretionary review, shall provide for each primary dwelling on at least 80 percent of the building sites to have adequate solar access.
 - 1. The lot size and configuration shall permit the short axis of primary dwellings to be aligned between 15 degrees east of south and 30 degrees west of south.
 - 2. A different orientation may be allowed where the review authority determines that more effective solar access can be accomplished. When adequate solar access is not feasible on one or more lots, those lots shall be designed to provide as much solar access as possible.
- C. **Protection of existing solar access.** The lot size, orientation, and building configuration of a proposed subdivision shall ensure that no primary dwelling on a lot adjacent the proposed project loses existing adequate solar access.
- D. **Street orientation.** To provide the greatest flexibility in satisfying the requirements of Subsections A., and B., streets shall be oriented within 15 degrees of east-west or north-south where feasible. A different orientation may be allowed where the review authority determines that more effective solar access can be accomplished through other means.
- E. **Exceptions.** An applicant may request exceptions to the requirements of this Section by including a written statement with sufficient supporting documentation with the application for City approval of the project. After review and a recommendation by the Director, the Planning Commission may grant the exception along with project approval only after first finding that:
 - 1. Compliance will result in reduced residential densities below that which would normally be allowed at the time the application is filed, or
 - 2. Compliance is otherwise not feasible.

9.56.050 - Solar Access Easements

- A. **When required.**
 - 1. When building configuration is specified on a Tentative Map or other development proposal, and upon finding that neither lot size, lot configuration, or applicable zoning is sufficient to reasonably protect solar access to a proposed south wall or south roof, the Planning Commission may require the preparation and dedication of solar access easements as a condition of Tentative Map approval for any subdivision application containing one or more lots under one acre.
 - 2. No solar access easement shall be required where the lot that would be benefited is of one acre or more, and the applicable zoning requires single-family dwellings, or where solar access is not available because of existing vegetation, topography, surrounding development, or where other deed restrictions are sufficient to protect solar access.

- B. Easement design, dimensions.** A solar access easement shall be designed to protect solar access to proposed south roof and south wall areas. In establishing the dimensions of a solar access easement, consideration shall be given to contour, configuration of the parcel to be divided, existing vegetation, and the use of adjacent parcels.
- C. Form of and content of easement document.** A solar access easement shall be prepared in compliance with the "Model Solar Easement Form" established by the Arcata Energy Committee, and all requirements of the City Attorney, and shall include, at minimum, all of the following:
1. A description of the solar access easement in terms of specific areas on benefited property to which solar access is to be protected and a statement specifying that no structure, vegetation, or land use, shall cast a shadow so as to obstruct the passage of direct sunlight to more than 10 percent of a protected area on a benefited property between 10 a.m. and 2 p.m. at any time throughout the year;
 2. A statement that the burdens and benefits of the solar access easement are transferable and run with the land; and
 3. A diagram of the burdened property prepared in a format acceptable to the County Recorder indicating, in a manner easily understood by non-technical persons, the approximate height restrictions on the property necessary to protect solar access to specific areas on benefited property.
- D. Recording.** A required solar access easement shall be recorded with the County Recorder. If the development involves a subdivision, the easement shall be recorded at the time of recording the Final Map or Parcel Map.
- E. Revision, termination.** A solar access easement may be revised or terminated as follows, or by a modification in writing that is signed by all benefited and burdened property owners and recorded with the County Recorder. The initial grantor of the easement shall not have a right to modify the easement.
1. To avoid unnecessary property burdens, no change in restrictions on structures, vegetation, and land uses shall be made unless a revised solar access easement signed by the owners of all affected benefited and burdened properties, in compliance with this Section has been recorded with the County Recorder.
 2. The easement shall include a statement that upon refusal by the owners of an affected property to sign the modified solar access easement, any other affected property owner may bring an action in Court to determine what modification, if any, should be made to the easement, and that costs of suit may be awarded to the prevailing party. This provision is not intended to, and shall not increase the area burdened by any solar access easement on any property.

9.56.060 - Solar Shade Control Act

The California Solar Shade Control Act (Public Resources Code 25982) states that no person owning, or in control of a property shall allow a tree or shrub to be placed, or, if placed to grow on such property, subsequent to the installation of a solar collector on the property of another so as to cast a shadow greater than 10 percent of the collector absorption area upon that solar collector surface on the property of another at any one time between the hours of 10 a.m. and 2.p.m., local standard time; provided that this section shall not apply to specific trees and shrubs which at the time of the installation of a solar collector or during the remainder of that annual solar cycle cast a shadow upon that solar collector. The City requires property owners or others in control of a property to abide by this Act, and any subsequent changes in the Act. Those seeking permits for solar systems are advised to establish documentation of vegetation existing at the time of their solar system construction or

installation.

9.56.070 - Solar Rights Act

The City will enforce and abide by the California Solar Rights Act (Civil Code Section 714). Any deed restriction or covenant that unreasonably restricts or prohibits the installation or use of solar energy systems shall be made void and unenforceable. This includes any restriction of clotheslines for drying clothes outdoors. In addition, the City shall not enact any policy, ordinance or regulation that prohibits or unreasonably restricts the installation or use of solar energy systems. Unreasonable restrictions are defined as anything that increases cost by greater than 20 percent or decreases efficiency by greater than 20 percent.

CHAPTER 9.58 - TREE PRESERVATION AND HAZARDOUS TREE REMOVAL

Sections:

- 9.58.010 - Purpose
- 9.58.020 - Applicability
- 9.58.030 - Tree Removal Permit Application Requirements
- 9.58.040 - Exemptions
- 9.58.050 - Tree Removal Permit Findings and Conditions
- 9.58.060 - Post Approval Procedures
- 9.58.070 - Tree Removal Without Permit

9.58.010 - Purpose

The trees of Arcata are significant community resources that play an important role in defining the character of the City, serve as wildlife habitat, and provide other environmental values. Certain hedgerows, windrows, groves of trees, and creekside riparian areas identified in the Design and Historical Preservation Element or the Resource Conservation and Management Element of the General Plan shall be left intact. Trees identified in the General Plan are considered important to the character of City of Arcata and its neighborhoods, and every effort shall be made to preserve such trees. The purpose of this Chapter is to preserve and protect trees which are considered important to the character of the City of Arcata and its neighborhoods, and which are not subject to commercial timber operations as allowed within the AE, AR, and NR-TP zone districts.

9.58.020 - Applicability

A. Applicability of requirements. The provisions of this Chapter shall apply in all zoning districts, except for the NR-TP zone district for:

1. The removal or relocation of any tree with a diameter of 16-inches or more, measured at 54-inches above natural grade, unless specifically exempted by Section 9.58.040; and
2. The removal or relocation of a group (e.g., stump sprouts) of 30 or more trees with diameters more than 10-inches, measured at 54-inches above natural grade, unless specifically exempted by Section 9.58.040.

B. Tree Removal Permit required.

1. **Activities requiring a permit.** A Tree Removal Permit shall be required prior to:
 - a. The relocation, removal, cutting-down, topping or other act that causes the destruction of a tree;
 - b. The approval of a Hillside Development Permit, Grading Permit, Coastal Development Permit, Use Permit, Minor Use Permit, Variance, Planned Development or Subdivision, hereafter referred to as "discretionary projects."

The securing of a Tree Removal Permit does not obviate the necessity of obtaining a Coastal Permit pursuant to Section 9.72.030 of this Coastal Land Use Code.

2. **Permit Issuance.**

The procedure and review authority for a Tree Removal Permit are as follows:

- a. Developed Parcel. A Tree Removal Permit for the removal or relocation of any tree with a diameter of 16-inches or more (measured at 54-inches above natural grade) shall be reviewed as follows:
 - (1) If the request involves the removal of less than five trees in a 10-year period within an area less than three acres in size, then the City can act on the request as a ministerial project, or
 - (2) If the request involves the removal of five or more trees, within an area less than three acres in size, then the City shall review a complete Tree Removal Permit application in compliance with Section 9.58.030 (Tree Removal Permit Application Requirements) and Section 9.58.050 (Tree Removal Permit Findings and Conditions).

- b. Vacant parcel. A Tree Removal Permit for the removal or relocation of any tree with a diameter of 16-inches or more (measured at 54-inches above the natural grade) shall be reviewed as follows:
 - (1) If the request involves the removal of less than five trees within a proposed access road and buildable area (as defined by Section 9.52.020B of this Land Use Code) and it is done in conjunction with a Building Permit, then the City can act on the request as a ministerial project, or
 - (2) If the request involves the approval of a discretionary project for the same site (e.g. Major Subdivision/Planned Development), then the City shall review a complete Tree Removal Permit application in compliance with Sections 9.58.030 and 9.58.050 of this Land Use Code and with Policies D-3j and D-4d of the General Plan, or
 - (3) If the request involves the removal of vegetation within the natural area of a parcel, then the City shall review a complete Tree Removal Permit application in compliance with Sections 9.58.030 and 9.58.050 of this Land Use Code and with Policies D-3j and D-4d of the General Plan.

- C. **Timing of Removal of Large-Stature Trees.** A tree with a height of 150 feet or more may be evaluated by the Director to determine if active nesting or roosting sites for listed bird species or bird species of special concern are occurring within the subject tree (s) during the projected tree removal dates. If such active nesting or roosting activities are occurring during the projected tree removal dates, then the Director can deny the request or require further environmental review.

- D. **Emergencies.** The removal or relocation of a tree that would otherwise require a Tree Removal Permit is exempt from the provisions of this Chapter only in case of an emergency, where the Director, City Forester, a member of a law enforcement agency, or the Fire District determines that a tree presents an immediate danger of collapse and poses an imminent threat to the public safety, or general welfare. In case of an emergency, payment of any fees may be waived.

- E. **Topping of Trees.** Topping of trees is an injurious practice which may lead to stress, disease, and decay in trees. It should be avoided whenever an alternative exists. A Tree Removal Permit for topping may be issued only if the following apply:
 - 1. **Hazardous trees.** When authorized as part of a Tree Removal Permit and verified in a report prepared by an arborist or a Registered Professional Forester (RPF), a hazardous tree may have

its mass reduced to protect property values and to address safety concerns.

2. **Solar access.** When authorized as part of a Tree Removal Permit and verified in a report prepared by an arborist or a RPF, a tree or trees that hinder direct sunlight for solar energy systems may have their mass reduced to provide solar access.
- F. **Relationship to CEQA.** All Tree Removal Permits are subject to the California Environmental Quality Act (CEQA). However, the scope of environmental review for a Tree Removal Permit depends upon the scope of the request, and the following shall provide direction for Tree Removal Permit reviews:
1. **Ministerial Projects.** Exemption from the CEQA review process may be allowed for an emergency situation, and for requests to remove four or fewer trees on a vacant or developed parcel.
 2. **Discretionary Projects.**
 - a. Categorical Exemptions may be allowed for minor alterations to land (Class 4 CEQA exemption) to remove five to ten unhealthy hazardous trees, for fuel management activities permitted by the California Department of Forestry and Fire Protection (CDF), or for the topping of trees.
 - b. A Functional Equivalent exemption may be allowed for Timber Harvest Plans (as described in Sections 15250 and 15251 (a) of the CEQA Guidelines) for Minor Use Permits in the AE and AR zone districts.
 - c. An Initial Study may be required for the consideration to remove healthy, mature, or scenic trees that are outside of AE, AR, and NR-TP zone districts.

9.58.030 - Tree Removal Permit Application Requirements

- A. **Application contents.** Each Tree Removal Permit application shall include the application form, and other information and materials required by the Department, the application fee required by the City fee schedule, and the following additional information:
1. If not otherwise required for another City permit, a Plot Plan must be submitted that is drawn to the requirements of the City Plot Plan Checklist (parking, utility, and building detail is not required, other than to identify the footprint of existing structures). Plot Plans shall include the type, size, and location of trees to be topped, trees to be removed, trees to be retained, and trees to be planted. Any riparian corridor shall be identified on the Plot Plan and as per Chapter 9.59.
 2. The applicant shall state whether the project involves the clearing of vegetation around a house in order to establish defensible space as identified in California Department of Forestry and Fire Protection (CDF) Fire Safe Guidelines and shall state whether a CDF permit is required.
 3. A plan of operation including: hours of operation, method of debris disposal, haul route, and erosion control methods (Best Management Practices).
 4. The application may be required to include an Arborist's or RPF's report, at the discretion of the Director or City Forester. The report may be required to include:
 - a. Location and type of tree protection measures to be installed for retained trees;
 - b. Aerial photograph(s) of the project site; and

- c. A utility trenching pathway plan (if applicable).
 - 5. Identification of a contact person shall be available during hours of operation.
 - 6. If the site is subject to conditions, covenants, and restrictions (CC&Rs) that address tree removal and are administered by an active homeowners' association, the application shall include a letter from the homeowners' association authorizing the tree removal.
 - 7. If the project is considered discretionary, then the applicant shall submit the noticing requirements as identified in Subsection 9.74.020.B.(1) [Method of Notice Distribution - mailing].
- B. Application filing.** An application for a Tree Removal Permit involving a discretionary project shall be included as part of the application for the discretionary project. An application for a Tree Removal Permit not associated with a discretionary project shall be filed with the Department separately.
- C. On-site information.** The following information shall be on-site while any construction activity is on going for a project requiring a Tree Removal Permit:
- 1. Any applicable arborist's or RPF's report and any subsequent modifications to the arborist's report;
 - 2. Tree removal location map with a copy of the remaining tree(s) protection measures;
 - 3. Tree Removal Permit and approved construction plans;
 - 4. Approved planting and irrigation drawings; and
 - 5. A numbering system to identify trees proposed for removal.
- D. Information on standards.** The developer or applicant shall be responsible for informing, in writing, all subcontractors and individuals who will be performing work around protected trees of the requirements of this Section and conditions of approval for the project.
- E. Final certification of tree work.** All of the tree preservation measures required by the conditions of the discretionary project approval, and/or the Tree Removal Permit, as applicable, shall be completed, and certified by an arborist or RPF selected by the Director prior to City issuance of a Final Building Inspection or Certificate of Occupancy

9.58.040 - Exemptions

The following activities are hereby exempt from the requirement of this chapter:

- 1. Those activities associated with the establishment or alteration of any public park, Community Forest, and open space area that is under the review of the Parks and Recreation Committee, the Open Space Committee, or the Forest Management Committee.
- 2. Removal of 4 or fewer trees with diameters less than 16-inches, measured at 54-inches above natural grade.
- 3. Removal of any tree from public rights of way or public school lands.
- 4. Removal of any tree which complies with Conditions of Approval for an approved Landscaping Plan.

5. Emergency tree removals.
6. Any activity associated with tree trimming for safety reasons as mandated by the California Public Utilities Commission.
7. Removal of trees from the AE, AR, NR-TP zone district that are part of a CDF regulated timber harvesting operation.
8. Removal of a dead tree, except for large dead trees (snags) that are 30-inches or more in diameter, measured at 54-inches above natural grade.
9. Live and dead limb removal that does not involve topping the main trunk.
10. Removal of groups (e.g., stump sprouts) of trees (less than 30) with diameters 10-inches or less, measured at 54-inches above natural grade.

9.58.050 - Tree Removal Permit Findings and Conditions

Tree Removal Permits shall be reviewed and decided by the Zoning Administrator as follows.

- A. Required findings.** The approval of a Tree Removal Permit shall require that the review authority make all the following findings:
1. The approval of the Tree Removal Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Removal Permit is consistent with the provisions of this Chapter and in compliance with General Plan: 2020 and Chapter 9.59; and
 2. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to replace the trees removed in compliance with this Chapter; and
 3. The removal of a healthy tree cannot be avoided by:
 - a. Reasonable redesign of the site plan prior to construction; or
 - b. Trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Director; and
 4. Adequate provisions for drainage, erosion control, land stability, windscreen, and buffers along any road and between neighbors have been made where these problems are anticipated as a result of the removal; and
 5. The tree(s) to be removed do not contain active nesting or roosting sites that have been identified through the review process or are otherwise known to the review authority as the nests of a listed bird species or bird species of special concern; and
 6. The tree(s) is not within any hedgerows, windrows, or rows of trees to be left intact as identified in the Arcata General Plan 2020 or other plans approved by the Council.
- B. Conditions of Approval.** The approval of a Tree Removal Permit shall include Conditions of Approval as necessary to ensure compliance with Section 9.58.050 (Tree Removal Permit Findings and Conditions), and all other applicable provisions of this Land Use Code. Conditions of Approval may include, but are not limited to:

1. Requiring removal of invasive or noxious vegetation (e.g. English Ivy) from other trees on the applicant's property.
2. Allowing for the removal of non-native trees adjacent to natural areas if replaced with an appropriate native tree.
3. Provision for forest stands in residentially zoned districts to not allow more than 25% of the stem basal area to be removed in any 10-year period.
4. Requiring tree replacement(s) for any tree(s) removed through a tree removal permit.
5. Weekday hours of operation.

9.58.060 - Post Approval Procedures

The following procedures apply after the approval of a Tree Removal Permit application.

- A. **Appeal.** A decision on a Tree Removal Permit application may be appealed in compliance with Chapter 9.76 (Appeals).
- B. **Expiration/extension.** Except where otherwise provided by this Chapter, the work authorized by a Tree Removal Permit shall commence within six months from the date of approval or other time limit established through a concurrent planning permit approval. Time extensions, for up to a total of two additional years, may be granted in compliance with Chapter 9.79 (Permit Implementation, Time Limits, and Extensions). A Tree Removal Permit not exercised within its time limits shall expire in compliance with Chapter 9.79 (Permit Implementation, Time Limits, and Extensions).
- C. **Performance guarantee.** The City may require that a security deposit be posted and maintained where deemed necessary to ensure:
 1. The preservation of protected trees during construction; and
 2. The successful completion of required mitigation measures within 3 years.

The deposit shall be posted in a form approved by the City Attorney prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any Tree Removal Permit condition regarding tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the review authority, provided that this determination may be appealed in compliance with Chapter 9.76 (Appeals).

- D. **Construction monitoring.** Monitoring of tree protection and restoration measures specified as conditions of approval shall be performed by site inspection conducted by the City.
- E. **Revocation.** A Tree Removal Permit may be revoked or modified, as provided in Section 9.96.070 (Permit Revocation and Modification).
- F. **Stop work orders.** Whenever any construction or work is being performed contrary to the provisions of this Chapter or applicable conditions of approval, the Director may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation and the risk to the trees. No further work shall be allowed until the violation has been corrected and approved by the Director.

9.58.070 - Tree Removal Without Permit

In the event of the removal of a tree without a permit in compliance with this Chapter, the City shall require the property owner to submit a Tree Removal Permit application, in compliance with this Chapter, pay a penalty fee of triple stumpage, staff costs, and to replant any tree removed.

CHAPTER 9.59 - ENVIRONMENTALLY SENSITIVE HABITAT AREAS PROTECTION AND PRESERVATION

Sections:

- 9C.59.010 - Purpose
- 9C.59.020 - Applicability
- 9C.59.030 - Definitions
- 9C.59.040 - Application Requirements
- 9C.59.045 – Reduced-Width Buffer Adequacy Evaluation
- 9C.59.050 - Stream Conservation and Management
- 9C.59.060 - Wetland Conservation and Management
- 9C.59.070 - Project Review Procedures
- 9C.59.080 - Conservation Easements
- 9C.59.090 - Findings Required for Project Approval
- ~~9.59.100 – Notice of Protection Combining Zone Overlay~~

9.59.010 - Purpose

Environmentally sensitive habitat areas (ESHA) (Arcata Bay, tidal sloughs, estuaries, creeks, ponds, salt marshes, riparian corridors, wetlands, bird rookeries, shorebird concentration sites, Arcata Marsh and Wildlife Sanctuary, and diked/reclaimed former tidelands-Public Trust Lands) within the City are important natural resources that provide ecological balance, ecosystem function, biological productivity, and values such as wildlife habitat, water quality, open space and scenic resources, flood control, and opportunities for scientific study and education. Therefore, the requirements of this Chapter are intended to:

- A. Protect the structure, composition, function and natural processes of ESHA to the same extent as occurs in the least-disturbed natural ecosystems in the City's Planning Area;
- B. Provide standards for development that will incorporate ESHA into the site design of proposed development without significant adverse impacts to these resources;
- C. Ensure that any proposed subdivision, land use or development adjacent ~~(within 250 feet)~~ to or capable of affecting ESHA will not degrade these resources or diminish their structure, composition, function and natural processes; and
- D. Ensure that legally created lots in ESHA contain a building site with minimum reduction necessary to the ESHA.

9.59.020 - Applicability

- A. The requirements of this Chapter apply to all ESHA and to ~~adjoining all~~ properties ~~(within 250 feet)~~ within the Coastal Zone portions of the City regardless of whether such properties have been formally designated as containing wetlands, streams, or other environmentally sensitive habitat areas, Environmental Buffer Areas, or Wetland or Stream setbacks, through the Natural Resources zoning and/or Wetlands Protection and Streams Protection combining zone processes, whose proposed subdivision, land use or developments are capable of affecting these resources. No discretionary permit for development ~~(within 250 feet)~~ that may potentially affect ESHA will be issued except in compliance with all applicable requirements of this Chapter.
- B. The requirements of this Chapter also apply to Environmental Buffer Areas (EBA). An EBA shall separate all permitted development from adjacent ESHA. The purpose of EBA is to prevent any

degradation of the ecological functions provided by the ESHA as a result of adjacent development. The following shall apply to EBA:

1. The minimum width of the EBA for watercourses and wetlands shall be as provided in General Plan policies RC- 2 and RC-3, and Sections 9.59.050 and 060 respectfully.
 2. The minimum EBA width for all other ESHA shall be 100 feet, unless ~~the designated setback would eliminate all reasonable use of property~~ it can be factually demonstrated based upon a biological assessment of the site and a reduced-width buffer adequacy evaluation prepared pursuant to Section 9.59.045 that: (a) a buffer of reduced width would adequately protect the affected resources; or (b) an applicant asserts that the application of the EBA policies does not provide reasonable use of property, and the applicant has obtained an exemption to the 100-foot wide requirement based on an affirmative an economic viability use determination made pursuant to Chapter 9.72.
- C. The requirements of this Chapter shall apply in addition to the requirements of the primary zoning district and all other applicable provisions of this Land Use Code. Wherever these regulations conflict with or are inconsistent in application with any other regulation, the most protective of ESHA shall apply.

9.59.030 - Definitions

Definitions of the technical terms and phrases used in this Chapter may be found in Article 10 (Glossary), under "ESHA" and "ESHA Related Terms."

9.59.040 - Application Requirements

Where there is a question regarding the presence of an ESHA, its boundary location, or the applicable EBA dimensions in accordance with this Chapter, the public or private applicant shall provide the City with a Biological Assessment containing the following information:

- A. A base map sufficient in scope to cover the ESHA and its EBA that delineates topographic elevations in (1 to 5 foot) intervals, roads, and all other structures, as applicable;
- B. A vegetative map covering the base map area in sufficient detail to delineate all vegetative habitats present and to identify species that may indicate the presence and boundary of a ESHA as well as the occurrence of any listed species or species of concern;
- C. A soil map delineating the location of hydric and non-hydric soils;
- D. The top of bank for any protected watercourse (tidal water, estuary, stream or pond) will be located on the base topographic map and cross section(s) as identified by Figure 5-6, 5-7, or 5-8.
- E. Wetlands delineation shall be based upon detailed field investigation of hydrology, soils and biota conducted by a qualified professional. The procedures for delineating wetlands are specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, USACOE 1987." ~~The City's definition of wetlands utilizes a two parameter protocol; a wetland includes those lands where two or more of the following characteristics are present, where one is a source of water (surface or subsurface) that is present for sufficient periods, and the second is to promote either the formation of hydric soils or growth of hydrophytic plant species. In the Coastal Zone a wetland can be delineated in the absence of hydric soils or growth of hydrophytic plant species by locating the boundary between land that is flooded or saturated as some time during years of normal precipitation, and the land that is not (CCR 13577)~~ Wetlands shall be defined as land where the water table is at, 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 and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts 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. For purposes of this definition, the

upland limit of a wetland shall be defined as co-terminus with either: (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. For the purposes of this definition, the term "wetlands" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. The procedure for classifying wetlands shall be that set forth in "Classification of Wetlands and Deepwater Habitats of the United States, U.S. Fish and Wildlife Service."

F. Survey of wildlife species indicating the existence, or non existence, of an ESHA as well as the occurrence of any listed species or species of special concern;

G. The outward limit of the applicable EBA, including all setbacks and buffer areas, shall be indicated on the base topographic map for each ESHA.

H. An analysis of the ESHA's existing and potential functions (physical, chemical and biological processes that characterize that ESHA) or its values (wildlife, habitat, flood control, open space or recreation), and an analysis of its buffer needs to prevent significant adverse impacts to environmentally sensitive resources therein, shall be provided.

I. An impact analysis of the proposed development shall be prepared that provides a mitigation and monitoring plan for all potential impacts to ESHA in compliance with Chapter 9.78 (Environmental Review Procedures) and include the following:

1. Time of year that the project and mitigation measures will be implemented.
2. Description of each component of the proposed activities; access, grading, fill, construction, mitigation, monitoring, etc.
3. Description of proposed activities affect(s) to the ESHA.
4. Statement of measurable mitigation goals.
5. Description of a feasible mitigation measures to avoid or reduce any proposed activities' adverse affect(s).
6. On-site ESHA mitigation shall be ~~greater than~~ a minimum of a 1:1 areal ratio, with additional multiple area required as necessary to ensure the adequacy of the mitigation, including: (a) offsetting temporal losses of wetland functions associated proportional with the time lag between the loss of the wetland area being developed and the establishment of the compensatory wetlands, (b) accounting for uncertainty of successful, first-round establishment of the replacement wetlands, and (c) consideration of the complexity of the wetlands functions being replaced.
7. Off-site ESHA mitigation ratio shall be ~~a minimum of 4:1 in the Coastal Zone and minimum of 2:1 elsewhere~~ based on the area required to ensure the adequacy of the mitigation, including: (a) offsetting temporal losses of wetland functions during the establishment of the compensatory wetlands, (b) accounting for uncertainty of successful, first-round establishment of the replacement wetlands, (c) consideration of the complexity of the wetlands functions being replaced, and (d) compensating for both the off-site and out-of-kind aspects of the replacement wetlands.
8. Description of the methods to be used to implement the mitigation measure, including drawings, maps, or illustrations necessary to adequately describe proposed mitigation.
9. Description of a mitigation monitoring plan to document that each mitigation measure has been implemented and that on an annual basis reports whether the goal has been successfully achieved for five years.
10. Description of remediation measures (contingency plan) that will be employed if at 3 years the mitigation has not achieved its goal, with provisions for extending the initial five-year mitigation monitoring program until successful compensatory wetlands mitigation has been achieved.
11. Identification of ESHA restoration opportunities.

9C.59.045 – Reduced-Width Buffer Adequacy Evaluation

New development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of one-hundred feet (100'), unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and the City, that one-hundred feet (100') is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development.

The following criteria shall be utilized in evaluating the adequacy of reduced-width buffer areas:

(1) Biological significance of adjacent lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.

(2) Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or others with similar expertise:

(a) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;

(b) An assessment of the short-term and long-term adaptability of various species to human disturbance;
and

(c) An assessment of the impact and activity levels of the proposed development on the resource.

(3) Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.

(4) Potential for incorporation of natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.

(5) Potential for incorporation of existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.

(6) Lot configuration and location of existing development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.

(7). Type and scale of development proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

Required buffer areas as determined by an approved adequacy evaluation prepared pursuant to this section and authorized to be reduced to less than 100 feet in width, shall be measured from the following points as applicable:

(i) The low-tide extent periphery of off-shore rocks and intertidal ESHA.

(ii) The mean high tide line for intertidal zone ESHA.

(iii) The perimeter of the sand dune/permanently established terrestrial vegetation interface for sand dune ESHA.

(iv) The upland edge of a wetland for a wetland ESHA.

(v) The outer edge of the canopy of streamside vegetation for riparian vegetation ESHA, or from the top of stream bank where no riparian vegetation exists.

(vi) The outer edge of the plants that comprise the rare plant community for rare plant community ESHA.

9.59.050 - Stream Conservation and Management

Stream (to include all watercourses described in the General Plan Policy RC 1d and in Section 9.59.010) conservation and management shall enhance, maintain, and restore the biological integrity of entire watercourses (headwaters to mouth) and associated riparian habitat as natural features in the City's landscape. The following requirements will apply to proposed development that can impact any stream or stream buffer areas including new land uses on property within the Stream Protection combining zone (:SP) which encompasses the ESHA ~~and its EBA that is~~ shown on the Protected Watercourse Map of the Resource Conservation and Management Element of the General Plan (Figure RC-a), and its EBA setback and buffers.

A. The purpose of a :SP is for a watercourse and its EBA to remain in a natural state in order to protect watercourses and riparian habitat. Proposed development and new land use within a :SP may be restricted. ~~The Director (Planning or Environmental Services) may authorize variable EBA widths as per General Plan Policy RC 2b to accommodate unique site conditions as long as the total EBA is greater than the area under a fixed EBA width (ex. 100' x 100' = 10,000 sq. ft. is the minimum EBA).~~ Each :SP for a watercourse identified in the General Plan shall have the following dimensions, all measured perpendicular to the watercourse from the top of bank as defined in Article 10 (Glossary).

1. ~~Existing developed areas.~~ In stream reach areas ~~(see amended exhibit RC a, General Plan 2020) where existing development as defined in Article 10 (Glossary) is~~ adjacent to a protected watercourse, the EBA shall extend a minimum of ~~25~~ 100 feet outward on both sides of the watercourse, measured from the top of bank, ~~or the area bounded by the FEMA Flood Zone A.~~
2. ~~Undeveloped areas.~~ In stream reach areas with no development ~~(see amended exhibit RC a, General Plan 2020) adjacent to a protected watercourse the EBA shall extend a minimum of 100 feet outward on both sides of the stream, measured from the top of bank, or the area bounded by the FEMA Flood Zone A, whichever is greater.~~ The review authority ~~may grant a variance, pursuant to State law, to reduce the 100 foot~~ may authorize an EBA width of less than 100 feet based on substantial evidence in the Biological Assessment and supported by written, factual based findings ~~of compliance with the General Plan Resource Conservation Element presented in a Reduced-Width Buffer Adequacy evaluation prepared pursuant to Section 9.59.045, that the reduced width buffer with the inclusion of other mitigative features, such as landscaped screening or berming, would adequately protect the affected riparian and stream resources from direct, indirect, and cumulative adverse impacts.~~
3. Areas of significant riparian vegetation. On a site with significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the EBA shall be expanded to encompass all of the riparian vegetation, to a maximum of 250 feet from either side of the stream.
4. ~~The City Engineer and the Environmental Services Director may reduce the EBA to less than 25 feet if, in association with stream "day lighting" (restoration) projects.~~

B. Allowable uses and activities within a stream or :SP shall sustain biological productivity (PRC 30230), protect against any significant disruption of habitat values (PRC 30240), and shall maintain or enhance the functional capacity (PRC 30233). Allowable land uses and activities within a stream or :SP shall be limited to the following, in compliance with all other applicable requirements of this Chapter 9.59 and the General Plan policies RC-1 and RC-2. Any proposed land use, development, or removal of vegetation that is not listed below shall be prohibited.

1. Outside the Coastal Zone:

- a. Agricultural uses (including community gardens) determined to be compatible with maintenance of watercourse and riparian resources shall not exceed 50 percent of the setback area and not within 25 feet of the top of bank;

- b. Fencing along property boundaries and along :SP boundaries to prevent bank erosion and degradation of natural riparian vegetation by livestock and unauthorized human intrusion;
- c. Maintenance of existing roads, driveways, and structures;
- d. Construction of public road crossings, provided such crossings minimize their lengths through the EBA;
- e. Forest management practices as permitted by the State of California or Arcata's Forest Management Plan;
- f. Construction and maintenance of foot trails for public access on public lands;
- g. Construction and maintenance of utility lines;
- h. ESHA restoration and enhancement projects;
- i. Emergency or preventive (where there is no feasible less environmentally damaging alternative) and where feasible mitigation measures have been provided to minimize adverse environmental effects (PRC 30233) removal of sediment and vegetation for flood control purposes when authorized by the City Environmental Services Director; **and**
- j. Construction of new detention basins shall not exceed 50 percent of the setback area and not within 25 feet of the top of bank;

~~2. In the Coastal Zone:~~

~~a. The uses and activities listed in Subsection B.1;~~

~~b. k. Public coastal access improvements; and~~

~~c. l. Boat launching facilities.~~

3. Exceptions. If an applicant claims that the restriction(s) in this Subsection would result in an undeveloped legal parcel, not on Public Trust lands, created prior to the effective date of ~~General~~ the Coastal Land Use Plan ~~2020~~, being made unusable in its entirety for any use allowed by the General Plan and this Land Use Code, exceptions to that restriction(s) may be granted through ~~Use Permit approval~~ the Economic Viability Determination process of Chapter 9.72 to allow a reasonable economic use of the parcel, provided that there is no feasible less environmentally damaging alternative, and feasible mitigation measures have been provided to minimize adverse environmental effects (~~PRC 30233~~) of the proposed use.

9.59.060 - Wetland Conservation and Management

Wetland conservation and management shall protect existing wetlands areas and maintain a standard of "no net loss" in area, function and value, promote restoration of degraded wetland areas, enhancement of wetland functions, and creation of additional wetland areas to replace historic losses. The following requirements will apply to proposed development and new land uses on property within the Wetland Protection Combining zone (:WP) which encompasses the ESHA and its EBA setback and buffer.

A. The purpose of the :WP is for a wetland and its EBA to remain in a natural state in order to protect wetland ecosystems by ensuring no net loss in area, function or value. Proposed development that could impact any wetland or wetland buffer area, including new land uses within a :WP may be restricted. ~~The Director (Planning or Environmental Services) may authorize variable EBA widths as per General Plan 2020 Policy RC 3c to accommodate unique site conditions as long as the total EBA area is greater than the area under a fixed EBA width (ex. 100' x 100' = 10,000 sq. ft. is the minimum EBA area).~~ Each :WP shall have the following dimensions, all measured perpendicular to the wetland boundary as defined in Article 10 (Glossary).

1. ~~Existing developed areas.~~ In areas where existing development as defined in Article 10 (Glossary) is adjacent to a wetland that has been delineated in compliance with Section 9.59.040, the EBA shall extend a minimum of ~~50 feet upland of the wetland boundary.~~

~~2. Undeveloped areas. In all other locations within the City, the EBA shall extend a minimum of 100 feet upland of the wetland boundary.~~

2. The review authority may authorize an EBA width of less than 100 feet based on substantial evidence in the Biological Assessment and Reduced and supported by written, factual based findings presented in a reduced-width buffer evaluation prepared pursuant to Section 9.59.045, that the reduced width buffer with the inclusion of other mitigative features, such as landscaped screening or berming, would adequately protect the affected wetland resources from direct, indirect, and cumulative adverse impacts.

3. Artificial wetlands. The EBA may range from zero to 50 feet for Stormwater Best Management Practices such as detention basins and treatment created wetlands.
- B. Allowable uses and activities within a wetland or :WP shall sustain biological productivity (~~PRC 30230~~), protect against any significant disruption of habitat values (~~PRC 30240~~), and shall maintain or enhance functional capacity (~~PRC 30233~~). Allowable land uses and activities within a wetland or :WP shall be limited to the following items enumerated below, in compliance with all other applicable requirements of Chapter 9.59 and the General Coastal Land Use Plan policies RC-1 and RC-3. Any proposed land use, development, or removal of vegetation that is not listed below shall be prohibited.
1. ESHA restoration or enhancement projects;
 2. Agricultural uses (including community gardens) determined compatible with maintenance of wetland resources and consistent with Resource Conservation Element policy RC-3I shall not exceed 50 percent the percentage of the setback area ~~and not within 25 feet of~~ and/or encroach within a proximity to the delineated wetland boundary so whereby the protections afforded the wetland by the imposed EBA setback are nullified;
 3. Fencing along :WP boundaries to prevent degradation of wetlands by livestock and unauthorized human intrusion;
 4. Maintenance of existing roads, driveways, and structures;
 5. Construction and maintenance of foot trails for public access on public lands;
 6. Maintenance of drainage ditches when compatible with wetland function;
 7. Minor modification of existing, serviceable structures; and
 8. Construction of new detention basins shall not exceed 50 percent the percentage of the setback area ~~and not within 25 feet of~~ and/or encroach within a proximity to the delineated wetland boundary whereby the protections afforded the wetland by the imposed EBA setback are nullified.
- ~~9. C.~~ Exceptions. If restriction(s) in this Subsection would result in an uncompensated taking of undeveloped legal parcel, not on Public Trust lands, created prior to the effective date of General Coastal Land Use Plan-2020, ~~being made unusable in its entirety for any use allowed by the General Plan and this Land Use Code~~, exceptions to that restriction(s) may be granted through Use Permit approval, and the Economic Viability Determination process of Chapter 9.72, to allow a reasonable economic use of the parcel, provided that there is no feasible less environmentally damaging alternative, and feasible mitigation measures have been provided to minimize adverse environmental effects (~~PRC 30233~~) of the proposed use.
- ~~C. D.~~ Mitigation measures. Appropriate mitigation measures shall be determined during the applicable discretionary review process, except that the Zoning Administrator shall determine appropriate mitigation measures in the event a discretionary review process does not apply.
1. "Net loss." Mitigation measures must result in "no net loss" in area and value of wetlands, at a replacement ratio of from 1:1 to 10:1 as determined by the review authority. Mitigation may consist of creating and maintaining a new wetland of equal or greater biological function and value than the wetland proposed to be filled, ~~restoration of previously degraded wetlands, or enhancement of existing wetland areas~~. Off site and/or out-of-kind wetland mitigation shall require a higher replacement ratio. For the sole purpose of restoration or enhancement projects, no net loss of area may be acceptable if a net benefit and function in value is achieved at the discretion of ~~Environmental Services~~ the hearing authority.
 2. Minimum mitigation requirements. Diking, filling or dredging of a wetland that is otherwise in compliance with this Chapter, shall, at a minimum, require mitigation measures, a monitoring program, and adequate funding.
 3. Ongoing stewardship. Dedication of the land identified in the site plan to a public agency or other qualified private entity, purchase, or other stewardship method which permanently restricts the use of the site to habitat and open space purposes, shall be required. The site shall be dedicated, purchased, or other stewardship agreed upon, and mitigation agreed upon, and mitigation funding shall be provided, prior to any permitted diking or filling.

9.59.070 - Project Review Procedures

All development that may affect an ESHA shall be reviewed in compliance with Sections 9.59.020 "Applicability" and 9.59.040 "Application Requirements" as well as the following procedures, in addition to the other procedures

required by this Land Use Code for any required discretionary permit.

A. Initiation. Upon receiving an application for an action subject to discretionary approval, the Zoning Administrator shall determine whether a Biological Assessment is required based on the location of the proposed action with respect to an ESHA.

1. For development outside the Coastal Zone and not requiring any permits other than Building Permits, this determination shall comply with Section 9.72.100 (Zoning Clearance).

2. For development within the Coastal Zone, the determination shall occur as part of Coastal Development Permit approval in compliance with Section 9.72.030 (Coastal Development Permits), or in compliance with Section 9.72.100 (Zoning Clearance) if no Coastal Development Permit is required.

B. Consultation. Prior to approval of an action subject to discretionary review that has the potential to affect an ESHA; the Department shall refer the Biological Assessment to and consult with the following:

1. Environmental Services Department Director.
2. California Coastal Commission (CCC), California Department of Fish and Game (CDFG), North Coast Regional Water Quality Control Board (NCRWQCB), U.S. Army Corps of Engineers (USACOE), U.S. Fish and Wildlife Service (USFWS), National Oceanic Atmospheric Administration (NOAA), or the National Resource Conservation Service (NRCS) as applicable and other affected agencies for review and comment.
3. The City's Wetlands and Creeks Committee or its equivalent;
4. The City shall ask the CCC, CDFG, and NCRWQCB, to review the proposed project's Biological Assessment and to recommend, within 21 days of the request, measures to mitigate ESHA disturbances.

This time period may overlap with the environmental review process.

C. Conditions of Approval. The Department shall immediately forward any comments and recommendations to the applicant for their response.

1. A decision by the review authority concerning the boundary, location, current status (function and value) to the ESHA in question, and the proposed project's potential impacts and required mitigation measures shall be based on the substantial evidence in the record and supported by written findings of compliance with Chapter 9.59 of this Code and the ~~General~~ Coastal Land Use Plan Resource Conservation Element.
2. The Department shall recommend an appropriate bond amount to ensure that the mitigation measures and monitoring are successfully carried out, or in the case of default the City will be able contract for their completion.

9.59.080 - Conservation Easements

The dedication of a conservation easement, or equivalent deed restriction, encompassing the area within ~~an SP or WP~~ a stream or wetland or either of their buffers, shall be required as a condition of approval of any discretionary planning permit, including Design Review, when any portion of the project site falls within ~~an SP or WP~~ a stream or wetland or either of their buffers. The easement may be conveyed to the City, to another governmental agency, which shall manage the easement to protect the ESHA's functions, biological productivity, and values or to an appropriate ~~non-profit~~ qualified private entity approved by the review authority.

9.59.090 - Findings Required for Project Approval

Discretionary approval for a project affecting an ESHA shall require that the review authority first make the following findings in addition to any other applicable findings required by this ~~Coastal~~ Coastal Land Use Code.

A. The proposed land use or development is in compliance with the policies of the ~~General Plan~~, Local Coastal Program, including the policies and standards of the Coastal Land Use plan and the regulations in the Land Use Code.

B. The proposed land use or development will not impair the ecological balance, ecosystem function, biological productivity, and values of ~~the~~ adjacent ESHA or parks and recreation areas.

1. The proposed land use or development will not degrade the structure, composition, function or natural processes of ESHA to a level below that which occurs in the least-disturbed natural ecosystems in the City's Planning Area;

2. The proposed land use or development has ~~incorporated the ESHA into its site design and does not pose any significant adverse~~ sited and designed to prevent impacts ~~to these resources which would~~

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

3. The EBA adopted is sufficient in width to maintain the structure, composition, function and natural processes of the affected ESHA.
 4. Where applicable, the development is a habitat enhancement project.
- C. The proposed land use or development is being approved, because there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects and that any affected ESHA shall be maintained, enhanced, and where feasible restored.

~~9.59.100 – Notice of Protection Combining Zone Overlay~~ =

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~~Prior to the effective date of the discretionary approval for a project involving a ESHA, and prior to any action prerequisite to proceeding with a development, the applicant shall cause to be recorded, with the Humboldt County Recorder's Office, a notice declaring the presence of the :SP or :WP combining Zone as applicable on the property. The notice shall be in a form prescribed by the City and shall contain information regarding the location and nature of the :SP or :WP combining Zone overlay, and any applicable restrictions. The notice shall be recorded at the expense of the applicant.~~

ARTICLE 6

Site Development Regulations

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- 9.68.010 - Purpose.
- 9.68.020 - Applicability.
- 9.68.030 - Coastal development permit application contents.
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CHAPTER 9.60 - FLOOD HAZARD MITIGATION STANDARDS

Sections:

- 9.60.010 - Purpose
- 9.60.020 - Authority
- 9.60.030 - Definitions
- 9.60.040 - Applicability
- 9.60.050 - Administration
- 9.60.060 - Permit Requirements
- 9.60.070 - Standards for Flood Hazard Reduction
- 9.60.080 - Flood Standard Exceptions
- 9.60.090 - Appeal

9.60.010 - Purpose

The provisions of this Chapter are intended to protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To minimize expenditure of public money for costly flood control projects;
- B. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- C. To minimize prolonged business interruptions;
- D. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- E. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- F. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- G. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

9.60.020 - Authority

The California Legislature has in Government Code Sections 65302, 65560 and 65800 conferred upon local government the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. This Chapter also implements regulations to meet Federal Emergency Management Agency (FEMA) requirements for managing flood hazards.

9.60.030 - Definitions

Definitions of the technical terms and phrases used in this Chapter are in Article 10 (Glossary) under "Flood Hazard Management."

9.60.040 - Applicability

- A. **Basis for establishing areas of special flood hazards.** The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a

scientific and engineering report entitled "Flood Insurance Study" for the City of Arcata dated November 5, 1997, and accompanying Flood Insurance Rate Maps (FIRMS), and the Humboldt County Flood Insurance Rate Map Index dated February 8, 1999, and Flood Insurance Study dated August 5, 1986 and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this Land Use Code, and this Chapter. This Flood Insurance Study is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City of Arcata by the Flood Plain Administrator. The Flood Insurance Study is on file at the Public Works Department of the City of Arcata

- B. **Compliance with Chapter required.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter, Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation) and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City from taking lawful action as is necessary to prevent or remedy any violation.

- C. **Abrogation and greater restrictions.** This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- D. **Interpretation.** In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and,
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

- E. **Warning and disclaimer of liability.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards, or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Arcata, any officer or employee thereof, the Federal Emergency Management Agency, or State of California, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made in compliance with this Chapter.

9.60.050 - Administration

- A. **Designation of Flood Plain Administrator.** The Public Works Director/City Engineer is hereby appointed to administer and implement this Chapter by granting or denying development permits in accordance with its provisions.

- B. **Duties and responsibilities of Flood Plain Administrator.** The Flood Plain Administrator shall have the following duties and responsibilities.
 - 1. **Permit review.** The Flood Plain Administrator shall review all development permits to determine that:
 - a. The permit requirements of this Chapter have been satisfied;

- b. All other required state and federal permit requirements have been identified;
 - c. The site is reasonably safe from flooding; and
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
2. **Response to proposed watercourse alterations.** Whenever a watercourse is to be altered or relocated:
- a. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - b. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained or increased.
3. **Certifications.** Obtain and maintain for public inspection and make available as needed the certifications by Section 9.60.070 (Standards for Flood Hazard Reduction).
4. **Interpretations.** Make interpretations where needed, as to the location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation provided in Section 9.60.080 (Flood Standard Exceptions).
5. **Base flood elevation data.** When base flood elevation data has not been provided in accordance with Section 9.60.040.A (Basis for establishing areas of special flood hazards), the Flood Plain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in the administration and review process.
6. **Enforcement.** Take action to remedy violations of this Chapter as specified in this Chapter or other applicable law.

9.60.060 - Permit Requirements

A Development Permit shall be obtained before construction or development within any area of special flood hazard identified in compliance with Section 9.60.040.A (Basis for establishing areas of special flood hazards). Application for a Development Permit shall include: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, including:
 - 1. Site plans and elevations depicting the height of the base flood elevation relative to the floor height of the structures; and
 - 2. Copies of any flood elevation certificates, flood-proofing certificates, or other as-built

verifications of floodplain management conformance prepared for the structures:

- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed if required in Section 9.60.070.A.4 (Elevation and floodproofing - Nonresidential construction), that is also in compliance with Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation).
- C. All appropriate certifications required by this Chapter;
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- E. Documentation of CEQA compliance for all discretionary projects.

F. Tsunami runup and inundation. A coastal development permit application for development within an identified tsunami runup and/or inundation area, including but not limited to those areas depicted on the latest government-prepared tsunami hazard maps, shall include the following supplemental information and analyses:

1. A analysis of the vulnerability of any proposed structural improvements to instability or damage associated with tsunami inundation up to and including wave heights resulting from a near-source maximum credible Cascadia Subduction Zone seismic event. The analysis shall take into consideration local uplift or subsidence, and a three- to six-foot rise in sea level over one hundred years, a minimum of 4.5 feet of sea level rise over 100 years for critical facilities, and greater sea level rise rates if development is expected to have a long economic life, the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level. The analysis shall address potential damage and instability from in-coming and out-flow waters, including wave strike and foundation scour. The analysis shall identify design and siting mitigation measures to feasibly reduce potential exposure of persons and property to flooding and instability risks;
2. A tsunami safety plan containing information as to the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experiencing seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation.

G. Sea Level Rise Analysis. Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable.

H. Supplementary findings. In addition to the findings for approval or conditional approval of a coastal development permit as required by Section 9.72.030.F.2, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or in proximity to flooding hazardous areas:

1. The development meets all development standards of subsection I.
2. The development or use has been designed and sited to minimize risks to life and property.

I. Development standards. Development in areas subject to flooding hazards shall only be authorized subject to the following conditions:

1. The development has been conditioned to meet all requirements of the flood damage prevention subsection 9.60.070; and
2. New permanent residential development created through land divisions located within mapped or modeled tsunami hazard areas.
 - a. Have floor elevations one-foot above the height of tsunami runup originating from the maximum credible near-source seismic event on the Cascadia Subduction Zone, as depicted on the latest government-prepared tsunami hazard maps or local modeling, taking into consideration local uplift and subsidence, and a three-foot rise in sea level over a 100 year period; and
 - b. The building has been designed to withstand the hydrodynamic, hydrostatic, and buoyancy forces associated with wave strike and back-flow, including the effects on foundation scour, without experiencing catastrophic structural collapse.
3. Maintenance projects involving the removal of materials from erosion control and flood control facilities constructed on watercourses are required, where feasible, to be placed at appropriate points on the shoreline such that the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters are not impeded, and the continued delivery of these sediments to the littoral zone is facilitated. Such placement shall be done in accordance with feasible mitigation measures to minimize adverse environmental effects, taking into consideration physical and chemical properties of the removed materials, the method of placement, time of year of placement, and sensitivity of the placement area and receiving waters.

9.60.070 - Standards for Flood Hazard Reduction

A. Construction standards. The following standards apply in all areas of special flood hazards.

1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured homes shall meet the anchoring standards of 9.60.070.D (Mobile homes, manufactured homes, and mobile home parks and subdivisions).

2. **Construction materials and methods.**
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. Within Zones AH or AO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures are required.

3. **Elevation and flood proofing - Residential construction.** Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed surveyor, and verified by the Building Inspector, to be properly elevated. The certification and verification shall be provided to the Flood Plain Administrator:
 - a. New construction and substantial improvement of any structure in Zone AH or AO shall have the lowest floor, including basement, elevated at least one foot higher than the flood depth number specified on the FIRM, or as determined by the Flood Plain Administrator. Outside the AH or AO zones prone to flooding, the Flood Plain Administrator will determine a minimum finish floor elevation for development.
 - b. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered civil engineer or licensed surveyor, or meet or exceed the following minimum criteria:
 - (1) Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - (2) Be certified to comply with the guidelines for engineered openings in FEMA Technical Bulletin 1-93.
 - c. Manufactured homes shall also meet the standards in Subsection D.

4. **Elevation and flood proofing - Nonresidential construction.** Nonresidential construction, new or substantial Improvements, shall either be elevated at least one foot above the base flood elevation together with attendant utility and sanitary facilities, or:
 - a. Be flood proofed below the elevation specified in Subsection A.3, so that the structure is watertight with walls substantially impermeable to the passage of water; and

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and;
 - c. Be certified by a registered civil engineer or licensed surveyor that the standards of this subsection are satisfied. The certification shall be provided to the Flood Plain Administrator.
- B. Utilities.** All new and replacement water supply and sanitary sewage systems shall be designed to prohibit the infiltration of flood waters into the system and discharge from systems into flood waters.
- C. Subdivisions.**
- 1. Each Tentative Map shall identify the flood hazard area and the elevation of the base flood, and the proposed subdivision shall be designed to:
 - a. Provide adequate drainage to reduce exposure to flood hazards; and
 - b. Minimize flood damage to all facilities and structures, including public utilities and facilities including sewer, gas, electrical and water systems.
 - 2. Each Final Map and Parcel Map shall provide the elevation of proposed structures and pads. If the site is filled above the base flood elevation, the final pad elevations shall be certified by a registered civil engineer or licensed surveyor and provided to the Flood Plain Administrator. Each development shall show that flood discharge exiting the development after construction is equal to, and preferably less than the flood discharge at the location prior to the development.
- D. Mobile homes, manufactured homes, and mobile home parks and subdivisions.**
- 1. **Placement of unit.** All new, substantially improved, and replacement manufactured homes, and additions to manufactured homes, shall be elevated so that the lowest floor is one foot above the base flood elevation in all manufactured home parks.

The following standards are required for (a) manufactured homes not placed in manufactured home parks or subdivisions, (b) new manufactured home parks or subdivisions, c) expansions to existing manufactured home parks or subdivisions, and (d) repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

 - a. Adequate surface drainage and access for a hauler shall be provided.
 - b. All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is one foot above the base flood level.
 - (1) Each lot shall be large enough to permit steps;
 - (2) The pilings shall be placed in stable soil no more than ten feet apart, and
 - (3) Reinforcement shall be provided for pilings more than six feet above the ground level.
 - c. No manufactured home shall be placed in a floodway.

2. **Anchoring.** Anchoring of all manufactured homes shall be designed to comply with the Department of Housing and Community Development Manufactured Home Construction and Safety Standards. All manufactured homes and additions to manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement, and elevated so that the lowest floor of the manufactured home is one foot above the base flood elevation.
3. **Certification required.** Upon completion of construction in compliance with this Subsection D., the elevation of the lowest floor shall be certified by a registered civil engineer or licensed surveyor, and verified by the Building Inspector, to be properly elevated. The certification and verification shall be provided to the Flood Plain Administrator.

E. Recreational vehicles.

1. Each recreational vehicle placed on a site within Zones A1-30, AH, and AE on the Flood Insurance Rate Map shall either:
 - a. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 - b. Meet the permit requirements of Section 9.60.060 (Permit Requirements), and the elevation and anchoring requirements for manufactured homes in Subsection D.
2. A recreational vehicle placed on sites within Zones VI-30, V and VE on the Flood Insurance Rate Map shall comply with the requirements of Subsections F.1, and G.

F. Floodways. Within the areas of special flood hazard established in Section 9.60.040.A (Applicability - Basis for establishing areas of special flood hazards), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If the requirements of this Subsection F. are satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Chapter.

G. Coastal High Hazard Areas. Unless exempted by General Plan: 2020 policies PS-4b, and PS-4g, it is the general policy of the City not to allow any development in the area identified as Coastal Flooding (V Zones) on the FIRM Map.

H. Exceptions. The improvement, repair, or rehabilitation of an existing residential building or structure, or an existing nonresidential building or structure built prior to May 2, 1983, where the cost of the improvement, repair, or rehabilitation does not equal or exceed 50 percent of the replacement cost of the

structure shall not be subject to the standards and requirements of this Section. In all circumstances, exceptions may be made only in accordance with the requirements in Section 9.60.080 (Flood Standard Exceptions), in compliance with Section 60.6 of the National Flood Insurance Program Regulations, Federal Emergency Management Agency, Federal Insurance Administration and in California Administrative Code Title 14 for Coastal Zone Areas.

9.60.080 - Flood Standard Exceptions

Exceptions to Section 9.60.070 (Standards for Flood Hazard Reduction) may be granted by the Flood Plain Administrator in compliance with the following provisions.

- A. Notices and hearings.** The processing of a Flood Standard Exception shall occur in compliance with the provisions of Section 9.72.080 for Minor Use Permits.
- B. Factors to be considered.** In reviewing and deciding upon applications for Flood Standard Exceptions, the Flood Plain Administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and the:
1. Danger that materials may be swept onto other lands to the injury of others;
 2. Dangers to life and property because of flooding or erosion damage;
 3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 4. Importance of the services provided by the proposed facility to the community;
 5. Necessity to the facility of a waterfront location, where applicable;
 6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. Compatibility of the proposed use with existing and anticipated development;
 8. Relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- C. Exception criteria.** Generally, a Flood Standard Exception may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the issues listed in Subsections B.1 through B.11 have been fully considered. As lot size increases beyond one-half acre, the technical justification required for issuing the Exception increases.
1. An Exception may be issued for the repair, rehabilitation, or restoration of a historic structure upon

a determination that the proposed repair, rehabilitation, or restoration will not preclude the structure's continued designation as an historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.

2. An Exception shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 3. An Exception shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
 4. An Exception shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the exception would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
 5. An Exception may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the above provisions of this Subsection C. are satisfied, and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- D. **Conditions of approval.** Upon consideration of the factors in Subsection C., and the purposes of this Chapter, the Flood Plain Administrator may attach conditions to the granting of exceptions as it deems necessary to further the purposes of this Chapter.
- E. **Notice to applicant.** An applicant to whom a Flood Standard Exception is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Flood Plain Administrator in the office of the Humboldt County Recorder.
- F. **Records.** The Flood Plain Administrator shall maintain the records of all appeal actions, including justification for their issuance, and report any exceptions to the Federal Insurance Administration upon request.

9.60.090 - Appeal

Decisions of the Flood Plain Administrator in compliance with this Chapter may be appealed to the City Council in compliance with Chapter 9.76 (Appeals). In reviewing an appeal, the City Council shall consider the factors in Section 9.60.080.B (Factors to be considered).

CHAPTER 9.61 – PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES**Sections:**

- 9.61.010 Purpose.
- 9.61.020 Applicability.
- 9.61.030 Definitions.
- 9.61.040 General provisions.
- 9.61.050 Access location – Requirements.
- 9.61.060 Access design standards.
- 9.61.070 Protection of historic public use.
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9.61.010 Purpose

This chapter provides requirements for the protection, dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this chapter in compliance with the California Coastal Act. In addition this chapter sets standards for the review, protection, and prioritization of shoreline and nearshore sites in or suitable for coastal recreational uses.

9.61.020 Applicability.

The provisions of this Chapter apply to all development and proposed land uses located within the Coastal Zone. Certain sections of this chapter (i.e., access dedications) apply only to areas between the sea and the first public road paralleling the sea as defined in Chapter 9.100.

9.61.030 Definitions**A. Definitions of terms used in this chapter:**

1. Development. "Development" means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes; kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

2. New Development. For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this Section, “new development” includes “development” as defined above except for the following:
- a. Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, is sited in the same location on the affected property as the destroyed structure and does not extend the replacement structure seaward on a sandy beach or beach fronting bluff lot. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure be replaced were beyond the control of the owners
 - b. Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not block or impede public access, that the reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beach fronting bluff lot and that the reconstructed residence does not include or necessitate a shoreline protective device.
 - c. Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, which do not result in a seaward encroachment by the structure and which do not include or necessitate a new or enlarged shoreline protective device.
 - d. Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610(d) and California Code of Regulations Section 13252, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.
 - e. Reconstruction and/or repair of a seawall, revetment, retaining wall or other shoreline protective device: The reconstruction or repair of any shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, “reconstruction or repair” of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to public access or other shoreline resources than those of the existing structure.
3. Sea. “Sea” means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

B. Types of public access.

1. Vertical access: Provides public access from the first public road, trail, or public use area nearest the sea to the publicly owned shoreline, tidelands, or established lateral access perpendicular to the shore.
2. Lateral access: Provides for public access and use along or parallel to the shoreline.
3. Blufftop access: Provides access and coastal viewing along blufftops that run parallel to the shoreline, and in some cases provide the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.
4. Trail access: Provides public access (i.e. hiking and equestrian) along a coastal or mountain recreational path, including to and along canyons, rivers, streams, wetlands, lagoons, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland trails or recreational facilities to the shoreline.
5. Recreational access: Provides public access to coastal recreational resources through means other than those listed above, including but not limited to, parking facilities, viewing platforms, and blufftop parks.

C. Character of accessway use

1. “Pass and repass” refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 9.61.090 of this chapter establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.
2. Passive recreational use refers to those recreational activities typically associated with coastal open space that generally are non-structured and require minimal or no developed facilities or improvements to land. Such activities include, but are not limited to, walking, biking, jogging, hiking, dog walking, bird watching, tide-pooling, beach combing, informal sports activities such as Frisbee or ball throwing and kite-flying, nature viewing, and picnicking. Passive recreation includes ancillary facilities necessary to support visitor access to the coastal open space, including but not limited to parking lots, interpretive signage, visitor kiosks, restrooms, etc. Passive recreation activities do not include activities such as: playgrounds, community gardens, ball-fields, skate parks, etc.
3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized.

9.61.040 General provisions.

- A. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to

the first line of terrestrial vegetation.

- B. Access requirements. Proposed development and new land uses located between the ocean the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and blufftops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.
- C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:
1. It would be inconsistent with public safety, or the protection of fragile coastal resources;
 2. Adequate access exists within 500 feet of the site;
 3. Access at the site would be inconsistent with the policies of the coastal land use plan other than those requiring access; or
 4. Requiring or providing the access would be inconsistent with federal or state law.
- D. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.
1. Dedication. Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.
 2. Construction of improvements: Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.
 3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with to this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity. (Ord. 20 - § , 20)

9.61.050. Access location — Requirements

Vertical, lateral, and/or blufftop access shall be required by the review authority in compliance with this Chapter, in the locations specified by the Open Space Element of the Coastal Land Use Plan.

- A. Access required. As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in 1 - 4 of this section, except as provided in Section 9.61.030 of this chapter, a 25 foot wide easement for one or more of the types of access identified in Section 9.61.030(B) of this chapter shall be required and shall be supported by findings required by Section 9.61.090 of this chapter; provided that no such condition of approval shall be imposed if the analysis required by Section 9.61.090 of this chapter establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the

access dedication requirement will not alleviate the access burdens identified. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the Executive Director of the Coastal Commission or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.

1. New Development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.
2. New development between the nearest public roadway and the sea.
3. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
4. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

B. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources;
2. Adequate access exists within 500 feet of the site;
3. Access at the site would be inconsistent with policies of the Coastal Land Use Plan other than those requiring access;
4. Requiring or providing the access would be inconsistent with Federal or State law.

9.61.060 Access design standards

The standards of this section are intended to provide guidance to the review authority in determining the appropriate design of accessways to be required by coastal development permit conditions of approval, in compliance with this chapter.

A. Design objectives. The following are general guidelines as to the size and nature of all public access facilities in the City.

1. Design and siting. Accessways and trails should be sited and designed:

- a. To minimize alteration of natural landforms, conform to the existing contours of the land, and to subordinate to the character of their setting;
 - b. To prevent unwarranted hazards to the land and public safety;
 - c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and
 - d. To prevent damage to sensitive coastal resource areas.
2. Correction of existing damage/alternative routes. Where appropriate, coastal accessways should be designed to correct damage resulting from past and existing use. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.
3. Accessway specifications.
- a. Width. Each public access easement offered for dedication for public use shall be a minimum of 25 feet wide. The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:
 - i) Adverse impacts on sensitive environmental areas;
 - ii) Encroachment closer than 20 feet to an existing residence; and/or
 - iii) Hazardous topographic conditions.
 - b. Slope. The preferred slope gradient for the walking surface of an accessway is zero to 20 percent, and in no case should exceed 70 percent.
 - c. Overhead clearance. The minimum overhead clearance for an accessway shall be seven feet.
4. Access for disabled persons. Wherever possible, wheelchair access to the ocean should be provided. Ramps should have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, one out of five parking spaces should be provided for disabled persons, with the spaces marked clearly for handicapped use only.
5. Residential privacy. The design and placement of access trails should provide for the privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing and a landscape buffer. A vertical accessway abutting a residential area may be fenced at the property line and have its use restricted to daylight hours.
6. Parking. Where access sites are required, parking should be provided where feasible. Where handicapped beach access is provided, one out of five parking spaces should be provided for disabled persons. These spaces should be marked clearly for handicapped use only.
7. Signs. Directional signing advising the public of vertical, lateral, and blufftop accessways and parking should be placed in prominent locations along access routes.

at appropriate places in the downtown and at major visitor destinations. Signs designating handicapped access points and parking should be conspicuous. Potential hazards along accessways such as steep cliffs, steps or slopes should be signed, and fenced when necessary.

B. Standards for application of access conditions. The public access required pursuant to Section 9.61.050(A) of this chapter shall conform to the following standards and requirements, as applicable to the type of access facility.

1. Vertical access. A vertical accessway shall comply with the following standards, in addition to the other applicable requirements of this Section.

a. Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 9.61.050(A) of this chapter shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified local coastal program for future vertical access, or (2) located in a site for which the City has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the City of Arcata Local Coastal Program.

b. A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 9.61.050(A) of this chapter shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 9.61.090(B) of this chapter.

c. Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in Section 9.61.080(D) of this chapter. The access easement shall be a minimum of 25-foot-wide wherever feasible. If a residential structure is proposed, the accessway should be sited along the border or side property line of the project site or away from existing or proposed development and should not be sited closer than 10 feet to the structure wherever feasible. Exceptions to siting a vertical accessway along a border or side property line or not closer than 10 feet to a structure may be required where topographical, physical or other constraints exist on the site.

2. Lateral access. A lateral accessway shall comply with the following standards, in addition to the other applicable requirements of this section.

a. Minimum requirements. A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 9.61.050(A) of this chapter shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including

sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development. Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 9.61.090.B of this chapter. Lateral access shall be legally described as required in Section 9.61.080.D. The requirements of this section shall apply for blufftop access or trail access, as applicable.

3. Blufftop access.

- a. Minimum requirements. A condition to require public access to or along a blufftop as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 9.61.050.A of this chapter shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.
- b. The blufftop access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 9.61.090(B) of this chapter.
- c. Each blufftop accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland or [greater or lesser] as determined to be necessary for public safety or geologic stability. However, wherever feasible, the accessway should not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the 100-year life expectancy of the improvements plus an added geologic stability factor of 1.5.
- d. The accessway shall be legally described as required in Section 9.61.080.D of this chapter, with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner: "Such easement shall be a minimum of 25 feet wide located along the blufftop as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."

4. Trail access.

- a. Minimum requirements. A condition to require public access as a condition of

approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 9.61.050.A. of this chapter shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 9.61.090.B of this chapter.
The trail access shall be legally described as required by Section 9.61.080.D of this chapter.

5. Recreational access

- a. Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section 9.61.050.A of this chapter shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Section 9.61.060.B.1-5 of this chapter as applicable. The accessway shall be legally described as required in Section 9.61.080.D of this chapter.

9.61.070 Protection of historic public use

A. Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

1. The public must have used the land for a period of five years or more as if it were public land.
2. Without asking for or receiving permission from the owner.
3. With the actual or presumed knowledge of the owner.
4. Without significant objection or bona fide attempts by the owner to prevent or halt the use.
5. The use must be substantial, rather than minimal.
6. The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

B. Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:

1. Substantial evidence does not warrant the conclusion that public prescriptive rights exist.

2. There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights.
3. There is substantial evidence of the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.
4. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.
5. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring siting development away from the area used by the public protects the rights of the public.

C. Siting and design requirements

1. Development shall be sited and designed in a manner that does not interfere with or diminish any public right of access which may exist based on the potential public rights based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the accessway or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required in accordance with Section 9.61.080 of this chapter. Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.
2. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. The following language shall be added to the access condition in a permit with possible prescriptive rights: "Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement."

9.61.080 Access title and guarantee.

Where public coastal accessways are required by this Chapter, approval of a coastal development permit for new development shall require guarantee of the access through deed restriction, or dedication of right-of-way or easement. Before the approval of a coastal development permit, the method and form of the access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

- A. Deed restriction. Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the director.

- B. Grant of fee interest or easement: Shall be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.
- C. Offer of dedication. Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.
- D. Legal description of an accessway — Recordation.
1. An access dedication (offer to dedicate or grant of easement) required pursuant to Section 9.61.050.A of this chapter shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows:
 - a. For lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as stringline or dripline. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation;
 - b. For blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail;
 - c. For vertical access: extending from the road to the mean high tide line (or bluff edge). A privacy buffer provided pursuant to Section 9.61.080(E) shall be described as applicable.
 2. Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and record a document in a form and content acceptable to the Coastal Commission (or local agency authorized pursuant to Title 14 Cal. Code of Regulations Section 13574(b)), consistent with provisions of Section 9.61.050.A of this chapter, irrevocably offering to dedicate (or grant an easement) to a public agency or private nonprofit association approved by the Coastal Commission (or local agency authorized by the Coastal Commission pursuant to Title 14 California Code of Regulations Section 13574(b)) an easement for a specific type of access as described in Section 9.61.050.B and a specific character of use as described in Section 9.61.030.C of this chapter, as applicable to the particular condition.
 3. The recorded document shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.
 4. The recorded document shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission pursuant to Title 14

California Code of Regulations Section 13574(b)] determines may affect the interest being conveyed. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

E. Privacy buffers.

1. Minimum requirements. Separation between a public accessway and adjacent residential use may be provided when necessary to protect the landowner's privacy or security as well as the public's right to use of the accessway. Any such buffer shall be provided within the development area. Access should not be sited closer to any residential structure than the distance specified in the certified LUP, or where there is no distance specified, no closer than 10 feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation.

F. Implementation.

1. For any project where a public access easement is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.
2. For all grants of easement to the City, required as a condition of approval of a coastal development permit, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and maintaining the accessway, or the City shall grant the easement to a private nonprofit association acceptable to the Executive Director of the Coastal Commission that is willing to accept, maintain and operate the accessway.
3. In the case of an Offer to Dedicate or where the City grants an easement to a private nonprofit association, an accessway shall not be required to be opened to public use until a public agency or private nonprofit association approved in accordance with Section 9.61.080.D of this chapter agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction. New offers to dedicate public beach or trail access easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.
4. Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) shall be as wide as necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.
5. Any government agency may accept an offer to dedicate or grant of an easement if the

agency is willing to operate and maintain the easement. For all grants of an easement or offers to dedicate that are required as conditions of coastal development permits approved by the City, the Executive Director of the Coastal Commission has the authority to approve a private non-profit association that seeks to accept the offer or the grant of easement. In order for the Executive Director to approve any private non-profit association, the non-profit association must submit a plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate or grant the easement.

6. The appropriate agency or organization to accept and develop trail dedication offers or grants of easement resulting from City issued CDPs shall be determined through coordination, where applicable, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Humboldt County, and nonprofit land trusts or associations. Public agencies and private nonprofit associations which may be appropriate to accept offers to dedicate include, but shall not be limited to, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the City of Arcata, the County of Humboldt, special districts empowered with recreational facilities management authority, private land trusts and conservancies chartered to accept easements or fee interest dedications in the County of Humboldt, and other nongovernmental organizations.
7. Grants of public access easements or offers to dedicate shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within five (5) years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private nonprofit association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. A coastal development permit that includes a grant of easement or offer to dedicate for public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private nonprofit association that requests such transfer, if the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.
8. Facilities to complement public access to and along the shoreline and trails shall be permitted where feasible and appropriate. This may include parking areas, restrooms, picnic tables, or other improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessway or trail OTD or grant of easement or as a precondition to the opening or construction of the accessway or trail. Where there is an existing, but unaccepted and/or unopened public access OTD, easement, or deed restriction for lateral, vertical, bluff or trail access or related support facilities, necessary access improvements shall be permitted to be constructed, opened and operated for the intended public use.
9. Any accessway which the managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private nonprofit association that agrees to open and maintain the accessway in a condition suitable for public use.
10. All public access mitigation conditions or terms required by a CDP shall include, as a compliance component, a requirement that the permittee submit a detailed and

surveyed map, drawn to scale, locating any proposed or required easements or deed restricted areas.

G. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. Dedication. Dedication shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.
2. Construction of improvements. Construction of improvements shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.
3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with this Section: the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

H. Title information. As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 9.61.080.D of this chapter determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement.

9.61.090 Required findings and supporting analysis for public access dedications.

A. Required overall findings. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 9.61.090.B of this chapter and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 9.61.090.B of this chapter. The type of affected public access and recreation opportunities shall be clearly described.
2. An analysis based on applicable factors identified in Section 9.61.090.B of this chapter of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.
3. A description of the legitimate governmental interest furthered by any access condition required.
4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature

and extent.

B. Required Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections (1) through (5), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.

1. Project effects on demand for access and recreation including:

- a. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development;
- b. Analysis of the project's effects upon existing public access and recreation opportunities;
- c. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout;
- d. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public;
- e. Analysis of the contribution of the project's cumulative effects to any such projected increase;
- f. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas;
- g. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

2. Shoreline processes including:

- a. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site;
- b. Identification of anticipated changes to shoreline processes and beach profile

unrelated to the proposed development:

- c. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity;
- d. Analysis of the effect of any identified changes of the project -- alone or in combination with other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.

3. Historic public use including:

- a. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal);
- b. Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made;
- c. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts;
- d. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

4. Physical obstructions including:

- a. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

5. Other adverse impacts on access and recreation including:

- a. Description of the development's physical proximity and relationship to the shoreline and any public recreation area;
- b. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation;
- c. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

C. Required findings for public access exceptions. Any determination that one of the exceptions of Section 9.61.050.C of this chapter applies to a development shall be supported by written

findings of fact, analysis and conclusions which address all of the following:

1. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable.
2. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.
3. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

9.61.100 Review of recorded access documents.

A. Standards and procedures. Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.
 - a. Upon completion of permit review by the City and prior to the issuance of the permit, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
 - b. The Executive Director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;
 - c. The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period;
 - d. If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or
2. If the City requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City identifies the City department that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of

approval of coastal development permits subject to the following: Upon completion of the recordation of the documents the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Commission.

9.61.110 Coastal development permit application contents.

In addition to permit and application submittal requirements established elsewhere in this title, new development pursuant to Section 9.61.030.A.2 of this chapter shall be subject to the following additional permit and/or application requirements:

- A. All applications for new development located along the shoreline or fronting a beach shall include the submittal of a review and/or determination in writing from the State Lands Commission that addresses the proposed project relative to its location or proximity to, or impact upon, the boundary between public tidelands and private property. Any application for development on or along the shoreline filed without such determination shall be determined to be incomplete for filing.
- B. Coastal development permit application filing requirements shall include the submittal of mapped documentation identifying the location of any existing recorded shoreline or inland trail OTDs, deed restrictions, or easements on the subject parcel(s).

9.61.120 Development standards.

- A. Any existing accessway which the City owns, operates, maintains, or is otherwise responsible for shall not be closed, abandoned, or rendered unusable by the public without first obtaining a coastal development permit unless determined to be necessary for public safety.
- B. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a coastal development permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game and U.S. Fish and Wildlife. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.
- C. No signs shall be posted on a beachfront or on public beach unless authorized by a coastal development permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral or vertical access easement areas is restricted shall not be permitted. Temporary signs posted by a public agency for environmental or public safety purposes may be authorized by the emergency permit provisions of Section 9.72.050 of this title.
- D. Improvements and/or opening of accessways already in public ownership or that are accepted pursuant to an offer to dedicate required by a coastal development permit shall be permitted regardless of the distance from the nearest available vertical accessway.

CHAPTER 9.62 - GEOLOGIC HAZARD REVIEW

Sections:

- 9.62.010 - Purpose
- 9.62.020 - Applicability - Geologic Hazards Land Use Matrix
- 9.62.030 - Report Contents
- 9.62.040 - Development Standards
- 9.62.050 - Alquist-Priolo Earthquake Fault Zone

9.62.010 - Purpose

This Chapter provides procedures for the filing, processing, and approval or disapproval of applications for Geologic Hazard Review, to protect the health, safety, and welfare of the residents of the City by minimizing the risk from carrying out development in areas subject to geologic and/or seismic hazards. The provisions of this chapter apply to the review of Coastal Permit applications for all development proposed on sites that contain or are within proximity to hazardous areas, could be exposed to natural and man-made hazards, or whose construction or presence may: (a) expose persons and property to geologic hazards; and/or (b) create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the City's Coastal Land Use Plan, the Coastal Land Use Code, or other City-adopted plan, resolution or ordinance not included in the certified Local Coastal Plan or its implementing provisions, and it is not possible for the development to comply with both the City of Arcata LCP and other plan, resolution or ordinance, the policies, standards or provisions contained herein shall take precedence.

9.62.020 - Applicability - Geologic Hazards Land Use Matrix

A. All proposed new development located in or near an area subject to geologic hazards shall be required to submit a geologic/soils/geotechnical study report prepared by a registered engineer qualified in hydrology and soil mechanics, as appropriate for the intended structural improvements, that identifies any geologic hazards affecting the proposed development site and any necessary mitigation measures. The geologic/soils/geotechnical report shall include a statement by the consulting registered engineer(s) that the project site is suitable for the proposed development, that the development will be safe from geologic hazard, and that the development will in no way contribute to instability on or off the subject site. Such reports shall be subject to the review and approval of the department staff, and may include peer-review by a similarly-licensed registered engineer.

B. Applications for blufftop and shoreline development located in or near an area subject to geologic hazards, including but not limited to, areas of geologic hazard shown on the "National Seismic Hazards Maps" and/or the "Geology and Geomorphic Features Related to Landsliding" and "the North Coast Watersheds Mapping" series prepared for Del Norte County by the U.S. Geological Survey and California Geological Survey, respectively, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. The Geologic Hazards Land Use Matrix in Table 6-1 shall apply throughout the City. Engineering geologic and/or soils engineering reports shall be required for new development in compliance with the schedule identified in the matrix.

A. 'R1' report requirements. An engineering geologic report and a soils engineering report shall be prepared for the classes of development and hazard areas indicated by 'R1' in the Geologic Hazards Land Use Matrix.

B. 'R2' report requirements. An engineering geologic report shall be prepared for the classes of development and hazard areas indicated by an 'R2' in the Geologic Hazards Land Use Matrix.

C. 'D' discretionary report requirements. For the classes of development and hazard areas indicated by a 'D' in the Geologic Hazards Land Use Matrix, the City Engineer and/or Building Official, after consultation with the Zoning Administrator, shall use the considerations listed below in Subsection C.1 (Criteria for requiring a report), to determine whether or not a report is required. Conditions which typically indicate that a report should be required are identified in Subsection C.2 (Soils Engineering Report) and C.3 (Engineering Geology Report), below.

Table 6-1 - Geologic Hazard Land Use Matrix

Building Type/ Land Use	Earthquake Shaking Hazard	Fault Rupture Hazard (1)		Slope Stability Hazard (2)				Liquefaction Potential (3)		
				Low		High		Low		High
		SSZ	PAF	V	IV	III	II & I	III	II	I

Critical Facilities

Hazardous substance storage, reservoirs, natural gas storage tanks											
Hospitals, fire and police stations, emergency control centers, power plants, power and communications substations, schools, theaters	R1	R2	R2	D	D	R1	R1	R1	R1	R1	P
Auditoriums, hotels, large motels, major office buildings, high density residential											

Non-Critical Facilities - Moderate Risk

Residential structures on existing lots with footing loads greater than typical two-story wood frame dwellings, or residential structures with three stories or more	D	R2	D	D	D	R2	R1	D	R1	R1
Major subdivisions	D	R2	R2	D	R2	R1	R1	D	R1	R1
Heavy industrial	R2	R2	R2	D	R2	R2	R1	R1	R1	R1

Non-Critical Facilities - Low Risk

Multi-family structures larger than 4-plexes	D	R2	D	D	D	R2	R1	D	R1	R1
Minor subdivisions	D	R2	D	D	D	R2	R1	D	R1	R1
Light industrial, warehousing, commercial	D	R2	D	D	D	R2	R2	D	R1	R1
Residential wood frame structures two stories or less on existing lots	D	D	D	D	D	R2	R2	D	D	D

Notes:

P Development prohibited.

R1 Engineering geologic report and soils engineering report required. Engineering geologic report shall be prepared by a Certified Engineering Geologist, certified and licensed by the State of California. Soil engineering report shall be prepared by a California licensed Registered Civil Engineer with appropriate knowledge and experience, or by a California Certified Engineering Geologist with appropriate geotechnical knowledge and experience.

R2 Engineering geologic report required. The report shall be prepared by a California Registered Geologist with appropriate geotechnical knowledge and experience.

D Report requirement is left to the discretion of the City Building Official.

(1) SSZ refers to the Alquist-Priolo Special Study Zone; PAF means "Potentially Active Fault."

(2) See the Slope Stability Hazard Map on file with the Department.

(3) See the Liquefaction Potential Map on file with the Department.

In lieu of making a determination, the City Engineer and/or Building Official, after consultation with the Zoning Administrator, may choose to accept a statement as described in Subsection D. (Report waiver).

1. **Criteria for requiring a report.** Considerations in determining whether a report is required shall include:
 - a. A site visit;
 - b. A review of geologic maps and reports covering the area;
 - c. An evaluation of the potential of the development to adversely affect adjacent property or improvements;
 - d. Consideration of the degree of public exposure to the risk;
 - e. A consideration of the size and scale of the proposed development;
 - f. For development within the Coastal Zone, a consideration of certified Local Coastal Plan policies; or

- g. The proposed project is not exempt from reporting requirements in compliance with Subsection E. (Projects exempt from reporting requirements), below.
- 2. **Soils engineering report.** A soils engineering report is indicated when one or more of the following conditions exist or are proposed:
 - a. Depth (or height) of cut or fill is three feet or greater;
 - b. Fill is used to support structural footings;
 - c. Engineered cut or fill is required;
 - d. Soils are or may be subject to significant shrink-swell; or
 - f. The project area is underlain by material that may be subject to settlement or subsidence.
- 3. **Engineering geology report.** An engineering geology report is indicated when one or more of the following conditions exist or are proposed:
 - a. Finish cut or fill faces with vertical heights in excess of 10 feet;
 - b. On-site natural slopes steeper than five horizontal to one vertical;
 - c. Existing cut slopes having a vertical height in excess of 10 feet;
 - d. Existing stream banks in excess of 10 feet;
 - f. Significant existing or suspected seismic hazards;
 - f. Areas that are underlain by landslides or soil creep or by rock material susceptible to landslide or soil creep activity;
 - g. Areas that are underlain by materials that may be subject to settlement or subsidence; or
 - h. Areas subject to drifting or loose sand.
- D. **Report waiver.** The R1 and R2 report requirements listed in the notes to Table 6-1 above may be waived or the contents modified by the City Engineer and/or Building Official when:
 - 1. An adequate geologic and/or soil assessment at a useable scale already exist for similar project measures on the site proposed for development.
 - 2. Reports are not indicated under the criteria listed in Subsection C., above.
 - 3. A geologist or engineer, according to the type of report required in compliance with Section 9.62.020.C above, submits a statement that a report is not necessary with supporting reasons and any appropriate recommendations.
- E. **Projects exempt from reporting requirements.**
 - 1. Alterations, additions, or repairs to an existing structure; provided, the aggregate value of the

work does not exceed 50 percent of the replacement cost of the existing structure and does not adversely affect the structural integrity of the existing structure.

2. Values shall be determined as "Replacement in Kind" as defined in the California Building Code. No change shall be allowed in use, character, or occupancy, which results in the conversion of a structure from one not intended for human occupancy to one which is so intended, unless the structure complies with the provisions of the Alquist-Priolo Earthquake Fault Zoning Act.

9.62.030 - Report Contents

A. Engineering geologic report.

1. The above required engineering geologic reports, 'R1' and 'R2' shall provide a geological reconnaissance and evaluation of the project site and surrounding terrain. The degree of analysis should be appropriate to the degree of potential risk presented by the site and the magnitude of the proposed project.
2. Reports shall be prepared in compliance with the California Geological Survey (CGS) Note #44, "Recommended Guidelines for Preparing Engineering Geology Reports." CGS Notes #37, #43 and #49 shall be utilized as applicable when seismic or fault rupture hazards are identified as concerns.
3. In citing the Notes, it is not the intent of the City to seek lengthy dissertations on the area geology, but rather to provide uniform guidelines to serve as checklists with points to be discussed as applicable.

B. Soils engineering report.

1. The above required soils engineering report shall describe the nature and/or layout of the proposed development. The report shall include the locations and logs of test borings and percolation test results, if on-site sewage disposal is proposed.
2. The report shall delineate areas or issues of concern which require additional engineering or geologic evaluation. These reports shall, as a minimum, be prepared in compliance with the California Building Code Appendix Chapter 33, as applicable.

C. Consultation. Should it become apparent that an adequate development or subdivision design and/or building structural solution requires additional geologic input, it is incumbent upon the project engineer to consult a registered geologist. It is incumbent upon the project geologist to recommend that a soils engineering report shall be prepared when it becomes apparent that soils mechanics analyses are needed.

D. Supplementary information for reports required for development in the Coastal Zone.

1. Historic, current, and foreseeable shoreline erosion, including investigation of recorded land surveys in addition to the use of historic maps and photographs, where available and possible changes in shoreline configuration and sand transport;
2. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to groundwater systems; alterations in surface drainage);
3. Potential erodibility of the site and mitigating measures to be used to ensure minimized erosion problems, both during and after construction (e.g., drainage and landscaping design);

4. Detailed mitigation measures or alternative solutions for avoiding potential impacts; and
 5. Professional conclusions as to whether the project can be designed so that it would neither be subject to nor contribute to significant geologic instability throughout the life span of the project.
 6. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
 7. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport;
 8. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults;
 9. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;
 10. Impact of construction activity on the stability of the site and adjacent area;
 11. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like);
 12. Potential erodibility of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);
 13. Effects of marine erosion on the coastal bluffs;
 14. Potential effects of seismic forces resulting from a maximum credible earthquake;
 15. Any other factors that might affect slope or bluff stability;
 16. Whether the proposed project will be subject to or contribute to significant geologic instability throughout the 100-year life span of the project;
 17. Effects of future sea level rise on the development;
 18. Slope stability and bluff erosion rate determination performed as outlined in Sections B.2 and B.3 below; and
 19. An alternatives analysis of, and mitigation measures for, all potential impacts.
- In addition to all applicable information required above, all applications for new shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering. These reports shall address and analyze the effects of said development in relation to the following:
20. The profile of the beach;

21. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
 22. The availability of public access to the beach;
 23. The area of the project site subject to design wave run-up, based on design conditions;
 24. Foundation design requirements;
 25. The long-term effects of proposed development on sand supply;
 26. The Federal Emergency Management Agency Flood Insurance Rate Map (FEMA-FIRM) Base Flood Elevation and other mapped areas (A,B, or V zones);
 27. Future projections in sea level rise; and
 28. Project alternatives designed to avoid or minimize impacts to public access.
- E. Blufftop and shoreline development hazards. A coastal development permit application for development with 300 feet of a bluff line or edge as defined shall include the following supplemental information and analyses:
1. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers of dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers.
 2. Slope stability analysis. For the purpose of this section, quantitative slope stability analyses shall be undertaken as follows:
 - a. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.
 - b. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined.
 - c. The effects of earthquakes on slope stability (seismic stability) shall be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.15g, and shall be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California."
 - d. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength

parameters shall be supported by direct shear tests, triaxial shear test, or literature references.

- e. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.
- f. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for each orientation shall be supported by reference to pertinent direct shear tests, triaxial shear test, or literature.
- g. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices.
- h. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references.
- i. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California." when selecting shear strength parameters.

- 3. Bluff retreat rate. For the purpose of this chapter, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, and 1997-1998. The expected bluff retreat rate over the expected life of the development shall be based in part on the historic bluff retreat rate, but shall also include consideration of the effects of continued historic rates of sea level rise, potential accelerated sea level rise, increase in significant wave heights, and increase in storm intensity and frequency, as is expected under most scenarios of the Intergovernmental Panel on Climate Change or as anticipated in studies prepared for California coastal areas

pursuant to Executive Order S-13-08.

4. Erosion control plan. Erosion control plan. All coastal development permit applications for development on blufftop and shoreline parcels shall include a site specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not create nor contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible. The plan shall identify drainage and erosion control features to ensure that surficial erosion or ground saturation will not that incorporate structural and non-structural stormwater runoff and water quality best management practices (BMPs) to control the volume, velocity, flow direction, and pollutant load of stormwater runoff from new development, including construction, grading, and landscaping, and bioswale treatment and/or other facilities designed to accommodate the 85th percentile one-hour rainfall event for volumetric-based systems and the 85th percentile 24-hour precipitation event for flow-based facilities.

F. New Beachfront Development and Shoreline Structures. In addition to all applicable information required by sub-sections D and E above, all applications for new beachfront development or shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a registered civil engineer with expertise in coastal processes. These reports shall address and analyze the effects of said development in relation to the following:

1. The profile of the beach;
2. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
3. The FEMA Base Flood Elevation and other mapped areas (A,B, or V zones);
4. Future projections in sea level rise;
5. The area of the project site subject to design wave run-up (normally the 100-year wave event), based on design beach and water level conditions (normally taken to be an eroded, winter profile beach, high tide and the future erosion and sea level rise conditions appropriate for the project life;
6. Foundation design requirements;
7. The long-term effects of proposed development on sand supply; and
8. Project alternatives designed to avoid or minimize impacts to beach and public access.

G. Sea Level Rise Analysis. Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be

performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable.

H. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers-of-dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers. The application shall also identify all available beach access within one-half miles upcoast or downcoast of the proposed development site.

E. I. Qualifications of preparers. The engineering geologic report shall be prepared by ~~a~~ one or more qualified State-licensed certified engineering geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions. The soils engineering report shall be prepared by a State licensed registered civil engineer having geotechnical knowledge and experience or by a State licensed certified engineering geologist or group of aforementioned disciplines approved by the City, having geotechnical knowledge and experience.

9.62.040 - Development Standards

A. Avoid significant geologic hazards. The applicant shall either provide additional information as recommended by the geologic and/or soils report, or modify the proposed development to avoid identified areas of significant geologic hazard. The proposed project shall be sited, designed, and constructed in compliance with the recommendations of the report(s) in order to minimize risk to life and property on the project site and for any other affected properties.

B. California Building Code. Each project shall be constructed in compliance with California Building Code (CBC) Earthquake Regulations, as a minimum. As referred to in the CBC, the seismic zone boundaries shall be defined as follows: Seismic Zone 4 applies south and west of the Grogan Fault. The Grogan Fault is located approximately 15 miles northeast of Arcata.

C. Coastal Zone standards. Within the Coastal Zone, the following shall also apply:

1. Developments shall be sited and designed to minimize stability and structural hazards for their expected economic life spans while minimizing alteration of natural land forms;
2. Bluff and shoreline developments (including related storm run-off, irrigation, wastewater disposal and other activities and facilities accompanying the development) shall not create nor contribute significantly to problems of erosion or geologic instability on the site or non-surrounding geological hazardous areas;
3. Alteration of shoreline features and bluff tops, faces, or bases by excavation or other means shall be minimized. Retaining walls shall be allowed only to stabilize slopes, not for sea walls.

D. Geologic hazard areas.

1. All recommendations of the consulting registered engineer(s) and/or the department staff shall be incorporated into all final design and construction including foundations.

grading, sewage disposal, and drainage. Final plans must be reviewed and approved for compliance with geologic recommendations by the consulting registered engineer(s) and the department staff; and

2. Final plans approved by the consulting registered engineer(s) and the department staff shall be in substantial conformance with the plans approved by the final City decision making body relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the City which may be required by the project consultants or department staff shall require an amendment to the permit or a new coastal development permit.

E. Blufftop and shoreline sites.

1. The development is sited such that it will remain safe from coastal erosion and slope instability for the full span of its economic life (75 to 100 years);
2. The erosion control plan is implemented as part of the approved development;
3. Provisions are included in the authorization should slope instability and/or bluff retreat occur at locations or rates other than anticipated, the permittee is required to seek a permit amendment for relocation of the structure or to authorize other stabilizing actions once the blufftop edge or area of instability encroach within ten feet of the structure; and
4. Rights to future construction of a sea wall, cliff retaining wall, or other protective devices that would substantially alter natural landforms along bluffs and cliffs are waived by recorded deed restriction.

9.62.050 - Alquist-Priolo Earthquake Fault Zone

- A. **Purpose.** The purpose of the Alquist-Priolo Earthquake Fault Zone regulations is to determine potential surface fault rupture hazards and minimize damage during an earthquake event. This Section addresses geologic reporting requirements, development limitations, exemptions and project review procedures to satisfy the State mandated Alquist-Priolo Earthquake Fault Zoning Act.
- B. **Maps.** The maps developed by the State which show traces of active faults and establish Earthquake Fault Zones and the Policies and Criteria of the Alquist-Priolo Earthquake Fault Zoning Act are hereby declared to be a part of this Section. Maps prepared for the Seismic Safety Element of the General Plan are also declared to be a part of this Section.
- C. **Compliance.** The construction of subdivisions, land divisions, or structures near a known active fault and regulated by this Development Code shall only be allowed as identified in this Section.
- D. **Scope.**
 1. The provisions of this Section shall apply at the time of filing an application for any subdivision of land subject to the Subdivision Map Act which contemplates the eventual construction of structures for human occupancy.
 2. These provisions shall also apply to applications for Planned Development Permits, Use Permits, site development permits, or Building Permits for any development and structures intended for human occupancy. This Section is not intended to supplant the geologic investigations required by Chapter 33, California Building Code.

- E. **Geologist.** For the purpose of this Section, a geologist shall be a registered geologist, licensed by the State Board of Registration for Geologists and Geophysicists to practice geology in California.
- F. **Known active faults.** For the purpose of this Section, known active faults are faults which have been active during the Holocene Age (approximately the last 11,000 years).
- G. **Construction limitations.** No structure to be used for human occupancy shall be constructed over or within 50 feet of the trace of a known active fault which is shown on maps maintained by the City.
- H. **Trace of a known active fault.** The locations or non-existence of the trace of a known active fault shall be determined by the geologist preparing the geologic report for the site(s), when the proposed subdivision or building site is within a study zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act or the Seismic Safety Element of the General Plan.
- I. **Subsurface exploration.**
 - 1. In cases when a geologist has not otherwise made an accurate evaluation as determined by City review, the City shall require the geologist to perform subsurface exploration for the purpose of determining the absence or presence of a known active fault.
 - 2. The subsurface exploration shall be required if a lack of distinguishable fault features in the vicinity prevents the geologist from determining by a site examination, review of aerial photographs, or by other means, that the fault trace does or does not underlie or exist within 50 feet of the proposed structure. Subsurface exploration shall be to a sufficient depth to verify faulting within the Holocene Age (approximately the last 11,000 years).
 - 3. The City may require a more extensive investigation by the geologist as evidence to the absence of a known active fault trace before the issuance of a permit for Group A, B, E, F, H, I, M, R, and S occupancies in the City's most recently adopted California Building Code.
 - 4. A State licensed geologist, within or retained by the City, shall evaluate the required geologic reports and advise the body having jurisdiction and authority.
- J. **Geologic/seismic report requirements.** All reports submitted for projects within an active fault zone shall contain all the information identified on pages 22 - 24 in Fault Rupture Hazard Zones in California, Special Publications #42 (March 1980) issued by the California Division of Mines and Geology, or the most recent equivalent. Changes to these requirements can be made by the City's geologist with the consent of the Zoning Administrator.
- K. **Exceptions.** The provisions of this Section for geologic/seismic reporting requirements do not apply to:
 - 1. Structures not intended for human occupancy. A structure for human occupancy is a structure as defined by the California Building Code, which is expected to have a human occupancy rate of more than 2,000 person hours per year.
 - 2. A single-family wood-frame or steel-frame dwelling not exceeding two stories when the dwelling is not part of a development of four or more dwellings. A mobile home whose body width exceeds eight feet shall be considered to be a single-family wood-frame dwelling not exceeding two stories.

A "single-family dwelling" may include a "second dwelling unit" as defined by this Development Code, as well as attached or detached accessory structures associated with a single-family

residence, unless State law provides specific language regulating the units with respect to earthquake fault zone requirements. The structures shall meet the other limitations of this Subparagraph.

Construction of dwellings shall not be allowed over a previously identified "Known Active Fault" Trace.

3. Alterations, additions, or repairs to an existing structure provided that aggregate value of the work does not exceed 50 percent of the replacement cost of the existing structure and does not adversely affect the structural integrity of the existing structure.

Values, as used in this Subparagraph, shall be determined as "Replacement in Kind" as defined in the California Building Code. No change shall be allowed in use or character or occupancy, which results in the conversion of a structure from one not intended for human occupancy to one which is so intended, unless the structure complies with the provisions of the Alquist-Priolo Earthquake Fault Zoning Act.

4. Alterations, additions, or repairs to exempt structures.
5. Decorative walls, fences, non-occupancy accessory uses, swimming pools, and minor work of a similar nature. New improvements of this type shall not be included in the valuation totals for Subsection K.3, above.

L. Waivers.

1. Section 2523 of the Alquist-Priolo Earthquake Fault Zoning Act states "... If the city or county [having jurisdiction over the lands] finds that no undue [fault] hazard ... exists, the geologic report on the hazard may be waived, with approval of the State Geologist." The location of the proposed development or structure may be approved following the waiver.
2. The State geologist may approve waiver requests only after receiving the State Waiver Form (Appendix D; Fault Rupture Hazard Zones in California, Special Publication #42, page 25) completed by the City geologist and the property owner, and accompanied by supporting statements and data in writing that would justify approval of the waiver request.

M. Design requirements.

1. Structures within an active fault zone and areas indicated by the Seismic Safety Element of the General Plan shall be designed to resist the earthquake forces prescribed by the California Building Code.
2. Construction activities shall also incorporate the recommendations identified in the geological and/or geologic/seismic hazards report pertaining to ground ruptures, landslides, liquefaction, or settlement due to seismic compaction, et cetera.

N. Maps of active faults. The City shall maintain and make available to the public, maps showing the location of known active faults. When geologic investigations, mapping, aerial photographs, or other acceptable data showing the presence, absence or more precise location of a known active fault are made available to the City, the reports shall be submitted to the State geologist.

O. Appeals. Any person aggrieved by the decision of any City official, agency, board, or commission rendered in compliance with the Alquist-Priolo Earthquake Fault Zoning Act, this Development Code, or the Seismic Safety Element of the General Plan may appeal the decision in compliance with Chapter

9.76 (Appeals).

P. Fees.

1. The City shall require the project applicant to pay all costs for the City to contract for the review of the earthquake fault zone report by a licensed geologist, mailing fees, duplication costs, and public notification expenses.
2. The City shall provide a written estimate to the project applicant for the cost of the review (based on information from the City's retained geologist plus related expenses). The applicant shall pay the full estimate at the time of project submittal, with a refund of surplus funds to be made after the appeal period is completed.

CHAPTER 9.64 - GRADING, EROSION, AND SEDIMENT CONTROL

Sections:

- 9.64.010 - Purpose
- 9.64.020 - Applicability of Grading Regulations
- 9.64.030 - Definitions
- 9.64.040 - Incorporation of California Building Code (CBC)
- 9.64.050 - Grading Permit Requirements
- 9.64.060 - Grading Permit Application Filing and Processing
- 9.64.070 - Grading Standards
- 9.64.080 - Completion of Grading

9.64.010 - Purpose

This Chapter provides procedures and minimum standards for the regulation of grading activities within the City. These provisions are intended to promote public safety and welfare by preventing unreasonable or unnecessary erosion and sediment production and related degradation of natural resources and the City's stormwater drainage systems.

9.64.020 - Applicability of Grading Regulations

- A. Compliance required.** The provisions of this Chapter apply to all excavation, fill, or other grading activities occurring within the City. It shall be unlawful and a violation of this Land Use Code for any person to:
1. Cause, conduct, allow, or furnish equipment or any labor for any grading activities without first obtaining any planning permit required by this Land Use Code, a grading permit when required by Section 9.64.050 (Grading Permit Requirements), and complying with all applicable grading standards of this Chapter; or
 2. Violate or fail to comply with any term or condition of the approval of any grading permit issued in compliance with this Chapter.
- B. Project approval required prior to grading.** No grading permit shall be issued and no grading shall occur unless a development project has been first authorized on the site in compliance with Article 7 (Planning Permit Procedures), or Article 8 (Subdivisions).
- C. Hazards.** Whenever the City Engineer determines that any excavation, embankment, or fill on private property constitutes a hazard to public safety, endangers property, or adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse, or drainage channel, or could adversely affect the water quality or any water bodies or watercourses, the owner or other person in control of the subject property shall be contacted and advised of the problem. Upon receipt of written notice from the City Engineer, the property owner shall repair or eliminate the excavation, embankment or fill so as to eliminate the hazard and conform with the requirements of this Chapter.
- D. Enforcement.** The provisions of this Chapter shall be enforced by the Building Official and City Engineer. The engineer for a project may be required to inspect work and certify compliance with the approved grading plan, erosion and sediment control plan, and the provisions of this Chapter.
- E. Violations and penalties.** Violations of the provisions of this Chapter shall be enforced in compliance

with Municipal Code Title I, Chapter 3. Violations may also be subject to stop work orders, corrective action orders, and/or the suspension of issuance of occupancy permits.

9.64.030 - Definitions

Definitions of the technical terms and phrases used in this Chapter are in Article 10 (Glossary) under "Grading."

9.64.040 - Incorporation of California Building Code (CBC)

The provisions of this Chapter supplement and are in addition to the requirements of the latest edition of the California Building Code Appendix Chapter 33 (Excavation and Grading). Each project that includes grading shall also comply with the applicable requirements of CBC Chapter 33.

9.64.050 - Grading Permit Requirements

A. General requirements.

1. Except as provided in this Chapter, no person shall commence or perform any grading, ground-disturbing, clearing of vegetation, or other land-disturbing activity without having first obtained a grading permit from the Building Official.
2. In geologic/seismic safety hazard areas, areas identified as "medium risk" and "high risk" landslide hazard areas, and areas identified as having a high liquefaction potential, as shown on the Public Safety and Seismic Safety Element Maps of the General Plan, no grading or clearing of vegetation shall commence without obtaining approval by the Community Development Director, the Director of Environmental Services, and the City Engineer, in addition to the grading permit required by Subsection A.1.

B. Exceptions. Except in the areas noted in Subsection A.2 above, a grading permit shall not be required if the work meets any of the following conditions and meets the requirements of Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation):

1. Clearing of vegetation does not exceed 1,000 square feet in area, or does not expose or disturb soil surface;
2. Cultivation of land for agricultural purposes, provided that normal and customary agricultural practices are followed to minimize potential erosion;
3. Grading associated with timber harvesting that has been authorized in compliance with regulations of the California Department of Forestry and Fire Protection;
4. Refuse disposal sites controlled by regulations of other agencies;
5. Excavations for wells or tunnels or utilities;
6. An excavation does not exceed four feet in vertical depth at its deepest point, measured from the original surface, and does not exceed 200 square feet in area;
7. A fill that does not exceed three feet in vertical height at its highest point, measured from the natural ground surface, and does not cover more than 200 square feet;
8. Exploratory excavations under the direct supervision of soils engineers or engineering geologists which do not exceed an aggregate area of 200 square feet;

9. An excavation below finished grade for basements and footings of a building if authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from the excavation; or
 10. Excavations for cemetery graves.
- C. **Grading in geologic hazard areas.** All grading located in a geologic hazard area shown on the Public Safety and Seismic Safety Element Maps of the General Plan shall be subject to Geologic Hazard Review in compliance with Chapter 9.62 (Geologic Hazard Review). A report or waiver required in compliance with Chapter 9.62 shall be included with any grading permit application. Final Soil Grading and Geologic Grading Reports shall also be required for all grading activities in these areas, except that borings and related analyses will be sufficient in liquefaction hazard areas.
- D. **Grading and clearing in the Coastal Zone.** Proposed grading in the Coastal Zone shall require Coastal Development Permit approval in compliance with Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation) and Section 9.72.030 (Coastal Permits), except as provided for in Subsection 9.64.050.B, 1, 2, 6, 7, 8, or 9.
- E. **Compliance with CEQA.** All grading activities shall comply with the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment).
- F. **Other permits may be required.** Nothing in this Chapter shall eliminate the need for development activities involving grading to also obtain any other planning or construction permits, subdivision approvals, or permits or authorizations required by the Municipal Code, other provisions of this Land Use Code, or required by State or Federal agencies.
- G. **Issuance of other City permits.** Each City department, official and employee that is vested with the duty or responsibility to issue permits or licenses shall comply with the provisions of this Chapter and shall issue no permit or license for a use, structure or purpose where they would conflict with the provisions of this Chapter, or for a site where a violation of this Chapter exists.
- H. **Submittal requirements.** An application for a grading permit shall include a completed City application form and the following materials, each of which is further described in a Departmental handout:
1. A site map and report;
 2. A grading plan;
 3. An erosion and sediment control plan, except that a short form may be submitted if all of the following conditions are met:
 - a. The existing or natural slope is less than 15 percent;
 - b. The total area of grading is less than one-quarter acre; and
 - c. The proposed grading is not within a creek zone or wetland, and springs are not present.
 4. A revegetation plan if vegetation removal exceeds 1,000 square feet in area.

9.64.060 - Grading Permit Application Filing and Processing

- A. **Application requirements.** An application for a grading permit shall include a completed City application

form, the information and materials required by the Department, and the required filing fee. The application shall be filed with the Building Official.

- B. Application review and approval.** Upon receipt of a complete application, the application shall be reviewed by the Building Official. In considering an application, the Building Official shall refer the application materials to the Community Development, Environmental Services, and Public Works Departments and to other agencies for review and recommendations. The final determination as to the adequacy of the application materials and compliance of the proposed grading with the requirements of this Chapter shall be by the Building Official with the consent of the City Engineer and the Environmental Services Director.
- C. Approval criteria.** Grading permit and/or erosion and sediment control plan approval shall require that the Building Official first determine that the project is in substantial compliance with the provisions of this Chapter, Design Review recommendations on revegetation plans, and any other applicable provisions of City law, policy, and environmental review.
- D. Terms and conditions of grading permits.** In approving an application, the Building Official or City Engineer may require any revisions or conditions as are necessary to achieve compliance with the requirements of this Chapter. The following terms and conditions shall be attached to all grading permits.
1. All soil erosion and sediment control measures shall be implemented in strict compliance with this Chapter and in compliance with the approved erosion and sediment control plans.
 2. All erosion and sediment control measures shall be adequately maintained by the permittee for a period of three years or until the site is stabilized as determined by the City.
 3. If the City determines that the work does not comply with the provisions of the approved erosion and sediment control plan or with the provisions of this Chapter, the Building Official may issue a Stop Work Order stopping all work until such time as compliance is ensured.
 4. The costs of any remedial work determined by the Building Official or City Engineer to be necessary to protect completed work or to prevent damage shall be the responsibility of the permittee.
- E. Appeals.** A decision in compliance with this Chapter may be appealed to the Planning Commission in compliance with Chapter 9.76 (Appeals).

9.64.070 - Grading Standards

All grading, other land-disturbing activities, grading plans, revegetation plans, and erosion and sediment control plans shall comply with the standards in this Section and to any additional applicable standards in Chapters 9.52 (Hillside Development) and 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation).

- A. General standards.** All grading or other land-disturbing activities and erosion and sediment control plans shall comply with the following general principles.
1. The design, scope, and location of the proposed grading shall be compatible with adjacent areas and should result in minimal disturbance of the terrain and natural land features.
 2. The grading shall preserve, match, or blend with the natural contours and undulations of the land.
 3. Whenever practicable, trees and native vegetation should be retained to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient run-off, and to preserve the natural scenic beauty

of the area.

4. Scars from cuts and fills should be minimized; the amount of cuts and fills should be reduced and sharp angles at the top and sides of all necessary cut and fill slopes shall be rounded off, and/or a retaining wall acceptable to the City shall be constructed. Where a cut or fill slope occurs between two lots, the slope should normally be made a part of the downhill lot.
5. Geologic hazards and adverse soil conditions shall be mitigated.
6. All cleared slopes in cuts and fills and other areas vulnerable to erosion shall be stabilized.
7. Construction, clearing of vegetation, or disturbance of the soil shall be limited to areas of proven stability.
8. Sediment or other material deposited off the site shall not exceed that which would have been deposited if the land had been left in its natural state.
9. The natural geologic erosion of hillsides, slopes, graded areas, cleared areas, filled areas, or stream banks should not be exceeded.
10. New or modified erosion and sediment control techniques may be used provided there is mutual agreement between the City and permittee that the technique meets the intent of the erosion and sediment control plan and this Chapter.

B. Sediment control standards.

1. Sediment being transported by runoff generated from the site shall be retained on-site through the use of sediment basins, silt traps, or similar measures.
2. All subsurface flows and surface runoff shall be contained and dispersed at non-erosive velocities into the common natural watercourse of the drainage area.
3. Concentration of runoff shall only be permitted in swales or watercourses.
4. In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:
 - a. Energy dissipating devices to reduce the velocity of runoff water; and
 - b. Sediment controls such as sediment debris basins and sediment traps. Any trapped sediment shall be removed to a disposal site approved by the permit-issuing authority.
5. Temporary seeding and mulching or other City approved method shall be required once an area is denuded for fourteen days after October 1.
6. Mud shall be prevented from being tracked onto the public roadway or rights-of-way by either:
 - a. Travel over a temporary gravel construction entrance;
 - b. Washing off vehicle tires before entering a public road; or

c. Other City approved method.

7. All existing or newly-installed storm drainage structures shall be protected from sediment clogging by providing inlet protection and maintenance for any drains.
8. A vegetative barrier shall be retained around property boundaries.

C. Standards for revegetation.

1. A permanent vegetative cover shall be established on denuded areas not otherwise stabilized.
2. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
3. The type of plants used shall: be self-sustaining, require little or no maintenance, and not increase the fire hazard.
4. Native plant species are encouraged.

D. Slope construction standards.

1. Slopes, both cut and fill, shall not be steeper than two run to one rise (2:1), unless a thorough geological and engineering analysis indicates that steeper slopes are safe and erosion and sediment control measures are specified.
2. Long or steep slopes should be terraced at regular intervals to slow runoff and provide a place for sediment to settle out.

E. Standards for protection of watercourses and drainage inlets.

1. Fills shall not encroach on natural watercourse or constructed channels except as specified in Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation).
2. Grading equipment shall not cross or disturb creek zones.
3. Excavated materials shall not be deposited or stored in or alongside creek and wetland protection areas where the materials can be washed away by high water or storm runoff.
4. Any storm drain inlet protection measure which completely blocks the drain entrance shall not be used. Waddles, straw bales, filter fabric wraps, or other City approved method shall be used in a manner that does not cause erosion, or flooding into a roadway.

F. Standards for disposal of excavated materials.

1. Some or all of the topsoil on the site shall be stockpiled for use on areas to be revegetated.
2. Stockpiled soil shall be covered, and located so that if any erosion occurs, it would not migrate off-site.
3. Stockpiled soil shall be located sufficient distance from streams or drainageways so that surface runoff cannot carry sediment downstream.
4. Trenches and pits shall be promptly backfilled and compacted to reduce the risk of erosion and

sediment.

5. Mulch or other protective coverings shall be applied on stockpiled material or bare soils with an area larger than 200 square feet which will be exposed through the winter season.
6. Excavated material not used at the site shall be disposed of at a location approved by the City.

9.64.080 - Completion of Grading

Upon completion of the rough grading work and at the final completion of the work, the Building Official or City Engineer may require the following reports:

- A. An As-Graded Plan prepared by the civil engineer including a certification that the work was done in accordance with the final approved grading plan.
- B. A Soil Grading Report prepared by the soil engineering geologist including a certification as to the adequacy of the site for the intended use and as affected by geological features.

CHAPTER 9.66 - URBAN RUNOFF POLLUTION CONTROL

Sections:

- 9.66.010 – Purpose
- 9.66.020 - Urban Runoff Water Quality and Discharge Management
- 9.66.030 - Site Development and Maintenance Standards
- 9.66.040 - ~~Post-Construction Urban~~ Runoff Mitigation Plan Requirements
- 9.66.050 - Drainage Structure Stenciling
- 9.66.060 - Pollution Prevention Agreements
- 9.66.070 - Project Site Best Management Practices
- 9.66.080 - ~~Supplementary Findings.~~
- 9.66.090 - ~~Development Standards.~~

9.66.010 – Purpose

This chapter implements applicable provisions of the local coastal program for ensuring the protection of the quality of coastal waters by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. Recognizing the health and safety benefits of clean water, the purpose of this Chapter is to ensure that activities within Arcata ~~add no new~~ minimize the introduction of pollutants to waterways via stormwater runoff, and ~~reduce present pollutant levels and sediments which are carried to our area and regional waterways through~~ minimize increases in stormwater runoff volume and flow rate. The concerns of stormwater management ~~to mitigate pollutant and sediment loading will~~ include concepts of slowing stormwater flows to allow percolation and other filtering Best Management Practices (BMPs) to work in harmony with the topography, and ensuring that designs for pollutant management are part of the planning and approval processes of new developments. Meeting these goals can include:

- A. Reducing non-stormwater discharge into the municipal stormwater system and area ~~creaks~~ waterways by slowing runoff and maximizing infiltration.
- B. Eliminating the spillage, dumping, and disposal of significant amounts of materials and pollutants into the municipal stormwater system and waterways.
- C. Reducing pollutant loads in stormwater ~~and urban~~ runoff through the use of appropriate Best Management Practices.
- D. Reducing the runoff of oil and gas pollutants into area stormwater systems and ~~creaks~~ waterways by filtration and/or bioremediation of commercial/retail/industrial parking lots.

9.66.020 - Urban Runoff Water Quality and Discharge Management

A. Purpose. The provisions of this Section are intended to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and waterbodies in compliance with the Federal Clean Water Act (33 USC § 1251 et seq.), by reducing pollutants in stormwater discharges to the maximum extent practicable, and by prohibiting non-stormwater discharges to the storm drain system.

B. Applicability. This Section shall apply to all water entering the storm drain system or waterways, generated on any developed and undeveloped lands within the City. The provisions of this chapter shall apply to the review of coastal development permit applications for all developments or proposed uses that entail construction, grading, or other activities that involve ground disturbance, an increase in impervious surface area, or alteration of the direction, volume, or flow rate of stormwater runoff.

1. Responsibility for administration. The Public Works Director and Environmental Services Director shall administer, implement, and enforce the provisions of this Section.
2. Regulatory consistency. This Section shall be construed to ensure consistency with the requirements of the Clean Water Act and Porter-Cologne Act, and statutes and regulations that amend or supplement those Acts.
3. Ultimate responsibility of discharger. The requirements of this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by that person. This Section shall not create liability on the part of the City, or any agent or employee of the City, for any damages that result from any discharger's reliance on this Section or any administrative decision in compliance with this Section.

C. Discharge prohibitions.

1. General **prohibition**. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any other discharge to the storm drain system is prohibited, except for the following.
 - a. The following types of discharges will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this Section: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional fundraising or non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and flows from fire fighting.
 - b. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.
 - c. With the written concurrence of the Regional Water Quality Control Board, the City may grant a written exemption for other specific non-stormwater discharges which are not a source of pollutants to the storm drain system nor the waters of the U.S. Notwithstanding the requirements of Subsection E.1 (Authority to Inspect), the Environmental Services Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.
2. Illicit connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes,

without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- a. The Environmental Services Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Section to eliminate or secure approval for the connection by a specified date.
- b. If, subsequent to eliminating a connection found to be in violation of this Section, the responsible person can demonstrate that an illegal discharge will no longer occur, the person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the expense of the responsible person.
3. Waste disposal. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that they may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
4. Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the City prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

D. Regulations and requirements.

1. Prevention, control, and reduction of stormwater pollutants.
 - a. Authorization to adopt and impose ~~best management practices~~ Best Management Practices (BMPs).
 - (1) The City has prepared and adopted requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S., as a separate *BMP Manual*.
 - (2) Where Best Management Practices requirements are promulgated by the City or any Federal, State, or regional agency for any activity, operation, or facility that would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking the activity or operation, or owning or operating the facility shall comply with these requirements.
 - (3) The *Best Management Practices (BMP) Manual* shall be revised and updated on a regular basis as needed by new development, new regulations, or changing circumstances.
 - b. New development and redevelopment. The City may adopt requirements identifying

appropriate Best Management Practices to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport, and discharge of pollutants. The City shall incorporate these requirements in any land use entitlement and construction or building-related permit to be issued for the development or redevelopment.

c. Responsibility to implement ~~best management practices~~ Best Management Practices (BMPs). Notwithstanding the presence or absence of requirements promulgated in compliance with Subsections D.1.a and D.1.b, any person engaged in activities, operations, or animal keeping, or owning facilities or property ~~which~~ that will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent ~~and/or~~ reduce the pollutants.

(1) The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses.

(2) Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner's or operator's expense.

(3) A list of Best Management Practices required by the City can be obtained from the Environmental Services Department by requesting the ~~BMP manual~~ Manual section appropriate ~~to~~ for a specific commercial or industrial activity ~~from the BMP Manual~~.

2. Watercourse protection. Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove vegetation in a manner as to increase the vulnerability of the watercourse to erosion.

3. Remediation. Whenever the City finds that a discharge of pollutants is taking place or has occurred ~~which that~~ will result in or has resulted in pollution of stormwater, the storm drain system, or water of the U.S., the Environmental Services Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time in compliance with Subsection F (Enforcement).

4. Monitoring and analysis. The City may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility that may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system or waters of the U.S., to undertake at that person's expense any monitoring and analyses and furnish reports to the City as deemed necessary by the City to determine compliance with this Section.

5. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. from said facility, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. In the event of a release of a hazardous material the person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, the person shall notify the Environmental Services Department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Environmental Services Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. These records shall be retained for at least three years.

E. Inspection and monitoring.

1. Authority to inspect. Whenever necessary to make an inspection to enforce any provision of this Section, or whenever the Environmental Services Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition ~~which~~ that constitutes a violation of this Section, the Environmental Services Director may enter a premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining entry.
2. Authority to sample, establish sampling devices, and test. During any inspection in compliance with this Section, the City may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

F. Enforcement.

1. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of or failure to comply with any of the requirements of this Section shall constitute a public nuisance and shall be punished as in compliance with the Municipal Code.
2. Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act. Any person who violates any provision of this Section or any provision of any requirement issued in compliance with this Chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Section shall also include written notice to the violator of this potential liability.
3. Notice of Violation. Whenever the Environmental Services Director finds that a person has violated a prohibition or failed to meet a requirement of this Section, the Environmental Services Director may order compliance by written notice of violation to the responsible person. The notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;

- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation or maintenance of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Environmental Services Director, with the cost of the work charged to the violator in compliance with Subsection F.5 (Abatement by City).

- 4. Appeal. Notwithstanding the provisions of Subsection F.7 (Urgency Abatement), any person receiving a Notice of Violation in compliance with Subsection F.3 (Notice of Violation), may appeal the determination of the Environmental Services Director to the City Manager. The notice of appeal must be received by the City Manager within five days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of City's receipt of the notice of appeal. The decision of the City Manager or designee shall be final.
- 5. Abatement by City. If the violation has not been corrected in compliance with the Notice of Violation, or, in the event of an appeal in compliance with Subsection E.4, within 10 days of the decision of the City Manager upholding the decision of the Environmental Services Director, then the City or a contractor designated by the Environmental Services Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
- 6. Charging cost of abatement/liens. Within 30 days after abatement of the nuisance by the City, the City shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the Council. The decision of the Council shall be set forth by resolution and shall be final. If the amount due is not paid within 10 days of the decision of the Council or the expiration of the time in which to file an appeal under this Section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.
- 7. Urgency abatement. The Environmental Services Director is authorized to require immediate abatement of any violation of this Section that constitutes an immediate threat to the health, safety or well-being of the public. If the violation is not abated immediately as directed by the Environmental Services Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to the

remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this Section shall not prevent City from seeking other and further relief authorized under this Section.

8. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Section, the Environmental Services Director may impose upon a violator alternative compensatory actions, including storm drain stenciling, attendance at compliance workshops, creek clean-up, etc.
9. Violations deemed a public nuisance. In addition to the other enforcement processes and penalties provided by this Section, any condition caused or permitted to exist in violation of any of the provisions of this Section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or the City may take civil action to abate, enjoin, or otherwise compel the cessation of the nuisance.

9.66.030 - Site Development and Maintenance Standards

- A. Applicability of provisions. The provisions of Sections 9.66.~~040030~~ through 9.66.070 apply as determined by this Section, to any proposed land use or development involving grading activities, or the construction of new structures or paving. Compliance with the provisions of this Chapter shall be required through planning permit or subdivision conditions of approval. Any necessary pollution control measures shall be installed prior to construction, or prior to the occupancy of a structure or site, as deemed appropriate by the City. In all cases, the applicant/permittee is responsible for ensuring compliance with the provisions of Sections 9.66.~~040030~~ through 9.66.070.

1. Construction Pollution Prevention Plan (CPPP). A construction-phase erosion, sedimentation, and polluted runoff control plan ("Construction Pollution Prevention Plan") shall specify interim Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials. The CPPP shall demonstrate that the project meets the following goals:

- a. During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not limited to, soil stabilization measures), and shall eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris).
- b. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
- c. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.
- d. Development shall implement soil stabilization BMPs (including, but not limited to, re-vegetation) on graded or disturbed areas as soon as feasible.
- e. Grading operations shall not be conducted during the rainy season (from November 1 to April 15), except in response to emergencies. The City may also

postpone the start of the rainy season grading prohibition for a project if the City determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension (not to exceed one week at a time), and adequate erosion and sedimentation control measures will be in place during all grading operations.

2. Construction Pollution Prevention Plan content. The CPPP shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following:

- a. Controls to be implemented on the amount and timing of grading.
- b. BMPs to be implemented for staging, storage, and disposal of excavated materials.
- c. Design specifications for treatment control BMPs, such as sedimentation basins.
- d. Re-vegetation or landscaping plans for graded or disturbed areas.
- e. Other soil stabilization BMPs to be implemented.
- f. Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.
- g. Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.
- h. Plans for the clean-up of spills and leaks.
- i. BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.
- j. Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.
- k. A site plan showing the location of all temporary erosion control measures.
- l. A schedule for installation and removal of the temporary erosion control measures.

~~4.~~ 3. Stormwater Pollution Prevention Plan. An applicant proposing construction on a parcel of one acre or more, or proposing any industrial facility shall submit a *Stormwater Pollution Prevention Plan* (SWPPP) in compliance with the requirements of the Federal Clean Water Act, U.S. Environmental Protection Agency (EPA), and the California Water Resources Board. The application shall also include a *Hazardous Materials Handling and Spill Response Plan* related to construction activities, and in the case of industrial facilities, shall also address operations after construction. The applicant shall submit a copy of the SWPPP to the City prior to the processing of any planning permit or subdivision application, or the granting of any construction permit. The SWPPP may be developed either as a separate document or combined with the Construction Pollution Prevention Plan (CPPP).

~~2. All new or resurfaced retail, other commercial, or industrial parking lots shall provide a filtering system for hydrocarbons, garbage, and other contaminants as part of their application in compliance with the Administrative Policies of the City. A maintenance plan shall also be included.~~

~~2. Each project application shall include a Runoff Mitigation Plan that illustrates the Best Management Practices the project will utilize to reduce stormwater flow and to prevent pollutants from running off the site.~~

- B. Responsibility for administration. This Chapter shall be administered by the Environmental Services Director, or designee in coordination with the Director.
- C. Regulatory consistency. This Chapter shall be construed to assure consistency with the requirements of:
 - 1. The Federal Water Pollution Control Act, 33 USC§ 1251 et seq., and the applicable implementing regulations;
 - 2. The mandates and rulings of the US Environmental Protection Agency (EPA);
 - 3. The Arcata ~~General~~ Coastal Land Use Plan;
 - 4. Other existing or future NPDES Permits and any amendments, revisions or reissuance thereof by either Federal, State, County, or City regulatory agencies; and
 - 5. Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation).

9.66.040 – ~~Urban~~ Post-Construction Runoff Mitigation Plan Requirements

The following stormwater runoff reduction and pollution control requirements shall apply to all persons submitting applications for development within the City, whether fulfilled by ~~the Federal SWPPP format, by a~~ Post-Construction Runoff Mitigation Plan (PCRMP), or as an additional measure.

- A. Submittal of Post-Construction Runoff Mitigation Plan. At the time of submittal of an application for the first planning approval for a new development project, an applicant shall be required to submit to the City ~~either a preliminary Post-Construction Runoff Mitigation Plan (PCRMP), and prior to issuance of a building permit, the applicant shall submit a final PCRMP for approval by the City, or a copy of a Notice of Intent (NOI) filed with the Regional Water Quality Control Board.~~ 2. Each project application shall include a The PCRMP that shall illustrate the Best Management Practices the project will utilize to reduce minimize increases in stormwater runoff flows and to prevent pollutants from running off the site after construction. The Post-Construction Runoff Mitigation Plan shall demonstrate:

1. Prioritization of BMPs. The Post-Construction Runoff Mitigation Plan shall specify site design, source control, and if necessary, treatment control BMPs that will be implemented to minimize stormwater pollution and increases in runoff volume and rate from development after construction. All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:

- a. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
 - b. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
 - c. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.
2. 85th percentile sizing standard for treatment control BMPs. Where post-construction treatment of stormwater runoff, is required, treatment control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.
 3. Selection of effective BMPs for pollutants of concern. Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 9.66-1 through -3, below, or equivalent tables which list pollutants of concern and appropriate BMPs for each type of development or land use.
 4. Site design using Low-Impact Development techniques. The Post-Construction Runoff Mitigation Plan shall demonstrate the preferential consideration of Low-Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques to consider include, but are not limited to, the following:
 - a. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.
 - b. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a

building, impermeable pavement, and/or other impervious surfaces, that drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

- c. Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants.
- d. Alternative management practices shall be substituted where the City has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.
- e. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain, or enhance where appropriate and feasible, on-site stormwater infiltration capacity.
- f. To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

5. Post-Construction Runoff Mitigation Plan content. The plan shall include, at a minimum, the following components:

- a. Proposed site and facility design and source control BMPs that will be implemented to minimize post-construction polluted runoff.
- b. Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).
- c. Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).
- d. Measures to maximize the percentage of permeable surfaces, and to limit the percentage of directly-connected impervious areas, to increase infiltration of runoff.
- e. Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.
- f. A site plan showing the location of all permanent erosion control measures.
- g. A schedule for installation and maintenance of permanent erosion control BMPs.
- h. A schedule for installation and maintenance of filtration for sediment, debris, oil and grease, or other pollutants, as warranted for the type and location of

the development.

i. A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

B. Goal for runoff reduction. An applicant shall demonstrate an effort to reduce projected site runoff by 50 percent from the base 100-year storm event, through the incorporation of design elements or principles that address each goal set forth in Subsections B.1, B.2, and B.3. The design elements utilized by an applicant may, but are not required to, include those listed below, with the exception of Subsection B.2.b and B.3.a, which ~~is~~ are required where applicable. Although design elements are set forth as if they address only one goal, in many cases they address more than one and can be used to address multiple goals in achieving the reduced runoff to be achieved by the mitigation plan.

1. Increase permeable areas. The following measures may be used to increase the permeable areas on the site.
 - a. To slow runoff and maximize infiltration, increase the percentage of project site area retained or maintained as permeable area. The area may include vegetation, pervious paving materials and porous materials for or near walkways, which increase the amount of runoff seepage into the ground. Permeable surface materials can include wood decking materials, brick or stone with spaces to allow percolation between stones, and similar methods;
 - b. Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off-site flows;
 - c. Divert and catch runoff through the use of drainage swales, berms, green strip filters, gravel beds and french drains; or
 - d. Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground.
2. Minimize runoff. Minimize the amount of runoff directed to impermeable areas and/or maximize storm water storage for reuse:
 - a. Install rain gutters and orient them towards permeable surfaces rather than driveways or non-permeable surfaces so that runoff will penetrate into the ground, away from foundations, instead of flowing off-site;
 - b. Modify grades of property to divert flow to permeable areas and to minimize the amount of storm water leaving the property;
 - c. Use sediment traps and detention ponds, swales, and other methods to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal;
 - d. Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse; or
 - e. Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

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3. Reduce parking lot pollution:

- ~~a.~~ a. As part of their application, in compliance with the Administrative Policies of the City, all new or resurfaced retail, other commercial, or industrial parking lots, except for residential developments with less than 25 spaces, shall provide a filtering system for hydrocarbons, garbage, trash, and other contaminants that are likely to accumulate, as part of their application, in compliance with the Administrative Policies of the City. A maintenance plan shall also be included.
[Moved from 9.66.030.A.2]
- ~~a.~~ All parking lots except for residential developments with less than 25 spaces, are required to use oil and water separators or other BMPs to remove petroleum-based contaminants and other pollutants which are likely to accumulate;
- b. Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots; and
- c. Construct portions of parking lots from porous materials.

C. Water Quality and Hydrology Plan for developments of water quality concern. In addition to the requirements specified for the Post-Construction Runoff Mitigation Plan, applicants for "developments of water quality concern" shall submit a Water Quality and Hydrology Plan and comply with the additional requirements listed in 2. below.

- 1. "Developments of water quality concern" include the following:
 - a. Housing developments of five or more dwelling units, including but not limited to residential subdivisions.
 - b. Hillside developments on slopes greater than 12 percent, on a site with erodible soil.
 - c. Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
 - d. Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
 - e. Vehicle service facilities, including retail gasoline outlets, commercial car washes, and vehicle repair facilities.
 - f. Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the City based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.
 - g. Heavy industrial developments.
 - h. All developments entailing the creation, addition, or replacement of 2,500 square feet or more of impervious surface area, located within 125 feet of the ocean or a coastal waterway (including estuaries, wetlands, rivers, streams,

and lakes), or that discharge directly to the ocean or a waterway (i.e., outflow from the drainage conveyance system is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.)

- i. Any other category of development that the City may designate.
2. Additional requirements for developments of water quality concern. The Water Quality and Hydrology Plan shall document that the applicant complies with the following additional requirements for developments of water quality concern:
 - a. Calculations, per City standards, that estimate increases in pollutant loads and changes in the stormwater runoff hydrograph (i.e., volume, flow rate, and duration of flow) resulting from the proposed development.
 - b. For projects in which the City has determined that changes in the stormwater runoff hydrograph (i.e., volume, flow rate, and duration of flow) may result in increased potential for streambank erosion, flooding, or other adverse impacts, hydrologic control measures (e.g., stormwater infiltration, detention, harvest and re-use, or landscape evapotranspiration) shall be implemented in order to maintain the pre-development hydrograph, and ensure that the pre- and post-project runoff hydrographs match for a 2-year return frequency storm.
 - c. The WOHP shall specify the BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts. If the City determines that the combination of site design and source control BMPs is not sufficient to protect water quality and coastal waters, a treatment control BMP (or suite of BMPs) shall also be required. Developments of water quality concern are presumed to require treatment control BMPs to meet the requirements of the coastal land use plan and state and federal water quality laws, unless the WOHP demonstrates otherwise.
 - d. Applicants shall first consider the treatment control BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
 - e. The WOHP shall include operation and maintenance plans for post-construction treatment control BMPs.
 3. Water Quality and Hydrology Plan content. The applicant for a development of water quality concern shall be required to submit a Water Quality and Hydrology Plan (WOHP), prepared by an appropriate California licensed professional. In the application and initial planning process, the applicant shall submit for approval a preliminary WOHP, and prior to issuance of a building permit the applicant shall submit a final WOHP for approval by the City. The WOHP shall contain the following components:
 - a. All of the information required for the Post-Construction Runoff Mitigation Plan.
 - b. Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts.

- c. Pre-development stormwater runoff hydrograph (i.e., volume, flow rate, and duration of flow) from the site, for a 2-year return frequency storm.
- d. Expected post-development stormwater runoff hydrograph (i.e., volume, flow rate, and duration of flow) from the site, with all proposed non-structural and structural BMPs in place, for a 2-year return frequency storm.
- e. Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells.
- f. A description of how the treatment control BMPs (or suites of BMPs) have been sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.
- g. Appropriate post-construction treatment control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.
- h. A long-term plan and schedule for the monitoring and maintenance of all treatment control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

D. BMP guidance manuals. The selection of BMPs shall be guided by the City's *BMP Manual*, or by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development and specific to a climate similar to Arcata's. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs. Additional guidance on BMPs is available from the State Water Resources Control Board, the U.S. Environmental Protection Agency, and regional publications such as the Bay Area Stormwater Management Agencies Association's (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection."

~~B. E.~~ Criteria for evaluation of ~~Post-Construction Runoff Mitigation Plans~~ and ~~Water Quality and Hydrology Plans~~. The City's evaluation of each ~~Post-Construction Urban~~ Post-Construction Runoff Mitigation Plan and Water Quality and Hydrology Plan will ascertain how well the proposed plan meets the combined goals set forth in Subsections A., B., and C. above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

DE. Waiver of Post-Construction Runoff Mitigation plan. A full or partial waiver of compliance with this Section may be obtained by a person who applies to the City in writing and shows that the incorporation of design elements that address the objectives in Subsections A., B., and C. is an economic and physical impossibility due to the particular configuration of the site or to irreconcilable conflicts with other City requirements. Requests for waivers shall be granted or denied, in writing, by a three-member board comprised of one representative each designated by the Environmental Services Director, Public Works Director, and City Manager. Their decision shall be forwarded to the Council for final approval.

EG. Compliance as condition of approval. Compliance with an approved Runoff Mitigation Plan shall be a condition of approval of any required planning approval.

FH. Erosion control. Erosion shall be controlled in compliance with Chapter 9.64 (Grading, Erosion, and Sediment Control).

GI. Hazardous and toxic materials control. The use of toxic and hazardous materials shall be controlled as follows:

1. New Industrial facilities shall file a copy of their Hazardous Materials Handling and Spill Response Plan with the Environmental Services Director and City Engineer;
2. New Commercial, industrial, retail and multi-family developments shall provide a plan for reduced use of pesticides and herbicides as part of their Water Conservation Landscaping plans.

9.66.050 - Drainage Structure Stenciling

Where a catch basin or other drainage structure is required for a proposed project, written and/or graphic information discouraging the dumping, discarding, and/or discharge of pollutants into the storm drainage system shall be permanently affixed to the structure in a location approved by the Environmental Services Director. The information shall be painted, stamped into the concrete, or provided on a metal plaque affixed to the structure as approved by the Environmental Services Director or his or her designee.

9.66.060 - Pollution Prevention Agreements

Prior to final building inspection, or the filing of a Final Map, as applicable, the applicant shall enter into a Pollution Prevention Agreement with the City or other agency designated by the City. The agreement shall include, but is not limited to, the following provisions:

- A. Authorization for the City or other agency designated by the City to inspect on-site pollution prevention facilities with respect to the accumulation and concentration of pollutants, garbage and/or debris, so as to prevent the discharge of pollutants, garbage and/or debris into streets and/or the storm drainage system;
- B. Fair share participation, as determined by the review authority, in the periodic cleaning of storm drain facilities, increases in street sweeping, and increases in the emptying of roadside trash receptacles resulting from the project;
- C. Fair share participation, as determined by the review authority, in the funding of the City's public information and education programs for the disposal of waste, recycling, and water conservation; and
- D. Requirements that any applicable conditions, covenants, and restrictions (CC&Rs) include statements encouraging homeowners, and persons in control of homes and businesses to:

1. Prevent the improper disposal of litter, lawn/garden clippings, and pet feces into streets or other areas where runoff may carry pollutants into the storm drainage system;
2. Remove dirt, trash, and debris from sidewalks and alleys that may contribute pollutants to urban runoff;
3. Recycle oil, glass, plastic, and other materials to prevent improper disposal into the storm drainage system;
4. Properly dispose of household hazardous waste to prevent improper disposal into storm drainage system; and
5. Properly use and conserve water.

9.66.070 - Project Site Best Management Practices

The owner, occupant or other person in charge of day-to-day operation of each premises within the City shall implement the best Management Practices or use Good Housekeeping Practices, as applicable, as follows.

- A. For all parking lots except for residential developments with less than 25 spaces, the owner, occupant or other person in charge of day-to-day operation shall use BMPs to reduce the discharge of pollutants to the maximum extent practicable.
- B. For premises where machinery or other equipment ~~which~~ is repaired or maintained at the facilities, or activities associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Manual, the owner, occupant or other person in charge of day-to-day operations shall use BMPs or other steps to prevent discharge of maintenance or repair related pollutants to the municipal storm water system.
- C. For other premises exposed to stormwater, the owner, occupant or other person in charge of day-to-day operations shall use BMPs, if they exist, or other methods to reduce the discharge of pollutants to the maximum extent practicable, including the removal and lawful disposal of any solid waste or any other substance which, if it were to be discharged to the municipal storm ~~water drain~~ system, would be a pollutant, including fuels, waste fuels, chemicals, chemical wastes, and animal wastes, from any part of the premises exposed to stormwater.
- D. For premises which fall under the requirements for the Industrial SWPPP per Federal Law, the site "annual reports" and "monitoring reports" shall also be copied to the Environmental Services Director.

9.66.080 - Supplementary Findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by Chapters 9.70 and/or 9.72, the following supplementary findings, based on factual evidence, shall be made for new development or uses having potential impacts to the quality of coastal waters:

- A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 9.66.090, as applicable.

9.66.090- Development Standards.

- A. Development shall be undertaken in accordance with the approved final construction-phase pollution prevention plan (CPPP or SWPP), and/or Post-Construction Runoff Mitigation Plan.

Any proposed changes to the approved final plans shall be reported to the Directors of Public Works and Environmental Services. No changes to the approved final plans shall occur without an amendment to the coastal development permit, or equivalent, unless the director determines that no amendment is legally required.

Table 9.66-1: Pollutants Generated by Development Category

<u>Development Categories</u>	<u>Pollutants generated by various development categories include, but are not limited to:</u>								
	<u>Sediments</u>	<u>Nutrients</u>	<u>Heavy Metals</u>	<u>Organic Compounds</u>	<u>Trash & Debris</u>	<u>Oxygen Demanding Substances</u>	<u>Oil & Grease</u>	<u>Bacteria & Viruses</u>	<u>Pesticides</u>
<u>Detached Residential Developments</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Attached Residential Developments</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>P(1)</u>	<u>P(2)</u>	<u>P</u>	<u>X</u>
<u>Commercial Developments >100,000 ft²</u>	<u>P(1)</u>	<u>P(1)</u>		<u>P(2)</u>	<u>X</u>	<u>P(5)</u>	<u>X</u>	<u>P(3)</u>	<u>P(5)</u>
<u>Automotive Service Facilities</u>			<u>X</u>	<u>X(4)(5)</u>	<u>X</u>		<u>X</u>		
<u>Retail Gasoline Outlets</u>			<u>X</u>	<u>X(4)(5)</u>	<u>X</u>		<u>X</u>		
<u>Restaurants</u>					<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Hillside Developments</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>
<u>Parking Lots</u>	<u>P(1)</u>	<u>P(1)</u>	<u>X</u>		<u>X</u>	<u>P(1)</u>	<u>X</u>		<u>P(1)</u>
<u>Streets, Highways & Freeways</u>	<u>X</u>	<u>P(1)</u>	<u>X</u>	<u>X(4)</u>	<u>X</u>	<u>P(5)</u>	<u>X</u>		

X = anticipated P = potential

(1) A potential pollutant if landscaping exists on-site
(2) A potential pollutant if the project includes uncovered parking areas
(3) A potential pollutant if land use involves food or animal waste products
(4) Including petroleum hydrocarbons
(5) Including solvents

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

Table 9.66-2: Areas for Site Design and Source Control BMP Implementation by Development Category

<u>Specific areas for implementation of Site Design and Source Control BMPs include, but are not limited to:</u>
--

<u>Development Categories</u>	<u>Private Roads</u>	<u>Residential Driveways & Guest Parking</u>	<u>Loading/Unloading Dock Areas</u>	<u>Repair/Maintenance Bays</u>	<u>Vehicle Wash Areas</u>	<u>Outdoor Processing Areas</u>	<u>Equipment Wash Areas</u>	<u>Parking Areas</u>	<u>Roadways</u>	<u>Fueling Areas</u>	<u>Hillside Landscaping</u>	<u>Outdoor Material Storage Areas</u>	<u>Trash Storage Areas</u>	<u>Pools and Spas</u>
<u>Detached Residential Developments</u>	<u>R</u>	<u>R</u>									<u>R</u>			<u>R</u>
<u>Attached Residential Developments</u>	<u>R</u>												<u>R</u>	<u>R</u>
<u>Commercial Developments >100,000 ft²</u>			<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>						<u>R</u>	<u>R</u>	
<u>Automotive Service Facilities</u>			<u>R</u>	<u>R</u>	<u>R</u>		<u>R</u>			<u>R</u>		<u>R</u>	<u>R</u>	
<u>Retail Gasoline Outlets</u>			<u>R</u>	<u>R</u>	<u>R</u>		<u>R</u>			<u>R</u>		<u>R</u>	<u>R</u>	
<u>Restaurants</u>			<u>R</u>				<u>R</u>					<u>R</u>	<u>R</u>	
<u>Hillside Developments</u>	<u>R</u>										<u>R</u>			
<u>Parking Lots</u>								<u>R</u>					<u>R</u>	
<u>Streets, Highways & Freeways</u>									<u>R</u>					

R = Required to minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs.

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

Table 9.66-3. Treatment Control BMP Efficiency for Pollutants of Concern⁽¹⁾

<u>Pollutants of Concern</u>	<u>Efficiency of Treatment Control BMP categories for removal of pollutants of concern include, but are not limited to:</u>						
	<u>Biofilters</u>	<u>Detention Basins</u>	<u>Infiltration Basins⁽²⁾</u>	<u>Wet Ponds or Wetlands</u>	<u>Drainage Inserts</u>	<u>Filtration</u>	<u>Hydrodynamic Separator Systems⁽³⁾</u>
<u>Sediment</u>	<u>M</u>	<u>H</u>	<u>H</u>	<u>H</u>	<u>L</u>	<u>H</u>	<u>M</u>
<u>Nutrients</u>	<u>L</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Heavy Metals</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>H</u>	<u>L</u>	<u>H</u>	<u>L</u>
<u>Organic Compounds</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Trash & Debris</u>	<u>L</u>	<u>H</u>	<u>U</u>	<u>U</u>	<u>M</u>	<u>H</u>	<u>M</u>

<u>Oxygen Demanding Substances</u>	<u>L</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Bacteria</u>	<u>U</u>	<u>U</u>	<u>H</u>	<u>U</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Oil & Grease</u>	<u>M</u>	<u>M</u>	<u>U</u>	<u>U</u>	<u>L</u>	<u>H</u>	<u>L</u>
<u>Pesticides</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>L</u>	<u>U</u>	<u>L</u>

L = Low removal efficiency for this pollutant
M = Medium removal efficiency for this pollutant
H = High removal efficiency for this pollutant
U = Unknown removal efficiency for this pollutant

The City is encouraged to periodically assess the performance characteristics of these BMPs to update this table.
Includes trenches and permeable pavement
Also known as hydrodynamic devices and baffle boxes

Sources: *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (1993), *National Stormwater Best Management Practices Database* (2001), and *Guide for BMP Selection in Urban Developed Areas* (2001).

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

CHAPTER 9.68 – VISUAL RESOURCES PROTECTION

Sections:

9.68.010 Purpose.

9.68.020 Applicability.

9.68.030 Coastal development permit application contents.

9.68.040 Supplementary findings.

9.68.050 Development standards.

9.68.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of coastal visual resource areas by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

9.68.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites visible from publicly accessible vantages, including but not limited to streets and highways, trails, or parklands, for which views to and along Humboldt Bay and scenic coastal areas may potentially be impacted.

9.68.030 Coastal development permit application contents.

A. Visual resources impact analysis. A permit application for development on a site that is subject to this chapter shall include a visual resources impact analysis that complies with the following requirements:

1. Report contents. A visual resources impact analysis shall include, but not be limited to:
 - a. A narrative describing the coastal scenic resources visible through the project site from publicly-accessible vantage points, including expanses of open ocean, bay, harbor, river or other waterbody vistas, beach and shoreline areas, off-shore rocks and islands, and noteworthy terrestrial landforms and vegetated areas;
 - b. An survey of the heights, bulks, and architectural styles of structural improvements in surrounding areas. The study area should be adequately sized to fully characterize the project locality;
 - c. Photographs of the site;
 - d. Drawn-to-scale plan view and elevational cross-sectional site plans, illustrating the location and dimensions of structural improvements, quantification of any associated grading and excavation work, and the location and type of proposed landscaping;
 - e. A schedule of exterior building materials, describing the types and colors of siding, cladding, roofing, window, and lighting elements; and
 - f. An evaluation of potential impacts to coastal scenic views and visual resources, including;

- i. The degree to which existing views to and along the coast from public-accessible vantages, both across the project site and from other public areas such as parklands, beaches, and seaward areas, will be obstructed and/or altered by the new development or use;
- ii. An assessment of the relative compatibility of the proposed project structural improvements with similar development in the surrounding area, comparing and contrasting, building heights, square-footages, floor-area, lot coverage, and, where discernable, architectural design continuity;

B. Story poles. At the discretion of the director, as determined to be necessary for assessing the proposed development's visual resource ramifications, the applicant may be required to erect story poles as part of the permit review process.

9.68.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 9.72.030.F.2, the following supplementary findings, based on factual evidence, shall be made for new development situated within publicly-accessible coastal viewsheds:

A. The development or use has been designed and sited to:

1. Protect views to and along the ocean and scenic coastal areas;
2. Minimize landform alteration;
3. Be visually compatible with the character of surrounding areas; and
4. Restore and enhance visual quality in visually degraded areas, where feasible.

B. Development within designated highly scenic areas:

In addition to the supplementary findings set forth in sub-section A, development or use situated within a highly scenic area, as identified within the coastal land use plan, shall:

1. Be subordinate to the character of the setting.

9.68.050 Development standards.

The following development standards shall be applied in the approval of new development on sites between the first public road and the sea where the building site would be visible from publicly-accessible vantages:

A. Exterior building materials. Use of the following exterior building materials shall be prohibited:

1. Mirrored or reflective-coated glazing
2. Intense, brightly-hued roofing or siding materials

B. Exterior lighting. Exterior lighting shall be limited to low-wattage illumination necessary to provide for safe nighttime transit and/or visual site security. Lighting shall employ siting and design features, such as cut-off shielding, recessed fixtures, and low-rise stanchions, and be

downcast to minimize glare and prevent light from being directed off of the project property.

C. Landscaping. The installation of landscaping shall be appropriately limited by species and location to assure that, at maturity, the installed vegetation will not significantly obstruct pre-project coastal views across the project property.

ARTICLE 7

Planning Permit Procedures

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CHAPTER 9C.70 - PERMIT APPLICATION FILING AND PROCESSING

Sections:

- 9C.70.010 - Purpose of Chapter
- 9C.70.020 - Authority for Land Use and Zoning Decisions
- 9C.70.030 - Application Preparation and Filing
- 9C.70.040 - Application Fees
- 9C.70.050 - Recreation Fee For New Construction
- 9C.70.060 - Initial Application Review
- 9C.70.070 - Project Evaluation and Staff Report

9C.70.010 - Purpose of Chapter

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of applications for the planning permits required by this Coastal Land Use Code.

9C.70.020 - Authority for Land Use and Zoning Decisions

Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Coastal Land Use Code.

9C.70.030 - Application Preparation and Filing

- A. **Pre-application conference.** A prospective applicant is encouraged to contact the Department to request a pre-application conference before completing and filing an application. The purpose of the conference is to generally:
1. Inform the applicant of City requirements as they apply to the proposed project;
 2. Review the City's approval process, possible project alternatives or modifications;
 3. Identify the information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project; and
 4. Provide the opportunity for the applicant to ask questions involving the concerns of multiple City departments before developing detailed plans.

Neither a pre-application conference nor information and/or pertinent policies provided by the Department shall be construed as either a recommendation for approval or disapproval of a project by any City staff. A failure by City staff to identify all required studies or all applicable requirements does not constitute a waiver of those requirements.

- B. **Application contents.** Each application for a planning permit, amendment, or other matter pertaining to this Coastal Land Use Code shall be filed with the Department on a City application form, together with required fees and/or deposits, and all materials (e.g., drawings, exhibits, maps, other information) required by the application content requirements "handout" provided by the Department for the specific type of application (e.g., Use Permit, Variance, or others).
1. **Consolidation of applications.** Application forms for more than one permit may be consolidated if practical.

2. **Verification of required contents.** Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for filing a complete application.
- C. **Eligibility for filing.** An application may only be filed by the owner of the subject property, or an authorized agent with the written consent of the property owner. An application filed by or on behalf of one or more property owners shall be verified by at least one owner, or authorized agent, attesting to the truth and correctness of all facts, statements, and information presented.
- D. **Preliminary Planning Commission Review.**
1. **Request for advice.** An application for preliminary review may be filed to request the comments of the Planning Commission before filing an application for formal City action or permit issuance for major projects. The Preliminary Review process shall not be used for issues related to Historic Preservation or Design Review as identified in Subsection 9C.72.040.E. of this Coastal Land Use Code.
 2. **Planning Commission discretion.** The Planning Commission may choose not to provide a Preliminary Review on a major project.
 3. **Effect of review.** A Planning Commission Preliminary Review is advisory only and shall not be considered as a formal approval or disapproval.

9C.70.040 - Application Fees

- A. **Fee Schedule.** The Council shall establish a schedule of fees for the processing of the applications required by this Coastal Land Use Code, hereafter referred to as the City's Fee Schedule.
- B. **Multiple applications.** The City's processing fees are cumulative. For example, if a project requires both a Use Permit and a Variance, both fees will be charged. All application fees are a deposit subject to an hourly rate.
- C. **Timing of payment.** No application shall be deemed complete, and processing shall not commence or continue on any application until all fees required by the City have been paid in full.
- D. **Exemptions.** A municipal agency shall be exempt from the payment of fees normally required by this Coastal Land Use Code.
- E. **Refunds.**
1. **Disapproval.** Required application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refund due to a disapproval shall be allowed.
 2. **Withdrawal.** If an application is withdrawn, the Director may authorize a partial refund of application fees based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

Table 7-1 - Review Authority

	Procedure	Role of Review Authority (1)
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CITY OF ARCATA MUNICIPAL CODE – TITLE 9 – LAND USE CODE

Type of Decision	is in Section:	Zoning Administrator	Historic & Design Review Commission	Planning Commission	City Council
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Administrative and Legislative

Land Use Code Amendment	9C.92			Recommend	Decision
General Plan Amendment	9C.92			Recommend	Decision
Historic Designations	9C.53		Recommend	Recommend	Decision
Interpretation	9C.10.050	Decision (2)		Appeal	Appeal
Local Coastal Program Amendment	9C.92			Recommend	Decision
Zoning Map Amendment	9C.92			Recommend	Decision

Planning Permit/Development Approval

Alterations & Demolitions	9C.53		Decision	Appeal	Appeal
Coastal Permit (CP)	9C.72.030 <u>Chap. 9C.76</u>	Decision (3)		Decision <u>Appeal (3)</u>	Appeal (4)
Design Review (DR)	9C.72.040		Decision	Decision/ Appeal (5)	Appeal
Emergency Permit	9C.72.050 <u>Chap. 9C.76</u>	Decision (2)		<u>Decision (2)</u> Appeal	Appeal
Hillside Development Permit	9C.52.070	Decision(2)		Appeal	Appeal
Master Sign Plan	9C.38.030	Recommend	Decision		Appeal
Minor Use Permit (MUP)	9C.72.080	Decision (2)		Appeal	Appeal
Tree Removal Permit	9C.58.050	Decision (2)		Appeal	Appeal
Planned Development Permit (PD)	9C.72.070	Decision (2)		Decision	Appeal
Sign Permit	9C.38.030	Decision (2)	Decision		Appeal
Use Permit (UP)	9C.72.080	Recommend		Decision	Appeal
Variance	9C.72.090		Decision	Decision	Appeal
Zoning Clearance	9C.72.100	Issuance		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9C.76 (Appeals).
- (2) The Zoning Administrator may defer action and refer the request to the Planning Commission, so that the Planning Commission may instead make the decision.
- (3) The Zoning Administrator may act on a Coastal Permit application that is not required to have a public hearing, in compliance with Section 9C.72.030 (Coastal Permits).
- (4) Coastal Permits are either approved by the City or the California Coastal Commission or both depending on the location of the project. Some City decisions on Coastal Permits can be appealed to the Coastal Commission.
- (5) Refer to Section 9C.72.040.C for the decision making body.

9C.70.050 - Recreation Fee for New Construction

- A. **Title.** This Section may be cited as the "Arcata Recreation Fee for New Construction Ordinance."
- B. **Purpose.** The fee imposed under this Section is solely for the purpose of raising revenue for park acquisition and improvements. This Section is not enacted for regulatory purposes. This Section is intended to supplement the Park Land Dedication procedure in the Subdivision Ordinance (see Section 9C.86.030), and it is applicable only for projects not subject to parkland in lieu requirements.
- C. **Imposition of fee.** The Recreation Fee, at the rates identified in the City's Fee Schedule, is hereby imposed upon every person who constructs, or causes to be constructed, any residential, commercial, or industrial structure or portion thereof, including any mobile home pad, in the City, in which a person has an equity, title, or other interest either as owner, lessee, or otherwise.
- D. **Fee rates.** The fee rates on residential, commercial, or industrial construction, including the construction of mobile home pads, imposed under this Section shall be identified in the City's Fee Schedule. The fee rate for residential, commercial, or industrial units shall be based on the valuation of the units being constructed.
- E. **Time of payment.** The amount of fee imposed for the construction of any residential, commercial, or industrial structure, or portion thereof, shall be due and payable at the time a Building Permit is issued authorizing construction, and the amount of fee imposed for the construction of any mobile home pad shall be due and payable at the time a permit is issued to construct and install electrical or plumbing equipment to service the mobile home pad (whichever permit is issued first).
- F. **Refund.** There shall be a refund of the fee in the event the Building Permit expires, or is revoked, before the facilities for which it was issued are constructed or installed.
- G. **Place of payment.** Fees imposed by this Section shall be paid to the City's Building Official at the office of the City's Building Division.
- H. **Exemptions.** The fee imposed by this Section shall not apply to the following:
1. **Governmental agencies.** The City, the United States, or any agency or instrumentality thereof, the State or any county, city and county, district, or any political subdivision of the State, or any other governmental agency.
 2. **Remodeling / alteration.** Remodeling and/or alteration of a structure, without adding any additional residential units, but only if the total floor area is not increased.
 3. **Involuntarily damaged or destroyed.** Reconstruction of a structure which was involuntarily damaged or destroyed by earthquake, fire, flood, or other cause over which the owner had no control (provided that compliance with any Building Code or other ordinance requirement of the City or of any other applicable law shall not be deemed a cause over which the owner has no control), but only if the total floor area in the structure is not increased. If the total floor area is increased, the Recreation Fee shall be imposed only upon the increased floor area.
 4. **Park land/fee payment.** Construction of dwelling units on parcels which were part of a subdivision for which park land, or fee payment in lieu, has been dedicated to the City in compliance with the Park Land Dedication procedure contained in the Subdivision Ordinance (see Section 9C.86.030).
- I. **Use of fee revenue.** All of the fees collected by this Section shall be expended for the acquisition, alteration, construction, enlargement, furnishing, modification, reconstruction, remodeling, renovation,

replacement, and/or re-furnishing of the following improvements:

1. **City public park, playground, and recreation facilities.** City public park, playground, and recreation facilities, including land and interests in land, baseball grounds, basketball, tennis, and volleyball courts, children's play areas, community center structures, recreation structures, sprinkler systems, swimming pools, turf, trails and other facilities, properties, structures, and works necessary or convenient for public park, playground, and recreation purposes; and also including any of the above-described facilities constructed or installed within or upon any public playground for recreation purposes.
 2. **City maintenance yards.** City maintenance yards for park, playground, and recreation facilities, including land and interests in land, structures, and other structures or works necessary or convenient for the maintenance of the City's parks, playgrounds, and recreation facilities.
- J. **Fee construction fund.** For the purposes identified above, all fees collected by this Section shall be placed in a special construction fund which is hereby created and which shall establish and keep the accounts as may be necessary to account for and control the expenditure of revenues in compliance with this Section.

9C.70.060 - Initial Application Review

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and Chapter 9C.78 (Environmental Impact Assessment).

- A. **Review for completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents (see Section 9C.70.030.B - Application contents, above), and any additional instructions provided.
1. **Notification of applicant.** As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided. If the application is complete, a written determination is not required, because the application will automatically be deemed complete 30 days after the receipt of the application.
 2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 9.76 (Appeals).
 3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by Subsection A.4.
 4. **Expiration of application.** If an applicant fails to provide the additional information specified in the Director's letter within 180 days after the first filing with the Department, the application shall expire and be deemed withdrawn. Upon a request by the applicant, the Director may grant one 180-day extension. After the expiration of an application, project approval shall require the submittal of a new, complete application.
 5. **Environmental information.** After an application has been accepted as complete, the Director

may require the applicant to submit additional information needed for the environmental review of the project in compliance with Chapter 9C.78 (Environmental Impact Assessment).

- B. **Determination of Coastal Permit notice and hearing procedures.** For projects proposed within the Coastal Zone, the Zoning Administrator shall make the determination required by Section 9C.72.030.D.2 (Coastal Permits - Determination of permit category) as to whether the development is categorically excluded, non-appealable, or appealable for the purposes of notice, hearing, and appeal procedures, at the same time that completeness review occurs in compliance with Subsection A., above. Such determination shall be made consistent with the requirements of Title 14, Section 13569 of the California Code of Regulations.
- C. **Referral of application.** At the discretion of the Zoning Administrator, or where otherwise required by this Coastal Land Use Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

9C.70.070 - Project Evaluation and Staff Report

- A. **Staff evaluation.** The Director shall review all discretionary applications filed in compliance with this Article to determine whether they comply and are consistent with the provisions of this Coastal Land Use Code, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.
- B. **Staff report.** The Director shall provide a written recommendation to the Zoning Administrator, Planning Commission, and/or Council (as applicable) on whether the application should be approved, approved subject to conditions, or disapproved.
- C. **Report distribution.** Each staff report shall be furnished to the applicant at the same time as it is provided to review authority before a hearing on the application.

CHAPTER 9.72 – PERMIT APPROVAL OR DISAPPROVAL

Sections:

- 9C.72.010 - Purpose of Chapter
- 9C.72.020 - Certificate of Occupancy
- 9C.72.030 - Coastal Permit
- 9C.72.035 - Economically Viable Use**
- 9C.72.040 - Design Review
- 9C.72.050 - Emergency Permit
- 9C.72.070 - Planned Development Permit
- 9C.72.080 - Use Permit and Minor Use Permit
- 9C.72.090 - Variance
- 9C.72.100 - Zoning Clearance

9.72.010 - Purpose of Chapter

- A. **Permit review procedures.** This Chapter provides procedures for the review, and approval or disapproval of the planning permit applications established by this Land Use Code.
- B. **Subdivision review procedures.** Procedures and standards for the review and approval of subdivision maps are found in the Article 8 (Subdivision Regulations and Procedures).
- C. **Application filing and initial processing.** Where applicable, the procedures of this Chapter are carried out after those described in Chapter 9C.70 (Permit Application Filing and Processing), for each application.

9.72.020 - Certificate of Occupancy

- A. **Purpose.** A Certificate of Occupancy is intended to ensure that a new use of land or structure complies with this Land Use Code and any other applicable City requirements. The Zoning Administrator, Planning Commission, and/or Council may establish policies, rules, and regulations that further define these procedures.
- B. **Applicability.** A legal use or occupancy of a structure existing at the time this Land Use Code, or applicable amendment became effective may be continued, but shall not be changed unless a Certificate of Occupancy for a new use is issued by the Building Official.
- C. **Certificate of Occupancy required.** A Certificate of Occupancy shall be required for:
 - 1. **Occupancy of any use.** The occupancy of any use except for agricultural purposes of vacant land in any zoning district established under the provisions of this Land Use Code;
 - 2. **Occupancy of any structure.** The occupancy of any use of a new, or structurally altered or moved, structure into or within any zoning district;
 - 3. **Change in character or use.** Any change in the character or use of an existing structure including:
 - a. The division of a single-family dwelling unit into two or more dwelling units;
 - b. The conversion of a residential structure into a commercial use; or

- c. Changes in character or use of a building except as specified in Section 3405 of the California Building Code.
- D. **Application.** An application for a Certificate of Occupancy shall be filed with the Building Official before land or a structure is occupied or used.
- E. **Issuance.** A Certificate of Occupancy shall be issued within three days after written notice has been filed by the Building Official that the premises are ready for occupancy or use and that the inspection indicated that the structure or use is in conformity with this Land Use Code, Building and Housing Codes and other applicable City ordinances relating to the health and safety of the residents.
 - 1. **Contents.** A Certificate of Occupancy shall contain the following information:
 - a. The Building Permit number;
 - b. The address of the structure;
 - c. The name and address of the owner;
 - d. A description of that portion of the structure for which the Certificate was issued; and
 - e. The name of the Building Official.
 - 2. **Temporary Certificate of Occupancy.** A "temporary" Certificate of Occupancy may be issued by the Building Official for the use of a portion of a new structure before the completion of the structure, or in the case of an existing structure, for a portion of the entire unit before completion of all work required.
 - 3. **Posting of Certificate.** The Certificate of Occupancy shall be posted in a conspicuous place of the premises and shall not be removed except by the City's Building Official.
- F. **Revocation.** A Certificate of Occupancy or Temporary Certificate may be revoked after written notice for:
 - 1. A use not specifically authorized by the Certificate of Occupancy;
 - 2. The discovery of any false statement or misrepresentation by the permittee;
 - 3. Continued existence of substandard conditions as defined by applicable City ordinances; or
 - 4. Any condition that jeopardizes public health or safety.
- G. **Record of approved Certificates.** A record of all Certificates of Occupancy shall be kept on file in the Building Division and copies shall be furnished on request to any person having a proprietary or tenancy interest in the subject use, structure, or land.

9.72.030 - Coastal Permit

- A. **Purpose.** This Section provides procedures for ~~the review of those areas, types of development, and activities within the coastal zone that require a coastal development permit as prescribed in the Coastal Act of 1976, and to establish procedures for making application for such permit, reviewing applications, providing notice of such development proposals, particularly~~ the configuration, design, location, and potential impacts of proposed development, a new land use, or subdivision, ~~to evaluate and~~

its compliance with the City's Local Coastal Program (LCP), conducting public hearings for consideration of the permit request, and to provide recourse if an appellant is aggrieved by any order, requirement, permit, decision or determination made by the planning director, planning commission, and/or the city council in the administration or enforcement of these regulations.

B. **Applicability - Coastal Permit required.** A Coastal Permit, in addition to any other permit required by law, shall be required for any "development," as defined in Section 10C.100.D, and for all of the following when proposed within the Coastal Zone, unless exempted by Subsection C. (Exempt projects):

1. **Allowable uses and structures.** Coastal Permit approval shall be required for all proposed uses and structures allowed in the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses) for which a Building Permit is required, and for any proposed ~~subdivision~~ division of land.

2. **Alterations to existing structures.** Coastal Permit approval shall be required for:

a. **Alterations subject to conditions of approval.** Any improvement to a structure where the permit issued for the original structure by the City or Coastal Commission required permit approval for any future improvements;

b. **Alterations within appealable areas.** Within an area where a City Coastal Permit decision may be appealed to the Coastal Commission, any addition to an existing structure that would increase the interior floor area by 10 percent or more; or an addition of 10 percent or less, where an improvement to the structure had previously occurred in compliance with this Section; and/or the construction of an additional story (including a loft) in an existing structure;

c. **Changes in intensity.** Any improvement to a structure which increases or decreases the intensity of use of the structure, as determined by the Zoning Administrator;

d. **Conversions.** Any improvements in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion, or motel/hotel time-sharing conversion; and

e. **Historic structures.** Any alteration, addition, to or demolition of any designated historic structure, or structure within a designated historic area that would require a Building Permit. Maintenance or repair to restore the structure to its original architectural character shall not require a Coastal Permit.

f. **Alterations to existing structures. The following improvements and additions to existing structures are exempt from Coastal Permit requirements:**

1. **Fixtures and other structures, including decks, directly attached to the structure:**

2. **Residential accessory uses on the same site as an approved residential use, including garages, fences and storage sheds, swimming pools; but not including guest houses or self-contained residential units:**

3. **Landscaping on the lot.**

3. **Demolition.** Coastal Permit approval may be required for the demolition of existing residential, commercial, and other principal structures located in environmentally sensitive areas determined

by the Zoning Administrator.

4. **Landform alteration.** Coastal Permit approval shall be required for any significant alteration of land forms including removal or placement of vegetation on a beach wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by the LCP as a land habitat of extreme, high, or moderate sensitivity.
5. **Reconstruction.** An existing dwelling damaged or destroyed by natural disaster or as a result of an emergency may be rebuilt; provided, the floor area of the new structure shall not exceed that of the destroyed structure by more than 10 percent, and the new structure is in the same location as the destroyed structure. A floor area increase of more than 10 percent or a change in the location of the structure shall require a Coastal Permit to ensure that improvements are sited and designed to minimize impacts on coastal resources. The new structure shall not exceed the height of the previous structure, or the maximum height allowed by the applicable zoning district, whichever is more restrictive.
6. **Shoreline structures.** Coastal Permit approval shall be required for improvements to any structure on a beach, stream, wetland, or seaward of the mean high waterline as established by the U.S. Coast and Geodetic Survey, and for repair and maintenance activities involving seawalls and similar shoreline structures.
7. **State and local agency projects, other projects.** Coastal Permit approval shall be required for all projects including those of State and local public agencies not exempted by this Section or not otherwise requiring a Coastal Permit.

~~C. Exempt projects. The following projects shall not require a Coastal Permit.~~

- ~~1. Alterations to existing structures. The following improvements and additions to existing structures are exempt from Coastal Permit requirements, except as provided in Subsection B, above.~~

~~a. Fixtures and other structures, including decks, directly attached to the structure.~~

~~b. Residential accessory uses on the same site as an approved residential use, including garages, fences and storage sheds, swimming pools; but not including guest houses over 400 square feet, or self-contained residential units.~~

~~c. Landscaping on the lot.~~

~~d. Additions resulting in an increase of less than 10 percent of the interior floor area of an existing structure.~~

8. Improvements to Single-Family Residences. The following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

a. Improvements to a single-family structure if the structure or improvement is located: (1) on a beach; (2) in a wetland; (3) seaward of the mean high tide line; (4) in an environmentally sensitive habitat area; (5) in an area designated as highly scenic in a certified land use plan; or (6) within 50 feet of the edge of a coastal bluff.

b. Any significant alteration of land forms including removal or placement of

vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas:

- c. On property not included in Section 9C.72.030.C.1c.(1) or (2) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission or Regional Commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Section 9C.72.030.C.1, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks:
- d. Improvements to a single-family structure, or accessory structure, which requires a building permit, within either: (1) an open space zone district, (2) a natural resources zoning district, or (3) within an area appealable to the California Coastal Commission pursuant to this chapter:
- e. Improvement to a single-family structure or accessory structure, which requires a building permit, within a coastal zone district where the improvements are not otherwise excepted by the zoning standards of the district:
- f. Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system:
- g. Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit:
- h. The expansion or construction of any septic systems or domestic water wells:
and
- 9. Improvements to any structure other than a single-family residence or a public works facility. The following classes of development require a coastal development permit because they involve one or more of the above listed effects:
 - a. Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff:
 - b. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area:
 - c. On property not included in Section 9C.72.030.C.1c.(1) or (2) above that is

located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Section 9C.72.030.C.1, and/or increase in height by more than 10 percent of an existing structure;

- d. Improvements to structures, which require a building permit, within either resource conservation area zone district, a coastal (hazard) zone district or within an area appealable to the California Coastal Commission pursuant to this chapter;
 - e. Improvements to a structure within a coastal zone district where the improvements are not other-wise excepted by the standards of the district;
 - f. Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;
 - g. Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit;
 - h. The expansion or construction of any septic systems or domestic water wells;
 - i. Any improvement to structure which changes the intensity of the use of the structure;
 - j. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.
10. The replacement of any structure, other than a public works facility unless destroyed by natural disaster and such replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and is sited in the same location on the affected property as the destroyed structure. As used in this subsection, "natural disaster" means any situation in which the force or forces which destroyed the structure to be re-placed were beyond the control of its owner. As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.
11. Maintenance dredging of more that 100,000 cubic yards of material within a twelve (12) month period of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
12. a. The following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin or similar shoreline work that involves:

(1) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

(2) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(3) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;

(4) The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind; or

(5) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal waters or streams.

b. Repair and maintenance activities described in the Commission's September 5, 1978 document which have a risk of substantial adverse impact on public access, ESHA, public views or wetlands.

c. Unless destroyed by natural disaster, the replacement of fifty percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

d. Notwithstanding the above provisions, the executive director of the coastal commission shall have the discretion to exempt from this section ongoing routine re-pair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways.

e. Pursuant to this section, the planning commission may issue a permit for ongoing maintenance activities for a term in excess of the one-year term provided by this title.

C. Exempt projects. The following projects shall not require a Coastal Permit.

1. Improvements to existing single-family residences; provided, however said improvements do not entail those classes of development which, the Coastal Commission has specified, by Title 14, Section 13250(b) of the California Code of

Regulations, as involving a risk of adverse environmental effect and that shall require a coastal development permit be obtained pursuant to this Chapter.

2. Improvements to any structure other than a single-family residence or a public works facility; provided, however, that such improvements do not entail those specified by the Coastal Commission in Title 14, Section 13253(b) of the California Code of Regulations as comprising those types of improvements which: (a) involve a risk of adverse environmental effect, (b) adversely affect public access, or (c) involve a change in use contrary to any policy of this division. Any improvement so specified shall require a coastal development permit.
3. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
4. Any category of development, or any category of development within a specifically defined geographic area, that the California Coastal Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to or along, the coast. Those categories of exemption, which may be requested to be granted by local governments pursuant to Title 14, California Code of Regulations, sections 13240-13249, are described in Orders of Categorical Exclusion adopted by the California Coastal Commission.
5. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to Title 9C, Arcata Municipal Code; provided, however, that where necessary, reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources may be required as a part of the Title 9C entitlement(s).
6. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision. Conversions of visitor-serving accommodations, whether in part or wholly, to a condominium, time-share project, estate, or use shall require a coastal development permit.
7. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

As used in this subdivision:

- (a) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
- (b) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.
- (c) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

8. Temporary Events Criteria for Exclusion from Permit Requirements.

- (1) Except as provided in sub-section b. below, the planning director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:
 - (a) Are held between Memorial Day weekend and Labor Day; and
 - (b) Occupy all or a portion of a sandy beach area; and
 - (c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).
- (2) Only temporary events meeting all of the above criteria shall require coastal development permit review, however, the Planning director may also exclude from permit requirements temporary events meeting all of the above criteria when:
 - (a) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or
 - (b) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or
 - (c) The event is less than one day in duration; or
 - (d) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.
- (3) Planning director discretion to require a permit. The planning director may determine that a temporary event shall be subject to coastal development permit review, even if the criteria in Section A are not met. If the planning director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:
 - (a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of

time.

(b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in chapter 17.61.

(c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters:

(d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

The Director shall maintain a record of all those developments within the coastal zone that have been authorized as being exempt from the requirement for a coastal development permit pursuant to this chapter. This record shall be available for review by members of the public and mailed to the North Coast District Office of the California Coastal Commission. The record of exemption shall include the name of the applicant, the location of the project, and a brief description of the project.

2. Categorical exclusions.

- a. Projects specifically designated as categorically excluded from the requirement for a Coastal Permit by Coastal Act ~~Sections 30610(d) and (f)~~ Section 30610(e) and implementing regulations, as specified in subsection C.4 above, are exempt from Coastal Permit requirements.
- b. The Zoning Administrator shall maintain a list of projects determined to be categorically excluded from the requirements of this Section for a Coastal Permit.
- c. The list shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Zoning Administrator's determination, and at a minimum, the list shall include the following:
 - (1) Permit uses in all zones;
 - (2) Ministerial projects;
 - (3) Modifications up to 10% of their original requirement; one per five year period per site;
 - (4) Minor public works projects costing less than \$90,000 (2006 base) with allowances for inflation;
 - (5) Grading except in Environmentally Sensitive Habitat Areas;
 - (6) Lot line adjustments;
 - (7) Parcel mergers;
 - (8) Agricultural accessory structures; and

(9) Temporary events.

~~3. Repair and maintenance. A Coastal Permit shall not be required for repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of repair or maintenance, except that the repair and maintenance of shoreline structures shall require a Coastal Permit.~~

~~4. Subdivisions. A Coastal Permit shall not be required for Tentative Maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Coastal Act Section 30106.~~

3. Effect on other permit requirements. Exemption and/or exclusion from coastal development permit requirements is not to be construed as exemption from permits and/or entitlements required by the city. Where a building permit, use permit, variance, land subdivision, etc., is required by the city for development which is exempt under the provisions of subsection A of this section, the entitlement shall be processed pursuant to the city regulations for non-coastal zone areas.

D. Coastal Permit filing and initial processing.

1. **Application filing and processing.** An application for a Coastal Permit shall be completed, filed, and processed in compliance with Chapter 9C.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Coastal Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Decision on Coastal Permits), below.

2. **Determination of permit category.** The Zoning Administrator shall determine if the proposed project requires a Coastal Permit and, if so, determine whether the project is categorically excluded, is non-appealable, or does or does not require a public hearing. Such determination shall be made consistent with the requirements of Title 14, Section 13569 of the California Code of Regulations.

a. **Categorical exclusion.** A determination that a project is categorically excluded shall comply with Subsection C.2 (Exempt Projects - Categorical Exclusions).

b. **Public hearing applications.** A public hearing shall be required when:

(1) These regulations, or other applicable provision of the Municipal Code requires a public hearing or other discretionary action on the permit application by the review authority; or

(2) The project is defined as appealable by Coastal Act Section 30603(a).

3. **Appeal of permit category determination.** The Zoning Administrator's determination of Coastal Permit category in compliance with this Subsection may be appealed in compliance with Chapter 9C.76 (Appeals), and Title 14, California Code of Regulations Section 13569, as reiterated in subsections Q and R below.

4. **Non-hearing applications.** A public hearing shall not be required when these regulations or other applicable provision of the Municipal Code does not require a public hearing or other discretionary action on the permit application by the review authority, or is not appealable as defined by Coastal Act Section 30603(a). Second residential units which meet the criteria specified in Section 9.42.170 do not require a public hearing pursuant to Government Code

section 65852.2, but must meet all other practicable provisions of the Coastal Land Use Plan and the Coastal Land Use Code.

E. Procedures for applying for a coastal development permit are as follows:

1. Application contents. Each application for a permit, amendment, or other matter pertaining to this Title shall be filed with the planning director on an application form approved by the city council together with required fees and/or deposits, and all other information and materials required by the city's list of required application contents, as identified in the community development department handout for the specific type of application. Applicants are encouraged to contact the department before submitting an application to verify which materials are necessary for application filing.
2. Identification of interested persons; submission of envelopes, posting of site. For applications filed pursuant to this chapter, the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of:
 - a. The addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed;
 - b. The addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll; and,
 - c. The names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).
This list shall be part of the public record maintained by the department for the application.
3. The applicant shall also provide the department with stamped envelopes for all addresses on the list prepared pursuant to subsection 1.a through 1.c above. Separate stamped envelopes shall be addressed to "owner," "occupant," or the name of the interested person, as applicable. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The director shall provide an appropriate stamp for the use of applicants in the commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The director may waive this requirement for addresses identified under subsection 1.a and 1.b above and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to these regulations.
4. If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of this section. The additional set of stamped, addressed envelopes shall be submitted within ten days of the commission's or council's decision to postpone or continue the hearing.
5. At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the

site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The department shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the director shall refuse to file the application.

6. The planning commission or council may revoke a permit if it determines that the permit was granted without proper notice having been given.
- F. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner. With the director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.
- G. Rejection of application. If the director determines that an application cannot lawfully be approved by the city (e.g., a request for use that could not be granted in the absence of a preceding a coastal land use plan or coastal zoning text or map amendment, or a concurrent tentative subdivision map approval; or a use permit application proposing a use that is not allowable in the subject zoning district, etc.), the director shall not accept the application for processing.
- H. Fee schedule. In addition to the fees imposed pursuant to section 9C.70.040, the council shall establish a schedule of fees for the processing of the applications required intended to allow recovery of all costs incurred by the city in processing permit applications to the maximum extent allowed by the law.
- I. Review for completeness. The director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The director's determination of completeness shall be based on the city's list of required application contents and any additional written instructions provided to the applicant in any pre-application conference, and/or during the initial application review period.
- J. Notification of applicant. As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the director's letter, shall be provided.
- K. Appeal of determination. Where the director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the director is not required, the applicant may appeal the director's determination in compliance with Chapter 9C.76.
- L. Environmental information. Prior to an application having been accepted as complete for filing, the director may request the applicant to submit additional information needed for the environmental review of the project in compliance with Chapters 9C.50 through 9C.66.
- M. Referral of application. At the discretion of the director, or where otherwise required by this title or state or federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.
- N. Staff evaluation. The director shall review all discretionary applications filed in compliance with this title to determine whether they comply and are consistent with the provisions of this title,

other applicable provisions of the city code, the coastal land use plan, and any applicable specific plan.

O. Staff report. The director shall provide a written recommendation to the commission and/or council (as applicable) as to whether the application should be approved, approved subject to conditions, or disapproved.

P. Finding. A coastal development permit may be granted if the facts presented are such that the development is in conformity with the certified Local Coastal Program, including the Coastal Land Use Plan and the Coastal Land Use Code. Each coastal development permit issued for any development as indicated on the coastal appeals area map shall include specific factually-based findings substantiating how such development does so conform.

Q. Project review, notice, and hearing. Each Coastal Permit application shall be analyzed by the Zoning Administrator to ensure that the application complies with this Section. The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the Zoning Administrator at the time the application for development within the coastal zone is submitted. This determination shall be made with reference to the city's certified local coastal program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the local coastal program. Where an applicant, interested person, or the city has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

1. The Zoning Administrator shall make his or her determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. Such determination shall be made consistent with the requirements of Title 14, Section 13569 of the California Code of Regulations.

2. If the determination of the Zoning Administrator, or the Planning Commission and/or the City Council on appeal, is challenged by the applicant or an interested person, or if the city wishes to have a Coastal Commission determination as to the appropriate designation, the City shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion:

3. The Executive Director shall, within two (2) working days of the City's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable:

4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the city's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing on the determination for the next Coastal Commission meeting (in the appropriate geographic region of the state) following the local government request.

~~5.~~ 5. When a public hearing is required by this Section, the Planning Commission or Council, as applicable, shall conduct a public hearing on an application for a Coastal Permit before the approval or disapproval of the permit.

~~6.~~ 6. Notice of the public hearing shall be provided, and the hearing shall be conducted in

compliance with Chapter ~~9C~~.74 (Public Hearings).

~~F~~ R. Decision on Coastal Permits.

1. Review authority.

- a. **Zoning Administrator.** A non-hearing Coastal Permit application shall be approved or disapproved by the Zoning Administrator. The Zoning Administrator may instead defer action and refer the application to the Planning Commission.
- b. **Commission or Council.** A Coastal Permit application that is required by this Section to have a public hearing shall be approved or disapproved by the Planning Commission or Council, as applicable.

2. Filing and Processing Determinations. The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the Zoning Administrator at the time the application for development within the coastal zone is submitted. This determination shall be made with reference to the city's certified local coastal program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the local coastal program. Where an applicant, interested person, or the city has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

- (a) The Zoning Administrator shall make his or her determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. Such determination shall be made consistent with the requirements of Title 14, Section 13569 of the California Code of Regulations.
- (b) If the determination of the Zoning Administrator, or the planning commission and/or the city council on appeal, is challenged by the applicant or an interested person, or if the city wishes to have a Coastal Commission determination as to the appropriate designation, the city shall notify the Coastal Commission by telephone of the dispute/question and shall request an Executive Director's opinion:
- (c) The Executive Director shall, within two (2) working days of the city's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable:
- (d) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the city's determination, the coastal commission shall hold a hearing for purposes of determining the appropriate designation for the area. The coastal commission shall schedule the hearing on the determination for the next coastal commission meeting (in the appropriate geographic region of the state) following the local government request.

~~2~~ 3. Findings. The review authority shall approve a Coastal Permit only after first finding that:

- a. The ~~project~~ proposed development, with or without conditions, complies with all applicable provisions of the Local Coastal Program ~~and~~ including these regulations;
- b. For proposed development to be located within the first public road and the sea, the development, with or without conditions, is consistent with the access and recreation policies of Chapter 3 of the Coastal Act.
- c. There are no other feasible mitigation measures or alternatives that would lessen any significant adverse effects of the development or the environment; and
- ~~b.~~ d. The applicant has provided written proof of current availability of water and sewer service from the applicable providers.

The findings shall reference applicable policies of the Local Coastal Program where appropriate.

~~G.~~ S. **Conditions of approval.** In approving a Coastal Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection ~~F.~~ R. (Decision on Coastal Permits).

T. Procedures for open space easements and public access documents.

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

- 1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.
 - a. Upon completion of permit review by the City and prior to the issuance of the permit, the city shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
 - b. The Executive Director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;
 - c. The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the local government within that time period;
 - d. If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director; or
- 2. The City may request the Coastal Commission to delegate the authority to process the recordation of the necessary legal documents to the city. The Coastal Commission shall delegate said authority provided the city identifies the department of the local government or public agency or private association that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development

permits. Upon completion of the recordation of the documents, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the executive director of the Coastal Commission.

- ~~H.~~ U. Post decision procedures. The procedures and requirements in Chapters 9C.76 (Appeals) and 9C.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9C (Land Use Code Administration), shall apply following the decision on a Coastal Permit application.

9.72.035 - Economically Viable Use

If it is asserted that the application of the policies and standards contained in this LCP regarding use of property within the Coastal Zone portion of the City would constitute a taking of private property, the applicant shall apply for an economical viability determination in conjunction with their Coastal Permit application and shall be subject to the provisions of this section.

A. Economically Viable Use Determination. The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a coastal development permit and economic viability determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

1. The date the applicant purchased or otherwise acquired the property, and from whom.
2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection d above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
9. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.

10. The applicant's costs associated with the ownership of the property, annualized for each of the last five (5) calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five (5) calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
12. Any additional information that the County requires to make the determination.

B. Supplemental Findings for Approval of Coastal Development Permit. 1. A Coastal Permit that allows a deviation from a policy or standard of the LCP to provide a reasonable economic use of the parcel as a whole may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or City Council, makes the following supplemental findings in addition to the findings required in Section 9C.72.030 (Coastal Permits):

1. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the LCP policies and/or standards would not provide an economically viable use of the applicant's property, and/or application of the LCP policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.
2. The use proposed by the applicant is consistent with the applicable zoning.
3. The use and project design, siting, and size are the minimum necessary to avoid a taking.
4. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified LCP other than the provisions for which the exception is requested.
5. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.

9.72.040 - Design Review

A. **Purpose.** Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the natural beauty, historic, and rural character of the community. Therefore, the goals and purposes of these procedures and requirements are to:

1. Promote the orderly and harmonious development of the City;
2. Create design guidelines for new and historic buildings;
3. Ensure that new development is designed to preserve important natural features and scenic resources;
4. Promote building designs that are well suited to their functions and sites;
5. Initiate and review a City-wide historic resource inventory;

6. Create visual environments which are of high aesthetic quality and variety;
 7. Achieve maximum benefit from natural environmental settings;
 8. Ensure that new buildings are designed to fit appropriately within the existing neighborhood context;
 9. Encourage diversity in building design, rather than repetitive design in new subdivisions;
 10. Promote stability of land values and desirability of investment in the City;
 11. Incorporate green building concepts and features (e.g., maximum use of energy efficiency, insulation, native landscaping, natural lighting, permeable surfaces around structures, recycled materials and recycling, solar access, use of toxic-free materials, and minimizing construction waste generation) into new and renovated structures; and
 12. Recognize and preserve historic resources within the City.
- B. Applicability.** Design Review shall be required in addition to all of the other planning permit or approval requirements of this Land Use Code and the Municipal Code. The provisions of this Section and the requirements for Design Review shall apply to proposed projects in the following manner.
1. **New construction.** Design Review shall be required for all new construction in the City, including all structural modifications in exterior appearance, including paved areas, revegetation plans, and all other exterior work and signs which require a permit from the City, except as exempted in Subsection 9C.72.040 (B) (7) of the Land Use Code.
 2. **Historic districts and structures.** Design Review shall be required for any changes to a: HL designated historic resource, noteworthy structure, or a building within the Period of Significance that has been determined historically significant by the City, but not limited to:
 - a. Any exterior alterations, including changes in materials.
 - b. Interior alterations that would affect the exterior appearance.
 - c. Any addition to a structure.
 - d. Any construction on a parcel with a designated Historic Landmark.
 3. **Neighborhood Conservation Area (NCA).** The Design Review process shall be required for each structure proposed within a Neighborhood Conservation Area (NCA), including single-family houses, historic structures, and existing structures with exterior alterations or renovations except as exempted in Subsection 9C.72.040 (B) (7) (b) of this Land Use Code. Before approval, the Historic and Design Review Commission shall make a finding that the design will be compatible with the existing character of the NCA.
 4. **Recycling, solid waste, and outdoor storage.** Design Review shall be required for all outside storage including recycling and solid waste areas as specified in Section 9.30.100 (Solid Waste/Recyclable Materials Storage).
 5. **Loading areas.** Design Review shall be required for all new or altered loading areas.

6. **Other projects requiring Design Review.** The Director, Building Inspector, or Director of Public Works may choose to submit any application for development to the Historic and Design Review Commission when they determine that the proposed construction, land use, or parcels may cause a significant effect upon solar access or the aesthetic character of the City, area, or neighborhood.
7. **Exemptions.** The following projects shall be exempt from the requirements for Design Review as noted:
 - a. **Exemption for single-family structures and secondary units.** A new single-family structure, secondary unit, or an addition or alteration to an existing single-family structure or secondary unit shall be exempt from the requirements for Design Review, except as required in Subsection 9C.72.040 (B) (2) and (3) or within a Coastal Scenic Area.
 - b. **Minor repairs consisting of inkind one to one replacements.**

The above exemptions shall not apply if the Zoning Administrator determines that the proposed construction may require modification to fit in with the site or existing unit, and / or neighborhood.
- C. **Review authority for Design Review.** Design Review shall be conducted by the Historic and Design Review Commission (HDRC) or Planning Commission as established by the Council.
 1. **Type “A” Design Review.** Type “A” Design Review shall be approved or disapproved by the HDRC provided that:
 - a. The proposed project is exempt from CEQA or only the “No Impact” box is checked for all categories with the exception of Section V. Cultural Resources on the Initial Study for a project. If the proposed project is not statutorily or categorically exempt from CEQA, the application shall be referred to the Planning Commission for hearing and decision; or
 - b. The HDRC may choose to defer action and refer any Design Review application to the Planning Commission for hearing and decision.
 2. **Type “B” Design Review.** Type “B” Design Review shall be approved or disapproved by the Planning Commission for all projects not determined to be Type “A.” As per Section 9C.72.040H.2, the HDRC shall provide a recommendation to the Planning Commission for all Type “B” Design Review applications.
- D. **Application filing and processing.** An application for a Design Review shall be prepared, filed, and processed in compliance with Chapter 9C.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Design Review applications.
- E. **Preliminary Design Review.**
 1. **Request for advice.** An application for Preliminary Design Review may be filed to request the advice of the Historic and Design Review Commission before filing an application for formal City action or permit issuance.
 2. **Design Review authority discretion.** The Historic and Design Review Commission may choose to not provide Preliminary Design Review.
 3. **Effect of review.** Preliminary Design Review is advisory only and shall not be considered as a formal approval or disapproval.

- F. **Standards for Design Review.** In addition to the purposes of this Section identified in Subsection A., above, the Historic and Design Review Commission shall ensure that the project complies with this Section and Subsection 9C.28.060 (D) (1) (Considerations for review within the NCA) by:
1. Providing architectural design, building height and massing, and scale appropriate to and compatible with other structures on the site and in the immediate vicinity of the site;
 2. Providing attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc;
 3. Providing efficient and safe public access, circulation, and parking;
 4. Providing appropriate open space and landscaping, including the use of water efficient landscaping;
 5. Showing consistency with the General Plan, Local Coastal Program, and any applicable specific plan; and
 6. Complying with any applicable design guidelines or design review policies.
- G. **Project review and noticing.** Each application for Design Review shall be reviewed by either the HDRC or the Planning Commission to ensure that the proposal complies with all applicable requirements of this Land Use Code. Each project will be listed on an agenda that will be posted at City Hall at least 72 hours in advance of the meeting and published in a local newspaper at least 24 hours in advance of the meeting. Any project referred to the HDRC, or Planning Commission as noted above, as a result of subsections B2, B3, or B6 shall be noticed in compliance with Chapter 9C.74 (Public Hearings).
- H. **Historic and Design Review Commission action.**
1. **Approval or disapproval.** For projects not subject to review by the Planning Commission or City Council, the HDRC may approve or disapprove the design as submitted, or suggest alterations, changes, or modifications as appropriate, or impose conditions, all in compliance with the standards identified in this Section, and additional standards as may be adopted and published by the HDRC from time to time.
 2. **Recommendation.** For projects subject to review and approval by the Planning Commission or City Council (e.g. Planned Developments, Conditional Use Permits, and Subdivisions), the HDRC shall provide a recommendation to the decision-making body. HDRC review shall be conducted prior to review by the Planning Commission or City Council. If the Planning Commission or City Council determines that significant changes have occurred to a major development, the project will be referred back to the HDRC for final recommendations prior to action by the decision-making body.
 3. **Deadline for Design Review authority action.** The HDRC shall act upon each application within two meetings or 30 days, whichever comes later, from the first consideration of the proposal, unless the applicant consents to further continuances.
- I. **Conditions of approval.** The Historic and Design Review authority may impose any conditions deemed reasonable and necessary to carry out the purpose of this Section. The violation of any condition so imposed shall constitute a violation of this Section and may constitute grounds for revocation.
- J. **Post decision procedures.** The procedures and requirements in Chapter 9C.76 (Appeals), Chapter 9C.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9

(Land Use Code Administration), shall apply following the decision on an application for Design Review.

9.72.050 - Emergency Permit

- A. **Purpose.** It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 9C can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to the general requirements of this chapter, they shall comply with the requirements of Title 9C to the maximum extent feasible. This Section provides procedures for the issuance of Emergency Permits in compliance with the Coastal Act and with the City of Arcata's Emergency Operation Plan.
- B. **Applicability.** In the event of an emergency (see definition for "Emergency"), the Zoning Administrator may issue a permit to authorize emergency work in compliance with this Section, Coastal Act Section 30624, and California Code of Regulations Section 13329.
1. The Zoning Administrator shall not issue an Emergency Permit for any work on any submerged lands, tidelands, or public trust lands, whether filled or unfilled.
 2. A request for emergency work on any submerged lands, tidelands, or public trust lands shall be referred to the Executive Director of the Coastal Commission.
- C. **Application.** An application for an Emergency Permit shall be filed with the Zoning Administrator in writing if time allows, or in person or by telephone if time does not allow.
- D. **Required information.** The applicant shall report to the Zoning Administrator the following information, either during or as soon after the emergency as possible:
1. The date, nature and location of the emergency;
 2. The cause of the emergency, insofar as this can be established;
 3. The location of the emergency;
 - ~~3.~~ 4. The remedial, protective, or preventative work required to deal with the emergency; and
 4. The circumstances during the emergency that appeared to justify the courses of action taken, including the probable consequences of failing to take action.
- E. **Verification of emergency.** The Zoning Administrator shall verify the facts, including the existence and nature of the emergency, as time allows. A Level Three Emergency precludes the requirements of this section and the need for Emergency Permits.
- F. **Public notice required.** The Zoning Administrator shall provide public notice of the proposed emergency work, with the extent and type of notice determined on the basis of the nature of the emergency. Notice shall also be provided to the Executive Director of the California Coastal Commission.
- G. **Findings and decision.** The decision to issue an Emergency Permit is at the sole discretion of the Zoning Administrator; provided, that subsequent land use, Building, and Grading Permits required for the project shall comply with all applicable provisions of these regulations. The Zoning Administrator may grant an Emergency Permit if an emergency exists as defined in Article 10C (Glossary), and if the Zoning Administrator first finds that:

1. An emergency exists that requires action more quickly than allowed by the procedures of this Land Use Code for the permits that would otherwise be required, and the work can and will be completed within 30 days unless otherwise specified by the Emergency Permit;
 2. Public comment on the proposed emergency action has been reviewed, if time allows;
 3. The work proposed is consistent with the Local Coastal Program and with Coastal Act Section 36011 or superceding section; and
 4. The emergency occurred within 30 days of the request for an Emergency Permit, and the emergency was not caused by deferred maintenance.
- H. Emergency Permit contents.** If granted, the Emergency Permit shall be subject to reasonable terms and conditions, including:
1. Language indicating that the work accomplished under an Emergency Permit is considered temporary unless a regular permit is issued for the work;
 2. An expiration date for Emergency Permit; and
 3. A condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the Emergency Permit.
- I. Expiration.** An Emergency Permit shall expire and become void within seven days of issuance if it is not exercised, or if the emergency ceases to exist.
- J. Report to Council.** For informational purposes only, the Zoning Administrator shall provide the Council with a written report describing the nature of the emergency and the work involved at the Council's first scheduled meeting after the Emergency Permit has been issued. Copies of the report shall be available at the meeting and shall be mailed to the Executive Director of the Coastal Commission and to all persons who have requested this notification in writing.
- K. Normal permits required.** Within 30 days of the date of issuance of the Emergency Permit, the applicant shall apply for all planning permits required by these regulations, and any other permits required by the Municipal Code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 9C.96 (Enforcement and Penalties).

9.72.070 - Planned Development Permit

- A. Purpose.** This Section provides procedures for the review of Planned Development Permits. Planned Development Permits are intended to:
1. Provide a method whereby land may be designed and developed as a single unit by taking advantage of modern site planning techniques thereby resulting in a more efficient use of land and a better living environment than is otherwise possible through strict application of the development standards identified in Article 2 (Zoning Districts and Allowable Land Uses); and
 2. Ensure that approved development meets high standards of environmental quality, public health and safety, the efficient use of the City's resources, and the purpose, intent, goals, policies, programs, and land use designations of the General Plan, the Local Coastal Program, and any applicable specific plan.
- B. Applicability.**

1. **Minimum site area.** A Planned Development Permit may be requested for any residential, commercial, industrial, or mixed-use development. A Planned Development Permit shall be required for any residential development on sites one acre and larger. All properties that have a :PD Combining Zone overlay shall require an approved Planned Development Permit prior to development.
2. **Timing of Planned Development Permit approval.** For projects proposing a Planned Development Permit, a Building or Grading Permit shall not be issued until the Planned Development Permit has been approved in compliance with this Section and the rezoning for a :PD Combining Zone has been achieved.
3. **Scope of Approval.**
 - a. A Planned Development Permit may authorize a land use activity that is not otherwise allowed in the base zoning district provided that:
 - (1) The development will include other uses which are either permitted outright or conditionally permitted in the base zone; and
 - (2) The Planning Commission has the review authority to grant a Planned Development Permit for a land use activity that is not otherwise allowed in the base zoning district.
 - b. The permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g. building envelope [coverage, height, and setbacks], fence and wall heights, landscaping, off-street parking [design and ratios], site coverage, street layout, etc.) identified in this Land Use Code.
 - c. A residential project may be approved with increased density or intensity in compliance with the State density bonus law (Government Code Section 65915).
- C. **Application filing and processing.** An application for a Planned Development Permit shall be filed in compliance with Chapter 9C.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Planned Development applications. It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection G (Findings), below.
- D. **Planned Development Types.** The uses within a Planned Development shall be divided into the following three categories:
 1. **Type “A” Planned Developments.** Type “A” Planned Developments are those developments that are limited to uses that are permitted outright in the zoning district and involve no exceptions to the development standards of the zoning district;
 2. **Type “B” Planned Developments.** Type “B” Planned Developments are those developments that are limited to uses which are permitted outright or conditionally permitted in the zoning district and may involve exceptions to the development standards of the zoning district; and
 3. **Type “C” Planned Developments.** Type “C” Planned Developments may include uses that are not permitted outright or conditionally permitted in the zoning district, provided that the development will include other uses that are either permitted outright or conditionally permitted in the zoning district. Type “C” Planned Developments may involve exceptions to the development

standards of the zoning district.

- E. Review Authority.** A Planned Development Permit may be granted by the following review authorities:
1. **Zoning Administrator.** The Zoning Administrator may grant Type "A" Planned Development Permits that are exempt from CEQA; and
 2. **Planning Commission.** The Planning Commission may grant Type "A" Planned Development Permits that are not exempt from CEQA reviews, Type "B" and Type "C" Planned Development Permits.
- F. Project Review, Notice and Hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of the Land Use Code. Any request for phasing within a Planned Development Permit shall have an application that includes a Comprehensive Development Plan for the entire site.
1. **Type "A" Planned Developments that are Exempt from CEQA.** Before a decision on a Type "A" Planned Development Permit that is exempt from CEQA, the City shall provide notice in compliance with Chapter 9C.74 (Public Hearings).
 - a. The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Type "A" Planned Development Permit application on the date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for decision.
 - b. If a public hearing is requested, the Zoning Administrator shall refer the application to the Planning Commission for a hearing and decision to be conducted in compliance with Chapter 9C.74 (Public Hearings). If no public hearing is requested, the Zoning Administrator shall render a decision on the date specified in the notice referred to in Subsection F.1.a, above.
 2. **Other Planned Developments Permits.** The Planning Commission shall conduct public hearings for all of the following applications:
 - a. Type "A" Planned Development Permits that are not exempt from CEQA;
 - b. Type "A" Planned Development Permits that the Zoning Administrator chooses to refer to the Planning Commission for hearing and decision;
 - c. Type "B" Planned Development Permits; and
 - d. Type "C" Planned Development Permits.

Notice of public hearings shall be provided, and the hearings shall be conducted in compliance with Chapter 9.74 (Public Hearings).

- G. Findings.** The review authority may approve a Planned Development Permit only after first making the following findings as appropriate for the type of Planned Development Permit.
1. Findings for Type "A" Planned Development Permits:
 - a. The proposed project carries out the policies and intent of the General Plan, Local Coastal Program and any applicable specific plan;

- b. The proposed project is in compliance with all of the applicable provisions of this Land Use Code;
 - c. Proper standards and conditions have been imposed to ensure the protection of the public health, safety and welfare;
 - d. The proposed project will not circumvent the intent of protecting Environmentally Sensitive Habitat Areas or significant historic resources, and consideration will be given to impacts on areas with steep slopes, waterways, wetlands or riparian areas, or significant cultural or historic resources; and
 - e. The subject site is adequate in terms of size, shape, topography and existing conditions to accommodate the proposed development.
2. Findings for Type "B" Planned Development Permits:
- a. All findings listed for Type "A" Planned Development Permits in Subsection 9C.72.070.G.1, above, except for G.1.b;
 - b. The proposed project meets the intent of all applicable provisions of this Land Use Code relating to both on-site and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Section and the respective base zoning district, including prescribed development standards and applicable design guidelines;
 - c. The proposed project is designed to ensure compatibility with adjacent uses within the zoning district and general neighborhood of the proposed development;
 - d. The proposed project will produce a comprehensive development of superior quality (e.g. appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) that might not otherwise occur from more traditional development applications;
 - e. Each proposed exception is justifiable and will result in a more desirable development, and development amenities are provided as identified in Subsection H. The possible exceptions listed in Subsection B (Applicability) may be allowed when the review authority first determines that a specific exception will result in a more desirable development; and
 - f. Proper on-site traffic circulation and control is designed into the development to ensure interconnectivity with neighborhoods (i.e. vehicle, pedestrian, and bicycle), and protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width development standards identified in Article 2 (Zoning Districts and Allowable Land Uses).
3. Findings for Type "C" Planned Development Permits:
- a. All findings listed for Type "A" except for G.1.b. and Type "B" Planned Development Permits in Subsection 9C.72.070.G.2, above;
 - b. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity, in terms of aesthetic

values, character, scale, and view protection; and

- c. The available land supply in the primary zoning district shall be sufficient for other permitted uses, if a use other than that permitted or conditionally permitted is proposed.

H. Modifications to Development Standards. A Planned Development that proposes an exception to the requirements of this Land Use Code shall provide development amenities that offset any exceptions to an equal or greater degree, as determined by the review authority. These amenities may include the following:

1. In a residential planned development, the inclusion of housing units for people of moderate, low, or very low income in addition to the number of units required by Chapter 9C.32 (Affordable Housing Requirements);
2. Special attention given to the amount and design of common open space;
3. Special attention given to minimizing the extent of site disturbance;
4. Provision of day care facilities or recreational facilities;
5. Architectural/site design merit;
6. Energy-efficient construction that exceeds Title 24 requirements by 15%;
7. Special attention given to the amount and design of proposed landscaping;
8. Provision of laundry facilities, covered parking, or other special amenities;
9. Facilities for recycling and storage of garbage, beyond those normally expected. For example, a neighborhood drop-off site for recycled materials would be an amenity; on-site recycling bins would not as these are typically required;
10. Creation of jobs for people of moderate, low, or very low income;
11. Provision of bike facilities other than those required by Section 9C.36.060, or other provisions of this Land Use Code; and/or
12. Restoration of Environmentally Sensitive Habitat Areas, where feasible.

I. Planned Development Permit project completion.

1. A Planned Development Permit may specify a time for project completion acceptable to the review authority.
2. If not specified in the permit, the completion period shall not exceed 36 months unless extensions are granted per Subsection 9C.79.070(B)(2) of this code.
3. If construction of the project has not commenced within the applicable development completion period, the Planned Development Permit shall automatically be terminated and deemed void, with no further action required by the City.

J. Planned Development Permit Amendment.

1. **Action on requested changes.** Any requested change in the Planned Development Permit, other than those allowed by Subsection J.3, below shall be submitted to the review authority (the review authority that originally approved the permit) for review and approval.
 2. **Added stipulations deemed reasonable and necessary.** The review authority may, as a condition of approval, impose added stipulations, changes or conditions to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of the original Planned Development Permit and this section.
 3. **Minor changes by Zoning Administrator.** Minor changes in the Planned Development Permit which do not involve an increase in building area, an increase in the number of dwelling units, decrease in amenities, or a change of use may be approved by the Zoning Administrator in compliance with Section 9C.79.080 (Change to an Approved Project).
- K. **Conditions of approval.** In approving a Planned Development Permit, the review authority may impose any conditions (e.g. the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, etc.) deemed reasonable and necessary to carry out the purposes of this Section and to ensure that the approval will comply with the findings required by Subsection G (Findings), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.
- L. **Coastal Permit required.** A Coastal Permit shall be required for all Planned Development Permits located in the Coastal Zone. Procedures for obtaining a Coastal Permit are identified in Section 9C.72.030 (Coastal Permits).
- M. **Post decision procedures.** The procedures and requirements in Chapters 9C.76 (Appeals) and 9C.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on an application for Planned Development Permit approval.

9.72.080 - Use Permit and Minor Use Permit

- A. **Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on site and surroundings cannot be determined before being proposed for a specific site.
- B. **Applicability.** A Use Permit or Minor Use Permit is required to authorize a proposed land use identified by Article 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit.
- C. **Review authority.**
1. **Use Permit.** A Use Permit shall be approved or disapproved by the Planning Commission.
 2. **Minor Use Permit.** A Minor Use Permit shall be approved or disapproved by the Zoning Administrator, provided that:
 - a. The Zoning Administrator may choose to defer action and refer any Minor Use Permit application to the Planning Commission for hearing and decision; and
 - b. A Minor Use Permit may be issued by the Zoning Administrator only if the proposed project is exempt from CEQA. If the proposed project is not statutorily or categorically

exempt from CEQA, the application shall be referred to the Planning Commission for hearing and decision.

- D. Application filing and processing.** An application for a Use Permit or Minor Use Permit shall be completed, filed, and processed in compliance with Chapter 9C.70 (Permit Application Filing and Processing). The application shall include the information identified in the Department handout for Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F., below.
- E. Project review, notice, and hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Land Use Code.
1. **Use Permit.** The Planning Commission shall conduct a public hearing on an application for a Use Permit before reaching a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9C.74 (Public Hearings).
 2. **Minor Use Permit.** Before a decision on a Minor Use Permit, the City shall provide notice in compliance with Chapter 9C.74 (Public Hearings).
 - a. **Content of public notice.** The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
 - b. **Response to request for hearing.** If a public hearing is requested, the Zoning Administrator shall refer the application to the Planning Commission for a hearing and decision to be conducted in compliance with Chapter 9C.74 (Public Hearings).
 - c. **Decision without hearing.** If no public hearing is requested, the Zoning Administrator shall render a decision on the date specified in the notice described in Subsection E.2, above.
- F. Findings and decision.** The review authority may approve a Use Permit or Minor Use Permit only after first finding all of the following:
1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Land Use Code and the Municipal Code or is a nonconforming use in compliance with subsection 9C.90.020A.1;
 2. The proposed use is consistent with the General Plan, Local Coastal Program, and any applicable specific plan;
 3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and potential future land uses in the vicinity;
 4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
 5. Granting the permit will not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.
- G. Conditions of approval.** In approving a Use Permit or Minor Use Permit, the review authority shall

impose any conditions (e.g., the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, time limits, etc.) deemed reasonable and necessary to carry out the purposes of this Section and ensure that the approval will comply with the findings required by Subsection F. (Findings and decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

- H. **Coastal Permit required.** A Coastal Permit shall be required for all Use Permits located in the Coastal Zone except those specifically excluded from Coastal Permit requirements by Section 9C.72.030 (Coastal Permit).
- I. **Post decision procedures.** The procedures and requirements in Chapters 9C.76 (Appeals) and 9C.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on an application for Use Permit or Minor Use Permit approval.

9.72.090 - Variance

- A. **Purpose.** This Section allows Variances from the development standards of this Land Use Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical conditions, the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.
- B. **Applicability.** A Variance may be granted to waive or modify any requirement of this Land Use Code except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements. Variances shall be granted solely for deviations from the prescriptive standards of development site zoning district (i.e., building height, minimum lot area except for land divisions and lot line adjustments, front, side and rear yard areas, special yards and distances between buildings). Variances shall not be granted for deviation from the requirements for buffer around environmentally sensitive habitat area or for development setbacks from geologically unstable areas, or other procedural provisions or exactions relating to the protection of coastal resources. Nothing in this section substitutes for or obviates the need to secure a coastal permit pursuant to Section 9C.72.030.
- C. **Review authority.** A Variance application shall be approved or disapproved by the appropriate review authority.
- D. **Application filing and processing.** An application for a Variance shall be completed, filed, and processed in compliance with Chapter 9C.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Variance applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F., below.
- E. **Project review, notice, and hearing.** Each application for a Variance shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Land Use Code. The appropriate review authority shall conduct a public hearing on an application for a Variance before a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9C.74 (Public Hearings).
- F. **Findings and decision.** The appropriate review authority may approve a Variance with or without conditions, only after first making all of the following findings, as applicable.
 - 1. **General findings.**

- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Land Use Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;
 - b. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought; and
 - c. The Variance is consistent with the General Plan, Local Coastal Program, and any applicable specific plan.
2. **Findings for off-street parking Variances.** For a nonresidential development project proposing to locate a portion of the required parking at an off-site location, or provide in-lieu fees or facilities instead of the required on-site parking spaces, the appropriate review authority shall first make both of the following findings in compliance with State law (Government Code Section 65906.5), instead of those required by Subsection F.1 above.
- a. The Variance will be an incentive to, and a benefit for, the subject nonresidential development; and
 - b. The Variance will facilitate access to the subject nonresidential development by patrons of public transit facilities.
3. **Finding for reasonable accommodation.** The appropriate review authority may also grant a Variance to the site planning or development standards of this Land Use Code in compliance with this Section, based on the finding that the Variance is necessary to accomplish a reasonable accommodation of the needs of a disabled person in compliance with the Americans with Disabilities Act (ADA).
- G. **Conditions of approval.** In approving a Variance, the appropriate review authority:
- 1. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and
 - 2. May impose any conditions (e.g., the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, etc.) deemed reasonable and necessary to carry out the purposes of this Section and ensure that the approval will comply with the findings required by Subsection F. (Findings and decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.
- H. **Coastal Permit required.** A Coastal Permit shall be required for all Variances in the Coastal Zone except those specifically excluded from Coastal Permit requirements by Section 9C.72.030 (Coastal Permits).
- I. **Post decision procedures.** The procedures and requirements in Chapters 9C.76 (Appeals) and 9C.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on an application for a Variance.

9.72.100 - Zoning Clearance

- A. **Purpose.** Zoning Clearance is the procedure used by the City to verify that a proposed structure or land use complies with the list of activities allowed in the applicable zoning district, and the development standards applicable to the use.
- B. **Applicability.** Where Article 2 (Zoning Districts and Allowable Land Uses) or other provision of this Land Use Code requires a Zoning Clearance as a prerequisite to establishing a land use, the Zoning Clearance shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this Land Use Code for the proposed use.
- C. **Issuance.**
 - 1. The Zoning Administrator shall issue the Zoning Clearance after determining that the request complies with all Land Use Code provisions applicable to the proposed use.
 - 2. An approval may be in the form of a stamp, City staff signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Zoning Administrator.

CHAPTER 9.74 – PUBLIC HEARINGS

Sections:

- 9.74.010 - Purpose of Chapter
- 9.74.020 - Notice of Hearing
- 9.74.030 - Waiver of Public Hearing on Coastal Permit for Minor Development
- 9.74.040 - Notice of Non-Appealable Development
- 9.74.050 - Scheduling of Hearing
- 9.74.060 - Hearing Procedure
- 9.74.070 - Recommendation by Planning Commission
- 9.74.080 - Decision and Notice
- 9.74.090 - Effective Date of Decision

9.74.010 - Purpose of Chapter

This Chapter provides procedures for the public hearings required by this Land Use Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

9.74.020 - Notice of Hearing

When this Land Use Code requires a public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter.

A. Contents of notice. Notice of a public hearing shall include:

1. **Hearing information.** The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;
2. **Project information.** The date of filing of the application and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;
3. **Statement on environmental document.** If a proposed Negative Declaration, Mitigated Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with Chapter 9.78 (Environmental Impact Assessment), the hearing notice shall include a statement that the hearing body will also consider approval of the proposed Negative Declaration, Mitigated Negative Declaration or certification of the final Environmental Impact Report; and
4. **Coastal Zone information.** If the proposed development is within the Coastal Zone, the notice shall also include a statement that the development is within the Coastal Zone.

B. Method of notice distribution. Notice of a public hearing required by this Chapter for a planning permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091).

1. **Mailing.** Notice shall be mailed or delivered at least 10 days before the hearing to the following:
 - a. **Site owners.** The owners of the property being considered in the application, or the owner's agent, and the applicant;
 - b. **Local agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - c. **Nearby property owners.** All owners of real property as shown on the latest County equalized assessment roll, within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Zoning Administrator, be affected by the proposed project;
 - d. **Projects not exempt from CEQA.** For projects not exempt from CEQA, all owners of real property as shown on the latest County equalized assessment roll, within a radius of 500 feet of the exterior boundaries of the parcel that is the subject hearing;
 - e. **Nearby residents.** If the proposed development is within the Coastal Zone, each dwelling unit within 100 feet of the exterior boundaries of the parcel that is the subject of the hearing;
 - f. **Persons requesting notice.** Any person who has filed a written request for notice with the Zoning Administrator and has paid the required fee for the notice; and
 - g. **Coastal Commission.** The Coastal Commission, if the proposed development is within the Coastal Zone.

2. **Additional required notice.** If the notice is mailed as identified in Subsection B.1., above, then the notice shall also either be:
 - a. **Published.** Published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing; or
 - b. **Posted.** Posted by the applicant, at least 10 days before the hearing, on site and along public streets within 100 feet of the subject site's boundaries and in at least three public places in the City, in compliance with the Department's handout on public hearing requirements.

3. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection B.1., above is more than 1,000, the Zoning Administrator may choose to provide the alternative notice allowed by State law (Government Code Section 65091[a][3]), except for developments within the Coastal Zone.

4. **Additional notice.** In addition to the types of notice required above, the Zoning Administrator may provide any additional notice with content or using a distribution method as the Zoning Administrator determines is necessary or desirable.

9.74.030 - Waiver of Public Hearing on Coastal Permit for Minor Development

This Section provides for the waiver of a public hearing on a Coastal Permit for development that is appealable to the Coastal Commission, in compliance with Public Resources Code Section 30624.9. This Section shall not be used to waive the requirement for a public hearing on any other permit required by this Land Use Code to have a

public hearing. A request to waive a public hearing shall be noticed per Subsection 9.74.030 (B) (1) below.

A. Applicability. A public hearing that would otherwise be required before City action on a minor development that is appealable to the Coastal Commission may be waived only for a development which:

1. Is determined to be truly minor by the Zoning Administrator;
2. Is consistent with the certified Local Coastal Program;
3. Requires no discretionary approval other than a Zoning Clearance; or
4. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Minor development shall include a single-family home and additions to a single-family home, and other development determined by the Zoning Administrator to meet the above listed criteria.

B. Criteria for waiver. A public hearing may be waived for minor development if both of the following occur:

1. Notice that a public hearing shall be held upon request by any person is provided by the City to all persons who would otherwise be required to be notified of a public hearing by Section 9.74.020.B (Method of Notice Distribution), as well as any other persons known to be interested in receiving notice; and
2. No request for public hearing is received by the City within 15 working days from the date of the City sending the notice.

C. Content of notice. The notice shall contain all information required by Section 9.74.020.A (Contents of Notice), and shall also provide a statement that failure by a person to submit a written request for a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a planning permit application.

9.74.040 - Notice of Non-Appealable Development

The California Code of Regulations, Title 14, Section 13568b, requires that all development within the Coastal Zone (except that which is categorically excluded) shall receive public notice regardless of whether this Land Use Code requires a public hearing before the development can be approved or disapproved. Public notice requirements for projects requiring a public hearing are provided in Section 9.74.020 (Notice of Hearing). This Section provides notice requirements for projects which are not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603, and which are not categorically excluded.

A. Distribution of notice. Within 10 days of accepting a planning permit application for a non-appealable development, or at least 10 days before the City's decision on the application, the City shall provide notice, by first-class mail, of the pending development application, to:

1. All persons who have requested to be on the mailing list for the particular project or for decisions by the City within the Coastal Zone;
2. All owners of real property as shown on the latest County equalized assessment roll, and residents, within a radius of 100 feet of the exterior boundaries of the parcel involved in the application; and
3. The Coastal Commission.

- B. Content of notice.** The notice shall contain the information required for public notices by Section 9.74.020.A (Contents of Notice), and the following:
1. The date the application will be acted upon by the City's review authority;
 2. The City's general procedure concerning the submission of public comments either in writing or orally before the decision is rendered; and
 3. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.

9.74.050 - Scheduling of Hearing

A. After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment) and a Department staff report, a matter requiring a public hearing shall be scheduled on the next available Zoning Administrator, Historic and Design Review Commission, Planning Commission, or Council agenda (as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

B. New permit applications which are, in the opinion of the Director, de minimis with respect to the purposes and objectives of the adopted Local Coastal Program and which do not involve appealable development, may be scheduled for one public Planning Commission hearing during which all such items will be taken up as a single matter, which shall be known as the consent calendar, pursuant to the following criteria:

1. Applications shall be processed pursuant to applicable regulations including any preparation of staff reports and the recommendation of findings and/or conditions. Where an item is approved as a part of the consent calendar, any such recommendations shall also be deemed approved.
2. The public shall have the right to present any testimony or evidence regarding any item on the consent calendar. Any person may request that a consent calendar item be removed and heard as a separate item subject to their submittal of a brief statement of reasons for the request. The Commission shall, upon a majority vote in favor of the request, set a continued hearing time for the subject item.
3. For the purposes of this section a proposed development is de minimis if it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the City's certified local coastal program.

C. All permit applications involving appealable development and other permit applications not so determined to be de minimis shall be heard as a separate hearing item.

9.74.055 Consolidated coastal development permit applications.

A. Notwithstanding Public Resources Code Section 30519, the Coastal Commission may process and act upon a consolidated Coastal Permit / Coastal Development Permit application if both of the following criteria are satisfied.

1. A proposed project requires a coastal development permit authorization from both the City and the Coastal Commission.
2. The applicant, the City, and the Coastal Commission, which may agree through its

Executive Director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

- B. The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision A shall follow Chapter 3 of the California Coastal Act (commencing with Public Resources Code Section 30200), with the City's local coastal program used as guidance.
- C. The application fee for consolidated coastal development permit shall be determined by reference to the Coastal Commission's permit fee schedule.

9.74.060 - Hearing Procedure

- A. **Time and place of hearing.** A public hearing shall be held at the date, time, and place for which notice was given.
- B. **Continuance.** A hearing may be continued without further notice; provided, the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing. If a decision on a development permit is continued by the Planning Commission or City Council to a time which is neither: (1) previously stated in the notice provided pursuant to Section 9.74.020; nor (2) announced at the hearing as being continued to a time certain, the City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 9.74.020.
- C. **Deferral of final action.** For any matter being considered at a hearing in compliance with this Land Use Code, a hearing body may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

9.74.070 - Recommendation by Planning Commission

- A. **Written recommendation required.** At the conclusion of a public hearing on a proposed amendment to the General Plan/Local Coastal Plan, this Land Use Code, the Zoning Map, a provision of the certified Local Coastal Program, a development agreement, or a specific plan, the Planning Commission shall forward a written recommendation, including all findings on which the decision was based, to the Council for final action.
- B. **Mailing of recommendation.** Following the hearing, a copy of the Planning Commission's recommendation shall be mailed to the applicant at the address shown on the application.

9.74.080 - Decision and Notice

- A. **Decision.** The review authority may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 9.74.060 (Hearing Procedure). At the conclusion of a hearing conducted by the Zoning Administrator, the Zoning Administrator may instead refer the matter to the Planning Commission for a final determination.
- ~~B. **Council decision is final.** The decision of the Council on any matter except a Local Coastal Program amendment (see Section 9.92.070) shall be final.~~
- B. **Permit Streamlining Act Conformance.** The City shall approve or disapprove a development project within the applicable time limits specified in California Government Code section 65950 through 65952. In the event that the city fails to act to approve or disapprove a development project within the time limits required above, the applicant or his or her representative may seek

remedy to resolve the undecided permit request as set forth in California Government Code section 65956.

C. Failure to act - notice.

1. Notification by Applicant. If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the City and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

2. Notification by City. When the City determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the City shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Chapter 9.76. This Section shall apply equally to a City determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

D. Notice of decision. Within seven calendar days of the City's action on a Coastal Permit, the Director shall transmit a notice of final action containing the information enumerated in Section 9C.74.020 to the Coastal Commission informing them of such action. The notice of decision shall contain all findings on which the decision was based, any conditions of approval, and any reporting and/or monitoring requirements required to mitigate identified impacts and protect the public convenience, health, interest, safety, or general welfare. Following the hearing and decision, the applicant shall be provided the notice of decision.

9.74.090 - Effective Date of Decision

A decision of the Zoning Administrator, Historic and Design Review Commission, or Planning Commission in compliance with Chapter 9.72 (Permit Approval or Disapproval) is final and effective on the 11th day following the decision unless an appeal is filed in compliance with Chapter 9.76 (Appeals). The effective date of a Coastal Permit shall be ten working days after receipt of a valid notice of the permit decision by the Executive Director of the Coastal Commission and/or when all local rights of appeal have been exhausted, whichever is the later.

CHAPTER 9.76 - APPEALS

Sections:

- 9.76.010 - Purpose of Chapter
- 9.76.020 - Appeal Subjects and Jurisdiction
- 9.76.030 - Filing and Processing of Appeals
- 9.76.040 - Appeals to the Coastal Commission

9.76.010 - Purpose of Chapter

This Chapter establishes procedures for the appeal and review of determinations and decisions of the Flood Plain Administrator, Zoning Administrator, Historic and Design Review Commission, or Planning Commission.

9.76.020 - Appeal Subjects and Jurisdiction

A. Land Use Code administration and interpretation. The following determinations and actions of the Zoning Administrator and Department staff may be appealed to the Planning Commission and then to the Council:

1. A determination on the meaning or applicability of these regulations that are believed to be in error, and cannot be resolved with Department staff;
2. A determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and
3. An enforcement action in compliance with Chapter 9.96 (Enforcement and Penalties).

B. Planning permit and hearing decisions.

1. **Director.** A determination, interpretation, or decision of the Director under the provisions of this Land Use Code may be appealed to the Planning Commission.
2. **Flood Plain Administrator.** A determination, interpretation, or decision by the Flood Plain Administrator in compliance with Chapter 9.60 (Flood Hazard Mitigation Standards), may be appealed to the Planning Commission.
3. **Zoning Administrator.** A determination, interpretation, or decision by the Zoning Administrator may be appealed to the Planning Commission.
4. **Historic and Design Review Commission.** A decision of the Historic and Design Review Commission may be appealed to the Planning Commission and/or Council per Table 7-1 (Review Authority).
5. **Planning Commission.** A decision of the Planning Commission may be appealed to the Council.

9.76.030 - Filing and Processing of Appeals

- A. Eligibility.** Appeals to, and reviews of decisions made in compliance with this Land Use Code may be initiated by the following individuals and bodies.
1. **Aggrieved persons.** An appeal may be filed by an aggrieved person, as defined in Section 7.69.040.A, except that in the case of a decision on a Minor Use Permit, Use Permit, Variance, and/or other Planning Commission decision that followed a public hearing. An appeal may only be filed by an aggrieved person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.
 2. **Commission review.** The Planning Commission may choose to review a determination by the Director or Flood Plain Administrator, or a decision by the Zoning Administrator or Historic and Design Review Commission.
 - a. A member of the Planning Commission may request the opportunity to discuss any decision previously rendered; however, a majority vote of the Planning Commission is required to initiate an appeal of the decision.
 - b. Upon a majority vote by the Planning Commission to initiate an appeal, the Director shall schedule the matter for hearing.
 3. **Council review.** The Council may choose to review a determination by the Director or Flood Plain Administrator, or a decision by the Zoning Administrator, Historic and Design Review Commission, or Planning Commission.
 - a. A member of the Council may request the opportunity to discuss any decision previously rendered; however, a majority vote of the Council is required to initiate an appeal of the decision.
 - b. Upon a majority vote by the Council to initiate an appeal, the City Clerk shall schedule the matter for hearing.
 - c. Except for a decision on development within the Coastal Zone (see Section 9.76.040, below), the decision of the Council on an appeal shall be final and shall become effective upon adoption of the resolution by the Council.
- B. Timing and form of appeal.** An appeal shall be in writing and shall specifically state the pertinent facts and the basis for the appeal.
1. **General appeals.** An appeal shall be filed with the Department or City Clerk, as applicable, within 10 business days of the actual date of the final decision. Appeals addressed to the Planning Commission shall be filed with the Department; appeals addressed to the Council shall be filed with the City Clerk. An appeal shall be accompanied by the required filing fee identified in the City's Fee Schedule.

2. **Appeal by Coastal Commissioners.** An appeal to a City decision on an appealable development within the Coastal Zone by two Coastal Commissioners shall be filed within 10 business days of the North Coast office of the Coastal Commission receiving the notice of final City action required by Section 9.79.030 (Final City Action on Planning Permit in the Coastal Zone).
- C. **Scope of planning permit appeals.** An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.
- D. **Report and scheduling of hearing.** When an appeal has been filed, the Director shall prepare a report on the appeal, and schedule the appeal for a public hearing by the appropriate review authority identified in Section 9.76.020, above. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.74 (Public Hearings).
- E. **Decision.**
1. At a hearing on an appeal, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
 2. The review authority may:
 - a. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non-compliance of the subject of the appeal with this Land Use Code;
 - b. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or
 - c. Disapprove the planning permit approved by the previous review authority.
 3. If new or different evidence is presented on appeal, the Planning Commission or Council may refer the matter to any applicable review authority for further consideration.
 4. Within seven (7) calendar days of a local government completing its review and meeting the requirements of Section 9.74.090, the local government shall notify by first class mail the Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission. This section shall not apply to developments categorically excluded pursuant to Section 9.72.030.C.2.
- F. **Effective date of appeal decision.**
1. **Planning Commission decision.** A decision by the Planning Commission is effective on the 11th business day after the decision, when no appeal to the decision has been filed with the Council. Except in the case of a development that is appealable to the Coastal Commission in compliance with Section 9.76.040 (Appeals to the Coastal Commission), a local

government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless either of the following occur:

(a) an appeal is filed in accordance with Section 9.76.030:

(b) the notice of final local government action does not meet the requirements of Section 9.74.080.D :

When either of the above circumstances occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

2. **Council decision.** A decision by the Council is effective on the date of the decision, except in the case of a development that is appealable to the Coastal Commission in compliance with Section 9.76.040 (Appeals to the Coastal Commission). A local government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless either of the following occur:

(a) an appeal is filed in accordance with Section 9.76.030:

(b) the notice of final local government action does not meet the requirements of Section 9.74.080.D :

When either of the above circumstances occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

- G. **Notice of final action on appeals within the Coastal Zone.** Where an appeal has been filed and decided on a project that is appealable to the Coastal Commission in compliance with Section 9.76.040 (Appeals to the Coastal Commission), the City shall provide a Notice of Final Action.
- H. **Withdrawal of an appeal of a Planning Commission decision.** After filing, an appeal of a Planning Commission decision shall not be withdrawn except with the consent of the Council.

9.76.040 - Appeals to the Coastal Commission

Decisions by the Flood Plain Administrator, Zoning Administrator, Planning Commission, and Council on developments within the Coastal Zone may be appealed to the California Coastal Commission in compliance with this Section.

A. Status of appellant:

1. **Who may appeal.** An appeal may be filed by an applicant, any aggrieved person, or two members of the Coastal Commission in compliance with Public Resources Code Section 30625.
2. **Aggrieved person defined - Public Resources Code Section 30801.** Anyone who, in person or through an explicitly identified representative who appeared at a public hearing before the Zoning Administrator, Planning Commission, or Council in connection with the decision or appeal of any development, or who by other appropriate means before a hearing, informed the City of the nature of his or her concerns, unless for good cause was unable to do either.

- B. **Exhaustion of City appeals required.** An applicant or aggrieved party may appeal a City decision on a planning permit to the Coastal Commission only after all appeals to the Planning Commission and Council have been exhausted in compliance with this Chapter. ~~This limitation shall not apply to any circumstance identified in California Code of Regulations Section 13573, including:~~

- ~~1. An appellant was denied the right of appeal under this Chapter because City notice and hearing procedures did not comply with Title 14, Division 5.5, Chapter 8, Subchapter 2 of the California Code of Regulations; or~~

An appellant shall be deemed to have exhausted local appeals for purposes of this section and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body (bodies) identified in Section 9.76.020.B as required by the City appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

1. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the Coastal Land Use Code.
2. An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.
3. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.
4. The City charges an appeal fee for the filing or processing of appeals.

~~2.~~ An appeal of a City decision by two members of the Coastal Commission, in compliance with Public Resources Code Section 30625, shall be transmitted to the Council in compliance with California Code of Regulations Section 13573(b). The appeal shall be suspended where the City decision has been appealed to the Council. If the Council modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal of that decision.

- C. **Appealable development - Public Resources Code Section 30603(a).** A decision by the City on a permit application for any of the following projects may be appealed to the Coastal Commission:

1. **Between the sea and the first public road.** ~~Developments~~ Approval of developments located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance (refer to Post Certification Map);
2. ~~Public trust lands, submerged lands, or tidelands~~ Within 100 feet of estuary, stream, or wetland. ~~Developments located on public trust lands, submerged lands, tidelands, or~~ Approval of developments within 100 feet of any estuary, stream, or wetland (refer to Post Certification Map);
3. **Public works/energy facility.** ~~Any development~~ Approval or denial of development that constitutes a major public works project or energy facility; and
4. **Sensitive coastal resource area.** ~~Development~~ Approval of development not included with Subsections (1) or (2) that is located within sensitive coastal resource areas as defined in Public Resource Code Section 30116 if such sensitive coastal resource areas are designated by the City and certified by the Commission by way of a Local Coastal Program amendment.

- D. **Grounds for appeal to Coastal Commission - Public Resources Code Section 30603.** The grounds for an appeal to the Coastal Commission of a City decision are as follows:

1. For approval of development as described in Subsection C. above, an allegation that the development does not conform to the standards of the City's certified Local Coastal Program or the public access policies of the Coastal Act; or
 2. For disapproval of development described in C.3 above, an allegation that the development conforms to the standards of the City's certified Local Coastal Program and the public access policies of the Coastal Act.
- E. Time for appeal to Coastal Commission.** An appeal of a Council decision on an appealable development shall be filed with the Coastal Commission within 10 working days of the receipt by the Coastal Commission of adequate notice of final City action, in compliance with this Chapter and the Coastal Act.
- F. Notice to City of appeal to Coastal Commission.** An appellant shall notify the City when appealing to the Coastal Commission by providing the City a copy of the information required in California Code of Regulations Section 13111.

CHAPTER 9.78 - ENVIRONMENTAL IMPACT ASSESSMENT

Sections:

- 9.78.010 - Purpose of Chapter
- 9.78.020 - Authority
- 9.78.030 - Guiding Principles
- 9.78.040 - Applicability
- 9.78.050 - Preparation of Environmental Documents
- 9.78.060 - Exemptions from CEQA
- 9.78.070 - Fees
- 9.78.080 - Appeals
- 9.78.090 - Public Hearings
- 9.78.100 - Time Limits
- 9.78.110 - Review and Determination Procedures
- 9.78.120 - Negative Declaration
- 9.78.130 - Draft Environmental Impact Report
- 9.78.140 - Final Environmental Impact Report
- 9.78.150 - Standards of Adequacy
- 9.78.160 - Content of Environmental Impact Report
- 9.78.170 - Findings
- 9.78.180 - Notice of Determination

9.78.010 - Purpose of Chapter

This Chapter implements the requirements of the California Environmental Quality Act (CEQA) by providing the City, as lead agency, with criteria, objectives, principles, and procedures for applying the requirements of CEQA to proposed projects, including the application of Statutory and Categorical Exemptions and the preparation and processing of Negative Declarations, Mitigated Negative Declarations, Environmental Impact Reports (EIR), and other environmental review documents for projects that are subject to CEQA. The basic purposes of CEQA, and the provisions of this Chapter are to:

- A. Inform government decision makers and the public about the potential environmental effects of proposed activities;
- B. Identify ways that potential environmental damage may be avoided or significantly reduced;
- C. Prevent significant, avoidable environmental impacts by requiring changes in projects, either by the adoption of alternatives or the imposition of mitigation measures; and
- D. Disclose to the public why a project was approved if that project could cause significant environmental effects.

9.78.020 - Authority

These guidelines are adopted by the City to implement Public Resources Code Section 21082, hereinafter referred to as the California Environmental Quality Act of 1970, or "CEQA."

9.78.030 - Guiding Principles

The following principles shall serve as a guide for all applications submitted to the City for review and approval

and determined to be projects under CEQA:

- A. **Timing of review.** Environmental considerations shall be dealt with at the earliest point possible by emphasizing the use of an initial study, or a scoping session. Any potentially adverse effects that are properly mitigated through re-design may preclude more extensive environmental review.
- B. **Extent of review.** The least extensive environmental review consistent with the purpose of this Chapter shall be utilized (e.g., an Environmental Impact Report would not be required if a Negative Declaration can legitimately be prepared). In this way, sufficient environmental protection would be afforded while minimizing costs and the project review period.
- C. **Consistency.** An examination of whether the project is consistent with existing zoning, plans, and other applicable land use controls shall be performed (CEQA Guidelines, Section 15063(d)(5)).
- D. **Mitigation measures.** The primary goal of the environmental review process shall be to incorporate mitigation measures in the project proposal to be considered by the review authority where necessary and appropriate to reduce the potential for significant environmental impacts.
- E. **Mitigation monitoring.** Where mitigation of environmental impacts is required, the mitigation measures shall be monitored over time to ensure that the steps taken are adequate to achieve the intended purpose. An applicant for a project for which mitigation monitoring is required shall be responsible for all costs associated with both the monitoring program and the implementation or any remedial measures should they become necessary in the event that a mitigation measure fails to achieve its intended purpose.
- F. **Historical resources.** Project reviews shall comply with Section 15064.5 of the CEQA Guidelines and/or comply with Subsection 9.53.040 (D) (2) of this Land Use Code when an action which has the potential to adversely affect a historical resource is pending during the project review period.

9.78.040 - Applicability

These guidelines are intended to augment CEQA and the guidelines for implementation of CEQA (California Code of Regulations Title 14, Section 15000 et. seq.) This Chapter is not intended to replace CEQA, and full compliance with CEQA is required regardless of the provisions of this Chapter.

- A. **City actions.** These guidelines shall apply to all City actions in the implementation of CEQA.
- B. **Conflicting provisions.** In the event of any conflict between the provisions of this Chapter, and CEQA or the State CEQA Guidelines, CEQA and the State CEQA Guidelines shall prevail.
- C. **Reference to Negative Declaration.** A reference to a Negative Declaration in this Chapter shall implicitly include a Mitigated Negative Declaration, as applicable.

9.78.050 - Preparation of Environmental Documents

The City, when it has the principal responsibility for project approval or implementation, shall prepare project environmental documents either directly or by contract as determined by Council protocols.

- A. **Initial study required.** The City shall require the project sponsors to supply an initial study, using a City approved form, to determine whether the project may have a significant effect on the environment and to assist in the preparation of the appropriate CEQA document. Should it become evident that an EIR must be prepared for the project, the initial study requirement may be waived.

- B. **Independent judgment required.** All environmental documents distributed for public review shall be reviewed by the Environmental Coordinator and shall reflect the independent judgment of the City as lead agency.
- C. **Noticing of document availability required.** The public shall be notified of the availability of all environmental documents, including Notice of Exemption, prepared for public review, by the Environmental Coordinator. Noticing can be achieved through detailed agendas for the various review authorities.

9.78.060 - Exemptions from CEQA

- A. **Exemption from CEQA.** An exemption from CEQA shall apply to a project if it is exempt by statute, categorical exemption, general rule, or by rejection or disapproval of the project (CEQA Guidelines Section 15061). This includes the determination by the City that the project is exempt under the general rule that CEQA applies only to projects that will have the potential for causing a significant effect on the environment (Section 15061 [b] [3]). Unlike statutory exemptions, categorical exemptions are not absolute. There are exceptions to the exemptions as listed in Section 15300.2 of the CEQA Guidelines. The existence of the exception requires the project to go through the CEQA process regardless of the fact that the project otherwise meets the criteria of a categorical exemption.
- B. **Ministerial projects.** Ministerial projects are statutorily exempt from CEQA review as opposed to discretionary projects which require some sort of judgment to be used by the review authority. The term "ministerial project" shall be applied as it is used in the CEQA Guidelines (see Section 15268), except that certain projects, reviewable by the Environmental Coordinator without a public hearing, shall be considered ministerial. These include the following, except when a project involves a parcel with an average slope greater than 20 percent, or a discretionary review process is already involved:
 1. Code interpretations;
 2. Determination of ESHA and EBA boundaries and wetland setbacks;
 3. Determination of parking requirements;
 4. Determination of zoning district boundaries;
 5. Extension requests;
 6. Modification of off-street loading requirements;
 7. Sidewalk non-compliance;
 8. Vision clearance waivers; and
 9. Tree removals for 4 or fewer trees in accordance with Subsection 9.58.020 (B) (2) (a) (1) of this Land Use Code, except for Landmark Trees.

9.78.070 - Fees

Fees to recover the estimated cost for the preparation and/or processing, and reproduction of Negative Declarations, notices, related environmental documents, and other essential administrative costs shall be payable to the City in the amounts and at the times identified by the City's Fee Schedule. The cost of an EIR shall be deposited with the City in compliance with the applicable City's Fee Schedule.

9.78.080 - Appeals

- A. **Filing of appeal.** Any person may appeal the final decision of any City official, agency, board, or commission rendered in compliance with California Environmental Quality Act, the CEQA Guidelines, or these guidelines. The appeal shall be made, in writing, within 10 days of the date the final decision was rendered, in compliance with Chapter 9.76 (Appeals).
- B. **Additional notice.** In addition to the notice provisions identified in Chapter 9.74 (Public Hearings), the City Clerk shall give notice of the appeal to the project applicant, if the project applicant is not the appellant, and to any organizations or individuals previously requesting the notice in writing.

9.78.090 - Public Hearings

- A. **Public hearing on draft document may be scheduled.**
 - 1. A public hearing on the draft environmental document may be scheduled if the Environmental Coordinator, Planning Commission, or Council determines that the magnitude of the project, the complexity of the environmental issues, or the degree of public interest or controversy indicate that a public hearing is appropriate to facilitate the goals and purposes of CEQA and these guidelines.
 - 2. If the Environmental Coordinator, Planning Commission, or Council does so choose to hold a public hearing, the hearing shall take place during the public review period. Public Hearings for Draft EIRs are further described in Section 9.78.130 D., below.
- B. **Public hearing for adoption or certification.** A public hearing may be required for adoption of the Negative Declaration or certification of the final EIR. If a public hearing on a Negative Declaration or a draft EIR is otherwise required by this Chapter, State law, Planning Commission, or Council discretionary decision, the hearing may be held in conjunction with the hearing on the project application.

9.78.100 - Time Limits

- A. **Negative Declarations and EIRs.** The City shall complete and approve a Negative Declaration in not more than 180 days; and complete and certify an EIR in not more than 12 months.
- B. **Measurement of time limits.** The time limits required by Subsection A. shall be measured from the date on which an application for project approval is accepted as complete by the City, in compliance with Section 9.70.060 (Initial Application Review). The time limits may be waived when the project would require compliance with both CEQA and the National Environmental Policy Act (NEPA), or the applicant has requested or consented to a waiver of the time limits.
- C. **Applicant failure to notify City.** Failure of an applicant to notify the City in writing of the current status of the project and/or failure to pay the administrative cost of starting the EIR within 20 days of the final decision to prepare the EIR, shall automatically terminate any further City consideration of the project.

9.78.110 - Review and Determination Procedures

- A. **Application content and completeness.** Each application shall contain sufficient information to allow for a determination whether environmental review is required and, if so, the type of environmental document to be prepared. An application shall not be deemed to be complete without this information.
- B. **Indemnification and Hold Harmless Agreement.** The Environmental Coordinator may require an applicant for a project requiring environmental review to hold the City, its officers, employees and agents, free and harmless from any claim, action or proceeding attacking or seeking to set aside the approval of

an applicant's project.

- C. **Preliminary determination.** Upon receipt by the lead City Department of an application for project approval, or a proposal for a public project, a copy of the application or proposal shall be forwarded to the City's Environmental Coordinator. The Environmental Coordinator shall make a preliminary determination and report the determination to the lead City Department and the applicant or applicant's representative.
- D. **Categorical exemption projects.**
1. Certain projects have no substantial environmental impact by their very nature, generally because of the size or type of activity.
 2. These projects, as identified by the State Resources Agency, shall be categorically exempt from further provisions of this Chapter.
 3. The list of categorical exemptions is published by the State Resources Agency and amended from time to time.
 4. In the event that the State no longer publishes a list, a similar list shall be adopted by the Council.
 5. A Notice of Exemption if required by the City, shall include a statement that the subject project is categorically exempt (PRC Section 21152), shall be noticed and filed with the County Recorders Office (14 CCR Section 15061d) after project approval.
- E. **Initial study and determination.**
1. **Detailed project description and initial study.** Along with the formal application the applicant shall submit a detailed project description and an initial study evaluating the project's potential environmental significance. At this time any potential adverse environmental impacts should be identified. The initial study requirement may be waived for EIRs.
 2. **Contents of initial study.**
 - a. The initial study shall consist of a checklist and any other materials which may be necessary to determine what level of environmental reporting would be required (e.g., Negative Declaration or an EIR).
 - b. The initial study may also be used to determine suggested modifications to the project which, if incorporated into the project design, may reduce the level of environmental reporting required.
 - c. Information in the initial study that may also help determine whether a mitigation monitoring program would be necessary.
- F. **Submission of data.** The Environmental Coordinator may require the applicant to revise the initial study or supply additional data and information necessary for making an environmental determination. The data and information shall be submitted in any format approved by the Environmental Coordinator and may be included, in whole or in part, within any report or determination.
- G. **Determination.**
1. If the initial study or other information discloses potential adverse effects of the proposed project, the applicant may submit proposed changes in the project to mitigate the potentially adverse

impacts to a less than significant level.

2. If this information shows that impacts can be avoided, or reduced to a less than significant level, the Environmental Coordinator may then determine that the project will not have a significant impact and proceed with preparation of a Negative Declaration in compliance with Section 9.78.120 (Negative Declaration), below.
3. Preparation of a Negative Declaration may serve as the written determination and will be publicly noticed.
4. The determination shall be completed within 45 days after accepting a complete application.
5. If the submitted information is not considered sufficient to avoid potentially significant impacts, then an EIR shall be prepared in compliance with Section 9.78.130 (Draft EIR), below.

9.78.120 - Negative Declaration

In this Chapter, references to Negative Declarations shall implicitly include Mitigated Negative Declarations, as applicable.

A. Notice of intention.

1. **Notice required.** If the Environmental Coordinator determines that a Negative Declaration shall be proposed, a notice of intent to adopt the Negative Declaration shall appear in the legal advertisement section of a newspaper of general circulation at least 21 days before either the public hearing on the project, if a hearing is required, or project approval, if no hearing is required.
2. **Whom shall receive notice.** In addition to a legal advertisement in the newspaper, notice shall be given to the County Clerk and all responsible agencies in compliance with Section 15072 of the CEQA Guidelines and to other public agencies having jurisdiction. Additionally, notice may be given to persons having special expertise as provided by the CEQA Guidelines. The notice shall be given at least 21 days before the adoption of the Negative Declaration.
3. **30-day review period.** The public review period shall be 30 days for projects where a Negative Declaration is prepared and circulated to the State Clearinghouse. In these cases the notice shall be provided to the County Clerk at least 30 days before the public hearing or decision on the project.
4. **Appeal of decision.** The decision to file a Negative Declaration may be appealed by any interested party in compliance with Chapter 9.76 (Appeals). In cases where project modification would make the environmental effect insignificant, a provisional Negative Declaration may be issued based upon project modification as required to reduce the environmental effects. The Negative Declaration processing fee shall be identified in the City's Fee Schedule.

B. Contents. All Negative Declarations prepared by or for the City shall contain the following information:

1. A complete project description;
2. A location map for the project, including the address;
3. A proposed finding that the project will not have a significant effect on the environment;
4. The Initial Study which supports the above finding;

5. Mitigation measures, if any, to avoid potentially significant effects. The applicant shall agree in writing to the mitigation measures identified; and
 6. Where a project involves a site that the Department of Toxic Substances Control and the Secretary for Environmental Protection have identified as being affected by hazardous wastes or cleanup problems, in compliance with State law (Government Code Section 65962.5), the Negative Declaration shall make that fact clear.
- C. Changes before public review.** Changes in the project description which are designed to mitigate significant environmental effects to a level of insignificance shall be completed before the draft Negative Declaration is released for public review, as required by Section 15070 (b)(1) of the CEQA Guidelines. New or additional mitigation measures developed to clearly avoid or mitigate significant environmental impacts, and any applicable monitoring program, shall be agreed to by the applicant before the release and public review of the draft Negative Declaration.
- D. Required findings.** In adopting a Negative Declaration, the review authority shall determine that the project would not have a significant adverse effect on the environment, consistent with CEQA Guidelines Section 15065, and make findings that the project will not:
1. Substantially degrade environmental quality;
 2. Substantially reduce fish or wildlife habitat;
 3. Cause a fish or wildlife habitat to fall below self-sustaining levels;
 4. Threaten to eliminate a plant or animal community;
 5. Reduce the numbers or range of a rare, threatened, or endangered species;
 6. Eliminate important examples of the major periods of California history or pre-history;
 7. Achieve short term goals to the disadvantage of long term goals;
 8. Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects; and
 9. Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings.
- E. Hearing and adoption.**
1. **Action on Negative Declaration.** Before making a determination on a project, the review authority shall conduct a public hearing to consider the Negative Declaration. The review authority shall either adopt the Negative Declaration, or return it to City staff for further study. The applicant shall address any adverse impacts identified by the review authority and may revise the project to alleviate these impacts. Any revisions to a Negative Declaration shall be conducted in compliance with Section 15073.5 and 15074.1 of the CEQA Guidelines.
 2. **Switching from a Negative Declaration to an EIR.** If the review authority finds that there is substantial evidence, in light of the whole record, that the project, even if revised, may have a significant effect on the environment which cannot be mitigated or avoided, they shall require the applicant to prepare an EIR for the subject project.

- F. **Notice of Determination.** Following adoption of the Negative Declaration, it shall be signed by the Environmental Coordinator. A Notice of Determination shall be filed with the County Clerk and with the Secretary for Resources, if required by the CEQA Guidelines (see Public Resources Code Sections 21152 [a] and 21152.1). Where fees are required to be paid at the time of filing, the Environmental Coordinator shall specify the manner in which those fees are to be handled.

9.78.130 - Draft Environmental Impact Report

- A. **Notice of Preparation.** Immediately after determining that an EIR is required for a project, the Environmental Coordinator shall send a Notice of Preparation (NOP) to each responsible agency by certified mail and to the State Clearinghouse, stating that an EIR is being prepared.

B. **Preparation and adequacy.**

1. **Preparation of draft EIR.**

- a. When an EIR is required, the Environmental Coordinator shall determine if the EIR shall be prepared by staff or consultant under contract to the City, per CEQA Guidelines Section 15084a.
- b. If the EIR is to be prepared by a consultant, the City shall request EIR proposals under established criteria and select a qualified consultant from respondents, other than the applicant.
- c. The City retains the right to hire separate consultants for review of the draft documents.
- d. The applicant shall enter into a contract with the City for all EIR preparation costs.

2. **Deposit of EIR costs required.** The applicant shall deposit with the City EIR contract costs and administrative costs in compliance with the City's Fee Schedule.

3. **Compliance with CEQA.** The consultant's contract shall specify that the EIR shall be prepared to comply with CEQA, the CEQA Guidelines, this Chapter and as determined by the City.

4. **Information submitted by applicant.** Information submitted by the applicant, after independent analysis, may be included, in whole or in part, within the draft EIR.

5. **Preparation of EIR for public project.** The City may prepare the draft EIR, in whole or in part, for public projects.

6. **Administrative review.** The Environmental Coordinator shall review an administrative draft EIR and either determine that it is adequate and authorize preparation of the draft EIR, or determine that the administrative draft EIR is inadequate and return it to the preparer for further analysis.

C. **Distribution and review.**

1. **Public review of draft EIR.**

- a. Public participation is an essential part of CEQA, in compliance with CEQA Guidelines Section 15201.

- b. The City shall provide at least 30 days for public review of the draft EIR.
 - c. A draft EIR sent to the State Clearinghouse shall include a Notice of Completion, which specifies public review period dates consistent with Clearinghouse requirements for State agency review in compliance with CEQA Guidelines Section 15085.
 - d. The time for review shall commence the day copies of the draft EIR are received by the Clearinghouse.
2. **Public notice.** Public notice of the review period shall be given in compliance with Public Resources Code Section 21092. The public notice shall be published in a newspaper of general circulation, and posted in the County Clerk's office for 30 days.
 3. **Access to draft EIR.** Copies of the draft EIR may be purchased from the City Clerk and/or from a local copy shop for the cost of duplication. An electronic version may also be available from the City.
 4. **Notice of Availability.** The Notice of Availability shall be filed with the County Clerk, all responsible and trustee agencies, and distributed to any person or organization requesting a copy, or who previously requested a copy.
- D. **Hearing.** During the public review period, the review authority may hold a public hearing to accept written and oral comments on the draft EIR.

9.78.140 - Final Environmental Impact Report

- A. **Preparation.** Upon completion of the public review period, the Environmental Coordinator shall collect all comments on the draft EIR and provide them to the City's consultant or City staff. Those comments and appropriate responses shall be included in the final EIR.
- B. **Review.**
 1. **Administrative review.** If requested by the Environmental Coordinator, the City's consultant or City staff shall submit for review an administrative draft of the final EIR. The Environmental Coordinator shall either determine that it is adequate and authorize preparation of the final EIR, or determine that it is inadequate and return it to the preparer for further analysis.
 2. **Copies of final EIR.** Copies of the final EIR shall be placed in the City Clerk's office, public library, and in locations designated by the Environmental Coordinator.
 3. **Access to final EIR.** Copies of the final EIR may be purchased from the City Clerk and/or from a local copy shop for the cost of duplication. An electronic version may also be available from the City.
- C. **Certification.** The review authority shall consider and review the final EIR before taking any action on the subject project and shall:
 1. **Certify compliance with CEQA.** Certify that the final EIR has been prepared in compliance with CEQA and this Chapter, that it has been reviewed and considered by the review authority; and that it represents the City's independent judgment and analysis; or
 2. **Determine the final EIR to be inadequate.** Determine that the final EIR is inadequate, and

return it to the City's consultant or City staff for further processing.

9.78.150 - Standards of Adequacy

A. Sufficient degree of analysis.

1. An EIR should be prepared with a sufficient degree of analysis to provide the decision makers with information which enables them to make a decision which intelligently takes into account all potential environmental consequences.
2. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.
3. Disagreement among experts does not make an EIR inadequate.
4. The courts have looked not for perfection but for adequacy, completeness, and good faith effort at full disclosure.

B. Responsibility for adequacy. The draft and final EIRs shall reflect the City's independent judgment in compliance with CEQA Guidelines Section 15084.

9.78.160 - Content of Environmental Impact Report

A. Mandatory topics. All EIRs prepared by or for the City shall include discussion of the following topics as required by CEQA Guidelines Sections 15122 through 15132:

1. Table of contents or index;
2. Summary of discussion contained in the draft EIR;
3. Project description;
4. Environmental setting;
5. Significant environmental effects of the project (including direct, indirect, short-term, cumulative, and unavoidable impacts);
6. Areas of known controversy;
7. Alternatives to the proposed project, including the No-Project Alternative, and identification of the environmentally superior alternative;
8. Mitigation measures for the identified significant environmental effects;
9. Growth-inducing impacts; and
10. Significant irreversible changes due to the proposed project (required only for EIRs on plans, policies, ordinances, Local Agency Formation Commission Actions, and EIR/EISs).

B. Data from other reports. In preparation of the report, data and conclusions may be drawn from other reports accepted by the City which may be referenced.

C. Most critical impacts. The EIR shall address all potential environmental impacts, but concentrate on

potential impacts with the greatest adverse effects.

9.78.170 - Findings

- A. Reviewed and considered the EIR.** Before the review authority acts on a project for which an EIR has been certified, it shall certify that it has reviewed and considered the information identified in the EIR, and it shall determine whether the project will or will not have a significant effect on the environment.
- B. Required findings.** The review authority shall not approve or carry out a project where the certified EIR identifies one or more significant environmental effects without a Statement of Overriding Consideration (see Subsection C, below), unless it makes one or more of the following findings, supported by written evidence:
1. Changes or alterations, which have been required in or incorporated into the project, mitigate or avoid the significant environmental effects identified in the certified EIR.
 2. The changes or alterations are within the responsibility and jurisdiction of another public agency, and the changes have been adopted by the other agency or can and should be adopted by the other agency.
 3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the certified EIR.
- C. Statement of Overriding Considerations.**
1. **Social and economic benefits.** The review authority may approve a project which may result in significant adverse effects on the environment if it determines that there are social and economic benefits which outweigh the possibility of environmental damage.
 2. **Benefits outweigh the potential environmental effects.** In this case the review authority shall issue a Statement of Overriding Considerations stating how they arrived at the conclusion that the overall potential benefits outweigh the potential environmental effects.
 3. **Publishing of statement.** The statement shall be published in a newspaper of general circulation within 14 days of the review authority's decision.

Nothing in this Chapter shall be construed to authorize the City to utilize the Statement of Overriding Considerations process to grant a Coastal Development Permit that is inconsistent with the policies and standards of the Coastal Land Use Plan and Coastal Land Use Code, or to resolve any conflict between one or more provisions of the certified Local Coastal Program pursuant to Coastal Act Section 30007.5.

9.78.180 - Notice of Determination

- A.** After approval or disapproval of a project for which a final EIR has been certified or a Negative Declaration made, the Environmental Coordinator shall file a Notice of Determination with the County Clerk in compliance with the CEQA Guidelines.
- B.** If the project requires discretionary approval from a State agency, the Notice of Determination also shall be filed with the Secretary of Resources.

CHAPTER 9.79 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 9.79.010 - Purpose of Chapter
- 9.79.020 - Effective Date of Permits
- 9.79.030 - Final City Action on a Planning Permit within the Coastal Zone
- 9.79.040 - Applications Deemed Approved
- 9.79.050 - Permits to Run with the Land
- 9.79.060 - Performance Guarantees
- 9.79.070 - Permit Time Limits, Extensions, and Expiration
- 9.79.080 - Change to an Approved Project
- 9.79.090 - Resubmittal
- 9.79.100 - Covenant of Easements

9.79.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or “exercising” of the permits required by this Land Use Code, including time limits and procedures for granting extensions of time.

9.79.020 - Effective Date of Permits

- A. **Non-appealable development.** The approval of a planning permit for a project that is not appealable to the Coastal Commission shall become effective on the 11th business day following the actual date of application approval by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 9.76 (Appeals).
- B. **Appealable development.** The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission 10 business day appeal period which begins the day after the receipt by the North Coast office of the California Coastal Commission of adequate notice of final action, and where no appeal of the review authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where no local appeal has been filed within 10 business days of the date of the decision by the review authority in compliance with Chapter 9.76 (Appeals).

9.79.030 - Final City Action on a Planning Permit within the Coastal Zone

The following requirements apply after the review authority has acted on a planning permit application within the Coastal Zone after a public hearing.

- A. **Notice of final City action.** Within five calendar days of a Council decision on a planning permit, or at the end of the local appeal period (e.g., from the Planning Commission to the Council) and meeting the requirements of Subsection B., below, the City shall notify the following of its action by first class mail:
 1. The Coastal Commission; and
 2. Any person who specifically requested notice of the action by submitting a self-addressed, stamped envelope to the City (or, where required, who paid the fee established by the City's Fee Schedule to receive the notice).

The notice shall include any conditions of approval and written findings and the procedures for appeal of

the City decision to the Coastal Commission.

B. Notice of failure to act.

1. **Notification by applicant.** If the City has failed to act on an application within the time limits identified in State law (Government Code Sections 65950-65957.1), thereby approving the development by operation of law, the person claiming a right to proceed in compliance with Government Code Sections 65950-65957.1 shall notify, in writing, the City and the Coastal Commission of their claim that the development has been approved by operation of law. The notice shall specify the application which is claimed to be approved.
2. **Notification by City.** When the City determines that the time limits established by Government Code Sections 65950-65937.1 have expired, the City shall, within seven calendar days of the determination, notify any person entitled to receive notice in compliance with Subparagraph B.1., above, that the application has been approved by operation of law in compliance with Government Code Sections 65950-65957.1, and the application may be appealed to the Coastal Commission in compliance with California Code of Regulations Section 13110 et seq. This Section shall apply equally to a City determination that the project has been approved by operation of law, and to a judicial determination that the project has been approved by operation of law.

C. Finality of City action. A City decision on a planning permit application for a development shall not be deemed final until:

1. The City decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Coastal Act Chapter 3; and
2. When all City rights of appeal have been exhausted in compliance with Chapter 9.76 (Appeals).

9.79.040 - Applications Deemed Approved

A planning permit application for a parcel outside of the Coastal Zone that is deemed approved in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Land Use Code, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

9.79.050 - Permits to Run with the Land

A Design Review, Minor Use Permit, Planned Development Permit, Use Permit, or Variance approval that is granted in compliance with Chapter 9.72 (Permit Approval or Disapproval) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires or becomes void in compliance with Section 9.79.070 (Permit Time Limits, Extensions, and Expiration). All applicable conditions of approval shall continue to apply after a change in property ownership.

9.79.060 - Performance Guarantees

- A. Security may be required.** As a condition of approval and upon a finding that the City's health, safety and welfare warrant, the review authority may require the execution of a covenant to deposit security, and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval in the event that the obligor fails to perform. The security shall, as required by law or otherwise at the option of the City, be in the form of cash, a certified or cashier's check, or a faithful

performance bond executed by the applicant and a corporate surety authorized to do business in California. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Zoning Administrator.

- B. **Payable to the City.** Any security required in compliance with this Section shall be payable to the City.
- C. **Release of security.** Upon satisfaction of all applicable provisions of this Section, the security deposit will be released. However, upon failure to perform any secured condition, the City may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all cost incurred thereto, including administrative, engineering, inspection, and legal costs. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work, except that, to the extent that the Zoning Administrator can demonstrate to the satisfaction of the City Manager that the obligor willfully breached an obligation in a manner that the obligor knew or should have known would create irreparable harm to the City, the entire amount of the bond or deposit may be withheld. The City Manager's determination may be appealed to the Council by the obligor by filing an appeal with the City Clerk within 10 business days after the decision.

9.79.070 - Permit Time Limits, Extensions, and Expiration

- A. **Time limits.** Unless a condition of approval or other provision of this Land Use Code establishes a different time limit, any permit or approval not exercised within 12 months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below, or by the period of time in which:
 1. An appeal to the Council is pending;
 2. A proceeding before the California Coastal Commission is pending; or
 3. Construction is restrained by the process of any Court of competent jurisdiction.
- B. **Extensions of time.** Upon written request by the applicant, the Zoning Administrator may extend the time for an approved planning permit to be exercised.
 1. **Filing and review of request.**
 - a. **Time for filing.** The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the permit, together with the filing fee required by the City's Fee Schedule.
 - b. **Basis for extension.** The Zoning Administrator shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant (e.g., demonstrated financial hardship, problems with completing the acquisition of the parcel, poor weather during periods of planned construction, etc.) have prevented exercising the permit.
 - c. **Public hearing.** If the original approval required a public hearing, the review authority who originally granted the approval shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Chapter 9.74 (Public Hearings).
 2. **Action on extension request.** A permit may be extended as follows for no more than two additional 12-month periods beyond the expiration of the original approval; provided, the review

authority first finds that there have been no changes in the conditions or circumstances of the site or project that would have been grounds for disapproval of the original project.

- a. **Zoning Administrator's action.** Upon good cause shown, the first extension may be approved, approved with modifications, or disapproved by the Zoning Administrator, whose decisions may be appealed to the Planning Commission, in compliance with Chapter 9.76 (Appeals).
 - b. **Planning Commission's action.** One subsequent extension may be approved, approved with modifications, or disapproved by the Planning Commission, whose decisions may be appealed to the Council in compliance with Chapter 9.76 (Appeals).
- C. **Effect of expiration.** After the expiration of a planning permit in compliance with Subsection A.1, no further work shall be done on the site until a new planning permit and any required Building Permit or other City approvals are first obtained.
 - D. **Exercised defined.** The permit shall not be deemed "exercised" until the permittee has obtained the required Building Permit, or has actually commenced the allowed use on the site in compliance with the conditions of approval, where no Building Permit is required.
 - E. **Run with the land.** After it has been exercised, a planning permit shall remain valid and run with the land in compliance with Section 9.79.050, as long as a Building Permit is active for the project, or a Certificate of Occupancy has been granted.
 - F. **Developed in pre-approved phases.** If a project is to be developed in pre-approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be void in compliance with Subsection C., above, except where an extension of time is approved in compliance with Subsection B., above.

9.79.080 - Change to an Approved Project

Development or a new land use authorized through a planning permit granted in compliance with this Land Use Code shall be established only as approved by the review authority, and in compliance with any conditions of approval, except where a change to the project is approved as follows.

- A. **Application.** An applicant shall request a desired change in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. A change may be requested either before or after construction, or establishment and operation of the approved land use.
- B. **Public hearing required.** If the original project approval required public notice and a hearing, public notice shall be provided, and the Planning Commission shall conduct a public hearing on the requested changes in compliance with Chapter 9.74 (Public Hearings).
- C. **Changes approved by Zoning Administrator.**
 - 1. If no public hearing is required by Subsection B. (Public hearing required), above, the Zoning Administrator may authorize one or more changes to an approved site plan, architecture, or the nature of the approved land use where the Zoning Administrator first finds that the changes:
 - a. Are consistent with all applicable provisions of this Land Use Code;
 - b. Do not involve a feature of the project that was a basis for findings in a Negative

Declaration or Environmental Impact Report for the project;

- c. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority (e.g., the Zoning Administrator, Historic and Design Review Commission, Planning Commission, or Council) in the project approval; and
 - d. Do not result in an expansion of the land use.
2. The Zoning Administrator may choose to refer any requested change to the original review authority for review and final action.
- D. **Changes approved by original review authority.** A proposed change that does not comply with the criteria in Subsection C., above shall only be approved by the original review authority for the project through a new permit application processed in compliance with this Land Use Code.

9.79.090 - Resubmittal

A. **Resubmittal prohibited within 12 months.**

1. **May be disapproved with prejudice.** An application for a discretionary planning permit, entitlement, or amendment may be disapproved with prejudice.
2. **Disapproved with prejudice defined.** An application may be disapproved with prejudice on the grounds that two or more similar applications for the same parcel have been disapproved in the past two years, or that another cause exists for limiting the refiling of the application.
3. **Exceptions to 12-month limitation.** For a period of 12 months following the date of disapproval of a discretionary planning permit, entitlement, or amendment, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same site shall be filed, except if the disapproval was without prejudice, or on the grounds of substantial new evidence or proof of changed circumstances to an extent that further consideration is deemed warranted.

B. **No limitation on disapprovals without prejudice.** There shall be no limitation on subsequent applications for a site on which a project was disapproved without prejudice.

C. **Zoning Administrator's determination.** The Zoning Administrator shall determine whether the new application is for a permit, entitlement, or amendment which is the same or substantially similar to the previously approved or disapproved permit, entitlement, or amendment.

D. **Appeal.** The determination of the Zoning Administrator may be appealed, in compliance with Chapter 9.76 (Appeals).

9.79.100 - Covenant of Easements

A. **Applicability.** When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the City, in compliance with State law (Government Code Section 65870 et seq.).

1. **Required provisions.** A Covenant of Easement may be required to provide for emergency access, ingress and egress, landscaping, light and air access, open space, parking, or for solar access.

2. **Condition of approval.** A Covenant of Easement may be imposed as a condition of approval by the review authority.
- B. **Form of covenant.** The form of a Covenant shall be approved by the City Attorney, and a Covenant of Easement shall identify:
1. The real property to be subject to the easement and the real property to be benefited by the easement;
 2. The planning permit or approval granted that relied on or required the Covenant; and
 3. The purposes of the easement.
- C. **Recordation.** A Covenant of Easement shall be recorded in the County Recorder's Office and a conformed copy for City files to be paid by the applicant.
- D. **Effect of covenant.** From and after the time of its recordation, a Covenant of Easement shall:
1. **Act as an easement.** Act as an easement in compliance with State law (Civil Code Section 801 et seq.) except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall apply to the conveyance of the affected real property; and
 2. **Impart notice.** Impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.
- E. **Enforceability of covenant.** A Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefited by the Covenant and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.
- F. **Release of covenant.** The final review authority may release a Covenant of Easement at the request of any person, including the City or an affected property owner, after first finding that the Covenant is no longer necessary to achieve the land use goals of the City. Upon release, the Zoning Administrator shall cause the recordation of a notice of the release of the Covenant of Easement with the County Recorder's Office.
- G. **Fees.** The City shall impose fees to recover the City's reasonable cost of processing a request for a release. Fees for the processing shall be established by the City's Fee Schedule.

ARTICLE 8

Subdivision Regulations and Procedures

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CHAPTER 9.80 - APPLICABILITY AND ADMINISTRATION OF SUBDIVISION REGULATIONS

Sections:

- 9.80.010 - Purpose of Article
- 9.80.020 - Authority
- 9.80.030 - Applicability
- 9.80.040 - Responsibility for Administration
- 9.80.050 - Advisory Agency
- 9.80.060 - Authority for Subdivision Decisions
- 9.80.070 - Type of Subdivision Approval Required
- 9.80.080 - Applications Deemed Approved
- 9.80.090 - Exceptions to Subdivision Standards
- 9.80.100 - Appeals
- 9.80.110 - Enforcement of Subdivision Regulations

9.80.010 - Purpose of Article

The provisions of this Article constitute the City of Arcata Subdivision Ordinance. These provisions are intended to supplement, implement, and work with the Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the "Map Act"). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act, as well as the Coastal Act, in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

9.80.020 – Authority

This Article is adopted in compliance with the Map Act as a "local ordinance," as the term is used in the Map Act. All provisions of the Map Act and future amendments to the Map Act not incorporated into this Article shall, nevertheless, apply to all subdivision maps and proceedings under this Article.

9.80.030 - Applicability

- A. **Subdivision approval required.** Each subdivision of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Chapter.
- B. **Conflicts with Map Act.** In the event of any conflicts between the provisions of this Chapter and either the Map or the Coastal Act, the Map Act and the Coastal Act shall control.
- C. **Compliance with other regulations required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation in this Land Use Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

9.80.040 - Responsibility for Administration

The Director and City Engineer are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the City, except as otherwise provided by this Article.

9.80.050 - Advisory Agency

- A. **Advisory agency established.** The advisory agency for subdivision review shall be the City Engineer, Zoning Administrator, Planning Commission, and Council, as noted in Section 9.80.060 (Authority for Subdivision Decisions).
- B. **Authority and duties.** The advisory agency shall perform the following duties, and as further detailed in Section 9.80.060 (Authority for Subdivision Decisions).
 - 1. Approve, conditionally approve, or disapprove Tentative Maps;
 - 2. Recommend to the Council the approval, conditional approval, or disapproval of requests for modification of the City's design and improvement standards;
 - 3. Recommend modifications of the requirements of this Article;
 - 4. Review and make recommendations concerning proposed subdivisions in adjacent cities, and in the unincorporated areas of Humboldt County in compliance with the provisions of the Map Act when the advisory agency has elected to do so;
 - 5. Perform additional duties and exercise additional authorities as prescribed by law and by this Article.1. Approve, conditionally approve, or disapprove Tentative Maps;

9.80.060 - Authority for Subdivision Decisions

Table 8-1 (Subdivision Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

TABLE 8-1 - SUBDIVISION REVIEW AUTHORITIES

Type of Subdivision Application or Decision	Procedure is in Section:	Role of Review Authority (1)				
		City Attorney	City Engineer	Zoning Administrator	Planning Commission	City Council
Certificate of Compliance	9.84.020	Recommend	Recommend	Decision (2)		
Certificate of Correction	9.82.120		Decision			
Exception to standards - 4 or fewer parcels	9.80.090		Recommend	Decision (2)	Appeal	Appeal
Exception to standards - 5 or more parcels	9.80.090		Recommend	Recommend	Decision	Appeal
Final Map	9.82		Recommend	Recommend		Decision
Improvement Agreements	9.88.070	Form				Decision
Improvement Plans	9.88.050		Decision			
Improvement Security	9.88.070	Form				Decision
Lot Line Adjustment	9.84.050			Decision (2)	Appeal	Appeal
Merger and Unmerger	9.84.060			Decision (2)	Appeal	Appeal

Parcel Map	9.82		Recommend	Decision (2)	Appeal	Appeal
Reversion to Acreage	9.84.070		Recommend			Decision
Tentative Map - 4 or fewer parcels	9.81		Recommend	Decision (2)	Appeal	Appeal
Tentative Map - 5 or more parcels	9.81		Recommend	Recommend	Decision	Appeal
Waiver of Parcel Map	9.82.030			Decision (2)	Appeal	Appeal

Notes:

- (1) "Form" means that the review authority approves the document as to form. "Recommend" means that the review authority makes a recommendation to a higher decision-making body. "Decision" means that the review authority makes the final decision on the matter. "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.76 (Appeals).
- (2) The Zoning Administrator may instead refer the matter to the Planning Commission for review and decision.

9.80.070 - Type of Subdivision Approval Required

Any subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with this Article. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map (for four or fewer parcels) or a Final Map (for five or more parcels) to complete the subdivision process. The Tentative Map review process is used to evaluate the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

- A. **Tentative Map requirements.** Map Act Section 66426 requires that any subdivision or resubdivision of land shall require the filing and approval of a Tentative Map.
- B. **Parcel and Final Map requirements.** A Parcel or Final Map shall be required as follows:
 1. **Parcel Map.** The filing and approval of a Parcel Map (Chapter 9.82) shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Map Act Article 2, Chapter 1, except for the following subdivisions:
 - a. **Public agency or utility conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines based on substantial evidence that public policy necessitates a Parcel Map in an individual case;
 - b. **Rail right-of-way leases.** Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
 - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 9.82.030 (Waiver of Parcel Map).
 2. **Final Map.** The filing and approval of a Final Map (Chapter 9.82) shall be required for a subdivision of five or more parcels.

- C. **Exemptions from subdivision approval requirements.** The types of subdivisions identified by Map Act Sections 66411, 66412, 66412.1, 66412.2, 66412.5, and 66426.5, or other applicable Map Act provision as not being subject to the requirements of the Map Act, and/or not being considered to be divisions of land for the purposes of the Map Act, shall be exempt from the subdivision approval requirements of this Article.
- D. **Exceptions from map preparation requirements.** The types of subdivisions identified by Map Act Sections 66426 and 66428, or other applicable Map Act provision as not requiring the preparation of a Tentative Map, Parcel Map, and/or a Final Map shall comply with Map Act Sections 66426 and 66428.
- E. **Coastal Development Permit requirements.** A proposed subdivision, or other division of land, including a lot line adjustment, located within the Coastal Zone shall require the approval of a Coastal Development Permit ~~at the same time as the approval of a Tentative Map, or a Parcel Map for which no Tentative Map is required.~~ See Section 9.72.030 for Coastal Development Permit requirements and procedures.

9.80.080 - Applications Deemed Approved

Any subdivision application deemed approved in compliance with Government Code Section 65956 or Map Act Article 2, Chapter 3 (Government Code Sections 66452 et seq.), shall be subject to all applicable provisions of this Land Use Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before any zoning approval or Building Permit is issued. Parcel or Final Maps filed for record after their Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

9.80.090 - Exceptions to Subdivision Standards

An exception to a provision of Chapter 9.88 (Subdivision Design and Improvement Requirements) may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify provisions of the Map Act, or any provision of this Article that is duplicated or paraphrased from the Map Act, or the requirements to obtain a Coastal Permit consistent with the requirements of the Coastal Land Use Plan and the Coastal Land Use Code.

- A. **Application.** An application for an exception shall be submitted on forms provided by the Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.
- B. **Filing and processing.** A request for an exception may be filed with the Tentative Map application to which it applies, or after approval of the Tentative Map. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time. The approval of an exception shall not constitute approval of the Tentative Map and the approval or denial of an exception shall not extend the time limits for the expiration of the map established by Section 9.81.120 (Tentative Map Time Limits and Expiration).
- C. **Approval of exception.** The review authority shall not grant an exception until the request for an exception is processed in accordance with Sections 9.72.070 (Planned Development Permit), 9.31.030 (Density Bonuses), and/or 9.32.050 (Inclusionary Incentives) of this Land Use Code.
- D. **Conditions of approval.** In granting an exception, the review authority shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

9.80.100 – Appeals

Any interested person may appeal any decision of the Director or Zoning Administrator to the Planning Commission, and may appeal any decision of the Planning Commission to the Council, in compliance with Chapter 9.76 (Appeals).

9.80.110 - Enforcement of Subdivision Regulations

- A. Violations.** Any person who violates any provision of this Article shall be subject to the penalties specified by Map Act Division 2, Chapter 7, Article 1 and/or, where applicable, shall be guilty of a misdemeanor or infraction as specified in Chapter 9.96 (Enforcement and Penalties).

- B. Remedies.** If construction activity on property subject to a Final Map is occurring contrary to the Map Act or a requirement of the map, the City Engineer may order the activity stopped by written notice served on any person responsible for the activity, in addition to the remedies outlined in Map Act Division 2, Chapter 7, Article 2. The responsible person shall immediately stop the activity until authorized by the City Engineer to proceed. For the purposes of this Section, construction activities include, but are not limited to, grading, earth moving, and/or tree removal.

CHAPTER 9.81 – TENTATIVE MAP FILING AND PROCESSING

Sections:

- 9.81.010 - Purpose of Chapter
- 9.81.020 - Tentative Map Preparation, Application Contents
- 9.81.030 - Tentative Map Filing, Initial Processing
- 9.81.040 - Evaluation of Application
- 9.81.050 - Review and Decision
- 9.81.060 - Findings Required for Tentative Map Approval
- 9.81.070 - Conditions of Approval
- 9.81.080 - Effective Date of Tentative Map Approval
- 9.81.090 - Changes to Approved Tentative Map or Conditions
- 9.81.100 - Completion of Subdivision Process
- 9.81.110 - Vesting Tentative Maps
- 9.81.120 - Tentative Map Time Limits and Expiration
- 9.81.130 - Extensions of Time for Tentative Maps

9.81.010 - Purpose of Chapter

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act.

9.81.020 - Tentative Map Preparation, Application Contents

Tentative Map submittal as prepared by a qualified professional shall include the application forms, and all information and other materials prepared as required by the Community Development Department and the City Engineer. If the property proposed for subdivision is within the Coastal Zone, the material submitted shall also include an application for Coastal Development Permit approval, in compliance with Section 9.72.030 (Coastal Permits).

9.81.030 - Tentative Map Filing, Initial Processing

- A. General filing and processing requirements.** A Tentative Map application shall be submitted to the Department for processing, and shall be:
1. Reviewed for completeness and accuracy;
 2. Referred to affected agencies;
 3. Reviewed in compliance with the California Environmental Quality Act (CEQA) where applicable; and
 4. Evaluated in a staff report in compliance with Chapter 9.70 (Permit Application Filing and Processing).
- B. Referral to affected agencies.** The procedure provided by this Subsection is in addition to the procedures in Chapter 9.70 (Permit Application Filing and Processing).
1. **Required referrals.** The Director shall refer a Tentative Map application for review and comment to agencies that will be expected to provide service to the proposed subdivision, including, as

appropriate, City departments, County agencies, other cities and local agencies, public utilities, and state agencies.

2. **Time limits for referrals.** As required by Map Act Sections 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 9.70.060 (Initial Application Review). An agency wishing to respond to a referral shall provide the Department with its recommendations within 15 days after receiving the Tentative Map application.

9.81.040 - Evaluation of Application

After completion of the initial processing and the application being deemed complete in compliance with Section 9.70.060, the Director shall:

- A. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Land Use Code, the General Plan, the Local Coastal Program, any applicable specific plan, and the Map Act;
- B. Determine the extent to which the proposed subdivision complies with the findings in Section 9.81.060 (Findings Required for Tentative Map Approval); and
- C. Prepare a staff report to the review authority describing the conclusions of the evaluations of the map, and recommending to the review authority the approval, conditional approval, or denial of the Tentative Map. The staff report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion (Section 9.84.040) at least three days before any hearing or action on the Tentative Map by the review authority in compliance with Section 9.81.050.

9.81.050 - Review and Decision

The Zoning Administrator shall be the review authority for a proposed subdivision of four or fewer parcels, and the Planning Commission shall be the review authority for a subdivision of five or more parcels. After review of a Tentative Map in compliance with Section 9.81.040 the review authority shall:

- A. Conduct a public hearing on the proposed Tentative Map in compliance with Chapter 9.74 (Public Hearings), and consider the recommendations of the Director, any agency comments on the map, and any public testimony; and
- B. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Land Use Code, the General Plan, any Specific Plan, and the Map Act. The evaluation shall be based on the staff report, information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received; and
- C. Within 30 days after the filing of the report and recommendation of the Director with the review authority, but no later than 50 days after the Tentative Map application was deemed complete in compliance with Section 9.70.060 (Initial Application Review) the review authority shall approve, conditionally approve, or deny the Tentative Map.
- D. Approval or conditional approval of a Tentative Map shall be given only after the review authority first makes all findings required by Section 9.81.060 (Findings required for Tentative Map Approval). The review authority may recommend conditions of approval in compliance with section 9.81.070 (Conditions of Approval).
- E. The decision of the review authority to approve or deny a Tentative Map may be appealed in compliance

with Chapter 9.76 (Appeals).

F. The securing of a Tentative Map approval does not obviate the requirements to obtain a Coastal Development Permit authorization pursuant to Section 9.72.030, and consistent with all requirements of the Coastal Land Use Plan and Coastal Land Use Code.

9.81.060 - Findings Required for Tentative Map Approval

In order to approve or recommend the approval of a Tentative Map and conditions of approval, or to deny a Tentative Map, the review authority shall first make the findings required by this Section. In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the Department determined that the application was complete in compliance with Section 9.81.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan or Land Use Code changes, and provided public notice as required by Map Act Section 66474.2.

A. Required findings for approval. The review authority may approve a Tentative Map only after first making all of the following findings. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.

1. The proposed subdivision, including its design and improvements, is consistent with the General Plan and any applicable Specific Plan;
2. The site is physically suitable for the type and proposed density of development;
3. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat;
4. The design of the subdivision and type of improvements will not cause serious public health or safety problems;
5. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
6. The discharge of sewage from the proposed subdivision into the community sewer system will comply with any applicable requirements prescribed by the California Regional Water Quality Control Board;
7. A preliminary soils report or geological hazard report indicates no adverse soil or geological conditions and the subdivider has provided sufficient information to the satisfaction of the City Engineer or other applicable review authority that any adverse conditions will be corrected in the plan for the development; and
8. The proposed subdivision is consistent with all applicable provisions of this Land Use Code, any other applicable provisions of the Municipal Code, ~~and~~ the Subdivision Map Act, the Coastal Land Use Plan, and the Coastal Land Use Code.

- B. Supplemental findings.** In addition to the findings required for approval of a Tentative Map by Subsection A. above, the review authority shall not approve a Tentative Map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.
1. **Construction of improvements.** In the case of a Tentative Map for a subdivision that will require a subsequent Parcel Map, it is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of roads and other improvements as necessary within a specified time after recordation of the Parcel Map.
 2. **Condominiums.** Any applicable findings required by Section 9.84.040 for condominium conversions.
 3. **Waiver of Parcel Map.** The findings required by Section 9.82.030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.

9.81.070 - Conditions of Approval

Along with the approval of a Tentative Map, the review authority may adopt any conditions of approval deemed necessary to carry out the purposes of this Land Use Code, provided that all conditions shall be consistent with the requirements of the Map Act.

9.81.080 - Effective Date of Tentative Map Approval

The approval of a Tentative Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, immediately after the expiration of the appeal period for the decision.

9.81.090 - Changes to Approved Tentative Map or Conditions

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 9.82.120 (Amendments to Recorded Maps).

- A. Limitation on allowed changes.** Changes to a Tentative Map that may be requested by a subdivider in compliance with this Section include major adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D of this Section. Other changes shall require the filing and processing of a new Tentative Map. The securement of a Tentative Map approval does not obviate the requirements to obtain a Coastal Development Permit authorization pursuant to Section 9.72.030, and consistent with all requirements of the Coastal Land Use Plan and Coastal Land Use Code.
- B. Application for changes.** The subdivider shall file an application and filing fee with the Community Development Department, using the forms furnished by the Community Development Department, together with the following additional information:
1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
 2. Any additional information deemed appropriate by the Community Development Department.

- C. **Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. **Findings for approval.** The review authority shall not modify the approved Tentative Map or conditions of approval unless it shall first find that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by subsections 9.81.060 A and B can still be made:
 - 1. There was a material mistake of fact in the deliberations leading to the original approval;
 - 2. There has been a change of circumstances related to the original approval; or
 - 3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Land Use Code.

The securing of a Tentative Map approval does not obviate the requirements to obtain a Coastal Development Permit authorization pursuant to Section 9.72.030, and consistent with all requirements of the Coastal Land Use Plan and Coastal Land Use Code.

- E. **Effect of changes on time limits.** Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 9.81.130 (Expiration of Approved Tentative Map).

9.81.100 - Completion of Subdivision Process

- A. **Compliance with conditions, improvement plans.** After approval of a Tentative Map pursuant to this Chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans in compliance with Chapter 9.88 (Subdivision Design and Improvement Requirements), before constructing any required improvements.
- B. **Parcel or Final Map preparation, filing and recordation.**
 - 1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 9.82 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 9.82.030 (Waiver of Parcel Map).
 - 2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 9.82 (Parcel Maps and Final Maps), to complete the subdivision.

9.81.110 - Vesting Tentative Maps

The preparation, filing, processing, approval or disapproval, of a Vesting Tentative Map shall comply with Map Act Sections 66452 and 66498.1 et seq.

9.81.120 - Tentative Map Time Limits and Expiration

An approved Tentative Map is valid for 24 months after its effective date (Section 9.81.080), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related bonds and improvement agreements, have been filed with the City Engineer in compliance with Chapter 9.82 (Parcel Maps and Final Maps); or
- B. An extension of time has been granted in compliance with Section 9.81.130.

Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed.

9.81.130 - Extensions of Time for Tentative Maps

When a subdivider has not completed all Tentative Map or Vesting Tentative Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by Section 9.81.120, time extensions may be granted in compliance with this Section.

- A. **Filing of extension request.** An extension request shall be in writing and shall be filed with the Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.
- B. **Approval of extension.** The original review authority may grant one 12-, 24-, or 36-month extension to the initial time limit, only after finding that:
 - 1. There have been no changes to the provisions of the General Plan, any applicable Specific Plan or this Land Use Code applicable to the project since the approval of the Tentative Map;
 - 2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Land Use Code apply to the project; and
 - 3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

A time extension of more than 36 months may be granted only in compliance with Map Act Section 66452.6 or 66463.5.

CHAPTER 9.82 – PARCEL MAPS AND FINAL MAPS

Sections:

- 9.82.010 - Purpose of Chapter
- 9.82.020 - Parcel Maps
- 9.82.030 - Waiver of Parcel Map
- 9.82.040 - Parcel Map Form and Content
- 9.82.050 - Filing and Processing of Parcel Maps
- 9.82.060 - Parcel Map Approval
- 9.82.070 - Final Maps
- 9.82.080 - Final Map Form and Content
- 9.82.090 - Filing and Processing of Final Maps
- 9.82.100 - Final Map Approval
- 9.82.110 - Supplemental Information Sheets
- 9.82.120 - Amendments to Recorded Maps

9.82.010 - Purpose of Chapter

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with the requirements of the Map Act.

9.82.020 - Parcel Maps

As required by Sections 9.80.070 (Type of Subdivision Approval Required), and 9.81.100 (Completion of Subdivision Process), a Parcel Map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 9.82.030. A Parcel Map shall be prepared, filed and processed as set forth in Section 9.82.040, et seq.

9.82.030 - Waiver of Parcel Map

A subdivider may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act Section 66428, provided that the review authority shall first find that the proposed subdivision complies with the requirements of this Land Use Code and the Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable requirements of this Article, ~~and~~ the Map Act, and the coastal development permit requirements of the Coastal Land Use Plan and Coastal Land Use Code.

9.82.040 - Parcel Map Form and Content

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittal shall include the application forms, and all information and other materials prepared as required by the Community Development Department.

9.82.050 - Filing and Processing of Parcel Maps

- A. **Filing with the City Engineer.** The Parcel Map, together with all data, information and materials required by Section 9.81.020 shall be submitted to the City Engineer. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Land Use Code and the Map Act.
- B. **Review of Parcel Map.** The City Engineer shall:

1. Determine whether all applicable provisions of this Land Use Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
2. Obtain verification from the Community Development Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data, if the Tentative Map has not expired.

9.82.060 - Parcel Map Approval

- A. After determining that the Parcel Map is in compliance and is technically correct in compliance with Section 9.82.040, the Director shall forward the Parcel Map to the City Engineer for approval.
- B. The City Engineer may accept or reject dedications and offers of dedication that are made by a statement on the Parcel Map in compliance with Map Act Section 66463(b).
- C. After approval of a Parcel Map, the City Engineer shall transmit the map to the County Recorder for filing in compliance with Map Act Section 66450.

9.82.070 - Final Maps

As required by Section 9.80.070 (Type of Subdivision Approval Required), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed as set forth in Section 9.82.080 et seq.

9.82.080 - Final Map Form and Content

A Final Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Map submittal shall include all information and other materials prepared as required by the Community Development Department. A Final Map submittal shall also include a digital copy of the Final Map, prepared using computer software and standards specified by the City Engineer.

9.82.090 - Filing and Processing of Final Maps

- A. **Filing with City Engineer.** The Final Map, together with all data, information and materials required by Section 9.82.080 shall be submitted to the City Engineer. The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Land Use Code and the Map Act.
- B. **Review of Final Map.** The City Engineer shall review the Final Map and all accompanying materials, and shall:
 1. Determine whether all applicable provisions of this Land Use Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
 2. Obtain verification from the Community Development Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible

have been completed.

If the Final Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Final Map, together with all required data, if the Tentative Map has not expired.

- C. **Multiple Final Maps.** Multiple Final Maps may be filed if the subdivider included a statement of intention with the Tentative Map that he or she would submit multiple phased Final Maps.

9.82.100 - Final Map Approval

After determining that the Final Map is in compliance and is technically correct in compliance with Section 9.82.080, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Map Act Section 66442, and forward the Final Map to the Council for action, as follows.

- A. **Review and approval by Council.** The Council shall approve or disapprove the Final Map at its next regular meeting after the City Clerk receives the map, or at its next regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the City Engineer and the subdivider.
1. **Criteria for approval.** The Council shall approve the Final Map if it conforms to all the requirements of the Map Act, all provisions of this Land Use Code that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
 2. **Waiver of errors.** The Council may approve a Final Map that fails to meet any of the requirements of this Land Use Code or the Map Act applicable at the time of approval of the Tentative Map, when the Council finds that the failure of the map is a technical or inadvertent error which, in the determination of the Council does not materially affect the validity of the map.
 3. **Approval by inaction.** If the Council does not approve or disapprove the Final Map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements, it shall be deemed approved, and the City Clerk shall certify its approval on the map.
- B. **Map with dedications.** If a dedication or offer of dedication is required on the Final Map, the Council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the City Council rejects the offer of dedication, the offer shall remain open and may be accepted by the City Council at a later date pursuant to Map Act Section 66477.2. Any termination of an offer of dedication shall be processed in compliance with Map Act Section 66477.2 and the street vacation procedure.
- C. **Map with incomplete improvements.** If improvements required by this Land Use Code, conditions of approval, or other law have not been completed at the time of approval of the Final Map, the Council shall require the subdivider to enter into an agreement with the City as specified in Map Act Section 66462, and Section 9.88.070 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
- D. **Transmittal to Recorder.** After action by the Council, and after the required signatures and seals have been affixed, the City Clerk shall transmit the Final Map to County Recorder for filing.

9.82.110 - Supplemental Information Sheets

In addition to the information required to be included in Parcel Maps and Final Maps (Sections 9.82.040 and

9.82.080, respectively), additional information may be required to be submitted and recorded simultaneously with a Final Map as required by this Section.

- A. Preparation and form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 9.82.040 (Parcel Map Form and Content).
- B. Content of information sheets.** Supplemental information sheets shall contain the following statements and information:
1. **Title.** A title sheet, including the number assigned to the accompanying Parcel or Final Map by the City Engineer, the words "Supplemental Information Sheet;"
 2. **Explanatory statement.** A statement following the Title sheet that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title of interest;
 3. **Location map.** A location map, at a scale not to exceed one inch equals 2,000 feet. The map shall indicate the location of the subdivision within the City;
 4. **Soils or geologic hazards reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
 5. **Information required by conditions of approval.** Any information required by the review authority to be included on the supplemental information sheets because of its importance to potential successors in interest to the property, including any other easements or dedications.

9.82.120 - Amendments to Recorded Maps

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this Section.

- A. Corrections.** In the event that errors in a Parcel or Final Map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Chapter 3, Article 7 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the Parcel or Final Map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
- B. Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 9.88.070 (Improvement Agreements and Security), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 9.80.070 (Type of Subdivision Approval Required).

C. Approval of an amendment to a recorded map does not obviate the requirements to obtain a coastal development permit consistent with the Coastal Land Use Plan and the Coastal Land Use Code.

CHAPTER 9.84 – ADDITIONAL SUBDIVISION PROCEDURES

Sections:

- 9.84.010 - Purpose of Chapter
- 9.84.020 - Certificates of Compliance
- 9.84.030 - Condominiums
- 9.84.040 - Condominium Conversion
- 9.84.050 - Lot Line Adjustment
- 9.84.060 - Parcel Merger
- 9.84.070 - Reversion to Acreage

9.84.010 - Purpose of Chapter

This Chapter establishes requirements consistent with the Map Act for Certificates of Compliance, Condominiums and Condominium Conversions, Lot Line Adjustments, Parcel Mergers, and Reversion to Acreage.

9.84.020 - Certificates of Compliance

The City shall process and approve or disapprove applications for Certificates of Compliance as provided by Map Act Sections 66499.34 and 66499.35, and as follows.

- A. **Application.** An application for the approval of a Certificate of Compliance or Conditional Certificate of Compliance shall be filed with the Director and include the information required by the Director, together with the processing fee specified by the City Fee Schedule. Approval of a certificate of compliance involving property in the Coastal Zone does not obviate the requirements to obtain a coastal development permit consistent with the Coastal Land Use Plan and the Coastal Land Use Code.
- B. **Review and decision.** The City Engineer and Zoning Administrator shall review the completed application in the light of public records and applicable law.
 1. If the Zoning Administrator, based on the recommendation of the City Engineer, determines that the parcel is in compliance with the provisions of this Land Use Code Article and the Map Act, a Certificate of Compliance shall be issued for the parcel and delivered to the County Recorder for recordation.
 2. If the Zoning Administrator, based on the recommendation of the City Engineer, is unable to determine that the parcel is in compliance, the procedures identified in Map Act Section 66499.35 shall apply.

9.84.030 – Condominiums

When a residential structure is proposed at the time of construction as a condominium, community apartment project, or stock cooperative, a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 9.81 (Tentative Map Filing and Processing). Chapter 9.82 (Parcel Maps and Final Maps) determines whether a Parcel or Final Map shall also be filed.

9.84.040 - Condominium Conversion

A condominium conversion is the conversion of real property to a common interest development as defined by Section 1351 of the California Civil Code.

- A. **Approvals required.** A conversion shall require the approval of a Tentative Map, and Parcel or Final Map, except where a Parcel Map, or Tentative and Final Map are waived in compliance with Map Act Sections 66428(b) or 66428.1, for the conversion of a mobile home park. If a Parcel Map is waived, a Tentative Map shall still be required. Approval of a certificate of a condominium conversion involving property in the Coastal Zone does not obviate the requirements to obtain a coastal development permit consistent with the Coastal Land Use Plan and the Coastal Land Use Code.
- B. **Application filing and processing.** A Tentative Map for a condominium conversion shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as set forth in Chapter 9.81 (Tentative Map Filing and Processing), except that an application for the conversion of residential units shall also include the following information and materials. Where noted, final versions of these items shall also be submitted with the Parcel Map or Final Map.
1. **Tentative Map.** The Tentative Map for a condominium, community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative need not show the buildings or the manner in which the airspace above the property shown on the map are to be divided. However, the applicant shall provide an illustration of how subdivision will occur to enable verification of the accuracy of the legal descriptions on deeds for the transfer of ownership of the units.
 2. **Verification of stock cooperative vote.** If the development being converted to a condominium is a stock cooperative, the application shall also include verification of the vote required by Map Act Section 66452.10.
 3. **Relocation assistance program.** A program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing.
 4. **Building history.** A building history detailing known information regarding the use and construction of the building or buildings, and the improvements covered by the application, and including:
 - a. The date of construction of the major elements of the project improvements;
 - b. A statement of the major uses of the improvements since construction;
 - c. A description of major repairs since construction of the project improvements;
 - d. A statement identifying the current owners of the buildings and underlying land;
 - e. The name and address of each present tenant of the project.

When the applicant does not have information regarding any of the above items, the Building History shall so state.

5. **Structural report.** A structural report prepared by appropriately licensed contractor or engineer and approved by the Building Official, disclosing the condition of the following items:
 - a. Plumbing waste system;
 - b. Electrical service switches;
 - c. Interior electrical wiring;
 - d. Natural gas piping and appliance venting;
 - e. Structural elements;
 - f. Room sizes, light, and ventilation;
 - g. Compliance with zoning regulations;
 - h. Any other condition detrimental to the health, safety, and welfare of the public, the owners, and the occupants of the building.

A final version of this report, in the form of a Report to Prospective Purchasers shall be filed with the Director at the same time as the Parcel Map or Final Map for the project.
 6. **Pest control report.** A structural pest control report prepared by a licensed structural pest control operator, in compliance with Business and Professions Code Section 8516.
 7. **Proposed public report application.** A copy of the proposed application to the California Department of Real Estate for Subdivision Public Report, on the current forms required by the Department of Real Estate. Said application need not contain exhibits regarding the availability of utility services or the organizational documents of the project. A final version of the public report shall be filed with the Director at the same time as the Parcel Map or Final Map for the project.
 8. **Proposed project organization.** A written description regarding the proposed project organization including the use and control of the common elements and recreation facilities within the project. The statement shall detail any proposed control of common facilities to be retained by the developer or by the owner, or maintained by a Homeowners Association of unit owners, or any other organization. A final version of the organization documents shall be filed with the Director at the same time as the Parcel Map or Final Map for the project.
- C. **Requirements for approval.** A residential condominium conversion shall comply with the following requirements, in addition to the requirements of this Article for the approval of a Tentative Map, Parcel Map, and Final Map.
1. **Code compliance.** The project shall comply with all applicable standards of the City's Housing Code and the Building Code, in effect on the date that the last building permit was issued for the structure or structures. The project shall also comply with the following standards:
 - a. **Utilities.** The consumption of gas and electricity within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility. Each unit shall have its own panel board for all electrical circuits which serve the unit. A water

shut-off valve shall be provided for each unit. The requirements of this Subsection may be waived where the Building Official finds that such would not be practicable.

- b. **Impact sound insulation.** Wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria promulgated in California Administrative Code, Section 1092, and may only be replaced by another floor covering that provides the same or greater insulation.
 - c. **Energy conservation.** Each dwelling unit shall comply with the energy insulation standards promulgated in Title 24, California Administrative Code, Part 6, as amended, for residential buildings.
2. **Compliance with Land Use Code requirements.** The project shall comply with all landscape, parking and design provisions, and any other applicable Sections of this Land Use Code at the time of conversion.
 3. **Performance.** Any required structural repair work shall be completed or funds for the completion of the work shall be either escrowed or bonded to the satisfaction of the Director to assure completion of the work prior to the closing of escrow for the sale of any unit in the project. Any physical elements of the project found by the Director to impose a hazard to the health and safety of the occupants of the project shall be corrected prior to the approval of the Final or Parcel Map, or funds shall be adequately escrowed or bonded to the satisfaction of the Director to assure completion of the corrective work, prior to the closing of escrow of any unit in the project.
 4. **Report to prospective buyers.** The report to prospective buyers describing the condition of the various physical elements of the project shall have been submitted to and approved by the Director. The Director's requirements for the report and its contents may be appealed by the subdivider to the Planning Commission.

The subdivider shall provide each prospective purchaser with a copy of the Report prior to the purchaser executing any purchase agreement or other contract to purchase a unit in the project and the subdivider shall give the purchaser sufficient time to review the Report.

5. **Provisions for present tenants.** The subdivider shall comply with each of the following requirements for the present tenants of the project.
 - a. Each present tenant of each unit shall be given a non-transferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of approval of the Final Subdivision Map or Parcel Map. Tenants who are not current in their contractual obligations under their rental agreements or lease shall not be entitled to the right of first refusal.
 - b. Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which they occupy their unit, shall have not less than 90 days from the date of receipt of notification from the subdivider of his or her intent to convert, or from the filing date of the Final Subdivision Map or Parcel Map, whichever date is later, to find substitute housing and to relocate.
 - c. A tenant with more than 30 days remaining on a lease who receives a notice of intent to convert shall, at any time after receipt of such notice, have the right to terminate their lease with 30 days written notice to the landlord. Termination shall be without penalty or other termination charge to the tenant.

- d. The subdivider shall, where possible, allow an extension of term to permit a tenant to complete a school semester or quarter, as the case may be.
 - e. Existing tenant's rent shall not be increased from the level existing three months prior to the date of application for a Tentative Map until the tenant purchases the unit, or tenant relocation takes place or the tentative map application is denied. This period shall not exceed 12 months.
- D. Inclusionary housing requirement.** The conversion of units shall comply with the inclusionary housing requirements in Section 9.32.030 A.2.
- E. Staff report.** The staff report on the Tentative Map for the condominium conversion (Section 9.84.040) shall be provided to the subdivider and each tenant of the subject property at least three days before any hearing or action on the Tentative Map by the Planning Commission or Council.
- F. Public notice.** The following notice shall be provided in addition to that required by Chapter 9.74 (Public Hearings):
- 1. **Tenant notice.** The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act Sections 66452.8 and 66452.9, and shall provide the Department satisfactory proof that the notice was given; and
 - 2. **Public hearing notice.** Notice of the public hearing(s) on the Tentative Map shall be provided to all tenants of the subject property, as required by Map Act Section 66451.3.
- G. Approval of conversion, required findings.**
- 1. **Time limit, stock cooperatives.** The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within 120 days of the application being found complete in compliance with Section 9.81.030 (Tentative Map Filing, Initial Processing). The 120-day time limit may be extended by mutual consent of the subdivider and the City.
 - 2. **Conversion findings, residential projects.** Approval of a tentative or Final Map for a subdivision to be created from the conversion of residential real property into a condominium project, community apartment project or stock cooperative shall not be granted unless the findings set forth in Map Act Section 66427.1 are first made.
- H. Completion of conversion.** The filing, approval and recordation of a Parcel Map or Final Map in compliance with Chapter 9.82 (Parcel Maps and Final Maps) shall be required to complete the subdivision process, except where a Parcel Map, or Tentative and Final Map are waived for the conversion of a mobile home park in compliance with Map Act Section 66428(b).

9.84.050 - Lot Line Adjustment

A Lot Line Adjustment is permissible in compliance with Map Act Section 66412(d), and as follows.

- A. Application requirements.** An application for a Lot Line Adjustment shall be filed with the Director and shall include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. Lot line adjustment approval.** After consultation with the City Engineer, the Director shall approve a lot line adjustment provided that all criteria identified in Map Act Section 66412(d) are met to the

Director's satisfaction. After City approval, the applicant shall be responsible for recording the approval document and paying the necessary fees charged by the County Recorder for recording Lot Line Adjustment approval documents in compliance with the Map Act.

- C. **Coastal Development Permit.** A proposed Lot Line Adjustment involving property within the Coastal Zone shall also require Coastal Development Permit approval in compliance with Section 9.72.030 (Coastal Permits), prior to approval of the Lot Line Adjustment, except where the site is in a Categorical Exclusion area as defined by the Coastal Act.

9.84.060 - Parcel Merger

- A. **Procedures for merger of parcels.** Two or more parcels may be merged as follows.
1. Parcels may be merged in compliance with Map Act Chapter 3, Article 1.5. A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size as identified by this Land Use Code applicable to the parcels or units of land, and if all of the requirements of Map Act Section 66451.11 are satisfied.
 2. Parcels may also be merged in compliance with Map Act Sections 66499.20-1/2, or 66499.20-3/4; provided that a merger in compliance with Map Act Section 66499.20-3/4 shall require the recordation of an instrument evidencing the merger in the same manner as required by Map Act Section 66499.20-1/2.
- B. **Requirements for unmerger of parcels.** The unmerger of parcels within the City shall comply with Map Act Chapter 3, Article 1.7.
- C. **Coastal Development Permit.** A proposed parcel merger involving property within the Coastal Zone shall also require Coastal Development Permit approval in compliance with Section 9.72.030 (Coastal Permits) prior to the approval of the merger, except where the site is in a Categorical Exclusion area as defined by the Coastal Act.

9.84.070 - Reversion to Acreage

- A. A Reversion to Acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Map Act Chapter 6, Article 1.
- B. An application for reversion submitted by a property owner shall include all information required by the Department, and shall include the fee required by the City Fee Schedule.
- C. A Parcel Map may be filed to revert to acreage land previously subdivided that consists of four or fewer contiguous parcels, in compliance with Map Act Section 66499.20-1/4.
- D. Coastal Development Permit. A proposed reversion to acreage involving property within the Coastal Zone shall also require Coastal Development Permit approval in compliance with Section 9.72.030 (Coastal Permits) prior to the approval of the reversion to acreage, except where the site is in a Categorical Exclusion area as defined by the Coastal Act.

CHAPTER 9.86 – DEDICATIONS AND EXACTIONS

Sections:

- 9.86.010 - Purpose of Chapter
- 9.86.020 - Applicability
- 9.86.030 - Park Land Dedications and Fees
- 9.86.040 - Reservations of Land for Public Facilities
- 9.86.050 - Right-of-Way Dedications

9.86.010 - Purpose of Chapter

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

9.86.020 – Applicability

- A. **Compliance required.** All proposed subdivisions shall comply with the requirements of this Chapter for dedications, reservations, or the payment of fees.
- B. **Conditions of approval.** The requirements of this Chapter as they apply to a specific subdivision shall be described in conditions of approval adopted by the review authority for the Tentative Map.

9.86.030 - Park Land Dedications and Fees

- A. **Purpose.** This Section provides for the dedication of land and/or the payment of fees to the City for park and recreational purposes as a condition of the approval of a Tentative Map. This Section is enacted as authorized by the provisions of Chapter 4, Article 3 of the Map Act, also known as the "Quimby Act," and as prescribed through the Parks and Recreation Element of the General Plan.
- B. **Applicability.**
 - 1. **Land dedication and/or fee payment required.** As a condition of Tentative Map approval, the subdivider shall dedicate land and/or pay a fee, at the option of the City, in compliance with this Section for the purpose of developing new, or rehabilitating existing park or recreation facilities to serve the subdivision.
 - 2. **Exemptions.** The provisions of this Section do not apply to industrial or commercial subdivisions, condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, or to any other subdivision exempted by Map Act Section 66477.
- C. **Review authority.** The review authority for determinations required by this Section shall be the same as that assigned by Section 9.80.060 for the type of subdivision being processed. When the review authority considers a Tentative Map for a residential subdivision of 51 or more parcels, or a residential subdivision of five or more parcels that includes a proposal to dedicate parkland, the matter shall first be referred to the Parks and Recreation Committee for a recommendation to the review authority as to whether the proposed dedication conforms to the Parks and Recreation Element of the General Plan, and any other applicable City plan.
- D. **Amount of parkland required.**

1. **General standard.** It is found and determined that the public interest, convenience, health, welfare, and safety require that five acres of property for each 1,000 persons residing within this City be devoted to neighborhood and community park and recreational purposes.
2. **Dedication requirement for residential subdivisions.** The amount of contiguous acreage required to be dedicated by a residential subdivider for park and recreational purposes shall be based upon the number of dwelling units proposed in the subdivision. The required dedication shall be computed using the following formula:

$$X = .005(U)(P)$$

Where:

X = Amount of parkland required, in acres.

U = Total number of approved new dwelling units in the subdivision. In the case of a subdivision in a zone that allows multiple dwellings per lot, the number of units shall be the maximum allowed by the zone unless the total number is limited to a specific number by condition of approval or other City requirement.

P = Average number of persons per dwelling unit within the City, from the most recent Federal census.

In addition, the subdivider shall, without credit, provide improvements in compliance with Subsection H.

E. Formula for fees in lieu of land. If the review authority determines that:

1. If the entire parkland obligation for a proposed residential subdivision is not satisfied by dedication in compliance with Subsection D. above, the subdivider shall pay a fee to the City in lieu of dedication, as a condition of Tentative Map approval. The fee shall equal the acreage of parkland obligation derived from the formula in Subsection D., less the amount of parkland, if any, offered for dedication by the subdivider and accepted by the City, times the average per-acre fair market value per buildable acre for the appropriate park planning area, plus 20 percent toward the cost of off-site improvements (e.g., utility line extensions).
2. For purposes of determining the required fee, the term "fair market value" shall be based upon an appraisal within the past 12 months, and approved by the Council, immediately prior the receipt of the Final Map by the Council. The subdivider shall notify the City of the expected submittal date of the Final Map at least twelve weeks prior to the submittal of the Final Map to the Department, to permit the City to select a certified land appraiser and carry out the appraisal. The subdivider shall pay the City's costs for an independent appraiser.
3. If the subdivider or City staff object to the valuation, they may appeal the determination in compliance with Chapter 9.76 (Appeals); provided that the burden of proof on all issues shall lie with the subdivider.

F. Fees only. Only the payment of fees shall be required in subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required even though the number of actual parcels may be less than 50.

G. Criteria for requiring dedication and fees. In a subdivision of 51 or more parcels, the City may require the subdivider to dedicate both land and pay a fee, as follows:

1. **Determination of land or fee.** Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:
 - a. The General Plan, and the compatibility of dedication with the General Plan;
 - b. Topography, geology, access, size, shape and the location of land in the subdivision available for dedication;
 - c. Feasibility of dedication; and
 - d. Availability of existing park property.
2. **Procedure for determining land or fee.** The review authority shall determine whether the subdivider shall dedicate land, pay in-lieu fees, or provide a combination of both, at the time of Tentative Map approval. The determination of the review authority shall be based on a report and recommendation from the Director, and a recommendation from the Parks and Recreation Committee. The recommendations and the action of the review authority shall consider the factors in Subsection G.1 above, and shall include the following:
 - a. The amount of land required;
 - b. Whether a fee shall be charged in lieu of land;
 - c. Whether land and a fee shall be required;
 - d. The location and suitability of the park land to be dedicated or use of in-lieu fees; and
 - e. The approximate time when development of the park or recreation facility shall commence.

The determination of the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

3. **Land and fees.** A requirement for both land dedication and fee payment shall comply with the following standards.
 - a. When only a portion of the land to be subdivided is proposed in the General Plan or applicable specific plan as the site for a local park, that portion shall be dedicated for local park purposes, and a fee computed as provided by Subsection E. shall be paid for any additional land that would have been required to be dedicated by Subsection D.
 - b. When a major part of the local park or recreational site has been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, the remaining portion shall be dedicated, and a fee computed as provided by Subsection E. shall be paid in an amount equal to the value of the land that would otherwise have been required to be dedicated by Subsection D. The fees shall be used for the improvement of existing City parks or recreational facilities serving the community, with consideration for parks and facilities impacted by the subdivision.
4. **Credit for improvements.** The cost of park and recreational improvements and equipment

provided by the developer on the dedicated land shall be a credit against the required dedication of land or fees. Off-site improvements shall not be credited. The park and recreation improvements and equipment shall be approved by the Parks and Recreation Committee prior to any credit being reviewed and/or granted.

5. **Credit for private recreation facilities.** A subdivider may be credited for the provision of private recreation facilities within the subdivision, as follows.
 - a. **Eligibility.** Subdivisions meeting either of the following criteria shall be eligible to receive credit for private recreation facilities:
 - (1) In compliance with Government Code Section 66477, the subdivision involves a planned development, real estate development, stock cooperative, or community apartment project, as defined in Business and Professions Code Sections 11003, 11003.1, 11003.2, 11003.4 and 11004, respectively; and condominiums, as defined in Civil Code Section 783; or
 - (2) Where the review authority determines that proposed private recreation facilities are in the best interest of the City, not necessarily the subdivision, based on a recommendation from the Parks and Recreation Committee.
 - b. **Amount of credit.** The maximum amount of credit considered for private recreation facilities (improvements) shall be 50 percent of the land or fees specified in compliance with this Section. The amount of credit shall be determined by the review authority based on a recommendation from the Parks and Recreation Committee.
 - c. **Characteristics of private recreation facilities given credit.** Private recreation facilities shall be accepted for credit only if the review authority determines that they will meet the requirements of the Parks and Recreation Element of the General Plan, and any other applicable City plans. All private recreation facility improvements receiving credit shall be recorded on the Final Map and maintained in a safe and operable condition for the duration of the development.
- H. Improvement requirements.** When land is required to be dedicated in compliance with this Section, the subdivider shall provide the following improvements prior to the acceptance of the dedication by the City. These improvements shall not be credited toward any required in-lieu fees.
1. Full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control/calming devices, street trees, sidewalks, and lighting;
 2. Fencing along property lines of portions of the subdivision contiguous to the dedicated land, where required by the review authority;
 3. Improved drainage through the site; and
 4. Other minimal improvements which the review authority determines to be essential to the acceptance of the land for recreational purposes.

The Council reserves the right to accept the improvements prior to agreeing to accept the dedication of land and to require in-lieu fee payments if the Council determines that the improvements are unacceptable.

- I. **Conveyance of land, payment of fees.**

1. **Land.** Real property being dedicated for park purposes shall be conveyed by the Parcel or Final Map in fee simple absolute, to the City by the subdivider, free and clear of all encumbrances except those which, in the opinion of City Attorney, will not interfere with use of the property for park and recreational purposes, and which the Council agrees to accept. The subdivider shall provide all fees and instruments required to convey the land, and title insurance approved by the City Attorney in favor of the City in an amount equal to the value of the land.
2. **Fees.** The amount of required fees shall be deposited with the City at the time of submittal of a Parcel or Final Map. The City Treasurer shall deposit the fees into the Subdivision Park Trust Fund, or its equivalent.
 - a. **Timing of payment.** Fees required in compliance with this Section shall be paid to the City prior to Parcel Map or Final Map recordation.
 - b. **Use of funds.** The money collected in compliance with this Section, including accrued interest, shall be used only for the purpose of acquiring necessary land, developing new or rehabilitating existing park or recreational facilities, or related improvements, in the manner specified in the Parks and Recreation Element of the General Plan.
 - c. **Distribution of unused fees.** Fees not used within five years in accordance with Map Act Section 66477, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.
 - d. **Annual report.** As part of the City's budget, the Finance Director shall report to the Council at least annually on income, expenditures, and status of the Subdivision Park Trust Fund.
 - e. **Facility development schedule.** As specified in the Parks and Recreation Element of the General Plan, the City shall develop and maintain a schedule in compliance with Government Code Section 66477, specifying how, why, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve residents of the subdivision.

9.86.040 - Reservations of Land for Public Facilities

As a condition of approval of a Tentative Map, the City may require the subdivider to reserve sites appropriate in area and location for fire stations, libraries or other public uses, pay an in-lieu fee or both at the option of the City in compliance with this Section.

A. Standards for reservation of land.

1. **Location of land.** Where a fire station, library, or other public use is shown in the General Plan or applicable Specific Plan, the subdivider may be required by the City to reserve sites as determined by the City in compliance with the standards in the applicable plan.
2. **Configuration.** The reserved area shall be of a size and shape that will permit the balance of the property to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The land to be reserved shall be in multiples of streets and parcels that will permit an efficient division of the reserved area if it is not acquired within the period determined by Subsection B.

- B. **Procedure for reservation of land.** The public agency for whose benefit an area has been reserved shall at the time of approval of the Parcel or Final Map enter into a binding agreement with the subdivider to acquire the reserved area within two years after the completion and acceptance of all improvements, unless a longer time is authorized by mutual agreement.
- C. **Purchase price of reserved land.** The purchase price shall be the market value of the land at the time the Tentative Map is filed, plus the property taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider in maintaining the reserved area, including interest costs incurred on any loan covering the reserved area.
- D. **Termination of reservation.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in Subsection B. (Procedure for Reservation of Land), the reservation shall automatically terminate.

9.86.050 - Right-of-Way Dedications

- A. **Offers of dedication required.** As a condition of Tentative Map approval, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, sidewalks, pathways, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets, sidewalks, pathways, alleys, drainage facilities, and other public utilities.
- B. **Improvements.** The subdivider shall construct or agree to construct all improvements approved or required for the subdivision, including access rights and abutters' rights, in compliance with the City's improvement standards.
- C. **Rights-of-way, generally.** Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a City-maintained road of insufficient width, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate facility.
- D. **Limited access designation.** Whenever the review authority finds a safety hazard would be created as the result of direct access from any parcel to any existing or proposed street, the review authority may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to the street from any property shown on a Final Map as abutting the street, and that if the dedication is accepted, the waiver shall become effective in compliance with the provisions of the waiver of direct access. The review authority may also require waivers of access to an existing street already dedicated which abuts the subdivision.
- E. **Transit facilities.** Dedications in fee simple or irrevocable offers of dedication of land within the subdivision may be required for local transit facilities including bus turnouts, benches, shelters, landing paths and similar items that directly benefit the residents of the subdivision if deemed necessary by the City Engineer, and if, in compliance with Map Act Section 66475.2. The review authority through an ordinance, may require a dedication if it finds that transit services are or will, within a reasonable time period, be available to the subdivision.
- F. **Alternative transportation systems.** Whenever the subdivision falls within an area designated or deemed necessary for the development of bikeways, hiking or equestrian trails in the General Plan, Parks and Recreation or Bicycle and Pedestrian Master Plans, applicable specific plan, or implementing legislation, the subdivider shall dedicate land as is necessary to provide for these ways.

CHAPTER 9.88 – SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS

Sections:

- 9.88.010 - Purpose of Chapter
- 9.88.020 - Applicability of Design and Improvement Standards
- 9.88.030 - Subdivision Design and Improvement Standards
- 9.88.032 - Subdivision Design and Improvement Standards - Special Residential Subdivisions
- 9.88.040 - Site Preparation and Subdivision Construction
- 9.88.050 - Improvement Plans
- 9.88.060 - Installation of Improvements
- 9.88.070 - Improvement Agreements and Security
- 9.88.080 - Soils Reports

9.88.010 - Purpose of Chapter

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable Specific Plan.

9.88.020 - Applicability of Design and Improvement Standards

The requirements of this Chapter apply as follows:

- A. **Extent of required improvements.** Each subdivision shall provide the improvements required by this Chapter, and any additional improvements required by conditions of approval.
- B. **Applicable design standards, timing of installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the City Engineer. No Final or Parcel Map shall be approved or presented to the Council for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work.
- C. **Subdivision improvement standards - Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the review authority in compliance with Section 9.81.060 (Findings Required for Tentative Map Approval), shall be described in conditions of approval adopted for each approved Tentative Map (Section 9.81.070). The design, construction or installation of all subdivision improvements shall comply with the requirements of the City Engineer.
- D. **Oversizing of improvements.**
 1. At the discretion of the review authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with Map Act Chapter 4, Article 6.
 2. In the event that oversizing is required, the City shall comply with all applicable provisions of Map Act Sections 66485 et seq., including the reimbursement provisions of Map Act Section 66486.
 3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement prior to the recordation of the Final Map, or the

issuance of a building permit for construction on the parcel, whichever occurs first.

- E. **Exceptions.** Exceptions to the requirements of this Chapter may be requested and considered in compliance with Section 9.80.090 (Exceptions to Subdivision Standards).

9.88.030 - Subdivision Design and Improvement Standards

This Section establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. These standards are intended to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable specific plan. These standards apply to all proposed subdivisions as noted, except as otherwise provided by Section 9.88.032 (Subdivision Design and Improvement Standards - Special Residential Subdivisions)

- A. **General design principles.** Subdivision design shall be based on an analysis of the natural conditions and features of the site. To the maximum extent feasible, development shall be located and designed to preserve natural features and avoid areas of environmental sensitivity, including wetlands, significant or mature trees or stands of trees, creek side riparian habitat areas, floodplain areas, and areas with slopes greater than 25 percent. Residential structures, including decks and balconies, shall not extend into significant natural areas, as determined by the review authority
- B. **Density of residential development.** The maximum number of dwelling units permitted within a proposed subdivision shall not exceed the density established by the General Plan, the maximum number of dwelling units permitted by the applicable zoning district, current state density bonuses, or the City's affordable housing requirements as outlined in Chapter 9.32.
- C. **Rural Land Divisions.** Rural land divisions, both major and minor subdivisions (not including boundary adjustments and parcels inside the Urban Services Boundary), only may be permitted when 50 percent of the useable parcels in the area have been developed and the created parcels would not be smaller than the average size of the surrounding parcels. To determine if this criteria is met, the following shall apply The following criteria shall be used in determining whether 50% build-out has occurred and what the average size of surrounding parcels comprises:
1. Useable parcels do not include parcels committed to agricultural use and designated as such on the Coastal Zoning Map, parcels committed to timberland and designated as such on the Coastal Zoning Map, or parcels committed to Natural Resource conservation purposes or parts of parcels committed to Natural Resource conservation purposes.
 2. To determine if the 50 percent rule has been met, a survey of the existing parcels in the vicinity of the project site will need to be conducted. If 50 percent or more of the existing lots are developed, then the land division may be processed. The study area may be reduced to exclude parcels with land use or zoning designations, or other characteristics markedly dissimilar to the subject property, or those lying outside of a readily identifiable neighborhood area as delineated by a perimeter of major street or other cultural or natural features.
 3. The Coastal Zoning Map designates the minimum lot size for parcels in each planning area. As these minimum lot sizes are reflective of the average size of lots in each area, the minimum lot size designated for the land use classification that the land division is proposed establishes the average size.

4. To determine the "average size of the surrounding parcels:"

- a. A study shall be made of all parcels within one-quarter (1/4) mile of the exterior bounds of the property being subdivided.
- b. The study area may be reduced to exclude parcels with land use or zoning designations, or other characteristics markedly dissimilar to the subject property, or those lying outside of a readily identifiable neighborhood area as delineated by a perimeter of major street or other cultural or natural features.
- c. The "average size" usually means the arithmetic mean, although the mode or the median size may be used when the majority of parcels are of a common size and a very few parcels skew the mean to create an average atypical of the size of surrounding lots.

~~D.~~ D. **Energy conservation.** Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with Map Act Section 66473.1, and Chapter 9.56 (Solar Siting and Solar Access). Consideration should be given to east-west orientation of streets to provide maximum solar access.

~~E.~~ E. **Gated or walled communities.** No residential development within the City shall be entirely enclosed by a wall or fence, and no residential area shall be provided with gates or other limitations on general public pedestrian or vehicle access to the dedicated streets or sidewalks within the development.

~~F.~~ F. **Hillside subdivisions.** Each proposed subdivision shall comply with the requirements of Chapter 9.52 (Hillside Development), as applicable.

~~G.~~ G. **Sidewalks, streets, blocks, and parcels.**

- 1. **Pedestrian walkways away from street frontages.** The City may require dedicated and improved pedestrian walkways in locations away from street frontages where necessary, to provide safe and convenient pedestrian access to a public facility or to otherwise provide convenient connections between existing pedestrian routes. Where walkways are required, the City Engineer shall specify standards for their design and construction, after consultation with the Transportation Safety Committee.
- 2. **Bicycle paths.** The subdivider shall provide bicycle paths within an approved subdivision in compliance with Section 66475.1 of the Subdivision Map Act, the Transportation Element of the General Plan, and any other applicable City plan.
- 3. **Streets.** The layout, design, and construction of proposed streets shall comply with the General Plan, the following requirements, and the energy conservation standards of Subsection C.
 - a. **Street design standards.**
 - (1) Proposed streets, blocks, and parcels shall be arranged so that each proposed parcel has direct access to a public street or alley. Where direct access is infeasible, proposed parcels may be served by a common access driveway easement that connects to a public street; provided that the number of parcels allowed by the review authority to be served by an easement shall be limited based on consideration by the review authority of the public safety of proposed access, ingress, and egress, and parking, utilities, drainage, and environmental

issues.

- (2) The width and number of traffic and parking lanes of proposed streets shall comply with the City's Standard Details, provided that subdivision design may utilize narrow or "skinny" streets and various traffic calming approaches as approved by the review authority, in compliance with the General Plan.
 - (3) Alleys are encouraged for access to vehicle parking areas.
- b. **Street location/alignment.** The layout of proposed streets shall comply with the City's General Plan, subject to approval by the City Engineer. Whether or not shown on the General Plan, streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision, as determined by the review authority to be appropriate. Cul-de-sac streets may be approved only in compliance with Subsection F.3.d. (Cul-de-sac and other dead-end streets).
- c. **Street extensions and stub streets.**
- (1) **Street extensions.** Where the subdivision adjoins unsubdivided land, streets in the subdivision shall be extended to the adjacent unsubdivided land, as prescribed by the review authority, to provide access to the unsubdivided land in the event of its future subdivision.
 - (2) **Stub street improvements.** In the case of stub-end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub-end street, pending the extension of the street into adjacent property. Where required by the Planning Commission, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
- d. **Cul-de-sac and other dead-end streets.** Subdivision design shall not include cul-de-sac or other dead-end streets except where through streets cannot be provided because of existing development or other physical barrier or environmental feature requiring protection and/or preservation (e.g., a creek channel).
- e. **Intersections.** All streets shall normally intersect as nearly as possible at right angles, except when it can be shown that any other street pattern will improve design of the subdivision without hindering traffic safety. Traffic calming and pedestrian/bicycle safety features shall be incorporated into the design after consultation with the Transportation Safety Committee.
- f. **Curb, gutters, and sidewalks.** Where authorized by the review authority, sidewalks may be furnished on one side of the street only. Curbing and gutters shall be provided as required by the City's Standard Details, and as required by the review authority.
- (1) In general, curbing and gutters are appropriate for street drainage, safety, and the delineation and protection of the pavement edge.
 - (2) Where curbing is not required, some other type of edge definition and stabilization shall be specified by the review authority.

- g. **Street dedications.** A street that is not constructed to City standards will not be accepted by the City for dedication as a public street. However, even a street that complies with all applicable City standards may not be accepted for dedication. Acceptance of street dedication is at the discretion of the Council.
- h. **Street lighting.** All proposed subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's improvement standards and specifications, provided that the review authority shall ensure that:
 - (1) The illumination of streets shall be unobtrusive and the lowest intensity compatible with safety; and
 - (2) No lighting shall be allowed that results in illumination above the tree canopy.

The subdivider shall pay any street light maintenance and energy fee required by the City, through an assessment district.
- i. **Street signs and street names.**
 - (1) **Street names.** Names proposed for public and private streets within a proposed subdivision shall be approved by the review authority. The duplication of an existing street name within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.
 - (2) **Street signs.** The subdivider shall provide a minimum of one street name sign in compliance with the City's improvement standards and specifications at each street intersection.

4. **Blocks.** Proposed subdivision blocks shall comply with the following standards.

- a. **Block length.** Block faces should be 300 feet in length and shall not exceed a length of 500 feet except as approved by the Review Authority. No block perimeter shall exceed 2,000 feet.
- b. **Block width.** The width of each block shall be sufficient for an ultimate layout of two tiers of lots within the block, preferably with an alley between the tiers, with the lots sized in compliance with this Section. The review authority may approve alternative designs where it determines that surrounding subdivision layout, property lines, or topographic conditions require other standards.

5. **Parcels.** The size, shape and arrangement of proposed parcels shall comply with this Section, and with any other applicable General Plan policy, specific plan requirement, or other Municipal Code provision.

- a. **General parcel design standards.** Proposed parcels shall be designed with lot boundaries that are regular in shape, and in compliance with the following standards.
 - (1) Each proposed parcel shall be determined by the review authority to be "buildable" because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Land Use Code.
 - (2) No parcel shall be created that is divided by a City boundary line.

- (3) No subdivision shall be approved which leaves unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area, within the development.
 - (4) Clustering of lots with common open space areas and/or common parking lots is encouraged, in compliance with the General Plan.
- b. **Parcel area.** The minimum area for new parcels shall be as required by Article 2 (Zoning Districts and Allowable Land Uses) for the applicable zoning district, except as otherwise provided by this Section, and except as provided by Chapter 9.32 (Affordable Housing Requirements) or Section 9.72.070 (Planned Development Permit).
- (1) **Calculation of area.** When calculating the area of a parcel to determine compliance with this Section, Article 2, or the General Plan, the following shall be deducted from the gross area of any parcel, regardless of whether they may be used by the general public or are reserved for residents of the subdivision:
 - (a). A vehicular or non-vehicular access easement through the parcel;
 - (b). An easement for an open drainage course, whether a ditch, natural channel or floodway; and
 - (c). The "flag pole" (access strip) of a flag lot.
 - (2) **Minimum lot area requirements for common interest projects.** The minimum lot area requirements of Article 2 for the applicable zoning district shall not apply to condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel or parcels that are the location of the condominium or townhouse structure.
- c. **Parcel dimensions.** The dimensions of new parcels shall comply with applicable provisions of Article 2, or as otherwise required by the review authority.
- d. **Parcel configuration.** The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the lot design provisions regarding energy conservation in Subsection C.
- (1) **Street frontage required.** Except where determined by the review authority to be infeasible, each proposed parcel shall have frontage on a public street or improved alley. The frontage width shall be at least the minimum lot width required by the applicable zoning district, except where a flag lot is approved in compliance with Subsection F.5.d.4 (Flag lots) or the curving of the street frontage makes it infeasible.
 - (2) **Double-frontage lots.** Parcels with streets along both the front and rear lot lines shall be prohibited, except when necessitated by topographical or other physical conditions or where access from one of the roads is prohibited. (An alley is not considered a street for the purposes of this Section.)

(3) **Cul-de-sac parcels.** Where cul-de-sac parcels are allowed by the review authority, the minimum street frontage width for each parcel shall be 25 feet. The minimum depth of a parcel accessed by a cul-de-sac shall be an average of 90 feet.

(4) **Flag lots.** Flag lots may be approved only where the review authority determines that unusual depth or other characteristic of a parcel to be subdivided prevents one or more proposed parcels from having a frontage width equal to the minimum lot width required by the applicable zoning district. Where allowed, the "flag pole" portion of a flag lot shall have a minimum width of 15 feet for one lot and 20 feet for access to two or more lots; provided that the review authority may require additional width depending upon the length of the flag pole and traffic safety sight distance considerations.

e. **Curb cuts and driveways.** Whenever feasible, curb cuts serving adjacent uses shall be combined to minimize the number of entrances onto a public right-of-way. No curb island is allowed when it is less than six feet from top of curb cut to top of curb cut between uses. Proposed parcels shall be designed to accommodate driveways designed in compliance with Section 9.36.100 (Driveways and Site Access).

~~G~~ H. **Landscaping.** Landscaping shall be provided in compliance with Chapter 9.34 (Landscape Standards). The review authority may also require a subdivider to provide landscape buffers at appropriate locations to create a visual screen and minimize adverse impacts where a proposed subdivision abuts a major street or railroad, or includes more than one land use or housing type.

~~H~~ I. **Monuments.** The subdivider shall install monuments in compliance with the requirements of the City Engineer, and Map Act Chapter 4, Article 9.

~~I~~ J. **Off-site work.** The subdivider may be required to upgrade existing facilities to comply with increased capacity demands created by the subdivision, including road paving, sidewalk installation, etc.

~~J~~ K. **Private facilities - Maintenance.** A subdivision with common area or private streets shall have conditions, covenants, and restrictions (CC&Rs) approved by the City to provide for the maintenance of the common areas and/or private streets, and establish standards for maintenance.

~~K~~ L. **Public facilities and utilities.**

1. **Bridges and major thoroughfares.** The City may assess and collect fees as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares in compliance with Map Act Section 66484, after the City has established provisions through the circulation element of the General Plan for bridge crossings and major thoroughfares by ordinance.

2. **Fire hydrants.** The subdivider shall install fire hydrants of sizes and at locations approved by the Fire Chief and the Public Works Director.

3. **Public utilities and utility easements.** Each approved parcel shall be provided connections to public utilities, including electricity, gas, water, sewer, and telecommunications services, which shall be installed as part of the subdivision improvements as provided by this Section.

a. **Underground utilities.** Utilities in new subdivisions shall be installed underground, as follows. These requirements do not apply to utility lines which do not serve the area being subdivided. Telecommunications facilities are also subject to the requirements of Chapter

9.44 (Telecommunications Facilities).

- (1) **When required.** All existing and proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground. Equipment appurtenant to underground facilities, including surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, shall also be located underground or entirely within a building.

The subdivider is responsible for compliance with the requirements of this Section and shall make the necessary arrangements with all affected utility companies for facility installation.

- (2) **Location of installation.** Underground utility lines may be installed within street rights-of-way or along a lot line, subject to appropriate easements being provided if necessary. When installed within street rights-of-way, their location and method of installation, insofar as it affects other improvements within the street right-of-way, shall be subject to the approval of the City Engineer.
- b. **Utility easements - Minimum width.** The minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems shall be determined by the review authority based on the recommendations of the City Engineer for City facilities, and the recommendations of the applicable utility company, for public or private utilities.
- c. **Timing of installation.** All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines, and sanitary sewers from approved parcels shall be laid to sufficient lengths, as determined by the City Engineer, to avoid the need for disturbing the street improvements when service connections are made.
4. **Railroad crossings.** A proposed subdivision shall be designed to provide for railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California Public Utilities Commission for the establishment and improvement of the crossings. The subdivider shall deposit with the City Clerk, in cash, the estimated costs to be incurred by the City in pursuing the application for railroad crossings before the Public Utilities Commission. Upon termination of the proceedings before the Public Utilities Commission, an accounting of the deposit will be made and an additional charge or refund will be made to the subdivider.
5. **Sewage disposal.** Each parcel within an approved subdivision shall be provided a connection to the City's sewage collection, treatment, and disposal system, in compliance with the City's improvement standards and specifications.
6. **Storm drainage.** Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The use of natural drainage techniques in subdivision design is encouraged.
- a. **Design principles.** Natural drainage patterns shall be preserved to minimize potential slippage and flooding. On-site water retention is encouraged to reduce runoff to City facilities. Building site drainage shall be away from structures and to streets.
- b. **System capacity.** The storm drain system shall be designed for ultimate development of the drainage area.

- c. **Protection of off-site properties.** The storm drain system shall provide for the protection of abutting and other off-site properties that would be adversely affected by any increase in runoff attributed to the development; off-site storm drain improvements may be required to satisfy this requirement.
 - d. **Improvement of easement.** Any easement for drainage or flood control shall be improved as specified by the City Engineer.
- 7. **Storm drainage and sanitary sewer fees.** Prior to the filing of a Final Map or Parcel Map, the subdivider shall pay any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas, or sanitary sewer facilities for local sanitary sewer areas established in compliance with Map Act Section 66483. This requirement shall not be applied until the City has established a master plan for the neighborhood or sanitary areas by ordinance.
 - 8. **Water supply.** Each approved parcel shall be served by the City's water distribution system and shall be designed and constructed to accommodate both domestic and fire flows, together with necessary fire hydrants to serve each lot proposed to be created.

9.88.032 - Subdivision Design and Improvement Standards - Special Residential Subdivisions

In order to implement the Housing Element and add to the diversity of local housing opportunities, the following standards apply to special residential subdivisions, which are permitted in the Residential Low-Density (RL) zone. Other than the following standards, the other subdivision standards and requirements of this Chapter shall continue to apply.

- A. **Application requirements.** An applicant proposing to use the special residential subdivision standards of this Section shall clearly state their request in writing at the time of filing the Tentative Map.
 - 1. **Occupancy by lower income households required.**
 - a. These standards shall only be applied in a subdivision of four or fewer lots where at least one lot will be reserved for occupancy by a low-income household.
 - b. These standards shall only be applied in a subdivision of five or more lots where at least 20 percent of the lots will be reserved for occupancy by low-income households. If the subdivision contains 10 or more lots, at least 10 percent of the total number of lots shall be reserved for households with very low incomes.
 - 2. **Design standards.**
 - a. **Minimum lot area.** In the RL zone, the minimum lot size allowed shall be 4,000 square feet.
 - b. **Street access.** The following standards shall be applied where the proposed road will provide access only to the proposed project and immediately adjacent parcels.
 - (1) Public streets will be as narrow as can safely be permitted. Turn-outs shall be provided as necessary to allow for passing movements. One-way streets may be specified.
 - (2) Private roads may be permitted, provided that adequate provisions are made for

long-term maintenance, and that the roads provide access only to parcels within the proposed subdivision.

- c. **Pedestrian, bicycle, equestrian access.** Trails, paths, or sidewalks are to be provided. They may be located within the easements on private property and may be on only one side of any roadway, unless a logical extension of adjoining trails, paths, or sidewalk requires construction on both sides of the roadway.
- d. **On-street and off-street parking.** Off-street parking shall be provided at a ratio of at least one space for each primary dwelling and one additional space for each second unit on each lot. Special "coves" or turnouts for on-street parking may be required to accommodate guest or overflow parking.

9.88.040 - Site Preparation and Subdivision Construction

Proposed subdivision grading, and related erosion and sediment control measures, shall comply with all applicable provisions of Article 6 (Site Development Regulations).

9.88.050 - Improvement Plans

After the approval of a Tentative Map, the subdivider shall diligently proceed to complete any subdivision improvements necessary to fulfill the conditions of approval. Before the construction of any improvements, the subdivider shall submit plans to the City as follows:

- A. **Preparation and content.** Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include the following information:
 - 1. Any drawings, specifications, calculations, design reports and other information required by the City Engineer;
 - 2. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
 - 3. The improvement plan/specification checking and construction inspection fees required by the City Fee Schedule.
- B. **Submittal of plans.** Improvement plans shall be submitted to the City Engineer and other reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subsection C. following, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City. Plans shall be submitted in hard copy and electronic form as required by the City Engineer.
- C. **Review and approval.** Improvement plans shall be reviewed and approved by the City Engineer, within the time limits provided by Map Act Section 66456.2.
- D. **Effect of approval.** The final approval of improvement plans shall generally be required before approval of a Parcel or Final Map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

9.88.060 - Installation of Improvements

Subdivision improvements required as conditions of approval of a Tentative Map in compliance with this Chapter (see Section 9.88.050) shall be installed as provided by this Section.

- A. Timing of improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 9.88.060, and before the approval of a Parcel or Final Map in compliance with Sections 9.82.060 (Parcel Map Approval) or 9.82.100 (Final Map Approval), except where:
1. Improvements are deferred in compliance with Section 9.88.070 (Improvement Agreements and Security); or
 2. Improvements are required as conditions on the approval of a subdivision of four or fewer lots, in which case construction of the improvements shall be required:
 - a. When a Building Permit is issued for development of an affected parcel; or
 - b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the City, as set forth in Section 9.88.070 (Improvement Agreements and Security); or
 - c. At the time set forth in a condition of approval, when the review authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.
 3. To avoid breaking up street paving, underground utility or service lines required to be installed as part of a subdivision and are planned to run across or underneath the right-of-way of any street or alley shall be installed prior to the preparation of subgrade and prior to the surfacing of any streets or alleys. In the event that the development of the subdivision requires the utility company to perform utility construction work, the developer shall pay a deposit satisfactory to the utility company within sufficient time to permit construction work to be performed prior to subgrade preparation. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.
- B. Inspection of Improvements.** The construction and installation of required subdivision improvements shall occur as follows.
1. **Supervision.** Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.
 2. **Inspection procedures.**
 - a. **Inspections required.** The City Engineer shall make any inspections as he/she deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the City Engineer, the developer shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by the City Engineer.
 - b. **Access to site and materials.** The City Engineer shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in accordance with the approved improvement plans.

- c. **Authority for approval.** The work done and all materials furnished shall be subject to the inspection and approval of the City Engineer. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.
 - d. **Improper work or materials.** Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the City Engineer. In the event that the City Engineer determines that subdivision improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this Chapter.
3. **Notification.** The subdivider shall notify the City Engineer upon the completion of each stage of construction as outlined in this Chapter, and shall not proceed with further construction until authorized by the City Engineer.

9.88.070 - Improvement Agreements and Security

A subdivider may file a Parcel or Final Map before completion of all the improvements required by this Land Use Code and conditions of approval of the Tentative Map, only when the subdivider first obtains Council approval of a subdivision improvement agreement executed and submitted for Council review by the subdivider, and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

- A. **Contents of improvement agreement.** A subdivision improvement agreement shall be submitted in a form acceptable to the City and approved by the City Attorney, and shall include the following provisions:
- 1. **Description of improvements.** A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans;
 - 2. **Time limit for construction.** The period within which all required improvements will be completed to the satisfaction of the City Engineer;
 - 3. **Completion by City.** Provide that if the subdivider fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including any attorney and legal fees associated with enforcement of the agreement;
 - 4. **Surety requirement.** Require the subdivider to secure the agreement by furnishing security to insure full and faithful performance and to insure payment to laborers and material suppliers, as specified in Subsection B. The amount of surety shall be based on an engineer's cost estimate submitted by the subdivider and approved by the City Engineer. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate; and
 - 5. **Phased construction.** Provisions for the construction of improvements in units, at the option of the subdivider.
- B. **Security required to guarantee improvements.** A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved as to form and sufficiency by the City Attorney, as follows:

1. **Type of security.** Improvement security shall be in the amount set forth or authorized in Map Act Section 66499.3.
 - a. If the security is other than a bond or bonds furnished by a duly authorized corporate surety, an additional amount shall be included as determined by the Council as necessary to cover the cost and reasonable attorney's fees, which may be incurred by the City in successfully enforcing the obligation secured.
 - b. The security shall also secure the faithful performance of any changes or alterations in the work, to the extent that such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.

2. **Form of security.** The required surety shall consist of one or more of the following forms selected by the City Engineer for the full amounts specified in Subsection B.1 above.
 - a. A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys.
 - c. An instrument of credit from an agency of the state, federal, or local government when any said agency provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the State or Federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;
 - d. A lien upon the property to be divided, created by contract between the owner and the City, where the review authority finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the Map, or
 - e. Any form of security, including security interests in real property, which is acceptable to the local agency.

- C. **Time extensions.** An extension of time for completion of improvements under a subdivision improvement agreement shall be granted by the Council only as follows:
 1. **Public Works report.** The City Engineer notifies the Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.
 2. **Agreement by sureties.** The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the City Engineer, at an increased amount.
 3. **Council action.** As a condition of granting a time extension, the Council may impose whatever additional requirements the Council deems reasonable to protect the public interest.

- D. **Acceptance of improvements.** Before acceptance for maintenance or final approval by the Council of subdivision improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications.

9.88.080 - Soils Reports

Soils reports shall be provided by the subdivider as required by this Section.

A. Preliminary soils report. A preliminary soils report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision. The preliminary soils report shall be submitted with the Tentative Map application.

1. **Form of report.** A preliminary soils report may be divided into two parts:
 - a. **Soils reconnaissance.** The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing these hazards and problems; and
 - b. **Soils investigation and report.** This investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage.

The report shall also recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the lots. The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects or environmental impacts, a subsequent soils investigation of each parcel in the subdivision may be required and shall be submitted to and approved by the City Engineer and/or Building Official before approval of a Parcel or Final Map.

2. **Preliminary soils report waiver.** The preliminary soils report may be waived if the City Engineer and/or Building Official determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.

B. Final soils report. A final soils report prepared by a registered civil engineer shall be required where a preliminary soils report was required, unless the final report is waived by the City Engineer and/or Building Official.

1. Two copies of the final soils investigation and report shall be filed with the improvement plans.
2. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.
3. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions or modifications not shown on the approved plans.

C. Geologic investigation and report. If the City Engineer and/or Building Official determines that conditions warrant, a geologic investigation and report may also be required.

ARTICLE 9

Land Use Code Administration

NOTE: SECTIONS 9.94.020 THROUGH 9.94.080 AND 9.94.100 OF CHAPTER 9.94 ARE NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

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CHAPTER 9.90 -NONCONFORMING USES, STRUCTURES, AND PARCELS

Sections:

- 9.90.010 - Purpose and Intent of Chapter
- 9.90.020 - Nonconforming Uses
- 9.90.030 - Nonconforming Structures
- 9.90.040 - Nonconforming Parcels
- 9.90.050 - Exemptions
- 9.90.060 - Unlawful Uses and Structures
- 9.90.070 - Nuisance Abatement

9.90.010 - Purpose and Intent of Chapter

- A. **Purpose.** This Chapter provides regulations for nonconforming uses, structures, and parcels that were lawful before the adoption, or amendment of this Land Use Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Land Use Code, or future amendments.
- B. **Intent.** It is the intent of this Chapter to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions identified in this Chapter as long as they do not create a public nuisance.
- C. **Detrimental to orderly development.** The continuance of a nonconforming use or structure is generally detrimental to the orderly development of the City and the general welfare of its residents and is particularly detrimental to the welfare of persons and property in the vicinity of any nonconformity.
- D. **Illegal use or structure.** A use or structure that was established or constructed in violation of the applicable zoning regulations in effect at the time of establishment or construction, and that is not in compliance with the applicable regulations of this Land Use Code, is not a nonconforming use or structure, and is in violation of this Code.

9.90.020 - Nonconforming Uses

A nonconforming use may be continued, transferred, or sold, only in compliance with the provisions of this Section. Any determination made pursuant to this Chapter with regards to the permissibility to change, repair, replace, rehabilitate, continue, or modify a non-conforming use or structure does not obviate the requirement to obtain a Coastal Permit pursuant to Section 9.72.030 of this Coastal Land Use Code. Nothing in this Chapter shall be construed to authorize the City to issue a vested rights determination pursuant to Section 30608 of the Coastal Act.

- A. **Replacing a nonconforming use with a similar uses.**
 - 1. A nonconforming use may be changed to another nonconforming use, provided that the new nonconforming use does not increase the degree or intensity of the nonconformity as approved through a Use Permit.
 - 2. Where a nonconforming use is changed to another nonconforming use of a more restrictive classification, it shall not thereafter be changed to a use of a less restrictive classification.
- B. **Enlargement or expansion of a nonconforming use of land or structure.** A nonconforming use of land or structure shall not be enlarged or expanded in size or capacity, or extended to occupy a greater area, or increased in intensity or nonconformity.

C. Loss of nonconforming status.

1. If a nonconforming use of land, or a nonconforming use of a conforming structure, is discontinued for a continuous period of at least 12 months, the rights to legal nonconforming status shall terminate.
2. The nonconforming use shall not be resumed once the use has ceased for at least 12 months.
3. A nonconforming use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether or not the discontinuance was with the intent to abandon the use.
4. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business receipts/records to document continued operation.
5. Without further action by the City, any further use of the site shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Land Use Code.

9.90.030 - Nonconforming Structures

A nonconforming structure may be continued, transferred, or sold, only in compliance with the provisions of this Section.

A. Nonconforming status. Except as provided by Section 9.90.050.C (Nonconforming single- and multi-family dwelling units), nonconforming status shall terminate if a nonconforming structure is involuntarily damaged or destroyed by accident or natural occurrence, provided that the structure may be repaired and reoccupied only as follows:

1. **Relocation.** Nonconforming structures cannot be relocated unless they are brought into compliance with this Land Use Code.
2. **Structure damaged up to 50 percent.** A nonconforming structure involuntarily damaged up to 50 percent of its replacement cost (as defined in Subsection A.6.b., below) may be reconstructed, repaired, restored, and used as before, provided that the restoration is initiated (as defined in Subsection A.6.a., below) within 180 days, it does not increase the nonconformity of the structure, and is substantially completed within 12 months from the date of application for the required Building Permit.
3. **Structure damaged more than 50 percent.** A nonconforming structure involuntarily damaged to more than 50 percent of its replacement cost (as defined in Subsection A.6.b, below) shall not be reconstructed, repaired, or restored, except in conformity with the applicable requirements of the subject zoning district and building codes, through the Planned Development Permit Process. A nonconforming sign involuntarily damaged to more than 50 percent of its replacement cost (as defined in Subsection A.6.b, below) shall not be reconstructed, repaired, or restored, except in conformity with the applicable requirements of the subject zoning district and building codes, through the Master Sign program process (see Section 9.38.030).
4. **Ordinary repair and maintenance allowed.** Ordinary and normal repair and maintenance work that may be required to keep a nonconforming structure in sound condition may occur in

compliance with this Subparagraph, provided that no structural alterations or repairs shall be made, except those required by law or authorized under Subsection A.2., above. A nonconforming structure may undergo ordinary and normal repair and maintenance only as follows.

- a. **Minor repair.** A nonconforming structure may undergo minor normal repair and maintenance:
 - (1) Provided that no structural alterations are made, and the work does not exceed 50 percent of the replacement cost of the structure during any calendar year;
 - (2) For the purposes of this Subsection, the cost of any required foundation work shall not be counted within the 50 percent limitation.
5. **Other allowed modifications.** The addition, enlargement, extension, reconstruction, or structural alteration of a nonconforming structure may be allowed; provided, the modification is necessary to secure added safety or to reduce the fire hazard and/or to secure aesthetic advantages through the alignment, architecture, or closer conformity to surrounding allowed structures in the immediate neighborhood, and only in compliance with Subsection A.3, above.
6. **Definitions.**
 - a. **Restoration is initiated.** As used in this Subsection, "restoration is initiated" requires that, at a minimum, a complete Building Permit application has been filed.
 - b. **Replacement cost.**
 - (1) As used in this Subsection, "replacement cost" is the construction cost to replace the entire structure immediately before the occurrence of the damage.
 - (2) For purposes of administering the provisions of this Subsection, the applicant shall submit three estimates from licensed contractors for the damaged structure with the estimates averaged by the City's Building Official, which determination shall be final, unless appealed in compliance with Chapter 9.76 (Appeals).

9.90.040 - Nonconforming Parcels

- A. **Legal building site.** A nonconforming parcel that does not comply with the applicable area or width requirements of this Land Use Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.
 1. **Approved subdivision.** The parcel was created by a recorded subdivision consistent with the requirements of the Coastal Act and the Subdivision Map Act;
 2. **Individual parcel legally created by deed.** The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming, and the required Coastal Permit has been obtained;
 3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment, and the required Coastal Permit has been obtained;
 4. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Land Use Code, and the required Coastal Permit has been obtained, but was made

nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent; or

5. **Certificate of Compliance.** A Certificate of Compliance has been issued, in compliance with Article 8 (Subdivision Regulations and Procedures), verifying that the parcel complies with the applicable provisions of Article 8, ~~and~~ the Subdivision Map Act, and the required Coastal Permit has been obtained.

- B. **Subdivision or lot line adjustment of a nonconforming parcel.** No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

9.90.050 - Exemptions

- A. **Historic structure.** A nonconforming structure of historical significance may be altered or enlarged without increasing the degree of nonconformity with the approval of the Historic and Design Review Commission (HDRC). A nonconforming structure of historical significance may be altered or enlarged without conforming to current setback provisions with Planned Development Permit approval granted by the Planning Commission in compliance Section 9.72.070 with a recommendation from the HDRC; provided that the historic structure is:

1. Included in a historic district;
2. Designated as a historic landmark or noteworthy structure by the City Council;
3. Listed on the California Register or National Register; or
4. To be restored.

- B. **Structural Alteration.** Where a single-family residence, or its detached accessory structures, is nonconforming only by reason of substandard setbacks, the provisions of this Section shall not apply; provided, any structural alteration of a nonconforming structure shall not increase the size or degree of the nonconformity.

- C. **Damaged or destroyed residential units.**

1. Nonconforming single- and multi-family dwelling units that have been involuntarily damaged or destroyed by accident or natural occurrence, may be reconstructed or replaced with a new structure using the same development standards that applied to the damaged or destroyed structure (e.g., building footprint, building height, density standards, number of dwelling units, setbacks, and square footage); provided that:
 - a. The applicant provides documentation, satisfactory to the Director, supporting the claim that the damage or destruction occurred involuntarily;
 - b. No expansion of the gross floor area or number of dwelling units occurs;
 - c. The replacement structure:
 - (1) Is in compliance with the California Building Code; and

1. **Nonconforming due to public acquisition.** Whenever any structure or parcel is rendered nonconforming within the meaning of this Chapter by reason of a reduction in a required parcel area, reduction of off-street parking facilities, or setbacks occurring solely by reason of dedication to, or purchase by, the City for any public purpose, or eminent domain proceedings, which result in the acquisition by the City or any agency authorized for the eminent domain proceedings of a portion of the property, the same shall not be deemed nonconforming within the meaning of this Chapter.

9.90.060 - Unlawful Uses and Structures

Uses and structures which did not comply with the applicable provisions of this Land Use Code or prior planning and zoning regulations when established are violations of this Land Use Code and are subject to the provisions of Chapter 9.96 (Enforcement and Penalties). This Chapter does not grant any right to continue occupancy of property containing an illegal use or structure. The activity shall not be lawfully allowed to continue unless/until permits or entitlements required by this Land Use Code and the Municipal Code are first obtained.

9.90.070 - Nuisance Abatement

- A. **Not applicable to public nuisances.** The provisions of this Chapter shall not apply to a use or a structure which is, or which becomes, a public nuisance.
- B. **Continuance of public nuisances prohibited.** The provisions of this Chapter do not allow, and shall not be interpreted to allow, the continuation of a use or structure which is deemed a public nuisance or which is prohibited or otherwise made unlawful, in whole or in part, by the Municipal Code (including the Building Code, Fire Code, Land Use Code, etc.) or by laws enacted by the State or Federal government which are applicable to this City.
- C. **Enforcement actions.** In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the City, in compliance with the Municipal Code and Chapter 9.96 (Enforcement and Penalties).

CHAPTER 9.92 - AMENDMENTS

Sections:

- 9.92.010 - Purpose of Chapter
- 9.92.020 - Processing, Notice, and Hearing
- 9.92.030 - Planning Commission Action on Amendment
- 9.92.040 - Council Action on Amendment
- 9.92.050 - Findings
- 9.92.060 - Rezoning
- 9.92.070 - Amendments to the Local Coastal Program

9.92.010 - Purpose of Chapter

This Chapter provides procedures for the amendment of the General Plan, the Zoning Map, this Land Use Code, and the Local Coastal Program whenever the Council determines public necessity and general welfare require an amendment.

9.92.020 - Processing, Notice, and Hearing

A. Who may initiate an amendment.

1. **General Plan or Zoning Map.** A General Plan or Zoning Map amendment may only be initiated by:
 - a. The Council;
 - b. The Planning Commission; or
 - c. The filing of an amendment application with the Department by the owner or authorized agent of property for which the amendment is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application.
2. **Land Use Code.** A Land Use Code amendment may only be initiated by:
 - a. The Council;
 - b. The Planning Commission; or
 - c. By Council action to adopt an urgency measure as an interim ordinance in compliance with State law (Government Code Section 65858).

B. Application filing and processing. An application for an amendment shall be completed, filed, and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for amendment applications. A General Plan amendment shall involve consultation with pertinent Tribal Governments per the requirements of Senate Bill 18 (SB18) of 2004.

C. Public hearings required. The Planning Commission and Council shall each conduct one or more public hearings regarding the amendment application.

- D. **Notice of hearings.** Notice of the public hearings shall be provided, and the hearings shall be conducted in compliance with Chapter 9.74 (Public Hearings).

9.92.030 - Planning Commission Action on Amendment

The Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based on the findings identified in Section 9.92.050 (Findings), below.

9.92.040 - Council Action on Amendment

- A. **Action to approve/disapprove.** Upon receipt of the Planning Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based on the findings identified in Section 9.92.050 (Findings), below.
- B. **Referral to Planning Commission.** If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan amendments] and 65857 [Land Use Code /Zoning Map amendments]).

9.92.050 - Findings

An amendment to the General Plan, the Zoning Map, or this Land Use Code may be approved only if all of the following findings are made, as applicable to the type of amendment.

- A. **Findings for General Plan amendments.**
1. The proposed amendment is consistent with all other provisions of the General Plan;
 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 3. The affected site(s) is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses and/or development.
- B. **Findings for Zoning Map and Land Use Code text amendments.**
1. **Findings required for all Zoning Map and Land Use Code text amendments:**
 - a. The proposed amendment is consistent with the General Plan; and
 - b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 2. **Additional finding for Zoning Map amendments:** The affected site(s) is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.

9.92.060 - Prezoning

A. Purpose.

1. An unincorporated property within the City's sphere of influence may be prezoned for the purpose of determining the zoning that would apply to the property in the event of subsequent annexation to the City.
2. The initiation and the procedures for the prezoning shall be the same procedures which govern the rezoning of property within the City and as identified in this Chapter.
3. Upon the effective date of annexation of property which has been prezoned in compliance with this Section, the zoning designation shall become the official zoning designation for the property and shall be so designated on the City's Official Zoning Map.

B. Applicability.

1. **All lands.** Except for those lands identified in Subsection B.2, immediately below, all lands shall be subject to the prezoning procedures identified in this Section and within Section 9.94.040.
2. **Not subject to resource lands.** Resource lands shall not be prezoned, but their specific land use designations shall be considered at the time of annexation.

C. Commission's action on prezoning.

The Planning Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed prezoning, based on the findings contained in 9.92.050 (Findings), above.

D. Council's action on prezoning.

1. Upon receipt of the Planning Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed prezoning based on the findings contained in 9.92.050 (Findings), above.
2. If the Council proposes to adopt a substantial modification to the prezoning not previously considered by the Planning Commission during its hearings, the proposed modification may be first referred back to the Planning Commission for its recommendation, in compliance with State law (Government Code Section 65857).

9.92.070 - Amendments to the Local Coastal Program

A. Procedure same as other amendments.

The certified Local Coastal Program (LCP) or any portion (Land Use Plan or relevant provisions of these regulations) may be amended by the Council in compliance with the provisions of this Chapter for General Plan, Land Use Code, and Zoning Map amendments.

B. Certification by Coastal Commission required.

An amendment to the LCP land use designations, or any Land Use Code provision applicable within the Coastal Zone shall not take effect until the amendment has been certified by the Coastal Commission in compliance with the Coastal Act.

C. Compliance with Coastal Act required.

Amendments to the LCP approved by the Council in compliance with this Chapter shall be prepared for submittal, filed with the Coastal Commission, processed and decided by the Coastal Commission in compliance with the Coastal Act.

CHAPTER 9.94 -GROWTH MANAGEMENT

NOTE: SECTIONS 9.94.020 THROUGH 9.94.080 AND 9.94.100 OF CHAPTER 9.94 ARE NOT AN APPLICABLE PART OF THE COASTAL LAND USE CODE FOR PURPOSES OF THE GOVERNANCE OF THE ISSUANCE OR APPEAL OF COASTAL PERMITS

Sections:

- 9.94.010 - Purpose of Chapter
- 9.94.020 - Effect of Sphere of Influence
- 9.94.030 - Changes to Sphere of Influence
- 9.94.040 - Rezoning of Parcels Within Sphere of Influence
- 9.94.050 - Annexation Procedures
- 9.94.060 - Annexation Application Requirements
- 9.94.070 - Criteria for Annexation of Undeveloped Land
- 9.94.080 - Criteria for Annexation of Land With Existing Urban Development
- 9.94.090 - Urban Services Boundary**
- 9.94.100 - Extension of Services Outside City Boundary
- 9.94.110 - Modification of Urban Services Boundary

9.94.010 - Purpose of Chapter

This Chapter provides criteria and procedures for growth management in the City.

9.94.020 - Effect of Sphere of Influence

- A. **Sphere of Influence defined.** The Sphere of Influence adopted by the Local Agency Formation Commission (LAFCo) for the City, is shown on Figure GM-a of the General Plan.
- B. **City intent.** It is the City's intent to maintain an adequate amount of land within the Sphere of Influence to accommodate future growth, consistent with the goals and policies of the General Plan, as well as to protect open space and productive resource uses.
- C. **Effect of Sphere of Influence.** Only parcels that are included within the City's Sphere of Influence shall be eligible for annexation into the City.

9.94.030 - Changes to Sphere of Influence

- A. **Periodic evaluation.** The City shall comprehensively evaluate the Sphere of Influence boundary at least every five years, but more frequently if appropriate.
- B. **Property owner requests.**
 - 1. Any owner of property within the unincorporated area of Humboldt County that is adjacent to the Sphere of Influence may request that the City include their property within the Sphere of Influence.
 - 2. A proposal to change the Sphere of Influence shall identify the requested land use designations and any other necessary or appropriate amendments to the various elements of the General Plan/Local Coastal Plan.

- C. **Consideration by Planning Commission and Council.** A proposed Sphere of Influence amendment shall first be considered by the Planning Commission, which shall provide a written recommendation to the Council, and then acted upon by the Council before any consideration by LAFCo and/or the Coastal Commission.
- D. **Criteria to be considered.** A City decision to change the Sphere of Influence boundary shall be based on the following criteria:
 - 1. The resulting area has an adequate supply of land to accommodate projected housing needs allocated by the Humboldt County Council of Governments.
 - 2. In considering proposed changes, and at each periodic comprehensive evaluation, the Council, upon recommendation of the Planning Commission, shall determine whether it would serve the public interest to designate additional lands for which to provide municipal services and developed with urban uses, or to protect open space or productive resource uses.
 - 3. An amendment to the Sphere of Influence to include additional lands shall be subject to environmental review in compliance with the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment) and the California Coastal Act, if applicable.
 - 4. A proposal to amend the Sphere of Influence may be considered concurrently with an annexation request.
 - 5. An adjustment to the Sphere of Influence shall incorporate adequate provisions for open space.

9.94.040 - Rezoning of Parcels Within Sphere of Influence

- A. **Timing of rezoning.** Land within the Sphere of Influence shall not be rezoned until the City considers a formal annexation request, and then only in compliance with Section 9.92.060 (Rezoning).
- B. **Consistency with General Plan.** All rezonings shall be consistent with the land use designations of the City's General Plan for the Sphere of Influence, or a General Plan Amendment shall be required, in compliance with Chapter 9.92 (Amendments).
- C. **Purpose of procedure.** The purpose of this procedure shall be to provide maximum latitude to the City to determine the appropriate timing of expansion of the City boundaries, extension of services, and urban development.

9.94.050 - Annexation Procedures

- A. **Purpose.** The City's objective is to provide for the logical annexations of unincorporated lands within the City's Sphere of Influence only when the existing or proposed development is consistent with community character, and City services can be adequately provided or to protect open spaces and resource uses.
- B. **Timing of application.** The City shall consider rezoning/annexation requests before an annexation application is filed with LAFCo.

- C. **Procedures.** If area property owners or residents request that the City initiate an annexation request to LAFCo, the following procedures shall apply:
1. **Initiation.**
 - a. **Inhabited lands.** If lands are inhabited, a petition needs to be signed by no less than 50 percent of the resident voters, or at least 25 percent of owners of property located within the annexation area;
 - b. **Uninhabited lands.** If lands are uninhabited but consist of more than one parcel and owner, a petition needs to be signed by a majority of owners representing more than 50 percent of the annexation area;
 - c. **Single parcel.** If a single parcel, a petition needs to be submitted by the owner(s).
 2. **Planning Commission consideration and recommendation.** The Planning Commission shall review and make a written recommendation on the requested annexation to the Council.
 3. **Council's final action.** Final action shall be taken by the Council in the form of a Resolution of Intention for the annexation.
 4. **Transmittal of annexation request.** Following Council approval of an annexation request, including any accompanying General Plan amendment, pre-zoning ordinance, and/or environmental document, the City shall transmit the annexation request to LAFCo for its consideration and decision.

9.94.060 - Annexation Application Requirements

The following shall apply to where the land proposed to be annexed to the City is not developed with urban land uses before the annexation.

- A. **Annexation study.** The City, or consultants under contract to the City, shall prepare a detailed annexation study, as follows.
1. **Content of study.** An annexation study shall include the following items.
 - a. A comprehensive and detailed analysis of the fiscal impacts of the annexation, addressing the full range of revenues and expenditures. One-time capital costs of facilities, as well as recurring operating costs and revenues, shall be evaluated.
 - b. A study and/or proposal for tax-sharing agreements with other taxing entities (e.g., the County).
 - c. An accompanying General Plan amendment, if requested or appropriate.
 - d. A proposed preliminary development plan, including phasing if appropriate.

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- e. An assessment of the City's capacity to provide facilities and services, including: fire protection; parks; police services; stormwater management; streets and circulation; wastewater collection and treatment; water supply and distribution; and other services as appropriate.
 - f. A rezoning ordinance.
 - g. The annexation study shall have a determination of consistency with the Arcata General Plan.
2. **Cost for preparation of study.** The costs of preparing the annexation study, including City administrative costs, shall be paid for by the applicant requesting the City to consider the annexation.
- B. **Environmental document.** An appropriate environmental document shall be prepared in compliance with the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment).
- C. **Planned Development or specific plan may be required.** A Planned Development, prepared and adopted in compliance with Section 9.72.070 (Planned Development Permit), or specific plan may be required prior to the annexation of any property larger than five acres and any vacant residential property of an acre or more.

9.94.070 - Criteria for Annexation of Undeveloped Land

Undeveloped land may be annexed to the City only if the proposed annexation will:

- A. Only include parcels within the Urban Services Boundary identified in Section 9.94.090, and adjacent to existing urban development;
- B. Not exceed the City's capacity to provide services and infrastructure to accommodate the proposed development;
- C. Be timed so that the availability of services and infrastructure is concurrent with the anticipated need;
- D. Have either a positive or neutral fiscal impact, or other overriding public benefits;
- E. Comply with all applicable General Plan policies; and
- F. Not include prime agriculture land (Storie Index of 60 or higher) other than with a designation and rezoning of Agriculture Exclusive (A-E), Natural Resource (NR), or Public Facility (P-F).

9.94.080 - Criteria for Annexation of Land With Existing Urban Development

Land with existing urban development may be annexed to the City only if the proposed annexation will:

- A. Only include parcels within the Urban Services Boundary identified in Section 9.94.090, and adjacent to an existing City boundary;
- B. Have facilities brought up to City standards before or concurrent with the annexation; and

- C. Ensure that all costs for service extensions shall be paid for entirely by the owners of annexing properties and not by existing City taxpayers or ratepayers, or, have a financing mechanism in place before the annexation.

9.94.090 - Urban Services Boundary

- A. **City's intent.** It is the City's intent to provide needed services to urban uses within the Urban Services Boundary when the provision of those services will not exceed the City's planned system capacities. New residential, commercial, or industrial development, except as otherwise provided in the Coastal Land Use Plan and this Coastal Land Use Code, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Furthermore, new or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of the City's Local Coastal Program. Accordingly, special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.
- B. **Boundary defined.** The Urban Services Boundary serves to define the boundary that limits the extent of City services and urban uses, within the City's incorporated area and Sphere of Influence.
- C. **Rural residential development.** Rural residential development within the City limits may be approved outside the Urban Services Boundary but only if the development would not require the extension of sewer, water, and other public facilities.

9.94.100 - Extension of Services Outside City Boundary

- A. The City shall not extend sewer mains or new water mains, or provide new service connections to portions of its Planning Area outside of the City limits except under following conditions:
 - 1. **Emergency sanitary sewer connection.** The City may provide an emergency sewer line extension provided the following conditions are met:
 - a. The property is located within the City Urban Services Boundary for water and sewer.
 - b. The property is adjacent to the City limits.
 - c. The on-site sewage disposal system has failed.
 - d. It is not feasible to replace or repair the on-site sewage disposal system as evidenced by a letter from the County of Humboldt Division of Environmental Health.
 - e. The on-site sewage disposal system failure is considered a health hazard by the County of Humboldt Division of Environmental Health.
 - f. The owner has submitted a complete application to the City of Arcata for annexation of

the property within 18 months from the date that sanitary sewer service was provided.

- g. LAFCo has approved the emergency sanitary sewer connection.
 - h. The sewer connection shall be sized to only accommodate the failed system.
2. **Contracts to provide water and/or sewer services to other service districts.** The City may contract to provide water and/or sewer services to other service districts subject to the following guidelines:
- a. Only those areas with existing contracts as of December 31, 1998 shall be served.
 - b. No new contracts for services shall be approved.
 - c. No new connections shall be allowed to the sewer lines in the area located between the City limits and the Arcata Planning Area Boundary except in compliance with Subsection 1, above.

9.94.110 - Modification of Urban Services Boundary

The City may approve an Urban Services Boundary modification only after first finding all of the following:

- A. There are existing legal urban uses or urban uses designated on the land use plan map for the area being considered.
- B. There is sufficient existing or planned infrastructure capacity to extend police protection, sewer, water, and other services, without reducing service standards for other areas.
- C. The area to be served is:
 - 1. Adjacent to existing urban development; and
 - 2. Within the City limits or Sphere of Influence.
- D. City service extensions will not adversely impact open space and natural resources in the area.
- E. **Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, any such boundary modification shall ensure that essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses are not be precluded by other development.**

CHAPTER 9.96 - ENFORCEMENT AND PENALTIES

Sections:

- 9.96.010 - Purpose of Chapter
- 9.96.020 - Permits and Licenses
- 9.96.030 - Official Duty to Enforce
- 9.96.040 - Violations
- 9.96.050 - Remedies are Cumulative
- 9.96.060 - Inspections
- 9.96.070 - Permit Revocation or Modification
- 9.96.080 - Initial Enforcement Action
- 9.96.090 - Legal Remedies
- 9.96.100 - Recovery of Costs
- 9.96.110 - Additional Permit Processing Fees
- 9.96.120 - Reinspection Fees

9.96.010 - Purpose of Chapter

This Chapter establishes procedures for City responses to violations of this Land Use Code/Arcata General Plan and any conditions of planning permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare.

9.96.020 - Permits and Licenses

Each department, official, and employee of the City who is assigned the authority or duty to issue permits or licenses shall comply with all applicable provisions of this Land Use Code/Arcata General Plan.

- A. **Permits in conflict with Land Use Code.** No permit shall be issued by the City for a use or structure in conflict with the provisions of this Land Use Code/Arcata General Plan.
- B. **Permits deemed void.** Any permit issued in conflict with the provisions of this Land Use Code/Arcata General Plan shall be deemed void.

9.96.030 - Official Duty to Enforce

- A. **Designated employee.** The Zoning Administrator may:
 - 1. Exercise the authority provided in Section 836.5 of the Penal Code as a Code Enforcement Officer; and
 - 2. Issue citations for any violations of this Land Use Code/Arcata General Plan pertaining to the use of any land and the addition, alteration, construction, conversion, erection, moving, reconstruction, or use of any structure.
- B. **Police Chief.** The Police Chief shall render any and all necessary assistance to the Zoning Administrator for the enforcement of this Land Use Code.

9.96.040 - Violations

Any structure constructed or maintained contrary to the provisions of this Land Use Code and any use of land or

structures operated or maintained contrary to the provisions of this Land Use Code are hereby declared to be public nuisances.

- A. **Public nuisance.** Any structure or use which is altered, constructed, converted, enlarged, established, erected, maintained, moved, or operated, contrary to the provisions of this Land Use Code or any applicable condition of approval imposed on a permit, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in this Chapter and Title 1, Chapter 3 (Penalty Provisions) of the Municipal Code.
- B. **Criminal violations.** Any person, whether an agent, principal, or otherwise, violating or causing the violation of any provision of this Land Use Code or any permit issued in compliance with this Land Use Code shall be guilty of a misdemeanor or an infraction at the election of the City and/or its prosecuting official, and upon conviction thereof, shall be punishable by the applicable fine established by the Council.
- C. **Misdemeanors.** Any offense that would otherwise be an infraction may, at the discretion of the District Attorney or City Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any provision of this Land Use Code within the 12 months immediately preceding the commission of the offense, or has been convicted of three or more violations of any provision of this Land Use Code within the 24 months immediately preceding the offense.
- D. **Stop Work Order.**
 - 1. Any construction in violation of this Land Use Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order."
 - 2. Any violation of a Stop Work Order shall constitute a misdemeanor, subject to the penalties described in Title 1, Chapter 3 (Penalty Provisions) of the Municipal Code.

9.96.050 - Remedies are Cumulative

- A. **Cumulative, not exclusive.** All remedies contained in this Land Use Code for the handling of violations or enforcement of the provisions of this Land Use Code shall be cumulative and not exclusive of any other applicable provisions of City, County, or State law.
- B. **Other remedies.** Should a person be found guilty and convicted of a misdemeanor or infraction for the violation of any provision of this Land Use Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violations.

9.96.060 - Inspections

- A. **Preapproval inspections.** Every applicant seeking a permit or any other action in compliance with this Land Use Code shall allow the City officials handling the application access to any premises or property which is the subject of the application. An owner's signature on a City Application Form authorizes City of Arcata representatives to enter upon a subject property as reasonably necessary to evaluate a proposed project.
- B. **Post approval inspections.** If the permit or other action in compliance with this Land Use Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

9.96.070 - Permit Revocation or Modification

- A. **Procedures.** This Section provides procedures for securing punitive revocation or modification of previously granted permits or approvals.
- B. **Revocations.** The City's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.
- C. **Modifications.**
 - 1. The City's action to modify, rather than revoke, a permit or approval, shall have the effect of changing the operational aspects of the permit or approval.
 - 2. The changes may include the operational aspects related to the duration of the permit or approval, fencing, hours of operation, landscaping and maintenance, lighting, noise, parking, performance guarantees, property maintenance, screening, signs, surfacing, traffic circulation, etc.
- D. **Hearings and notice.**
 - 1. The appropriate review authority that originally approved the permit, shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Land Use Code.
 - 2. At least ten days before the public hearing, notice shall be delivered in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted.
 - 3. Notice shall be delivered by either personal delivery or through certified first class mail, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.
- E. **Review authority action.**
 - 1. **Permits.** A land use permit or approval may be revoked or modified by the review authority (e.g., Zoning Administrator, Historic and Design Review Authority, Planning Commission, or Council) that originally approved the permit, if the review authority first makes any one of the following findings:
 - a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation;
 - b. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or other approval;
 - c. One or more of the conditions of the original approval have not been substantially fulfilled or have been violated;

- d. The approved use or structure has ceased to exist or has been suspended for at least 12 months;
 - e. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
 - f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.
2. **Variances.** A Variance may be revoked or modified by the review authority which originally approved the Variance, if the review authority first makes either one of the following findings:
- a. Circumstances under which the entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or
 - b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

9.96.080 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Zoning Administrator has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Land Use Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

A. Notice to responsible parties. The Zoning Administrator shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation as delivered per Subsection 9.96.070.D.3, which shall include the following information:

- 1. A description of the violation, and citations of applicable Land Use Code provisions being violated;
- 2. A time limit for correcting the violation in compliance with Subsection B, below;
- 3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violations in compliance with Section 9.96.100 (Recovery of Costs), and/or initiate legal action as described in Section 9.96.090 (Legal Remedies);
- 4. A statement that the property owner may request and be provided a meeting with the Zoning Administrator to discuss possible methods and time limits for the correction of the violations.

B. Time limit for correction.

- 1. The Notice of Violation shall state that the violations shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Zoning Administrator within that time to arrange for a longer period for correction.
- 2. The 30-day time limit may be extended by the Zoning Administrator upon a showing of good cause.

3. The Zoning Administrator may also require through the Notice of Violation that the correction occur within less than 30 days if the Zoning Administrator determines that the violation constitutes a hazard to public health or safety.
- C. **Use of other enforcement procedures.** The enforcement procedures of Section 9.96.090 (Legal Remedies) may be employed by the Zoning Administrator after or instead of the provisions of this Section where the Zoning Administrator determines that this Section would be ineffective in securing the correction of the violations within a reasonable time.

9.96.090 - Legal Remedies

The City may choose to undertake any one or all of the following legal actions to correct and/or abate any public nuisances or violations of this Land Use Code.

A. Civil actions.

1. **Injunction.** The City Attorney, upon order of the Council, may apply to the Superior Court for injunctive relief to terminate a violation of this Land Use Code.
2. **Abatement proceedings.** Where any person fails to abate a violation after being provided a Notice of Violation in compliance with Section 9.96.080.A and the opportunity to correct or end the violation, the City Attorney, upon order of the Council, shall apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.
3. **Nuisance abatement.** The City may pursue nuisance abatement in compliance with Section Title I, Chapter 3 (Penalty Provisions) of the Municipal Code.

B. Civil remedies and penalties.

1. **Civil penalties.** Any person who willfully violates the provisions of this Land Use Code or any permit issued in compliance with this Land Use Code, shall be liable for a civil penalty in compliance with the Code Enforcement Fee Schedule for each day that the violation continues to exist.
2. **Costs and damages.** Any person violating any provisions of this Land Use Code or any permit issued in compliance with this Land Use Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violations.
3. **Procedure.** In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

C. Criminal actions and penalties. See Section 9.96.040.B (Criminal Violations).

9.96.100 - Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including Staff and City Attorney time expended on the enforcement of the provisions of this Land Use Code in cases where no permit is required

in order to correct a violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement.

A. Record of costs.

1. The Department shall maintain records of all administrative costs, incurred by responsible City departments, associated with the processing of violations and enforcement of this Land Use Code, and shall recover the costs from the property owner in compliance with this Section and Title V, Chapter 5 (Abatement of Nuisances) of the Municipal Code.
2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.

B. Notice. Upon investigation and a determination that a violation of any of the provisions of this Land Use Code is found to exist, the Zoning Administrator shall notify the record owner or any person having possession or control of the property by mail as delivered per Subsection 9.96.070.D.3, of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of costs and notice.

1. At the conclusion of the case, the Zoning Administrator shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified first class mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed or, after a hearing the Zoning Administrator affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Zoning Administrator.
4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment, or by a lien on the property, at the City's election.

D. Request for hearing on costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Zoning Administrator on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Zoning Administrator shall hold a hearing on the owner's objections, and determine their validity.
3. In determining the validity of the costs, the Zoning Administrator shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation

provided by the owner; and whether reasonable minds can differ as to whether a violation exists.

4. The Zoning Administrator's decision is appealable to the Council as provided by Chapter 9.76 (Appeals).

9.96.110 - Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, enlarges, erects, maintains, or moves any structure without first obtaining any permit required by this Land Use Code, shall pay the additional permit processing fees established by the City's Fee Schedule for the correction of the violations, before being granted a permit for a use or structure on the site.

9.96.120 - Reinspection Fees

A. Amount and applicability of reinspection fee.

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of the Municipal Code, adopted Building Code, or State law.
 - a. The fee amount shall be established by the City's Fee Schedule.
 - b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

B. Continuation of the original case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Land Use Code or the Municipal Code for less than 180 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Land Use Code or the Municipal Code.
3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Land Use Code or the Municipal Code, or costs incurred by the City for the abatement of a public nuisance.

ARTICLE 10

Glossary

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CHAPTER 9.100 -DEFINITIONS

Sections:

9.100.010 - Purpose

9.100.020 - Definitions of Specialized Terms and Phrases

9.100.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Land Use Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Land Use Code. If a word is not defined in this Chapter, or in other provisions of the City of Arcata Municipal Code, the Director shall determine the correct definition.

9.100.020 - Definitions of Specialized Terms and Phrases

As used in this Land Use Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. Having property lines, street lines, or zoning district lines in common.

Accessory Retail or Services. The retail sale of various products, or the provision of certain personal services within a health care, hotel, office, or industrial complex, to employees or customers. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes; and barber and beauty shops within residential care facilities.

Accessory Structure. A structure that is physically attached or detached from, secondary and incidental as measured by mass, size or location to, and commonly associated with a primary structure on the same site. See also "Agricultural Accessory Structure," "Garage" and "Residential Accessory Uses and Structures."

Accessory Use. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use.

Acres, Gross. The entire acreage of a site. Gross acreage is calculated to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.

Acres, Net. The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights-of-way, public open space, and flood ways.

Adaptive Use/Reuse. See "Historical Resource Preservation."

Adequate Solar Access. See "Solar Access."

Adult day care facility. See “Day Care.”

Affordable and Inclusionary Housing. The following terms and phrases are defined for the purposes of Chapter 9.31 and 9.32:

1. **Affordable Sales Price (Single Family Residential Projects).** “Affordable” means average monthly housing payments, including mortgage loan principal and interest, any associated loan insurance fees, property taxes and assessments, homeowners insurance, land rent (if the home is on rented or ground lease land) and homeowners association dues, if any, which during the first (1st) calendar year of a household’s occupancy, are equal to or less than: (i) for Very Low Income Inclusionary Units, one-twelfth (1/12th) of forty-two percent (42%) of fifty percent (50%) of Median Income, adjusted by household size based on the number of bedrooms in the unit; (ii) for Low Income Inclusionary Units, one-twelfth (1/12th) of forty-two percent (42%) of seventy-two percent (72%) of Median Income, adjusted for household size based on the number of bedrooms in the unit; and (iii) for Moderate Income Inclusionary Units, one-twelfth (1/12th) of forty-two percent (42%) of one hundred ten percent (110%) of Median Income, adjusted for household size based on the number of bedrooms in the unit. Adjustments for household sized based on the number of bedrooms in the unit and amounts utilized for utility allowances and other monthly housing cost factors, including assumed mortgage interest rates, loan insurance fees, maintenance and repair allowances, homeowners’ insurance, property tax and assessment costs, and homeowners association dues, shall be as provided by the City’s First Time Homebuyer Guidelines.
2. **Affordable Rent (Multi-Family Residential Projects).** “Affordable” means rents calculated annually by the United States Department of Housing and Urban Development (“HUD”) and are:
 - a. The lesser of the Fair Market Rents or a rent that does not exceed thirty percent (30%) of sixty percent (60%) of the area median income (“Low Income Rents”); or
 - b. Thirty percent (30%) of fifty percent (50%) of the area median income (“Very -Low Rents”).
 - c. Other rent levels that may be established by the City Council for a specific project or program.
3. **Affordable Unit.** A dwelling unit that is required to be rented at affordable rents or purchased at an affordable sales price to specified households.
4. **Annual Household Income.** The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor, or other income limits that may be required by a public funding agency.
5. **Assisted Housing.** Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal '8 (new construction, substantial rehabilitation, and loan management set-asides), Federal 's 213, 236, and 202, Federal '221(d)(3) (below-market interest rate program), Federal '101 (rent supplement assistance), CDBG, FmHA'515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.
6. **Construction Costs.** The estimated cost per square foot of construction, as established by the Building Official for use in setting regulatory fees and Building Permits, multiplied by the total square footage, to be constructed, except for any floor area devoted to a garage.

7. **Density Bonus.** As defined by Government Code Section 65915 et seq., an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the owner/developer of a housing project who agrees to construct a senior housing project or a prescribed percentage of dwelling units that are affordable to households of very low; low; and/or moderate income. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.
8. **External Subsidy.** Any source of funds that is not local public funding, including Federal or state grants, loans, bond funds, tax credits or other tax-based subsidy.
9. **First-Time Home Buyer.** A home buyer who has not (nor has his/her spouse) owned a home during the past three years, or that the purchaser meets at least one of the following criteria:
 - a. The purchaser is a displaced homemaker as defined as an individual who is an adult; has not worked full time, full year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.
 - b. The purchaser is a single parent as defined as an individual who is unmarried or legally separated from a spouse; and has one or more minor children for whom the individual has custody or joint custody; or is pregnant, may not be excluded from consideration as a first time homebuyer on the basis that the individual, while married, owned a home with his or her spouse or resided in a home owned by the spouse.
 - c. The purchaser owns or owned as a principal residence during the past three years, a dwelling unit which structure is not permanently affixed to a permanent foundation in accordance with the City Code, or is not and cannot be brought into compliance with City Code for less than the cost of replacing the structure.
10. **Housing Trust Fund.** The fund created by the City as per Implementation Measure HE-27 of the City's Housing Element to retain funds collected in a segregated account specifically to assist with the development of affordable housing.
11. **Affordable Housing Regulatory Agreement, or Agreement.** The agreement described in Section 9.32.110 between a developer and the City setting forth the manner in which required inclusionary units will be provided in a proposed residential project.
12. **Inclusionary Housing Plan.** The plan described in Section 9.32.110 setting forth the manner in which required inclusionary units will be implemented in a residential project.
13. **Inclusionary Incentives.** Fee waivers or reductions, planning and building standards waivers or reductions, regulatory incentives or concessions, and local public funding provided by the City or to a residential project to assist in the provision of inclusionary units.
14. **Inclusionary Unit.** An ownership or rental dwelling unit developed as a part of a residential project in compliance with this Chapter.
15. **Initial Owner.** The first person or persons to purchase a new for-sale inclusionary unit for his, her or their primary residence.

16. **Legislative Entitlement.** Includes General Plan and Land Use Code designations and re-designations, zonings and rezoning, planned unit developments ("PUD"); conditional use permits, variances; and amendments thereto.
 17. **Low Income Household.** A household with an annual income usually no greater than 80 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.
 18. **Low-Income Housing Tax Credits.** Tax reductions provided by the federal and State governments for investors in housing for low-income households.
 19. **Market Rate.** Not restricted to an affordable housing price or affordable rent.
 20. **Maximum Allowable Residential Density.** The density allowed under the zoning ordinance, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.
 21. **Moderate Income Household.** A household with an annual income usually no greater than 120 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.
 22. **Off-Site.** Outside of the boundaries of a residential project.
 23. **Owner.** The person, persons, partnership, joint venture, association, corporation, or public or private entity having sufficient proprietary interest in real property to commence, maintain, and operate a residential project.
 24. **Subsidize.** To assist by payment of a sum of money or by the granting of terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.
 25. **Substantial Rehabilitation.** The repair, preservation, and/or the improvement of a housing unit where the cost as determined by the Building Official exceeds 50% of the after rehabilitation assessed value of the structure.
 26. **Very Low Income Household.** A household with an annual income usually no greater than 50 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.
- Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Land Use Code.

Agricultural Accessory Structure. A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses and coops. May also include the storage of petroleum products for an on-site agricultural use allowed by the applicable zoning district. Does not include pasture fencing, corrals or pens which requires no City approval when in compliance with Section 9.30.030 (Fences, Walls, and Screening).

Agricultural Land. All that real property within the boundaries of the City of Arcata currently used for the production of food, fiber, or livestock or lands upon which agricultural uses may in the future be established.

Agricultural Preserve. Land designated for agriculture or conservation under the “Williamson Act.”

Agricultural Processing - Moderate Impact.

- Creameries and dairy products manufacturing
- Dry – lot livestock operation
- Retail sales as an accessory use to a moderate impact agricultural processing
- Low and Moderate Impact processing in covered facilities over 4,000 square feet

Agricultural Processing - Low Impact. The processing of food, beverages, and harvested crops to prepare them for on-site marketing, off-site sales, or processing and packaging elsewhere. Examples of this land use activity include the following:

- Fats and oil product manufacturing
- Fruit and vegetable canning, preserving and related processing
- Grain mill products and by-product processing
- Meat, poultry, fish and seafood canning, curing and by-products manufacturing
- Miscellaneous food and beverage preparation from raw products.
- Retail sales as an accessory use to low impact agricultural processing

Does not include wineries, which are separately defined.

Agricultural Processing - Very Low Impact. The producing and processing of food, beverages, and harvested crops for on-site use, on-site marketing, or processing and packaging elsewhere. Examples of this land use activity include the following:

- Corn shelling
- Custom grist mills
- Dairies (excluding dry-lot livestock operations)
- Drying and storage of corn, rice, hay, fruits and vegetables
- Grain cleaning and custom grinding
- Flower and bulb sorting and packaging
- Hay baling and cubing
- Pre-cooling, storage, and packaging of fresh or farm-dried fruits and vegetables
- Silage production
- Sorting, grading and packaging of fruits and vegetables
- Tree nut hulling and shelling

Agricultural Uses. The cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur bearing livestock, fish or poultry; and any commercial agricultural practices performed as incidental to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

Agriculture. Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pasture land.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

Alquist-Priolo Act, Earthquake Fault Zone. A state designated seismic hazard zone along traces of potentially and recently active faults, in which specialized geologic investigations must be prepared prior to approval of certain types of new development.

Alley. A public or private roadway that is not intended for general traffic circulation providing vehicle access to the rear or side of parcels having other public street frontage.

Allowed Use. A use of land identified by Article 2 (Zoning Districts and Allowable Land Uses) as a permitted or conditional use that may be established with planning permit and, where applicable, Design Review and/or Building Permit approval, subject to compliance with all applicable provisions of this Land Use Code.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Alteration of a Historic Resource. See "Historical Resource Preservation."

Ambient. Surrounding on all sides; used to describe measurements of existing conditions with respect to traffic, noise, air and other environments.

Ambulance, Taxi, or Limousine Dispatch Facility. A base facility from which taxis and limousines are dispatched, and/or where ambulance vehicles and crews stand by for emergency calls.

Animal Keeping. See Section 9.42.050 (Animal Keeping).

Annex. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Annual Household Income. See "Affordable and Inclusionary Housing."

Apartment. See "Multi-Family Housing."

Applicant. Any person who is filing an application requesting an action who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Land Use Code, and who presents written authorization from the property owner to file an application with the City; or
3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

Approval. Includes both approval and approval with conditions.

Aquaculture. ~~The raising and harvesting of aquatic organisms, including shellfish, mollusks, crustaceans, kelp, and algae, in close proximity to the ocean, and dependent on ocean water.~~ A form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this Coastal Land Use Code.

Aquifer. An underground, water-bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage. Aquifers generally hold sufficient water to be used as a water supply.

Arable. Land capable of being cultivated for farming.

Arborist. See "Trees."

Archeological Site. See "Historical Resource Preservation."

Architectural Feature. An exterior building feature including roof, windows, doors, porches, etc.

Area of Shallow Flooding. See "Flood Hazard Management."

Arterial. Medium-speed (30-40 mph), medium-capacity (10,000-35,000 average daily trips) roadway that provides intra-community travel and access to the county-wide highway system. Access to community arterials should be provided at collector roads and local streets, but direct access from parcels to existing arterials is common.

Artificial Wetlands. See "Environmentally Sensitive Habitat Area (ESHA)".

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

Assessed Value. The value of a structure as shown in the records of the County Assessor.

Assessment District. (See "Benefit Assessment District.")

Assisted Housing. See "Affordable and Inclusionary Housing."

Assisted Living Facility. See "Residential Care Facility for the Elderly (RCFE)."

Attainment. Compliance with State and federal ambient air quality standards within an air basin. (See “Non-attainment.”)

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales/Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Repair. See "Vehicle Services."

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

Average Low Flow Line. See "Environmentally Sensitive Habitat Area (ESHA)".

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automated Teller Machine."

Banner, Flag, or Pennant. See "Sign."

Bar/Tavern/Pub. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities. Does not include sex oriented businesses.

Base Flood. See "Flood Hazard Management."

Basement. See "Flood Hazard Management."

Base Zone. The primary, underlying zone district.

Bed and Breakfast Inn (B&B). See "Lodging."

Bench. See "Grading."

Benefit Assessment District. A geographic area in which there is an annual assessment on real property to provide benefits for the area. The assessment is used to pay the costs of providing specific park capital improvements, fire, flood, water, sewer and other community services.

Benefited Property. See "Solar Access."

Bicycle Lane (Class II facility). A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Bicycle Path (Class I facility). A paved route not on a street or roadway and expressly reserved for bicycles traversing an otherwise unpaved area. Bicycle paths may parallel roads but typically are separated from them by landscaping.

Bicycle Route (Class III facility). A facility shared with motorists and identified only by signs, a bicycle route has no pavement markings or lane stripes.

Bikeways. A term that encompasses bicycle lanes, bicycle paths, and bicycle routes.

Biodiversity. The variety of organisms considered at all levels, from genetic variants belonging to the same species, through arrays of species to arrays of genera, families, and still higher taxonomic levels; includes the variety of ecosystems, which comprise both the communities of organisms within particular habitats and the physical conditions under which they live.

BMP. See "Grading."

Boat Launching Facility. An area with facilities and equipment for the placement of boats in the ocean. May include launching ramps, hoists, piers, and onshore parking areas for boat trailers and other vehicles.

Bond. An interest-bearing promise to pay a stipulated sum of money, with the principal amount due on a specific date. Funds raised through the sale of bonds can be used for various public purposes.

Breakaway Wall. See "Flood Hazard Management."

Broadcasting Studio. Commercial and public communications use including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities".

Brownfield. An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination. (See "Greenfield.")

Buffer Zone. An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

Buildable Area. The portion of a site that can actually be built upon and which is outside of identified site constraints that are specified within this Land Use Code.

Building. See "Structure".

Building and Landscape Materials Sales. A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, and fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

Building Height. See Section 9.30.040 (Height Limits and Exceptions).

Building Official. The City of Arcata Building Official, or designee of the Building Official.

Buildout; Build-out. Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations. (See "Carrying Capacity (3).")

Burdened Property. See "Solar Access."

Business Support Service. An establishment within a building that provides services to other businesses. Examples of these services include:

- blueprinting
- computer-related services (rental, repair)
- copying and quick printing services
- film processing and photofinishing (retail)
- outdoor advertising services
- mailing and mail box services
- protective services (other than office related)
- security systems services

Busway. A vehicular right-of-way or portion thereof-often an exclusive lane-reserved exclusively for buses.

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures Manufacturing, Cabinet Shops."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Caltrans. California Department of Transportation.

Campground. See "Lodging."

Capital Improvements Program (CIP). A program established by a city or county government and reviewed by its planning commission, which schedules permanent improvements, usually for a minimum of five years in the future, to fit the projected fiscal capability of the local jurisdiction. The program generally is reviewed annually, for conformance to and consistency with the general plan.

Card Room. An establishment offering legal gambling activities in compliance with a State license.

Caretaker/Employee Unit. A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Carport. See "Garage, or Carport."

Carriage House. A secondary residential unit located over a detached garage.

Carrying Capacity. Used in determining the potential of an area to absorb development: (1) The level of land use, human activity, or development for a specific area that can be accommodated permanently without an irreversible change in the quality of air, water, land, or plant and animal habitats. (2) The upper limits of development beyond which the quality of human life, health, welfare, safety, or community character within an area will be impaired. (3) The maximum level of development allowable under current zoning. (See "Buildout.")

Catering Service. A business that prepares food for consumption on the premises of a client.

Cemetery, Mausoleum, Columbarium. An interment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service mortuaries and funeral parlors accessory to a cemetery or columbarium.

Central Business District (CBD). The major commercial downtown center of a community. General guidelines for delineating a downtown area are defined by the U.S. Census of Retail Trade, with specific boundaries being set by the local municipality.

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Channel or Drainage Way. See "Grading."

Channelization. (1) The straightening and/or deepening of a watercourse for purposes of storm-runoff control or ease of navigation. Channelization often includes lining of stream banks with a retaining material such as concrete. (2) At the intersection of roadways, the directional separation of traffic lanes through the use of curbs or raised islands that limit the paths that vehicles may take through the intersection.

Child Day Care Center. See "Day Care."

City. The City of Arcata, State of California, referred to in this Land Use Code as the "City."

City Council. The Arcata City Council, referred to in this Land Use Code as the "Council."

Club, Lodge, Private Meeting Hall. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

Includes grange halls and similar facilities.

Clustered Development. Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

Coastal Access Trail. A public walkway providing pedestrian access to, or along the ocean coastline (vertical, or lateral access, respectively).

Coastal Creek Zone. See “Environmentally Sensitive Habitat Area (ESHA)”.

Coastal High Hazard Area. See “Flood Hazard Management.”

Collection Facility. See “Recycling Facility.”

Collector. Relatively-low-speed (25-30 mph), relatively-low-volume (5,000-20,000 average daily trips) street that provides circulation within and between neighborhoods. Collectors usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network.

Commercial. A land use classification that permits facilities for buying and selling of commodities and services.

Commercial Recreation Facility - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

- bowling alleys
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades (video games, pinball, etc.)
- ice skating and roller skating
- pool and billiard rooms as primary uses

This use does not include sex oriented businesses, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

Commercial Recreation Facility - Outdoor. A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

- amusement and theme parks
- go-cart tracks
- golf driving ranges
- miniature golf courses
- water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

Commercial Strip. Commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking, and small linear shopping centers with shallow on-site parking in front of the stores.

Commercial Zoning District. Any of the commercial zoning districts established by Section 9.12.020 (Zoning Map and Zoning Districts).

Community Apartment Project. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

Community Center. A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Child Care Agency. A non-profit agency established to organize community resources for the development and improvement of child care services.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities, and by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions such as Arcata. This grant allots money for housing rehabilitation and community development, including public facilities and economic development.

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 PM to 10 PM) and nighttime (10 PM to 7 AM) periods, respectively, to allow for the greater sensitivity to noise during these hours.

Community Park. Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. Community parks are larger in scale than neighborhood parks but smaller than regional parks.

Community Redevelopment Agency (CRA). A local agency created under California Redevelopment Law (Health & Safety code '33000, et. Seq.), or a local legislative body that has been elected to exercise the powers granted to such an agency, for the purpose of planning, developing, re-planning, redesigning, clearing, reconstructing, and/or rehabilitating all or part of a specified area with residential, commercial, industrial, and/or public (including recreational) structures and facilities. The redevelopment agency's plans must be compatible with adopted community general plans.

Community Service District (CSD). A geographic subarea of a city or county used for the planning and delivery of parks, recreation, and other human services based on an assessment of the service needs of the population in that subarea. The CSD is a taxation district with independent administration.

Composting. Storage and processing of vegetative materials that relies on natural decay processes to produce soil amendment and nutritive materials.

Condominium. As defined by Civil Code Section 915, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Congestion Management Plan (CMP). A mechanism employing growth management techniques, including traffic level of service requirements, standards for public transit, trip reduction programs involving transportation systems management and jobs/ housing balance strategies, and capital improvement programming, for the purpose of controlling and/or reducing the cumulative regional traffic impacts of development.

Congregate Care. Apartment housing, usually for seniors, in a group setting that includes independent living and sleeping accommodations in conjunction with shared dining and recreational facilities.

Conservation Easement. See “Historical Resource Preservation” for “Historic Conservation Easement”, and see “Easement, Conservation.”

Consistency, Consistent With. Free from significant variation or contradiction. The various diagrams, text, goals, policies, and programs in the general plan must be consistent with each other, not contradictory or preferential. The term “consistent with” is used interchangeably with “conformity with.” The courts have held that the phrase “consistent with” means “agreement with; harmonious with.” Webster defines “conformity with” as meaning harmony, agreement when used with “with.” The term “conformity” means in harmony therewith or agreeable to (Sec 58 Ops.Cal.Atty.Gen. 21, 25 [1975]). California State law also requires that a general plan be internally consistent and also requires consistency between a general plan and implementation measures such as the zoning ordinance. As a general rule, an action program or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.

Construction Contractors. Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities.

Construction Costs. See “Affordable and Inclusionary Housing.”

Construction/Heavy Equipment Sales and Rental. Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

Construction Site. The area where new construction, or reconstructing, remodeling, or restoring of an existing structure or site is occurring. This includes the development site and onsite area used by the contractor. This does not include ongoing operations such as permitted industrial activities.

Convenience Store. A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to the convenience shopping needs of nearby residents.

County. The County of Humboldt, State of California.

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Creek Zone. See "Environmentally Sensitive Habitat Area (ESHA)".

Critical Facility. Facilities housing or serving many people, that are necessary in the event of an earthquake or flood, such as hospitals, fire, police, and emergency service facilities, utility "lifeline" facilities, such as water, electricity, and gas supply, sewage disposal, and communications and transportation facilities.

Crop Production, Horticulture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- hay
- ornamental crops
- tree nuts
- trees and sod
- vegetables
- wine and table grapes
- community gardens

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand." Does not include greenhouses or "Residential Accessory Use or Structure", which are separately defined.

Cul-de-sac. A short street or alley with only a single means of ingress and egress at one end and with a large turnaround at its other end.

Cumulative Impact. As used in CEQA, the total impact resulting from the accumulated impacts of individual projects or programs over time.

D. Definitions, "D."

Day Care. Facilities that provide non-medical care and supervision of individuals for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Child Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Large Family Day Care Home.** As provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home, for periods of less than 24 hours per day, while the parents or guardians are away.
3. **Small Family Day Care Home.** As provided by Health and Safety Code Section 1596.78, a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.
4. **Adult Day Care Facility.** A day care facility providing care and supervision for adult clients.

Dedication. The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by a city or county.

Dedication, In Lieu Of. Cash payments that may be required of an owner or developer as a substitute for a dedication of land, usually calculated in dollars per lot, and referred to as in lieu fees or in lieu contributions.

Defensible Space. (1) In fire-fighting and prevention, a 30-foot area of non-combustible surfaces separating urban and wildland areas. (2) In urban areas, open spaces, entry points, and pathways configured to provide maximum opportunities to rightful users and/or residents to defend themselves against intruders and criminal activity.

Demolition. See "Historical Resource Preservation."

Density, Residential. The number of permanent residential dwelling units per gross acre of land. The residential component of a mixed use project shall comply with the density requirements of the Residential-Medium Density Zone district standards.

Density Bonus. See "Affordable and Inclusionary Housing."

Department. The City of Arcata Community Development Department, referred to in this Land Use Code as the "Department."

Design Review; Design Control. The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards.

Detention Dam/Basin/Pond. Dams may be classified according to the broad function they serve, such as storage, diversion, or detention. Detention dams are constructed to retard flood runoff and minimize the effect of sudden floods. Detention dams fall into two main types. In one type, the water is temporarily stored, and released through an outlet structure at a rate that will not exceed the carrying capacity of the channel downstream. Often, the basins are planted with grass and used for open space or recreation in periods of dry weather. The other type, most often called a Retention Pond, allows for water to be held as long as possible and may or may not allow for the controlled release of water. In some cases, the water is allowed to seep into the permeable banks or gravel strata in the foundation. This latter type is sometimes called a Water-Spreading Dam or Dike because its main purpose is to recharge the underground water supply. Detention dams are also constructed to trap sediment. These are often called Debris Dams.

Developable Acres, Net. See "Acres, net."

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks City approvals for all or part of a development project. Developer includes owner.

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the subdivision map act (commencing with Government Code Section 66410), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Public Resources Code Section 4511).

Development Agreement. A contract between the City and an applicant for a development project, in compliance with the Municipal Code, and Government Code Section 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Development Fee. See "Impact Fee."

Development Rights. The right to develop land by a land owner who maintains fee-simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing zoning. For example, one development right may equal one unit of housing or may equal a specific number of square feet of gross floor area in one or more specified zone districts. (See "Interest, Fee" and "Interest, Less-than-fee," and "Transfer of Development Rights [TDR].")

Development Standards. Specific requirements in a zoning ordinance or a comprehensive land use code that governs building and development as distinguished from use restrictions. For example, Development Standards would include the following site-design regulations: lot area, width, and depth; floor area ratio; site coverage; buildable area; topography development constraints; height; landscaping; parking; and signage. Also see "Standards."

Diameter of a Tree. See "Trees."

Director. The City of Arcata Community Development Director or designee of the Director.

Disaster Shelter. A facility that provides immediate and short-term housing and supplemental services for persons displaced by a major emergency or disaster. The siting of Disaster Shelters is exempt from the planning review process.

Discharge. See "Grading."

Discretionary Decision. As used in CEQA, an action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

Discretionary Permit. A City land use review and entitlement process where the review authority exercises discretion in deciding to approve or disapprove the permit. Includes Minor Use Permits, Use Permits, Variances, Design Review Approval, Planned Development Permits, and Subdivision Maps.

Diseased Tree. See "Trees."

District. An area of a city or county that has a unique character identifiable as different from surrounding areas because of distinctive architecture, streets, geographic features, culture, landmarks, activities, or land uses. Also see "Zoning District", "Historic District", and "Neighborhood Conservation Area."

Diversity. Differences among otherwise similar elements that give them unique forms and qualities; e.g., housing diversity can be achieved by differences in unit size, tenure, or cost.

Drainage Improvement. See "Grading."

Drip line. See "Trees."

Drive-through Sales or Services. A facility where food or other products may be purchased or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, automated teller machines (ATM's), dry cleaners/laundromats, etc., but do not include service stations or other vehicle services, which are separately defined.

Drop-in Center. A facility that provides services primarily for homeless clients, such as but not limited to hot meals, food boxes, food distribution, showers, laundry facilities, clothing, transportation, television, mail and phone contact services, support groups, and service referrals, but does not provide overnight accommodations.

Dry-lot Livestock Operation. Any 24-hour concentrated livestock operation that is usually conducted outdoors within a confined setting (i.e. below the Animal Keeping Standards as identified in Table 4-2 of this Land Use Code) for a period lasting more than six months. This type of activity does not include temporary operations for the weaning of animals or for the conditioning of animals for personal slaughter.

Due South. See "Solar Access."

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other. See also "Multi-Family Housing" and "Second Units".

Dwelling Unit. A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

E. Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. Usually the right to use property owned by another for specific purposes or to gain access to another property.

Easement, Conservation. A tool for acquiring open space with less than full-fee purchase, whereby a public agency buys only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land) or they may be restrictive rights (limiting the uses to which the land owner may devote the land in the future).

Easement, Scenic. A tool that allows a public agency to use an owner's land for scenic enhancement, such as roadside landscaping or vista preservation.

Economic Development Committee (EDC). An agency charged with seeking economic development projects and economic expansion at higher employment densities.

Elderly. Persons of age 62 and older.

Elderly Housing. See "Senior Housing".

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

1. **Level One Emergency.** Single Incident. A level one emergency is a Minor to Moderate incident whereby local government resources are adequate and available. Example would be a natural disaster, structure fire, medical aid, vehicle accident, hazardous material, minor flooding, or a law enforcement incident. If two or more responding agencies/departments are involved with this level of incident, they will establish the Incident Command System.
2. **Level Two Emergency.** Widespread to Series of Incidents. A level two emergency is a Moderate to Severe emergency whereby local government resources are becoming overtaxed, and/or Operational Area mutual aid resources are being requested in support to Law Enforcement, Fire-Rescue, Public Works operations from the seven cities, special districts and/or Humboldt County departments and agencies. At this level, local government Emergency Operations Centers may be activated with minimum staffing for resource coordination in support to one or more Incident Commands. At this level, any one of the Cities Director of Emergency Services and/or Humboldt County Director of Emergency Services (Sheriff) may declare a Local Proclamation of Emergency in support to response and recovery operations.
3. **Level Three Emergency.** Widespread Catastrophe. A level three emergency is a Major Emergency or Disaster wherein resources in or near Humboldt County are overwhelmed and extensive local, state and/or federal mutual aid resources are required. At this level, it is usually automatic that a Local Proclamation of Emergency is declared and a Governor's State of Emergency is requested or declared. Humboldt Operational Area (OA) EOC would be fully activated in support to the cities and field response incident commands.

Emergency Shelter. A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (Also see "Transitional Housing.")

Eminent Domain. The right of a public entity to acquire private property for public use by condemnation, and the payment of just compensation.

Emission Standard. The maximum amount of pollutant legally permitted to be discharged from a single source, either mobile or stationary.

Endangered Species. A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.

Environment. CEQA defines environment as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance."

Environmental Buffer Area (EBA). See "Environmentally Sensitive Habitat Area (ESHA)".

Environmental Impact Report (EIR). A report required pursuant to the California Environmental Quality Act which assesses all the environmental characteristics of an area, determines what effects or impacts will result if the area is altered or disturbed by a proposed action, and identifies alternatives or other measures to avoid or reduce those impacts. (See "California Environmental Quality Act.")

Environmental Impact Statement (EIS). Under the National Environmental Policy Act, a statement on the effect of development proposals and other major actions that significantly affect the environment.

Environmentally Sensitive Habitat Area (ESHA) definitions.

1. **Artificial Wetlands.** Upland that has had wetland hydrology and vegetation artificially created or planted, usually to replace wetlands that were allowed to be converted.
2. **Average Low Flow Line.** The elevation or point where flowing or pooled water intercepts the stream bank during the late summer season, in a normal rainfall year. This is typically evident by the change in vegetation on the stream bank.
3. **Creek Zone.** The area that is 25 feet outward from the top of bank, or the area bounded by the FEMA Flood Zone A line, whichever is greater, except that in no case will the creek zone on either side of a creek be wider than 100 feet from the average low flow line of the creek.
4. **Coastal Creek Zone.** A Creek Zone that is located within the Coastal Zone.
5. **Environmental Buffer Area (EBA).** An area of land separating all permitted development from adjacent sensitive habitat, streams and wetlands. The purpose of the buffer area is to prevent any degradation of the ecological functions provided by the area as a result of the development.

6. **Farmed Wetland.** A wetland that has been diked or drained to prevent the saturated soil conditions that would normally occur, to conduct agricultural activities (e.g., grazing), that do not require the most productive agricultural soils. These lands would typically revert to freshwater, brackish, or saltwater marsh should the dike barriers be removed. In their present state, these lands are frequently covered by shallow water during the rainy season.
7. **Hydric Soils.** Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.
8. **Hydrophytic Vegetation.** Plant life growing in water or on a substrate that is at least periodically deficient in oxygen (during a growing season) as a result of excessive water content.
9. **Public Trust Lands.** Lands to which California received title upon its admission to the Union and that are held by virtue of its sovereignty under the authority of the California State Lands Commission. These are lands under navigable waters including the ocean and navigable streams, and include lands formerly under water.
10. **Riparian Corridor.** Coastal Zone only; this term specifically applies to areas (along creeks) identified as "riparian corridors" on the Arcata Coastal Wetlands Map. Identified riparian corridors shall be regulated as wetlands where the riparian corridors extend beyond the creek zone.
11. **Riparian Lands.** Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near freshwater.
12. **Stream.** Any stream or waterway governed by the Arcata Creeks Management Plan, as amended, including McDaniel Slough, Gannon Slough and Butcher Slough.
13. **Stream Corridor.** A horizontal distance of 100 feet measured from each side of the center line of the stream, totaling a width of 200 feet; or a horizontal distance of 50 feet measured from the top of each stream or creek bank, whichever is greater. The Planning Commission may establish different horizontal measurements to match specific stream environments.
14. **Stream or Creek Bank.** The point where the break in slope occurs between a stream channel and surrounding topography.
15. **Top of Bank.** The furthest break in slope of the bank to each side of a creek. Where the top of the bank is not clearly defined by an obvious break in slope, the City Engineer shall determine the location of the top of bank.
16. **Watercourse.** Natural or once natural flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.
17. **Watershed.** The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a lake, or reservoir.

18. **Wetland.** An area that is 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. Wetlands are 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. These 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.
19. **Wetland Buffer Area.** Within the Coastal Zone, the area between the edge of a wetland and the nearest paved road or the area within 250 feet of the edge of a wetland, whichever is less. The certified Coastal Wetlands Map shall be used to determine the location of the Wetland Buffer Area.
20. **Wetland Delineation.** The delineation by a qualified professional of the boundaries of a wetland as defined under "Wetland". For the purpose of approving development affecting a wetland, delineations shall be finalized through the :WP overlay zone review procedures.
21. **Wetland Setback.** An area of land adjoining a wetland, that the Commission or Zoning Administrator determines to be necessary to limit development to protect an adjoining wetland. Applies both within and outside of the Coastal Zone.

Equestrian Facility. A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in "Animal Keeping" as regulated by Section 9.42.050.

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

Erosion. See "Grading."

Erosion and Sediment Control Plan. See "Grading."

Exaction. A contribution or payment required as an authorized development permit precondition; usually refers to mandatory dedication (or fee in lieu of dedication) requirements found in many subdivision regulations.

Excavation. See "Grading."

Exception. See "Flood Hazard Management."

Expansive Soils. Soils that swell when they absorb water and shrink as they dry.

Extended Hour Retail. Any business that is open to the public between the hours of 11 p.m. and 6 a.m.

External Subsidy. See "Affordable and Inclusionary Housing."

F. Definitions, "F."

Family. (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [California].

Farm dwelling. A single-family residence occupied by the owner-operator on the farming operation site on which it is located and whose presence and occupancy is necessary to the operation of the agricultural uses at the site.

Farm Supply and Feed Store. A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

Farmed Wetland. See "Environmentally Sensitive Habitat Area (ESHA)".

Farmers Market. The temporary use of a site for the outdoor sales of food and farm produce items from vehicles, in compliance with California Food and Agriculture Code Section 1392 et seq.

Fault. A fracture in the earth's crust forming a boundary between rock masses that have shifted.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. These factors may include topographic contour, orientation, grading, slope stability, tree preservation, access to existing streets, and others.

Fill. See "Grading."

Finding(s). The result(s) of an investigation and the evidentiary basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken by the entity.

Fire Hazard Zone. An area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire necessitates special fire protection measures and planning before development occurs.

Fire-resistive. Able to withstand specified temperatures for a certain period of time, such as a one-hour fire wall; not fireproof.

First-Time Home Buyer. See "Affordable and Inclusionary Housing."

Fitness/Health Facility. See "Health/Fitness Facility."

Flood Hazard Management. The following terms and phrases are defined for the purposes of Chapter 9.60 (Flood Hazard Mitigation Standards).

1. **Area of Shallow Flooding.** A designated AO, AH or Zone on the Flood Insurance Rate Map (FIRM). The base flood depth ranges from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

2. **Base Flood.** See "100-year flood" definition.
3. **Basement.** Any area of a building having its floor below ground level on all sides.

4. **Breakaway Wall.** Any type of wall, whether solid or lattice, and constructed of concrete, masonry, wood, metal, plastic or any other suitable building material that is not part of the structural support of the building, and is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. The use of breakaway walls must be certified by a registered civil engineer or architect and shall meet the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building shall not incur structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
5. **Coastal High Hazard Area.** The area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE or V.
6. **Exception.** A grant of relief from the requirements of Chapter 9.60 which permits construction in a manner that would otherwise be prohibited by Chapter 9.60.
7. **Flood, or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or run-off of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.
8. **Flood Boundary, and Floodway Map.** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
9. **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
10. **Flood Insurance Study.** The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
11. **Flood Plain.** The relatively level land area on either side of the banks of a stream regularly subject to flooding. That part of the flood plain subject to a one percent chance of flooding in any given year is designated as an "area of special flood hazard" by the Federal Insurance Administration.
12. **Flood Plain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

13. **Flood Plain Management Regulations.** Zoning articles, subdivision regulations, building codes, health regulations, special purpose ordinances (such as flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. State or local regulations in any combination, which provide standards for the purpose of flood damage prevention and reduction.
14. **Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved from the intrusion of development that could result in any increase in flood levels during the occurrence of the base flood discharge. Also referred to as "Regulatory Floodway."
16. **Functionally Dependent Use.** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
17. **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-residential design requirements of this Land Use Code.
19. **Mean Sea Level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referred.
20. **National Flood Insurance Program.** A federal program that authorizes the sale of federally subsidized flood insurance in communities where such flood insurance is not available privately.
21. **New Construction.** For flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by this community.
22. **100-Year Flood.** The magnitude of a flood expected to occur on the average every 100 years, based on historical data. The 100-year flood has a one percent chance of occurring in any given year. It is identical to the "base flood."
23. **Remedy a Violation.** To bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Article or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
24. **Riverine.** Relating to, formed by, or resembling a river (including tributaries), street, brook, etc.

25. **Sand Dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
26. **Special Flood Hazard Area (SFHA).** An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.
27. **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
28. **Substantial Improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the replacement cost of the structure either:
- a. Before the improvement or repair is started; or
 - b. If the structure has been damaged, and is being restored, before the damage occurred.
- For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any:
- a. Project for improvement of a structure to comply with state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - b. Alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
29. **Violation.** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided.

Floor Area, Gross. The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet.

Floor Area Ratio (FAR). The gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net sq. ft. of land area, a Floor Area Ratio of 1.0 will allow a maximum of 10,000 gross sq. ft. of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 sq. ft. of floor area; an FAR of 2.0 would allow 20,000 sq. ft.; and an FAR of 0.5 would allow only 5,000 sq. ft. FARs typically are applied on a parcel-by-parcel basis as opposed to an average FAR for an entire land use or zoning district. See Figure 10-1.

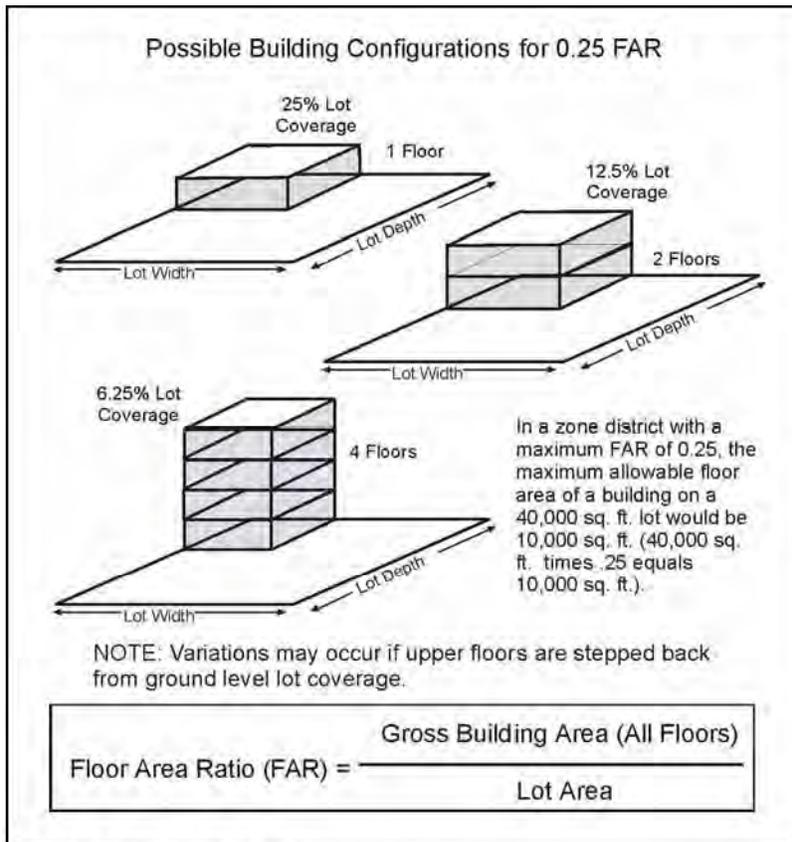


Figure 10-1 - Floor Area Ratio

Footprint; Building Footprint. The outline of a building at all of those points where it meets the ground.

Forestry. The operation and harvesting of timber tracts, tree farms, forest nurseries, and related activities including reforestation; also includes the gathering of gums, barks, sap, moss and other forest products. Does not include lumber mills, which are included under the definition of "Manufacturing - Medium Intensity."

Forest Stand. See "Trees."

Front Yard. See "Yard."

Fuel Dealer. A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), or alternative fuels, bottled or in bulk, to consumers.

Functionally Dependent Use. See "Flood Hazard Management."

Furniture/Fixtures Manufacturing, Cabinet Shop. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Manufacturing - Heavy."

Furniture, Furnishings and Appliance Store. A store that primarily sells the following products and related services, that may also provide incidental repair services:

- computers and computer equipment
- draperies
- floor coverings
- furniture
- glass and chinaware
- home appliances
- home furnishings
- home sound systems
- interior decorating materials and services
- large musical instruments
- lawn furniture
- movable spas and hot tubs
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- refrigerators
- stoves
- televisions

G. Definitions, "G."

Garage, or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 9.36 (Parking and Loading).

1. A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

A garage or carport complies with the requirements of this Land Use Code for covered parking spaces.

Gas Station. "See Service Station."

General Plan. The City of Arcata General Plan, including all its elements and all amendments thereto, as adopted by the City Council in compliance with Government Code Section 65300 et seq., and referred to in the Land Use Code as the General Plan. The General Plan serves as the constitution of a community; the General Plan expresses the goals, policies, and direction to provide the basis for rational decisions regarding the long-term development of a community.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- antique stores
- art galleries, retail
- art supplies, including framing services
- auction rooms
- bicycles
- books, magazines, and newspapers
- cameras and photographic supplies
- clothing, shoes, and accessories
- collectibles (cards, coins, comics, stamps, etc.)
- department stores
- drug stores and pharmacies
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only - outdoor sales are "Building and Landscape Materials Sales")
- groceries, food products
- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- orthopedic supplies
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

Geologic Review. The analysis of geologic hazards, including all potential seismic hazards, surface ruptures, liquefaction, landslides, mudslides, and the potential for erosion and sedimentation.

Golf Course, Country Club. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Grading. The following terms and phrases are defined for the purposes of Chapter 9.64 (Grading, Erosion, and Sediment Control).

1. **Bench.** A relatively level step excavated into earth material on which fill is to be placed.
2. **BMP.** Best Management Practices, as defined by the State Water Resources Control Board's Best Management Practices Construction Handbook.
3. **Channel or Drainage Way.** A natural or artificial open watercourse with definite bed and banks which periodically or continuously contains moving water or forms a connecting link between two bodies of water.
4. **Discharge.** The outflow rate of surface water.
5. **Drainage Improvement.** Any element in a drainage system which is made or improved by a human.
6. **Erosion.** (1) The loosening and transportation of rock and soil debris by wind, rain, or running water.
(2) The gradual wearing away of the upper layers of earth.
7. **Erosion and Sediment Control Plan.** A plan that fully indicates necessary land treatment and structural measures, including a schedule of timing for their installation, which will effectively minimize soil erosion and sediment yield. Such measures shall be in accordance with standards shown in the City of Arcata Erosion and Sediment Control Handbook.
8. **Excavation.** The physical removal of earth material.
9. **Fill.** The deposit of earth material caused or placed by artificial means.
10. **Grading.** Any excavating, filling, or any combination thereof.
11. **Land Disturbing Activity.** Any land change which may result in soil erosion from water, wind and the movement of sediments onto adjacent properties. Such activities include but are not limited to clearing, grading, excavating, transporting and filling of land.
12. **Mulch.** A natural or artificial layer of material placed on exposed earth to provide more desirable moisture and temperature relationships for plant growth. It is also used to control the occurrence of unwanted vegetation.
13. **Natural or Existing Grade.** The contour of the ground surface before grading.
14. **Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.
15. **Sediment Detention Basin.** A sediment detention basin is a reservoir which retains flows sufficiently to cause deposition of transported sediment.
16. **Short Form [Erosion and Sediment Control Plan].** A simplified form, issued by the Building Official, for erosion and sediment control plans for certain qualifying minor grading projects.

17. **Storm Water Runoff.** The waters which result from rainfall flowing over the surface of the ground.
18. **Swale.** A low lying stretch of land which gathers or carries surface water runoff.
19. **Terrace.** A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Greenbelt. A strip of land, in or adjacent to a city, that contains open space such as wetlands, natural resource lands, parks, farms, or vacant land.

Greenfield. Undeveloped or even developed lands that do not have previously identified or suspected environmental contamination.

Greenhouse or Nursery Structure. A commercial or hobby agricultural structure for the production of plants and other nursery products, grown under cover either in containers or in the soil on the site (soil dependent). The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

Greenwaste. Means waste tree trimmings, brush, lawn clippings, or untreated wood.

Grocery Store. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store.

Ground Disturbing Activity. Any activity associated with the cultivation or tillage of soil for agricultural, tree planting, crop production, home gardening, or similar activities that are exempt from other activities that are associated with Grading or Land Disturbing Activities.

Ground Failure. Ground movement or rupture caused by strong shaking during an earthquake. Includes landslide, lateral spreading, liquefaction, and subsidence.

Ground Shaking. Ground movement resulting from the transmission of seismic waves during an earthquake.

Groundwater. Water under the earth's surface, often confined to aquifers capable of supplying wells and springs.

Groundwater Recharge. The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding rocks that provide underground storage ("aquifers").

Group Quarters. A residential living arrangement in which more than six unrelated persons share living quarters and cooking facilities. Group quarters may include, but are not limited to, any of the following: drug/alcohol rehabilitation centers, halfway houses, housing for handicapped or disabled persons, foster care center, or a care facility for 24-hour medical care of persons in need of personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual.

Growth Management. The use by a community of a wide range of techniques in combination to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas. Growth management policies can be implemented through growth rates, zoning, capital improvement programs, public facilities ordinances, urban limit lines, standards for levels of service, and other programs. (See "Congestion Management Plan.")

Guest House. A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. Definitions, "H."

Habitable Space. Space within a dwelling unit for living, sleeping, eating, or cooking.

Habitat. The physical location or type of environment in which an organism or biological population lives or occurs.

Handicapped. A person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person's ability to live independently can be improved by appropriate housing conditions.

Hazardous Material. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

Hazardous Tree. See "Trees."

Health/Fitness Facility. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include sex oriented businesses.

Height. See Section 9.30.040 (Height Limits and Exceptions).

Highest Adjacent Grade. See "Flood Hazard Management."

Historical Resource Preservation definitions:

1. **Adaptive Use/Reuse.** The process of converting a building to a use other than that for which it was designed.
2. **Alteration of a Historic Resource.** Any exterior change or modification, through public or private action, of any historical resource, whether formally designated or determined eligible for listing which involves exterior changes to or modification of a structure, its surface texture, or its architectural details that includes: new construction; partial demolition; relocation of structures onto, off of, or within a designated property or parcel located in a Neighborhood Conservation Area or other changes to the site affecting the significant historical or architectural features of the property.
3. **Archeological Site.** A bounded area of a resource containing archeological deposits or features that is defined in part by the character and location of such deposits or features.
4. **Demolition.** The destruction or removal of a structure, or parts of a structure that is so extensive that the historic character of a designated historic resource is completely removed and cannot be repaired or replaced.
5. **Historic Conservation Easement.** A less than fee simple interest in real property recorded as a deed restriction which is designed to protect the historical, cultural, archaeological, or ecological characteristics of a property.

6. **Historic Context.** An organizing structure for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of "historic context" is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.
7. **Historic District or Area.** A geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development.
8. **Historic Fabric.** (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.
9. **Historic Integrity.** The ability of a resource to convey its historical significance.
10. **Historical Preservation.** The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.
11. **Historical Resource.** Any site, building, structure, area or place, man-made or natural, which meets the CEQA criteria for an historic resource as determined by a professional historian, architectural historian, cultural resources consultant, heritage resources consultant, archaeologist or qualified professional from a related field.
12. **Historical Resources Inventory.** A set of data, such as a list of historical resources, generated through a Historical Resources Survey.
13. **Historical Resources Survey.** The process of systematically identifying, researching, photographing, and documenting historical resources within a defined geographic area.
14. **Landmark.** (1) A building, site, object, structure, or significant tree, having historical, architectural, social, or cultural significance and marked for preservation by the local, state, or federal government. (2) A visually prominent or outstanding structure or natural feature that functions as a point of orientation or identification.
15. **Landscape, Cultural.** A geographic area that (1) has been used, shaped, or modified by human activity, occupation, intervention; or (2) possesses significant value in the belief system of a culture or society.
16. **Local government.** A public agency with land-use control authority over a designated historical resource. Local governments may include special district, tribal, city, or county governments.
17. **Local Register of Historic Places.** A landmark list established by the City of Arcata of locally, regionally, and/or nationally significant properties and districts within the City that have been formally designated.

18. **National Historic Preservation Act of 1966 (NHPA).** (16 U.S.C. 470 (1966) (amended)). Established the National Register of Historic Places. Created a partnership between federal, state, and local agencies to extend the national historic preservation programs to properties of state and local significance.
19. **National Register of Historic Places.** The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures, and objects significant in the nation's history or whose artistic or architectural value is unique.
20. **Neighborhood Conservation Area.** An area within the City designated by the General Plan to be historically noteworthy where review is conducted to assure that new construction, modifications or alterations of noteworthy structures, and significant changes to other structures are harmonious with the existing character of the neighborhood.
21. **Non-contributing Structure or Building.** A building or structure located within a designated historic district or Neighborhood Conservation Area that does not possess the qualifications or characteristics of an eligible building due to such factors as age or alteration, but has been included within the district because of its impact on the geographic integrity and overall character of the district.
22. **Noteworthy Structures.** Those structures that may be eligible for Historic Landmark designation and may not have complete documentation as to their historical or architectural merit.
23. **Office of Historic Preservation (OHP).** The California State Office of Historic Preservation in Sacramento.
24. **Preservation.** The act or process of applying measures to sustain the existing form, integrity and material of an historic resource. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
25. **Reconstruction.** The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specified period of time.
26. **Recordation, County.** Section 27288.2 of the Government Code and Section 5029 of the Public Resources Code require the County Recorder to record a certified resolution of historical resources designation containing the name of the current property owner, the historical resources registration program, the designating entity, the specific historical resources designation, and a legal description of the property.
27. **Regional Information Center.** An Information Center of the California Historical Resources Information System, under contract to the Office of Historic Preservation, which receives, manages, and provides information on historical and archeological resources. "An Information Center" may also provide training or technical assistance on a fee-for-service basis.
28. **Rehabilitation.** The act or process of making a compatible use for a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.
29. **Remodeling.** Making over or rebuilding all or part of an historic structure in a way that does not necessarily preserve its historical, architectural, and cultural features and character.

30. **Restoration.** The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
31. **Secretary of the Interior's Standards.** The Secretary of the Interior's Standards for the Treatment of Historic Properties published by the U.S. Department of the Interior that provide the standards and guidelines for appropriate rehabilitation, restoration, preservation and new construction to historic buildings and within historic districts.
32. **Significance.** A term ascribed to buildings, sites, objects, or districts that possess exceptional value or quality for illustrating or interpreting the cultural heritage of the community when evaluated in relation to other properties and property types within a specific historic theme, period, and geographical setting. A principal test of significance for historic property is "integrity."
33. **Significant Architectural Features.** The architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of a building, structure or object, including but not limited to the type of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building, structure or object that have special historical, architectural, cultural or aesthetic interest or values and have been designated as such under a local, state or federal historic property registration program.
34. **Stabilization.** The act or process of applying measures designed to reestablish a weather resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.
35. **State Historical Building Code (SHBC).** The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings.

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling (unless waived through the Minor Use Permit process), with the business activity being subordinate to the residential use of the property.

Hostel. See "Lodging."

Hotel or Motel. See "Lodging."

Household. All those persons-related or unrelated, who occupy a single housing unit (see "Family").

Household Pets. The keeping/raising of birds, cats, dogs, or other common household animals, as determined by the Director, accessory to a residential use.

Households, Number of. The count of all year-round housing units occupied by one or more persons. The concept of household is important because the formation of new households generates the demand for housing. Each new household formed creates the need for one additional housing unit or requires that one existing housing unit be shared by two households. Thus, household formation can continue to take place even without an increase in population, thereby increasing the demand for housing.

Housing Trust Fund. See "Affordable and Inclusionary Housing."

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. It also is a dwelling that cannot be moved without substantial damage or unreasonable cost. (See "Dwelling Unit," "Family," and "Household.")

Hydric Soils. See "Environmentally Sensitive Habitat Area (ESHA)".

Hydrophytic. See "Environmentally Sensitive Habitat Area (ESHA)".

I. Definitions, "I."

Impact. The effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

Impact Fee. A fee, also called a development fee, levied by a city, county, or other public agency on the developer of a project as compensation for otherwise-unmitigated impacts the project will produce. Sections 66000, et seq., specify that development fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. To lawfully impose a development fee, the public agency must verify its method of calculation and document proper restrictions on use of the fund.

Impervious Surface. Surface through which water cannot penetrate, such as roof, road, sidewalk, and paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

Implementation Measure. Actions, procedures, programs, or techniques that carry out policies.

Incineration. The burning of refuse at high temperatures to reduce the volume of waste.

Inclusionary Housing Plan. See "Affordable and Inclusionary Housing."

Inclusionary Incentives. See "Affordable and Inclusionary Housing."

Inclusionary Unit. See "Affordable and Inclusionary Housing."

Inclusionary Zoning. Provisions established by a public agency to require that a specific percentage of housing units in a project or development remain affordable to very low, low, and moderate-income households for a specified period.

Incubator Space. Retail or industrial space that is affordable to new, low-margin businesses.

Independent Living Center/Senior Apartment. See “Residential Care Facility for the Elderly (RCFE).”

Industrial. The manufacture, production, and processing of consumer goods. Industrial is often divided into “heavy industrial” uses, such as construction yards, quarrying, and factories; “moderate impact manufacturing”, and “light industrial” uses, such as research and development and less intensive warehousing and manufacturing.

Industrial Research and Development (R&D). A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see “Laboratory”), or medical laboratories (see “Medical Service - Clinic, Laboratory, Urgent Care”).

Industrial Zoning District. Any of the industrial zoning districts established by Section 9.12.020 (Zoning Map and Zoning Districts).

Infill Development. Development, redevelopment or reuse of land that is either underutilized, brownfield or vacant, but substantially surrounded by existing urban development. In all instances, infill development occurs on sites that already have sufficient City services immediately available. Infill development may include new residential units on upper floors of commercial structures, development of second units on residential lots, and new or expansion of existing residential and commercial structures and uses consistent with the provisions of the applicable land use and zoning designations.

Infrastructure. Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

Initial Owner. See “Affordable and Inclusionary Housing.”

In Lieu Fee. See “Dedication, in lieu of.”

Intensification of Use. A change in the use of a structure or site, where the new use is required by this Land Use Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generates more activity on the site.

Intensity, Building. For residential uses, the actual number or the allowable range of dwelling units per net or gross acre. For non-residential uses, the actual or the maximum permitted floor area ratios (FARs).

Interpretive Center. A facility where information oriented to students and the general public is provided about natural resources on the site or in the vicinity of the facility. May include areas for displays and presentations, meetings, research, facility management, and overnight camping related to the resources and/or areas that are the subject of the center.

J. Definitions, "J."

No specialized terms beginning with the letter "J" are defined at this time.

K. Definitions, "K."

Kennel, Animal Boarding. A commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. See also "Veterinary Clinic, Animal Hospital".

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food.

L. Definitions, "L."

Laboratory - Medical, Analytical, Testing. A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

Land Banking. The purchase of land by a local government for use or resale at a later date. "Banked lands" have been used for development of low- and moderate-income housing, expansion of parks, and development of industrial and commercial centers. Federal rail-banking law allows railroads to bank unused rail corridors for future rail use while allowing interim use as trails.

Land Disturbing Activity. See "Grading."

Landmark. See "Historical Resource Preservation."

Landmark Trees. See "Trees."

Landscape, Cultural. See "Historical Resource Preservation."

Landslide. Downslope movement of soil and/or rock, which typically occurs during an earthquake or following heavy rainfall.

Land Use. The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the City zoning ordinance and General Plan land use designations.

Land Use Code (LUC). The City of Arcata Land Use Code, Title 9 of the Arcata Municipal Code, referred to within this document as the comprehensive land use code or LUC. The Land Use Code is the implementation tool of the General Plan as it prescribes zoning, mapping, specific development standards, and other regulations to carry out the goals, policies, and direction of the General Plan.

Land Use Permit. Authority granted by the City to use a specified site for a particular purpose. "Land Use Permit" includes Use Permits, Minor Use Permits, Variances, Coastal Permits, Planned Development Permits, Design Review and Zoning Clearances, as established by Article 7 (Planning Permit Procedures).

Landscaping Standards. The following terms are defined for the purposes of Chapters 9.34 (Landscape Standards).

1. **Landscaped area.** The parcel area less building footprints, driveway, parking areas, paved walks and patios, and undeveloped open space of designated natural areas. Project landscaped area includes all areas under irrigation, water features, and hardscape other than those noted above.

2. **Microclimate.** A section of a landscaped site with unique climatic conditions that affect the amount of water plants within the area use (e.g., courtyards, tree understory areas, and median islands).
3. **Native species.** A species that existed in California prior to European contact.
4. **Overspray.** Water which is discharged from an overhead irrigation system outside the desired planting area, especially water which wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).
5. **Porous mulch.** A loose material applied to the soil surface to reduce evaporation and retard weed growth (e.g., compost, decomposed granite, straw, wood chips).
6. **Runoff.** Water which is not absorbed by the soil to which it is applied and runs off onto other areas. Runoff usually occurs when water is applied at a rate greater than the infiltration rate of the soil, and is especially problematic on slopes and on heavy clay soils.
7. **Water feature.** Ornamental or functional body of water (e.g., a fountain, pool, or pond).

Large Family Day Care Home. See "Day Care."

Lateral Spreading. Lateral movement of soil, often as a result of liquefaction during an earthquake.

Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Lease. A contractual agreement by which an owner of real property (the lessor) gives the right of possession to another (a lessee) for a specified period of time (term) and for a specified consideration (rent).

Leasehold Interest. (1) The interest that the lessee has in the value of the lease itself in condemnation award determination. (2) The difference between the total remaining rent under the lease and the rent the lessee would currently pay for similar space for the same time period.

Legislative Entitlement. See "Affordable and Inclusionary Housing."

Level of Service (LOS) Standard. A standard used by government agencies to measure the quality or effectiveness of a municipal service, such as police, fire, or library, or the performance of a facility, such as a street or highway.

Library, Museum. Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Life Care Facility. See "Residential Care Facility for the Elderly (RCFE)."

Liquefaction. The transformation of loose, wet soil from a solid to a liquid state, often as a result of ground shaking during an earthquake.

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

Local Agency Formation Commission (LAFCO). A five- or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered to approve, disapprove, or conditionally approve such proposals. The LAFCO members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of special districts.

Local Coastal Program (LCP). A combination of a local government's land use plans, zoning ordinances, zoning district maps, and (within sensitive coastal resources areas) other implementing actions that together meet the local requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.

Local Coastal Program Land Use Plan. The relevant portion of a local government general plan or coastal element that details type, location, and intensity of land use, applicable resource protection and development policies, and, where necessary, implementation actions.

Local government. See "Historical Resource Preservation."

Local Register of Historic Places. See "Historical Resource Preservation."

Lodging.

1. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Environmental Health Department regulations. Does not include room rental, which is separately defined (see "Rooming or Boarding House").
2. **Campground.** A site used or intended for use for temporary occupancy by persons traveling by automobile or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are not provided.
3. **Hostel.** The provision of overnight lodging in dormitories or shared rooms, with shared bathroom facilities.
4. **Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.
5. **Recreational Vehicle (RV) Park.** A site where one or more lots are used, or are intended to be used, by persons with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

6. **Vacation Rental.** Rental of primary residences and secondary units on a seasonal or short term basis.

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is the gross area of the lot, exclusive of easements for streets or driveways that are not for the exclusive use of the lot on which the easement is located.

Lot or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Land Use Code. Types of lots include the following. See Figure 10-2 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot.** A lot abutting only one street.
4. **Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.
5. **Reverse Corner Lot.** A corner lot, the rear of which abuts a key lot.
6. **Double Frontage Lot.** A lot with frontage on two generally parallel streets.

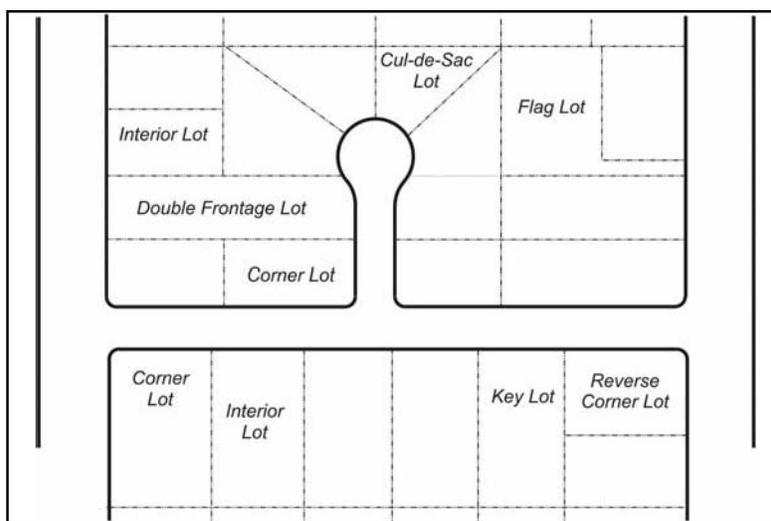


Figure 10-2 - Lot Types

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 10-3 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

Lot Frontage. The boundary of a lot adjacent to a public street right-of-way.

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 10-3 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a double-frontage lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

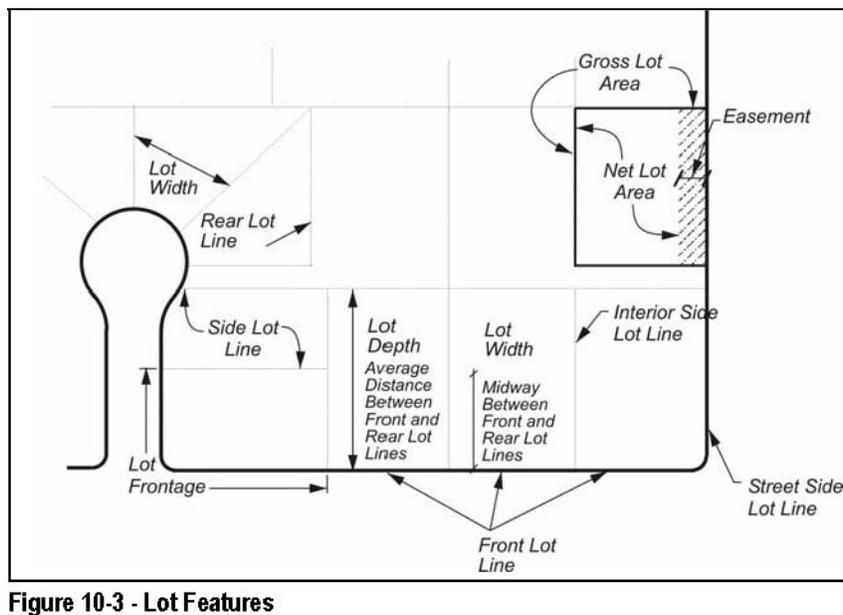


Figure 10-3 - Lot Features

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 10-2 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

Lowest Floor. See "Flood Hazard Management."

Low Income Household. See "Affordable and Inclusionary Housing."

Low-income Housing Tax Credits. See "Affordable and Inclusionary Housing."

M. Definitions, "M."

Maintenance Service, Client Site Services. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Manufactured Home. See "Mobile Home."

Manufactured Housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See "Mobile Home" and "Modular Unit.")

Manufacturing/Processing - High Impact. A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Heavy manufacturing uses are not allowed within the City of Arcata except where limited varieties are included under the definition of "Manufacturing/Processing - High Impact." Examples of heavy manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."
3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under ("Manufacturing/Processing - Low Impact - Handcraft Industries and Small-Scale Manufacturing").
4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) ("Lumber and Wood Product Manufacturing").

5. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").
6. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").
7. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
8. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (Manufacturing/Processing - Low Impact Paper Product Manufacturing).
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing/Processing - Low Impact - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes:
- coating, waterproofing, or otherwise treating fabric
 - dressed and dyed furs
 - dyeing and finishing fiber, yarn, fabric, and knit apparel
 - leather-tanned, curried, and finished
 - manufacture of knit apparel and other finished products from yarn
 - manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
 - manufacturing of woven fabric, carpets, fabric and rugs from yarn
 - preparation of fiber and subsequent manufacturing of yarn, threads, braids, knit apparel twine cordage
 - scouring and combing plants
 - upholstery manufacturing
 - yarn and thread mills

10. **Lumber and Wood Product Manufacturing.** Large scale (one acre or more) manufacturing, processing, storage, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- boxes and cooperages
- containers, pallets and skids
- manufactured and modular homes
- matches (wood)
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Does not include craft-type shops ("Handcraft Industries and Small-Scale Manufacturing"); other wood and cabinet shops ("Furniture and Fixture Manufacturing, Cabinet Shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("Building and Landscape Materials Sales").

Manufacturing/Processing - Moderate Impact. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing/Processing - Low Impact," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of moderate impact manufacturing uses include the following.

1. **Lumber and Wood Product Manufacturing.** Small scale (40,000 square feet or less) manufacturing, processing, storage, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- boxes and cooperages
- containers, pallets and skids
- manufactured and modular homes
- matches (wood)
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Does not include craft-type shops ("Handcraft Industries and Small-Scale Manufacturing"); other wood and cabinet shops ("Furniture and Fixture Manufacturing, Cabinet Shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("Building and Landscape Materials Sales").

2. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").

3. **Metal Products Fabrication, Machine and Welding Shops.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

- blacksmith and welding shops
- plating, stripping, and coating shops
- sheet metal shops
- machine shops and boiler shops

4. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment and components of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").
5. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones ("Handcraft industries, Small-scale Manufacturing").
6. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see "Handcraft Industries and Small Scale Manufacturing," "Home Occupations").
7. **Biodiesel Production.** Fuel production from a mix of oil from biological sources (often waste oil), methanol and sodium hydroxide (lye). This can include mixing with petroleum diesel.

Manufacturing/Processing - Low Impact. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Low impact manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of low impact manufacturing/processing uses include the following.

1. **Artisan/Craft Product Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including yarn, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.
2. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing/Processing - High Impact - Textile and Leather Product Manufacturing."

3. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories,
- semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

4. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- bottling plants
- breweries
- candy, sugar and confectionery products manufacturing
- catering services separate from stores or restaurants
- coffee roasting
- dairy products manufacturing
- fats and oil product manufacturing
- fruit and vegetable canning, preserving,
- related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing
- byproduct processing
- soft drink production
- miscellaneous food item preparation from raw products

Does not include: retail bakeries; or beer brewing as part of a brew pub, bar or restaurant (see "Bar/Tavern," and "Night Club").

5. **Handcraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including yarn, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
6. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing - High Impact - Pulp and Pulp Product Manufacturing").
7. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.
8. **Winery.** A manufacturing facility where wine grapes are crushed, fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

Map Act. See "Subdivision Map Act."

Market Rate. See "Affordable and Inclusionary Housing."

Maximum Allowable Residential Density. See "Affordable and Inclusionary Housing."

May. That which is permissible.

Mean Sea Level. See "Flood Hazard Management."

Median Strip. The dividing area, either paved or landscaped, between opposing lanes of traffic on a roadway.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types.

1. **Backlots/outdoor facilities.** Outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops.
2. **Indoor support facilities.** Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.
3. **Soundstages.** Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with four or more licensed practitioners and/or medical specialties
- out-patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than three licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc.) within an individual office suite. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Meeting Facility, Public or Private. A facility for public or private meetings, including community centers, religious facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: theaters, sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference/Convention Facility"). Related on-site facilities including day care centers and schools are separately defined.

Mercalli Intensity Scale. A subjective measure of the observed effects (human reactions, structural damage, geologic effects) of an earthquake. Expressed in Roman numerals from I to XII.

Microclimate. See "Landscaping Standards."

Mineral Resource. Land on which known deposits of commercially viable mineral or aggregate deposits exist. This designation is applied to sites determined by the State Division of Mines and Geology as being a resource of regional significance, and is intended to help maintain the quarrying operations and protect them from encroachment of incompatible land uses.

Ministerial (Administrative) Decision. An action taken by a governmental agency that follows established procedures and rules and does not call for the exercise of judgment in deciding whether to approve a project.

Mitigate. To ameliorate, alleviate, or avoid to the extent reasonably feasible.

Mixed-Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings." (See also "Manufactured Housing" and "Modular Unit.")

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes. May include a common storage area for recreational vehicles owned by residents only.

Mobile Home, RV, and Boat Sales. Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

Mobile Recycling Unit. See "Recycling Facility."

Moderate Income Household. See "Affordable and Inclusionary Housing."

Modular Unit. A factory-fabricated, transportable building or major component designed for use by itself or for incorporation with similar units on-site into a structure for residential, commercial, educational, or industrial use. Differs from mobile homes and manufactured housing by (in addition to lacking an integral chassis or permanent hitch to allow future movement) being subject to California housing law design standards. California standards are more restrictive than federal standards in some respects (e.g., plumbing and energy conservation). Also called Factory-built Housing and regulated by State law of that title. (See "Mobile Home" and "Manufactured Housing.")

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Motel. See "Lodging."

Mulch. See "Grading."

Multi-Family Housing. A dwelling unit that is part of a structure containing two or more dwelling units excluding second units. Multi-family dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); and permanent supportive housing and single room occupancy housing where people live as independently as possible with the assistance of social services tailored to each person's needs.

Multiplier Effect. The recirculation of money through the economy multiplies its impact on jobs and income. For example, money paid as salaries to industrial and office workers is spent on housing, food, clothes and other locally-available goods and services. This spending creates jobs in housing construction, retail stores (e.g., grocery and drug stores) and professional offices. The wage paid to workers in those industries is again re-spent, creating still more jobs. Overall, one job in basic industry is estimated to create approximately one more job in non-basic industry.

Municipal Services. Services traditionally provided by local government, including water and sewer, roads, parks, schools, and police and fire protection.

Mural. A very large image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.

Must. That which is mandatory.

N. Definitions, "N."

National Ambient Air Quality Standards. The prescribed level of pollutants in the outside air that cannot be exceeded legally during a specified time in a specified geographical area.

National Environmental Policy Act (NEPA). An act passed in 1974 establishing federal legislation for national environmental policy, a council on environmental quality, and the requirements for environmental impact statements.

National Flood Insurance Program. See "Flood Hazard Management."

National Historic Preservation Act of 1966 (NHPA). See "Historical Resource Preservation."

National Register of Historic Places. See "Historical Resource Preservation."

Native Species. See "Landscaping Standards."

Natural or Existing Grade. See "Grading."

Natural Area. See "Trees."

Natural State. The condition existing prior to development or alteration of a site.

Nature Preserves, Habitat and Wetland Restoration. Natural resource and habitat areas that are managed and protected to preserve and/or restore and rehabilitate the value of the subject resources.

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Neighborhood. A planning area commonly identified as such in a community's planning documents, and by the individuals residing and working within the neighborhood. Documentation may include a map prepared for planning purposes, on which the names and boundaries of the neighborhood are shown.

Neighborhood Conservation Area (NCA). See "Historical Resource Preservation."

Neighborhood Park. City- or county-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

New Construction. See "Flood Hazard Management."

Night Club. A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

Noise. Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is "unwanted sound."

1. **Community Noise Equivalent Level (CNEL)** A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 PM to 10 PM) and nighttime (10 p.m. to 7 A.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.
2. **dB, Decibel.** A unit used to express the relative intensity of a sound as it is heard by the human ear.
3. **dBA.** The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.
4. **Ldn.** Day-Night Average Sound Level. The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighting applied to night-time sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.
5. **Leq.** The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a "dosage" type measure and is the basis for the descriptors used in current standards, such as the 24-hour CNEL used by the State of California.
6. **L10.** A statistical descriptor indicating peak noise levels, i.e. the sound level exceeded 10 percent of the time. It is a commonly used descriptor of community noise, and has been used in Federal Highway Administration standards and the standards of some cities and counties.
7. **Noise Attenuation** Reduction of the level of a noise source using a substance, material, or surface, such as earth berms and/or solid concrete walls.
8. **Noise Contour.** A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 Ldn contour (measured in dBA) require noise attenuation in residential development.

Non-Attainment. The condition of not achieving a desired or required level of performance. Frequently used in reference to air quality. (See "Attainment.")

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Land Use Code or amendment, but does not comply with the current area, width, depth, or other applicable requirements of this Land Use Code.

Nonconforming Sign. See "Signs."

Nonconforming Structure. A structure that was legally constructed prior to the adoption or amendment of this Land Use Code, but does not comply with the current setback, height limit, and/or other applicable requirements of this Land Use Code.

Nonconforming Use. A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Land Use Code or amendment, but does not conform to the current Land Use Code requirements for allowable land uses within the applicable zoning district.

Non-Contributing Structure or Building. See "Historical Resource Preservation."

Non-Prime Agricultural Land. Non-prime agricultural land consists of property used for the production of food or fiber, with soils that qualify for rating as classes III through VII in the Soil Conservation Service land capability classifications.

Noteworthy Structures. See "Historical Resource Preservation."

O. Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant.

Off-Sale Liquor Establishment. Any establishment at which alcohol is sold, served, or given to patrons, to be consumed off-site, except food markets, supermarkets, drugstores, and other retail establishments in which the sale of alcohol for off-site use constitutes less than 20 percent of the total sales.

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use. For an affordable housing project, it is the area outside of the boundaries of the residential project.

Office. This Land Use Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

1. **Accessory.** Office facilities that are incidental and accessory to another business or sales activity that is the primary use.
2. **Business/Service.** Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, etc. This use does not include "Bank, Financial Services," which are separately defined.

3. **Government.** Administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Truck or Freight Terminal."
4. **Processing.** Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include:
- airline, lodging chain, and rental car company reservation centers
 - computer software and hardware design and development
 - consumer credit reporting
 - data processing services
 - health management organization (HMO) offices where no medical services are provided
 - insurance claim processing
 - mail order and electronic commerce transaction processing
 - telecommunications facility design and management
 - telemarketing
5. **Professional.** Office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:
- accounting, auditing and bookkeeping services
 - advertising agencies
 - attorneys
 - commercial art and design services
 - construction contractors (office facilities only)
 - counseling services
 - court reporting services
 - detective agencies and similar services
 - design services including architecture, engineering, landscape architecture, urban planning
 - educational, scientific and research organization
 - financial management and investment counseling
 - literary and talent agencies
 - management and public relations services
 - media postproduction services
 - news services
 - photographers and photography studios
 - psychologists
 - secretarial, stenographic, word processing, and temporary clerical employee services
 - security and commodity brokers
 - writers and artists offices
6. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.
7. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Office of Historic Preservation (OHP). See "Historical Resource Preservation."

Office-Supporting Retail. A retail store that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of merchandise include:

- Books
- Computer equipment
- Flowers
- Newspapers and magazines
- Office supplies, stationery
- Photographic supplies and cameras

100-Year Flood. See "Flood Hazard Management."

On-Sale Liquor Establishment. Any establishment at which alcohol is sold, served, or given to patrons, to be consumed on-site.

On-Site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Open Fencing. A barrier constructed of material which is transparent, such as glass, plastic panels or wrought iron.

Open Space Land. Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Ordinary Maintenance and Repair. Work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

Organization, Organizational Entity. Any public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever, which is recognized by law.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Recreation Use. A privately or publicly owned or operated use providing facilities for outdoor recreation activities.

Outdoor Retail Sales and Activities. Permanent and mobile outdoor sales and rental establishments including auction yards, flea markets, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of vehicles/equipment, and other uses where the business is not conducted entirely within a structure. Outdoor retail sales and activities shall comply with the standards for "Outdoor Displays and Sales" in Section 9.42.140.

Overlay. A land use designation on the General Plan Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner.

Overspray. See "Landscaping Standards."

Owner. See "Affordable and Inclusionary Housing."

P. Definitions, "P."

Parcel. See "Lot, or Parcel."

Parking Area, Public. An open area, excluding a street or other public way, used for the parking of automobiles and available to the public, whether for free or for compensation.

Parking Facility. Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;
2. A carport is an attached or detached accessory structure, which is not enclosed on more than two sides;
3. A car deck is an unenclosed platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

Parking, Shared. A public or private parking area used jointly by two or more uses.

Park Land, Parkland. Land that is publicly owned or controlled for the purpose of providing parks, recreation, or open space for public use.

Parks and Playgrounds. A public outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Parkway Strip. A piece of land located between the rear of a curb and the front of a sidewalk, usually used for planting low ground cover and/or street trees, also known as "planter strip."

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Design amenities related to the street level such as awnings, paseos, arcades;
3. Visibility into buildings at the street level;
4. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;

6. Signs oriented and scaled to the pedestrian rather than the motorist;
7. Landscaping; and
8. Street furniture.

Pedestrian Oriented Use. A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and social interaction.

Performance Standards. Zoning regulations that permit uses based on a particular set of standards of operation rather than on particular type of use. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a use.

Person. Any natural person, individual, corporation, or organizational entity, as further identified in the Arcata Municipal Code (AMC § 1100) and in the California Civil Code (Civil Code § 14), which is recognized in law as the subject of rights or duties.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops
- clothing rental
- dry cleaning pick-up stores with limited equipment
- home electronics and small appliance repair
- laundromats (self-service laundries)
- locksmiths
- massage (licensed, therapeutic, non-sexual)
- pet grooming with no boarding
- shoe repair shops
- tailors
- tanning salons

These uses may also include accessory retail sales of products related to the services provided.

Personal Services - Restricted. Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing stores
- fortune tellers
- palm and card readers
- pawnshops
- psychics
- spas and hot tubs for hourly rental
- tattoo and body piercing services

Pet Shop. A store that sells household pets and pet supplies.

Pipeline, Utility Transmission or Distribution Line. Transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see Office), or distribution substations.

Planned Development (PD). Development of land as a single unit by taking advantage of modern site planning techniques to result in a more efficient use of land and a better living environment than is otherwise possible through strict application of development standards. Planned developments allow for exceptions and deviations from standard zoning requirements in exchange for creative design and added amenities.

Planning Area. The area directly addressed by the general plan. A city's planning area typically encompasses the city limits, potentially annexable land within its sphere of influence, and surrounding lands which affect the City.

Planning Commission. The City of Arcata Planning Commission, appointed by the Arcata City Council in compliance with Government Code Section 65101. A body, usually having five or seven members, created by a city or county in compliance with California law which requires the assignment of the planning functions of the city or county to a planning department, planning commission, hearing officers, and/or the legislative body itself, as deemed appropriate by the legislative body.

Planning Permit. Authority granted by the City to use a specified site for a particular purpose. "Planning Permit" includes Use Permits, Minor Use Permits, Coastal Permits, Variances, Planned Development Permits, Emergency Permits, Design Review, Certificates of Occupancy and Zoning Clearances, as established by Article 7 (Planning Permit Procedures).

Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

Policy. A group of related actions or means that will be employed to achieve objectives.

Pollution, Non-Point. Sources for pollution that are less definable and usually cover broad areas of land, such as agricultural land with fertilizers that are carried from the land by runoff, or automobiles.

Pollution, Point. In reference to air or water quality, a discrete source from which pollution is generated before it enters receiving waters or air, such as a sewer outfall, a smokestack, or an industrial waste pipe.

Porous Mulch. See "Landscaping Standards."

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or "poverty thresholds" varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Preservation. See "Historical Resource Preservation."

Preserve, n. An area in which beneficial uses in their present condition are protected; for example, a nature preserve or an agricultural preserve. (See "Agricultural Preserve")

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Primary Zoning District. The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

Prime Agricultural Land. Means any of the following, in compliance with Williamson Act Section 51201:

1. All land that qualifies for rating as Class I or Class II in the Soil Conservation Service land capability classifications.
2. Land that qualifies for a rating of 60 through 100 in the Storie Index Rating.
3. Land that supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

Prime Farmland. Land which has the best combination of physical and chemical characteristics for the production of crops. Prime Farmland must have been used for the production of irrigated crops within the last three years. Prime Farmland does not include publicly-owned lands for which there is an adopted policy preventing agricultural use. (See "Prime Agricultural Land.")

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private Residential Recreation Facility. A privately-owned, non-commercial recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, park and sport court facilities. Does not include golf courses and country clubs, which are separately defined.

Private Road/Private Street. Privately owned (and usually privately maintained) motor vehicle access that is not dedicated as a public street. Typically the owner posts a sign indicating that the street is private property and limits traffic in some fashion. For density calculation purposes, some jurisdictions exclude private roads when establishing the total acreage of the site; however, aisles within and driveways serving private parking lots are not considered private roads.

Processing Facility. See "Recycling Facility."

Produce Stand. A temporary business established and operated for a specific time, selling fruits, vegetables, nuts, firewood and other agricultural produce.

Production of Food or Fiber. Any type of commercial agricultural operation that produces food or fiber products, including but not limited to all types of: irrigated field crop production (vegetables, fruits, grains, seed crops, etc.), dry farming operations (grain, etc.), orchards and vineyards, berries, etc.; and animal raising operations such as the raising of cattle, fowl or poultry, goats, sheep, swine, or other animals used for food or clothing products; but not including timber production.

Property Line. The recorded boundary of a parcel of land.

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Public Buildings and Uses. Facilities owned and operated by the City, and/or State or Federal governments, or a local agency (e.g., a special district).

Public and Quasi-public Facilities. Institutional, academic, governmental and community service uses, either owned publicly or operated by non-profit organizations, including private hospitals and cemeteries.

Public Nuisance. Anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community, neighborhood, household or any considerable number of persons although the extent of annoyance or damage inflicted upon an individual may be unequal.

Public Safety Facility. A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Services. See "Municipal Services."

Public Trust Lands. See "Environmentally Sensitive Habitat Area (ESHA)".

Q. Definitions, "Q."

Qualifying Resident. A senior citizen or other person eligible to reside in senior citizen housing.

R. Definitions, "R."

Rear Yard. See "Yard."

Reclamation. The reuse of resources, usually those present in solid wastes or sewage.

Reconstruction. See "Historical Resource Preservation."

Recordation, County. See "Historical Resource Preservation."

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; and
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections; and
3. Is built on a single chassis; and
4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle (RV) Park. See "Lodging."

Recreational Use. The use of land by the public, with or without charge, for walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.

Recycling Facility. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
 - a. Reverse vending machines;
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include:
 - (1) A mobile unit;
 - (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
 - (3) Kiosk-type units which may include permanent structures.
 - c. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.

2. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
 3. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
 4. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
 5. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
 6. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
 7. **Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.
- Regional.** Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

Regional Information Center. See "Historical Resource Preservation."

Rehabilitation. See "Historical Resource Preservation."

Religious Facility. A permanent facility operated by a religious organization exclusively for worship, or the promotion of religious activities, including accessory uses on the same site. Examples of these types of facilities include churches, mosques, synagogues, and temples. Examples of allowable accessory uses on the same site include living quarters for ministers and staff, facilities for child day care and religious instruction operated at the same time as religious services (where authorized by the same type of land use permit required for the religious facility itself). May also include fund-raising sales, bazaars, dinners, parties, or other indoor and outdoor events on the same site. Other facilities maintained by religious organizations, including full-time day care centers, full-time educational institutions, hospitals and other potentially related operations (for example, a recreational camp) are defined in this Chapter according to their respective activities. Does not include the temporary use of an approved public assembly facility (for example, a private meeting hall, community center, theater, or auditorium) by a congregation for religious meetings, which is instead defined under the type of meeting facility hosting the congregation.

Remedy a Violation. See "Flood Hazard Management."

Remodeling. See "Historical Resource Preservation."

Repair Service - Equipment, Large Appliances, etc. A service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services", the repair of small home appliances and electronic equipment, which is included under "Personal Services", or maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services."

Replacement Cost. The construction cost to replace an entire structure.

Research and Development Use. A use engaged in study, testing, design, analysis, and experimental development of products, processes, or services.

Residential. Land designated in the City or County General Plan and zoning ordinance for buildings consisting of dwelling units. May be improved, vacant, or unimproved. (See "Dwelling Unit.")

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

- garages
- gazebos
- greenhouses (non-commercial)
- guest houses
- home satellite dishes and receiving antennas per 9.44.030 B
- spas and hot tubs
- storage sheds
- studios
- swimming pools
- tennis and other on-site sport courts
- workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, which are separately defined.

Residential Care Facility. A single dwelling unit or multiple-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour non-medical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

Residential Care Facility for the Elderly (RCFE). A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space. RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

Residential Floor Area. The sum of the floor area for each of a residential structure's stories measured from the exterior limits of the faces of the structure. The residential floor area does not include: basements, attics, cellars, storage rooms accessible from the exterior of the structure, any floor space which is designated for the parking of motor vehicles, or covered or uncovered porches unless said area meets the Uniform Building Code (UBC) standards for habitable floor area. Note that certain spaces, such as bathrooms, closets, and storage rooms accessed from the interior of the structure which are not "habitable area" as defined by the UBC are considered "residential floor area" for the purpose of this Land Use Code.

Residential, Multiple Family. See "Multi-family housing".

Residential, Single-Family. See "Single family dwelling".

Residential Zoning District. Any of the residential zoning districts established by Section 9.12.020 (Zoning Map and Zoning Districts).

Resources, Non-Renewable. Refers to natural resources, such as fossil fuels and natural gas that, once used, cannot be replaced and used again.

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out.

Restaurant, Fast-Food. Any retail establishment intended primarily to provide short-order food services for on-site dining and/or take-out, including self-serve restaurants (excluding cafeterias where food is consumed on the premises), drive-in restaurants, and formula restaurants. Also see "Restaurant, Formula".

Restaurant, Formula. A restaurant that is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, décor, uniforms, architecture, signs or similar standardized features and which causes it to be substantially identical to more than 11 other restaurants regardless of ownership or location.

Restore. To renew, rebuild, or reconstruct to a former state.

Restrict. To check, bound, or decrease the range, scope, or incidence of a particular condition.

Retention Basin/Retention Pond. See "Detention Basin/Detention Pond."

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Reverse Vending Machine. See "Recycling Facility."

Review Authority. The individual or official City body (the Community Development Director, Zoning Administrator, Environmental Coordinator, Planning Commission, Historic and Design Review Authority, or City Council) identified by this Land Use Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 7 (Planning Permit Procedures).

Rezoning. An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Richter Scale. A measure of the size or energy release of an earthquake at its source. The scale is logarithmic; the wave amplitude of each number on the scale is ten times greater than that of the previous whole number.

Rideshare. A travel mode other than driving alone, such as buses, rail transit, carpools, and vanpools.

Ridgeline. A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

Right-of-Way. A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roads, railroads, and utility lines.

Riparian Corridor. See "Environmentally Sensitive Habitat Area (ESHA)".

Riparian Lands. See "Environmentally Sensitive Habitat Area (ESHA)".

Riverine. See "Flood Hazard Management."

Rooming or Boarding House. A dwelling or part of a dwelling where lodging is furnished for compensation to five or more persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined under "Organizational House."

Runoff. See "Landscaping Standards."

S. Definitions, "S."

Sand Dunes. See "Flood Hazard Management."

Sanitary Landfill. The controlled placement of refuse within a limited area, followed by compaction and covering with a suitable thickness of earth and other containment material.

Sanitary Sewer. A system of subterranean conduits that carries refuse liquids or waste matter to a plant where the sewage is treated, as contrasted with storm drainage systems (that carry surface water) and septic tanks or leech fields (that hold refuse liquids and waste matter on-site). (See "Combined Sewer" and "Septic System.")

Scenic Highway Corridor. The area outside a highway right-of-way that is generally visible to persons traveling on the highway.

Scenic Highway/Scenic Route. A highway, road, drive, or street that, in addition to its transportation function, provides opportunities for the enjoyment of natural and man-made scenic resources and access or direct views to areas or scenes of exceptional beauty or historic or cultural interest. The aesthetic values of scenic routes often are protected and enhanced by regulations governing the development of property or the placement of outdoor advertising. Until the mid-1980s, general plans in California were required to include a Scenic Highways element.

School. A public or private academic educational institution, including:

- boarding school
- community college, college, or university
- elementary, middle, and junior high schools
- high school
- military academy

Also includes schools providing specialized education/training. Examples include the following:

- art school
- ballet and other dance school
- business, secretarial, and vocational school
- computers and electronics school
- drama school
- driver education school
- establishments providing courses by mail
- language school
- martial arts
- music school
- professional school (law, medicine, etc.)
- seminaries/religious ministry training facility

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Day Care"). See also the definition of "Studios - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Scrap and Dismantling Yards. See "Recycling Facility."

Second Hand Store. A retail store that buys and sells used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects. Does not include bookstores ("Retail Stores"); secondhand farm and construction equipment ("Construction, Farm, and Heavy Equipment Sales"); junk dealers, or scrap/dismantling yards ("Recycling Facilities - Scrap and Dismantling Yards"); the sale of antiques and collectibles ("Retail Stores"); the sale of cars and other used vehicles ("Auto and Vehicle Sales, Leasing, and Rental, Used"); or pawnshops ("Personal Services - Restricted").

Second Unit. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling.

Secretary of the Interior's Standards. See "Historical Resource Preservation."

Sediment. See "Grading."

Sediment Detention Basin. See "Grading."

Seiche. An earthquake-generated wave in an enclosed body of water such as a lake, reservoir, or bay.

Seismic. Caused by or subject to earthquakes or earth vibrations.

Seniors. Persons of age 62-years and older.

Senior Housing. Typically one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them. (See also, "Congregate Care.")

Septic System. A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. Septic systems are often used for individual-home waste disposal where an urban sewer system is not available. (See "Sanitary Sewer.")

Service Station. A retail business selling vehicle fuels and related products; a card lock station is also included within this definition. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), a service station may also include: a convenience store; a restaurant, café, or coffee shop; minor maintenance and repair facility; tow truck operation; vehicle or trailer rentals; and fuel dealer sales.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, Environmentally Sensitive Habitat Area (ESHA), other structure or development feature, or street centerline. See also "Yard," and Section 9.30.090 (Setback Regulations and Exceptions).

Settlement. 1. The drop in elevation of a ground surface caused by settling or compacting. 2. The gradual downward movement of an engineered structure due to compaction. Differential settlement is uneven settlement, where one part of a structure settles more or at a different rate than another part.

Sex-Oriented Business. A business based upon materials or performances that depict, describe, or relate to sexual anatomical areas or activities. Sex oriented business shall not include the following: any activity conducted in private, including viewing NC-17-rated material in a private motel room through use of a satellite dish or other technology; creation and display of life or figure art in artist studios and artisan shops; selling or renting NC-17rated movies, reading materials or other merchandise within a general video store, bookstore, or other retail store; and occasionally showing NC-17-rated movies or plays within a general movie or live theater.

Shall. That which is mandatory; an unequivocal direction.

Shared Living. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by '1566.3 of the California Health and Safety Code.

Shopping Center. A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

Short Form [Erosion and Sediment Control Plan]. See "Grading."

Should. Signifies a directive to be honored if at all possible; a less rigid directive than "shall," to be honored in the absence of compelling or contravening considerations.

Side Yard. See "Yard."

Sign. A structure, device, figure, display, message placard, or other contrivance excluding merchandise display, or any part thereof, located outdoors or indoors, that is designed, constructed, intended, or used to provide information, convey an idea, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to otherwise convey information, advertise or identify any business or product. Types of signs include the following.

1. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
2. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
3. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
4. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.
5. **Bench Sign.** Copy painted on a portion of a bench.
6. **Cabinet Sign (Can Sign).** A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

7. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
8. **Directional Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
9. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
10. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
11. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
12. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.
13. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.
14. **Prohibited Sign.** A sign that includes any of the following:
 - a. A sign erected without complying with all regulations in effect at the time of its construction or use;
 - b. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
 - c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, if the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;
 - d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of more than 50 percent of its current replacement cost;
 - e. A sign which is a danger to the public or is unsafe;
 - f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
 - g. A sign that pertains to a specific event, and 10 days have elapsed since the occurrence of the event.
15. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

16. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
17. **Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.
18. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
19. **Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
20. **Nonconforming Sign.** A permanent or temporary advertising structure or sign which was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Land Use Code.
21. **Obscene Sign.** A sign that is offensive or repulsive to the senses, or is indecent or lewd.
22. **Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.
23. **Off-Site Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.
24. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
25. **Political Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
26. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.
27. **Portable Sidewalk Sign.** An "a-frame" or "sandwich board" sign.
28. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
29. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.
30. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
31. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

32. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
33. **Vehicle Sign.** A sign attached to or suspended from a boat, vehicle, or other movable object that is parked within a public right-of-way, or located on private property but visible from a public right-of-way; except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of a vehicle.
34. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
35. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Sign Height. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Significance. See "Historical Resource Preservation."

Significant Architectural Features. See "Historical Resource Preservation."

Significant Effect. A beneficial or detrimental impact on the environment. May include, but is not limited to, significant changes in an area's air, water, and land resources.

Siltation. (1) The accumulating deposition of eroded material. (2) The gradual filling in of streams and other bodies of water with sand, silt, and clay.

Silviculture. See "Trees."

Single-Family Dwelling. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. The percentage of total site area occupied by structures, parking, pavement and driveways. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and any covered feature. Structure/building coverage is measured from exterior wall to exterior wall. Planted parking strips and pervious pavers are not counted as site coverage.

Small Family Day Care Home. See "Day Care."

Social Service Organization. A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, emergency shelters and transitional housing, or "Residential Care," which are separately defined.

Solar Access. The following terms and phrases are defined for the purposes of Chapter 9.56 (Solar Siting and Solar Access).

1. **Adequate Solar Access.** Building orientation such that the south sloped roof and wall down to ground level of the principal building on the lot, shall not be shaded more than 10 percent between the hours of 10 a.m. and 2 p.m. at any time throughout the year.
2. **Solar Easement.** The right of receiving sunlight across the real property of another for any solar energy system.
3. **Solar Energy System.** A solar energy system includes the following:
 - a. A solar collector or other solar energy device with its primary purpose to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - b. A structural design feature of a building, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
4. **Burdened Property.** Property for which development restrictions are placed or proposed, in order to protect solar access to benefitted property.
5. **Benefitted Property.** Property for which solar access protection is granted or proposed.
6. **Due South.** The direction of the south terrestrial pole.
7. **Solar System, Active.** A system using a mechanical device, such as a pump or a fan, and energy in addition to solar energy to transport a conductive medium (air or water) between a solar collector and the interior of a building for the purpose of heating or cooling.
8. **Solar System, Passive.** A system that uses direct heat transfer from thermal mass instead of mechanical power to distribute collected heat. Passive systems rely on building design and materials to collect and store heat and to create natural ventilation for cooling.

Solid Waste. Any unwanted or discarded material that is not a liquid or gas. Includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood, but does not include sewage and hazardous materials. Organic wastes and paper products comprise about 75% of typical urban solid waste.

Solid Waste Transfer Station. A facility for the temporary storage of municipal refuse prior to its transport to a landfill or other terminal disposal or recycling facility.

Special Flood Hazard Area (SFHA). See "Flood Hazard Management."

Sphere of Influence. The probable physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCO) of the County.

Sports and Entertainment Assembly. A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

Sports and Active Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

- athletic/sport fields (e.g., baseball, football, softball, soccer)
- health and athletic club outdoor facilities
- skateboard parks
- swimming pools
- tennis and other sport courts (e.g., handball, squash)

Stabilization. See "Historical Resource Preservation."

Standards. A rule or measure establishing a level of quality or quantity in a General Plan that must be complied with or satisfied. Examples of Standards might include: the number of acres of parkland per 1,000 population that a community will attempt to acquire and improve; the land use density for a designated land use category; or the traffic Level of Service (LOS) that a General Plan hopes to attain. Also see "Development Standards".

Start of Construction. See "Flood Hazard Management."

State Historical Building Code (SHBC). See "Historical Resource Preservation."

Stem Basal Area. See "Trees."

Storage - Accessory. The indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Business Records. A commercial storage facility specializing in the storage of business records.

Storage - Outdoor. An area not within a building that is proposed or used for the storage of building materials, other supplies, equipment, or other materials, either as the primary use of a parcel or as storage accessory to another use.

Storage - Personal Storage Facility (Mini-storage). Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Storage Yard. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Storage - Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature provided by moving companies. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Truck or Freight Terminal").

Storie Index. A numerical system (0-100) rating the degree to which a particular soil can grow plants or produce crops, based on four factors: soil profile, surface texture, slope, and soil limitations. (See "Prime Agricultural Land.")

Storm Water Runoff. See "Grading."

Stream. See "Environmentally Sensitive Habitat Area (ESHA)".

Stream Corridor. See "Environmentally Sensitive Habitat Area (ESHA)".

Stream or Creek Bank. See "Environmentally Sensitive Habitat Area (ESHA)".

Street. A thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this glossary. A public street is one that has been accepted by the City which has been constructed to City standards. (See also "Private Road/Private Street.")

Street Furniture. Those features associated with a street that are intended to enhance that street's physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.

Street Tree Plan. A comprehensive plan for all trees on public streets that sets goals for solar access, and standards for species selection, maintenance, and replacement criteria, and for planting trees in patterns that will define neighborhood character while avoiding monotony or maintenance problems.

Street Trees. See "Trees."

Streets, Local. See "Streets, Minor."

Streets, Major. The transportation network that includes a hierarchy of freeways, arterials, and collectors to service through traffic.

Streets, Minor. Local streets not shown on the Circulation Plan, Map, or Diagram, whose primary intended purpose is to provide access to fronting properties.

Streets, Through. Streets that extend continuously between other major streets in the community.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Land Use Code, the term "structure" includes "signs" and "buildings," but does not include swimming pools, fences, walls used as fences, pens or corrals.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating no more than three groups of students at a time. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Stumpage. See "Trees."

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Humboldt County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 915: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Subdivision Map Act, or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions. This act vests in local legislative bodies the regulation and control of the design and improvement of subdivisions, including the requirement for tentative and final maps. (See also "Subdivision.")

Subsidence. The sudden sinking or gradual downward settling and compaction of soil and other surface material with little or no horizontal motion. Subsidence may be caused by a variety of human and natural activity, including earthquakes. (See "Settlement.")

Subsidize. See "Affordable and Inclusionary Housing."

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Substantial. Considerable in importance, value, degree, or amount.

Substantial Improvement. See "Flood Hazard Management."

Substantial Rehabilitation. See "Affordable and Inclusionary Housing."

Surface Mining Operations. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

Sustainability. Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.

Sustainable Development. Development that maintains or enhances economic opportunity and community wellbeing while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs. (Source: Minnesota State Legislature.)

Swale. See "Grading."

T. Definitions, "T."

Taking. A real estate term traditionally used to mean acquisition by eminent domain but broadened by the U.S. Supreme Court to mean any government action that denies all economically viable use of property.

Target Areas. Specifically designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by very low- and low-income households.

Tax Increment. Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20% to be used to increase and improve the community's supply of very low- and low-income housing.

Telecommuting. An arrangement in which a worker is at home or in a location other than the primary place of work, and communicates with the workplace and conducts work via wireless or telephone lines, using modems, fax machines, or other electronic devices in conjunction with computers.

Telecommunications Facility. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use of land that is designed, operated and occupies a site for a limited time, typically less than 12 months.

Terrace. See "Grading."

Theater, Auditorium. An indoor facility for public assembly and group entertainment, other than sporting events. Examples of these facilities include:

- civic theaters, and facilities for "live" theater and concerts
- movie theaters
- similar public assembly facilities
- See also "Sports and Entertainment Assembly."

Tidelands. Land subject to the ebb and flow of tides.

Top of Bank. See "Environmentally Sensitive Habitat Area (ESHA)".

Topography. Configuration of a surface, including its relief and the position of natural and man-made features.

Topping. See "Trees."

Tourism. The business of providing services for persons traveling for pleasure, tourism contributes to the vitality of the community by providing revenue to local business. Tourism can be measured through changes in the transient occupancy tax, or restaurant sales.

Townhouse; Townhome. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls.

Traffic Model. A mathematical representation of traffic movement within an area or region based on observed relationships between the kind and intensity of development in specific areas. Many traffic models operate on the theory that trips are produced by persons living in residential areas and are attracted by various non-residential land uses. (See "Trip.")

Transit. The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transit, Public. A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called "Mass Transit."

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transitional Housing. Shelter provided to the homeless for an extended period, often as long as 24 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of stable income and permanent housing. (Also see "Emergency Shelter.")

Trees. Types of trees and related definitions include the following:

1. **Arborist.** 1) A person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) other qualified professionals who the Director determines have gained through experience the qualifications to identify, remove, or replace trees.
2. **Diameter of a Tree.** Trunk diameter measured at 4.5 feet above the ground (also known as "Diameter at Breast Height," or "DBH").
3. **Diseased Tree.** A tree afflicted by, but not limited to, any of the following: insect infestation, heart rot, exfoliation, slime flux, crown rot, leaf scorch, root fungus, structural defects or weaknesses.
4. **Drip line.** A line that may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the trees. When depicted on a map, the drip line will appear as an irregular shaped circle that follows the contour of the tree's branches as seen from overhead.
5. **Forest Stand.** A contiguous group of trees sufficiently uniform in species composition, arrangement of age classes and condition to be a distinguishable, homogeneous unit.

6. **Hazardous Tree.** A tree with structural defects likely to cause failure of all or part of the tree, which could strike a "target". A target can be a vehicle, building, or place where people gather such as a park bench, picnic table, street, or backyard. Hazardous defects are visible signs that the tree is failing. There are seven main types of tree defects: dead wood, cracks, weak branch unions, decay, cankers, root problems, and poor tree architecture. A tree with defects is not hazardous, however, unless some portion of it is within striking distance of a target.
7. **Landmark Trees.** Trees whose size, visual impact, or association with a historically significant structure or event have led the City or County to designate them as landmarks.
8. **Natural Area.** An area where no grading or development is permitted. For new and undeveloped lots subject to hillside development standards, a minimum of 50 percent of the area of each lot shall be designated as "natural area," and all areas with slopes greater than 25 percent shall be included in the "natural area."
9. **Silviculture.** The art, science, and practice of establishing, tending and reproducing forest stands of desired characteristics. It is based on knowledge of species characteristics and environmental requirements.
10. **Stem Basal Area.** The cross section area of the stem or stems of a plant or of all plants in a stand, generally expressed as square units per unit area. Tree basal is used to determine percent stocking. The cross section area of a tree stem in square feet commonly measured at breast height (4.5 feet above ground) and inclusive of bark, usually computed by using d.b.h. or tallied through the use of basal area factor angle gauge.
11. **Street Trees.** Trees strategically planted usually in parkway strips, medians, or along streets to enhance the visual quality of a street.
12. **Stumpage.** The value or volume of a tree or group of trees as they stand uncut in the woods (on the stump).
13. **Topping.** Cutting off the top section of a standing tree to the trunk. Topping is an injurious practice.
14. **Trimming.** The cutting of or removal of any limbs or branches of trees which will not seriously impair the health of trees. For the purposes of this code, the definition of trim shall not apply to any tree being grown as an orchard tree or other fruit or non-indigenous ornamental tree for which trimming and pruning are considered ordinary horticultural practices.

Trip. A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one "production end," (or origin-often from home, but not always), and one "attraction end," (destination). (See "Traffic Model.")

Trip Generation. The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system. Trip generations of households are correlated with destinations that attract household members for specific purposes.

Truck Route. A path of circulation required for all vehicles exceeding set weight or axle limits, a truck route follows major arterials through commercial or industrial areas and avoids sensitive areas.

Truck or Freight Terminal. A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- overnight mail processing facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Tsunami. A large ocean wave generated by an earthquake in or near the ocean.

U. Definitions, "U."

Undevelopable. Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants and a liability to the City or County are designated as "undevelopable" by the City or County.

Uniform Building Code (UBC). A national, standard building code that sets forth minimum standards for construction.

Uniform Housing Code (UHC). State housing regulations governing the condition of habitable structures with regard to health and safety standards, and which provide for the conservation and rehabilitation of housing in accordance with the Uniform Building Code (UBC).

Urban. Of, relating to, characteristic of, or constituting a city. Urban areas are generally characterized by moderate and higher density residential development (i.e., three or more dwelling units per acre), commercial development, and industrial development, and the availability of public services required for that development, specifically central water and sewer, an extensive road network, public transit, and other such services (e.g., safety and emergency response). Development not providing such services may be "non-urban" or "rural." (See "Urban Land Use.") CEQA defines "urbanized area" as an area that has a population density of at least 1,000 persons per square mile - (Public Resources Code Section 21080.14(b)).

Urban Design. The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

Urban Growth Boundary. An officially adopted and mapped line dividing land to be developed from land to be protected for natural or rural uses. Urban growth boundaries are regulatory tools, often designated for long periods of time (20 or more years) to provide greater certainty for both development and conservation goals.

Urban Land Use. Residential, commercial, or industrial land use in areas where urban services are available.

Urban Open Space. The absence of buildings or development, usually in well-defined volumes, within an urban environment.

Urban Services Boundary. A boundary, sometimes parcel-specific, located to mark the outer limit beyond which urban development will not be allowed. It has the aim of discouraging urban sprawl by containing urban development during a specified period, and its location may be modified over time.

Urban Service Area. (1) An area in which urban services will be provided and outside of which such services will not be extended. (2) Developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the sphere of influence of a city, which is served or will be served during the first five years of an adopted capital improvement program by urban facilities, utilities, and services. The boundary around an urban service area is called the "urban service area boundary" and is to be developed in cooperation with a city and adopted by a Local Agency Formation Commission (LAFCO).

Urban Services. Utilities (such as water, gas, electricity, and sewer) and public services (such as police, fire, schools, parks, and recreation) provided to an urbanized or urbanizing area.

Urban Sprawl. Haphazard growth or outward extension of a city resulting from uncontrolled or poorly managed development.

Use. See "Land Use."

Use, Primary. See "Primary Use."

Utility Corridors. Rights-of-way or easements for utility lines on either publicly or privately owned property. (See "Right-of-Way" or "Easement.")

Utility Facility. A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

V. Definitions, "V."

Vacation Rental. See "Lodging."

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

1. **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services.
2. **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation; and tire recapping and retreading within an enclosed structure.

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); service stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Vehicle Storage. A service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

Very Low Income Household. See "Affordable and Inclusionary Housing."

Veterinary Clinics, Animal Hospitals. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Does not include kennels and animal boarding, which are separately defined.

View Corridor. The line of sight-identified as to height, width, and distance-of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewer's attention.

Viewshed. The area within view from a defined observation point.

Violation. See "Flood Hazard Management."

W. Definitions, "W."

Warehouse. See "Storage - Warehouse, Indoor Storage."

Warehouse Retail. A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

Warehousing Use. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Watercourse. See "Environmentally Sensitive Habitat Area (ESHA)".

Water Feature. See "Landscaping Standards."

Watershed. See "Environmentally Sensitive Habitat Area (ESHA)".

Wetland. See "Environmentally Sensitive Habitat Area (ESHA)".

Wetland Buffer Area. See "Environmentally Sensitive Habitat Area (ESHA)".

Wetland Delineation. See "Environmentally Sensitive Habitat Area (ESHA)".

Wetland Setback. See "Environmentally Sensitive Habitat Area (ESHA)".

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

Wildlife. Animals or plants existing in their natural habitat.

Wildlife Refuge. An area maintained in a natural state for the preservation of both animal and plant life.

Williamson Act. The term "Williamson Act" means California Government Code Section 51200 et seq., as they may be amended from time to time. Known formally as the California Land Conservation Act of 1965, it was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a ten-year contract between the City or County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than its market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Windmill. A tower and propeller assembly used to transform wind energy into mechanical energy for generating electricity or pumping water.

Wine Tasting. A facility, or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

Winery. A manufacturing facility where wine grapes are crushed, and their juice is fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

Woodlands. Lands covered with woods or trees.

X. Definitions, "X."

Xeriscaping. The environmental site design and consideration of drought-resistant plants that support water efficient landscaping, thereby promoting the concept of water conservation in the design of a project.

Y. Definitions, "Y."

Yard. An area between a lot line and a structure, unobstructed and unoccupied from the ground upward, except for projections permitted by this Land Use Code. See also "Setback," and Section 9.30.090 (Setback Regulations and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the primary structure.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the primary structure.
3. **Side Yard.** An area between a side lot line and the primary structure extending between the front and rear yards.

Z. Definitions, "Z."

Zero Lot Line. The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

Zone, Combining. A special purpose zone that is superimposed over the regular zoning map. Combining zones are used for a variety of purposes, such as, flood plain, wetlands protection, or historic designation. Also called "overlay zone."

Zone, Interim. A zoning designation that temporarily reduces or freezes allowable development in an area until a permanent classification can be fixed; generally assigned during General Plan preparation to provide a basis for permanent zoning.

Zoning. The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the General Plan.

Zoning Administrator. The City of Arcata Community Development Director, or designee of the Director.

Zoning District. Any of the residential, commercial, public, or overlay districts established by Article 2 (Zoning Districts and Allowable Land Uses), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.). A portion of the territory of a city or county within which uniform zoning regulations and requirements apply; a zone.

Zoning Map. Government Code Section 65851 permits a legislative body to divide a county, a city, or portions thereof, into zones of the number, shape, and area it deems best suited to carry out the purposes of the zoning ordinance. These zones are delineated on a map or maps, called the Zoning Map.

**CITY OF ARCATA
LOCAL COASTAL PROGRAM AMENDMENT NO. ARC-MAJ-1-09
LAND USE PLAN**

SHORELINE (PUBLIC) ACCESS POLICIES AND STANDARDS [PRC §30210 – 30214]

EXISTING CERTIFIED CLUE ACCESS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>III-8 The City shall maintain the Natural Resource Protection designation on all tidelands and water areas of Arcata Bay, and shall declare that these areas are fragile coastal resources that require protection from uncontrolled access. The City shall use the following guidelines when permitting access to these areas:</p> <p>(a) Motorized vehicles should be restricted to paved roads and parking lots.</p> <p>(b) Pedestrians should be restricted to designated trails and facilities.</p> <p>(c) Valid scientific and educational studies of the wetlands and tidelands should be encouraged.</p>	<p>RC-4a <i>Protection of open waters /tideland areas of Arcata Bay.</i> The tidal and water areas of Arcata Bay constitute a fragile Public Trust resource and access shall be controlled to avoid resource degradation, while maintaining the public’s right to navigation. Tidal marshes shall be enhanced and maintained, especially in the areas of McDaniel, Gannon, and Butcher’s Sloughs, to protect wetland values.</p>	<p>[No modifications suggested; renumber as Policy C-RC-4a.]</p>
<p>IV-1 New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development. The City shall declare that the tidal and water areas of Arcata are a fragile coastal resource that requires protection from uncontrolled access.</p> <p>IV-2 The City shall require a Use Permit or Nature Area Permit for any activity or development proposed in the Natural Resources Protection Zone.</p>	<p>RC-4f <i>Management of bayfront and marsh areas for coastal access, recreation, and tourism.</i> Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Land [NR-PTL] and protected from uncontrolled access. The following guidelines shall be used when permitting access to these areas:</p> <ol style="list-style-type: none"> 1. Motorized vehicles shall be restricted to paved roads and parking lots. 2. Pedestrians shall be restricted to designated trails and facilities. 3. Valid scientific and educational studies of the wetlands and tidelands shall be encouraged. <p>New development shall not restrict public access to the shoreline. Public access to the shoreline shall be required of new development. Where consistent with the Humboldt Bay National Wildlife Refuge's Management Plan, controlled public access to the Refuge's Jacoby Creek Unit shall be developed along Arcata Bay from the AMWS to the City's westward</p>	<p>RC-4f C-RC-4d <i>Management of bayfront and marsh areas for coastal access, recreation, and tourism.</i> Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Land Zone [NR-PTL NR-PTZ] and protected from uncontrolled access. The following guidelines shall be used when permitting access to these areas:</p> <ol style="list-style-type: none"> 1. Motorized vehicles shall be restricted to paved roads and parking lots. 2. Pedestrians shall be restricted to designated trails and facilities. 3. Valid scientific and educational studies of the wetlands and tidelands shall be encouraged. <p>New development shall not restrict public access to the shoreline. Public access to the shoreline shall be required of new development. Where consistent with the Humboldt Bay National Wildlife Refuge's Management Plan, controlled public access to the Refuge's Jacoby Creek Unit shall be developed along</p>

EXISTING CERTIFIED CLUE ACCESS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	limit.	Arcata Bay from the AMWS to the City's westward limit.
<p>V-5 The City shall designate the following routes as Public Access Corridors. These corridors should be properly signed and identified to lead the public to approved Bay access points:</p> <p>(a) "I" Street from Samoa Boulevard to the Boat Launching Facility should be designated as the major Public Access Corridor.</p> <p>(b) South "G" Street from Samoa Boulevard to Highway 101 should be designated as a Public Access Corridor because of the improved access to the Marsh and Wildlife Sanctuary.</p> <p>(c) Highway 101 from Samoa Boulevard (State Highway 255) south to Bayside Cutoff.</p> <p>(d) Samoa Boulevard from Highway 101 west to Mad River Slough.</p>	<p>OS-4b <i>Coastal access policy.</i> The City shall maintain coastal access corridors to Arcata Bay and other public use areas and public trust lands within the coastal zone.</p> <p>Coastal access routes include:</p> <ol style="list-style-type: none"> 1. Access from Samoa Boulevard to Arcata Bay via South "I" and "G" Streets. 2. Access to Mad River Beach via Mad River Road. 3. Access to Manila Dunes via Samoa Boulevard. <p>[See also Policy RC-4a above.]</p>	<p>OS-4b C-OS-4c <i>Coastal access policy.</i> The City <u>Approved new development</u> shall maintain coastal access corridors to Arcata Bay and other public use areas and public trust lands within the coastal zone.</p> <p>Coastal access routes include:</p> <ol style="list-style-type: none"> 1. Access from Samoa Boulevard to Arcata Bay via South "I" and "G" Streets. 2. Access to Mad River Beach via Mad River Road. 3. Access to Manila Dunes via Samoa Boulevard. <p><u>4. Samoa Boulevard from Highway 101 west to the City Limits Line at Slaughter House Road, including the trail connection into the McDaniel Slough Wetlands Enhancement Project.</u></p> <p>[See also suggested modifications to Policy C-RC-4a above.]</p>
	<p>RC-4b <i>Access to Arcata Bay.</i> The following routes are designated as Public Access Corridors and are to be properly signed and identified as approved Bay access points.</p> <ol style="list-style-type: none"> 1. "I" Street from Samoa Boulevard, south through the Arcata Marsh and Wildlife Sanctuary to the boat launching facility on Arcata Bay. 2. South "G" Street south of "H" Street, to Highway 101. 3. Highway 101 from Samoa Boulevard (Highway 255), south to Bayside Cutoff. 4. Samoa Boulevard from Highway 101 west to Mad River Slough. <p>A system of foot trails and interpretive sites shall be established along the Arcata Bay shore westward to the City limit, subject to the following guidelines.</p> <p>5. All planning and development in the area that is both South of Samoa Boulevard and west of State Route 101</p>	<p>RC-4b C-RC-4b <i>Access to Arcata Bay.</i> The following routes are designated as Public Access Corridors and are to be properly signed and identified as approved Bay access points.</p> <ol style="list-style-type: none"> 1. "I" Street from Samoa Boulevard, south through the Arcata Marsh and Wildlife Sanctuary to the boat launching facility on Arcata Bay. 2. South "G" Street south of "H" Street, to Highway 101. 3. Highway 101 from Samoa Boulevard (Highway 255), south to Bayside Cutoff. 4. Samoa Boulevard from Highway 101 west to Mad River Slough <u>the City Limits Line at Slaughter House Road, including the trail connection into the McDaniel Slough Wetlands Enhancement Project.</u> <p><u>▲ New development within and along the Public Access Corridors shall be designed and sited to allow for the development of a</u> system of foot trails and interpretive sites shall be established along the Arcata</p>

EXISTING CERTIFIED CLUE ACCESS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	<p>and which is identified as tidelands, former tidelands, wetlands or riparian corridor on the adopted Wetlands Map shall be reviewed by the Creeks & Wetlands Committee, and coordinated with California Department of Fish and Game.</p> <p>6. Development in the area bounded by Butcher's Slough and Gannon Slough should occur in conjunction with management of the National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p> <p>7. Motorized vehicles shall be restricted to paved roads and parking lots.</p> <p>8. Pedestrians shall be restricted to designated trails and facilities.</p> <p>9. Valid scientific and educational studies of wetlands and tidelands are encouraged.</p>	<p>Bay shore westward to the City limit, subject to the following guidelines.</p> <p>5. All planning and development in the area that is both South of Samoa Boulevard and west of State Route 101 and which is identified as tidelands, former tidelands, wetlands or riparian corridor on the adopted Wetlands Map shall be reviewed by the Creeks & Wetlands Committee, and coordinated with California Department of Fish and Game.</p> <p>6. Development in the area bounded by Butcher's Slough and Gannon Slough should occur in conjunction with management of the National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p> <p>7. Motorized vehicles shall be restricted to paved roads and parking lots.</p> <p>8. Pedestrians shall be restricted to designated trails and facilities.</p> <p>9. Valid scientific and educational studies of wetlands and tidelands are encouraged.</p>
<p>VI-4 The City shall support the development of access to the Humboldt Bay National Wildlife Refuge, Jacoby Creek Unit.</p>	<p>[No equivalent/amended policy proposed]</p>	<p>[See suggested modifications to Policies Group C-T-5 on <i>Public Works</i> spreadsheet]</p>
<p>VI-7 The City shall seek funding to establish interpretive sites along the Arcata Bay shore including a Nature Center and Wildlife Care Center to serve as an educational focal point for Arcata's natural resource areas.</p>	<p>[No equivalent/amended policy proposed]</p>	<p>[No modifications suggested]</p>
<p>VI-8 The City shall seek funding to establish a system of foot trails and interpretive sites along the Arcata Bay shore subject to the following guidelines:</p> <p>(a) All planning and development in the area that is both south of Samoa Boulevard and west of Highway 101 and which is identified as wetlands or riparian corridor shall be subjected to review by the Arcata Wetlands and Creeks Advisory Committee or its equivalent, for consistency with the goals and management of the Marsh and Wildlife Sanctuary.</p> <p>(b) Development in the area bounded by Butcher's Slough and Gannon Slough should occur in</p>	<p>RC-3i <i>Management of Arcata Marsh for wetlands values as well as wastewater treatment.</i> The marsh and wildlife sanctuary serves a variety of purposes and functions, including providing wetland habitat for a variety of species, wastewater treatment, and recreational use. These purposes shall be balanced for the benefit of all users.</p>	<p>[Move to <i>Land Use</i> Policies Group C-LU-6]</p>

EXISTING CERTIFIED CLUE ACCESS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>conjunction with development of the National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p> <p>(c) Motorized vehicles shall be restricted to paved roads and parking lots;</p> <p>(d) Pedestrians shall be restricted to designated trails and facilities;</p> <p>(e) Valid scientific and educational studies of the wetlands and tidelands shall be encouraged.</p>		
EXISTING CERTIFIED CLUE SHORELINE ACCESS ELEMENT APPENDIX "A" POLICIES		
<p>A-1 The City shall declare that the tidal and water areas of Arcata Bay are a fragile coastal resource that requires protection from uncontrolled access.</p>	<p>OS-2b <i>Development limitations and management for maintenance of biotic resources and diversity, including aquatic resources and sensitive habitats.</i> ...The Arcata Bay and tidelands represent an important natural edge and open space feature of the City. Buildings, landform alterations, or access routes in this area shall be of a design and scale that preserves open space and natural characteristics and maintains public views to the Bay.</p> <p>[See also Policy RC-4a above.]</p>	<p>[No modifications suggested; renumber as C-OS-2a].]</p>
<p>A-2 The City shall design at the following routes as Public Access Corridors. These corridors should be properly signed and identified to lead the public to approved Bay access points:</p> <p>(a) "I" Street from Samoa Boulevard south through the Arcata Marsh and Wildlife Sanctuary to the Boat launching facility on Arcata Bay.</p> <p>(b) South "G" Street south of "H" Street to Highway 101.</p> <p>(c) Highway 101 from Samoa Boulevard (Highway 255) south to Bayside Cutoff</p> <p>(d) Samoa Boulevard from Highway 101 west to Mad River Slough.</p>	<p>[See Policy OS-4b above]</p>	<p>[See suggested modifications to Policy C-OS-4e above]</p>
<p>A-3 The City shall seek funding to establish a system of foot trails and interpretive sites along the Arcata Bay shore subject to the following guidelines:</p> <p>(a) All planning and development in the area that is both south of Samoa Boulevard and west of Highway 101 and which is identified as wetlands or riparian corridor on the adopted Wetlands Map shall be subjected to review</p>	<p>[See Policy RC-4b above]</p>	<p>[See suggested modifications to Policy C-RC-4b above]</p>

EXISTING CERTIFIED CLUE ACCESS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>by the Marsh and Wildlife Sanctuary Task Force for consistency with the goals and management of the Marsh and Wildlife Sanctuary.</p> <p>(b) Development in the area bounded by Butcher's Slough and Gannon Slough should occur in conjunction with development of the National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p> <p>(c) Motorized vehicles shall be restricted to paved roads and parking lots;</p> <p>(d) Pedestrians shall be restricted to designated trails and facilities;</p> <p>(e) Valid scientific and educational studies of the wetlands and tidelands shall be encouraged.</p>		
<p>A-4 New development shall not restrict access to the shoreline. Access to coastal areas shall be required of new development.</p>	<p>RC-4c <i>Coastal-dependent and public trust uses of Arcata's tidelands.</i> Tidelands of Arcata Bay support a variety of wildlife as well as human activities. The following provisions shall be made for managing tideland areas.</p> <ol style="list-style-type: none"> 1. New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development. 2. Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Lands [NR-PTL], and identified as passive use recreational areas. 3. The Arcata Marsh and Wildlife Sanctuary shall be designated as Natural Resource [NR] and the recreational component of the project identified as a passive use recreational area. 4. The continued use of the tideland for scientific and educational studies is encouraged. 5. The Arcata Marsh and Wildlife Sanctuary (AMWS) shall be maintained and new facilities shall be consistent with the AMWS plan adopted by the City Council. 6. The South "I" Street boat launch shall be enhanced and maintained to accommodate small watercraft and windsurfing. 7. The placement of interpretative sites along the Arcata Bay shore, including Nature and Wildlife Centers, shall be coordinated with other agencies, and serve as an educational focal point for Arcata's natural resource areas. 	<p>RC-4c C-RC-4c <i>Coastal-dependent and public trust uses of Arcata's tidelands.</i> Tidelands of Arcata Bay support a variety of wildlife as well as human activities. The following provisions shall be made for managing tideland areas.</p> <ol style="list-style-type: none"> 1. New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development. 2. Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Lands [NR-PTL NR-PT], and identified as passive use recreational areas. 3. The Arcata Marsh and Wildlife Sanctuary shall be designated as Natural Resource [NR] and the recreational component of the project identified as a passive use recreational area. 4. The continued use of the tideland for scientific and educational studies is encouraged. 5. The Arcata Marsh and Wildlife Sanctuary (AMWS) shall be maintained and new facilities shall be consistent with the AMWS plan adopted by the City Council. 6. The South "I" Street boat launch shall be enhanced and maintained to accommodate small watercraft and windsurfing. 7. The placement of interpretative sites along the Arcata Bay shore, including Nature and Wildlife Centers, shall be coordinated with other agencies, and serve as an educational focal point for Arcata's natural resource

EXISTING CERTIFIED CLUE ACCESS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	8. Access on the levee from the AMWS westward to the City limit will be provided for passive recreation and nature observation. [See also Policy RC-4f above.]	areas. 8. Access on the levee from the AMWS westward to the City limit will be provided for passive recreation and nature observation. [See also suggested modifications to Policy C-RC-4f above.]
A-5 The City shall support the development of access to the Humboldt Bay National Wildlife Refuge, Jacoby Creek Unit.	[See Policy RC-4f above]	[See suggested Modifications to Policy C-RC-4f above]

PROPOSED NEW PUBLIC ACCESS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
[No new access policies proposed]	N/A

COMMISSION SUGGESTED NEW PUBLIC ACCESS POLICIES AND STANDARDS
<u>C-OS-4a Maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.</u>
<u>C-OS-4b Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</u>

COMMISSION SUGGESTED NEW PUBLIC ACCESS POLICIES AND STANDARDS

C-OS-4c Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

For purposes of administering this policy, "new development" does not include:

(a) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(b) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(c) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(d) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(e) Any repair or maintenance activity for which a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this policy, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Nothing in this policy shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

C-OS-4d The public access policies of this coastal land use plan shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

The public access policies of this coastal land use plan shall be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

Nothing in this policy shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

In carrying out the public access policies of this coastal land use plan, the City shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

COASTAL RECREATION POLICIES AND STANDARDS [PRC §§ 30220 – 30221, 30223 – 30224]

EXISTING CERTIFIED CLUE COASTAL RECREATION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
VI-1 The City shall develop the community park area bounded by Highway 101, Samoa Boulevard, 7th Street, and Union Street as an active use recreational area.	[No equivalent/amended policy proposed: This area has been developed into an active use recreational area (community sports complex) including a community center, soccer fields, and softball/baseball diamonds.]	[No modifications suggested]
VI-2 The City shall designate the floodplain along McDaniel Slough north of Highway 255 and south of 11 th street as parkland and identify this area as a recreational area.	[See Policy RC-4c on <i>Public Access</i> spreadsheet]	[See suggested modifications to Policy C-RC-4c on <i>Public Access</i> spreadsheet]
VI-3 The City shall designate the area encompassed by the Arcata Marsh and Wildlife Sanctuary as Natural Resources Protection, and identify the recreational component of the project as a passive use recreational area.	[See Policy RC-4c on <i>Public Access</i> spreadsheet]	[See suggested modifications to Policy C-RC-4c on <i>Public Access</i> spreadsheet]
VI-5 The City shall encourage the continued use of the tideland, or scientific and educational studies, commercial aquaculture, and recreational boating and fishing.	[See Policy RC-4c on <i>Public Access</i> spreadsheet]	[See suggested modifications to Policy C-RC-4c on <i>Public Access</i> spreadsheet]
EXISTING CERTIFIED CLUE RECREATION AND VISITOR-SERVING FACILITIES ELEMENT APPENDIX “B” POLICIES		
B-5 The City shall develop the community park area bounded by Highway 101, Samoa Boulevard, 7th Street, and Union Street as an active use recreational area.	[No equivalent/amended policy proposed: This area has been developed into an active use recreational area (community sports complex) including a community center, soccer fields, and softball/baseball diamonds.]	[No modifications suggested]
B-6 The City shall designate the floodplain along McDaniel Slough north of Samoa Boulevard and south of 11th Street as park land and identify this area as a passive use recreational area.	[The majority of the subject area is now proposed to be redesignated to NR-PT with only a small portion corresponding to the McDaniel Slough floodway retained in a PF designation in which parks would be an allowed use]	[Due to its resource sensitivity and flood plain storage function, designate the whole subject area as NR-PT]
B-8 The City shall identify Samoa Boulevard, a State Highway, as a community entry way and seek funding to develop a specific public improvement program between the highway overpass and "K" Street that provides for a consistent landscaping, street furniture, and directional signing.	[No equivalent/amended policy proposed]	[No modifications suggested]
B-9 The City shall maintain the Boat Basin at its current		

EXISTING CERTIFIED CLUE COASTAL RECREATION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
design level of use.	[No equivalent/amended policy proposed]	[No modifications suggested]
B-10 The City shall seek funding to establish interpretative sites along the Arcata Bay shore including a Nature Center and Wildlife Center to serve as an educational focal point for Arcata's natural resource areas.	[No equivalent/amended policy proposed]	[No modifications suggested]

PROPOSED NEW COASTAL RECREATION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
OS-4a <i>Designations for park lands and outdoor recreation areas.</i> All publicly held park lands and outdoor recreation areas are designated as Public Facility [PF] on the General Plan Land Use Element map. The natural resources present on these lands are also subject to the applicable policies of the Resource Conservation & Management Element. Recreation areas are mapped on Figure OS-a	[No modifications suggested; renumber as Policy C-OS-4h]
OS-4c <i>Relationship to the Parks and Recreation Element.</i> This element contains policies for management of open space lands designated for outdoor recreation. The Parks and Recreation Element contains goals and policy direction for: providing a range of recreation opportunities; sharing facilities; park and recreation program efficiency; environmental compatibility; and user safety.	[Move to prefacing discussion in <i>Open Space Element</i> Section 4.1 <u><i>Introduction</i></u>]

COMMISSION SUGGESTED NEW COASTAL RECREATION POLICIES AND STANDARDS
<u>C-OS-4f Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.</u>
<u>C-OS-4l Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in areas designated A-E if they do not interfere with adjacent agricultural uses, or limit potential of the site to return to agricultural use, or displace the wildlife utilizing the area, especially in seasonal wetlands.</u>

MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS [PRC §30230, 30231, 30232]

EXISTING CERTIFIED CLUE MARINE, BIOLOGICAL, AND WATER RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>III-3 To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing habitat values, the City shall encourage and promote flood protection and stormwater drainage management practices which address flooding problems and drainage on a watershed basis.</p> <p>(a) The city shall establish a Stormwater Utility to address stormwater drainage and flood control, including management of all waterways (creeks, sloughs, drainage ditches) and drainage structures City-wide.</p> <p>(b)The stormwater master plan shall evaluate alternate flood control measures and select a flood control plan that improves drainage and minimizes potential hazards in the Coastal Zone.</p> <p>(c)In evaluating alternates, emphasis shall be placed on improvement of drainage. However, enlarging of existing tidegates, dredging of presently undredged sections of creek, or construction of new structures shall be allowed only when no less environmentally damaging alternate is feasible, only when adequate mitigation is provided, and only when not located within a wetland. If mitigation for said development is provided in the form of a fully approved restoration project such development may be permitted in a wetland.</p> <p>(d)The City shall seek funding to develop a comprehensive stream maintenance program for streams within its Jurisdiction. This program shall provide for stream rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance aquatic and riparian habitat; annual channel inspection to identify and remove barriers to anadromous fish, debris dams, and obsolete flood control or scientific study facilities.</p> <p>(e) The City shall seek assistance and ultimately develop a comprehensive plan that identifies storm drain point and non-point pollution sources, educates the public and businesses about the nature of waste treatment and its</p>	<p>PS-4f <i>Development standards in floodplains (surface drainageways and detention areas).</i> All plans for new construction that could potentially encroach into a floodplain must incorporate measures for flood protection and show that there will be no adverse impact to the carrying capacity of the floodway. Setbacks, easements covering Floodzone A, and minimal use of impervious surfaces are measures strongly encouraged. Elevation of structures, anchoring, flood-proofing, and construction of detention basins are considered secondary and less desirable measures. The City’s floodplain administrator shall verify this information and require appropriate certification before any development permits are granted.</p>	<p align="center">[See Hazardous Areas spreadsheet]</p>
	<p>PS-4g <i>Preventive maintenance of streams and drainageways.</i> Local streams carry the majority of Arcata’s floodwaters and shall be maintained for flood protection as well as natural biological functions. All improvements and maintenance shall be done in accordance with the City’s Drainage Master Plan.</p>	<p align="center">[See Hazardous Areas spreadsheet]</p>
	<p>PS-4h <i>Development review: drainage standards and drainage fees.</i> All new development shall meet current City drainage standards and pay all applicable drainage fees. The City shall provide incentives to reduce the amount of impervious surface associated with new and renovated uses by reducing drainage fees.</p>	<p align="center">[See Hazardous Areas spreadsheet]</p>

EXISTING CERTIFIED CLUE MARINE, BIOLOGICAL, AND WATER RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
importance to Arcata's Creeks, and requires pretreatment of waste by the identified pollution sources.		
<p>III-7 The City shall seek funding to provide for restoration of the following degraded resources:</p> <p>(a) Jolly Giant Creek from Butcher's Slough north to Highway 101.</p> <p>(b) Janes Creek between 11th Street and Alliance Road.</p> <p>(c) Campbell Creek, from Samoa Boulevard to 7th Street, in conjunction with the Arcata Community Park development.</p> <p>(d) Beith and Grotzman Creeks east of Highway 101 and west of Old Arcata Road.</p> <p>(e) Campbell Creek from Samoa Boulevard to Gannon Slough.</p> <p>(f) Gannon Slough</p>	<p>RC-2h <i>Restoration of degraded creek resources.</i></p> <p>Portions of Janes, Jolly Giant, Campbell, and Grotzman Creeks are culverted or covered, causing degradation of creek resources. Streams such as Janes Creek have tide gates which are barriers that prevent anadromous salmonids from accessing critical habitat. Furthermore, recreational use has degraded riparian vegetation along upland reaches of certain creeks (e.g., Jolly Giant, Campbell, and Jacoby Creeks) within Redwood Park and the Community Forest. Lack of vegetation along creek courses can cause erosion, resulting in water and airborne impacts. Restoration activities for improving degraded stream resources shall include:</p> <ol style="list-style-type: none"> 1. Uncovering of creek courses in public rights-of-way, as part of public works improvement projects. 2. Encouraging landowners to restore degraded EBA and stream resources, including native riparian vegetation establishment and exotic species removal, as part of a new development or renovation. 3. Controlling uses that are damaging to upland reaches of creeks in the Community Forest and Redwood Park. 4. Removing or modifying barriers such as tide gates that prevent migrating anadromous salmonids which are federally listed endangered species from reaching their critical habitat. 5. Exclusionary fencing to keep livestock out of the EBA. <p>The Streams Management Plan shall be implemented to provide guidance for rehabilitation and management of creeks that flow through Arcata. The SMP addresses new and modified development along creeks, and existing activities in creek zones. Stream rehabilitation projects shall be designed to maintain or improve flow capacity, trap sediments and other pollutants which decrease water quality, minimize channel erosion, prevent new sources of pollutants from entering the</p>	<p>[Move to <i>Other Initiatives</i>]</p>

EXISTING CERTIFIED CLUE MARINE, BIOLOGICAL, AND WATER RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>III-9 To protect aquaculture in Arcata Bay, the City shall:</p> <p>(a) Ensure that its wastewater discharge does not aggravate existing coliform loading problems in Arcata Bay;</p> <p>(b) As part of the stream maintenance program, take measures to reduce coliform loading of perennial streams within its jurisdiction. These measures shall include controlling identified sources of coliform loading such as septic tank leachate and runoff from agricultural operations.</p>	<p>stream, and enhance instream and riparian habitat.</p> <p>RC-4e <i>Aquaculture use of coastal wetlands/tidelands.</i> To protect aquaculture activities in Arcata Bay, the City shall:</p> <ol style="list-style-type: none"> 1. Ensure that its wastewater discharge does not aggravate existing coliform loading problems in Arcata Bay. 2. Take measures to reduce coliform loading of perennial streams within its jurisdiction, as part of a stream maintenance program. These measures shall include controlling identified sources of coliform loading such as septic tank leachate and runoff from agricultural operations. 	<p>[No modifications suggested; renumber as Policy C-RC-4i.]</p>
<p>III-10 To encourage additional aquaculture in Humboldt Bay, City shall continue the development and management of:</p> <p>(a) Integrated wetland enhancement, wastewater treatment, and the salmon ranching program.</p> <p>(b) The tidelands for commercial and sports oyster production.</p>	<p>Aquaculture shall not adversely impact natural ecological processes nor native wildlife or fisheries or their habitat in the Bay. No new aquaculture uses shall be permitted unless it can be demonstrated that adequate precautions will be taken to prevent new adverse impacts to natural ecological processes. The City shall continue its management of:</p> <ol style="list-style-type: none"> 1. Integrated wetland enhancement and wastewater treatment. 2. The tidelands, for commercial and native oyster harvesting. 	
<p>III-11 The City's wastewater reclamation, reuse, and aquaculture project is consistent with Coastal Act Policies and requires no special provisions in Arcata's General Plan.</p>	<p>[Policy to be discontinued]</p>	<p>[No modifications suggested.]</p>
EXISTING CERTIFIED CLUE MARINE AND WATER RESOURCES ELEMENT APPENDIX "D" POLICIES		
<p>D-2 The City shall seek funding to develop a comprehensive stream maintenance program for streams within its jurisdiction. This program shall provide for stream rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance riparian habitat; annual channel inspection to identify and remove barriers to anadromous fish, debris dams, and obsolete flood control or scientific study facilities.</p>	<p>[See Policies PS-4f, PS-4g, and PS-4h above]</p>	<p>[See <i>Hazardous Areas</i> spreadsheet]</p>
<p>D-3 The City shall seek funding to provide for restoration of the following degraded resources:</p>	<p>[See Policy RC-2h above]</p>	<p>[See Suggested Modifications to</p>

EXISTING CERTIFIED CLUE MARINE, BIOLOGICAL, AND WATER RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
(a) Jolly Giant Creek from Butcher Slough north to Highway 101. (b) Janes Creek between 11th Street and Alliance Road. (c) Campbell Creek from Samoa Boulevard (Highway 255) to 7 th Street in conjunction with Arcata Community Park development. (d) Beith and Grotzman Creeks east of Highway 101 and west of Old Arcata Road. (e) Campbell Creek from Samoa Boulevard (Hwy. 255) to Gannon Slough. (f) Gannon Slough.		Policy RC-2h above]
D-4 The City shall seek assistance and ultimately develop a plan that identifies storm drain pollution sources; educates the public and businesses on the nature of waste treatment and its importance to Arcata's creeks and requires pre-treatment of waste by the identified pollution sources.	[Policy proposed to be discontinued]	[No modifications suggested.]

PROPOSED NEW MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-1a <i>Maintain Biological and ecological integrity.</i> Maintaining ecological balance, system function, biological integrity, and natural diversity is the primary focus of the Resource Conservation and Management Element. Protecting ecological functions of natural habitats, and natural drainage and infiltration processes, will enhance natural ecosystems in the Planning Area. Ecological system functions elements and processes are maintained through the following measures:</p> <ol style="list-style-type: none"> 1. The structure and composition of ecological systems within the City shall contain the same native plant and animal species, in the same relative abundances and proportions, which are found in the least-disturbed natural ecosystems in the Planning Area. 2. The ecological functions performed by ecological systems in the City shall resemble the functions of the least-disturbed natural ecosystems in the Planning Area. 3. Ecological systems and natural processes are not disrupted by exotic organisms to a significant degree. 4. Ecological systems and natural processes are not to be disrupted by land use activities to a significant degree (e.g., a culvert or other drainage device that blocks fish passage). <p>An "adaptive management" approach shall be utilized to maintain ecological and biological integrity, including monitoring the status of ecological systems in the City and adjusting City implementation of this Plan, in order to more closely approximate the conditions provided in the Planning Area's least-disturbed natural ecosystems.</p>	<p>RC-1a C-RC-1a <i>Maintain Biological and ecological integrity.</i> Maintaining ecological balance, system function, biological integrity, and natural diversity is the primary focus of the Resource Conservation and Management Element. Protecting ecological functions of natural habitats, and natural drainage and infiltration processes, will enhance natural ecosystems in the Planning Area. <u>Ecological systems and natural processes are not to be significantly disrupted by land use development (e.g., a culvert or other drainage device that blocks fish passage).</u> Ecological system functions elements and processes are maintained through the following measures:</p> <ol style="list-style-type: none"> 1. <u>The When restoration and mitigation is proposed, the</u> structure, <u>functions,</u> and composition of ecological systems within the City shall contain the same native plant and animal species, in the same relative abundances and proportions, which are found in the least-disturbed natural ecosystems in the Planning Area. 2. <u>The When restoration and mitigation is proposed, the</u> ecological functions performed by ecological systems in the City shall resemble the functions of the least-disturbed natural ecosystems in the Planning Area. 3. Ecological systems and natural processes are not disrupted by exotic organisms to a significant degree. 4. Ecological systems and natural processes are not to be disrupted by land use activities to a significant degree (e.g., a culvert or other drainage device that blocks fish passage). <p>An "adaptive management" approach shall be utilized to maintain ecological and biological integrity, including monitoring the status of ecological systems in the City and adjusting City implementation of this Plan, in order to more closely approximate the conditions provided in the Planning Area's least-disturbed natural ecosystems.</p> <p>[Move first sentence of prefacing statement to <i>Resource Conservation</i> chapter preamble. Move adaptive management statement to <i>Other Initiatives</i>. Upgrade Measure 4 to prefacing statement.]</p>

PROPOSED NEW MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-1i <i>Use of biocides and other compounds with biological consequences.</i> Pesticides, herbicides and insecticides (biocides); hormones and antibiotics (growth promoters); and hydrocarbon based compounds, used both commercially and individually, can accumulate to toxic levels in biological organisms, including humans. Certain of these substances, even at low levels, can affect reproductive health.</p> <p>The City shall maintain and make available a current list of alternative, environmentally-safe products for controlling unwanted vegetation and pests, growing crops and enhancing production of animal products. The use of substances and compounds which can accumulate to toxic levels is restricted by the City (Pesticide Ordinance), and a program for fostering the reduction in private use shall be developed and implemented.</p>	<p>RC-1i C-RC-1j <i>Use of biocides and other compounds with biological consequences.</i> Pesticides, herbicides and insecticides (biocides); hormones and antibiotics (growth promoters); hemoglobin coagulant based rodenticides; and hydrocarbon based compounds, used both commercially and individually, can accumulate to toxic levels in biological organisms, including humans. Certain of these substances, even at low levels, can affect reproductive health.</p> <p>The City shall maintain and make available a current list of alternative, environmentally-safe products for controlling unwanted vegetation and pests, growing crops and enhancing production of animal products. The use of substances and compounds which can accumulate to toxic levels is restricted by the City (Pesticide Ordinance), and a program for fostering the reduction in private use shall be developed and implemented.</p> <p style="text-align: center;">[Revise and move to <i>Other Initiates</i>.]</p>
<p>RC-2g <i>Maintenance of streams as natural drainage systems.</i> Arcata’s creeks carry a significant amount of the City’s stormwater. Drainage controls shall be enforced through implementation of the Drainage Master Plan, to protect water quality, and minimize erosion, sedimentation and flood impacts to City creeks. A comprehensive stream maintenance program shall be prepared to augment stormwater utility rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance riparian habitat.</p>	<p style="text-align: center;">[Move to <i>Other Initiates</i>; see also Policy PF-3a on <i>Existing and Proposed Public Works Policies</i> spreadsheet]</p>

PROPOSED NEW MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-7a <i>Protection of surface waters from point and nonpoint pollution sources.</i> The use of natural stormwater drainage systems, which preserve and enhance natural features, shall include the following:</p> <ol style="list-style-type: none"> 1. Efforts to acquire land or obtain easements for drainage and other public uses of floodplains, where desirable to maintain stream courses in a natural state, shall be supported. 2. Recreational opportunities and aesthetics shall be considered in the design of stormwater detention/retention and conveyance facilities. 3. Sound soil conservation practices shall be required, and impacts of proposed developments, with regard to water quality and effects on watersheds, wetlands and drainage courses, shall be carefully examined. 4. The quality of runoff from urban and suburban development shall be improved through use of appropriate and feasible mitigation measures including, but not limited to, artificial wetlands, grassy swales, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, and other best management practices (BMPs). 5. New development shall be required to mitigate to the maximum extent feasible increases in stormwater peak flows and/or volume. Mitigation measures should take into consideration impacts on the Mad River, Arcata Bay, and adjoining lands in the City and Planning Area. 6. New project designs shall minimize drainage concentrations, maximize permeable surfaces (such as unpaved parking areas) and maintain, to the extent feasible, natural site drainage conditions. 7. New projects that affect the quantity and quality of surface water runoff shall be required to allocate land necessary for detaining post-project flows and/or for incorporating measures to mitigate water quality impacts related to urban runoff. To the maximum extent feasible, new development shall not produce a net increase in peak stormwater runoff. 	<p>[No modifications suggested; renumber as Policy C-RC-7b.]</p>

COMMISSION SUGGESTED ENTIRELY NEW/APPEDED-FROM-GENERAL-PLAN MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS
<p><u>C-PF-3a Development shall be designed and managed to minimize increases in stormwater runoff volume and rate, to the maximum extent practicable, to avoid adverse impacts to coastal waters.</u></p>
<p><u>C-RC-1b Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes), to the maximum extent practicable as defined herein.</u></p>
<p><u>C-RC-2b The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</u></p>

**COMMISSION SUGGESTED ENTIRELY NEW/APPEDED-FROM-GENERAL-PLAN
MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS**

C-RC-2f Land divisions, including subdivisions, lot splits, and lot line adjustments involving lots containing or within proximity to ESHA for which protective buffers are required, may only be approved if the resulting parcels contain adequate space to place all improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures and features such as detention/retention ponds and bio-filtration swales) outside of areas required for watercourse and/or other ESHA buffer protection.

C-RC-7a Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

C-RC-7c Long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments in the following order of priority:

a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development shall incorporate effective post-construction Site Design and Source Control BMPs, to minimize adverse impacts to water quality and coastal waters resulting from the development to the maximum extent practicable.

If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policies 6.C.1, through 6.C.4., development shall also incorporate post-construction Treatment Control BMPs. Developments of Water Quality Concern (see Policy 6.C.10.) are presumed to require Treatment Control BMPs. Treatment Control BMPs may include, but are not limited to, biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inlet filters, wet vaults, or hydrodynamic separator systems.

**COMMISSION SUGGESTED ENTIRELY NEW/APPEDED-FROM-GENERAL-PLAN
MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS**

C-RC-7d Development projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques include, but are not limited to, the following:

- a. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.
- b. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).
- c. Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.
- d. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain or enhance, where appropriate and feasible, on-site stormwater infiltration capacity.
- e. To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

C-RC-7e Developments of Water Quality Concern, defined as those types and classes of development that have the potential for adverse coastal water quality impacts due to the development size, type of land use, impervious site coverage, or proximity to coastal waters, shall be subject to additional requirements for design and implementation of post-construction treatment control BMPs in order to minimize stormwater pollution and protect coastal waters.

Developments of Water Quality Concern include the following:

- a. Development of housing consisting of five or more dwelling units.
- b. Any development where 75% or more of the parcel will be impervious surface area.
- c. Any development that results in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
- d. Development of parking lots with 5,000 square feet or more of impervious surface area, that may contribute to stormwater runoff.
- e. New street, road, and highway facilities having 5,000 square feet or more of impervious surface area.
- f. Industrial park, commercial strip mall, or restaurant development with 5,000 square feet or more of impervious surface area.
- g. Development of commercial or industrial outdoor storage areas of 5,000 or more square feet, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.
- h. Development of vehicle service facilities (including retail gasoline outlets, commercial car washes, and vehicle repair facilities).
- i. All hillside development that will occur on slopes greater than 12 percent, located in areas with erodible soils.
- j. Development of heavy industrial sites.
- k. All development that will occur within 125 feet of the ocean or coastal waters (including estuaries, wetlands, rivers, streams, and lakes), or that will discharge runoff directly to the ocean or coastal waters, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area. "Discharge directly" is defined as runoff that flows from the development to the ocean or to coastal waters that is not first combined with flows from any other adjacent areas.

Any other development determined by the Review Authority to be a Development of Water Quality Concern.

COMMISSION SUGGESTED ENTIRELY NEW/APPEDED-FROM-GENERAL-PLAN
MARINE, BIOLOGICAL, AND WATER RESOURCES POLICIES AND STANDARDS

C-RC-7f The City shall develop a water quality checklist to be used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

C-RC-7g The City shall require markers or stenciling for all new storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

C-RC-7h The City shall develop a comprehensive implementing stormwater quality management ordinance which sets as minimum requirements in the approval of new development the following water quality best management practices:

1. Reducing erosion to the greatest extent practicable through onsite retention of sediment during and after construction by: (a) minimizing the potential sources of sediment from the outset; (b) controlling the amount of runoff onto and from the site, and its ability to carry sediment, by diverting incoming flows and impeding internally generated flows; and (c) retaining sediment on the project site through the use of sediment-capturing devices.

2. Minimizing runoff of entrained non-sediment pollution from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the extent feasible.

3. Minimizing land disturbance during development construction phases to the extent feasible, including soil compaction associated with construction activities to retain the natural stormwater infiltration capacity of the soil.

4. Minimizing the disturbance of natural vegetation, including significant trees, native vegetation, and root structures, important for preventing erosion and sedimentation.

5. Prohibiting grading during the rainy season (i.e., November 1 to March 30), except in response to emergencies, and unless the review authority determines that soil conditions at the project site are suitable, adequate erosion and sedimentation control measures will be in place, and there is a low probability of significant precipitation occurring during the requested extended period for grading operations.

6. Stabilizing site soils promptly through the use of soil stabilization BMPs, including, but not limited to, re-vegetation on graded or disturbed areas as soon as feasible.

7. Limiting the application, generation, and migration of toxic substances, and ensuring their proper storage and disposal.

8. Applying nutrients and fertilizers at rates necessary to establish and maintain vegetation and landscaping without causing significant nutrient runoff to surface waters.

(Also see Public Facilities Stormwater Management Policies Group PF-3, Other Geologic Hazards Policy Group PS-3, and Public Safety Flood Hazards Policy Group PS-4.)

C-PS-3f All development that requires a coastal grading/development permit shall submit a plan to control post-construction stormwater runoff flows, and maintain or improve water quality ("Post-Construction Stormwater Plan"). This plan shall specify Site Design, Source Control, and if necessary, Treatment Control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction.

PROTECTION OF ESHA [PRC § 30240]

EXISTING CERTIFIED CLUE ESHA PROTECTION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>III-6 To protect riparian habitats and to minimize erosion run-off, and interference with surface water flow, the City shall adopt a Creeks Management Plan addressing streams and sloughs within Arcata's Coastal Zone.</p> <p>The City shall add a new combining zone, applying to creek and riparian areas and implementing the creek management plan, to Article 2 of the City's Coastal Land Use and Development Guide. This new section will formalize the city's commitment to protection of riparian habitat by defining and identifying such habitat and applying the following regulations within the buffer area.</p> <p>(a) New development and redevelopments shall maintain or restore a natural vegetation buffer strip along all designated streams. This buffer strip shall be subject to the following definitions:</p> <p>Creek Zone - the area that is twenty-five (25) feet outward from the top of bank, or the area bounded by the FEMA Flood Zone A line, whichever is greater, except that in no case will the creek zone on either side of a creek be wider than 100 feet from the average low flow line of that creek.</p> <p>Riparian Corridor - areas (along creeks) identified as "riparian corridors" on the Arcata Coastal Wetlands Map. By virtue of their wetland characteristics, riparian corridors will be regulated as wetlands where the riparian corridors extend beyond the creek zone.</p> <p>Channeled Creeks - all of Grotzman Creek. Lower Beith Creek, all of Campbell Creek, and Jolly Giant Creek above Butcher's Slough, and Janes Creek above McDaniel's Slough.</p> <p>Sloughs - McDaniel Slough, Gannon Slough, and Butcher Slough.</p>	<p>RC-2a <i>Designation of protected streams.</i> The provisions of this policy shall apply to those streams shown on the Protected Watercourse Map (Figure RC-a). These watercourses and their associated riparian areas serve as habitat for fish and wildlife, provide space for the flow of stormwater runoff and flood waters, and furnish open space and recreational areas for city residents.</p> <p>RC-2b <i>Environmental Buffer Area (EBA).</i> A streamside protection area is hereby established along both sides of the streams identified on the City Watercourse Map. The purpose of the EBA is to remain in a natural state in order to protect streams' ecosystems and their associated riparian habitat areas. The EBA shall include:</p> <ol style="list-style-type: none"> 1. In areas where existing development, as defined in the Land Use Code, is adjacent to the stream, the EBA shall be not less than 25 feet outward on both sides of the stream, measured from the top of bank. 2. In all other locations within the City, the EBA shall be not less than 100 feet outward on both sides of the stream, measured from the top of bank. 3. In locations within the City having significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the EBA shall be expanded to encompass all of the riparian vegetation, except in no case shall the EBA exceed 250 feet in width from the top of bank on either side of the stream. <p>EBA's outside of the City shall follow the policies in the</p>	<p align="center">[No modifications suggested; renumber as C-RC-2a.]</p> <p>RC-2b <u>C-RC-2c</u> <i>Environmental Buffer Area (EBA).</i> A streamside protection area is hereby established along both sides of the streams identified on the City <u>Protected</u> Watercourse Map. The purpose of the EBA is to remain in a natural state in order to protect streams' ecosystems and their associated riparian habitat areas. The EBA shall include <u>be established as follows</u>:</p> <ol style="list-style-type: none"> 1. In areas where existing development, as defined in the Land Use Code, is adjacent to the stream, the EBA shall be not less than 25 feet outward on both sides of the stream, measured from the top of bank. 2. In all other locations within the City, the <u>The</u> EBA shall be not less than 100 feet outward on <u>in width measured outward from</u> both sides of the stream, measured commencing <u>measured commencing</u> from the top of bank. 3. 2. <u>2.</u> In locations within the City having significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the EBA shall be expanded to encompass all of the riparian vegetation, except in no case shall the EBA exceed 250 feet in width from the top of bank on either side of the stream.

EXISTING CERTIFIED CLUE ESHA PROTECTION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>(b) Indigenous vegetation shall be retained in the creek zone.</p> <p>(c) Fencing that crosses a stream channel, that acts as a barrier to anadromous fish, or acts as a collector for debris shall not be permitted.</p> <p>(d) Where opportunities arise, the City shall require fencing along channels to prevent further bank erosion by livestock.</p>	<p>Humboldt County Framework Plan, regarding Streamside Management Areas.</p>	<p><u>3. The width of the EBA may be reduced consistent with the provisions of Coastal Land Use Code Chapter 9C.59 if, based upon the presence of adjoining development in closer proximity to the stream and riparian resources, the intensity of the proposed development, and in consideration of other physical factors, it can be demonstrated that, with the addition of other mitigative features, such as landscaped screening and berming, the reduced-width buffer would afford adequate protection to the stream and riparian resources from direct, indirect, and cumulative adverse impacts.</u></p> <p>EBA's outside of the City shall follow the policies in the Humboldt County Framework Plan, regarding Streamside Management Areas.</p>
	<p>RC-2c Allowable uses and activities in Environmental Buffer Areas. The following compatible land uses and activities may be permitted in EBAs, subject to all other policies in this Element, including those requiring avoidance of impacts and other mitigation requirements:</p> <ol style="list-style-type: none"> 1. Outside the Coastal Zone: <ol style="list-style-type: none"> a. agricultural operations compatible with maintenance of riparian resources; b. fencing along property boundaries and along EBA setback boundaries to prevent bank erosion and degradation of natural riparian vegetation by livestock; c. maintenance of existing roads, driveways, and structures; d. construction of public road crossings; e. forest management practices as permitted by the State of California or Arcata's Forest Management Plan; f. construction and maintenance of foot trails for public access; 	<p>RC-2c <u>C-RB-2d</u> Allowable uses and activities in Environmental Buffer Areas. The following compatible land uses and activities may be permitted in EBAs, subject to all other policies <u>in this Element of the Land Use Plan</u>, including those requiring avoidance of impacts and other mitigation requirements:</p> <p>1. Outside the Coastal Zone:</p> <ol style="list-style-type: none"> a. agricultural operations compatible with maintenance of riparian <u>and stream</u> resources; b. fencing along property boundaries and along EBA setback boundaries to prevent bank erosion and degradation of natural riparian vegetation by livestock <u>and unauthorized human intrusion</u>; c. maintenance of existing roads, driveways, and structures; d. construction of public road crossings <u>where there are no feasible alternatives, provided such crossings minimize their lengths through the EBA</u>; e. forest management practices as permitted by the State

EXISTING CERTIFIED CLUE ESHA PROTECTION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	<p>g. construction and maintenance of utility lines; h. resource restoration projects; i. emergency or preventive removal of sediment and vegetation for flood control purposes (only when authorized by the City of Arcata).</p> <p>2. In the Coastal Zone: a. all uses and activities listed in (1) above; b. public coastal access improvements; c. boat launching facilities.</p> <p>3. If the provisions herein would result in any legal parcel, not on Public Trust lands, created prior to the date of this plan, being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit. Any land use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.</p>	<p>of California or Arcata's Forest Management Plan; f. construction and maintenance of foot trails for public access <u>when designed to minimize impacts on the adjacent ESHA;</u> g. construction and maintenance of utility lines; h. resource restoration projects; i. emergency or preventive removal of sediment and vegetation for flood control purposes (only when authorized by the City of Arcata) <u>authorized by coastal development permit;</u> 2. In the Coastal Zone: a. all uses and activities listed in (1) above; b. j. <u>public coastal access improvements; and</u> c. k. <u>boat launching facilities.</u></p> <p>3. If the provisions herein would result in any legal parcel, not on Public Trust lands, created prior to the date of this plan, being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel <u>avoid an unconstitutional taking of the property,</u> subject to approval of a conditional use permit <u>and consistent with Policy and Coastal Land Use Code Chapter 9C.72.</u> Any land use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.</p>

EXISTING CERTIFIED CLUE ESHA PROTECTION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	<p>RC-2d <i>The Wetland and Stream Protection Combining (:WSP) Zone.</i> The :WSP zone of the Land Use and Development Code shall be applied to all streamside protection areas. [The WSP zone should be a land use designation under the NR district, e.g., NR-WSP, NR-AG, NR-TPZ.]</p>	<p>RC 2d <i>The Wetland and Stream Protection Combining (:WSP) Zone.</i> The :WSP zone of the Land Use and Development Code shall be applied to all streamside protection areas. [The WSP zone should be a land use designation under the NR district, e.g., NR-WSP, NR-AG, NR-TPZ.]</p> <p>[Delete policy in entirety due to potential confusion the application of the designation may have with respect to reasonable investment-backed expectations a purchaser may have with grad to permissible development at the site.]</p>
EXISTING CERTIFIED CLUE MARINE AND WATER RESOURCES ELEMENT APPENDIX “D” POLICIES		
<p>D-1 To protect riparian habitats and to minimize erosion, runoff, and interference with surface water flow, the City shall establish Riparian Buffer Areas along all streams within the Coastal Zone. The City shall add a new section, Riparian Buffer Areas, to Article 3 of the City’s Land Use and Development Guide. This new section will formalize the City commitment to protection of riparian habitat by defining and identifying such habitat and by applying the following regulations within the buffer areas:</p> <p>(a) New developments and redevelopments shall maintain or restore a natural vegetation buffer strip along all designated streams. This buffer strip shall be subject to the following definitions:</p> <p>Distinct Riparian Vegetation - 100 feet from the outer edge of the existing riparian corridor, all of Jacoby Creek. Existing riparian corridor shall include those areas adjacent to the creek that are presently dominated by trees and other vegetation characteristic of streamside habitat;</p>	<p>[See Policies RC-2a, RC-2b, RC-2c, and RC-2d above]</p>	<p>[See Suggested Modifications to Policies C-RC-2a, C-RC-2c, C-RC-2d, and RC-2f above]</p>

EXISTING CERTIFIED CLUE ESHA PROTECTION POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>Channeled Creeks - 25 feet from the centerline of the creek, all of Grotzman Creek, Lower Beith Creek, all of Campbell Creek, Jolly Giant Creek above Butcher Slough, and Janes Creek above McDaniel Slough;</p> <p>Sloughs - 25 feet from the outer edge of the slough area, McDaniel Slough, Gannon Slough, and Butcher Slough.</p> <p>(b) Indigenous vegetation shall be retained in the buffer areas.</p> <p>(c) Fencing that crosses a stream channel, acts as a barrier to anadromous fish, or acts as a collector for debris shall not be permitted.</p> <p>(d) Where opportunities arise, the City shall require fencing along channels to prevent further bank erosion by livestock.</p>		
<p>D-7 Development in the Heavy Industrial area bounded by Samoa Boulevard, Butcher's Slough and Gannon Slough should include local native plant landscaping, screening and other mitigations to ensure compatibility with the educational, recreational and wildlife uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p>	<p>D-3e <i>Arcata Bay—Open waters, shoreline, and tidal marshes.</i> Proposed land uses and development shall not significantly alter the natural appearance or landforms of the waters, shoreline, and tidal marshes of Arcata Bay, which are designated in the natural resource land-use category. Where these resources are visually degraded, developments shall be required to restore or enhance their appearance. Development within the area bounded by Samoa Blvd., Butcher's Slough and Gannon Slough shall include local native plant landscaping, screenings and other measures to ensure compatibility with scenic coastal resources and with the educational, recreational, wildlife and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p>	<p>D-3e Arcata Bay—Open waters, shoreline, and tidal marshes. Proposed land uses and development shall not significantly alter the natural appearance or landforms of the waters, shoreline, and tidal marshes of Arcata Bay, which are designated in the natural resource land-use category. Where these resources are visually degraded, developments shall be required to restore or enhance their appearance. RC-2. Development within the area bounded by Samoa Blvd., Butcher's Slough and Gannon Slough shall include local native plant landscaping, screenings and other measures to ensure compatibility with scenic coastal resources and with the educational, recreational, wildlife and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>OS-1a <i>Designation of open space lands with native biotic resources and ecosystems.</i> The native biotic resources of the forested western slopes of Fickle Hill, river and creek riparian zones, the Arcata and Aldergrove Marshes, and Arcata Bay tidelands and sloughs are unique ecosystems that have important habitat values in addition to their other open space values. These areas as designated on Map OS-a shall be protected as open space for their resource values.</p>	<p>[No modifications suggested; renumber as Policy C-OS-1a]</p>
<p>OS-1b <i>Open Space Plan Map.</i> The areas designated as open space are shown on Figure OS-a. Generally, these lands are designated as A-E, NR, or PF on the land use map. Other lands, where identified open space resources have been preserved through easements or other means, are also subject to this element’s policies.</p>	<p>[Move to <i>Community Development</i> chapter; recast as part of prefacing discussion in Section 2.10 <i>Introduction</i>]</p>
<p>OS-1c <i>Relationship to Resource Conservation and Management and Public Safety Elements.</i> This element identifies hazard areas that shall be maintained as open space for the benefit of the community. The policies of this element and policies found in the Public Safety Element provide common direction for the designation and avoidance of hazard areas. The natural open space features of these areas, such as vegetation, shall be retained, except where they contribute to instability or increase hazards.</p>	<p>[Move to <i>Health and Safety</i> chapter; recast as part of prefacing discussion in Section 6.1 <i>Introduction</i>]</p>
<p>OS-1d <i>Linkages between open space areas.</i> Linkage of open space lands, especially along biological corridors and greenways, is important for animal migration, non-motorized vehicle transportation, and community recreation, and shall be encouraged. Trails along levees or adjacent to railroad tracks and street rights-of-way can serve as links to parks, open space, and natural areas. Easements shall also be considered as a lower cost alternative to preserving links between open space.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>OS-1e <i>Appropriate uses and development limitations within open space lands.</i> Certain open space areas contain wetlands and other critical habitat, and must be preserved in a natural condition and enhanced. Other areas can accommodate managed activities such as mining and timber harvesting, subject to sustainable yield policies RC-6 and RC-8 in the Resource Conservation & Management Element, while other areas shall be designated for interpretive and recreational use. Each designated open space area of the City shall be evaluated by the appropriate City advisory board (e.g., Creeks & Wetlands Committee) to determine the resources present, the acceptable level of use, and appropriate preservation. The management of, and development in, open space areas are subject to applicable policies of the Resource Conservation and Management and Land Use Elements.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>OS-1g <i>Public and private ownership and management of open space.</i> Open space resource areas are owned and managed by the City, state agencies, land trusts, corporations, and private individuals. The City shall set the standard for responsible resource land stewardship through its management of the Community Forest, marshes, parks, and other resource lands, and encourage other public and private entities, entrusted with the ownership and management of similar resource areas, to consider natural resource values to the community in all long term use decisions.</p>	<p>[Move to <i>Other Initiatives</i>]</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>OS-1h <i>Greenbelts</i>. Preserving greenbelts of agricultural and other open space lands is an effective method of defining urban development limits. The City shall encourage the County to preserve agricultural designations in the City’s Planning Area. The City also supports greenbelt preservation through land and conservation easement acquisition.</p> <p>These measures will help preserve visual and associative links to nature, and reinforce the distinction between the City and adjacent communities.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>OS-1i <i>Acquisition of open space areas</i>. There are several privately held land parcels, including forested property on the west slopes of Fickle Hill, which would contribute significantly to the City’s open space system. The City shall pursue acquisition of these parcels, from willing sellers, for their open space values. Joint funding for land acquisition will be coordinated with County, regional and state agencies.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>OS-2a <i>Open space plan map designations for natural resource protection</i>. Publicly held lands containing creeks, wetlands, other open water, marsh, sensitive habitat, forests, and other important natural resources are designated on the Open Space Map.</p>	<p>[Move to <i>Environmental Quality and Management</i> chapter; recast as part of prefacing discussion in Section 4.1 <i>Introduction</i>]</p>
<p>OS-3a <i>Designations for forest, agriculture, fisheries, aquaculture, groundwater, and mineral resource uses and management</i>. All publicly held lands, and some privately held lands adjacent to the Community Forest and east of Aldergrove Industrial Park, actively managed for production of forest, fisheries, aquaculture and mineral resources are designated as Natural Resource [NR] on the General Plan Land Use Element map. Productive agricultural lands are designated on the Open Space Map.</p>	<p>[Move to <i>Environmental Quality and Management</i> chapter; recast as part of prefacing discussion in Section 4.1 <i>Introduction</i>]</p>
<p>OS-3b <i>Development limitations and management for productive resource areas</i>. The policies of the Resource Conservation and Management Element shall be followed for the development and management of productive resource lands. This includes policies for: Natural Biological Diversity; Streams Management; Wetlands Management; Baylands and Tidelands; Agricultural and Forest Resources; and Water, Energy, Soils and Mineral Resources. The City shall require that management of open space resources be consistent with these and other applicable General Plan policies.</p>	<p>[Move to <i>Environmental Quality and Management</i> chapter; recast as part of prefacing discussion in Section 4.1 <i>Introduction</i>]</p>
<p>OS-4a <i>Designations for park lands and outdoor recreation areas</i>. All publicly held park lands and outdoor recreation areas are designated as Public Facility [PF] on the General Plan Land Use Element map. The natural resources present on these lands are also subject to the applicable policies of the Resource Conservation & Management Element. Recreation areas are mapped on Figure OS-a.</p>	<p>[Move to <i>Community Development</i> chapter; recast as part of prefacing discussion in Section 2.10 <i>Introduction</i>]</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>OS-5a <i>Designation of open space for public safety.</i> Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.</p> <p>Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.</p> <p>Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development. A flood plain overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map) developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.</p>	<p>OS-5a C-OS-5a <i>Designation of open space for public safety.</i> Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.</p> <p>[Reiterate first sentence of provision as part of prefacing discussion in Section 6.1 <i>Introduction</i>; reiterate second and third sentences of provision as new Policies PS-2_, PS-3_, PS-4_, and PS-5_, respectively by hazards type.]</p> <p>Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.</p> <p>[Reiterate provision as new Policy PS-3_.]</p> <p>Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development. A flood-plain <u>Natural Hazards (:NH) combining</u> overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map) developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.</p> <p>[Reiterate revised provision as new Policy PS-4_.]</p>
<p>OS-5b <i>Development limitations and management for health and safety hazard areas.</i> The policies of the Public Safety Element shall be followed for all development activity in areas with known or suspected safety hazards. In particular, seismic hazards, other geologic hazards, and flood hazards policy topics are applicable.</p>	<p>[Move to <i>Health and Safety</i> chapter; recast as part of prefacing discussion in Section 6.1 <i>Introduction</i>]</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-1b <i>Non-native plant and animal species.</i> Some non-native species, such as pampas grass (<i>Cortaderia jubata</i>), Himalaya berry (<i>Rubus discolor</i>), Scotch broom (<i>Cytisus scoparius</i>), blue gum eucalyptus (<i>Eucalyptus globulus</i>), English ivy (<i>Hedera helix</i>), English holly (<i>Ilex aquifolium</i>), and cotoneaster (<i>Cotoneaster franchetii</i>), are invasive exotics that can and do displace native species. The presence of these non-native species reduces the area’s natural diversity, biological integrity and aesthetics. Only native species, or species demonstrated to be non-invasive, shall be used in public landscapes and are to be strongly encouraged in private landscapes. The City shall provide public information that explains why invasive species are a problem. The City shall also maintain a program that recommends effective but non-toxic eradication measures, and eradicates non-native species on public lands where they are displacing native species.</p>	<p>RC-1b C-RC-1c <i>Non-native plant and animal species.</i> Some non-native species, such as pampas grass (<i>Cortaderia jubata</i>), Himalaya berry (<i>Rubus discolor</i>), Scotch broom (<i>Cytisus scoparius</i>), blue gum eucalyptus (<i>Eucalyptus globulus</i>), English ivy (<i>Hedera helix</i>), English holly (<i>Ilex aquifolium</i>), and cotoneaster (<i>Cotoneaster franchetii</i>), are invasive exotics that can and do displace native species. The presence of these non-native species reduces the area’s natural diversity, biological integrity and aesthetics. Only native species, or species demonstrated to be non-invasive, shall be used in public landscapes and are to be strongly encouraged in private landscapes. <u>Developments proposing landscaping, or required to incorporate landscaping into their site plans for purposes of mitigating adverse environmental impacts and/or conformance with planning and zoning provisions, which are located in proximity to ESHAs where such landscaping could affect the biological integrity of the adjacent ESHA, shall, to the maximum extent feasible utilize native species plantings derived for local stocks. The use of plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, as may be identified from time to time by the State of California, or listed as a “noxious weed” by the governments of the State of California or the United States, are prohibited and shall not be allowed to naturalize or persist in landscaped areas.</u> The City shall provide public information that explains why invasive species are a problem. The City shall also maintain a program that recommends effective but non-toxic eradication measures, and eradicates non-native species on public lands where they are displacing native species.</p>
<p>RC-1c <i>Habitat value protection.</i> Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of their habitat values, and only uses dependent on and compatible with maintaining those resources shall be allowed within ESHAs. Proposed development in areas adjacent to ESHAs shall be sited and designed to prevent impacts which would significantly degrade such areas, and must be compatible with the continuance of such habitat areas.</p>	<p>RC-1c C-RC-1d <i>Habitat value protection.</i> Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of their habitat values, and only uses dependent on and compatible with maintaining those resources shall be allowed within ESHAs. Proposed development in areas adjacent to ESHAs <u>and parks and recreation areas</u> shall be sited and designed to prevent impacts which would significantly degrade such areas, and must be compatible with the continuance of such habitat areas.</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-1d <i>Sensitive habitat definition.</i> The City declares the following to be ESHAs within the Planning Area:</p> <ol style="list-style-type: none"> 1. Rivers, creeks, sloughs, and associated riparian habitats: Mad River; Jacoby Creek; Beith Creek; Grotzman Creek; Campbell Creek; Jolly Giant Creek; Janes Creek; Gannon Slough; Butcher Slough; and McDaniel Slough. 2. Wetlands, estuaries, and associated riparian habitats: Arcata Bay; Mad River Slough; Liscom Slough; Butcher Slough; the Aldergrove marshes and ponds; and the Arcata Marsh and Wildlife Sanctuary. 3. Other unique habitat areas: waterbird rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered species on federal or state lists; and vegetated dunes. 4. Public Trust lands such as grazed or farmed wetlands (i.e., diked/reclaimed former tidelands). 	<p>RC-1d C-RC-1e <i>Sensitive habitat definition.</i> The City declares the following to be ESHAs within the Planning Area:</p> <ol style="list-style-type: none"> 1. Rivers, creeks, sloughs, and associated riparian habitats: Mad River; Jacoby Creek; Beith Creek; Grotzman Creek; Campbell Creek; Jolly Giant Creek; Janes Creek; Gannon Slough; Butcher Slough; and McDaniel Slough. 2. Wetlands, estuaries, and associated riparian habitats: Arcata Bay; Mad River Slough; Liscom Slough; Butcher Slough; the Aldergrove marshes and ponds; and the Arcata Marsh and Wildlife Sanctuary. 3. Other unique habitat areas: waterbird rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered plant and animal species on federal or state lists; and vegetated dunes. 4. Public Trust lands such as grazed or farmed wetlands (i.e., diked/reclaimed former tidelands). <p><u>This list of habitats is not inclusive of all environmentally sensitive habitat areas as defined by Section 30107.5 of the Coastal Act, either as may be currently present within the City, or as might be identified as environmentally sensitive habitat areas at some future time. Any areas not specifically designated in the LCP as environmentally sensitive habitat areas that meet the definition of environmentally sensitive habitat areas in Section 30107.5 of the Coastal Act shall be accorded all the protection provided for environmentally sensitive habitat areas in the LCP.</u></p> <p><u>Moreover, certain developments and uses may be authorized within particular categories of ESHA regardless of demonstration of their dependency upon the resources area: (1) Diking, dredging, and filling of wetlands shall be consistent with Policy Group C-RC-3 and Section 30233 of the Coastal Act; and (2) development entailing channelization, damming, or other substantial alterations of rivers and streams shall be consistent with Policy Group C-RC-2 and Section 30236 of the Coastal Act.</u></p>
<p>RC-1e <i>Threshold of City review for sensitive habitat effects.</i> Development on parcels designated Natural Resource [NR] on the Land Use Plan Map, or within 250 feet of such a designation, or development potentially affecting a sensitive habitat area, shall be required to be in conformance with applicable habitat protection policies of this Element. All proposed development plans, including grading and drainage plans, submitted as part of a planning entitlement application for these areas, shall show the precise locations of all sensitive habitat areas on the site plan.</p>	<p>[No modifications suggested; renumber as Policy C-RC-1f.]</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-1f <i>Sensitive habitat buffer requirements.</i> A setback separating all permitted development from adjacent sensitive habitat areas shall be required. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area as a result of the development. The following shall apply to such setbacks:</p> <ol style="list-style-type: none"> 1. The minimum width of setbacks for streams and wetlands shall be as provided in policies RC-2 and RC-3, respectively. 2. The minimum width of all other habitat setbacks shall be 100 feet, unless the designated setback would eliminate all reasonable use of the property. 3. A definition and map of sensitive habitat will be maintained by the City. 	<p>RC-1f C-RC-1g <i>Sensitive habitat buffer requirements.</i> A setback separating all permitted development from adjacent sensitive habitat areas shall be required. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area as a result of the development. The following shall apply to such setbacks:</p> <ol style="list-style-type: none"> 1. The minimum width of setbacks for streams and wetlands shall be as provided in policies RC-2 and RC-3 Policy Groups C-RC-2 and C-RC-3, respectively. 2. The minimum width of all other habitat setbacks shall be 100 feet, unless the designated setback would eliminate all reasonable use of the property <u>it can be factually demonstrated that a buffer of reduced width would adequately protect the affected resources consistent with the provisions of Coastal Land Use Code Chapter 9C.59. Conversely, if information collected in the analysis of the potential adverse impacts of a proposed development on adjacent environmentally sensitive habitat areas indicate the need for buffer widths greater than 100 feet to adequately protect the resources, such enhanced width buffers shall be applied accordingly.</u> 3. A definition and map of sensitive habitat will be maintained by the City. <u>The sensitive habitats map is intended to serve as a repository of collated data for use as a screening review tool in the review of future development proposals and is not intended to serve as a comprehensive inventory of all ESHA within the City for purposes of administering the policies and standards of the Local Coastal Program (LCP).</u>
<p>RC-1g <i>Sensitive habitat information required in development application review.</i> Where there is a question regarding the boundary, buffer requirements, location, or current status of an ESHA identified pursuant to General Plan policies, the public or private applicant shall provide the City with the following:</p> <ol style="list-style-type: none"> 1. Base map delineating topographic lines, adjacent roads, and location of dikes, levees, flood control channels, and tide gates, as applicable. 2. Vegetation map, including identification of species that may indicate the existence or nonexistence of a sensitive environmental habitat area. 3. Soils map delineating hydric and non-hydric soils. 4. Census of animal species indicating the existence, or non-existence, of an environmentally sensitive habitat area. <p>This information shall be provided to the Department of Fish and Game, US Fish and Wildlife Service, National Marine Fisheries Service, and other affected agencies for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question shall be based on the substantial evidence in the record and supported by written findings.</p>	<p>[No modifications suggested; renumber as Policy C-RC-1h.]</p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-1h <i>Habitat integration for ecological integrity and development of a protected habitat corridor system.</i> An ecological connection network plan for linking native habitats in the Planning Area, and all of the environmentally sensitive habitat areas identified in this Plan, shall be prepared. The network shall incorporate all existing large areas (or "nodes") of habitat for fish and wildlife species (such as marshes and forests) and "linkages" or "corridors" of natural habitat (such as stream zones and sloughs) for migration and species movement. The plan will link large "nodes" of natural habitat together with the "linkage" connections as a functioning ecological network. Nodes and linkages shall include a "core" of natural ecosystem elements and shall provide a protected "buffer" along the outer margins of the core habitat which shall function to protect the ecological values in the "core" habitat.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>RC-3c <i>Designation of Environmental Buffer Areas (EBA).</i> An EBA shall be established to separate all permitted development from adjacent existing wetlands which are to be preserved in a natural state and new wetland areas which are created as a mitigation. The EBA's purpose is to remain in a natural state in order to protect wetland ecosystems and their associated habitat areas from destruction or degradation. The extent of the EBA shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study, but shall include the wetland area and a setback area which shall generally range from a 50 foot minimum to a 100 foot maximum. Specific findings, based on evidence provided for City review, shall be required for setbacks less than 100 feet.</p>	<p>RC-3c C-RC-3c <i>Designation of Environmental Buffer Areas (EBA).</i> An EBA shall be established to separate all permitted development from adjacent existing wetlands which are to be preserved in a natural state and new wetland areas which are created as a mitigation. The EBA's purpose is to remain in a natural state in order to protect wetland ecosystems and their associated habitat areas from destruction or degradation. The extent of the EBA shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study, but shall include the wetland area and a setback area which shall generally range from be a 50 foot minimum to a of 100 foot maximum <u>feet in width measured outward commencing from the wetland:upland boundary.</u> Specific findings, based on evidence provided for City review, shall be required for setbacks <u>The width of the EBA may be reduced to less than 100 feet consistent with the provisions of Coastal Land Use Code Chapter 9C.5, if, based upon the intensity of the proposed development, the sensitivity of the resources affected, the presence of adjoining development in closer proximity to the wetlands resources, and in consideration of other physical factors, it can be demonstrated that, with the addition of other mitigative features, such as landscaped screening and berming, the reduced-width buffer would afford adequate protection to the wetlands resources from direct, indirect, and cumulative adverse impacts.</u></p>

PROPOSED NEW ESHA PROTECTION POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-3d <i>Allowable uses and activities in Environmental Buffer Areas.</i> The following compatible land uses and activities may be permitted in EBAs, subject to all other policies in this Element, including those requiring avoidance of impacts and other mitigation requirements:</p> <ol style="list-style-type: none"> 1. Resource restoration or enhancement projects. 2. Farming, consistent with policy RC-3l. 3. Outdoor recreation activities, such as bird watching, hiking, boating, horseback riding, and similar activities. 4. Education, scientific research, and use of nature trails. 5. Drainage ditches when compatible with wetland function. 6. Minor modification of existing, serviceable structures. 7. Fencing to prevent livestock from degrading wetlands and riparian vegetation. <p>Any use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.</p>	<p>RC-3d C-RC-3d <i>Allowable uses and activities in Environmental Buffer Areas.</i> The following compatible land uses and activities may be permitted in EBAs, subject to all other policies in this Element Land Use Plan, including those requiring avoidance of impacts and other mitigation requirements:</p> <ol style="list-style-type: none"> 1. Resource restoration or enhancement projects. 2. Farming, consistent with policy RC-3l C-RC-3m. 3. Outdoor recreation activities, such as bird watching, hiking, boating, horseback riding, and similar activities. 4. Education, scientific research, and use of nature trails. 5. Drainage ditches when compatible with wetland function and which do not significantly alter wetland hydrology. 6. Minor modification of existing, serviceable structures which does not entail expansion of such structures. 7. Fencing to prevent livestock and unauthorized human intrusion from degrading wetlands and riparian vegetation. <p>Any use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.</p>
<p>RC-2e <i>Review and approval of projects affecting streamside protection areas.</i> Applications for development on any parcel which is located partially or wholly within an SPA shall be subject to the requirements of Policy RC-1 and RC-2.</p>	<p>RC-2e C-RC-2g <i>Review and approval of projects affecting streamside protection areas.</i> Applications for development on any parcel which is located partially or wholly within an SPA a streamside Environmental Buffer Area shall be subject consistent with all Coastal Land Use Plan policies, including but not limited to the requirements of Policy RC-1 and RC-2.</p>
<p>RC-3f <i>Review and approval of projects affecting Environmental Buffer Areas.</i> Applications for development on any parcel which is located partially or wholly within an EBA shall be subject to the requirements of Policy RC-1 and RC-3.</p>	<p>[No modifications suggested; renumber as C-RC-3e]</p>
<p>RC-3g <i>Conservation easements.</i> Dedication of a conservation easement, or equivalent deed restriction, encompassing the area within the EBA shall be required as a condition of approval of any discretionary action, including design review, when any portion of the project site falls within an EBA. Such easements may be conveyed to the City of Arcata, another governmental agency, or City-approved non-profit entity which shall manage the easement to protect the EBA's functions.</p>	<p>RC-3g C-RC-3f <i>Conservation easements <u>or deed restrictions</u>.</i> Dedication of an offer to dedicate a conservation easement, or equivalent deed restriction, encompassing the area within the EBA shall be required as a condition of approval of any discretionary action, including design review, when any portion of the project site falls within an EBA. Such easements Easements may be conveyed to the City of Arcata, another governmental agency, or City-approved non-profit entity which shall manage the easement to protect the EBA's functions.</p>

COMMISSION SUGGESTED ENTIRELY NEW / APPENDED-FROM-GENERAL-PLAN ESHA PROTECTION POLICIES AND STANDARDS
<p><u>C-RC-1i Land divisions, including subdivisions, lot splits, and lot line adjustments involving lots containing or within proximity to ESHA for which protective buffers are required, may only be approved if the resulting parcels contain adequate space to place all improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) outside of areas required for watercourse and/or other ESHA buffer protection.</u></p>

COMMISSION SUGGESTED ENTIRELY NEW / APPENDED-FROM-GENERAL-PLAN ESHA PROTECTION POLICIES AND STANDARDS

C-RC-1j Economic Viability Determination. If the application of the policies and standards contained in this Coastal Land Use Plan or Coastal Land Use Code regarding use of property designated as Environmentally Sensitive Habitat Area (ESHA), or Environmental Buffer Area (EBA) would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat Area provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic viability determination as required in Coastal Land Use Code Section 9C.072.035.

In addition, the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA or EBAs that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to ESHA and EBA.

To evaluate whether a restriction would not provide an economically viable use of property as a result of the application of the policies and standards contained in this Coastal Land Use Plan or the Coastal Land Use Code regarding use of property designated as Environmentally Sensitive Habitat Area or Environmental Buffer Area, an applicant must provide the information about resources present on the property that is needed to determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope/nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined.

C-RC-2h Conservation easement, or deed restrictions. Dedication of an offer to dedicate a conservation easement, or equivalent deed restriction, encompassing the area within the EBA shall be required as a condition of approval of any discretionary planning permit, including design review, when any portion of the project site falls within an EBA. Easements may be conveyed to the City of Arcata, to another governmental agency, or City-approved non-profit entity which shall manage the easement to protect the stream's and/or riparian corridor's EBA functions.

PERMISSIBLE DEVELOPMENT WITHIN CERTAIN SPECIFIED ESHAs [PRC §§ 30233 & 30236]

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>IV-3 The City shall adopt a Coastal Wetlands Map showing the location of wetlands, riparian corridors and uplands within the Coastal Zone. All development within the areas identified on the map as wetland or riparian corridor shall require compliance with Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide. The City shall also develop regulations for areas in the Coastal Zone that are not designated on the Coastal Wetlands Map but are determined to be wetlands.</p> <p>The City shall establish a Wetlands Buffer Area to</p>	<p>RC-3h <i>Designation of wetland protection zones.</i> The :WSP Zone shall be applied to wetlands, wetland setbacks, wetland buffer areas and modified wetland buffer areas, as defined in the City's Land Use Code, at the time of development review and approval.</p> <p>A wetlands map, maintained by the City, will show the general location of wetlands, riparian corridors, and uplands within the City limits and urban services zone. All development within or adjacent to the areas identified on the map as wetlands or riparian corridors shall comply with City Wetlands Development</p>	<p>RC 3h <i>Designation of wetland protection zones.</i> The :WSP Zone shall be applied to wetlands, wetland setbacks, wetland buffer areas and modified wetland buffer areas, as defined in the City's Land Use Code, at the time of development review and approval.</p> <p>[Bifurcate and delete portion of policy due to potential confusion the application of the designation may have with respect to reasonable investment-backed expectations a purchaser may have with grad to permissible development at the site.]</p>

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>protect the areas shown as wetlands on the Coastal Wetlands Map. The purpose of the Wetland Buffer Area is to identify areas, in the vicinity of a wetland, that may need special development restrictions in order to protect the wetland.</p> <p>All development within the buffer areas shall comply with the Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.</p> <p>The City may establish a "Modified Wetland Buffer Area" to be designated once development restrictions are specified within a Wetland Buffer Area. The purpose of the Modified Wetland Buffer Area is to avoid unnecessary development restrictions on properties not containing the wetland, even though those properties were initially in the Wetland Buffer Area, once protective restrictions for a wetland have been set in place. If a wetland is adequately protected from development, the Wetland Buffer area should be modified to exclude those properties, development on which will not affect the wetland.</p> <p>The City shall designate and zone all areas shown as wetlands or riparian corridor on the Coastal Wetlands Map as either Coastal Agriculture Exclusive, Coastal Natural Resource Protection, or Coastal Public Facility. The :WCP Wetland and Creek Protection Combining Zone will also apply to these areas. Wetland Buffer Areas, and setback areas specifically required to protect the wetlands shall also automatically carry the :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.</p>	<p>Standards and shall include the following:</p> <ol style="list-style-type: none"> 1. A wetland delineation. 2. A mitigation plan for impacted areas. 3. Setback areas from delineated wetlands. 4. Easements for onsite delineated wetlands. 5. Permitted and protected uses/activities within delineated wetland areas. 6. Fencing to prevent livestock from degrading wetlands and riparian vegetation. <p>A Wetlands Buffer Area shall be required to protect the areas shown as wetlands on the Wetlands Map. All development within the buffer areas shall comply with Wetlands Buffer Area Development Standards of the Coastal Land Use and Development Guide.</p>	<p><u>C-RC-3h Wetlands Map.</u> A wetlands map, maintained by the City, will show the general location of wetlands, riparian corridors, and uplands within the City limits and urban services zone. <u>The wetlands map is to be utilized as a screening review tool and is not intended to serve as a comprehensive inventory of wetlands within the City for purposes of administering the policies and standards of the Local Coastal Program (LCP).</u></p> <p><u>RC-3i All proposed</u> development within or adjacent to the areas identified on the map as wetlands or riparian corridors shall comply with City Wetlands Development Standards the development standards of the Land Use Code and shall include the following:</p> <ol style="list-style-type: none"> 1. A wetland delineation. 2. A mitigation plan for impacted areas. 3. Setback <u>and buffer</u> areas from delineated wetlands. 4. Easements <u>and/or deed restrictions</u> for <u>access to and from and for conservation of the</u> onsite delineated wetlands. 5. Permitted <u>A list of permitted</u> and protected uses/activities within delineated wetland areas. 6. <u>Fencing Provisions for fencing</u> to prevent livestock <u>or unauthorized human intrusion</u> from degrading wetlands and riparian vegetation. <p><u>RC-3i</u> A Wetlands Buffer Area shall be required to <u>be established pursuant to Policy Group RC-3 to</u> protect the areas shown as surrounding wetlands on the Wetlands Map <u>delineated in accordance with Policy C-RC-3a.</u> All development within the buffer areas shall comply with Wetlands Buffer Area Development Standards of the Coastal Land Use and Development Guide <u>Code.</u></p>
	<p>RC-3e <i>Wetland and Stream Protection Combining (:WSP) Zone.</i> The :WSP zone of the City's Land Use</p>	<p>RC-3e Wetland and Stream Protection Combining (:WSP) Zone. The :WSP zone of the City's Land Use</p>

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	Code shall be applied to all Wetland Protection Areas.	Code shall be applied to all Wetland Protection Areas. [Strike policy as redundant with Policy C-RC-3h]
<p>IV-4 Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted where feasible mitigation measures have been provided to minimize adverse environmental effects, for the following limited uses:</p> <p>(a) For incidental public service purposes including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities;</p> <p>(b) To maintain a channel adequate to serve the boat ramp at current levels of use;</p> <p>(c) Resource restoration purposes;</p> <p>(d) Nature study, aquaculture, or similar resource dependent activities;</p> <p>(e) Agriculture within existing farmed wetlands but not including the expansion thereof.</p>	<p>RC-4d <i>Diking, dredging, filling, and shoreline structures.</i> Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted where it has been demonstrated that the Public Trust resources and values are being protected, and mitigation measures have been provided, which minimize adverse environmental effects, for the following limited uses.</p> <ol style="list-style-type: none"> 1. Incidental public service purposes including, but not limited to, burying cables and pipes, and maintaining existing dikes and public facilities. 2. Maintaining a channel adequate to serve the boat ramp at current levels of use. 3. Resource restoration purposes. 4. Nature study, aquaculture, or similar Public Trust resource dependent activities. 5. Agriculture as currently practiced within existing farmed wetlands but not including the expansion thereof. <p>In order to protect existing development, shoreline structures (such as dikes or tidegates) that may alter the natural shoreline, may be permitted only when they do not effect any federally listed species and no other feasible, less environmentally-damaging alternative is available, and only when not located within a wetland, unless the wetland will be the primary beneficiary of the structure.</p>	<p>RC-4d <u>C-RC-4e</u> <i>Diking, dredging, filling, and shoreline structures.</i> Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted where it has been demonstrated that <u>there is no feasible environmentally less damaging alternative</u>, the Public Trust resources and values are being protected, and <u>feasible</u> mitigation measures have been provided, which minimize adverse environmental effects, for the following limited uses.</p> <ol style="list-style-type: none"> 1. Incidental public service purposes including, but not limited to, burying cables and pipes <u>or inspection of piers</u>, and maintaining existing <u>dikes intake</u> and <u>public facilities outfall lines</u>. 2. Maintaining a <u>the existing, or restoring the previously dredged depth of the existing</u> channel adequate to serve <u>servicing</u> the boat ramp at current levels of use. 3. Resource restoration purposes. 4. Nature study, aquaculture, or similar Public Trust resource dependent activities. 5. Agriculture as currently practiced within existing farmed wetlands but not including the expansion thereof. <p><u>The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policy Group C-RC-1.</u></p>
<p>IV-5 The City shall permit shoreline structures (such as dikes or tidegates) that may alter the natural shoreline only to protect existing development only when no other feasible less environmentally damaging alternative is available, and only when not located within a wetland, unless the wetland will be the primary beneficiary of the structure.</p>	<p>The disposal of dredge spoils on existing wetlands shall not be permitted unless such disposal is necessary for either a Public Trust resource restoration project or for the maintenance of existing agricultural operations in farmed wetlands. Fill will be allowed for aquaculture projects if it can be shown that it is necessary for the project, is required to be located within the wetland, and there is no other feasible, less environmentally</p>	<p><u>C-RC-4f</u> In order to <u>serve coastal-dependent uses or</u> protect existing development <u>structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply</u>, shoreline structures (such as <u>revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls</u>, dikes or tidegates) that may alter the natural shoreline, may be permitted only when they <u>are designed to eliminate or mitigate</u></p>

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>IV-6 The City shall not permit disposal of dredge spoils on existing wetlands unless such disposal is necessary for a resource restoration project or the maintenance of existing agricultural operations in farmed wetlands. Fill will be allowed for aquaculture projects if it can be shown that it is necessary for the project and is required to be located within the wetland and there is no other feasible less environmentally damaging alternative.</p>	<p>damaging, alternative.</p>	<p><u>adverse impacts on local shoreline sand supply</u>, do not effect any federally listed species, and no other feasible, less environmentally-damaging alternative is available, and only when not located within a wetland, unless the wetland will be the primary beneficiary of the structure, <u>and the structure is approved as consistent with Policy Group RC-3. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.</u></p> <p><u>RC-4g Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.</u>The disposal of dredge spoils on existing wetlands shall not be permitted unless such disposal is necessary for either a Public Trust resource restoration project or for the maintenance of existing agricultural operations in farmed wetlands. Fill will be allowed for aquaculture projects if it can be shown that it is necessary for the project, is required to be located within the wetland, and there is no other feasible, less environmentally damaging, alternative.</p> <p>[Partial struck as redundant with revised Policy C-RC-4d above]</p>
<p>IV-10 If land divisions are allowed creating new parcels mapped as wetlands on the adopted Coastal Wetlands Map, such divisions shall require the recordation of deed restrictions providing that no filling would be allowed in the wetland portion of the parcel in connection with the new development other than that permitted under Section 30233 of the Coastal Act or the :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide. The deed restriction shall further provide that the use of the newly created parcel would be limited to grazing, or similar agricultural uses consistent with the Coastal</p>	<p>[See Policy RC-3h above and LUC Section 9.28.100 and Chapter 9.59]</p>	<p>[See Suggested Modifications to Policy C-RC-3h above and to LUC Section 9.28.100 and Chapter 9.59]</p>

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
Agricultural Exclusive zoning district.		
IV-11 Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in the Agricultural Exclusive zone if they do not interfere with adjacent agricultural uses, or limit the potential of the site to return to agricultural use or significantly displace the wildlife utilizing the area, especially in wetlands. This recommendation shall be implemented in the Land Use and Development Guide.	[See Policy LU-6c under LAND RESOURCES POLICIES AND STANDARDS below]	[See Suggested Modifications to Policy C-LU-6c under LAND RESOURCES POLICIES AND STANDARDS]
EXISTING CERTIFIED CLUE MARINE AND WATER RESOURCES ELEMENT APPENDIX “D” POLICIES		
D-5 If land divisions are allowed creating new parcels mapped as wetlands on the adopted Coastal Wetlands Map, such divisions shall require the recordation of deed restrictions providing that no filling would be allowed on the wetland portion of the parcel in connection with new development other than that permitted under Section 30233 of the Coastal Act or the Coastal Wetlands Development Standards, and that the use of the newly created parcel would be limited to grazing or similar agricultural uses consistent with the Coastal Agricultural Exclusive zoning district.	[See Policy RC-3h above and LUC Section 9.28.100 and Chapter 9.59]	[See Suggested Modifications to Policy C-RC-3h above and to LUC Section 9.28.100 and Chapter 9.59]
<p>D-6 The City shall adopt a Coastal Wetlands Map showing the location of wetlands, riparian corridors and uplands within the Coastal Zone. All development within the areas identified on the map as wetland or riparian corridor shall require a Coastal Wetlands Development Standards.</p> <p>The City shall establish a Wetlands Buffer Area to protect the areas shown as wetlands on the Coastal Wetlands Map. All development within the buffer areas shall comply with the Wetlands Buffer Area Development Standards of the Coastal Land Use and Development Guide. The City shall designate and zone all areas shown as wetlands or riparian corridor on the Coastal Wetlands Map as either Coastal Agriculture Exclusive, Coastal Natural Resource Protection, or Coastal Public Facility.</p>	[See Policy RC-3h above and LUC Section 9.28.100 and Chapter 9.59]	[See Suggested Modifications to Policy C-RC-3h above and LUC Section 9.28.100 and Chapter 9.59]
EXISTING CERTIFIED CLUE DIKING, DREDGING, FILLING, AND SHORELINE STRUCTURES ELEMENT APPENDIX “E” POLICIES		

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>E-1 Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted, where feasible mitigation measures have been provided to minimize adverse environmental effects, for the following limited uses:</p> <p>(a) For incidental public service purposes, including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities.</p> <p>(b) To maintain a channel adequate to serve the boat ramp at current levels of use.</p> <p>(c) Resource restoration purposes.</p> <p>(d) Nature study, aquaculture, or similar resource dependent activities.</p> <p>(e) Agriculture within existing wetlands, but not including the expansion thereof.</p>	<p>[See Policy RC-4d above]</p>	<p>[See Suggested Modifications to Policy C-RC-4d above]</p>
<p>E-2 The City shall permit shoreline structures (such as dikes or tidegates) that may alter the natural shoreline only to protect existing development, only when no other feasible less environmentally damaging alternative is available, and only when not located within a wetland, unless the wetland will be the primary beneficiary of the structure.</p>	<p>[See Policy RC-4d above]</p>	<p>[See Suggested Modifications to Policy C-RC-4d above]</p>
<p>E-3 The City shall not permit disposal of dredge spoils on existing wetlands unless such disposal is necessary for a resource restoration project or the maintenance of existing agricultural operations in farmed wetlands. Fill will be allowed for aquaculture projects if it can be shown that it is necessary for the project and is required to be located within the wetland and there is no other feasible less environmentally damaging alternative.</p>	<p>[See Policy RC-4d above]</p>	<p>[See Suggested Modifications to Policy C-RC-4d above]</p>
<p>E-4 The City shall require a Use Permit and/or Nature Area Permit for any activity or development proposed in the Natural Resources Protection Zone.</p>	<p>[No amended/equivalent new policy proposed; numerous new principal permitted uses identified in Table LU-9 and LUC Table 2-1]</p>	<p>[Reestablish Policy E-4 in revised form to clearly state the enhanced review of development proposals on NR designated lands; see Commission suggested Policy C-RC-3_ below]</p>
<p>E-5 The City shall adopt a Coastal Wetlands Map showing the location of wetlands, riparian corridors and uplands within the Coastal Zone. All development within the areas identified on the map as wetland or riparian corridor shall require compliance with the Coastal Wetlands Development Standards of the Coastal Land Use and Development Guide.</p>	<p>[See Policy RC-3h above]</p>	<p>[See Suggested Modifications to Policy C-RC-3h above]</p>

EXISTING CERTIFIED CLUE PERMISSIBLE ESHA DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>E-6 Where wetlands are seasonally farmed, continued agricultural use of the wetlands is allowed. Expanding farming operations into non-farmed wetlands by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required . The location of the wetlands shall be determined by use of the adopted Coastal Wetlands Map.</p>	<p>[See Policy RC-4d above]</p>	<p>[See Suggested Modifications to Policy C-RC-4d above]</p>
<p>E-7 The City shall establish a Wetlands Buffer Area to protect the areas shown as wetlands on the Coastal Wetlands Map. All development within the buffer areas shall comply with the Wetlands Buffer Area Development Standards of the Coastal Land Use and Development Guide. The City shall designate and zone all areas shown as wetlands or riparian corridor on the Coastal Wetlands Map as either Coastal Agriculture Exclusive, Coastal Natural Resource Protection, or Coastal Public Facility.</p>	<p>[See Policy RC-3h above]</p>	<p>[See Suggested Modifications to Policy C-RC-3h above]</p>

PROPOSED NEW PERMISSIBLE ESHA DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-3a <i>Requirement for wetland delineation and study.</i> All proposed development applications shall include a site plan that shows the precise location of any wetlands that exist on the subject property. Any application for development on a parcel where wetlands may be present shall include a wetland reconnaissance or delineation report as follows:</p> <ol style="list-style-type: none"> 1. The reconnaissance or wetlands delineation and report shall be based upon field investigations and shall be prepared by a professional or technical expert qualified in wetlands biology or plant ecology. 2. For purposes of this plan, wetlands shall include coastal zone lands where one or more of the following three characteristics are present or non-coastal zoned lands where two or more of the following three characteristics are present: <ol style="list-style-type: none"> a. source of water (surface or subsurface) which is present for sufficient periods to promote hydric soils formation or growth of hydrophytic plant species; b. hydric soils; or c. hydrophytic plants. 3. Where a reconnaissance indicates the probable existence of wetlands, marsh reeds detailed wetland delineation shall be required, including a map with the best available contour information showing where each of the three factors are present and the precise boundaries of any areas which are determined to be wetlands. 4. If wetlands of any size are found to exist on the property, an analysis of the potential functional or habitat value of the wetlands shall be provided. 	<p>RC-3a C-RC-3a Requirement for wetland delineation and study. All proposed development applications shall include a site plan that shows the precise location of any wetlands that exist on the subject property. Any application for development on a parcel where wetlands may be present shall include a wetland reconnaissance or delineation report as follows:</p> <ol style="list-style-type: none"> 1. The reconnaissance or wetlands delineation and report shall be based upon field investigations and shall be prepared by a professional or technical expert qualified in wetlands biology or plant ecology. 2. For purposes of this plan, wetlands shall include coastal zone lands where one or more of the following three characteristics are present: <ol style="list-style-type: none"> a. source of water (surface or subsurface) which is present for sufficient periods to promote hydric soils formation or growth of hydrophytic plant species; b. hydric soils; or c. prevalence of hydrophytic plants. 3. Where a reconnaissance indicates the probable existence of wetlands, detailed wetland delineation shall be required, including a map with the best available contour information showing where each of the three factors are present and the precise boundaries of any areas which are determined to be wetlands. 4. If wetlands are found to exist on the property, an analysis of the potential functional or habitat value of the wetlands shall be provided.
<p>RC-3b <i>Filling of wetlands.</i> The following shall apply:</p> <ol style="list-style-type: none"> 1. Filling of wetlands shall be prohibited in the Coastal Zone, unless it can be demonstrated that: <ol style="list-style-type: none"> a. the wetland restrictions, if imposed, would render a parcel, not subject to the Public Trust, unusable for any use permitted by the land use plan; b. there is no feasible, environmentally superior alternative to wetland fill for development of a permitted use; and c. the fill is the least amount necessary to allow development of permitted uses. 2. Filling of wetlands outside the Coastal Zone may be permitted only when the following has been demonstrated by the project proponent: <ol style="list-style-type: none"> a. the fill is the least amount necessary to allow a reasonable and harmonious configuration of development on the parcel; b. the wetlands proposed to be filled are small and isolated, and have limited functional value when compared to larger, contiguous wetland areas. 3. Filling of wetlands shall only be authorized if appropriate mitigation, resulting in “no net loss” in area and value of wetlands, is provided. Mitigation may consist of creating and maintaining a new wetland of equal or greater functional capacity and value than the wetland proposed to be filled, restoration of previously degraded wetlands, or enhancement of existing wetland areas. 	<p>RC-3b C-RC-3b <u><i>Diking, Filling, or Dredging</i></u> of wetlands. The following shall apply:</p> <ol style="list-style-type: none"> 1. Filling, <u>dredging, or diking</u> of wetlands shall be prohibited in the Coastal Zone, unless it can be demonstrated that: <ol style="list-style-type: none"> a. the wetland restrictions, if imposed, would render a parcel, not subject to the Public Trust, unusable for any use permitted by the land use plan; b. there is no feasible, <u>less</u> environmentally <u>superior</u> <u>damaging</u> alternative <u>to wetland fill for development of a permitted use; and</u> c. the fill, <u>dredging, or diking</u> is <u>limited to</u> the <u>least amount necessary to allow development of permitted uses following:</u> <ol style="list-style-type: none"> <u>(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.</u> <u>(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</u> <u>(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational</u>

PROPOSED NEW PERMISSIBLE ESHA DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
	<p><u>opportunities.</u></p> <p><u>(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.</u></p> <p><u>(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</u></p> <p><u>(6) Restoration purposes.</u></p> <p><u>(7) Nature study, aquaculture, or similar resource dependent activities.</u></p> <p>2. Filling of wetlands outside the Coastal Zone may be permitted only when the following has been demonstrated by the project proponent:</p> <p>a. the fill is the least amount necessary to allow a reasonable and harmonious configuration of development on the parcel;</p> <p>b. the wetlands proposed to be filled are small and isolated, and have limited functional value when compared to larger, contiguous wetland areas.</p> <p>3. Filling of wetlands shall only be authorized if appropriate mitigation, resulting in “no net loss” in area and value of wetlands, is provided. Mitigation may shall consist of creating and maintaining a new wetland wetlands, at appropriate multiple areal ratio, such as 4:1, for offsetting temporal and other losses and to ensure that the compensatory wetlands are of equal or greater functional capacity and value than the wetland proposed to be filled, restoration of previously degraded wetlands, or enhancement of existing wetland areas.</p> <p><u>The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policy Group C-RC-1.</u></p>

PROPOSED NEW PERMISSIBLE ESHA DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-3j <i>Minimum mitigation requirements for wetland impacts.</i> Diking or filling of a wetland that is otherwise in accordance with the policies of this General Plan, shall, at a minimum, require the following mitigation measures, monitoring program, and funding.</p> <p>1. A detailed restoration plan, monitoring program, and funding source for each site shall be required as part of the project application. The restoration plan shall include provisions for restoration to equal or greater wetland biological productivity. The monitoring program shall include reporting requirements that document mitigation success. Dedication of the land to a public agency, purchase, or other stewardship method which permanently restricts the use of the site to habitat and open space purposes, shall be required. The site shall be dedicated, purchased, or other stewardship agreed upon, and mitigation funding shall be provided, prior to any permitted diking or filling.</p> <p>2. Areas adequate to maintain functional capacity shall be opened to tidal action, or other sources of surface water shall be provided. This provision shall apply to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if, as part of a restoration program, they are opened to tidal action or provided with other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication described under part 1 shall apply to any program or activity performed pursuant to this policy.</p> <p>3. Mitigation shall, to the maximum extent feasible, be of the same type as the wetland to be filled (e.g., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.).</p> <p>4. Where no suitable private or public restoration or enhancement sites are available, or where a wetlands mitigation bank in Arcata’s Planning Area has been established that provides suitable replacement area, an in-lieu fee may be required to be paid. The fees shall be paid to an appropriate public agency for use in the restoration or enhancement of an area of equivalent productive value or surface area, or to the entity managing the wetlands mitigation bank.</p>	<p>RC-3j C-RC-3k <i>Minimum mitigation requirements for wetland impacts.</i> Diking, dredging, or filling of a wetland that is otherwise in accordance with the policies of this General Coastal Land Use Plan, shall, at a minimum, require the following mitigation measures, monitoring program, and funding.</p> <p>1. A detailed restoration plan, monitoring program, and funding source for each site shall be required as part of the project application. The restoration plan shall include provisions for restoration to equal or greater wetland biological productivity. The monitoring program shall include reporting requirements that document mitigation success. Dedication of the land to a public agency, purchase, or other stewardship method which permanently restricts the use of the site to habitat and open space purposes, shall be required. The site shall be dedicated, purchased, or other stewardship agreed upon, and mitigation funding shall be provided, prior to any permitted diking or filling.</p> <p>2. Areas adequate to Upland areas suitable for the creation of compensatory wetlands mitigation which would maintain or replace the functional capacity of the diked, dredged, or filled wetland, shall be opened to tidal action, or other sources of surface water shall be provided. This provision shall apply to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if, as part of a restoration program, they are opened to tidal action or provided with other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication described under part 1 shall apply to any program or activity performed pursuant to this policy.</p> <p>3. Mitigation shall, to the maximum extent feasible, be of the same type as the wetland to be filled (e.g., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.).</p> <p>4. Where no suitable private or public restoration or enhancement sites are available, or where a wetlands mitigation bank in Arcata’s Planning Area has been established that provides suitable replacement area, an in lieu fee may be required to be paid. The fees shall be paid to an appropriate public agency for use in the restoration or enhancement of an area of equivalent productive value or surface area, or to the entity managing the wetlands mitigation bank.</p>

PROPOSED NEW PERMISSIBLE ESHA DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-3k <i>Wetland functional capacity maintenance requirement.</i> Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of these resources. Functional capacity means the ability of the wetland or estuary to be physically and biologically self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, all of the following must be demonstrated:</p> <ol style="list-style-type: none"> 1. Presently-occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem (i.e., natural species diversity, abundance and composition are essentially unchanged as the result of the project). 2. A species that is rare or endangered will not be significantly adversely affected. 3. Consumptive (e.g., fishing, aquaculture and hunting) or non-consumptive (e.g., water quality and research opportunity) values of the wetland or estuary ecosystem will not be significantly reduced. 	<p>RC-3k C-RC-3j <i>Wetland functional capacity maintenance requirement.</i> Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of these resources. Functional capacity means the ability of the wetland or estuary to be physically and biologically self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, all of the following must be demonstrated:</p> <ol style="list-style-type: none"> 1. Presently-occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem (i.e., natural species diversity, abundance and composition are essentially unchanged as the result of the project). 2. A species that is rare or endangered will not be significantly adversely affected. 3. Consumptive (e.g., fishing, aquaculture and hunting) or non-consumptive (e.g., water quality and research opportunity) values of the wetland or estuary ecosystem will not be significantly reduced.

COMMISSION SUGGESTED ENTIRELY NEW /APPENDED-FROM-GENERL-PLAN PERMISSIBLE ESHA DEVELOPMENT POLICIES AND STANDARDS
<p><u>C-LU-6m</u> A Use Permit shall be required for any activity or development, other than non-consumptive, passive recreational uses, proposed on Natural Resources designated lands.</p>
<p><u>C-LU-6n</u> Uses allowed in diked/reclaimed former tidelands. Allowable uses in grazed or farmed wetlands are limited to uses compatible with the Public Trust, specifically agricultural operations limited to apiaries, field and truck crops, livestock raising, and orchards.</p>
<p><u>C-RC-1j</u> <i>Economic Viability Determination.</i> If the application of the policies and standards contained in this Coastal Land Use Plan or Coastal Land Use Code regarding use of property designated as Environmentally Sensitive Habitat Area (ESHA), or Environmental Buffer Area (EBA) would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat Area provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic viability determination as required in Coastal Land Use Code Section 9C.072.035.</p> <p><u>In addition, the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA or EBAs that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to ESHA and EBA.</u></p> <p><u>To evaluate whether a restriction would not provide an economically viable use of property as a result of the application of the policies and standards contained in this Coastal Land Use Plan or the Coastal Land Use Code regarding use of property designated as Environmentally Sensitive Habitat Area or Environmental Buffer Area, an applicant must provide the information about resources present on the property that is needed to determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope/nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined.</u></p>
<p><u>C-RC-2i</u> Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policy Group C-RC-1.</p>

COMMISSION SUGGESTED ENTIRELY NEW /APPENDED-FROM-GENERL-PLAN PERMISSIBLE ESHA DEVELOPMENT POLICIES AND STANDARDS

C-RC-4h Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

LAND RESOURCES (AGRICULTURE, FORESTRY, SOILS, AND ARCHAEOLOGICAL/PALEONTOLOGICAL)
POLICIES AND STANDARDS [PRC §§ 30241 – 30244]

EXISTING CERTIFIED CLUE LAND RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>IV-7 The City shall apply Coastal Agricultural Exclusive zoning to all areas designated for agriculture on the Local Coastal Plan Map. The minimum lot size in the Coastal Agricultural Exclusive zone shall be 60 acres.</p> <p>IV-8 The Coastal Agricultural Exclusive zone shall include the following:</p> <p>(a) The "Permitted Uses" section shall include: "Agricultural structures - includes greenhouses or other nursery structures erected over exposed soil."</p> <p>(b) The "Conditionally Permitted Uses" section shall include: "Greenhouses or other nursery structures erected on concrete perimeter foundations may be permitted if no less environmentally damaging alternate is available."</p> <p>(c) Commercial greenhouses will not be allowed to locate within a wetland.</p>	<p>LU-6c <i>Protection of agricultural lands and uses within the City.</i> Agricultural lands represent an important natural resource within the City. The protection of agricultural lands shall include the following:</p> <ol style="list-style-type: none"> 1. Lands designated Agricultural Exclusive [A-E] with Grade* 1 and 2 soils are the City's prime agricultural resource; lands designated [A-E] with Grade* 3 and 4 soils support less intensive uses than lands with higher grade soils, but are still viable for resource production. A-E lands shall not be developed, except for agricultural-related uses. 2. Agricultural uses on lands designated other than A-E shall be allowed and encouraged, consistent with other General Plan policies. 3. Existing agricultural practices on seasonal wetlands shall be allowed to continue, consistent with other General Plan policies. 4. The minimum lot size for lands designated A-E shall be twenty acres, except in the coastal zone where the minimum lot size shall be sixty acres. Designated uses for agricultural lands within the coastal zone shall include the following: <ul style="list-style-type: none"> • The "Permitted Uses" section shall include: "Agricultural Structures, including greenhouses or other nursery structures erected over exposed soil." • The "Conditionally Permitted Uses" section shall include: Greenhouses or other nursery structures erected on concrete perimeter foundations may be permitted if no less environmentally damaging alternate is available. • Greenhouses on slab foundations are prohibited. <p>Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in areas designated A-E if they do not interfere with adjacent agricultural uses, or limit potential of the site to return to agricultural use, or displace the wildlife</p>	<p>LU-6c C-LU-6c <i>Protection of agricultural lands and uses within the City.</i> Agricultural lands represent an important natural resource within the City. The protection of agricultural lands shall include the following:</p> <ol style="list-style-type: none"> 1. Lands designated Agricultural Exclusive [A-E] with Grade* 1 and 2 soils are the City's prime agricultural resource; lands designated [A-E] with Grade* 3 and 4 soils support less intensive uses than lands with higher grade soils, but are still viable for resource production. A-E lands shall not be developed, except for agricultural-related uses. 2. Agricultural uses on lands designated other than A-E shall be allowed and encouraged, consistent with other General Plan policies. 3. Existing agricultural practices on seasonal wetlands shall be allowed to continue, consistent with other General Coastal Land Use Plan policies. 4. The minimum lot size for lands designated A-E shall be twenty acres, except in the coastal zone where the minimum lot size shall be sixty acres. Designated uses for agricultural lands within the coastal zone shall include the following: <ul style="list-style-type: none"> • The "Permitted Uses" section shall include: "Agricultural Structures, including greenhouses or other nursery structures erected over exposed soil." • The "Conditionally Permitted Uses" section shall include: <u>(1) Single-family residences as "farm dwellings," limited to occupancy by the owner/operator of the subject agricultural lands, whose presence and occupancy is necessary to the farming operation ; and (2)</u> Greenhouses or other nursery structures erected on concrete perimeter foundations may be permitted if no less environmentally damaging alternate alternative is available. • Greenhouses on slab foundations are prohibited. <p>Private and public non-vehicular recreational activities</p>

EXISTING CERTIFIED CLUE LAND RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	utilizing the area, especially in seasonal wetlands. This shall be implemented in the City's Land Use Code.	such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in areas designated A-E if they do not interfere with adjacent agricultural uses, or limit potential of the site to return to agricultural use, or displace the wildlife utilizing the area, especially in seasonal wetlands. This shall be implemented in the City's Land Use Code. [Reiterate permissible recreational uses in AE provisions as new Policy C-OS-4f]
IV-9 Where wetlands are seasonally farmed, continued agricultural use of the wetlands is allowed. Expanding farming operations into non-farmed wetlands by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required. The location of the wetlands shall be determined by the use of the adopted Coastal Wetlands Map except that it is not the intent of this policy to exclude from regulation wetlands not shown on the Coastal Wetlands Map.	RC-31 <i>Uses allowed in diked/reclaimed former tidelands.</i> Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are specified in Land Use Element Policy LU-6 and are summarized below: 1. Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards. 2. Farm-related structures, including barns, sheds, and farmer-occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses. No more than one primary and one secondary residential unit shall be allowed per parcel. 3. Restoration projects. 4. Nature study, aquaculture, and similar resource-dependent activities compatible with the Public Trust resources and uses. 5. Incidental public service purposes which may temporarily impact the resources of the area (such as burying cables or pipes). Expanding farming operations into non-farmed wetlands, by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related	RC-31 C-RC-3m <i>Uses allowed in diked/reclaimed former tidelands.</i> Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are specified in Land Use Element Policy LU-6 and are summarized below: 1. Agricultural operations limited to accessory structures <u>to existing agricultural use</u> , apiaries, field and truck crops, livestock raising, greenhouses (provided they are cold frames, "hot houses" and other temporary or seasonal greenhouse-like, controlled environment structures intended to foster plant germination and early growth, if not located on slab foundations and crops are grown in the existing soil on site), and orchards. 2. Farm-related structures, including barns, sheds, and farmer-occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses. No more than one primary and one secondary residential unit shall be allowed per parcel. 3. 2. Restoration projects. 4. 3. Nature study, aquaculture, and similar resource-dependent activities compatible with the Public Trust resources and uses. 5. 4. Incidental public service purposes which may temporarily impact the resources of the area (such as

EXISTING CERTIFIED CLUE LAND RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	<p>structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required.</p>	<p>burying cables or pipes).</p> <p>Expanding farming operations into non-farmed wetlands, by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required.</p>
<p>IV-11 Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in the Agricultural Exclusive zone if they do not interfere with adjacent agricultural uses, or limit the potential of the site to return to agricultural use or significantly displace the wildlife utilizing the area, especially in wetlands. This recommendation shall be implemented in the Land Use and Development Guide.</p>	<p>[See Policy LU-6c above]</p>	<p>[See suggested modifications to Policy C-LU-6c above]</p>
EXISTING CERTIFIED CLUE AGRICULTURE ELEMENT APPENDIX "G" POLICIES		
<p>G-1 The City shall apply Coastal Agricultural Exclusive zoning to all areas designated for agriculture on the Local Coastal Plan Map.</p>	<p>[See Policy LU-6c above]</p>	<p>[See suggested modifications to Policy C-LU-6c above]</p>
<p>G-2 The minimum lot size in the Coastal Agricultural Exclusive zone shall be increased to 60 acres.</p>	<p>[See Policy LU-6c above]</p>	<p>[See suggested modifications to Policy LU-6c above]</p>
<p>G-3 The Coastal Agricultural Exclusive zone shall include the following: (a) The "Permitted Uses" section shall include: "Agricultural Structures – includes greenhouses or other nursery structures erected over exposed soil." (b)The "Conditionally Permitted Uses" section shall include: "Greenhouses or other nursery structures erected on concrete perimeter foundations may be permitted if no less environmentally damaging alternate</p>	<p>[See Policy LU-6c above]</p>	<p>[See suggested modifications to Policy C-LU-6c above]</p>

EXISTING CERTIFIED CLUE LAND RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
is available." (c) Commercial greenhouses will not be allowed to locate within a wetland.		
G-4 Where wetlands are seasonally farmed, continued agricultural use of the wetlands is allowed. Expanding farming operations into non-farmed wetlands by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required. The location of the wetlands shall be determined by use of the adopted Coastal Wetlands Map.	[See Policies LU-6c and RC-3l above]	[See suggested modifications to Policies C-LU-6c and C-RC-3m above]
G5 Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in the Agricultural Exclusive zone if they do not interfere with adjacent agricultural uses or limit potential of the site to return to agricultural use or significantly displace the wildlife utilizing the area, especially in seasonal wetlands. This recommendation shall be implemented in the Coastal Land Use and Development Guide.	[See Policy LU-6c above]	[See suggested modifications to Policy C-LU-6c above]

PROPOSED NEW LAND RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
LU-1e <i>Protection of natural resources and agricultural lands.</i> Agricultural [A-E] and Natural Resource [NR] designated lands make up over half of the community land base. Their productive, open space, and natural resource values are important to the community and conversion to other non-compatible uses shall be prohibited.	[Move to Other initiatives.]

PROPOSED NEW LAND RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-5a <i>Promotion of and participation in agricultural production within the City.</i> Diverse and intensive agricultural production and increased participation shall be promoted, in order to maintain the value of agricultural lands, improve the economic base, and increase employment and food production. The City does not, however, advocate more intensive agricultural uses and practices that would have adverse environmental impacts. Agricultural operations, such as Community Supported Agriculture (CSA) are strongly encouraged.</p>	<p>[Move to Other initiatives.]</p>
<p>H-1b <i>Local Historic Landmarks designations.</i> Structures or sites having special character or special historic, architectural, or aesthetic interest or value shall be designated as local Historic Landmarks. Such structures or sites shall be protected from demolition and inappropriate alterations. Locally designated Historic Landmarks are shown in Figure HP-a and are listed in Table HP-1, at the end of the Element. An updated inventory of structures and sites eligible for designation as a Local Historic Landmark shall be maintained by the City. One or more of the following criteria shall be required for a structure or site to be eligible for listing:</p> <ol style="list-style-type: none"> 1. The building or site is particularly representative of a distinct architectural period, type, style, or way of life. 2. The building is of a type or style which was once common but is now rare. 3. The building is at least 50 years old. 4. The building or site is connected with a person or event important to local history. 5. The architect or builder is famous or well-recognized. 6. The building's style, construction method, or materials are unusual or significant. 7. The overall effect of the design or building details are beautiful or unusual. 8. The building contains original materials or workmanship of high or unusual value. 	<p>[No modifications suggested; renumber to Policy C-H-1b.]</p>
<p>H-1c <i>Historic Landmarks (HL) combining zone.</i> The City shall formally designate Historic Landmarks with a special combining zone in the Land Use Code. The zone shall serve as a disclosure of the importance of the structure and of the limitations placed on its alteration or demolition. The request for designation may be initiated by the owner, City Council, Planning Commission, or the Historic and Design Review Commission. If initiated by the City, the owner shall be notified and be able to contest the process.</p>	<p>[No modifications suggested; renumber to Policy C-H-1c.]</p>
<p>H-7a <i>Cultural Resources Project Review.</i> As part of the environmental and project review process, the City of Arcata shall enter into a Memorandum of Agreement (MOA) with the Northwest Information Center of the Historical Resources Information System of the State of California. Under the MOA, all proposed discretionary projects under the California Environmental Quality Act shall be subject to cultural resources sensitivity review by the Northwest Information Center. In order to provide a context for city projects, for the evaluation of cultural significance and for the interpretation of the results of cultural resources project reviews, the City of Arcata shall contract for a general prehistoric, ethnographic, and historic overview of the city and its environs.</p>	<p>H-7a <u>C-H-7b</u> <i>Cultural Resources Project Review.</i> As part of the environmental and project review process, the City of Arcata shall enter into a Memorandum of Agreement (MOA) with the Northwest Information Center of the Historical Resources Information System of the State of California <u>either and/or both the Tribal Historical Protection Offices of the Wiyot Tribe and the Blue Lake Rancheria.</u> Under the MOA, all proposed discretionary projects under the California Environmental Quality Act shall be subject to cultural resources sensitivity review by the Northwest Information Center. In order to provide a context for city projects, for the evaluation of cultural significance and for the interpretation of the results of cultural resources project reviews, the City of Arcata shall contract for a general prehistoric, ethnographic, and historic overview of the city and its environs.</p>

PROPOSED NEW LAND RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>H-7b <i>Archaeological Surface Reconnaissance.</i> If the cultural resources project review determines that the project is located in an area with a high probability of archaeological resources, an archaeological survey by a professional archaeologist or other qualified expert shall be performed.</p>	<p>[No modifications suggested; renumber as Policy C-H-7c.]</p>
<p>H-7c <i>Mitigation of potential impacts on archeological resources.</i> If the results of the surface reconnaissance show that the project area contains a resource of cultural significance, and if it is demonstrated that a project will cause damage to such a resource, the City may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of other treatment include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Modifying the project to avoid portions of the site with archaeological resources. 2. Providing or conveying easements or other deed restrictions. 3. Capping or covering archaeological resources with a soil layer before construction. 4. Planning open space to incorporate archaeological sites. 	<p>H-7e C-H-7d <i>Mitigation of potential impacts on archeological resources.</i> If the results of the surface reconnaissance show that the project area contains a resource of cultural significance, and if it is demonstrated that a project will cause damage to such a resource, the City may all approved development shall require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of other treatment include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Modifying the project to avoid portions of the site with archaeological resources. 2. Providing or conveying easements or other deed restrictions. 3. Capping or covering archaeological resources with a soil layer before construction. 4. Planning open space to incorporate archaeological sites.
<p>H-7d <i>Monitoring of Construction.</i> In appropriate circumstances, when archaeological resources are likely to be present at a construction site, monitoring of excavation and other soil disturbing activities by archeological and/or Native American observers shall be required.</p>	<p>[No modifications suggested; renumber as Policy C-H-e.]</p>
<p>H-7f <i>Discovery of archeological resources.</i> Upon discovery of archeological or paleontological materials, all grading or other land-disturbing construction activities at the site shall be suspended until the nature of the cultural resources has been ascertained and the appropriate disposition method determined.</p>	<p>[No modifications suggested; renumber as Policy C-H-7f.]</p>

COMMISSION SUGGESTED NEW LAND RESOURCES POLICIES AND STANDARDS
<p><u>C-LU-6b <i>Compatibility between agricultural and adjacent non-agricultural uses.</i> Agricultural practices can include spraying of herbicides, application of fertilizer, operation of farm equipment, and use of local roads by slow moving and large vehicles. These practices can cause noise, health, light, odor, and travel impacts for residents in adjacent non-agricultural areas. To minimize these impacts, development of new non-agricultural uses that locate adjacent to existing agricultural uses shall maintain setbacks and establish buffers. The potential impacts of adjacent agricultural practices shall be required to be disclosed to future residents. Where new or expanding agricultural uses locate adjacent to existing non-agricultural areas, the agricultural user shall be responsible for maintaining setbacks and establishing buffers.</u></p>

COMMISSION SUGGESTED NEW LAND RESOURCES POLICIES AND STANDARDS

C-RC-5a *Prime agricultural land; maintenance in agricultural production.* The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the City's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Policy LU- .
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

C-RC-5b *Agricultural land; determination of viability of uses; economic feasibility evaluation.*

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Policy LU- as to any local coastal program or amendment to any City's certified local coastal program, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

- (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to the local coastal program.
- (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to the local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the City's local coastal program or in the proposed amendment to a certified local coastal program.

(b) As part of the review for certification of the land use plan and/or zoning amendments associated with any conversion, the economic feasibility evaluation required by subdivision (a) shall be submitted to the Coastal Commission by the local government, as part of the City's submittal of the local coastal program amendment to its local coastal program. If the City determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the City by a consultant selected jointly by the City and the Executive Director of the Coastal Commission.

C-RC-5c *Lands suitable for agricultural use; conversion.* All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless:

- (1) continued or renewed agricultural use is not feasible; or
- (2) such conversion would preserve prime agricultural land or concentrate development consistent with the following:
 - (a) New residential, commercial, or industrial development, except as otherwise provided in this Coastal Land Use Plan, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where fifty percent (50%) of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
 - (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.
 - (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

COMMISSION SUGGESTED NEW LAND RESOURCES POLICIES AND STANDARDS

C-RC-5d All divisions of prime agricultural lands, development adjacent to prime agricultural lands, and conversions approved pursuant to Policy LU-6 shall only be authorized pursuant to an approved continued viability report and agriculture management plan demonstrating that the parcel(s) will remain viable for, and actively engaged in, agricultural use once subdivided, and that development adjacent to prime agricultural lands shall diminish the productivity of such prime agricultural lands.

C-RC-5e No divisions of prime agricultural lands suitable for agriculture, except those conversions approved pursuant to Policy LU-6 , and no development adjacent to prime agricultural lands, shall diminish the productivity of such prime agricultural lands.

C-RC-5f All structural development on agriculturally zoned lands shall be subject to siting, design and performance standards to protect the maximum amount of agricultural lands and minimize interference with production activities.

C-RC-5g Otherwise permissible residential development on agricultural lands shall be subject to appropriate regulations as to maximum size and bulk, requirements for supplemental design review, and/or discretionary consideration of the relative risk of impact to operational sustainability, to ensure that agricultural lands and lands suitable for agricultural use do not lose their long-term productivity, disabling the intergenerational transfer of agricultural lands within farm families.

C-RC-5h New non-agricultural development immediately adjacent to agricultural areas shall be required to include location, design, construction, and maintenance techniques that protect agriculture uses and minimize conflicts between the agricultural and the non-agriculture uses.

C-RC-5i The long-term productivity of soils shall be protected. Any prime agricultural soils removed in the construction of agricultural-related structures that could not be feasibly located elsewhere to avoid such impacts, shall be stockpiled and reused on productive agricultural lands.

C-H-7a Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, or their duly delegated local equivalent agency, reasonable mitigation measures shall be required.

LAND USE (URBAN, RURAL, RESOURCE & PUBLIC FACILITIES DESIGNATIONS, ADDITIONAL PROVISIONS, AREA-SPECIFIC) POLICIES AND STANDARDS [PRC § 30250]

EXISTING CERTIFIED CLUE LAND USE POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>II-1 The City shall adopt the following Coastal Land Use designations which shall serve as the basis for developing specific zoning districts. With the Exception of Forest Hillside and Residential Agriculture these are the same designations as used in the General Plan for areas not within the Coastal Zone.</p> <p><i>Residential</i> Coastal Rural Residential Coastal Low Density Residential Coastal Medium Density Residential Coastal Medium-High Density Residential Coastal High Density Residential</p> <p><i>Commercial</i> Coastal General Commercial Coastal Central Business District Commercial (CBD) Coastal Thoroughfare Commercial</p> <p><i>Industrial</i> Coastal Industrial Commercial Coastal Heavy Industrial</p> <p><i>Public and Quasi-Public</i> Coastal Public Facility Coastal Public Facility (Parks) Coastal Natural Resource Protection</p> <p><i>Agricultural</i> Coastal Agriculture Exclusive</p>	<p>LU-1a <i>Land use plan diagram.</i> The land use plan diagram (Figure LU-a) for lands within the City and Sphere of Influence and the planning area land use map (Figure LU-b) show planned land uses for the City and surrounding areas. The land use categories, and the amount of City and Sphere of Influence land allocated for each category, are included in Table LU-1.</p> <p>LU-1b <i>Coastal land-use plan.</i> The western portion of the Arcata Bottom, lands south of 7th and 8th Streets west of State Route 101, and lands south of Bayside and Old Arcata Roads east of State Route 101 are within the Coastal Zone, created by the California Coastal Act. The land use designations within the Coastal Zone are part of the City’s Local Coastal Program (LCP).</p> <p>Residential - Very low Density Residential - Low Density Residential - Medium Density Residential - High Density Commercial - Central Commercial - General Commercial - Visitor Serving Industrial - Limited Industrial - General Agriculture - Exclusive Agriculture – Residential Public Facility Natural Resource</p>	<p>LU-1a C-LU-1a <i>Land use plan diagram.</i> The land use plan diagram (Figure LU-a) for lands within the City and Sphere of Influence and the planning area land use map (Figure LU-b) show shows planned land uses for the City and surrounding areas. The land use categories, and the amount of City and Sphere of Influence land allocated for each category, are included in Table LU-1.</p> <p>LU-1b C-LU-1b <i>Coastal land-use plan.</i> The western portion of the Arcata Bottom, lands south of 7th and 8th Streets west of State Route 101, and lands south of Bayside and Old Arcata Roads east of State Route 101 are within the Coastal Zone, created by the California Coastal Act. The land use designations within the Coastal Zone are part of the City’s Local Coastal Program (LCP).</p> <p><u>Coastal</u> Residential - Very low Density <u>Coastal</u> Residential - Low Density <u>Coastal</u> Residential - Medium Density <u>Coastal</u> Residential - High Density <u>Coastal</u> Commercial - Central <u>Coastal</u> Commercial - General <u>Coastal</u> Commercial - Visitor Serving <u>Coastal</u> Industrial - Limited <u>Coastal</u> Industrial - General <u>Coastal</u> Agriculture - Exclusive Agriculture – Residential Public Facility Natural Resource</p>

EXISTING CERTIFIED CLUE LAND USE POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	[See Table LU-1 spreadsheet for complete entries of the acreages and land area percentages of each designation]	[See Table LU-1 spreadsheet for suggested modifications to the entries of the acreages and land area percentages of each designation]
V-2 The City shall encourage the retention and expansion of commercial visitor serving facilities along Samoa Boulevard within the General Commercial zoning district and along South "G" and South "I" Streets in the Industrial-Commercial zoning district.	LU-4f <i>South "I" Street</i> . Development of a new "business park" at the site of the former Little Lake Industries lumber mill on South "I" Street shall be a priority of the City. The site shall be planned as a mixed-use development. A master plan shall be prepared for the site which includes the specific considerations found in Table LU-7.	[No modifications suggested; renumber as C-LU-4f.]
V-6 The City shall encourage the use of Planned Development zoning as a means of providing a variety of housing types, land uses, and sufficient usable open space through innovative design. The Planned Development District should allow diversification in the relationship of buildings, structures, and open spaces while insuring substantial compliance to the base district regulations.	LU-2d <i>Planned residential developments</i> . On vacant sites of one acre and larger designated for residential use, the Planned Development combining zone shall be required. The purpose shall be to: incorporate a mix of residential types, unit sizes, and styles in a coordinated manner to allow clustering of units; to provide larger, more usable areas of common open space; and to protect natural resources or site features, such as creekside riparian areas, wetlands, and significant vegetation such as trees. Where planned residential developments are adjacent to non-residential uses, appropriate visual and noise buffers shall be provided between the uses. Other provisions in the General Plan would assure affordable housing. [Note: See Land Use Code Section 9.28.070 for Planned Development standards.]	[No modifications suggested; renumber as C-LU-2d.]

EXISTING CERTIFIED CLUE LAND USE POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
EXISTING CERTIFIED CLUE RECREATION AND VISITOR-SERVING FACILITIES ELEMENT APPENDIX “B” POLICIES		
B-1 The City shall maintain the Natural Resource Protection designation on all tidelands and water areas of Arcata Bay, and identify these areas as passive use recreational areas. The Arcata Bay tidelands shall also be designated Natural Resource Protection.	[See description of purpose of Natural Resources land use designation in Policy LU-6a below]	[See suggested modifications to description of purpose of Natural Resources land use designation in Policy LU-6a below]
B-2 The City shall designate the area encompassed by the Arcata Marsh and Wildlife Sanctuary as Natural Resource Protection, and identify the recreational component of the project as a passive use recreational area.	[See description of purpose of Natural Resources land use designation in Policy LU-6a below]	[See suggested modifications to description of purpose of Natural Resources land use designation in Policy LU-6a below]
B-3 The City shall encourage the continued use of the tideland for scientific and educational studies.	[See Policy RC-4c, part 4 in Existing Proposed, and Suggested-to-be-Modified Public Access and Coastal Recreation Policies spreadsheet]	[See suggested modifications to Policy RC-4c, part 4 in <i>Existing Proposed, and Suggested-to-be-Modified Public Access and Coastal Recreation Policies</i> spreadsheet]
B-4 The City shall maintain the existing facilities of the Arcata Marsh and Wildlife Sanctuary and construct new facilities consistent with the plan developed by the Marsh Task Force or its equivalent and adopted by the City Council.	[No equivalent/amended policy proposed]	[No modifications suggested]
EXISTING CERTIFIED CLUE LOCATING AND PLANNING NEW DEVELOPMENT ELEMENT APPENDIX “J” POLICIES		
J-1 Locating and Planning New Development shall serve as the focus for coastal land use designations and policies. Recommendations developed in the Technical Reports shall be collated into a Coastal Land Use Element which shall be adopted as an Element of the City's General Plan. The Coastal Land Use Element shall contain the following sections: I. Urban Services Boundary 11. Coastal Land Use Map 111. Environmental Constraints IV. Developmental Constraints V. Urban Development VI. Public Facilities VII. Technical Appendices	[See <u>Organization of the Plan</u> section of <i>Introduction</i> chapter of proposed amended updated LUP]	[See suggested modifications to <u>Organization of the Plan</u> section of <i>Introduction</i> chapter of proposed amended updated LUP]
J-2 The City shall, with concurrence from Humboldt County, designate a Urban Services Boundary line as shown on the map in Appendix J of the Arcata General Plan.	[No equivalent/amended policy proposed]	[No modifications suggested]
J-3 The City shall not provide urban services, nor	GM-4a <i>Urban Services Boundary</i> . The City shall	

EXISTING CERTIFIED CLUE LAND USE POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>approve urban developments outside the Urban Services Boundary. The following land designations are the only designations that shall be considered appropriate for land uses outside the Boundary:</p> <p>Coastal Agriculture Exclusive. Coastal Natural Resource Protection. Coastal Public Facility. Coastal Public Facility (Parks)</p>	<p>maintain an Urban Services Boundary, beyond which urban services shall not be provided (except as provided for in Policy GM-4b), and urban development shall not be approved (see Figure GM-b). Rural residential development may be approved outside the Urban Services Boundary only if the development would not require the extension of water, sewer, and other public facilities. The area within the Urban Services Boundary shall be annexed at the time of development.</p> <p>Any changes to the Urban Services Boundary shall be based on an analysis of soil type, vegetation, topography (slope), availability of public water and sewer services, existing property lines, existing land use, and potential for development. The boundary shall not be extended into the prime agricultural land or flood-prone areas on the west and south, nor extend past the Mad River on the north. To the east, the boundary shall not be extended into the steeper portions of Fickle Ridge, as designated on the General Plan Map. Parts of the Jacoby Creek and Bayside areas are included within the urban services boundary.</p> <p>Only the Agriculture- Exclusive [A-E], Natural Resource [NR], and Public Facilities [PF] land use designations shall be applied to areas outside the Urban Services Boundary and within the Coastal Zone.</p>	<p>[See Suggested Modifications to Policy C-GM-4a on <i>New Development</i> spreadsheet.]</p>
<p>J-4 Areas inside the Urban Services Boundary but outside the present City Limits shall not be approved for urban development until after they have annexed to the City.</p>	<p>[No equivalent/amended policy proposed]</p>	<p>[No modifications suggested]</p>
<p>J-5 The City shall retain discretion to extend domestic water and/or sewer services to existing residential units outside the Urban Services Boundary subject to the following guidelines:</p> <p>(a) The extension must be an emergency response to a failure of existing water and/or sewage disposal systems. (b) The capacity of the extension shall be limited to a size adequate to meet the existing residential requirements. No extension of trunklines or oversized lines shall be permitted. (c) No new or additional uses may be permitted to have access to the extension.</p>	<p>GM-4b <i>Services outside City boundary</i>. The City shall not extend sewer mains or new water mains or provide new service connections to portions of the Planning Area outside the City Limits except under the following conditions:</p> <ol style="list-style-type: none"> 1. Emergency sanitary sewer connection. The City may provide an emergency sewer line extension provided the following conditions are met: <ol style="list-style-type: none"> a. The property is located within the City Urban Services Boundary for water and sewer. b. The property is adjacent to the City limits. c. The on-site sewage disposal system has failed. 	<p>[See Suggested Modifications to Policy C-GM-4b on <i>New Development</i> spreadsheet.]</p>

EXISTING CERTIFIED CLUE LAND USE POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>(d) No extension shall be permitted to serve uses that are clearly inconsistent with adopted Land Use Plans and Policies.</p> <p>(e) An annexation agreement shall be provided by the property owner.</p> <p>(f) The City may extend sewer and water service to serve intensive agricultural uses beyond the City limits and Urban Services Boundary subject to the following guidelines:</p> <p>(1) The extension shall be only to serve the domestic needs of employees of an agricultural use.</p> <p>(2) No new or additional uses may be permitted to have access to the extension.</p> <p>(3) No agricultural chemicals or wastes may be discharged into the extension.</p> <p>(4) The capacity of the extension shall be limited to a size adequate to meet the needs of the specific agricultural operation and shall be a pressurized system.</p> <p>(5) In the event that the agricultural operation for which an extension is made ceases operation, the extension shall be disconnected from the City system and capped.</p>	<p>d. It is not feasible to replace or repair the on-site sewage disposal system as evidenced by a letter from the County of Humboldt Division of Environmental Health.</p> <p>e. The on-site sewage disposal system failure is considered a health hazard by the County of Humboldt Division of Environmental Health.</p> <p>f. The owner has submitted a complete application to the City of Arcata for annexation of the property within 18 months from the date that sanitary sewer service was provided.</p> <p>g. LAFCo has approved the emergency sanitary sewer connection.</p> <p>h. The sewer connection shall be sized to only accommodate the failed system.</p> <p>2. The City may contract to provide sewer services to other service districts subject to the following guidelines:</p> <p>a. Only those areas with existing contracts as of December 31, 1998 shall be served.</p> <p>b. No new contracts for services shall be approved.</p> <p>c. No new connections shall be allowed to the sewer lines in the area between the City Limits and the Arcata Planning Area Boundary.</p> <p>[Revised by Ordinance No. 1377, September 2008]</p>	
<p>J-6 The City shall adopt the following Coastal Land Use Designations which shall serve as the basis for developing specific zoning districts. These are the same designations as used in the existing General Plan.</p> <p>Residential</p> <p>Coastal Rural Residential (0 to 12 p/na).</p> <p>Coastal Low Density Residential (6.1 to 24p/na).</p> <p>Coastal Medium Density Residential (24.1 to 45p/na)</p> <p>Coastal Medium-High Density Residential (45.1 to 75p/na).</p> <p>Coastal High Density Residential(75.1 to 115p/na)p/na=persons per net acre</p> <p>Commercial</p> <p>Coastal General Commercial.</p> <p>Coastal Central Business District (CBD).</p> <p>Coastal Thoroughfare Commercial</p>	<p>[See Policy LU-1a above]</p>	<p>[See suggested modifications to Policy LU-1a above]</p>

EXISTING CERTIFIED CLUE LAND USE POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>Industrial. Coastal Industrial Commercial. Coastal Heavy Industrial</p> <p>Public and Quasi-Public. Coastal Public Facility. Coastal Public Facility(Parks). Coastal Natural Resource Protection</p> <p>Agricultural. Coastal Agriculture Exclusive (60 acre minimum parcel size)</p>		
<p>J-7 The City shall encourage the use of Planned Development zoning as a means of providing a variety of housing types, land uses, and sufficient usable open space through innovative design. The Planned Development District should allow diversification in the relationship of buildings, structures, and open spaces while insuring substantial compliance to the base district regulations.</p>	<p>[See Policy LU-2d above]</p>	<p>[See suggested modifications to Policy LU-2d above]</p>

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>LU-1f <i>Promotion of infill development.</i> The City encourages appropriate redevelopment of certain parcels of land which are either underutilized, brownfields, or vacant but surrounded by existing urban development. These sites represent development opportunities using existing infrastructure, and shall have priority for development over vacant sites that are located outside the urban services boundary (designated in the Growth Management Element) which require investment in extension of infrastructure and services. Infill development may include new residential units on upper floors of commercial structures, development of second units on residential lots, and new or expansion of existing residential and commercial structures consistent with the provisions of the applicable land use plan designations. The Planned Development procedure shall be encouraged for coordinated development on larger infill sites.</p>	<p>LU-1f C-LU-1p <i>Promotion of infill development.</i> The City encourages appropriate Appropriate redevelopment of certain parcels of land which are either underutilized, brownfields, or vacant but surrounded by existing urban development, shall be encouraged. These sites represent development opportunities using existing infrastructure, and shall have priority for development over vacant sites that are located outside the urban services boundary (designated in the Growth Management Element) which require investment in extension of infrastructure and services. Infill Consistent with all other Coastal Land Use Plan policies, infill development may include new residential units on upper floors of commercial structures, development of second units on residential lots, and new or expansion of existing residential and commercial structures consistent with the provisions of the applicable land use plan designations. The Planned Development procedure shall be encouraged for coordinated development on larger infill sites.</p>

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>LU-2a <i>Residential Land Use Classifications</i>. The following land use designations are applicable to residential lands. Table LU-2 defines permitted uses, densities, lot sizes, and other development standards for each classification.</p> <p><i>Residential Very Low Density [R-VL]</i>. This designation allows the lowest density residential development in areas where physical constraints, protection of natural features, or preservation of semi-rural character are important considerations. The R-VL designation is applicable primarily for lands with steep slopes and where the open space character of Arcata's hillsides and perimeter lands are to be preserved. Individual homesites are allowed in hillside areas, as long as precautions are taken to prevent the excessive removal of vegetation and strict grading controls are enforced to prevent erosion. Development and grading on areas characterized by slopes over 25% should be avoided. Review of development proposals in all hillside areas shall ensure that seismic and geologic hazards are avoided or mitigated. More detailed hillside development standards are included in Policy PS-3c.</p> <p>The R-VL designation allows creation of lots as small as 20,000 square feet, in the less-steep areas of Arcata's hillsides. Newly created lots in this zone must contain a buildable area of sufficient size and flatness to allow development without significant environmental damage or landform alteration. The development regulations for R-VL are intended to balance protection of the sensitive hillside environment with the need for quality housing sites. This designation is also intended to protect the existing rural environment in certain areas of Arcata and to provide a transition between urban uses and agricultural operations.</p> <p><i>Residential – Low Density [R-L]</i>. The low density residential designation primarily provides for single-family homes on individual lots. This designation is found throughout the community, including the older, historical neighborhoods surrounding the Plaza Area, Sunny Brae, Sunset, Preston Ridge Area, and Greenview Terrace.</p> <p><i>Residential – Medium Density [R-M]</i>. Medium density residential unit types typically include duplexes, townhouses, co-housing, low density apartments, and modular housing located in mobile home parks.</p> <p><i>Residential High Density [R-H]</i>. The Colony Inn and Humboldt Green multi-family units are representative of R-H density. R-H density residential uses are designated in central Arcata to allow increases in density above present levels.</p>	<p>LU-2a C-LU-2a <i>Residential Land Use Classifications</i>. The following land use designations are applicable to residential lands. Table LU-2 defines permitted uses, densities, lot sizes, and other development standards for each classification.</p> <p><i>Residential Very Low Density [R-VL]</i>. This designation allows the lowest density residential development in areas where physical constraints, protection of natural features, or preservation of semi-rural character are important considerations. The R-VL designation is applicable primarily for lands with steep slopes and where the open space character of Arcata's hillsides and perimeter lands are to be preserved. Individual homesites are allowed in hillside areas, as long as precautions are taken to prevent the excessive removal of vegetation and strict grading controls are enforced to prevent erosion. Development and grading on areas characterized by slopes over 25% should be avoided. Review of development proposals in all hillside areas shall ensure that seismic and geologic hazards are avoided or mitigated. More detailed hillside development standards are included in Policy PS-3c.</p> <p>The R-VL designation allows creation of lots as small as 20,000 square feet, in the less-steep areas of Arcata's hillsides. Newly created lots in this zone must contain a buildable area of sufficient size and flatness to allow development without significant environmental damage or landform alteration. The development regulations for R-VL are intended to balance protection of the sensitive hillside environment with the need for quality housing sites. This designation is also intended to protect the existing rural environment in certain areas of Arcata and to provide a transition between urban uses and agricultural operations.</p> <p><i>Residential – Low Density [R-L]</i>. The low density residential designation primarily provides for single-family homes on individual lots. This designation is found throughout the community, including the older, historical neighborhoods surrounding the Plaza Area, Sunny Brae, Sunset, Preston Ridge Area, and Greenview Terrace.</p> <p><i>Residential – Medium Density [R-M]</i>. Medium density residential unit types typically include duplexes, townhouses, co-housing, low density apartments, and modular housing located in mobile home parks.</p> <p><i>Residential High Density [R-H]</i>. The Colony Inn and Humboldt Green Parkway Apartments multi-family units are representative of R-H density. R-H density residential uses are designated in central Arcata to allow increases in density above present levels.</p>

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
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LU-3a *Commercial use classifications.* The following land-use plan categories are applicable to commercial lands. Table LU-4 defines permitted uses, densities, lot sizes, and coverages for each classification.

All proposed retail uses with either: (1) a floor area greater than 30,000 square feet; or (2) physical alteration of eight or more acres; or (3) generation of 1,000 or more vehicle trips per day, shall require a use permit. The use permit review shall include, at a minimum:

- Potential impact on existing and projected traffic conditions.
- Impact on municipal utilities and services.
- Impact on the physical and ecological characteristics of the site and surrounding area.
- Impact on the community.
- Fiscal impacts of the use.

Commercial – Central [C-C]. This designation covers most of the nineteen square blocks surrounding the Plaza and includes retail, professional office, civic, hotel, theater, residential, and similar uses. The Central-Commercial Area forms the center of the City and is designed to be a high density, pedestrian-oriented activity area, with shops and services, banks, offices, restaurants, and entertainment supporting a variety of day and night activities.

Commercial – General [C-G]. This designation provides the full range of retail, entertainment, and service commercial uses in Uniontown, Valley West, Westwood/Sunset, Sunny Brae, Greenview, and Bayside neighborhood centers, and other areas, such as Northtown, Giuntoli Lane, and Samoa Boulevard. C-G development must be compatible with the surrounding residential uses and provide convenient access for patrons arriving by bicycle, public transit, motor vehicle, or on foot. A primary difference between the C-G areas and the Plaza Area is parking. Businesses in the C-G area will be expected to provide sufficient on-site parking. C-G areas are intended to have convenient access from residential areas in order to provide for day-to-day shopping and service needs.

Commercial – Visitor Serving [C-VS]. This land use designation permits hotels, motels, recreation vehicle parks, theaters, restaurants, auto sales centers, gas stations, mini-marts, and similar uses which attract or serve the needs of travelers, tourists, and local patrons.

The C-VS designation is not intended for general retail sales. C-VS uses are appropriate at highway interchanges where they are visible from the road and easily accessible by travelers and tourists. Similarly, C-VS uses are appropriate at locations near natural amenities or other attractions for visitors. The area designated for C-VS is at the State Route 101 and Giuntoli Lane interchange, west of Valley West Boulevard, and along Janes Road/Heindon Road.

~~LU-3a~~ **C-LU-3a** *Commercial use classifications.* The following land-use plan categories are applicable to commercial lands. Table LU-4 defines permitted uses, densities, lot sizes, and coverages for each classification.

All proposed retail uses with either: (1) a floor area greater than 30,000 square feet; or (2) physical alteration of eight or more acres; or (3) generation of 1,000 or more vehicle trips per day, shall require a use permit. The use permit review shall include, at a minimum:

- Potential impact on existing and projected traffic conditions.
- Impact on municipal utilities and services.
- Impact on the physical and ecological characteristics of the site and surrounding area.
- Impact on the community.
- Fiscal impacts of the use.

Commercial – Central [C-C]. This designation covers **most all or portions** of the ~~nineteen square~~ **seven** blocks ~~surrounding~~ **situated between Eighth and Fifth Street generally south of** the Plaza and includes retail, professional office, civic, hotel, theater, residential, and similar uses. The Central-Commercial Area forms the center of the City and is designed to be a high density, pedestrian-oriented activity area, with shops and services, banks, offices, restaurants, and entertainment supporting a variety of day and night activities.

Commercial – General [C-G]. This designation provides the full range of retail, entertainment, and service commercial uses in Uniontown, ~~Valley West, Westwood/Sunset,~~ Sunny Brae, Greenview, and Bayside neighborhood centers, and other areas, such as ~~Northtown, Giuntoli Lane, and~~ Samoa Boulevard. C-G development must be compatible with the surrounding residential uses and provide convenient access for patrons arriving by bicycle, public transit, motor vehicle, or on foot. A primary difference between the C-G areas and the Plaza Area **Commercial Central area** is parking. Businesses in the C-G area will be expected to provide sufficient on-site parking **while C-C areas depend upon on-street and public lot parking facilities.** C-G areas are intended to have convenient access from residential areas in order to provide for day-to-day shopping and service needs.

Commercial – Visitor Serving [C-VS]. This land use designation permits hotels, motels, recreation vehicle parks, ~~theaters,~~ restaurants, ~~auto sales centers,~~ gas stations, mini-marts, and similar uses which **primarily** attract or serve the needs of travelers, tourists, ~~and~~ **but may also cater to** local patrons.

The C-VS designation is not intended for general retail sales. C-VS uses are appropriate at highway interchanges where they are visible from the road and easily accessible by travelers and tourists. Similarly, C-VS uses are appropriate at locations near natural amenities or other attractions for visitors. ~~The~~ **Currently, the sole** area designated for C-VS is **located outside of the Coastal Zone, situated** at the State Route 101 and Giuntoli Lane interchange, west of Valley West Boulevard, and along Janes Road/Heindon Road.

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>LU-4a <i>Industrial uses</i>. The following land use designations are applicable to industrial lands. Table LU-6 defines permitted uses, densities, lot sizes, and coverages for each classification.</p> <p><i>Industrial – Limited [I-L]</i>. This land use designation is intended to provide attractive industrial areas suitable for light manufacturing and limited commercial uses. High impact industrial uses more prone to produce noise, odors, heavy truck traffic, or dust are not permitted in limited industrial areas. The I-L land use designation includes auto sales; service and repairs; sales of mobile homes, trucks and tractors; warehousing and wholesaling establishments; outdoor sales and storage lots; light industrial activities (when conducted within a building); and similar uses. Some retail sales uses and services, particularly those involving sales of products made on the premises, will be allowed as an accessory use. Residential uses may also be permitted where they are compatible with the nature of the production process, or the related sales of products made on the premises (such as artists' live/work space). The major I-L areas are the West Samoa Boulevard Employment Center, a portion of the West End Employment Center (near the State Route 299/Giuntoli Lane interchange and the Aldergrove Industrial Park), the area west of “K” Street, South “G” Street, and South “I” Street.</p> <p><i>Industrial – General [I-G]</i>. This land use designation indicates areas which are appropriate for manufacturing; large-scale wood processing and storage; auto wrecking and storage yards, and all other general industrial operations. Some industrial operations generate noise, odors, or traffic which make them incompatible neighbors with residential or most commercial uses.</p>	<p>LU-4a C-LU-4a <i>Industrial uses</i>. The following land use designations are applicable to industrial lands. Table LU-6 defines permitted uses, densities, lot sizes, and coverages for each classification.</p> <p><i>Industrial – Limited [I-L]</i>. This land use designation is intended to provide attractive industrial areas suitable for light manufacturing and limited commercial uses. High impact industrial uses more prone to produce noise, odors, heavy truck traffic, or dust are not permitted in limited industrial areas. The I-L land use designation includes auto sales; service and repairs; sales of mobile homes, trucks and tractors; warehousing and wholesaling establishments; outdoor sales and storage lots; light industrial activities (when conducted within a building); and similar uses. Some retail sales uses and services, particularly those involving sales of products made on the premises, will be allowed as an accessory use. Residential uses may also be permitted where they are compatible with the nature of the production process, or the related sales of products made on the premises (such as artists' live/work space). The major I-L areas are the West Samoa Boulevard Employment Center, a portion of the West End Employment Center (near the State Route 299/Giuntoli Lane interchange and the Aldergrove Industrial Park), the area west of “K” Street, South “G” Street, and South “I” Street.</p> <p><i>Industrial – General [I-G]</i>. This land use designation indicates areas which are appropriate for manufacturing; large-scale wood processing and storage; auto wrecking and storage yards, and all other general industrial operations. Some industrial operations generate noise, odors, or traffic which make them incompatible neighbors with residential or most commercial uses.</p>
<p>LU-4b <i>Conversion and reuse of old industrial sites</i>. The City shall encourage the conversion and reuse of abandoned or inactive industrial sites such as closed lumber mill sites. An environmental site assessment will be required for sites where prior uses may have caused soil contamination. Manufacturing uses may be allowed on older I-G sites, where activities are conducted in enclosed spaces and noise, light, air quality, or traffic impacts do not significantly impact adjacent uses.</p>	<p>[No modifications suggested; renumber as C-LU-4b.]</p>
<p>LU-4d <i>Industrial performance standards</i>. The City shall develop and adopt performance standards ensuring that new and upgraded industrial uses are attractively designed, keep noisy uses in enclosed spaces, do not emit light or glare off site, and contain other features that make them compatible with adjacent uses.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>LU-4e <i>Specific areas and parcels</i>. Certain land areas and parcels have unique characteristics, limitations, and/or opportunities that require careful consideration when development or a change of use occurs. The considerations described below shall be made for the identified parcels.</p>	<p>LU-4e C-LU-4e <i>Specific areas and parcels</i>. Certain land areas and parcels have unique characteristics, limitations, and/or opportunities that require careful consideration when development or a change of use occurs. The considerations described in Policy LU-4f below shall be made for the identified parcels.</p>

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>LU-5a <i>Public Facility [PF] uses.</i> Public Facility land use category is applicable to those lands which are to be used for the various types of public facilities, except that some public facility uses are also allowed in other land-use categories. Public facility uses include certain uses which may be owned by private individuals, private organizations, or private institutions, as well as by government entities. Uses include schools, public services and administrative offices, wastewater and solid waste management facilities, public parking lots, parks and non-commercial recreation uses, golf courses, auditoriums, and other public assembly spaces, hospitals, cultural facilities, community gardens, communication (including telecommunications) and transportation facilities, and utilities. The types of uses allowable within this category shall be specified in Table LU-6.</p>	<p>[No modifications suggested; renumber as C-LU-5a]</p>

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>LU-6a <i>Agricultural and Natural Resource classifications.</i> The following land use categories are applicable to agricultural and natural resource lands. Table LU-9 defines permitted uses, densities, lot sizes, and coverages for each category.</p> <p><i>Natural Resource [NR].</i> This designation is applied to public or private lands where protection of unique and/or sensitive natural resources, or managed production of resources, are the primary objectives. The resources element describes three subdistrict zones within the NR district which are designated: Wetland Stream Protection Zone (NR-WSPZ), Timber Production Zone (NR-TPZ), and Public Trust Zone (NR-PTZ). Examples of lands designated NR include the Community Forest (NR-TPZ), Janes Creek /McDaniel Slough Linear Park (NR-WSPZ), and the Arcata Marsh and Wildlife Sanctuary (NR-PTZ). Recreation may be considered as a secondary use when there are no adverse impacts to the protected resources. This designation is also applicable to productive resource lands, such as timber-producing forested areas (NR-TPZ) and aquaculture in Arcata Bay (NR-PTZ). The land between Humboldt State University and the Community Forest is an example of productive forest lands designated (NR-TPZ).</p> <p>The NR designation is not applied to small or "pocket" wetlands, that exist on parcels large enough to accommodate development without adversely impacting the wetlands. The designation is also not applied to wetlands used as grazed agricultural lands, or riparian areas in other zones. These resource areas are protected by applicable stream and wetlands standards.</p> <p><i>Agriculture Exclusive [A-E].</i> This designation is intended to preserve land for agricultural production. The A-E designation is appropriate for lands with prime agricultural soils and wetlands that could be used as grazed agricultural lands. Structures associated with agricultural production, such as barns and farmhouses, are appropriate uses in A-E areas.</p> <p><i>Agriculture Residential [A-R].</i> This designation allows very low density residential development on agricultural lands. Structures associated with agricultural production, such as barns and farmhouses, would be appropriate uses in these agricultural areas.</p>	<p>LU-6a C-LU-6a <i>Agricultural and Natural Resource classifications.</i> The following land use categories are applicable to agricultural and natural resource lands. Table LU-9 defines permitted uses, densities, lot sizes, and coverages for each category.</p> <p><i>Natural Resource [NR].</i> This designation is applied to public or private lands where protection of unique and/or sensitive natural resources, or managed production of resources, are the primary objectives. The resources element describes three subdistrict zones within the NR district which are designated: Wetland Stream Protection Zone (NR-WSPZ), Timber Production Zone (NR-TPZ), and Public Trust Zone (NR-PTZ). Examples of lands designated NR include the Community Forest (NR-TPZ), Janes Creek /McDaniel Slough Linear Park (NR-WSPZ), and the Arcata Marsh and Wildlife Sanctuary (NR-PTZ NR-PT). Recreation may be considered as a secondary use when there are no adverse impacts to the protected resources. This designation is also applicable to productive resource lands, such as timber-producing forested areas (NR-TPZ) and aquaculture in Arcata Bay (NR-PTZ). The land between Humboldt State University and the Community Forest is an example of productive forest lands designated (NR-TPZ).</p> <p>The NR designation is not applied to small or "pocket" wetlands, that exist on parcels large enough to accommodate development without adversely impacting the wetlands. The designation is also not applied to wetlands used as grazed agricultural lands, or riparian areas in other zones. These resource areas are <u>independently</u> protected by applicable stream and wetlands standards.</p> <p><i>Agriculture Exclusive [A-E].</i> This designation is intended to preserve land for agricultural production. The A-E designation is appropriate for lands with prime agricultural soils and wetlands that could be used as grazed agricultural lands. Structures associated with agricultural production, such as barns and farmhouses, are appropriate uses in A-E areas.</p> <p><i>Agriculture Residential [A-R].</i> This designation allows very low density residential development on agricultural lands. Structures associated with agricultural production, such as barns and farmhouses, would be appropriate uses in these agricultural areas.</p>
<p>LU-5c <i>Limitation of corporation yard expansion.</i> Development of the City corporation yard facilities shall be restricted to its existing boundaries. A landscape screen shall be maintained along with northern and eastern perimeter of the oxidation pond.</p>	<p>[No modifications suggested; renumber as C-LU-5c]</p>

PROPOSED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>RC-3i <i>Management of Arcata Marsh for wetlands values as well as wastewater treatment.</i> The marsh and wildlife sanctuary serves a variety of purposes and functions, including providing wetland habitat for a variety of species, wastewater treatment, and recreational use. These purposes shall be balanced for the benefit of all users.</p>	<p>RC-2a C-RC-31 <i>Management of Arcata Marsh for wetlands values as well as wastewater treatment.</i> The marsh and wildlife sanctuary serves a variety of purposes and functions, including providing wetland habitat for a variety of species, wastewater treatment, and recreational use. These purposes shall be balanced for the benefit of all users <u>consistent with all applicable portions of the LCP and the Coastal Act.</u></p>

COMMISSION SUGGESTED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS
<p><u>C-LU-1a The policies of the Chapter 3 of the California Coastal Act (California Public Resources Code Sections 30210 through 30264) shall guide the interpretation of the Coastal Land Use Plan.</u></p>
<p><u>C-LU-1b In the Coastal Zone, where the policies of the Coastal Land Use Plan conflict with the provisions of any other element of the General Plan, the policies of the Coastal Land Use Plan shall take precedence.</u></p>
<p><u>C-LU-1c In the Coastal Zone, where the policies of the Coastal Land Use Plan's Land Use Element conflict with the provisions of any other element of the General Plan, the policies of the Coastal Land Use Plan's Land Use Element shall take precedence.</u></p>
<p><u>C-LU-1d Where a conflict occurs between the wording of the enumerated policies and the accompanying text of the Coastal Land Use Plan, the policy language shall take precedence.</u></p>
<p><u>C-LU-1e Where policies within the Coastal Land Use Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.</u></p>
<p><u>C-LU-1f In the Coastal Zone, where the policies of the Coastal Land Use Plan conflict with the provisions of any other element of the General Plan, the policies of the Coastal Land Use Plan shall take precedence.</u></p>
<p><u>C-LU-1g Prior to the issuance of any development permit required by this Plan, the City shall make the finding that the development meets the standards set forth in all applicable Coastal Land Use Plan policies and Implementation Program regulations.</u></p>
<p><u>C-LU-1h New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</u></p>
<p><u>C-LU-1i Land divisions, other than leases for agricultural uses, outside the Urban Services Boundary shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. The following criteria shall be used in determining whether 50% build-out has occurred and what the average size of surrounding parcels comprises:</u></p>
<p><u>(a) To determine if the 50 percent rule has been met, a survey of the existing parcels in the Neighborhood Area, as depicted in Figure I-b, in which the proposed land division is located, will need to be conducted. If 50 percent or more of the existing lots are developed, then the land division may be processed. The study area may be reduced to exclude parcels with land use or zoning designations, or other characteristics markedly dissimilar to the subject property, or those lying outside of a readily identifiable neighborhood area as delineated by a perimeter of major street or other cultural or natural features.</u></p>
<p><u>(b) To determine the "average size of the surrounding parcels:"</u></p>
<p><u>(1) a study shall be made of all parcels within one-quarter (1/4) mile of the exterior bounds of the property being subdivided.</u></p>
<p><u>(2) The study area may be reduced to exclude parcels with land use or zoning designations, or other characteristics markedly dissimilar to the subject property, or those lying outside of a readily identifiable neighborhood area as delineated by a perimeter of major street or other cultural or natural features.</u></p>
<p><u>(3) The "average size" usually means the arithmetic mean, although the mode or the median size may be used when the majority of parcels are of a common size and a very few parcels skew the mean to create an average atypical of the size of surrounding lots.</u></p>
<p><u>C-LU-1j Where feasible, new hazardous industrial development shall be located away from existing developed areas.</u></p>
<p><u>C-LU-1k Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.</u></p>

COMMISSION SUGGESTED NEW LAND USE (DESIGNATIONS, PLANNING & REGULATION) POLICIES AND STANDARDS

C-LU-11 The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads; (3) providing nonautomobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings; and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

C-LU-1m The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

NEW DEVELOPMENT (LOCATION / TIMING OF URBAN & RURAL DEVELOPMENT/PRIORITIZATION) POLICIES AND STANDARDS
[PRC §§ 30250, 30252, 30213, 30220, 30221, 30222, 30222.5, 30223, 30224, 30234, 30234.5, 30255, 30260, 30262]

EXISTING CERTIFIED CLUE NEW DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>I-1 The City shall, with concurrence from Humboldt County, designate a Urban Services Boundary line as shown on the map in Appendix J of the Arcata General Plan.</p> <p>I-2 The City shall not provide urban services, nor approve urban developments outside the Urban Services Boundary. The following Land Use designations are the only designations that shall be considered appropriate for land uses in the Coastal Zone but outside the Boundary:</p> <ul style="list-style-type: none"> • Coastal Agriculture Exclusive • Coastal Natural Resource Protection • Coastal Public Facility • Coastal Public Facility (Parks) 	<p>GM-4a <i>Urban Services Boundary</i>. The City shall maintain an Urban Services Boundary, beyond which urban services shall not be provided (except as provided for in Policy GM-4b), and urban development shall not be approved (see Figure GM-b). Rural residential development may be approved outside the Urban Services Boundary only if the development would not require the extension of water, sewer, and other public facilities. The area within the Urban Services Boundary shall be annexed at the time of development.</p> <p>Any changes to the Urban Services Boundary shall be based on an analysis of soil type, vegetation, topography (slope), availability of public water and sewer services, existing property lines, existing land use, and potential for development.</p> <p>Only the Agriculture- Exclusive [A-E], Natural Resource [NR], and Public Facilities [PF] land use designations shall be applied to areas outside the Urban Services Boundary and within the Coastal Zone.</p>	<p>GM-4a C-GM-1a <i>Urban Services Boundary</i>. The City shall maintain an Urban Services Boundary, beyond which urban services shall not be provided (except as provided for in Policy GM-4b), and urban development shall not be approved (see Figure GM-b). Rural residential development may be approved outside the Urban Services Boundary only if the development would not require the extension of water, sewer, and other public facilities. The area within the Urban Services Boundary shall be annexed at the time of development.</p> <p>Any <u>proposed</u> changes to the Urban Services Boundary shall be based on <u>processed by the City as an LCP amendment and shall be supported by</u> an analysis of: <u>(1) soil type, vegetation, topography (slope); (2) the availability of public water and sewer services; (3) the reserve capacity of community services to serve development within the area proposed for inclusion into the services area; (4) whether the extension of services the boundary change would facilitate would induce new development inconsistent with this Coastal Land Use Plan or, in instances where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses would be precluded by other development; (5) potential impacts to coastal resources; (6) existing property lines; (7) existing land use; and (8) the potential for development.</u> The boundary shall not be extended into the prime agricultural land or flood-prone areas on the west and south, nor extend past the Mad River on the north. To the east, the boundary shall not be extended into the steeper portions of Fickle Ridge, as designated on the General <u>Coastal Land Use</u> Plan Map. Parts of the</p>

EXISTING CERTIFIED CLUE NEW DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
		<p>Jacoby Creek and Bayside areas are included within the urban services boundary.</p> <p>Only the Agriculture-Exclusive [A-E], Natural Resource [NR], and Public Facilities [PF] land use designations shall be applied to areas outside the Urban Services Boundary and within the Coastal Zone.</p>
<p>I-3 Areas inside the Urban Services Boundary but outside the present City Limits shall not be approved for urban development until after they have annexed to the City.</p>	<p>GM-4b <i>Services outside City boundary.</i> The City shall not extend sewer mains or new water mains or provide new service connections to portions of the Planning Area outside the City Limits except under the following conditions:</p>	<p>GM-4b C-GM-1p <i>Services outside City boundary.</i> The City shall not extend sewer mains or new water mains or provide new service connections to portions of the Planning Area outside the City Limits except under the following conditions:</p>
<p>I-4 The City shall retain discretion to extend domestic water and/or sewer services to existing residential units outside the Urban Services Boundary subject to the following guidelines:</p> <p>(a) The extension must be an emergency response to a failure of existing water and/or sewer disposal systems.</p> <p>(b) The capacity of the extension shall be limited to a size adequate to meet the existing residential requirements. No extension of trunk lines or oversized lines shall be permitted.</p> <p>(c) No new or additional uses may be permitted to have access to the extension.</p> <p>(d) No extension shall be permitted to serve uses that are clearly inconsistent with adopted Land Use Plans and Policies.</p> <p>(e) An annexation agreement shall be provided by the property owner.</p> <p>(f) The City may extend sewer and water service to serve intensive agricultural uses beyond the City limits and Urban Services Boundary subject to the following guidelines: (see complete plan text for guidelines)</p>	<p>1. Emergency sanitary sewer connection. The City may provide an emergency sewer line extension provided the following conditions are met:</p> <p>a. The property is located within the City Urban Services Boundary for water and sewer.</p> <p>b. The property is adjacent to the City limits.</p> <p>c. The on-site sewage disposal system has failed.</p> <p>d. It is not feasible to replace or repair the on-site sewage disposal system as evidenced by a letter from the County of Humboldt Division of Environmental Health.</p> <p>e. The on-site sewage disposal system failure is considered a health hazard by the County of Humboldt Division of Environmental Health.</p> <p>f. The owner has submitted a complete application to the City of Arcata for annexation of the property within 18 months from the date that sanitary sewer service was provided.</p> <p>g. LAFCo has approved the emergency sanitary sewer connection.</p> <p>h. The sewer connection shall be sized to only accommodate the failed system.</p> <p>2. The City may contract to provide sewer services to other service districts subject to the following guidelines:</p> <p>a. Only those areas with existing contracts as of December 31, 1998 shall be served.</p> <p>b. No new contracts for services shall be approved.</p> <p>c. No new connections shall be allowed to the sewer lines in the area between the City Limits and the Arcata</p>	<p>1. Emergency sanitary sewer connection. The City may provide an emergency sewer line extension provided all <u>of</u> the following conditions are met:</p> <p>a. The property is located within the City Urban Services Boundary for water and sewer.</p> <p>b. The property is adjacent to the City limits.</p> <p>c. The on-site sewage disposal system has failed.</p> <p>d. It is not feasible to replace or repair the on-site sewage disposal system as evidenced by a letter from the County of Humboldt Division of Environmental Health.</p> <p>e. The on-site sewage disposal system failure is considered a health hazard by the County of Humboldt Division of Environmental Health.</p> <p>f. The owner has submitted a complete application to the City of Arcata for annexation of the property within 18 months from the date that sanitary sewer service was provided.</p> <p>g. LAFCo has approved the emergency sanitary sewer connection.</p> <p>h. The sewer connection shall be sized to only accommodate the failed system.</p> <p>2. The City may contract to provide sewer services to other service districts subject to the following guidelines:</p> <p>a. Only those areas with existing contracts as of December 31, 1998 shall be served.</p> <p>b. No new contracts for services shall be approved.</p> <p>c. No new connections shall be allowed to the sewer lines in the area between the City Limits and the Arcata Planning Area Boundary.</p>

EXISTING CERTIFIED CLUE NEW DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>IV-12 The City shall issue Conditional Use Permits in industrially zoned areas for the following heavy manufacturing uses in the Coastal Zone only when no feasible less environmentally damaging alternative is available, and only when adequate mitigation has been demonstrated: Salvage yards, drilling for gas or oil, the smelting and reduction of metallic ores, manufacturing, refining, and storage of petroleum products, acids, cement, concrete, pottery, asphaltic paving products, lime, explosives, fireworks, gas, glue, gypsum, plaster of paris, and inflammable fluids or gases. Conditions for approval shall include, as a minimum, the following criteria:</p> <ul style="list-style-type: none"> - Assurance to the satisfaction of a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist of adequate protection from groundshaking. - No significant adverse impacts on aquatic habitat. - Adequate protection from flooding. - Assurance to the satisfaction of the Design Committee that visual resources will not be degraded 	<p>Planning Area Boundary.</p> <p>[See Policy Group LU-4 on <i>Land Use Policies</i> spreadsheet and Policy LU-4g below.]</p>	<p>[Revised by Ordinance No. 1377, September 2008]</p> <p>[See suggested modifications of Policy Group C-LU-4 on <i>Land Use Policies</i> spreadsheet and Policy C-LU-4g below.]</p>
<p>IV-13 The City shall issue Conditional Use Permits in industrially zoned areas within the Coastal Zone for animal processing plants only for coastal dependent industries. Conditions of approval shall include, at a minimum:</p> <ul style="list-style-type: none"> - Assurance to the satisfaction of a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist of adequate protection from groundshaking. - No significant adverse impacts on aquatic habitat. - Adequate protection from flooding. - Assurance to the satisfaction of the Design Assistance Committee that visual resources will not be degraded. 	<p>LU-1g <i>Coastal dependent land uses.</i> Coastal dependent developments shall have priority over other development or uses on or near the Arcata Bay shoreline. Coastal dependent developments shall not be sited in a wetland. Where appropriate, coastal dependent developments should be accommodated within reasonable proximity to the coastal dependent uses they support.</p>	<p>[See New Suggested Policy C-GM-1n].</p>
<p>IV-20 New residential uses, other than caretaker's quarters, shall only be permitted in industrial areas</p>	<p>[See Limited Industrial (I-L) Land Use Category</p>	<p>[See suggested modifications to Limited Industrial</p>

EXISTING CERTIFIED CLUE NEW DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
where the potential impacts on the residents have been addressed and the residents themselves will not create hardships for the operators of the industries. Special Use Permit criteria have been developed to implement this policy.	Description on <i>Land Use Policies</i> spreadsheet]	(I-L) Land Use Category Description on <i>Land Use Policies</i> spreadsheet]
V-1 The City has determined that no special allocation of urban services is required in the Coastal Planning Area.	[Policy to be discontinued]	[No modifications suggested.]
VI-5 The City shall encourage the continued use of the tideland, or scientific and educational studies, commercial aquaculture, and recreational boating and fishing.	[See Policies RC-3d, RC-4c, and RC-4f on <i>ESHA Protection</i> and Public Access spreadsheets.]	[See suggested modifications to Policies C-RC-3d, C-RC-4c, and C-RC-4d on <i>ESHA Protection</i> and Public Access spreadsheets.]
VI-6 The City shall maintain the Boat Basin at its current design level of use.	[Policy to be discontinued]	[No modifications suggested.]

EXISTING CERTIFIED CLUE PRIORITY DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
EXISTING CERTIFIED CLUE RECREATION AND VISITOR-SERVING FACILITIES ELEMENT APPENDIX "B" POLICIES		
B-7 The City shall encourage the retention and expansion of commercial visitor serving facilities along Samoa Boulevard within the General Commercial zoning district, and along South "G" Street and South "I" Street in the Industrial Commercial zoning district.	[See Policy RC-4e on <i>Marine and Water Resources</i> spreadsheet.]	[See suggested modifications to Policy C-RC-4e on <i>Marine and Water Resources</i> spreadsheet.]
EXISTING CERTIFIED CLUE COMMERCIAL FISHING AND RECREATIONAL BOATING ELEMENT APPENDIX "F" POLICIES		
F-1 To protect aquaculture in Arcata Bay, the City shall: (a) Ensure that its wastewater discharge does not aggravate existing coliform loading problems in Arcata Bay; (b) As part of the stream maintenance program take measures to reduce coliform loading of perennial streams within its jurisdiction. These measures shall include controlling identified sources of coliform loading such as septic tank leachate and run-off from agricultural operations.	[See Policy RC-4e on <i>Marine and Water Resources</i> spreadsheet.]	[See suggested modifications to Policy C-RC-4e on <i>Marine and Water Resources</i> spreadsheet.]
F-2 To encourage additional aquaculture in Humboldt Bay, the City shall continue the development of: (a) The integrated wetland enhancement, wastewater treatment and salmon ranching program. (b) The tidelands for commercial and sports oyster production.	[Policy to be discontinued]	[No modifications suggested.]

EXISTING CERTIFIED CLUE PRIORITY DEVELOPMENT POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
EXISTING CERTIFIED CLUE INDUSTRIAL DEVELOPMENT ELEMENT APPENDIX “M” POLICIES		
<p>M-1 The City shall issue Conditional Use Permits in industrial zoned areas for the following heavy manufacturing uses in the Coastal Zone only when no feasible less environmentally damaging alternative is available, and only when adequate mitigation has been demonstrated: Salvage yards, drilling for gas or oil, the smelting and reduction of metallic ores, manufacturing, refining, and storage of petroleum products, acids, cement, concrete, pottery, asphaltic paving products, lime, explosives, fireworks, gas, glue, gypsum, plaster of paris, and inflammable fluids or gases. Conditions for approval shall include, as a minimum, the following criteria:</p> <ul style="list-style-type: none"> - Assurance to the satisfaction of a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist of adequate protection from groundshaking. - No significant adverse impacts on aquatic habitat. - Adequate protection from flooding. - Assurance to the satisfaction of the Design Assistance Committee that visual resources will not be degraded. 	<p>[See Policy Group LU-4 on <i>Land Use Policies</i> spreadsheet and Policy LU-4g below.]</p>	<p>[See suggested modifications to Policy Group C-LU-4 on <i>Land Use Policies</i> spreadsheet and Policy C-LU-4g below.]</p>
<p>M-2 The City shall issue conditional use permits in industrial zoned areas for animal processing plants within the Coastal Zone only for coastal dependent industries. Conditions of approval shall include, as a minimum:</p> <ul style="list-style-type: none"> - Assurance to the satisfaction of a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist of adequate protection from groundshaking. - No significant adverse impacts on aquatic habitat. - Adequate protection from flooding. - Assurance to the satisfaction of the Design Assistance Committee that visual resources will not be degraded. 	<p>[See Policy Group LU-4 on <i>Land Use Policies</i> spreadsheet.]</p>	<p>[See suggested modifications to Policy Group C-LU-4 on <i>Land Use Policies</i> spreadsheet.]</p>

PROPOSED NEW DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>LU-4g <i>Coastal related resource extraction and processing.</i> The City of Arcata recognizes the national need for the responsible exploration, recovery, and processing of the country’s energy resources. However, the City also recognizes the potential adverse impacts such activities can have on sensitive land and marine resources and on the scenic quality of coastal resources. Therefore, the City finds that, in order to minimize adverse impacts to such resources, on- and off-shore petroleum product exploration, recovery, and processing should be confined to those geographic areas which now accommodate these uses and activities. Consistent with this policy, the City shall prohibit on-shore petroleum exploration, production, and processing within its boundaries, and shall oppose the use of off-shore areas south and west of Arcata and in Humboldt County in general for such uses.</p>	<p>LU-4g <i>Coastal related resource extraction and processing.</i> The City of Arcata recognizes the national need for the responsible exploration, recovery, and processing of the country’s energy resources. However, the City also recognizes the potential adverse impacts such activities can have on sensitive land and marine resources and on the scenic quality of coastal resources. Therefore, the City finds that, in order to minimize adverse impacts to such resources, on- and off-shore petroleum product exploration, recovery, and processing should be confined to those geographic areas which now accommodate these uses and activities. Consistent with this policy, the City shall prohibit on-shore petroleum exploration, production, and processing within its boundaries, and shall oppose the use of off-shore areas south and west of Arcata and in Humboldt County in general for such uses.</p> <p>[Strike policy as inconsistent with override provisions of PRC 30262 and 30263; replace with policy language based on PRC 30250(b), 30255, 30262 30263, and 30515 verbiage. See suggested new Policies C-LU-1d, C-LU-2g, and C-LU-4g through C-LU-4i below.]</p>
<p>GM-1a <i>Planning Area.</i> The Planning Area shall include all lands within the boundary shown on Figure LU-a. The Planning Area includes lands where any future changes or management practices are likely to have an impact on the City of Arcata. The City shall request that all land use applications received by the County, or resource management plans received by other agencies, be referred to the City. The City shall review and comment on these applications and plans. The City shall also advocate that the County implement policies and that property owners manage for the conservation of these unincorporated lands. This policy applies to lands within the Planning Area but outside the Sphere of Influence.</p>	<p>GM-1a <i>Planning Area.</i> The Planning Area shall include all lands within the boundary shown on Figure LU a. The Planning Area includes lands where any future changes or management practices are likely to have an impact on the City of Arcata. The City shall request that all land use applications received by the County, or resource management plans received by other agencies, be referred to the City. The City shall review and comment on these applications and plans. The City shall also advocate that the County implement policies and that property owners manage for the conservation of these unincorporated lands. This policy applies to lands within the Planning Area but outside the Sphere of Influence.</p>
<p>GM-1b <i>Referrals by Humboldt County.</i> The City shall review all development and infrastructure proposals affecting the Planning Area and communicate the City’s position on these matters to the applicable decision-making body. Humboldt County shall be requested to refer all planning studies and applications for development in the Planning Area to the Arcata Community Development Department, for review and comment, prior to taking action.</p>	<p>GM-1b <i>Referrals by Humboldt County.</i> The City shall review all development and infrastructure proposals affecting the Planning Area and communicate the City’s position on these matters to the applicable decision-making body. Humboldt County shall be requested to refer all planning studies and applications for development in the Planning Area to the Arcata Community Development Department, for review and comment, prior to taking action.</p>
<p>GM-1c <i>Land-use designations within the Planning Area.</i> The City shall request that the County of Humboldt retain rural and agricultural designations on lands located within the Planning Area. The City shall request that the County adopt consistent land use designations for lands within the planning area but outside the Sphere of Influence, as shown on Figure LU-b.</p>	<p>GM-1c <i>Land-use designations within the Planning Area.</i> The City shall request that the County of Humboldt retain rural and agricultural designations on lands located within the Planning Area. The City shall request that the County adopt consistent land use designations for lands within the planning area but outside the Sphere of Influence, as shown on Figure LU b.</p>
<p>GM-1d <i>Greenbelt.</i> The rural and agricultural lands within the Planning Area are designated by the City as open space or greenbelt. The intent is that such lands shall not be developed with urban densities or uses and that land uses shall be limited to agricultural production and natural resources conservation.</p>	<p>GM-1d <i>Greenbelt.</i> The rural and agricultural lands within the Planning Area are designated by the City as open space or greenbelt. The intent is that such lands shall not be developed with urban densities or uses and that land uses shall be limited to agricultural production and natural resources conservation.</p>

PROPOSED NEW DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>GM-1e <i>Resource Protection in the Planning Area.</i> Proposals which could affect the Planning Area’s resources, including those resources addressed in the Resources Conservation and Management Element, shall be reviewed by the City. City review shall address the proposal’s compatibility with applicable General Plan policy. The City shall communicate the intent of this policy to agencies with jurisdiction within the Planning Area (for example, the California Department of Forestry and Fire Protection for timber management, and the Humboldt Bay Harbor, Recreation and Conservation District for Humboldt Bay tidelands management) together with the policies in the Resource Conservation and Management Element.</p>	<p>GM-1e <i>Resource Protection in the Planning Area.</i> Proposals which could affect the Planning Area’s resources, including those resources addressed in the Resources Conservation and Management Element, shall be reviewed by the City. City review shall address the proposal’s compatibility with applicable General Plan policy. The City shall communicate the intent of this policy to agencies with jurisdiction within the Planning Area (for example, the California Department of Forestry and Fire Protection for timber management, and the Humboldt Bay Harbor, Recreation and Conservation District for Humboldt Bay tidelands management) together with the policies in the Resource Conservation and Management Element.</p>
<p>GM-2a <i>Sphere of Influence.</i> The proposed Sphere of Influence boundary, which must be adopted by LAFCo for the City of Arcata, is shown on Figure GM-a. The boundary defines land parcels that are eligible for annexation to the City in the future. The City shall maintain an adequate amount of land in the Sphere of Influence to accommodate future growth, consistent with the goals and policies of this plan, as well as to protect open space and productive resource uses. Annexation of property may not proceed unless or until such lands are within the Sphere of Influence boundary.</p>	<p>GM-2a <i>Sphere of Influence.</i> The proposed Sphere of Influence boundary, which must be adopted by LAFCo for the City of Arcata, is shown on Figure GM-a. The boundary defines land parcels that are eligible for annexation to the City in the future. The City shall maintain an adequate amount of land in the Sphere of Influence to accommodate future growth, consistent with the goals and policies of this plan, as well as to protect open space and productive resource uses. Annexation of property may not proceed unless or until such lands are within the Sphere of Influence boundary.</p>
<p>GM-2b <i>Changes to the Sphere of Influence boundary.</i> The City shall comprehensively evaluate the Sphere of Influence boundary at least every five years, but more frequently if appropriate. Any boundary amendments shall be considered by the Planning Commission and recommended to the City Council, prior to any action by LAFCo. Any City decision to change the boundary shall be based on the following:</p> <ol style="list-style-type: none"> 1. The resulting area has an adequate supply of land to accommodate projected housing needs allocated by the Humboldt County Council of Government. 2. Any owner of property located adjacent the Sphere of Influence boundary may request that the City add his or her lands to the Sphere of Influence. 3. Any such proposal shall also identify the requested land use designations and any other necessary or appropriate amendments to the various elements of the General Plan. 4. In considering such requests, and at each periodic comprehensive evaluation, the City Council, upon recommendation of the Planning Commission, shall determine whether it would serve the public interest to designate additional lands for which to provide municipal services and developed with urban uses. 5. An amendment to the Sphere of Influence to include additional lands shall be subject to environmental review pursuant to CEQA. 6. A proposal to amend the Sphere of Influence may be considered concurrently with an annexation request. 7. Any adjustment to the sphere boundary incorporates adequate provisions for open space. 	<p>GM-2b <i>Changes to the Sphere of Influence boundary.</i> The City shall comprehensively evaluate the Sphere of Influence boundary at least every five years, but more frequently if appropriate. Any boundary amendments shall be considered by the Planning Commission and recommended to the City Council, prior to any action by LAFCo. Any City decision to change the boundary shall be based on the following:</p> <ol style="list-style-type: none"> 1. The resulting area has an adequate supply of land to accommodate projected housing needs allocated by the Humboldt County Council of Government. 2. Any owner of property located adjacent the Sphere of Influence boundary may request that the City add his or her lands to the Sphere of Influence. 3. Any such proposal shall also identify the requested land use designations and any other necessary or appropriate amendments to the various elements of the General Plan. 4. In considering such requests, and at each periodic comprehensive evaluation, the City Council, upon recommendation of the Planning Commission, shall determine whether it would serve the public interest to designate additional lands for which to provide municipal services and developed with urban uses. 5. An amendment to the Sphere of Influence to include additional lands shall be subject to environmental review pursuant to CEQA. 6. A proposal to amend the Sphere of Influence may be considered concurrently with an annexation request. 7. Any adjustment to the sphere boundary incorporates adequate provisions for open space.

PROPOSED NEW DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>GM-2c <i>Areas in Sphere of Influence intended only for partial services.</i> Some areas are included in the Sphere of Influence only for the purpose of receiving City water service, such as the Jacoby Creek residential area. Such areas are not to be considered for annexation during the 20-year time frame of this Plan.</p>	<p>GM-2c <i>Areas in Sphere of Influence intended only for partial services.</i> Some areas are included in the Sphere of Influence only for the purpose of receiving City water service, such as the Jacoby Creek residential area. Such areas are not to be considered for annexation during the 20-year time frame of this Plan.</p>
<p>GM-2d <i>City land-use designations.</i> The City's land use designations for parcels located within the Sphere of Influence are shown in Figure LU-a. These designations have legal force and effect only upon annexation of particular land areas to the City.</p>	<p>GM-2d <i>City land-use designations.</i> The City's land use designations for parcels located within the Sphere of Influence are shown in Figure LU-a. These designations have legal force and effect only upon annexation of particular land areas to the City.</p>
<p>GM-2e <i>Prezoning of parcels within the Sphere of Influence.</i> Lands in the Sphere of Influence shall not be prezoned until the City considers particular annexation requests. Such prezoning shall be consistent with the City land-use designations for the Sphere area, or a General Plan Amendment would be required. The purpose shall be to provide maximum latitude to the City to determine the appropriate timing of expansion of the City boundaries, extension of services, and urban development.</p>	<p>GM-2e <i>Prezoning of parcels within the Sphere of Influence.</i> Lands in the Sphere of Influence shall not be prezoned until the City considers particular annexation requests. Such prezoning shall be consistent with the City land use designations for the Sphere area, or a General Plan Amendment would be required. The purpose shall be to provide maximum latitude to the City to determine the appropriate timing of expansion of the City boundaries, extension of services, and urban development.</p>
<p>GM-2f <i>County Land-use and Zoning designations in Sphere of Influence.</i> The City shall request that Humboldt County adopt agricultural, natural resource, or other rural land use designations, within the Sphere of Influence, as a holding zone to prevent premature development prior to annexation to the City. This shall not apply to areas which are already fully developed such as Pacific Manor. The County's land-use designations are legally binding until annexation to the City is completed.</p>	<p>GM-2f <i>County Land use and Zoning designations in Sphere of Influence.</i> The City shall request that Humboldt County adopt agricultural, natural resource, or other rural land use designations, within the Sphere of Influence, as a holding zone to prevent premature development prior to annexation to the City. This shall not apply to areas which are already fully developed such as Pacific Manor. The County's land use designations are legally binding until annexation to the City is completed.</p>
<p>GM-2g <i>Resource lands in the Sphere of Influence.</i> The City shall periodically review the SOI boundary, especially to the west, to determine whether resource lands are being adequately protected.</p>	<p>GM-2g <i>Resource lands in the Sphere of Influence.</i> The City shall periodically review the SOI boundary, especially to the west, to determine whether resource lands are being adequately protected.</p>

PROPOSED NEW DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>GM-3a <i>City annexation procedure.</i> The City prefers to consider annexation requests prior to LAFCo consideration. If area property owner(s) or residents request that the City initiate an annexation request to LAFCo, the following procedures shall apply:</p> <ol style="list-style-type: none"> 1. Initiation: <ol style="list-style-type: none"> a. If lands are inhabited, a petition must be signed by no less than fifty percent of the resident voters, or at least twenty-five percent of owners of property located within the annexation area; b. If lands are uninhabited but consist of more than one parcel and owner, a petition must be signed by a majority of owners representing more than fifty percent of the annexation area; c. If a single parcel, a petition must be submitted by owner(s). 2. The Planning Commission shall review and make a recommendation on the requested annexation to City Council. 3. Final Action shall be taken by Council regarding Resolution of Intention for annexation. 4. Following City Council approval of annexation request, including any accompanying General Plan amendment, pre-zoning ordinance and/or environmental document, the City shall transmit the annexation request to LAFCo for its consideration and decision. 	<p>GM-3a <i>City annexation procedure.</i> The City prefers to consider annexation requests prior to LAFCo consideration. If area property owner(s) or residents request that the City initiate an annexation request to LAFCo, the following procedures shall apply:</p> <p>1. Initiation:</p> <ol style="list-style-type: none"> a. If lands are inhabited, a petition must be signed by no less than fifty percent of the resident voters, or at least twenty-five percent of owners of property located within the annexation area; b. If lands are uninhabited but consist of more than one parcel and owner, a petition must be signed by a majority of owners representing more than fifty percent of the annexation area; c. If a single parcel, a petition must be submitted by owner(s). <p>2. The Planning Commission shall review and make a recommendation on the requested annexation to City Council.</p> <p>3. Final Action shall be taken by Council regarding Resolution of Intention for annexation.</p> <p>4. Following City Council approval of annexation request, including any accompanying General Plan amendment, pre-zoning ordinance and/or environmental document, the City shall transmit the annexation request to LAFCo for its consideration and decision.</p>
<p>GM-3b <i>Required materials for consideration of annexations of non-urbanized land areas.</i> The following shall apply to annexation requests where the land proposed to be added to the City is not developed with urban land uses prior to annexation:</p> <ol style="list-style-type: none"> 1. The City, or experts under contract to the City, shall prepare a detailed annexation study addressing items "a" through "f" listed below. <ol style="list-style-type: none"> a. A comprehensive and detailed analysis of the fiscal impacts of the annexation, addressing the full range of revenues and expenditures. One-time capital costs of facilities, as well as recurring operating costs and revenues, shall be evaluated; b. A study and/or proposal for tax-sharing agreements with other taxing entities, such as the County; c. An accompanying General Plan Amendment, if requested or appropriate; d. A proposed preliminary development plan, including phasing if appropriate; e. An assessment of the City's capacity to provide facilities and services, including: wastewater collection and treatment; stormwater management; water supply and distribution; streets and circulation; fire protection; police services; parks; and others as appropriate; f. A rezoning ordinance. The costs of preparing the annexation study, including City administrative costs, shall be borne by the property owner(s) requesting the City to consider the annexation. 2. An environmental document pursuant to CEQA. 3. A Planned Development or Specific Plan may be required for any land area greater than five acres. 	<p>GM-3b <i>Required materials for consideration of annexations of non-urbanized land areas.</i> The following shall apply to annexation requests where the land proposed to be added to the City is not developed with urban land uses prior to annexation:</p> <ol style="list-style-type: none"> 1. The City, or experts under contract to the City, shall prepare a detailed annexation study addressing items "a" through "f" listed below. <ol style="list-style-type: none"> a. A comprehensive and detailed analysis of the fiscal impacts of the annexation, addressing the full range of revenues and expenditures. One-time capital costs of facilities, as well as recurring operating costs and revenues, shall be evaluated; b. A study and/or proposal for tax-sharing agreements with other taxing entities, such as the County; c. An accompanying General Plan Amendment, if requested or appropriate; d. A proposed preliminary development plan, including phasing if appropriate; e. An assessment of the City's capacity to provide facilities and services, including: wastewater collection and treatment; stormwater management; water supply and distribution; streets and circulation; fire protection; police services; parks; and others as appropriate; f. A rezoning ordinance. The costs of preparing the annexation study, including City administrative costs, shall be borne by the property owner(s) requesting the City to consider the annexation. 2. An environmental document pursuant to CEQA. 3. A Planned Development or Specific Plan may be required for any land area greater than five acres.

PROPOSED NEW DEVELOPMENT POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>GM-3c <i>Criteria for annexation of undeveloped land areas.</i> All undeveloped lands proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall:</p> <ol style="list-style-type: none"> 1. Be within Urban Services Boundary and adjacent to existing urban development. 2. Not exceed the City’s capacity to provide services and infrastructure to accommodate proposed development. 3. Have annexation timed so that availability of services and infrastructure is concurrent with need. 4. Have a positive or neutral fiscal impact, or other overriding public benefits; 5. Be in compliance with General Plan policies. 6. Not include prime agriculture land (Storie Index 60 or higher) other than with designation and prezone as Agriculture-Exclusive [A-E]. 	<p>GM-3c <i>Criteria for annexation of undeveloped land areas.</i> All undeveloped lands proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall:</p> <ol style="list-style-type: none"> 1. Be within Urban Services Boundary and adjacent to existing urban development. 2. Not exceed the City’s capacity to provide services and infrastructure to accommodate proposed development. 3. Have annexation timed so that availability of services and infrastructure is concurrent with need. 4. Have a positive or neutral fiscal impact, or other overriding public benefits; 5. Be in compliance with General Plan policies. 6. Not include prime agriculture land (Storie Index 60 or higher) other than with designation and prezone as Agriculture-Exclusive [A-E].
<p>GM-3d <i>Criteria for annexation of areas with existing urban development.</i> All lands with existing urban development proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall:</p> <ol style="list-style-type: none"> 1. Be within the Urban Services Boundary and adjacent to existing city boundary. 2. Have facilities brought up to City standard prior to or concurrent with annexation. 3. Have costs of service extensions borne entirely by owners of annexing properties and not by existing City taxpayers or ratepayers, or, have a financing mechanism in place prior to annexation. 	<p>GM-3d <i>Criteria for annexation of areas with existing urban development.</i> All lands with existing urban development proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall:</p> <ol style="list-style-type: none"> 1. Be within the Urban Services Boundary and adjacent to existing city boundary. 2. Have facilities brought up to City standard prior to or concurrent with annexation. 3. Have costs of service extensions borne entirely by owners of annexing properties and not by existing City taxpayers or ratepayers, or, have a financing mechanism in place prior to annexation.
<p>GM-4c <i>Requirements and procedures for modifying Urban Services Boundary.</i> The following findings must be made to modify the Urban Services Boundary:</p> <ol style="list-style-type: none"> 1. There are existing urban uses or urban uses designated on the land use plan map for the area being considered. 2. There is sufficient existing or planned infrastructure capacity to extend water, sewer, police protection, and other services, without reducing service standards for other areas. 3. The area to be served is adjacent to existing urban development. 4. The area to be served is within the City limits or Sphere of Influence. 5. City services extensions will not adversely impact natural resources in the area. 	<p>GM-4c C-GM-1q <i>Requirements and procedures for modifying Urban Services Boundary.</i> <u>The Evidence substantiating the following findings must be made provided by the City in support of any LCP amendment</u> to modify the Urban Services Boundary:</p> <ol style="list-style-type: none"> 1. There are existing urban uses or urban uses designated on the land use plan map for the area being considered. 2. There is sufficient existing or planned infrastructure capacity to extend water, sewer, police protection, and other services, without reducing service standards for other areas. <u>Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.</u> 3. The area to be served is adjacent to existing urban development. 4. The area to be served is within the City limits or Sphere of Influence. 5. City services extensions will not adversely impact natural resources in the area. <u>6. The service boundary modification would not induce new development inconsistent with this Coastal Land Use Plan.</u>

ENIRELY NEW COMMISSION SUGGESTED NEW DEVELOPMENT POLICIES AND STANDARDS

C-GM-1a *Location of new development relative to existing developed areas, services; limitations.* New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

C-GM-1b *Location, amount of new development relative to coastal access.* The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

C-GM-1c *Rural land divisions.* Land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

C-GM-1d *Location of hazardous industrial development.* Where feasible, new hazardous industrial development shall be located away from existing developed areas.

C-GM-1e *Location of visitor-serving facilities.* Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

C-GM-1f *Location or expansion of coastal-dependent industrial development.* Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.

C-GM-1g *Water oriented recreation.* Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

C-GM-1h *Commercial recreation; priorities.* The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

C-GM-1i *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

C-GM-1j *Upland support areas.* Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

C-GM-1k *Recreational boating facilities.* Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

C-GM-1l *Commercial fishing and recreational boating industries.* Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

C-GM-1m *Commercial and recreational fishing.* The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

C-GM-1n *Coastal-dependent industrial facilities.* Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this coastal land use plan, they may nonetheless be permitted in accordance with this section and Policies C-LU-4f and C-LU-4g if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

ENIRELY NEW COMMISSION SUGGESTED NEW DEVELOPMENT POLICIES AND STANDARDS

C-LU-4g Oil and gas development, including onshore facilities, shall be permitted in accordance with Policy C-GM-2g, if the following conditions are met:

(1) The development is performed safely and consistent with the geologic conditions of the site.

(2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.

(4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas, Geothermal Resources of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

(7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.

(C) The following guidelines shall be used when applying subparagraphs (A) and (B):

(i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:

(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.

(II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.

(ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).

(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.

(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.

(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

ENIRELY NEW COMMISSION SUGGESTED NEW DEVELOPMENT POLICIES AND STANDARDS

C-LU-4h (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this coastal land use plan shall be permitted if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

C-LU-4i Any person authorized to undertake a public works project or proposing an energy facility development may request the City to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the City determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Coastal Land Use Code Chapter 9C.92.

If the City does not amend its local coastal program, such person may file with the Coastal Commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of the California Coastal Act. The City shall be provided an opportunity to set forth the reasons for its action. The Coastal Commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the City's certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of the Coastal Act.

PUBLIC WORKS (ROAD SYSTEMS, SOLID WASTE, AIRPORTS, WATER SUPPLIES, SEWAGE TREATMENT, CSDs)
POLICIES AND STANDARDS [PRC §§ 30254, 30254.5]

EXISTING CERTIFIED CLUE PUBLIC WORKS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
VI-9 The City shall restrict development of the Corporation Yard facilities to its existing boundaries, and shall maintain a landscaped screen along the northern and eastern perimeter of the oxidation pond.	PF-5b <i>City administrative and operations facilities and community centers.</i> The City shall limit development of the Corporation Yard facilities to within existing boundaries, and shall maintain a landscaped screen along the northern and eastern perimeter of the oxidation pond.	[No modifications suggested; renumber as Policy C-PF-5b.]
VI-10 The City shall maintain the existing facilities of the Arcata Marsh and Wildlife Sanctuary and construct new facilities consistent with the plan developed by the [then] Marsh Task Force or its equivalent (currently the Arcata Wetlands and Creeks Advisory Committee) and adopted by the City Council.	PF-2b <i>Arcata Marsh wastewater treatment system.</i> The City shall update its Wastewater Treatment Plant Master Plan, at least every five years, to evaluate the entire system; reflect any changes in treatment standards; ensure wastewater treatment is meeting current standards; verify that there is adequate treatment system capacity; and assure adequate water flows to maintain habitat. The City shall maintain the existing facilities of the Arcata Marsh and Wildlife Sanctuary and construct new facilities consistent with the Marsh Enhancement Plan adopted by the City Council.	[Move to <i>Other Initiatives</i>]
EXISTING CERTIFIED CLUE PUBLIC WORKS ELEMENT APPENDIX “L” POLICIES		
L-1 To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing habitat values, the City shall encourage and promote flood protection practices which manage flooding problems on a watershed basis. (a) The City shall encourage the expansion of Janes Creek Flood Control District to include the watersheds of Janes ,Jolly Giant, Grotzman, and Beith Creeks, or shall otherwise coordinate with the County to alleviate existing flooding problems. (b) The newly formed district or designated agency shall evaluate alternate flood control measures and select a flood control plan that improves drainage and minimizes potential hazards in the Coastal Zone. (c)In evaluating alternates, emphasis shall be placed on improvement of drainage. However, enlarging of existing tidegates, dredging of presently undredged sections of creek, or construction of new structures shall be allowed only when no less environmentally damaging alternate is feasible, only when adequate mitigation is	[Policy not proposed to be part of the updated LCP <i>in toto</i> . Only sub-part (c), as incorporated into Policy RC-4d would be carried forward.]	[See suggested modifications to Policy C-RC-4d on <i>Existing & Proposed Permissible ESHA Development Policies</i> spreadsheet.]

EXISTING CERTIFIED CLUE PUBLIC WORKS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
provided, and only when not located within a wetland. If mitigation for said development is provided in the form of a fully approved restoration project, such development may be permitted in a wetland.		
L-2 The City's proposed wastewater reclamation and aquaculture project is consistent with Coastal Act policies and requires no special provisions in Arcata's General Plan.	[Policy proposed to be discontinued]	[No modifications suggested]
L-3 The City shall restrict development of the Corporation Yard facilities to existing filled lands.	LU-5c <i>Limitation of corporation yard expansion.</i> Development of the City corporation yard facilities shall be restricted to its existing boundaries. A landscape screen shall be maintained along with northern and eastern perimeter of the oxidation pond.	[See <i>Land Use Policies</i> spreadsheet.]
L-4 The City has determined that no special allocation of urban services is required in the Coastal Planning Area.	[Policy proposed to be discontinued]	[No modifications suggested]

PROPOSED NEW PUBLIC WORKS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>T-4a <i>Freeways and Highways</i>. State Routes 101 and 299 are designated as freeways for their entire length in the City. State Route 255 is designated as both an arterial and a highway within the City. The following standards shall apply to these classifications:</p> <ol style="list-style-type: none"> 1. Function. The function of freeways is to provide for high speed automobile and freight movement for intercity and regional travel. Freeway access is highly controlled to achieve this function. Freeway operations, design, and maintenance are under the jurisdiction of the State. Highways (Route 255) also function to move automobiles and freight at relatively high speeds with little friction from intersections and conflicting traffic. Access is controlled on highways, but not as restrictive as freeways. [See functional classification map in Figure T-a.] 2. No additional travel lanes. The City does not support development of any additional through-travel lanes to State Routes 101, 299, or 255 in Arcata or nearby areas. Existing and projected traffic volumes do not warrant additional lanes on these facilities. 3. Auxiliary lanes. The City does not support construction of auxiliary lanes between existing interchanges, or any new interchanges, on State Route 101. 4. Interchange improvements. The City supports interchange improvements that reduce potential conflicts created by unrestricted access from freeway off-ramps. 5. Landscaping. The City encourages Caltrans to maintain and improve landscaping along freeway corridors in Arcata and surrounding areas to improve aesthetics, provide a visual and noise buffer, and maintain the rural and small-town character of the region. 6. Undesignated right of way. All public rights of way with no land use designation (i.e. freeways, highways and associated interchanges) shall be used for transportation purposes only, including multi-modal use. All land uses within these rights of way shall be for transportation or related (i.e. lighting, drainage, utilities, pedestrian and bicycle) purposes. If vacated these areas shall be designated in accordance with the Land Use Code. 	<p>[No modifications suggested; renumber as Policy C-T-4a.]</p>

PROPOSED NEW PUBLIC WORKS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>T-4b <i>Arterial Streets</i>. Routes designated as arterial streets are shown on the functional classification map in Figure T-a. The following shall apply to these routes:</p> <ol style="list-style-type: none"> 1. Functional classification and designated routes. Arterial streets are intended to provide a high degree of mobility and serve longer trips within the City. Arterials connect various neighborhoods within Arcata and provide direct connections to the state highway system. Arterials are intended to emphasize traffic movement over access to property. 2. Alternative street cross-sections for arterial streets. The Department of Public Works shall prepare alternative cross-sections for new arterial streets utilizing a smaller right-of-way, and prepare alternative cross-sections for existing rights-of-way that reduce traffic speed and safely accommodate bicycle and pedestrian traffic. 3. Arterial street connectors. Extend existing roads to increase the City’s arterial connectivity if proposed development creates significant traffic congestion or overwhelms existing neighborhoods. The Foster Avenue to Sunset connector is a planned road extension if feasible. This project will extend Foster Avenue east of Alliance Road to connect with Sunset Avenue near the State Route 101 interchange to create an east-west facility between Spear Avenue and 14thStreet. This extension would bypass the residential neighborhoods on Sunset Avenue, provide a direct arterial connection from Alliance Road to State Route 101, and improve and facilitate bus routing. 4. No additional automobile travel lanes on arterial streets. Street projects to improve traffic flow shall emphasize intersection improvements and facility maintenance. Construction of additional arterial street travel lanes shall be considered only when no other feasible congestion management methods are available. 5. Minimize the installation of new traffic signals. New traffic signals shall be provided only in instances where there is no feasible alternative to relieve a demonstrated safety problem at an intersection (based on documented accidents). Alternatives which shall be studied prior to signals include roundabouts or installation and monitoring of all-way stop signs. 6. Minor improvements at intersections. Minor projects to improve traffic safety include redistributing lane allocations and coordination of traffic signals. Improvement projects shall be designed to accommodate the needs of pedestrians and bicyclists. 	<p>[No modifications suggested; renumber as Policy C-T-4b.]</p>

PROPOSED NEW PUBLIC WORKS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>T-4c <i>Collector Streets.</i> Routes designated as collector streets are shown on the functional classification map in Figure T-a. The following shall apply to collector routes:</p> <ol style="list-style-type: none"> 1. Functional classification and designated routes. Collector streets serve to provide access to land use and movement of traffic, pedestrians, and bicycles within residential, commercial, and industrial areas. Collectors generally penetrate, but should not have continuity through residential neighborhoods. Collector streets collect traffic from local streets and distribute it to the arterial street system. 2. Alternative street cross-sections for collector streets. The Department of Public Works shall prepare alternative cross-sections for new collector streets utilizing a smaller right-of-way, and prepare alternative cross-sections for existing rights-of-way that reduce traffic speed and safely accommodate bicycle and pedestrian traffic. 3. No additional automobile travel lanes on existing collector streets. No additional travel lanes are planned on collector streets. If congestion occurs, it shall be managed using alternative methods such as intersection improvements or diversion of trips to other travel modes. 4. Intersection Improvements. No new traffic signals are planned on collector streets. Other alternatives that may be considered to improve safety at intersections include stop signs, roundabouts, or other traffic calming measures. 	<p>[No modifications suggested; renumber as Policy C-T-4c.]</p>
<p>T-4d <i>Local Streets.</i> All streets within the city not classified in another category in Figure T-a are designated as local streets. The following standards apply to these streets:</p> <ol style="list-style-type: none"> 1. Functional classification and designated routes. Local streets function to provide access to adjacent land use and exist in any land use setting such as residential, commercial, and industrial areas. Movement on local streets is intended to involve traveling to and from a collector facility. Therefore, the trip length on a local street is intended to be short, volumes should be low, and speeds slow. 2. Alternative street cross-sections for local streets. The Department of Public Works shall prepare alternative cross-sections for new local streets utilizing a smaller right-of-way, and shall prepare alternative cross-sections for existing rights-of-way that reduce traffic speed and safely accommodate bicycle and pedestrian traffic. 	<p>[No modifications suggested; renumber as Policy C-T-4d.]</p>
<p>T-4e <i>Rural Roads.</i> Routes designated as rural roads are shown on the functional classification map in Figure T-a. The following standards shall apply to these roads:</p> <ol style="list-style-type: none"> 1. Functional classification. Rural roads serve very low density land uses (mostly agricultural and rural residential) outside of the urbanized area of Arcata. Rural roads are usually not intended to serve through traffic, but often accommodate truck traffic related to the land uses served. 2. Maintain rural character. Rural roads shall be maintained in a manner which will retain their rural character and discourage use as alternatives to arterials and highways for longer distance travel. 	<p>[No modifications suggested; renumber as Policy C-T-4e.]</p>

PROPOSED NEW PUBLIC WORKS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>T-5a <i>Overall bicycle route system and connectivity.</i> The bicycle route system plan is shown in Figure T-e. The bicycle route system shall be improved and expanded as necessary to serve new development and activity centers. Routes that provide access to and between major destinations including public facilities, schools, parks and open space, employment, and shopping, shall be the highest priority. Future improvements may be made which upgrade bike routes to a higher class. The City shall:</p> <ol style="list-style-type: none"> 1. Regularly (at least every two years) update the Arcata Bicycle Plan and coordinate planning efforts with Caltrans and the Humboldt County Council of Government's bicycle plans and advocacy groups to provide continuous bicycle routes. 2. Maintain existing bicycle routes and provide additional routes where feasible connecting the various neighborhoods with Humboldt State University. Class II bike lanes shall be provided on routes with the highest bicycle demand, or where there is sufficient right of way. 	<p>[No modifications suggested; renumber as Policy C-T-5a.]</p>
<p>T-5g <i>Pedestrian pathways and multi-use trails.</i> Pedestrian pathways or multi-use trails for the exclusive use of non-motorized transportation modes should be provided. Pathways may be long facilities located along corridors or short facilities providing direct access through development projects or connecting areas not directly accessible by streets. Pathways should be planned to serve both recreational and commuter needs. The following shall apply to pedestrian pathways or multi-use trails:</p> <ol style="list-style-type: none"> 1. Easement dedication. Dedication of easements for pathways through new private developments may be required. 2. Cooperation with local and regional agencies and jurisdictions. The City shall cooperate with other agencies to establish and maintain off-street pathways and trails utilizing creek, utility, and railroad right of way. 3. Foster Avenue Extension. Multi-use paths or trails shall be included in the Foster Avenue extension to Sunset Avenue. 4. Other Locations. Other potential locations for multi-use paths are within the North Coast Railroad right of way from Giuntoli Lane to Samoa Boulevard, along the west side of Samoa Boulevard/Old Arcata Road east of State Route 101, and along the perimeter of Arcata Bay towards Manila. 	<p>T-5g C-T-5b <i>Pedestrian pathways and multi-use trails.</i> Pedestrian pathways or multi-use trails for the exclusive use of non-motorized transportation modes should be provided. Pathways may be long facilities located along corridors or short facilities providing direct access through development projects or connecting areas not directly accessible by streets. Pathways should be planned to serve both recreational and commuter needs. The following shall apply to pedestrian pathways or multi-use trails:</p> <ol style="list-style-type: none"> 1. Easement dedication. Dedication of easements for pathways for access to the coast through new private developments may shall be required consistent with the requirements of Coastal Land Use Code Chapter 9C.61. 2. Cooperation with local and regional agencies and jurisdictions. The City shall cooperate with other agencies to establish and maintain off-street pathways and trails utilizing creek, utility, and railroad right of way. 3. Foster Avenue Extension. Multi-use paths or trails shall be included in the Foster Avenue extension to Sunset Avenue. 4. Other Locations. Other potential locations for multi-use paths are within the North Coast Railroad right of way from Giuntoli Lane Eighth Street to Samoa Boulevard, along the west side of Samoa Boulevard/Old Arcata Road east of State Route 101, and along the perimeter of Arcata Bay towards Manila. <p>[Move declaratory language of subsection 2 to <i>Other Initiatives</i>]</p>
<p>T-7a <i>Retention of railroad right of way.</i> The North Coast Railroad Authority is encouraged to maintain railroad rights-of-way even if service is abandoned. The City may consider purchase of right of way should the Authority decide to sell. Railroad right of way may potentially be used for creation of multi-use trails. Long range potential uses of railroad right of way include an exclusive bus transitway or passenger rail service.</p>	<p>[Move to <i>Other Initiatives</i>]</p>

PROPOSED NEW PUBLIC WORKS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>T-7d Rails to trails conversions. The City supports plans to convert abandoned railroad rights-of-way to provide multi-use trails. Planning efforts shall be coordinated with federal, state, and regional agencies to obtain funds to purchase or lease abandoned lines if the railroad authority selects not to dedicate the right of way. If feasible, active railroad lines may be used for multi-use trail purposes.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>PF-1b <i>Capacity and management of City water delivery system.</i> The City shall update its Urban Water Management Plan, at least every five years, to maintain current projections, management, and contingency programs for water delivery. The Plan shall identify needed water delivery system improvements and anticipated extensions so that they can be budgeted for in the City’s Capital Improvement Program. The City water system shall not be extended beyond the Urban Services Boundary (except as provided for in Policy GM-4b of the Growth Management Element). The City shall update its Water Master Plan, at least every five years, to assess system efficiency and ensure that there is adequate storage capacity and fire flows to meet City needs.</p>	<p>PF-1b C-PF-1a <i>Capacity and management of City water delivery system. The City shall update its Urban Water Management Plan, at least every five years, to maintain current projections, management, and contingency programs for water delivery. The Plan shall identify needed water delivery system improvements and anticipated extensions so that they can be budgeted for in the City’s Capital Improvement Program.</i> The City water system shall not be extended beyond the Urban Services Boundary (except as provided for in Policy GM-4b of the Growth Management Element). The City shall update its Water Master Plan, at least every five years, to assess system efficiency and ensure that there is adequate storage capacity and fire flows to meet City needs.</p> <p>[Move statement of intent language to <i>Other Initiatives</i>]</p>
<p>PF-2a <i>Capacity and management of City wastewater collection system.</i> The wastewater collection system is designed to transport community sewage to the treatment plant. The City shall update its Collection System Maintenance Program, at least every five years, to maintain current projections, management, and contingency programs for wastewater collection. The Plan shall identify needed collection system improvements and anticipated extensions, so that they can be budgeted for in the City’s Capital Improvement Program. The City shall continue to monitor groundwater infiltration and surface water inflow (I/I) and take necessary action to ensure that these sources do not cause the collection system or the treatment plant to exceed capacity. The City wastewater collection system shall not be extended beyond the Urban Services Boundary except as provided in Policy GM-4b.</p>	<p>PF-12a C-PF-2a <i>Capacity and management of City wastewater collection system. The wastewater collection system is designed to transport community sewage to the treatment plant. The City shall update its Collection System Maintenance Program, at least every five years, to maintain current projections, management, and contingency programs for wastewater collection. The Plan shall identify needed collection system improvements and anticipated extensions, so that they can be budgeted for in the City’s Capital Improvement Program. The City shall continue to monitor groundwater infiltration and surface water inflow (I/I) and take necessary action to ensure that these sources do not cause the collection system or the treatment plant to exceed capacity.</i> The City wastewater collection system shall not be extended beyond the Urban Services Boundary except as provided in Policy GM-4b <u>C-GM-3b</u>.</p> <p>[Move statement of intent language to <i>Other Initiatives</i>]</p>
<p>PF-2f <i>Maintain the Joint City/ Humboldt State University Wastewater Utilization Program.</i> Humboldt State University faculty and students were instrumental in the design, testing, and development of the Arcata Marsh and Wildlife Sanctuary. The City and the University jointly participate in a wastewater utilization program, which provides ongoing research projects for students studying wastewater, stormwater, and water quality issues. The City and University maintain a five-year agreement to operate the program, with the City providing the funding and the University providing the student research and faculty advisors. The City shall renew the program with the University when the current agreement ends, as long as there are funds available to compensate the University.</p>	<p>[Move to <i>Other Initiatives</i>]</p>

PROPOSED NEW PUBLIC WORKS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PF-3a <i>Utilization of City streams and watercourses as natural drainage systems.</i> Arcata’s network of creeks provide a natural drainage system, however, they are very susceptible to damage from urban pollutants carried by runoff, and from drainage facilities that alter creek flows and natural functions. The City shall utilize creeks for urban drainage only when the basic natural functions will not be degraded.</p>	<p>PF-3a C-PF-3g <i>Utilization of City streams and watercourses as natural drainage systems.</i> Arcata’s network of creeks provide a natural drainage system, however, they are very susceptible to damage from urban pollutants carried by runoff, and from drainage facilities that alter creek flows and natural functions. The City shall utilize creeks <u>Creeks and other natural drainage courses may be utilized for urban stormwater runoff drainage purposes only when if: the basic natural functions will not be degraded (a) development is sited and designed to preserve the infiltration, purification, detention, and retention functions of the natural drainage course, to the maximum extent practicable; and (b) the drainage is conveyed from the developed area of the site in a non-erosive manner.</u></p>
<p>PF-3b <i>Control of stormwater runoff, flooding, and erosion.</i> Stormwater runoff, especially at peak flows, can cause significant flooding and erosion if adequate precautions have not been taken. As stated in the Drainage Master Plan, the City shall manage the storm and surface water system in Arcata to maintain a hydrologic balance in order to protect water quality, prevent property damage, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas.</p>	<p>PF-3b C-PF-3h <i>Control of stormwater runoff, flooding, and erosion.</i> Stormwater runoff, especially at peak flows, can cause significant flooding and erosion if adequate precautions have not been taken. As stated in the Drainage Master Plan, the City shall manage the storm <u>Storm</u> and surface water system in Arcata to maintain a hydrologic balance in order to protect water quality, prevent property damage, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas <u>shall be managed in a manner consistent with all Coastal Land Use Plan policies.</u></p>
<p>PF-3c <i>Stormwater quality.</i> Enforce surface water controls, facilities such as detention basins and natural infiltration areas, and education programs to protect surface and ground-water quality.</p>	<p>[Move to <i>Other Initiatives</i>]</p>
<p>PF-3d <i>City drainage system.</i> The City shall take a comprehensive approach to drainage system management in order to effectively control the quantity of stormwater runoff, assure water quality, and reduce potential flood damage from peak flows. As stated in the City Drainage Master Plan, the City shall gradually expand the City managed drainage system to:</p> <ol style="list-style-type: none"> 1. Continue maintenance of all drainage facilities within public right-of-way, regardless of size. 2. Extend responsibility onto private property only when permanent easements are dedicated or otherwise available from the private property owner, and need is established based on technical criteria. 3. Define service limits upstream of the City as the point at which runoff from a publicly (not county) dedicated street enters the drainage system, or when a drainage feature needs repairs/improvements which have public benefits that exceed the cost of said repairs/improvements. 	<p>[Move to <i>Other Initiatives</i>]</p>
<p>PS-8c <i>Needs of cultural groups and special populations.</i> Cultural groups, such as Native Americans and other local ethnic populations, and special populations, such as those with physical and mental disabilities, may require more specialized services than those provided in community-wide programs. The City shall allow, where appropriate, use of public spaces for cultural group activities, and shall consider the needs of special populations in City programs, activities, and land use planning.</p>	<p>[Move to <i>Other Initiatives</i>]</p>

COMMISSION SUGGESTED NEW PUBLIC WORKS POLICIES AND STANDARDS

C-T-5c A continuous trail system shall be developed throughout the City which connects to the California Coastal Trail system.

C-T-5d The City shall strive to complete the links in the California Coastal Trail (CCT) by participating and consulting with the U.S. Fish and Wildlife Service, the State Department of Parks & Recreation, the State Coastal Conservancy, the County of Humboldt, the California Department of Transportation, the Wiyot Tribe, the Blue Lake Rancheria, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the City of Arcata California Coastal Trail (CCT) segment, including opening trails for vertical access as identified within the City's coastal access inventory. The CCT shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent unincorporated Coastal jurisdictions (Humboldt County).

C-PF-3b The City shall develop a comprehensive implementing stormwater quality management ordinance which sets as minimum requirements in the approval of new development the following water quality best management practices:

1. Reducing erosion to the greatest extent practicable through onsite retention of sediment during and after construction by: (a) minimizing the potential sources of sediment from the outset; (b) controlling the amount of runoff onto and from the site, and its ability to carry sediment, by diverting incoming flows and impeding internally generated flows; and (c) retaining sediment on the project site through the use of sediment-capturing devices.

2. Minimizing runoff of entrained non-sediment pollution from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the extent feasible.

3. Minimizing land disturbance during development construction phases to the extent feasible, including soil compaction associated with construction activities to retain the natural stormwater infiltration capacity of the soil.

4. Minimizing the disturbance of natural vegetation, including significant trees, native vegetation, and root structures, important for preventing erosion and sedimentation.

5. Prohibiting grading during the rainy season (i.e., November 1 to March 30), except in response to emergencies, and unless the review authority determines that soil conditions at the project site are suitable, adequate erosion and sedimentation control measures will be in place, and there is a low probability of significant precipitation occurring during the requested extended period for grading operations.

6. Stabilizing site soils promptly through the use of soil stabilization BMPs, including, but not limited to, re-vegetation on graded or disturbed areas as soon as feasible.

7. Limiting the application, generation, and migration of toxic substances, and ensuring their proper storage and disposal.

8. Applying nutrients and fertilizers at rates necessary to establish and maintain vegetation and landscaping without causing significant nutrient runoff to surface waters.

C-PF-3c Best management practices (BMPs) for controlling stormwater runoff and maintaining water quality shall be incorporated into the design and operation of new development. All post-construction structural BMPs (or suites of BMPs) for new residential, commercial, industrial, and public facilities development within the Coastal Zone shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile 1-hour storm event, with the incorporation of an appropriate safety factor for flow-based BMPs.

C-PF-3d The City shall develop a water quality checklist to be used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

C-PF-3e The City shall require markers or stenciling for all new storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

C-PF-3f The use of existing watercourses and detention basins may be authorized to convey stormwater only if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided.

HAZARDOUS AREAS (GEOLOGIC, SEISMIC, FLOOD, AND WILDFIRE) POLICIES AND STANDARDS [PRC § 30253]

EXISTING CERTIFIED CLUE HAZARDOUS AREAS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>III-1 The City shall regulate land use in areas of significant natural hazards in the following manner:</p> <p>(a) New Critical Facilities. No new critical facilities shall be permitted to locate in areas of potential liquefaction or within the 100-year flood plain (Table 1).</p> <p>TABLE 1. CRITICAL FACILITIES Critical Facilities include: power plants, large dams, civil defense headquarters, major electrical facilities, power and communication sub-stations, hospitals, schools, fire stations, police stations, radio stations, television stations, microwave stations, major public buildings, sewage treatment plants, and water works.</p> <p>(b) Existing Critical Facilities. Existing critical facilities located in areas of potential liquefaction shall not \$50,000 (as of December 1980) with allowances for inflation without requiring a detailed site investigation which addresses the potential for liquefaction and settlement, and develops adequate mitigations satisfactory to the City and to a registered geologist, a professional civil engineer, or a certified engineering geologist who supervises the study. Replacement of existing facilities or structures will not require further site investigation as outlined above. Existing critical facilities located in the 100-year flood plain shall be permitted to expand only if adequate flood control measures are provided and if the expansion cannot be provided for elsewhere due to the nature of the facility.</p> <p>(c) Non-critical Facilities. Non-critical facilities shall be permitted to locate or expand in areas of potential liquefaction. Non-critical facilities shall be permitted to locate or expand in the 100-year flood plain only if flood proofing measures which meet flood insurance criteria and which are satisfactory to the City are provided, and if it can be shown that such development would not cause additional flooding and/or drainage problems in other areas.</p>	<p>PS-1d <i>Siting and design of critical facilities.</i> Adequate shelter and continued operation of essential services, including communications, medical treatment, water delivery, fire and police services, and key transportation facilities are vital for responding to emergencies. These facilities and services shall be located and designed to withstand disaster impacts and have backup systems, such as emergency generators and water storage (including private and open water sources), that allow for their continuous operation during emergencies. New critical facilities shall not be located in areas with high physical hazards, including high liquefaction potential, flood zones, and tsunami hazards. Critical facilities shall be designed to be functional at peak capacity, following a magnitude 7.7 earthquake in the Mad River fault zone.</p>	<p>PS-1d C-PS-1a <i>Siting and design of critical facilities.</i> Adequate shelter and continued operation of essential services, including communications, medical treatment, water delivery, fire and police services, and key transportation facilities are vital for responding to emergencies. These facilities and services shall be located and designed to withstand disaster impacts and have backup systems, such as emergency generators and water storage (including private and open water sources), that allow for their continuous operation during and after emergencies. New critical facilities shall not be located in areas with high physical hazards, including high liquefaction potential, 100- and 500-year flood zones, and tsunami hazards. Critical New critical facilities shall be designed to be functional at peak capacity, following a magnitude 7.7 consistent with the standards of the California Building Code with respect to earthquake in the Mad River fault zone resiliency.</p>

EXISTING CERTIFIED CLUE HAZARDOUS AREAS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>III-2 For non-critical facilities, the City may require site-by-site soils and geologic engineering studies when the Director of Community Development determines that public health and safety could be affected. These studies shall be done by a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist in areas of potential liquefaction and settlement. Potential hazards shall be evaluated using the ground shaking parameters presented in the Seismic Safety Element. The study should show that the proposed project minimizes the potential hazard to life and health.</p>	<p>PS-2c <i>Mitigation of surface rupture and groundshaking hazards.</i> The City’s Alquist-Priolo Special Studies Zone map (Figure PS-a) and Geologic Hazard Land Use Matrix (Table PS-1) identify areas highly susceptible to surface rupture and groundshaking. Construction in these areas shall be restricted, unless it can be demonstrated, in geotechnical reports prepared by qualified personnel, that structures and facilities can be designed to withstand liquefaction hazards induced by seismic events.</p>	<p>PS-2e C-PS-2g <i>Mitigation of surface rupture and groundshaking hazards.</i> The City’s Alquist-Priolo Special Studies Zone map (Figure PS-a) and Geologic Hazard Land Use Matrix (Table PS-1) identify areas highly susceptible to surface rupture and groundshaking. Construction in these areas shall be restricted, unless it can be demonstrated, in <u>site-specific</u> geotechnical reports prepared by qualified personnel, that structures and facilities can be designed to withstand liquefaction hazards induced by seismic events.</p>
	<p>PS-2d <i>Requirement for and review of "Geotechnical Reports."</i> New building and infrastructure construction, and substantial renovations in areas with seismic hazards, shall incorporate geotechnical report specified measures into project design. Geotechnical reports shall be required for structures or infrastructure in seismic hazard areas. Required reports, prepared by a registered geologist, certified engineering geologist, or registered engineer with expertise in seismic engineering, shall recommend mitigation for seismic impacts and identify alternative solutions. The City may require independent review of the geotechnical reports.</p>	<p>PS-2d C-PS-2h <i>Requirement for and review of "Geotechnical Reports."</i> New building and infrastructure construction, and substantial renovations in areas with seismic hazards, shall incorporate geotechnical report specified measures into project design. Geotechnical reports shall be required for structures or infrastructure in seismic hazard areas. Required reports, prepared by a registered geologist, certified engineering geologist, or registered engineer with expertise in seismic engineering <u>one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions</u>, shall recommend mitigation for seismic impacts and identify alternative solutions. The City may <u>shall</u> require independent review of the geotechnical reports.</p>
<p>III-3 To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing habitat values, the City shall encourage and promote flood protection and stormwater drainage management practices which address flooding problems and drainage on a watershed basis....</p>	<p>PS-4a <i>Floodplain Mapping.</i> The City shall continue participating in the National Flood Insurance Program and maintain the most current Flood Insurance Rate Maps (FIRM) on file. The City shall also continue requesting that the Federal Emergency Management Agency provide hydrographic modeling (using the 1964 flood levels as a benchmark) and an update of flood mapping for the Mad River.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-4b <i>Limitations to development adjacent to Arcata Bay and along Bay shoreline (tidal flooding, tsunami, failure of dikes or tidegates).</i> The Arcata Bottom and</p>	<p>PS-4b C-PS-4i <i>Limitations to development adjacent to Arcata Bay and along Bay shoreline (tidal flooding, tsunami, failure of dikes or tidegates).</i> The Arcata</p>	

EXISTING CERTIFIED CLUE HAZARDOUS AREAS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	<p>other low lying areas adjacent to Arcata Bay, McDaniel, Butcher’s and Gannon Sloughs, and Arcata Marsh are susceptible to flooding from extreme Bay tidal action, tsunami run-up, seiche, dike or tidegate failure, heavy rainfall that can’t drain, and Mad River flood events. Where not otherwise restricted, habitable structures and related improvements shall be appropriately elevated above flood levels, designed so as not to restrict flood flows, and shall comply with applicable provisions of Resource Conservation and Management Policy RC-2: Streams Conservation and Management, pertaining to Streamside Protection Areas (RC-2b and RC-2c). Land alterations for recreation and natural resource uses shall also not restrict or increase or channelize flood flows in a way that could cause inundation to adjacent areas.</p>	<p>Bottom and other low lying areas adjacent to Arcata Bay, McDaniel, Butcher’s and Gannon Sloughs, and Arcata Marsh are susceptible to flooding from extreme Bay tidal action, tsunami run-up, seiche, dike or tidegate failure, heavy rainfall that can’t drain, and Mad River flood events. <u>Accordingly, in conformity with Open Space Policy C-OS-5a, land uses in these areas shall be limited to those where exposure of persons and property to such risks would be minimized, such as prohibiting residential development.</u> Where not otherwise restricted, habitable structures and related improvements shall be appropriately elevated above flood levels, designed so as not to restrict flood flows, and shall comply with applicable provisions of Resource Conservation and Management Policy RC-2: Streams Conservation and Management, pertaining to Streamside Protection Areas (RC-2b and RC-2c). Land alterations for recreation and natural resource uses shall also not restrict or increase or channelize flood flows in a way that could cause inundation to adjacent areas.</p>
	<p>PS-4f <i>Development standards in floodplains (surface drainageways and detention areas).</i> All plans for new construction that could potentially encroach into a floodplain must incorporate measures for flood protection and show that there will be no adverse impact to the carrying capacity of the floodway. Setbacks, easements covering Floodzone A, and minimal use of impervious surfaces are measures strongly encouraged. Elevation of structures, anchoring, flood-proofing, and construction of detention basins are considered secondary and less desirable measures. The City’s floodplain administrator shall verify this information and require appropriate certification before any development permits are granted.</p>	<p>[No modifications suggested; renumber as Policy C-PS-4m.]</p>
	<p>PS-4g <i>Preventive maintenance of streams and drainageways.</i> Local streams carry the majority of Arcata’s floodwaters and shall be maintained for flood protection as well as natural biological functions. All improvements and maintenance shall be done in accordance with the City’s Drainage Master Plan.</p>	<p>[No modifications suggested; renumber as Policy C-PS-4n.]</p>
	<p>PS-4h <i>Development review: drainage standards and</i></p>	

EXISTING CERTIFIED CLUE HAZARDOUS AREAS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
	<i>drainage fees.</i> All new development shall meet current City drainage standards and pay all applicable drainage fees. The City shall provide incentives to reduce the amount of impervious surface associated with new and renovated uses by reducing drainage fees.	[No modifications suggested; renumber as Policy C-PS-4o.]
III-4 Land Use Designations. Since a significant portion of the developed area of the City of Arcata lies within the high liquefaction potential zone, alteration of the existing land use patterns in the City would not be physically nor economically possible. Present General Plan Land Use Designations and Policies are adequate to insure proper development in the Coastal Zone and need not be altered for Hazard purposes.	PS-2b <i>Mitigation of ground-shaking hazards.</i> Arcata will experience ground-shaking during an earthquake. The City maintains seismic data files that identify areas where ground-shaking will most likely damage buildings and infrastructure. New construction and renovation shall incorporate the most current and effective seismic engineering measures to strengthen building foundations and infrastructure in these areas.	[No modifications suggested; renumber as Policy C-PS-2f.]
III-5 The City shall seek funds to establish a hazard inspection and abatement program to reduce the risk associated with hazardous structures to an acceptable level.	PS-2g <i>Earthquake-resistant building and infrastructure standards.</i> The current Uniform Building Code standards for strengthening buildings and infrastructure to withstand earthquakes shall be enforced. The competency of existing road and utility networks shall be evaluated and, where necessary, upgraded to withstand the most current ground acceleration standards.	PS-2g C-PS-2k <i>Earthquake-resistant building and infrastructure standards.</i> The current Uniform California Building Code standards for strengthening buildings and infrastructure to withstand earthquakes shall be enforced. The competency of existing road and utility networks shall be evaluated and, where necessary, upgraded to withstand the most current ground acceleration standards.
EXISTING CERTIFIED CLUE HAZARD AREAS ELEMENT APPENDIX “H” POLICIES		
H-1 Land Use Designations. Since a significant portion of the developed area of the City of Arcata lies within the high liquefaction potential zone, alteration of the existing land use patterns in the City would not be physically nor economically possible. Present General Plan Land Use Designations and Policies are adequate to insure proper development in the Coastal Zone and need not be altered for Hazard purposes.	[See Policies PS-2b and PS-2c above]	[See suggested modifications to Policies C-PS-2f and C-PS-2g above]
H-2 The City shall regulate land use in areas of significant natural hazards in the following manner: (a) New Critical Facilities – No new critical facilities shall be permitted to locate in areas of potential liquefaction or within the 100-year floodplain (See Table 1 for a list of critical facilities). (b) Existing Critical Facilities - Existing critical facilities located in areas of potential liquefaction shall not be permitted to expand beyond a cost of \$50,000 (as of December 1982) with allowances for inflation without requiring a detailed site investigation which addresses	[See Policy PS-1d above]	[See suggested modifications to Policy C-PS-1a above]

EXISTING CERTIFIED CLUE HAZARDOUS AREAS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>the potential for liquefaction and settlement, and develops adequate mitigations satisfactory to the City and to a registered geologist, a professional civil engineer, or a certified engineering geologist who supervises the study. Replacement of existing facilities or structures will not require further site investigation as outlined above. Existing critical facilities located in the 100-year floodplain shall be permitted to expand only if adequate flood control measures are provided and if the expansion cannot be provided for elsewhere due to the nature of the facility.</p> <p>(c) Non-Critical Facilities - Non-critical facilities shall be permitted to locate or expand in areas of potential liquefaction. Non-critical facilities shall be permitted to locate or expand in the 100-year floodplain only if flood proofing measures which meet flood insurance criteria and which are satisfactory to the City are provided, and if it can be shown that such development would not cause additional flooding and/or drainage problems in other areas.</p> <p>TABLE 1. CRITICAL FACILITIES Critical facilities include: power plants, large dams, civil defense headquarters, major electrical facilities, power and communication substations, hospitals, schools, fire stations, police stations, radio stations, television stations, microwave stations, major public buildings, sewage treatment plants, and waterworks.</p>		
<p>H-3 For non-critical facilities the City may require site-by-site soils and geologic engineering studies when the Director of Community Development determines that public health and safety could be affected. These studies shall be done by a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist in areas of potential liquefaction and settlement. Potential hazards shall be evaluated using the groundshaking parameters presented in the Seismic Safety Element. The study should show that the proposed project minimizes the potential hazard to life and health.</p>	<p>[See Policy PS-2c above]</p>	<p>[See suggested modifications to Policy C-PS-2f above]</p>
<p>H-4 To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing</p>	<p>[Policy proposed to be discontinued]</p>	<p>[No modifications suggested]</p>

EXISTING CERTIFIED CLUE HAZARDOUS AREAS POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>habitat values, the City shall encourage and promote flood protection practices which manage flooding problems on a watershed basis.</p> <p>(a)The City shall encourage the expansion of Janes Creek Flood Control District to include the watersheds of Janes, Jolly Giant, Grotzman, and Beith Creeks, or shall otherwise coordinate with the County to alleviate existing flooding problems.</p> <p>(b) The newly formed district or designated agency shall evaluate alternate flood control measures and select a flood control plan that improves drainage and minimizes potential hazards in the Coastal Zone.</p> <p>(c) In evaluating alternates, emphasis shall be placed on improvement of drainage. However, enlarging of existing tidegates, dredging of presently undredged sections of creek, or construction of new structures shall be allowed only when no less environmentally damaging alternate is feasible, and only when adequate mitigation is provided and only when not located within a wetland. If mitigation for said development is provided in the form of a fully approved restoration project such development may be permitted in a wetland.</p> <p>(d) The City shall seek funding to develop a comprehensive stream maintenance program for streams within its jurisdiction. This project shall provide for stream rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance riparian habitat; annual channel inspection to identify and remove barriers to anadromous fish, debris dams, and obsolete flood control or scientific study facilities.</p>		
<p>H-5 The City shall seek funds to establish a hazard inspection and abatement program to reduce the risk associated with hazardous structures to an acceptable level.</p>	<p>[See Policy PS-2g above]</p>	<p>[See suggested modifications to Policy C-PS-2k above]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>OS-5a <i>Designation of open space for public safety.</i> Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.</p> <p>Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.</p> <p>Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development. A flood plain overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map) developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.</p>	<p>OS-5a C-OS-5a <i>Designation of open space for public safety.</i> Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.</p> <p>Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.</p> <p>Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development (<u>i.e., human-occupied residential, commercial, industrial, public facility uses</u>). A flood plain overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map) developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.</p>
<p>AQ-1a <i>Reduce emissions from stationary point sources: commercial and industrial.</i> Coordinate with energy providers to develop incentive programs encouraging the use of less polluting, energy efficient designs and equipment in commercial and manufacturing uses. Encourage commercial and industrial uses to self-enforce emissions reductions by maintaining and repairing equipment, correcting leaks, installing control devices, and minimizing accidental releases. Coordinate with NCUAQMD to establish buffer zones between point sources and the public, particularly sensitive receptors such as schools, hospitals, and convalescent facilities.</p>	<p>AQ-1a Reduce emissions from stationary point sources: commercial and industrial. Coordinate with energy providers to develop incentive programs encouraging the use of less polluting, energy efficient designs and equipment in commercial and manufacturing uses. Encourage commercial and industrial uses to self-enforce emissions reductions by maintaining and repairing equipment, correcting leaks, installing control devices, and minimizing accidental releases. Coordinate with NCUAQMD to establish buffer zones between point sources and the public, particularly sensitive receptors such as schools, hospitals, and convalescent facilities.</p>
<p>AQ-1b <i>Reduce emissions from stationary area sources: residential, commercial, and industrial.</i> Limit wood-burning fireplace installations in new construction to low-emitting, State and EPA certified fireplace inserts or woodstoves, pellet stoves, or natural gas fireplaces. New construction retrofits must comply with energy efficient construction codes to reduce energy consumption including high efficiency windows, water heaters, and furnaces.</p>	<p>AQ-1b Reduce emissions from stationary area sources: residential, commercial, and industrial. Limit wood-burning fireplace installations in new construction to low-emitting, State and EPA certified fireplace inserts or woodstoves, pellet stoves, or natural gas fireplaces. New construction retrofits must comply with energy efficient construction codes to reduce energy consumption including high efficiency windows, water heaters, and furnaces.</p>
<p>AQ-1c <i>Coordination between NCUAQMD and Arcata Fire Protection District.</i> Arcata Fire Protection District officials shall coordinate with the NCUAQMD to develop procedures for identifying, monitoring, and informing the public of high pollutant incidents related to fires and accidental or intentional releases of toxic or unknown materials. Coordination should encompass current air quality levels, meteorological conditions (stagnant air), prevailing wind directions, location of nearby sensitive receptors, potentially affected land uses, and types of potential toxic materials. Coordination and required permits are particularly important during the planning and implementation of controlled burns.</p>	<p>[Move to Other Initiates]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>AQ-1d <i>Review of development projects for emissions reductions.</i> Evaluate new construction plans to reduce point and area sources of pollution. Consult with the NCUAQMD during the environmental review process to ensure that:</p> <ol style="list-style-type: none"> 1. Air quality impacts of development projects are assessed using analytical methods and significance criteria for emission rates approved by the NCUAQMD. 2. Air quality mitigation is feasible, workable, monitorable, and cost effective. 3. Impacts of projects that may be individually insignificant, but cumulatively significant are minimized or mitigated. 4. Innovative measures are incorporated into the project design to reduce air quality impacts. <p>Encourage the NCUAQMD to enforce these measures and their related policies.</p>	<p>[No modifications suggested; renumber as Policy C-AQ-1a.]</p>
<p>AQ-2a <i>Implement land use measures to reduce vehicle trips, miles traveled, and air pollutant emissions.</i> Implement or encourage the land use and development measures which reduce motor vehicle travel as outlined in the Transportation Element. These measures are also effective in reducing mobile sources of air pollutants.</p>	<p>AQ-2a <i>Implement land use measures to reduce vehicle trips, miles traveled, and air pollutant emissions.</i> Implement or encourage the land use and development measures which reduce motor vehicle travel as outlined in the Transportation Element. These measures are also effective in reducing mobile sources of air pollutants.</p>
<p>AQ-2b <i>Implement transportation measures to reduce vehicle trips, miles traveled, and air pollutant emissions.</i> Implement or encourage the following measures to reduce vehicle miles traveled and provide alternatives to the single occupant motor vehicle, as outlined in the Transportation Element.</p> <ol style="list-style-type: none"> 1. Provide as direct and safe a travel route as possible for all travel modes. 2. Implement and support public education programs explaining the negative impacts of single occupant vehicle use, and encourage the development of employer-based measures to reduce employee automobile travel. 3. Require A&MRTS and encourage other fleet operators to convert vehicles to run on less polluting alternative fuels at the earliest feasible time (See Policy RC-8a). 	<p>AQ-2b <i>Implement transportation measures to reduce vehicle trips, miles traveled, and air pollutant emissions.</i> Implement or encourage the following measures to reduce vehicle miles traveled and provide alternatives to the single occupant motor vehicle, as outlined in the Transportation Element.</p> <ol style="list-style-type: none"> 1. Provide as direct and safe a travel route as possible for all travel modes. 2. Implement and support public education programs explaining the negative impacts of single occupant vehicle use, and encourage the development of employer-based measures to reduce employee automobile travel. 3. Require A&MRTS and encourage other fleet operators to convert vehicles to run on less polluting alternative fuels at the earliest feasible time (See Policy RC-8a).

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>AQ-2c <i>Reduce or minimize the creation of “hot spots” or localized places of concentrated automobile emissions.</i> Implement or encourage the following measures to reduce hot spots, which occur where groups of vehicles are required to idle (e.g., at congested intersections, driveways and drive-through facilities).</p> <ol style="list-style-type: none"> 1. Minimize the delay and congestion at unsignalized and signalized intersections to reduce emissions from idling vehicles. Attempt to achieve this through reducing automobile travel, minor capacity improvements, or fine-tuning of intersection operations. Discourage major capacity improvements at intersections, minimize new signalized intersections, or any other improvement which discourages walking, bicycling, or transit use. 2. Minimize or restrict land uses with drive-through facilities located in areas of concentrated traffic or near congested intersections. 3. Construction of projects with large parking lots or high volume driveways shall identify traffic impacts and provide evidence that project design will optimize internal circulation and minimize delay. Ensure that mitigation measures balance the needs of automobiles, pedestrians, bicyclists, and transit riders. 	<p>AQ-2c <i>Reduce or minimize the creation of “hot spots” or localized places of concentrated automobile emissions.</i> Implement or encourage the following measures to reduce hot spots, which occur where groups of vehicles are required to idle (e.g., at congested intersections, driveways and drive-through facilities).</p> <ol style="list-style-type: none"> 1. Minimize the delay and congestion at unsignalized and signalized intersections to reduce emissions from idling vehicles. Attempt to achieve this through reducing automobile travel, minor capacity improvements, or fine-tuning of intersection operations. Discourage major capacity improvements at intersections, minimize new signalized intersections, or any other improvement which discourages walking, bicycling, or transit use. 2. Minimize or restrict land uses with drive-through facilities located in areas of concentrated traffic or near congested intersections. 3. Construction of projects with large parking lots or high volume driveways shall identify traffic impacts and provide evidence that project design will optimize internal circulation and minimize delay. Ensure that mitigation measures balance the needs of automobiles, pedestrians, bicyclists, and transit riders.
<p>AQ-2d <i>Design Arcata’s highest traveled arterials to minimize stopping.</i> Recognize that automobiles are most efficient and less polluting at constant, moderate speeds between 25 and 35 miles per hour. Minimize idling delay, excessive congestion, and excessive speeds with the following measures:</p> <ol style="list-style-type: none"> 1. Encourage Caltrans to coordinate traffic signals on Samoa Boulevard to maximize progression. 2. Eliminate traffic bottlenecks with traffic flow improvements (such as re-allocating turning lanes, or converting all-way stop control to roundabouts or two-way stop control), without impacting the safety of pedestrians, bicyclists, or transit facilities. 3. Review access plans for commercial driveways to ensure designs minimize idling vehicles and concentrations of traffic. For larger projects require multiple driveways rather than single driveways and consider turn restrictions where delays to existing driveways could be significant. 4. Encourage and support law enforcement’s efforts to expeditiously manage traffic incidents. 	<p>AQ-2d <i>Design Arcata’s highest traveled arterials to minimize stopping.</i> Recognize that automobiles are most efficient and less polluting at constant, moderate speeds between 25 and 35 miles per hour. Minimize idling delay, excessive congestion, and excessive speeds with the following measures:</p> <ol style="list-style-type: none"> 1. Encourage Caltrans to coordinate traffic signals on Samoa Boulevard to maximize progression. 2. Eliminate traffic bottlenecks with traffic flow improvements (such as re-allocating turning lanes, or converting all-way stop control to roundabouts or two-way stop control), without impacting the safety of pedestrians, bicyclists, or transit facilities. 3. Review access plans for commercial driveways to ensure designs minimize idling vehicles and concentrations of traffic. For larger projects require multiple driveways rather than single driveways and consider turn restrictions where delays to existing driveways could be significant. 4. Encourage and support law enforcement’s efforts to expeditiously manage traffic incidents.

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>AQ-2e <i>Recognize that poor air quality is caused by the combination of high pollutant emissions and meteorological conditions which do not allow for dispersal of pollutants.</i> The City shall coordinate a joint effort with the NCUAQMD to minimize the impact of high pollutant incidents and notify the public about meteorological conditions that contribute to poor air quality. The joint effort shall include employing the following measures:</p> <ol style="list-style-type: none"> 1. Implement added air pollution control measures during predictable meteorological events of stagnant air. Inform the public of high pollutant incidents and encourage measures which minimize impacts, such as limiting use of wood-burning fireplaces, gas powered equipment, and avoiding non-essential vehicle travel. 2. Promote and encourage employer-based Transportation Demand Measures (such as subsidized bus fare, flexible work hours, and incentives to carpool) to reduce automobile travel, particularly during periods of poor air quality. 3. Support and encourage local industrial and commercial efforts to reduce emissions and particulate pollution from industrial plants and trucks, particularly during periods of poor air quality. 4. Require traffic and construction site dust control measures at construction projects. Require measures which reduce emissions from construction activity and maximize efficiency of traffic flow during inversion conditions. 	<p>AQ-2e <i>Recognize that poor air quality is caused by the combination of high pollutant emissions and meteorological conditions which do not allow for dispersal of pollutants.</i> The City shall coordinate a joint effort with the NCUAQMD to minimize the impact of high pollutant incidents and notify the public about meteorological conditions that contribute to poor air quality. The joint effort shall include employing the following measures:</p> <ol style="list-style-type: none"> 1. Implement added air pollution control measures during predictable meteorological events of stagnant air. Inform the public of high pollutant incidents and encourage measures which minimize impacts, such as limiting use of wood-burning fireplaces, gas powered equipment, and avoiding non-essential vehicle travel. 2. Promote and encourage employer-based Transportation Demand Measures (such as subsidized bus fare, flexible work hours, and incentives to carpool) to reduce automobile travel, particularly during periods of poor air quality. 3. Support and encourage local industrial and commercial efforts to reduce emissions and particulate pollution from industrial plants and trucks, particularly during periods of poor air quality. 4. Require traffic and construction site dust control measures at construction projects. Require measures which reduce emissions from construction activity and maximize efficiency of traffic flow during inversion conditions.

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>AQ-2f <i>Enforce air quality control measures and monitoring at construction sites.</i> Construction emissions shall be controlled because, although they are temporary in nature, they can often be the greatest air quality impact of a project. Require the following control measures for construction activities when necessary:</p> <ol style="list-style-type: none"> 1. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the storm drain system. 2. Cover trucks hauling soil, sand, and other loose material. 3. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas. 4. Sweep paved access roads and parking areas daily. 5. Sweep streets daily if visible material is carried onto adjacent public streets. <p>For larger construction sites (four acres or greater) require the following measures when necessary in addition to those above:</p> <ol style="list-style-type: none"> 6. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. 7. Enclose, cover, water, or apply non-toxic soil binders to open materials stockpiles. 8. Limit traffic speeds to 15 mph on unpaved access roads. 9. Install erosion control measures to prevent silt runoff onto public roadways. 10. Replant vegetation in disturbed areas within 30 days after project completion. <p>For construction sites near sensitive receptors, require the following measures when necessary, in addition to those above:</p> <ol style="list-style-type: none"> 11. Install wheel washers for exiting trucks, or wash all equipment leaving site. 12. Install wind breaks, or plant trees/vegetation at windward sides of construction areas, or avoid removing existing vegetation which acts as a windbreak. 13. Suspend excavation and grading activity when winds exceed 25 mph. 14. Limit area subject to excavation, grading, and other construction activities at any one time. 	<p>AQ-2f <i>Enforce air quality control measures and monitoring at construction sites.</i> Construction emissions shall be controlled because, although they are temporary in nature, they can often be the greatest air quality impact of a project. Require the following control measures for construction activities when necessary:</p> <ol style="list-style-type: none"> 1. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the storm drain system. 2. Cover trucks hauling soil, sand, and other loose material. 3. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas. 4. Sweep paved access roads and parking areas daily. 5. Sweep streets daily if visible material is carried onto adjacent public streets. <p>For larger construction sites (four acres or greater) require the following measures when necessary in addition to those above:</p> <ol style="list-style-type: none"> 6. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. 7. Enclose, cover, water, or apply non-toxic soil binders to open materials stockpiles. 8. Limit traffic speeds to 15 mph on unpaved access roads. 9. Install erosion control measures to prevent silt runoff onto public roadways. 10. Replant vegetation in disturbed areas within 30 days after project completion. <p>For construction sites near sensitive receptors, require the following measures when necessary, in addition to those above:</p> <ol style="list-style-type: none"> 11. Install wheel washers for exiting trucks, or wash all equipment leaving site. 12. Install wind breaks, or plant trees/vegetation at windward sides of construction areas, or avoid removing existing vegetation which acts as a windbreak. 13. Suspend excavation and grading activity when winds exceed 25 mph. 14. Limit area subject to excavation, grading, and other construction activities at any one time.
<p>AQ-2g Enforce air quality control measures and monitoring for agricultural operations. Air emissions from agricultural operations, including field burning, airborne soils, and over-spray from herbicide applications, shall be controlled and monitored through air quality standards as well as adherence to the Land Use Code.</p>	<p>AQ-2g Enforce air quality control measures and monitoring for agricultural operations. Air emissions from agricultural operations, including field burning, airborne soils, and over spray from herbicide applications, shall be controlled and monitored through air quality standards as well as adherence to the Land Use Code.</p>
<p>AQ-3a Air quality standards and monitoring. Identify potential emission sources of airborne toxins from mobile and stationary sources. This may be in coordination with the California Air Resource Board and the NCUAQMD, as appropriate. Enforce rigid high standards to restrict fumes, smoke, dust, or other environmental pollutants from stationary sources of pollution.</p>	<p>[Move to <i>Other Initiates</i>]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>AQ-3b Develop and distribute material to educate the public on air quality issues. Work with Humboldt State University, the California Air Resources Board, and the NCUAQMD to develop educational material regarding air quality, impact of air quality on people, plants and animals, and what citizens can do to improve air quality. The City will make this information available.</p>	<p>AQ-3b Develop and distribute material to educate the public on air quality issues. Work with Humboldt State University, the California Air Resources Board, and the NCUAQMD to develop educational material regarding air quality, impact of air quality on people, plants and animals, and what citizens can do to improve air quality. The City will make this information available.</p>
<p>AQ-3c Cooperation in enforcement activities and programs. Cooperate with the NCUAQMD in implementing and enforcing the district's rules and programs. Consider joint implementation of programs between the City and the district such as:</p> <ol style="list-style-type: none"> 1. A voluntary wood-burning-devices dryness certification program. 2. Free cordwood moisture checks. 3. Brochures on wood burning. 4. Conversion of conventional wood burning devices to EPA certified devices. 5. Use of district non-compliance funds for low-cost replacements. <p>Develop stricter ordinances, guidelines, and development agreements for new residential development to limit wood burning devices. Use district techniques to identify improper wood burning device use, improperly dried fuel, and faulty equipment, and provide education to violators or take enforcement action.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>AQ-3d Indoor air pollution. Factors such as sealed building interiors, inadequate ventilation, non-openable windows, and use of building materials that release toxic substances contribute to indoor air pollution. To maximize indoor air quality, the installation of openable windows and adequate ventilation systems, the use of pollution-reducing houseplants, as well as the selection of non-toxic building materials and interior finishes, is encouraged in all new buildings and in the retrofitting of existing buildings. The City shall maintain a list of non-toxic building materials and interior finishes, provide available information about building techniques and designs that reduce or eliminate indoor air pollution, and encourage a good-faith effort by private industry to use those materials and techniques.</p>	<p>AQ-3d Indoor air pollution. Factors such as sealed building interiors, inadequate ventilation, non-openable windows, and use of building materials that release toxic substances contribute to indoor air pollution. To maximize indoor air quality, the installation of openable windows and adequate ventilation systems, the use of pollution-reducing houseplants, as well as the selection of non-toxic building materials and interior finishes, is encouraged in all new buildings and in the retrofitting of existing buildings. The City shall maintain a list of non-toxic building materials and interior finishes, provide available information about building techniques and designs that reduce or eliminate indoor air pollution, and encourage a good-faith effort by private industry to use those materials and techniques.</p>
<p>AQ-4a Odor controls. Identify potential sources of noxious odors and regulate those sources to avoid adverse affects on adjacent sensitive receptors. Noxious odors are defined as foul smelling airborne emissions that are sufficiently concentrated to cause physical discomfort to those inhabiting adjacent areas. Regulations imposed to reduce effects of these odors shall include limiting hours for odor emissions, periodic monitoring, and filtering to reduce concentrations.</p>	<p>AQ-4a Odor controls. Identify potential sources of noxious odors and regulate those sources to avoid adverse affects on adjacent sensitive receptors. Noxious odors are defined as foul smelling airborne emissions that are sufficiently concentrated to cause physical discomfort to those inhabiting adjacent areas. Regulations imposed to reduce effects of these odors shall include limiting hours for odor emissions, periodic monitoring, and filtering to reduce concentrations.</p>
<p>PS-1a <i>City Emergency Response Plan</i>. The City shall maintain a comprehensive response plan for emergencies, including seismic events, tsunamis, slope failures, floods, storms, fires, and materials spills or contamination. The plan will provide for timely and coordinated response to emergencies that threaten community residents, property, and vital services. The plan will identify City and other emergency response agencies that should be contacted, and also identify neighborhood resources available for more localized assistance and relief.</p>	<p>[Move to <i>Other Initiates</i>]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-1b <i>Evacuation routes/transportation facilities.</i> Emergencies such as floods, storms, fires, distantly generated tsunamis, and hazardous materials spills may necessitate immediate evacuation of affected areas. A map of evacuation routes shall be included in City and neighborhood emergency response plans. These plans will also include evacuation methods for residents who are without, or unable to operate, vehicles. An emergency access plan shall be developed for access to the east side of town (east of State Route 101) after a major seismic event.</p>	<p>[Move to <i>Other Initiatives</i>; see also new suggested Policies C-PS-4b and C-PS-4f regarding tsunami evacuation mapping below]</p>
<p>PS-1c <i>Disaster preparedness coordination using the Standardized Emergency Management System.</i> City staff responsible for emergency response shall be trained in Standardized Emergency Management System (SEMS) implementation, which is necessary to receive reimbursement from the State of California for disaster response related costs. This training includes instruction about the Incident Command System (ICS) which is used to manage emergency incidents or non-emergency events.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-1e <i>Development & design standards for emergency response.</i> New and renovated structures, as well as streets, driveways, and alleyways, shall be designed to provide adequate entry and exit by emergency vehicles and personnel. This includes visible street numbering, emergency vehicle turn-arounds, accessible building entry points and stairways, lighting, and interior evacuation routes.</p>	<p>[No modifications suggested; renumber as Policy C-PS-1b.]</p>
<p>PS-1f <i>Citizen training/Neighborhood and Business Emergency Services Teams.</i> The City of Arcata Police Department coordinates the organization and training of Neighborhood Emergency Services Teams and Business Emergency Services Teams (NEST and BEST). The NEST program is essential for mobilizing neighborhood response to emergencies. The NEST program shall be expanded to all neighborhoods.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-2a <i>Development within fault zone/surface rupture areas.</i> The City shall maintain current seismic information that identifies fault zones and probable surface rupture areas. Development in these areas shall be avoided, unless it can be demonstrated that structures and facilities can be designed to withstand effects of faulting and surface rupture. Building setbacks from faults, surface ruptures, and other seismic hazards, as specified in the most current Uniform Building Code, shall be maintained.</p>	<p>PS-2a C-PS-1e <i>Development within fault zone/surface rupture areas.</i> The City shall maintain current seismic information that identifies fault zones and probable surface rupture areas. Development in these <u>identified fault zones and probable surface rupture</u> areas shall be avoided, unless it can be demonstrated that structures and facilities can be designed to withstand effects of faulting and surface rupture. Building setbacks from faults, surface ruptures, and other seismic hazards, as specified in the most current <u>Uniform California</u> Building Code or <u>Alquist-Priolo Act</u>, shall be maintained.</p> <p>[Move advisory/declarative language to <i>Other Initiates</i>]</p>
<p>PS-2b <i>Mitigation of ground-shaking hazards.</i> Arcata will experience ground-shaking during an earthquake. The City maintains seismic data files that identify areas where ground-shaking will most likely damage buildings and infrastructure. New construction and renovation shall incorporate the most current and effective seismic engineering measures to strengthen building foundations and infrastructure in these areas.</p>	<p>PS-2b C-PS-2f <i>Mitigation of ground-shaking hazards.</i> Arcata will experience ground-shaking during an earthquake. The City maintains seismic data files that identify areas where ground-shaking will most likely damage buildings and infrastructure. New construction and renovation shall incorporate the most current and effective seismic engineering measures to strengthen building foundations and infrastructure in these areas.</p> <p>[Move advisory/declarative language to <i>Other Initiates</i>]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-2e <i>Shoreline hazards (tsunami, tidal flooding)</i>. A State of California study (<i>Planning Scenario in Humboldt and Del Norte Counties, California, for a Great Earthquake on the Cascadia Subduction Zone, Special Publication 115, California Department of Conservation, Division of Mines & Geology, 1995</i>) indicates that the Arcata Bay shoreline and adjacent areas, between McDaniel Slough and Mad River Slough, could be inundated by tsunami run-up. The City shall prohibit the location of critical facilities in the tsunami run-up area, and use available emergency broadcasting systems to communicate tsunami warnings. Should coastal access within the tsunami run-up zone be provided in the future, appropriate evacuation route signage shall be posted.</p>	<p>PS-2e C-PS-2i <i>Shoreline hazards (tsunami, tidal flooding)</i>. A State of California study Various studies and models (<i>Planning Scenario in Humboldt and Del Norte Counties, California, for a Great Earthquake on the Cascadia Subduction Zone, Special Publication 115, California Department of Conservation, Division of Mines & Geology, 1995</i>, California Geological Survey/USC Tsunami Research Center/CalEMA, 2010) indicates indicate that the Arcata Bay shoreline and adjacent areas, between McDaniel Slough and Mad River Slough, could be inundated by tsunami run-up. The City shall prohibit the location of critical facilities in the tsunami run-up area, and use available emergency broadcasting systems to communicate tsunami warnings. Should coastal access within the tsunami run-up zone be provided in the future, appropriate evacuation route signage shall be posted.</p>
<p>PS-2f <i>Failure of Matthews Dam</i>. All new buildings designed for human occupancy or use that are located in the area of potential inundation resulting from a catastrophic failure of Matthews Dam shall have an early-warning system and evacuation plan in place for those persons living and working there.</p>	<p>[No modifications suggested; renumber as Policy C-PS-2j.]</p>
<p>PS-2h <i>Public information and disclosure</i>. The Humboldt Earthquake Education Information Center, at Humboldt State University, and the City of Arcata have earthquake/tsunami awareness information that is available to the public. The Center and the City will continue to make the most current information available to help the community prepare for and respond to seismic events.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-3a <i>Slope stability hazards</i>. Slope areas greater than 15%, shown on Figure PS-a, and certain less steep slopes with erosive soils may become unstable if disturbed. The City shall restrict grading, vegetation removal, and new construction in areas with unstable soils unless it can be demonstrated that these activities can occur without impacts. All grading of slope areas shall follow natural contours to maximize stability.</p>	<p>PS-3a C-PS-3h <i>Slope stability hazards</i>. Slope areas greater than 15%, shown on Figure PS-a, and certain less steep slopes with erosive soils may become unstable if disturbed. The City shall restrict grading, vegetation removal, and new construction in areas with unstable soils unless it can be demonstrated that these activities can occur without impacts. All grading of slope areas shall follow natural contours to maximize stability.</p>
<p>PS-3b <i>Grading standards for erosion and sedimentation control</i>. The design, extent, and location of grading shall minimize disturbance of the natural terrain and land features and shall not impact offsite areas. Trees and native vegetation shall be retained around graded areas to stabilize hillsides; retain moisture; reduce erosion, siltation and nutrient runoff; and retain the natural beauty of the area. Cleared areas susceptible to erosion shall be stabilized so that no materials are transported offsite.</p>	<p>[No modifications suggested; renumber as Policy C-PS-3i.]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-3c <i>Hillside development standards.</i> The land areas subject to hillside development standards are shown in Figure PS-a. Development on lands within these areas shall be subject to the following standards:</p> <ol style="list-style-type: none"> 1. Each new lot created in areas subject to hillside development standards shall be required to contain a contiguous buildable area of at least 4,000 square feet. All parts of the building area shall have a natural slope of less than 15%. No more than 4,000 square feet of any existing lot which was legally created prior to adoption of this plan, and does not meet the preceding 15% standard, may be disturbed for development. 2. At least 50% of the area of any lot undeveloped as of the date of this plan shall be included in a "natural area" which shall remain in a natural, ungraded, undeveloped state. All slopes in excess of 25% shall be included in the natural area. 3. Vegetation removal in the natural area of each lot shall be subject to review and approval by the City. 4. All access roads and driveways shall be kept to the minimum feasible width and shall be designed to minimize grading and disruption of vegetation. 5. Access roads shall not exceed 15% slope for any distance. Individual driveways shall not exceed 17% slope. 6. Access roads or driveways shall be designed to avoid steep slopes and shall not have cuts exceeding fifty feet (50') nor fills exceeding twenty-five feet (25') in height. 7. The design, scope and location of grading for development should cause the minimum disturbance of the terrain and natural features of the land. Unavoidable grading should complement natural land forms. Mass grading of large pads and terraces shall not be permitted. 8. All manufactured slopes shall be planted or otherwise protected from the effects of storm run-off and erosion. 9. Time limits to avoid extensive grading during the wet season shall be imposed on new developments. 10. Any necessary conditions to control erosion and assure site restoration shall be required by the City. Measures shall include short-term controls to minimize erosion at construction sites and long-term controls for minimizing sedimentation and maintaining water quality. 11. Development in areas subject to development standards should demonstrate a concern for the view of the hills as well as the view from the hill. 	<p>[No modifications suggested; renumber as Policy C-PS-3j.]</p>
<p>PS-3d <i>Slope-density land use restrictions.</i> Slopes greater than 25% are to be designated as natural areas and shall not be included in density calculations. Minimum parcel sizes on slopes shall be contingent on the site's ability to accommodate a building site with adequate access and utilities.</p>	<p>[No modifications suggested; renumber as Policy C-PS-3k.]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-3e <i>Geotechnical reports.</i> Geotechnical reports shall be prepared for development of areas with unstable slopes and/or erosive soils. These reports will be prepared by qualified professionals, consistent with Policy PS-2d. Measures to ensure slope and soil stability shall be incorporated into the project design.</p>	<p>PS-3e C-PS-3i <i>Geotechnical reports.</i> Geotechnical reports shall be prepared for development of areas with unstable slopes and/or erosive soils. These reports will be prepared by qualified professionals <u>one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions.</u> consistent with Policy PS-2d C-PS-2h. Measures to ensure slope and soil stability shall be incorporated into the project design.</p>
<p>PS-3f Provide available information, including potential for site slippage, effects of groundwater on slopes and soils, erosion potential, and other hazards, to homebuilders prior to the start of construction.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-4c <i>Limitations on development within Flood Zone.</i> The mapped Floodzone A as determined by FEMA should be kept free of structures and other obstructions that would restrict flood flows. New construction in Flood Zone A shall be elevated, flood-proofed, designed to not constrict flood flows or drainage, and/or include other features, such as access for evacuation and emergency response, to protect human safety and minimize property damage. Landform alterations shall not impede flood flows in adjacent upstream or downstream areas. Any development in the floodplain must be consistent with City floodplain zoning regulations.</p>	<p>[No modifications suggested; renumber as Policy C-PS-4j.]</p>
<p>PS-4d <i>Limitations to development within flood hazard zones.</i> Arcata's creeks and sloughs have the potential to cause localized flooding and shall be maintained to allow the flow of floodwaters. Structures and other land form alterations in areas susceptible to localized flooding, outside areas defined in policies RC-2b and RC-3c, should be setback from the watercourse. Elevated and flood-proofed structures, and/or floodwater detention basins shall be provided to minimize flood damage and prevent any net increase in floodflows upstream or downstream. The City shall promote flood management practices for entire watercourses, to minimize the need for sandbagging and other temporary flood control measures that can have detrimental impacts to adjacent areas.</p>	<p>[No modifications suggested; renumber as Policy C-PS-4k.]</p>
<p>PS-4e <i>Flood Insurance.</i> Flood insurance is available from private insurers to compensate home and business owners for flood-related losses. Flood insurance rates are set by a site's proximity to mapped flood-prone areas. The City shall make information about flood-prone areas available to the public, to aid community residents and business owners in determining whether flood insurance should be purchased.</p>	<p>[Move to <i>Other Initiates</i>]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-5a <i>Management of urban fire hazards (development/design standards).</i> Structural fires demand immediate response from a combination of onsite and Fire Department resources in order to minimize injury and damage. Fire suppression devices such as extinguishers and sprinklers are important for initial response, reduce fire insurance premiums, and satisfy operations requirements for certain types of businesses. These devices are encouraged in new and renovated non-residential buildings and in all residential structures with more than four units, even when not required by fire and building code.</p> <p>All buildings should have adequate lighting, street numbering, and access to ensure rapid response by fire-fighting vehicles. To ensure urban fire safety, the City shall enforce the Uniform Building and Uniform Fire Codes (UBC & UFC) currently in effect, and the Universal Building Code when it is adopted.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-5b <i>Review of development for fire safety.</i> The Arcata Volunteer Fire Department takes an active role in reviewing new development for compliance with fire safety standards. The City shall continue to incorporate Fire Department review to ensure that driveways, turns-arounds, and other access ways have sufficient width, vertical clearance, and turn-around space for fire fighting vehicles. Roadways shall have an all-weather surface and grades shall not exceed the Fire Department’s maximum slope standards for emergency access.</p>	<p>PS-5b C-PS-5d <i>Review of development for fire safety.</i> The Arcata Volunteer Fire Department takes an active role in reviewing new development for compliance with fire safety standards. The City shall continue to incorporate Fire Department review to ensure that driveways, turns-arounds, and other access ways have sufficient width, vertical clearance, and turn-around space for fire fighting vehicles. Roadways shall have an all-weather surface and grades shall not exceed the Fire Department’s maximum slope standards for emergency access.</p> <p>[Move advisory/declarative language to <i>Other Initiates</i>]</p>
<p>PS-5c <i>Water supply (fire flow).</i> The City’s fire hydrant system provides the primary source of water for fighting urban fires. The City shall maintain fire hydrant spacing so that no residential structure is more than 500 feet from a hydrant and no commercial or industrial structure is more than 300 feet from a hydrant. Each hydrant shall have adequate fittings and be capable of providing adequate water flows to meet Fire Department standards.</p> <p>The City shall maintain adequate fire flows in its water system. Open-water sources such as ponds, swimming pools, private storage tanks, and reservoirs may be used as a secondary water source by fire-fighting apparatus. These sources shall be equipped with appropriate filtering devices or strainers to prevent clogging of water pumps.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-5d <i>Management of wildland fire hazards.</i> Wildland fires in forested areas of the City can cause property damage and threaten nearby structures. Buildings in forested areas shall use materials such as non-flammable perimeter vegetation and roofing material to prevent exposure to wildland fires. The City shall encourage the Arcata Fire Department to maintain its mutual aid agreement with the California Department of Forestry and Fire Prevention (CDF) to insure rapid response to wildland fires.</p>	<p>PS-5d C-PS-5g <i>Management of wildland fire hazards.</i> Wildland fires in forested areas of the City can cause property damage and threaten nearby structures. Buildings in forested areas shall use materials such as non-flammable perimeter vegetation and roofing material to prevent exposure to wildland fires. The City shall encourage the Arcata Fire Department to maintain its mutual aid agreement with the California Department of Forestry and Fire Prevention (CDF) to insure rapid response to wildland fires.</p> <p>[Move advisory/declarative language to <i>Other Initiates</i>]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-5e <i>Fire suppression services.</i> The Arcata Volunteer Fire Department's (AVFD) jurisdiction (shown as District #1 on the AVFD service area map) includes the City's incorporated, sphere of influence, and planning areas, except for an outlying area along Jacoby Creek Road. The AVFD maintains two fire stations to provide rapid response to all fire calls within its service area. They also maintain mutual aid agreements with the CDF and the Eureka Fire Department for rapid response to fires in outlying areas.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-6a <i>Reduction of hazardous waste (source reduction).</i> There are increasing numbers of environmentally safe materials and substances available that offer alternatives to hazardous materials. Improved water-based paints that replace oil and lead based paints, cellulose insulation materials that replace asbestos, and biodegradable antifreezes that replace glycol based coolants, are all examples of safer materials and substances currently in use. The City shall request information from County, State, and Federal agencies, as well as manufacturers and suppliers, regarding environmentally safe products and shall have a list of those products available to the public.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-6b <i>Contaminated sites.</i> There are sites in and around the City where wood product milling and production, vehicle and equipment storage and repair, agricultural production, and other uses may have resulted in site contamination. Materials such as lead based paints may also contribute to contamination. Many of these sites are inactive and may be appropriate for alternative uses. Environmental Site Assessments shall be required prior to development review and approval of potentially contaminated sites, and cleanup is required prior to reuse. The City shall record and map sites with known contamination.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-6c <i>Use of potentially harmful materials on public lands and rights-of-way.</i> The City of Arcata does not use toxic sprays or substances on vegetation in public lands or rights-of-way, and has been persuasive in stopping State agencies, such as Cal-Trans, from using toxic sprays along State rights-of-way within the City limits. The City shall continue this practice and prohibit other public agencies from using toxic sprays or substances within the City limits (see Resource Conservation and Management Element Policy RC-1i).</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-6d <i>Siting of facilities handling hazardous waste.</i> Businesses and agencies that use, store, or produce hazardous materials shall train employees and other users in safe handling and storage procedures, and shall post current Occupational Safety and Health Act (OSHA) and Humboldt County hazardous materials requirements. Businesses shall also comply with Federal "community right-to-know" regulations. The City shall consider proximity to sensitive receptors, such as schools, hospitals and other health care facilities, day care centers, and other immobile populations, when reviewing new facilities and businesses involved in these activities.</p>	<p>[No modifications suggested; renumber as Policy C-PS-6b.]</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-6e <i>Household and other small-quantity generators.</i> Households and small businesses accumulate solvents and cleaners, petroleum products, pesticides, and other toxic substances that are potentially hazardous if spilled, released into the atmosphere, or ingested. The City shall maintain a list of toxic substances which should be avoided and publicize collection dates and locations where these substances can be disposed of properly. The City shall coordinate with the County Hazardous Materials Department (Humboldt County) and the State Department of Toxic Substances Control (California Environmental Protection Agency) to ensure that collection sites are accessible to community residents.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-6f <i>Hazardous waste management (recycling, treatment, disposal).</i> All commercial and industrial businesses and other operations that use, store, or produce hazardous materials, shall contract with a licensed hauler for pickup and disposal of waste materials, except for individual disposal complying with County, State and Federal requirements. All hazardous materials shall be stored in safe containers and locations, and use of these materials shall be in compliance with County, State and Federal standards.</p>	<p>[No modifications suggested; renumber as Policy C-PS-6c.]</p>
<p>PS-6g <i>Hazardous materials education program.</i> The City shall work with the Humboldt County Health Department and the California Department of Toxic Substances to develop educational materials explaining hazardous materials' impact on people, plants, and animals, and provide information on alternatives to hazardous materials. This information shall be made available to the public.</p>	<p>[Move to <i>Other Initiates</i>]</p>
<p>PS-7a <i>Development/building and site design standards for crime prevention.</i> Some criminal acts in and around buildings can be prevented or minimized by incorporating safety and security precautions into building and site design. These include a combination of onsite features such as alarm systems, secured entryways, lighting, and visible access. Crime prevention measures, such as providing alarm systems, security lighting, street numbers, and visibility for police surveillance, should be incorporated into, and around, new and renovated buildings. Gated communities hinder police and fire suppression access and shall be prohibited, consistent with Community Design Element policy.</p>	<p>PS-7a <i>Development/building and site design standards for crime prevention.</i> Some criminal acts in and around buildings can be prevented or minimized by incorporating safety and security precautions into building and site design. These include a combination of onsite features such as alarm systems, secured entryways, lighting, and visible access. Crime prevention measures, such as providing alarm systems, security lighting, street numbers, and visibility for police surveillance, should be incorporated into, and around, new and renovated buildings. Gated communities hinder police and fire suppression access and shall be prohibited, consistent with Community Design Element policy.</p>
<p>PS-7b <i>Community-based policing.</i> Community-based policing has proven effective in reducing crime by involving citizens in crime prevention. The City Police Department provides training to business and neighborhood groups in how to discourage crime and best respond when crime occurs. The City shall continue to provide citizen training, maintain relationships with community groups, and encourage Business Emergency Services Teams (BESTs) to reduce crime and augment the essential services of the Police Department. Foot and bike patrols shall be promoted to maximize interaction between citizens and police, to foster friendship, understanding, and mutual help.</p>	<p>PS-7b <i>Community-based policing.</i> Community-based policing has proven effective in reducing crime by involving citizens in crime prevention. The City Police Department provides training to business and neighborhood groups in how to discourage crime and best respond when crime occurs. The City shall continue to provide citizen training, maintain relationships with community groups, and encourage Business Emergency Services Teams (BESTs) to reduce crime and augment the essential services of the Police Department. Foot and bike patrols shall be promoted to maximize interaction between citizens and police, to foster friendship, understanding, and mutual help.</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-7c <i>Cooperative Law Enforcement.</i> There are three law enforcement agencies based in Arcata: The Arcata Police Department, the HSU Police Department, and the California Highway Patrol. These agencies work together, responding to incidents throughout the City. The City shall continue to cooperate with other law enforcement agencies to maximize public safety within its boundaries. The City Police Department shall be the primary response agency within City limits since it is the only agency directly accountable to the government and citizens of Arcata.</p>	<p>PS-7c <i>Cooperative Law Enforcement.</i> There are three law enforcement agencies based in Arcata: The Arcata Police Department, the HSU Police Department, and the California Highway Patrol. These agencies work together, responding to incidents throughout the City. The City shall continue to cooperate with other law enforcement agencies to maximize public safety within its boundaries. The City Police Department shall be the primary response agency within City limits since it is the only agency directly accountable to the government and citizens of Arcata.</p>
<p>PS-7d <i>Independent review.</i> The Arcata Police Department has an established review procedure for investigating complaints against law enforcement personnel. Complaints may also be referred to the Humboldt County Grand Jury. [Revised by Ordinance No. 1377, September 2008]</p>	<p>PS-7d <i>Independent review.</i> The Arcata Police Department has an established review procedure for investigating complaints against law enforcement personnel. Complaints may also be referred to the Humboldt County Grand Jury. [Revised by Ordinance No. 1377, September 2008]</p>
<p>PS-7e <i>Education and crime prevention funding.</i> The City recognizes that funds spent on education and crime prevention are more effective in reducing crime than funds spent on apprehending, prosecuting, and incarcerating criminals. The City shall pursue a long-term strategy of funding education and crime prevention programs.</p>	<p>PS-7e <i>Education and crime prevention funding.</i> The City recognizes that funds spent on education and crime prevention are more effective in reducing crime than funds spent on apprehending, prosecuting, and incarcerating criminals. The City shall pursue a long-term strategy of funding education and crime prevention programs.</p>
<p>PS-8a <i>Health care programs and facilities.</i> The City of Arcata does not directly provide health care programs or facilities; however, these facilities are operated in the City by a variety of health care providers and professionals, as well as non-profit and other organizations. The City shall allow health care facilities (such as clinics, counseling centers, and doctors offices) to be located in appropriate areas of the City, and encourage programs that serve all segments of the population.</p>	<p>PS-8a <i>Health care programs and facilities.</i> The City of Arcata does not directly provide health care programs or facilities; however, these facilities are operated in the City by a variety of health care providers and professionals, as well as non-profit and other organizations. The City shall allow health care facilities (such as clinics, counseling centers, and doctors offices) to be located in appropriate areas of the City, and encourage programs that serve all segments of the population.</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>PS-8b <i>Social services programs.</i> The City administers certain social services, such as temporary and permanent housing programs. Other public agencies, including the State of California, and Humboldt County, offer social services, such as public assistance, and food subsidy programs. There are also non-profit, religious, social, and other organizations, as well as businesses that offer social services such as counseling, educational, family assistance, child care, health education, and food subsidy programs. Social service needs shall be monitored, through population trend analysis and other indicators, and information disseminated to other social service providers. Larger employers shall be encouraged to provide childcare services. The City shall coordinate with other public agencies and service providers to avoid duplication of services and shall assist in coordination, planning, and evaluating social services delivery. Additional services, such as Travelers Aid, shall also be encouraged, either through City sponsorship or identification of appropriate service providers. Social service facilities shall be located in areas that are accessible to users.</p> <p>The General Plan Housing Element goal is to provide housing opportunities for people of all income levels, through the development of a wide range of housing types. The Element also contains affordability and fair housing policies as well as design standards to serve the needs of all population segments. The Housing Element shall be implemented to promote affordable and accessible housing for segments of the population with limited financial resources and limited mobility.</p>	<p>PS-8b <i>Social services programs.</i> The City administers certain social services, such as temporary and permanent housing programs. Other public agencies, including the State of California, and Humboldt County, offer social services, such as public assistance, and food subsidy programs. There are also non-profit, religious, social, and other organizations, as well as businesses that offer social services such as counseling, educational, family assistance, child care, health education, and food subsidy programs. Social service needs shall be monitored, through population trend analysis and other indicators, and information disseminated to other social service providers.</p> <p>Larger employers shall be encouraged to provide childcare services. The City shall coordinate with other public agencies and service providers to avoid duplication of services and shall assist in coordination, planning, and evaluating social services delivery. Additional services, such as Travelers Aid, shall also be encouraged, either through City sponsorship or identification of appropriate service providers. Social service facilities shall be located in areas that are accessible to users.</p> <p>The General Plan Housing Element goal is to provide housing opportunities for people of all income levels, through the development of a wide range of housing types. The Element also contains affordability and fair housing policies as well as design standards to serve the needs of all population segments. The Housing Element shall be implemented to promote affordable and accessible housing for segments of the population with limited financial resources and limited mobility.</p>
<p>PS-8d <i>Improving community health.</i> Health care costs and other factors, such as lack of knowledge, limited mobility, and cultural beliefs, prevent certain segments of the community from seeking both preventative care and treatment for illness. This can lead to increased rates of infection and the spread of disease, which impact community health. Non-communicable diseases, such as alcoholism and substance addiction, worsen without treatment and can also impact community health. The City shall encourage low cost health providers to offer preventative, urgent, and continuing health care services, including alcoholism and substance abuse programs, that are accessible to all segments of the community.</p> <p>Community health may be jeopardized by lack of free access to clean water and sanitation facilities. The City shall work with other government agencies, non-profit organizations, and social service providers to plan, develop, and maintain such facilities.</p> <p>The City shall prohibit camping/living in areas such as the Arcata Community Forest, where clean water and sanitation facilities are not available. If feasible, the City may provide or permit a short-term camping area for unsheltered persons.</p>	<p>PS-8d <i>Improving community health.</i> Health care costs and other factors, such as lack of knowledge, limited mobility, and cultural beliefs, prevent certain segments of the community from seeking both preventative care and treatment for illness. This can lead to increased rates of infection and the spread of disease, which impact community health. Non-communicable diseases, such as alcoholism and substance addiction, worsen without treatment and can also impact community health. The City shall encourage low cost health providers to offer preventative, urgent, and continuing health care services, including alcoholism and substance abuse programs, that are accessible to all segments of the community.</p> <p>Community health may be jeopardized by lack of free access to clean water and sanitation facilities. The City shall work with other government agencies, non-profit organizations, and social service providers to plan, develop, and maintain such facilities.</p> <p>The City shall prohibit camping/living in areas such as the Arcata Community Forest, where clean water and sanitation facilities are not available. If feasible, the City may provide or permit a short term camping area for unsheltered persons.</p>
<p>N-1a <i>Noise attenuation measures.</i> Noise attenuation measures, and stationary noise source controls shall include the use of barriers, setbacks, site design, baffles, enclosures, silencers, and improved facade construction techniques.</p>	<p>N-1a <i>Noise attenuation measures.</i> Noise attenuation measures, and stationary noise source controls shall include the use of barriers, setbacks, site design, baffles, enclosures, silencers, and improved facade construction techniques.</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>N-1b <i>Noise attenuation guidelines.</i> Noise attenuation measures and stationary noise source controls shall follow the guidelines provided in the technical document entitled: <u>Noise Control Manual</u> (which is considered an implementation measure).</p>	<p>N-1b <i>Noise attenuation guidelines.</i> Noise attenuation measures and stationary noise source controls shall follow the guidelines provided in the technical document entitled: <u>Noise Control Manual</u> (which is considered an implementation measure).</p>
<p>N-1c <i>Noise mitigation.</i> Where noise mitigation measures are required, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.</p>	<p>N-1c <i>Noise mitigation.</i> Where noise mitigation measures are required, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.</p>
<p>N-1d <i>Noise level reduction.</i> To reduce existing, objectionable, industrial, and stationary noise levels at the source, the City shall work with local industries to incorporate noise control technology through building and site design and engineering solutions. The City shall make available current acoustical attenuation techniques (Noise Control Manual) for new and retrofitted industrial development.</p>	<p>N-1d <i>Noise level reduction.</i> To reduce existing, objectionable, industrial, and stationary noise levels at the source, the City shall work with local industries to incorporate noise control technology through building and site design and engineering solutions. The City shall make available current acoustical attenuation techniques (Noise Control Manual) for new and retrofitted industrial development.</p>
<p>N-1e <i>Noise standards enforcement.</i> Enforcement of noise standards shall be accomplished through development and implementation of a noise control ordinance, post-project compliance testing, and through the use of mediation.</p>	<p>N-1e <i>Noise standards enforcement.</i> Enforcement of noise standards shall be accomplished through development and implementation of a noise control ordinance, post-project compliance testing, and through the use of mediation.</p>
<p>N-1f <i>Mediation of noise conflicts.</i> Where noise conflicts may occur, all affected parties shall strive to use innovative and positive solutions to solve those disputes, including the use of trained mediators. The City recognizes that many noise issues can be resolved before they get to the complaint stage if there is a procedure for airing the issue with an impartial third party.</p>	<p>N-1f <i>Mediation of noise conflicts.</i> Where noise conflicts may occur, all affected parties shall strive to use innovative and positive solutions to solve those disputes, including the use of trained mediators. The City recognizes that many noise issues can be resolved before they get to the complaint stage if there is a procedure for airing the issue with an impartial third party.</p>
<p>N-1g <i>Resolution of noise disputes.</i> The City shall establish positive ways to discuss and resolve noise issues and disputes, including the use of trained mediators.</p>	<p>N-1g <i>Resolution of noise disputes.</i> The City shall establish positive ways to discuss and resolve noise issues and disputes, including the use of trained mediators.</p>
<p>N-2a <i>Noise contour maps.</i> The noise contour map (Figure N-b) and other estimates of noise source levels shall be used in conjunction with the noise source criteria to evaluate the feasibility of a proposed project.</p>	<p>N-2a <i>Noise contour maps.</i> The noise contour map (Figure N-b) and other estimates of noise source levels shall be used in conjunction with the noise source criteria to evaluate the feasibility of a proposed project.</p>
<p>N-2b <i>New development of noise-sensitive uses.</i> New noise receptors shall not be allowed where the noise level from non-transportation noise generators will exceed noise level standards (Table N-1), unless effective noise mitigation measures that meet City standards are incorporated.</p>	<p>N-2b <i>New development of noise-sensitive uses.</i> New noise receptors shall not be allowed where the noise level from non-transportation noise generators will exceed noise level standards (Table N-1), unless effective noise mitigation measures that meet City standards are incorporated.</p>
<p>N-2c <i>Noise created by new or proposed stationary noise sources.</i> Noise created by new or proposed stationary noise sources, or the expansion or alteration of an existing use, shall be mitigated so as not to exceed noise level standards (Table N-1) at noise-sensitive land uses. All noise generators not in compliance with these standards will be encouraged to mitigate impacts.</p>	<p>N-2c <i>Noise created by new or proposed stationary noise sources.</i> Noise created by new or proposed stationary noise sources, or the expansion or alteration of an existing use, shall be mitigated so as not to exceed noise level standards (Table N-1) at noise-sensitive land uses. All noise generators not in compliance with these standards will be encouraged to mitigate impacts.</p>
<p>N-2d <i>Acceptable noise levels.</i> New construction and retrofits at existing buildings shall include appropriate insulation, glazing, and other sound attenuation measures so that they comply with standards contained in Table N-1. These standards are intended to set levels for external noise sources that could potentially impact a new dwelling or other noise-sensitive use.</p>	<p>N-2d <i>Acceptable noise levels.</i> New construction and retrofits at existing buildings shall include appropriate insulation, glazing, and other sound attenuation measures so that they comply with standards contained in Table N-1. These standards are intended to set levels for external noise sources that could potentially impact a new dwelling or other noise-sensitive use.</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>N-3a <i>New development of noise-sensitive land uses.</i> New development of noise receptors will not be permitted in areas exposed to existing or projected levels of transportation noise exceeding levels specified in Table N-2, unless exterior noise or noise levels in interior spaces can be reduced to meet City Standards (Table N-2).</p>	<p>N-3a <i>New development of noise-sensitive land uses.</i> New development of noise receptors will not be permitted in areas exposed to existing or projected levels of transportation noise exceeding levels specified in Table N-2, unless exterior noise or noise levels in interior spaces can be reduced to meet City Standards (Table N-2).</p>
<p>N-3b <i>Transportation noise.</i> Transportation noise sources shall be periodically measured, and significant increases mitigated, so as not to exceed the levels specified in Table N-2 for outdoor activity areas or interior spaces of existing receptors.</p>	<p>N-3b <i>Transportation noise.</i> Transportation noise sources shall be periodically measured, and significant increases mitigated, so as not to exceed the levels specified in Table N-2 for outdoor activity areas or interior spaces of existing receptors.</p>
<p>N-4a <i>Noise-sensitive land uses.</i> Where receptor land uses are potentially exposed to existing or projected exterior noise levels exceeding the levels specified in Table N-2 or the performance standards of Table N-1, an acoustical analysis shall be required as part of the environmental review process, so that noise mitigation may be included in the project design. An acoustical analysis prepared pursuant to the Noise Element shall:</p> <ol style="list-style-type: none"> 1. Be the financial responsibility of the applicant. 2. Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. 3. Include noise level measurements, with sufficient sampling periods and locations, to adequately describe local conditions and the predominant noise sources. 4. Estimate existing and projected cumulative (twenty years) noise levels in terms of L_{dn} or CNEL and/or the standards of Table NI, and compare those levels to the adopted policies of the Noise Element. 5. Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise-sensitive land uses. 6. Estimate noise exposure after prescribed mitigation measures are implemented. 7. Describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures. 	<p>N-4a <i>Noise-sensitive land uses.</i> Where receptor land uses are potentially exposed to existing or projected exterior noise levels exceeding the levels specified in Table N-2 or the performance standards of Table N-1, an acoustical analysis shall be required as part of the environmental review process, so that noise mitigation may be included in the project design. An acoustical analysis prepared pursuant to the Noise Element shall:</p> <ol style="list-style-type: none"> 1. Be the financial responsibility of the applicant. 2. Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. 3. Include noise level measurements, with sufficient sampling periods and locations, to adequately describe local conditions and the predominant noise sources. 4. Estimate existing and projected cumulative (twenty years) noise levels in terms of L_{dn} or CNEL and/or the standards of Table NI, and compare those levels to the adopted policies of the Noise Element. 5. Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise-sensitive land uses. 6. Estimate noise exposure after prescribed mitigation measures are implemented. 7. Describe a post project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures.
<p>N-5a <i>Intrusive noise.</i> When intrusive noise sources have been identified, the detrimental effects (sleep interference or the potential for annoyance) shall be disclosed to neighboring receptor properties.</p>	<p>N-5a <i>Intrusive noise.</i> When intrusive noise sources have been identified, the detrimental effects (sleep interference or the potential for annoyance) shall be disclosed to neighboring receptor properties.</p>
<p>N-5b <i>Noise levels due to non-transportation sources.</i> Noise levels due to non-transportation sources which may be intermittent or recurring, impulsive noises, pure tones, or noises consisting primarily of speech or music, shall be subject to the criteria contained within Table N-1, with a -5 dB penalty applied to the criteria.</p>	<p>N-5b <i>Noise levels due to non-transportation sources.</i> Noise levels due to non-transportation sources which may be intermittent or recurring, impulsive noises, pure tones, or noises consisting primarily of speech or music, shall be subject to the criteria contained within Table N-1, with a -5 dB penalty applied to the criteria.</p>

PROPOSED NEW HAZARDOUS AREAS POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
<p>N-5c <i>Rhythmic, reoccurring, or impulsive noise sources.</i> When noise sources have been identified to be rhythmic, reoccurring, or impulsive in nature or comprised mainly of music or speech, they may comply with applicable noise level criteria and still be annoying to individuals. When these types of noise sources have been identified, they may be subject to additional mitigation or mediation.</p>	<p>N-5c <i>Rhythmic, reoccurring, or impulsive noise sources.</i> When noise sources have been identified to be rhythmic, reoccurring, or impulsive in nature or comprised mainly of music or speech, they may comply with applicable noise level criteria and still be annoying to individuals. When these types of noise sources have been identified, they may be subject to additional mitigation or mediation.</p>
<p>N-5d <i>Construction site tool or equipment noise.</i> The following shall apply to construction noise from tools and equipment:</p> <ol style="list-style-type: none"> 1. The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 7 P.M. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays. 2. No heavy equipment related construction activities shall be allowed on Sundays or holidays. <p>This shall apply to construction noise from tools and equipment which are subject to the review of the City, and which may affect receptor uses. This policy shall not apply to emergency work of public service utilities or by variance under a noise ordinance.</p>	<p>N-5d <i>Construction site tool or equipment noise.</i> The following shall apply to construction noise from tools and equipment:</p> <ol style="list-style-type: none"> 1. The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 7 P.M. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays. 2. No heavy equipment related construction activities shall be allowed on Sundays or holidays. <p>This shall apply to construction noise from tools and equipment which are subject to the review of the City, and which may affect receptor uses. This policy shall not apply to emergency work of public service utilities or by variance under a noise ordinance.</p>
<p>N-5e <i>Stationary and construction equipment noise.</i> All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.</p>	<p>N-5e <i>Stationary and construction equipment noise.</i> All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.</p>
<p>N-5f <i>Noise Ordinance.</i> The City of Arcata shall develop and adopt a City-wide noise ordinance. The ordinance shall contain noise level criteria consistent with the criteria contained within the noise element.</p>	<p>N-5f <i>Noise Ordinance.</i> The City of Arcata shall develop and adopt a City-wide noise ordinance. The ordinance shall contain noise level criteria consistent with the criteria contained within the noise element.</p>

COMMISSION SUGGESTED NEW HAZARDOUS AREAS POLICIES AND STANDARDS
<p><u>C-AQ-1a New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.</u></p>
<p><u>C-PS-2a New development shall minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</u></p>
<p><u>C-PS-2b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to, California Geological Survey Geohazard Maps. Low intensity/occupancy uses (such as open space, easy to evacuate recreational facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.</u></p>
<p><u>C-PS-2c Applications for development located in or near an area subject to geologic hazards, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. Such study shall be prepared consistent with the requirements of Land Use Code.</u></p>
<p><u>C-PS-2d Setbacks for seismic faults shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.</u></p>
<p><u>C-PS-3a New development shall minimize risks to life and property in areas of highly unstable soils and slope hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</u></p>

COMMISSION SUGGESTED NEW HAZARDOUS AREAS POLICIES AND STANDARDS

C-PS-3b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to California Geological Survey Geohazard Maps, U.S. Geological Survey (USGS) Assessment of Sandy Beaches, USGS Assessment of Rocky Shorelines, U.S. Army Corps of Engineers, California Emergency Management Agency Tsunami Run-up maps, and the Pacific Institute's Coastal Erosion and Flooding Maps. Low intensity/occupancy uses (such as open space, easy to evacuate recreational facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.

C-PS-3c Setbacks for liquefaction zones, unstable soils or steep slopes shall be established as part of the development review process. Where severe safety considerations exist (e.g., within zones of extreme and high instability), open space easements shall be granted to the City to protect people and property from health and safety hazards.

C-PS-3d Blufftop and cliff face setbacks. All development located on a blufftop or in proximity to a cliff face, shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life. Stability shall be defined as maintaining a minimum factor of safety against sliding of 1.5 (static) or 1.1 (pseudostatic). This requirement shall apply to the principal structure and accessory or ancillary structures. Slope stability analyses and erosion rate estimates shall be performed by a qualified Certified Engineering Geologist (CEG), Registered Civil Engineers (RCE), Geotechnical Engineer (GE) or a group of the aforementioned specialists approved by the City, with expertise appropriate to the site and anticipated hazard conditions.

C-PS-3e Siting and design of new shoreline development and protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100-year economic life of the structure, taking into consideration the 100-year storm event and storm surge.

C-PS-3f New development on bay fronting parcels shall only be approved with conditions requiring that no shoreline protective structure be allowed to be constructed in the future to protect the development from bluff erosion. Prior to the issuance of a coastal development permit for the development, a deed restriction acceptable to the Director of Community Development shall be recorded memorializing the prohibition on future shoreline protective structures.

C-PS-3g Land divisions, including subdivisions, lot splits, lot line adjustments, and conditional certificates of compliance that create new shoreline or blufftop lots, shall not be permitted unless the land division can be shown to create lots which can be developed safe from geologic hazard and without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time.

C-PS-4a New development shall minimize risks to life and property in areas of high flood hazard.

C-PS-4b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to, FEMA Flood Insurance Rate Maps and coastal storm surge maps, and the tsunami inundation/runup maps and models prepared by CalEMA/USC Tsunami Research Center/CGS. Low intensity/occupancy uses (such as open space, easy to evacuate recreational facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.

C-PS-4c Setbacks for mapped Flood Hazard Zone A areas shall be established as part of the development review process. Where severe safety considerations exist (e.g., within floodways), open space easements shall be granted to the City to protect people and property from health and safety hazards.

C-PS-4d The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, identified in the current guidance from the Ocean Protection Council, or equivalent state guidance. The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazards analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes within the tsunami inundation zone, projects shall assume the inundation plus an assumed rise in sea level — a minimum sea level rise rate of 3 feet per century and critical infrastructure shall assume the inundation plus an assumed rise of 4.5 feet per century; greater sea level rise rates shall be used if development is expected to have an economic life greater than 100 years, if development has few options for adaptation to sea level higher than the design minimum, or if the best available and most recent scientific information supports a higher design level.

COMMISSION SUGGESTED NEW HAZARDOUS AREAS POLICIES AND STANDARDS

C-PS-4e All bay front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding, and beach and bluff erosion hazards, and avoid the need for a shoreline or bluff face protective structure at any time during the life of the development.

C-PS-4f All new development entailing the construction of structures intended for human occupancy, situated within historic, modeled, or mapped tsunami inundation hazard areas, shall be required to prepare and secure approval of a tsunami safety plan. The safety plan shall be prepared in coordination with the Humboldt County Office of Emergency Services, Sheriff's Office, and City or Tribal public safety agencies, and shall contain information relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The safety plan information shall be conspicuously posted or copies of the information provided to all occupants. No new residential land divisions shall be approved unless it be demonstrated that either: (a) timely evacuation to safe higher ground, as depicted on adopted tsunami hazard maps, can feasibly be achieved before the predicted time of arrival of tsunami inundation at the project site; or (b) the development is designed to incorporate structural resiliency and modeled inundation freeboard features to allow for occupants to vertically evacuate and "shelter-in-place" on upper floors or roof areas.

C-PS-4g New residential subdivisions situated within historic and modeled tsunami inundation hazard areas, such as depicted on the tsunami hazard maps described in Policy C-PS-4 above, shall be designed and sited such that the finished floor elevation of all new permanent residential units are constructed with one foot of freeboard above the maximum credible runup elevation as depicted on the most recent government prepared tsunami hazards maps, or as developed by local agency modeling, whichever elevation is greater, taking into account sea level rise rates of 3 to 6 feet per century. For tsunami resilient design purposes, a minimum sea level rise rate of 3 feet per century shall be used when combined with a maximum credible tsunami condition. Additionally, all such structures containing permanent residential units shall be designed to withstand the hydrostatic and hydrodynamic loads and effects of buoyancy associated with inundation by storm surge and tsunami waves up to and including the tsunami runup depicted on the tsunami hazard maps, without experiencing a catastrophic structural failure. For purposes of administering this policy, "permanent residential units" comprise residential units intended for occupancy as the principal domicile of their owners, and do not include timeshare condominiums, visitor-serving overnight facilities, or other transient accommodations.

C-PS-5a New development shall minimize risks to life and property in areas of high fire hazard.

C-PS-5b Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps.

C-PS-5c Setbacks for areas susceptible to wildland fire shall be established as part of the development review process. Where severe safety considerations exist (e.g., within extreme or high fire risk zones), open space easements shall be granted to the City to protect people and property from health and safety hazards.

C-PS-6a Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

VISUAL RESOURCES POLICIES AND STANDARDS [PRC §30251]

EXISTING CERTIFIED CLUE VISUAL RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>The City shall identify the following areas as Coastal Scenic Areas:</p> <p>(a) Arcata Bay tideland and water areas;</p> <p>(b) All land designated as Natural Resource Protection on the Land Use Map;</p> <p>(c) All land between Highway 101 and Old Arcata Road designated Agriculture Exclusive on the Land Use Map;</p> <p>(d) All land on the western Arcata plain designated Agriculture Exclusive on the Land Use Map.</p>	<p>D-3e <i>Arcata Bay—Open waters, shoreline, and tidal marshes.</i> Proposed land uses and development shall not significantly alter the natural appearance or landforms of the waters, shoreline, and tidal marshes of Arcata Bay, which are designated in the natural resource land-use category. Where these resources are visually degraded, developments shall be required to restore or enhance their appearance. Development within the area bounded by Samoa Blvd., Butcher's Slough and Gannon Slough shall include local native plant landscaping, screenings and other measures to ensure compatibility with scenic coastal resources and with the educational, recreational, wildlife and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p>	<p>[No modifications suggested; renumber as Policy C-D-3e.]</p>
	<p>D-3h <i>Farmlands and open countryside.</i> Views of farmlands and open countryside — in the Arcata Bottom, along the State Route 101 south of Samoa Boulevard, north of Giuntoli Lane, and along State Route 255 west of the city, should be protected. New development should be sited and designed to minimize any impairment of such views.</p>	<p>D-3h C-D-3f <i>Farmlands and open countryside.</i> Views of farmlands and open countryside — in the Arcata Bottom, along the State Route 101 south of Samoa Boulevard, north of Giuntoli Lane, and along State Route 255 west of the city, should shall be protected. New development should shall be sited and designed to minimize any impairment of such views.</p>
<p>IV-15 The City shall follow the Environmental Impact Review procedures established in the Land Use and Development Guide for any proposed use in the Coastal Scenic Areas. An initial study that takes visual resources as a consideration shall be prepared to determine the appropriate environmental document. If it is determined that the proposed use would significantly alter the appearance of natural landforms, would significantly alter the appearance of existing land uses, or would significantly block views from existing public thoroughfares to the Bay, then no permit shall be issued unless it can be shown that the proposed use will serve to restore or enhance a visually degraded area.</p>	<p align="center">[See LUC Chapter 9.28]</p>	<p align="center">[See suggested modifications to LUC Chapter 9.28]</p>
<p>IV-16 The City shall designate the following routes as Scenic Routes and shall establish guidelines to retain their scenic features: Old Arcata Road from the 7th Street Overcrossing to Crescent Drive; Bayside Cut-off</p>	<p>D-3a <i>Designation of coastal scenic highways.</i> The following coastal scenic highways are hereby designated: 1. 7th Street and Bayside Road, from 7th Street</p>	<p>D-3a C-D-3b <i>Designation of coastal scenic highways.</i> The following coastal scenic highways are hereby designated: 1. 7th Street and Bayside Road, from 7th Street</p>

EXISTING CERTIFIED CLUE VISUAL RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
<p>from Highway 101 to Old Arcata Road; Samoa Boulevard (State Highway 255) from Sunny Brae to Manila; Janes Road from 11th Street to Simpson Mill; Highway 101 from Bayside Cut-off to Mad River; South "I" Street, from Highway 255 south; and South "G" Street from "H" Street to Highway 101.</p>	<p>overcrossing to Crescent Drive. 2. Bayside Cutoff, from State Route 101 to Old Arcata Road. 3. Old Arcata Road, from Bayside Cutoff to Crescent Drive. 4. Samoa Blvd. (State Route 255), from Crescent Drive to Manila. 5. Janes Road, from 11th Street to Foster Avenue 6. State Route 101, from the southerly City boundary to the Mad River. 7. South "I" Street, from Samoa Blvd. south. 8. South "G" Street, from "H" Street to State Route 101 9. All public roads west of the City in the Arcata Bottom.</p>	<p>overcrossing to Crescent Drive. 2. Bayside Cutoff, from State Route 101 to Old Arcata Road. 3. Old Arcata Road, from Bayside Cutoff to Crescent Drive. 4. Samoa Blvd. (State Route 255), from Crescent Drive to Manila <u>the western city limits at Slaughter House Road.</u> 5. Janes Road, from 11th Street to Foster Avenue. 6. State Route 101, from the southerly City boundary to the Mad River <u>Seventh Street overpass.</u> 7. South "I" Street, from Samoa Blvd. south. 8. South "G" Street, from "H" Street to State Route 101 9. All public roads west of the City in the Arcata Bottom.</p>
<p>IV-17 Billboards and off-site signs designated to be read from any state highway or freeway shall not be permitted in the coastal zone.</p> <p>IV-18 It is the policy of the City to prevent the additional planting of landscaping along Highway 101 that would interrupt the scenic views from Highway 101 to the Bay or eastward across the agricultural lands. It is further the policy of the City to work with Caltrans, Humboldt County, and the Commission to enhance scenic views along Highway 101.</p>	<p>D-3c <i>Design policy for projects affecting scenic highways.</i> The following standards shall apply to any development which affects scenic highways:</p> <ol style="list-style-type: none"> 1. Billboards or other off-premises signs are prohibited. 2. Landscape planting along State Route 101 shall not interrupt scenic views to the bay or eastward across agricultural lands. 3. New development or redevelopment in the industrial area of South "G" Street shall provide dense landscape screens along all perimeter lot lines visible from State Route 101. 4. The City shall work jointly with the County of Humboldt, Caltrans, and the Coastal Commission to enhance scenic views along scenic highways, particularly State Route 101 and 255 corridors. 	<p>D-3c C-D-3c <i>Design policy for projects affecting scenic highways.</i> The following standards shall apply to any development which affects scenic highways:</p> <ol style="list-style-type: none"> 1. Billboards or other off-premises signs are prohibited. 2. Landscape planting along State Route 101 shall not interrupt scenic views to the bay or eastward across agricultural lands. 3. New development or redevelopment in the industrial area of South "G" Street shall provide dense landscape screens along all perimeter lot lines visible from State Route 101. 4. The City shall work jointly with the County of Humboldt, Caltrans, and the Coastal Commission to enhance scenic views along scenic highways, particularly State Route 101 and 255 corridors. <p>[Move declaratory intent statement to <i>Other Initiatives.</i>]</p>
<p>IV-19 Development in the Heavy Industrial area bounded by Samoa Boulevard, Butcher's Slough and Gannon Slough should include local native plant landscaping, screenings and other mitigations to ensure compatibility with the educational, recreational, wildlife and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.</p>	<p>[See Policy D-3e above]</p>	<p>[See suggested modifications to Policy C-D-3e above]</p>

EXISTING CERTIFIED CLUE VISUAL RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
V-3 The City shall require that new development or redevelopment in the industrial area surrounding South "G" Street provide dense landscaped screens along all perimeter lot lines visible from Highway 101.	[See Policy D-3h above]	[See suggested modifications to Policy C-D-3f above]
V-4 The City shall identify Samoa Boulevard, a State Highway, as a community entryway and seek funding to develop a specific public improvement program between the highway overpass and "K" Street that provides for consistent landscaping, street furniture, and directional signing.	<p>D-3d <i>Scenic entryways.</i> The appearance of the following additional entryways should be enhanced with appropriate landscaping and entry signs or structures:</p> <ol style="list-style-type: none"> 1. Samoa Blvd. (State Route 255) between Jackson Ranch Road and "K" Street 2. State Route 101 between Bayside cutoff and Samoa Blvd. 3. State Route 101 between the Mad River and Giuntoli Lane 4. State Route 299 from North Bank Road to Giuntoli Lane 5. Old Arcata Road from Bayside Cutoff to Jacoby Creek Road <p>These public improvements may include uniform landscaping, pedestrian enhancements, and directional signing.</p>	<p>D-3d C-D-3d <i>Scenic entryways.</i> The appearance of the following additional entryways, should shall be enhanced with appropriate landscaping and entry signs or structures:</p> <ol style="list-style-type: none"> 1. Samoa Blvd. (State Route 255) between Jackson Ranch Road the western city limits at Slaughter House Road and "K" Street. 2. State Route 101 between Bayside cutoff and Samoa Blvd. 3. State Route 101 between the Mad River and Giuntoli Lane. 4. State Route 299 from North Bank Road to Giuntoli Lane. 5. Old Arcata Road from Bayside Cutoff to Jacoby Creek Road <p>These public improvements may include uniform landscaping, pedestrian enhancements, and directional signing.</p>
EXISTING CERTIFIED CLUE COASTAL VISUAL RESOURCES AND SPECIAL COMMUNITIES ELEMENT APPENDIX "K" POLICIES		
K-1 The City shall identify the following areas as Coastal Scenic Areas: (a) Arcata Bay tideland and water areas; (b) All land designated as Natural Resources Protection on the Land Use Map; (c) All land between Highway 101 and Old Arcata Road designated Agriculture Exclusive on the Land Use Map; (d) All land on the western Arcata plain designated Agriculture Exclusive on the Land Use Map.	[See Policies D-3e and D-3h above.]	[See suggested modifications to Policies C-D-3e and C-D-3f above.]
K-2 The City shall follow the Environmental Impact Review procedures established in the Land Use and Development Guide for any proposed use in the Coastal Scenic Areas. An initial study that takes visual resources as consideration shall be prepared to determine the appropriate environmental document. If it is determined that the proposed use would significantly alter the appearance of natural landforms or would significantly block views from existing public thoroughfares to the	[See LUC Chapter 9.28]	[See suggested modifications to LUC Chapter 9.28]

EXISTING CERTIFIED CLUE VISUAL RESOURCES POLICY	PROPOSED AMENDED/EQUIVALENT POLICY	AS SUGGESTED TO BE MODIFIED
Bay, then no permit shall be issued unless it can be shown that the proposed use will serve to restore or enhance a visually degraded area.		
K-3 The City shall establish a landscaped screen along the northern and eastern perimeters of the existing filled portion of the Corporation yard.	[Policy to be discontinued.]	[See suggested new policy C-D-3a.]
K-4 The City shall require that new development or redevelopment in the industrial area surrounding South "G" Street provide dense landscaped screens along all perimeter lot lines visible from Highway 101.	[See Policy D-3c above]	[See suggested modifications to Policy C-D-3ce above]
K-5 The City shall designate the following routes as Scenic Routes and shall establish guidelines to retain their scenic features: Old Arcata Road from the Seventh Street Overcrossing to Crescent Drive; Bayside Cut-off from Highway 101 to Old Arcata Road; Samoa Boulevard (State Highway 255) from Sunny Brae to Manila; Janes Road from 11th Street to Simpson Mill; Highway 101 from Bayside Cut-off to Mad River; South "I" Street from Samoa Boulevard south, and South "G" Street from "H" Street to Highway 101.	[See Policy D-3a above]	[See suggested modifications to Policy C-D-3b above]
K-6 Billboards and off-site signs designed to be read from any State freeway or highway shall not be permitted in the Coastal Zone.	[See Policy D-3c above]	[See suggested modifications to Policy C-D-3ce above]
K-7 It is the policy of the City to prevent the additional planting of landscaping along Highway 101 that would interrupt the scenic views from Highway 101 to the bay or eastward across the agricultural lands. It is further the policy of the City to work with Caltrans, Humboldt County, and the Commission to enhance scenic views along Highway 101.	[See Policy D-3c above]	[See suggested modifications to Policy C-D-3ce above]

PROPOSED NEW VISUAL RESOURCES POLICIES AND STANDARDS	AS SUGGESTED TO BE MODIFIED
OS-1f <i>Designation of lands with scenic, aesthetic, historic, and cultural value.</i> The City has scenic routes, including State Route 101 and Samoa Boulevard; vistas, including the forested slopes of Fickle Hill and the Arcata Bottoms; and areas of historic and cultural value, such as the Plaza. The open and natural characteristics of these areas shall be maintained. Policies for retaining scenic vistas and landscape features are included in the Community Design Element of the General Plan.	OS-1f C-OS-1b <i>Designation of lands with scenic, aesthetic, historic, and cultural value.</i> The City has scenic routes, including State Route 101 and Samoa Boulevard; vistas, including the forested slopes of Fickle Hill and the Arcata Bottoms; and areas of historic and cultural value, such as the Plaza. The open and natural characteristics of these areas shall be maintained. Policies for retaining scenic vistas and landscape features are included in the Community Design Element of the General Coastal Land Use Plan.

COMMISSION SUGGESTED NEW VISUAL RESOURCES POLICIES AND STANDARDS

C-D-3a *Scenic and visual qualities.* The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by the City and the County of Humboldt shall be subordinate to the character of its setting.

PUBLIC ACCESS

- 30210 PROVISIONS FOR MAXIMIZED ACCESS
- 30211 PROTECTION OF EXISTING ACCESS
- 30212 PROVISIONS FOR ACCESS IN NEW DEVELOPMENT
- 30212.5 DISTRIBUTION OF ACCESS FACILITIES
- 30213 PRIORITIZATION OF LOWER-COST & PUBLIC ACCESS AND RECREATIONAL FACILITIES
- 30214 IMPLEMENTATION OF ACCESS POLICIES - INTENT & LIMITATIONS

COASTAL RECREATION

- 30220 PROTECTION OF WATER-ORIENTED ACTIVITIES
- 30221 PROTECTION OF OCEANFRONT SITES FOR RECREATIONAL USE AND DEVELOPMENT
- 30222 PRIORITIZATION OF VISITOR-SERVING COMMERCIAL RECREATIONAL FACILITY DEVELOPMENT
- 30222.5 PRIORITIZATION & PROTECTION OF COASTAL-DEPENDENT AQUACULTURE USE AND DEVELOPMENT
- 30223 RESERVATION OF SUITABLE UPLAND SUPPORT SITES
- 30224 ENCOURAGEMENT OF RECREATIONAL BOATING

MARINE AND WATER RESOURCES

- 30230 MAINTENANCE, ENHANCEMENT & FEASIBLE RESTORATION
- 30231 PROTECTION OF BIOLOGICAL PRODUCTIVITY & WATER QUALITY
- 30232 PROTECTION AGAINST OIL AND HAZARDOUS SUBSTANCE SPILLS
- 30233 DIKING, DREDGING, & FILLING OF COASTAL WATERS
- 30234 PROTECTION & FEASIBLE UPGRADING OF COMMERCIAL FISHING & RECREATIONAL BOATING FACILITIES
- 30234.5 RECOGNITION & PROTECTION OF FISHING
- 30235 NATURAL SHORELINE-ALTERING CONSTRUCTION
- 30236 CHANNELIZATION, DAMMING, & SUBSTANTIAL ALTERATION OF RIVERS & STREAMS

LAND RESOURCES

- 30240 PROTECTION OF ESHA & ESHA-ADJACENT AREAS
- 30241 MAINTENANCE & MAXIMIZATION OF AGRICULTURAL LANDS
- 30241.5 PROTECTION OF AGRICULTURAL LANDS' ECONOMIC VIABILITY
- 30242 CONVERSIONS OF AGRICULTURAL LANDS
- 30243 PROTECTION OF TIMBERLANDS
- 30244 PROTECTION OF ARCHAEOLOGICAL & PALEONTOLOGICAL RESOURCES

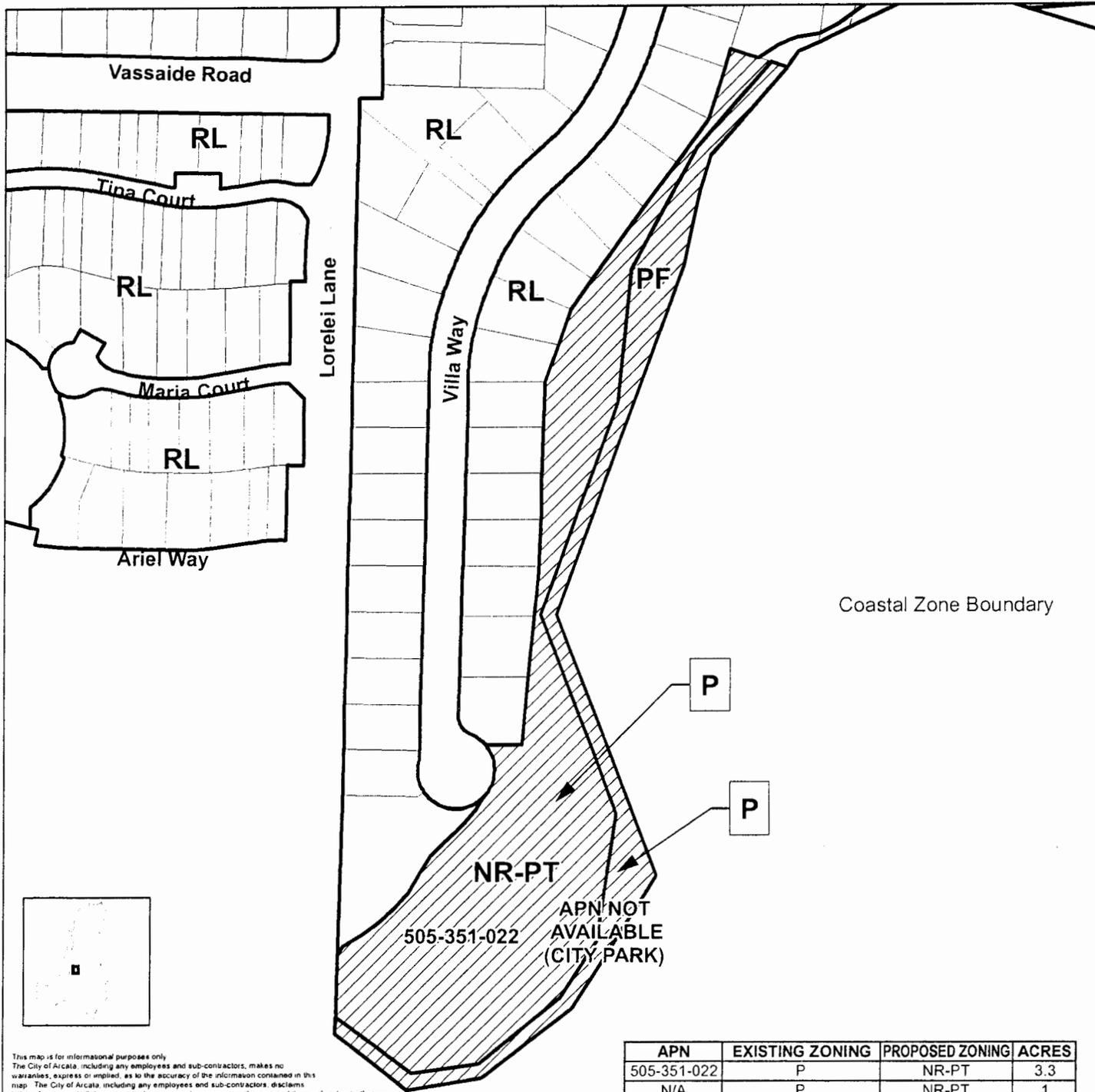
NEW DEVELOPMENT

- 30250 LOCATION OF PROPOSED NEW DEVELOPMENT
- 30251 PROTECTION OF SCENIC & VISUAL RESOURCES
- 30252 MAINTENANCE & ENHANCEMENT OF PUBLIC ACCESS
- 30253 MINIMIZATION OF GEOLOGIC, FLOOD, FIRE HAZARDS, AIR QUALITY IMPACTS, & ENERGY CONSUMPTION; PROTECTIONS OF SPECIAL COMMUNITIES
- 30254 DESIGN CAPACITIES FOR PUBLIC WORKS FACILITIES; PROVISION PRIORITIZATION OF LIMITED SERVICES
- 30254.5 LIMITATIONS ON TERMS & CONDITIONS FOR SEWAGE TREATMENT PLANTS
- 30255 PRIORITIZATION & LIMITATIONS COASTAL-DEPENDENT DEVELOPMENTS; PROXIMITY REQUIREMENTS FOR COASTAL-RELATED DEVELOPMENT

INDUSTRIAL DEVELOPMENT

- 30260 LOCATION OF NEW & EXPANDED COASTAL-DEPENDENT INDUSTRIAL DEVELOPMENT
- 30261 USE & DESIGN OF TANKER FACILITIES
- 30262 OIL & GAS DEVELOPMENT STANDARDS
- 30263 DEVELOPMENT OF NEW & EXPANDED REFINERIES & PETROCHEMICAL FACILITIES
- 30264 DEVELOPMENT OF NEW & EXPANDED THERMAL GENERATING PLANTS
- 30265 OFFSHORE OIL TRANSPORTATION

City of Arcata
Exhibit 1 of 7
Zoning Designation Changes



This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.
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APN	EXISTING ZONING	PROPOSED ZONING	ACRES
505-351-022	P	NR-PT	3.3
N/A	P	NR-PT	1

Legend

- Proposed Zoning Designation Change
- City of Arcata Parcel
- Coastal Zone Boundary

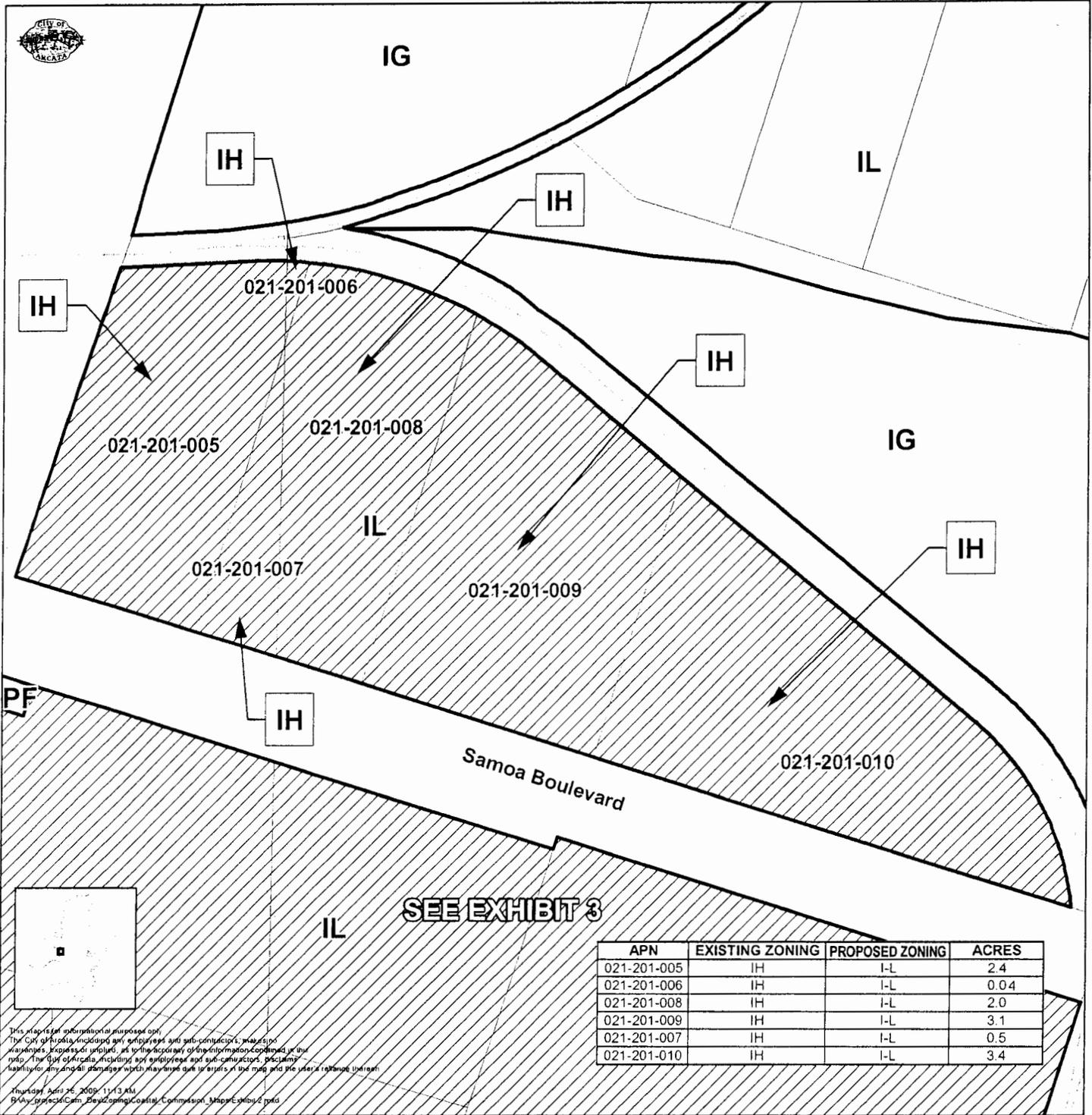
Proposed Zoning & Existing Land Use

- Proposed Zoning (Shown in letters)
- Existing Zoning I-L (Shown in leader label)



0 50 100 Feet

City of Arcata
Exhibit 2 of 7
Zoning Designation Changes



Legend

- Proposed Zoning Designation Change
- City of Arcata Parcel

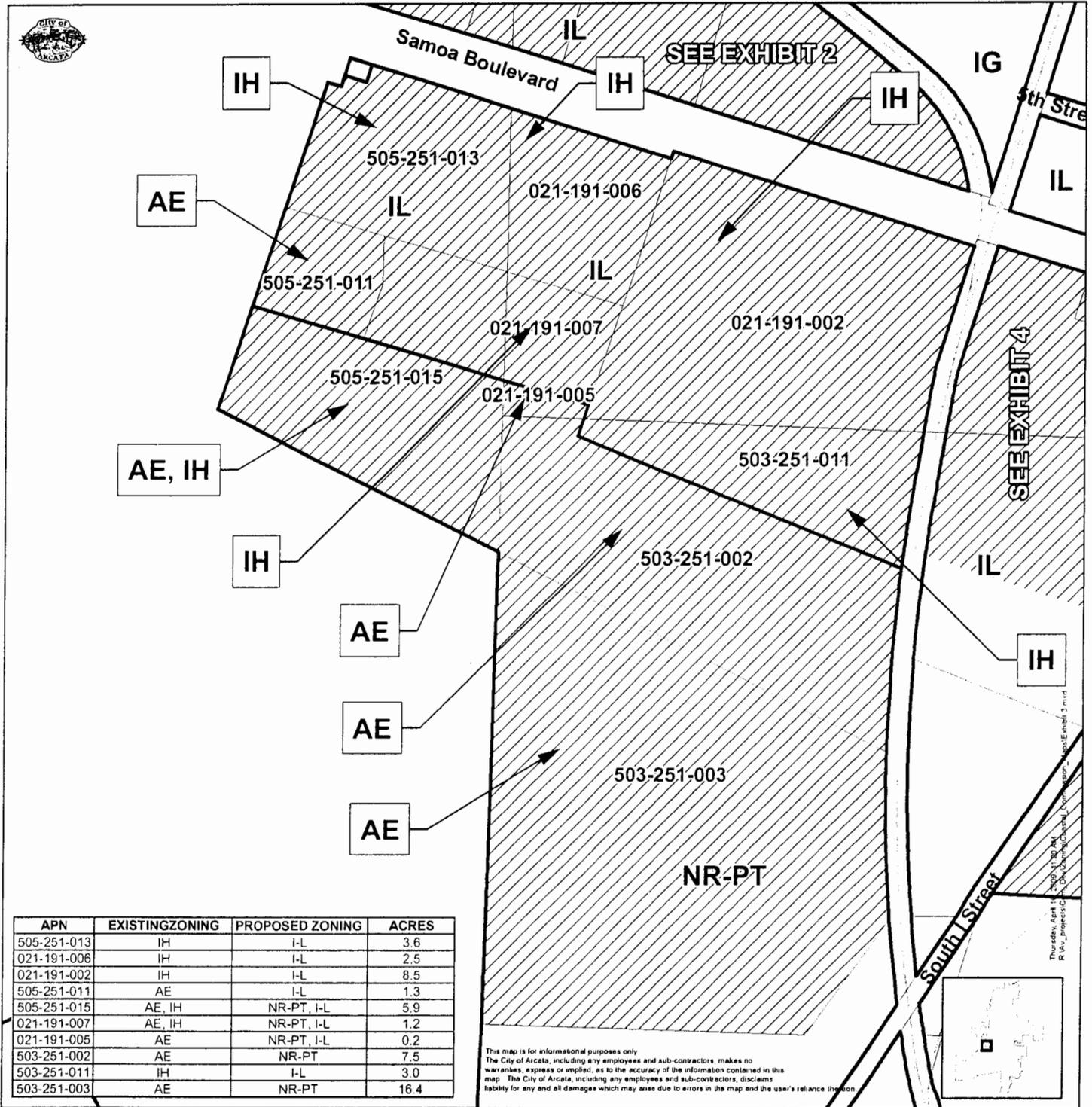
Proposed Zoning & Existing Land Use

- Proposed Zoning (Shown in letters)
- Existing Zoning I-L (Shown in leader label)



0 50 100 Feet

City of Arcata
Exhibit 3 of 7
Zoning Designation Changes



APN	EXISTING ZONING	PROPOSED ZONING	ACRES
505-251-013	IH	I-L	3.6
021-191-006	IH	I-L	2.5
021-191-002	IH	I-L	8.5
505-251-011	AE	I-L	1.3
505-251-015	AE, IH	NR-PT, I-L	5.9
021-191-007	AE, IH	NR-PT, I-L	1.2
021-191-005	AE	NR-PT, I-L	0.2
503-251-002	AE	NR-PT	7.5
503-251-011	IH	I-L	3.0
503-251-003	AE	NR-PT	16.4

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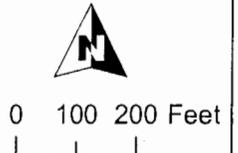
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Legend

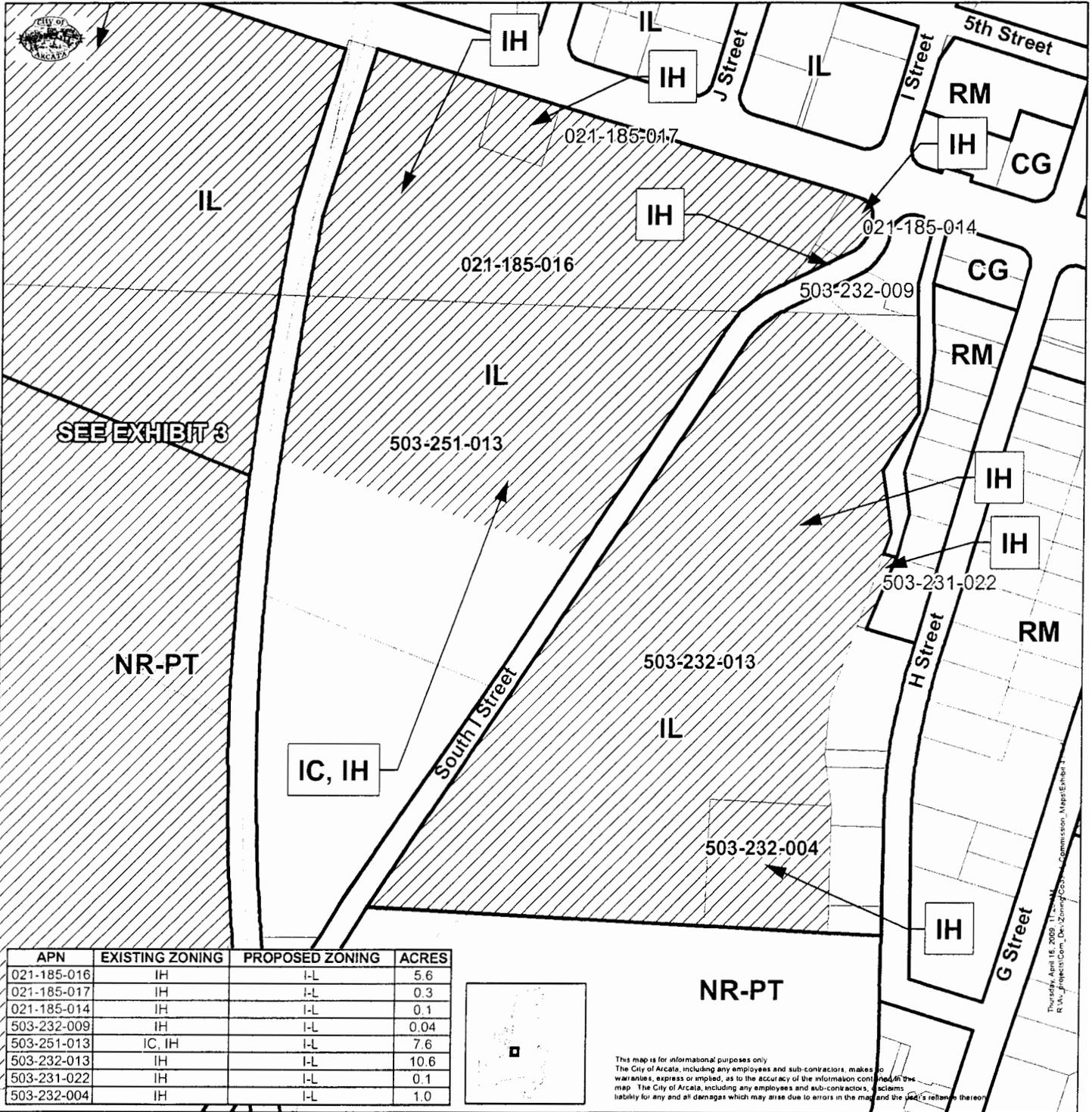
-  Proposed Zoning Designation
-  City of Arcata Parcel
-  Coastal Zone Boundary

Proposed Changes

-  Proposed Land Use I-H (Shown in letters)
-  Existing Zoning I-L (Shown in leader label)



City of Arcata
Exhibit 4 of 7
Zoning Designation Changes



APN	EXISTING ZONING	PROPOSED ZONING	ACRES
021-185-016	IH	I-L	5.6
021-185-017	IH	I-L	0.3
021-185-014	IH	I-L	0.1
503-232-009	IH	I-L	0.04
503-251-013	IC, IH	I-L	7.6
503-232-013	IH	I-L	10.6
503-231-022	IH	I-L	0.1
503-232-004	IH	I-L	1.0

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Thursday, April 16, 2009 11:25 AM
 R:\w_projects\Com_Development\Zoning\GIS\Commission_Maps\Exhibit 4

Legend

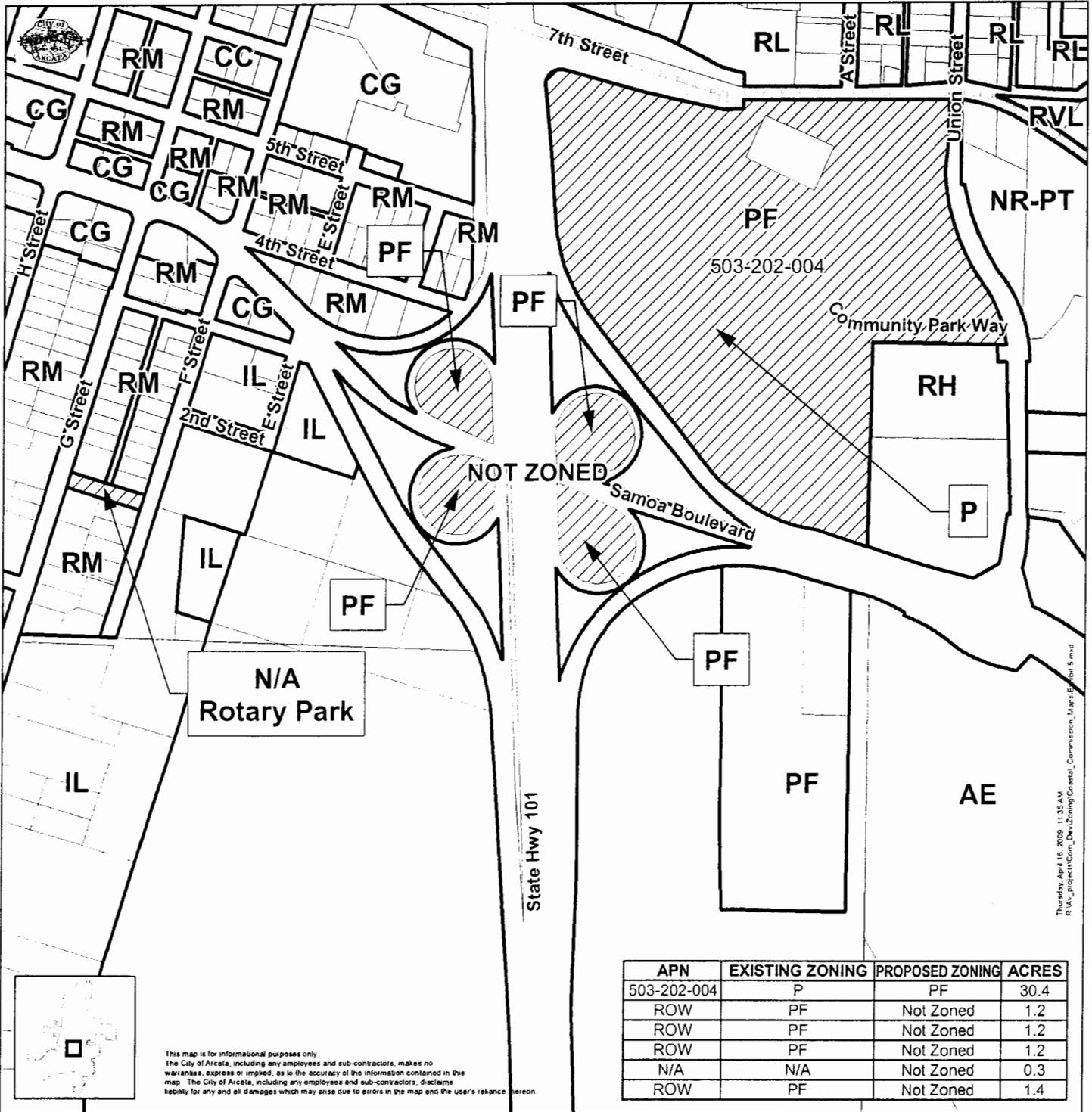
- //// Proposed Zoning Designation Change
- City of Arcata Parcel
- Coastal Zone Boundary

Proposed Zoning & Existing Land Use

- Proposed Zoning (Shown in letters)
- Existing Zoning I-L (Shown in leader label)

0 100 200 Feet

City of Arcata
Exhibit 5 of 7
Zoning Designatiion Changes



APN	EXISTING ZONING	PROPOSED ZONING	ACRES
503-202-004	P	PF	30.4
ROW	PF	Not Zoned	1.2
ROW	PF	Not Zoned	1.2
ROW	PF	Not Zoned	1.2
N/A	N/A	Not Zoned	0.3
ROW	PF	Not Zoned	1.4

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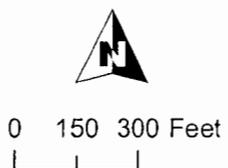
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Legend

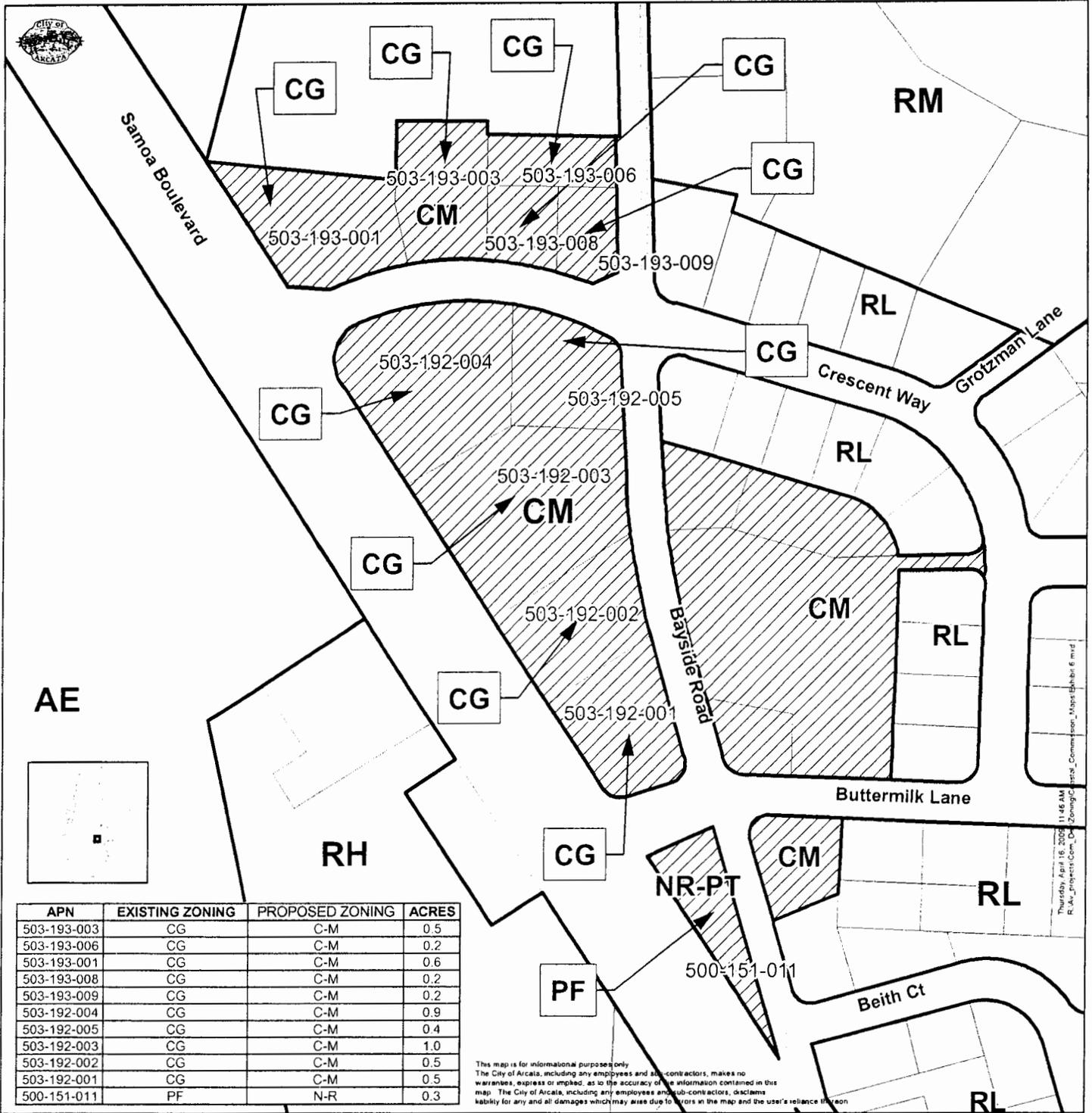
- Proposed Zoning Designation Change
- City of Arcata Parcel
- Coastal Zone Boundary

Proposed Zoning & Existing Land Use

- Proposed Zoning (Shown in letters)
- Existing Zoning I-L (Shown in leader label)



City of Arcata
Exhibit 6 of 7
Zoning Designation Changes



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Legend

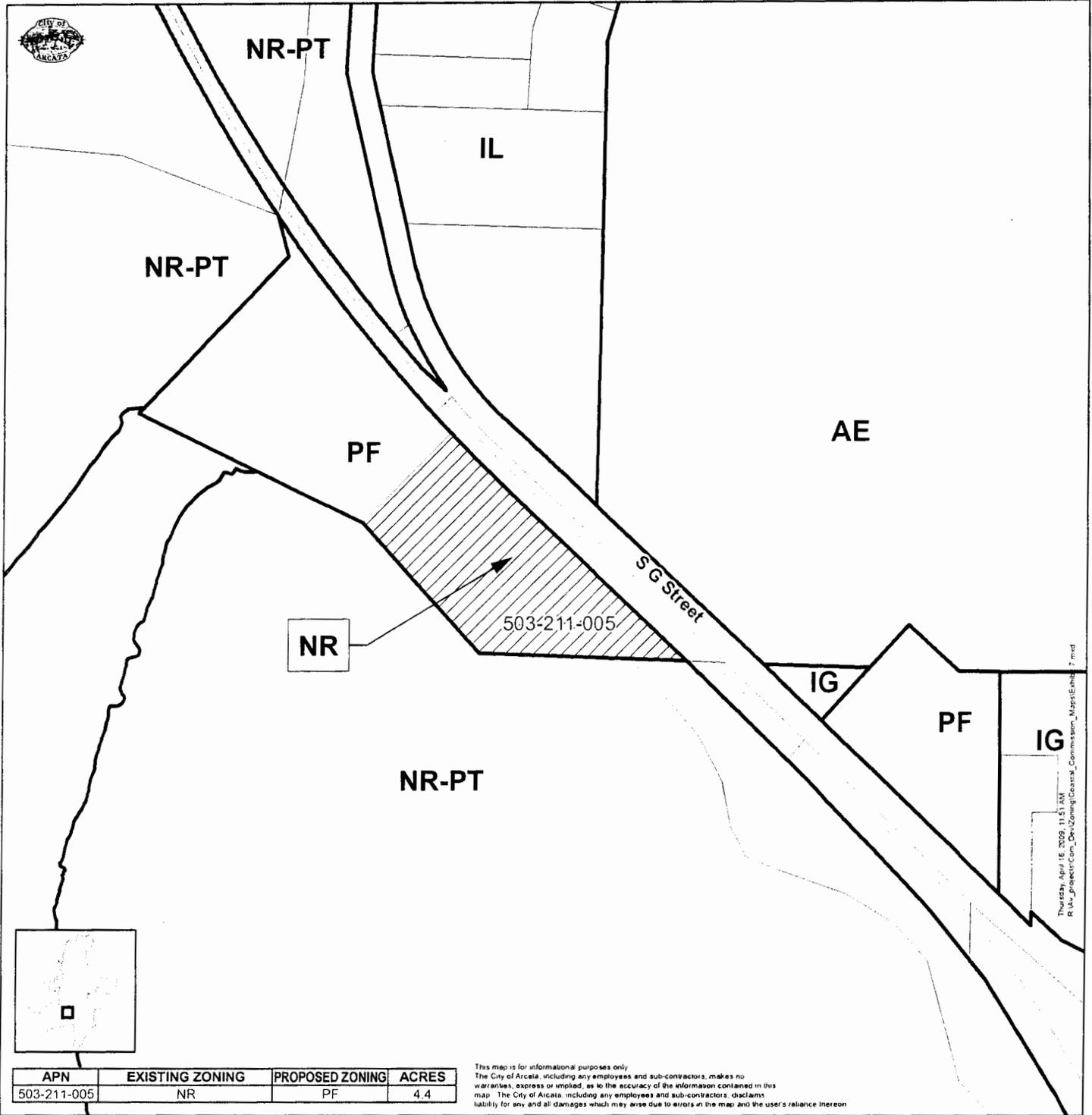
- Proposed Zoning Designation Change
- City of Arcata Parcel
- Coastal Zone Boundary

Proposed Zoning & Existing Land Use

- Proposed Zoning (Shown in letters)
- Existing Zoning I-L (Shown in leader label)

0 50 100 Feet

City of Arcata
Exhibit 7 of 7
Zoning Designation Changes



Legend

- //// Proposed Zoning Designation Change
- City of Arcata Parcel

Proposed Zoning & Existing Land Use

- Proposed Zoning (Shown in letters)
- Existing Zoning I-L (Shown in leader label)

