

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 8TH STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

FAX (707) 826-8960

**W9a**

DATE: February 20, 2015

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

SUBJECT: Concurrence with the Executive Director's determination that the action of City of Arcata accepting the Commission's certification of LCP Amendment No. LCP-1-ARC-14-0015-1 is legally adequate.

For the Commission meeting of March 11, 2015 in Chula Vista

BACKGROUND

The Commission acted on City of Arcata LCP Amendment (LCPA) No. LCP-1-ARC-14-0015-1 on August 13, 2014. As submitted, the subject LCPA would amend the City's certified Land Use Plan (LUP) and Implementation Plan (IP) to change the land use plan and/or zoning designations for 14 properties throughout the City's coastal zone. The majority of these redesignations involve downzoning much of the City's industrial corridor from heavy industrial to mixed industrial-commercial designations in response to changes in the region's economic base from formerly dominant timber and forest products processing uses to lighter manufacturing and fabrication uses.

The Commission rejected the LCPA as submitted but certified it if modified with three suggested modifications. The first suggested modification was to retain the Public Facility (Park) land use plan designation over the whole of the Arcata Community Park to prevent the conversion of portions of the park to non-recreational public facility uses that could result in over-crowding of nearby park facilities, including coastal recreational sites. The second suggested modification was to retain the Natural Resources Protection land use plan and zoning designations over the northeastern portion of the municipal corporation yard to ensure that further development of critical public facilities is not encouraged in areas with known significant exposure to coastal flooding and other geologic hazards and to ensure consistency with Section 30253 of the Coastal Act. Finally, the third suggested modification was to strike the modifier "heavy" preceding the word "industrial" from LUP Policy IV-19 to ensure the policy would continue to apply to a particular area adjacent to the Humboldt Bay National Wildlife Area and the Arcata Marsh and Wildlife Sanctuary that would be redesignated and rezoned under the proposed LCP amendment from heavy industrial to industrial commercial. Continued application of this policy to the

LCP-1-ARC-14-0015-1 (Multiple Sites Redesignations)

redesignated/rezoned area is essential to make sure that requirements for 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 Sanctuary are continued consistent with Section 30240(b) of the Coastal Act.

EFFECTIVE CERTIFICATION

On January 7, 2015, the Arcata City Council held a public hearing and adopted Resolution No. 145-20 acknowledging receipt of the Commission's resolution of certification, accepting and agreeing to the Coastal Commission's modifications, agreeing to issue permits in conformance with the modified LCP, and formally approving the necessary changes to the City's Local Coastal Program (see Attachment 2). Subsequently, on January 15, 2015, the City Council adopted Ordinance No 1439 affecting changes to the Land Use and Zoning Map for the subject redesignated parcels and revisions to the text of the Coastal Land Use and Development Guide consistent with the accepted suggested modifications (see Attachment 3).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Arcata's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Arcata LCP Amendment No. LCP-1-ARC-14-0015-1 shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Natural Resources, as provided in Public Resources Code Section 2180.5(2)(V).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Arcata to accept the Commission's certification of Arcata LCP Amendment No. LCP-1-ARC-14-0015-1 to adopt the necessary changes to the City's Local Coastal Program are legally adequate, as noted in the attached letter, Attachment 1 (to be sent after Commission concurrence).

ATTACHMENTS

1. Draft Notification of Effective Certification Letter
2. Resolution No. 145-20
3. Ordinance No. 1439

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ARCATA, CA 95521
VOICE (707) 826-8950
FACSIMILE (707) 826-8960



March __, 2015

Larry Oetker, Director
City of Arcata Community Development Department
736 F Street
Arcata, CA 95521

RE: Effective Certification of Arcata Local Coastal Program Amendment No. LCP-1-ARC-14-0015-1 (Multiple Sites Redesignations)

Dear Mr. Oetker:

The Executive Director of the Coastal Commission has reviewed Arcata City Council's Resolution No. 145-20 and Ordinance No. 1439 for effective certification of Arcata LCP Amendment No. LCP-1-ARC-14-0015-1 (Multiple Sites Redesignations). The City's resolution indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification and that the City agrees to issue permits in conformance with the modified certified local coastal program. The accompanying ordinance effectuates the subject changes in land use plan and/or zoning designations and revises the text of the Coastal Land Use and Development Guide consistent with the accepted suggested modifications.

The Executive Director has found that the City's resolution and ordinance fulfill the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the City's actions are legally adequate. The Coastal Commission concurred with this determination at its meeting of March __, 2015 in Chula Vista. Commission approval and the amendment process are now complete.

If you have any questions, please contact me at (707) 826-8950.

Sincerely,

JAMES R. BASKIN AICP
Coastal Planner

RSM:JB:jb/ks

Attachment 1
LCP-1-ARC-14-0015-1
Letter of Effective Certification

RESOLUTION NO. 145-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ACCEPTING THE COASTAL COMMISSION'S SUGGESTED MODIFICATIONS PERTAINING TO THE CITY'S LOCAL COASTAL PLAN AMENDMENT NO. LCP-1-ARC-14-0015-1; ADOPTING THE MODIFIED AMENDMENTS; AND TRANSMITTING THE MODIFIED AMENDMENTS TO THE COASTAL COMMISSION FOR FINAL CERTIFICATION

WHEREAS, the Coastal Land Use and Development Guide (CLUDG), §1-0403 Code Amendments allows a Zoning Map or CLUDG text amendment when the City Council determines that the proposed amendment is consistent with the General Plan and would not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

WHEREAS, pursuant to the requirements of State and local law, the Planning Commission and City Council conducted several duly noticed public hearings to consider the proposed map amendments, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, on December 4, 2013, the City Council adopted Ordinance No. 1437 amending the Coastal Land Use and Zoning Map designations and additionally making text amendments to the CLUDG Section 1-0203; and

WHEREAS, Ordinance No. 1437 was made effective upon certification of the amendments by the California Coastal Commission; and

WHEREAS, also on December 4, 2014, the Council adopted Resolution 134-05 authorizing the transmittal of the amendments to the Coastal Commission for certification; and

WHEREAS, on August 13, 2014, the Coastal Commission conditionally certified the City's proposed amendments to the Land Use and Zoning Map made by Ordinance No. 1437 subject to three modifications: 1) retain the Natural Resources Protection land use plan zoning map designations over APN 503-211-005 (portion of the City's corporation yard), 2) retain the Parks land use plan map designation over APN 503-202-004 (portion of the Arcata Community Center), and 3) modify the Arcata Coastal Land Use Element Development Constraints Policy IV-19 designation given to the area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough; and

WHEREAS, the Coastal Commission's certification was further conditioned by a request that the City take action to clarify that Ordinance No. 1437 intended only to reclassify specific parcels and not to rescind and replace the remaining portions of the existing Coastal Land Use and Zoning Map; and

WHEREAS, on January 21, 2015, the City Council adopted Ordinance No. 1439 rescinding Ordinance No. 1437, and implementing the modifications suggested by the Coastal Commission by making site-specific amendments to the Coastal Land Use and Zoning Map, as

shown in Exhibit 1 to Ordinance No. 1439, and by making text amendments to the CLUDG Section 1-0203; and

WHEREAS, this Resolution is intended to accept the Coastal Commission's suggested modifications pertaining to the City's Local Coastal Plan Amendment No. LCP-1-ARC-14-0015-1, to adopt the suggested modifications, specifically the suggestion to revise the Arcata Coastal Land Use Element Development Constraints Policy IV-19, and to authorize the transmittal of the modifications to the Coastal Commission made by Ordinance No. 1439 and this Resolution for final certification.

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

1. Finds the revised amendments are exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) based on the fact that the amendments are intended to establish standards for which there are no impacts to the community or environment and which are consistent with the original Environment Impact Report (EIR) for the General Plan adopted in September of 2000, and the Negative Declaration adopted for the Land Use Code in October of 2008;
2. Hereby accepts the suggested modifications made by the Coastal Commission to: 1) retain the Natural Resources Protection land use plan zoning map designations over APN 503-211-005 (portion of the City's corporation yard), 2) retain the Parks land use plan map designation over APN 503-202-004 (portion of the Arcata Community Center), and 3) modify the Arcata Coastal Land Use Element Development Constraints Policy IV-19 designation given to the area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough;
3. Hereby amends zoning and land use designations of those specific parcels described in Ordinance No. 1439 and its Exhibits, and thereby, Title IX of the Arcata Municipal Code;
4. Hereby amends Policy IV-19 of the City of Arcata General Plan Coastal Land Use Element as shown by the following deletions made as ~~strike-through~~ and additions made with underscore:

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.
5. Authorizes the transmittal of said map and text amendments to the California Coastal Commission for certification;

6. Finds that the amendments will be effective immediately upon certification by the California Coastal Commission; and
7. Intends to carry out these amendments in a manner in conformity with the Coastal Act.

DATE: January 7, 2015

ATTEST:

APPROVED:

Bridget Dory
City Clerk, City of Arcata

Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy **Resolution No. 145-20**, passed and adopted at a special meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 7th day of January, 2015, by the following vote:

AYES: WINKLER, ORNELAS, PEREIRA, WHEETLEY

NOES: NONE

ABSENT: PITINO (RECUSED)

ABSTENTIONS: NONE

Bridget Dory
City Clerk, City of Arcata

ORDINANCE NO. 1439**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
RESCINDING ORDINANCE NO. 1437; AMENDING THE COASTAL
ZONING LAND USE MAP OF THE CITY OF ARCATA
COASTAL LAND USE AND DEVELOPMENT GUIDE (CLUDG); AND,
MAKING RELATED TEXT AMENDMENTS TO CLUDG SECTION 1-0203**

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

Section 1. Factual Findings. The City Council for the City of Arcata hereby makes the following findings:

- A. In 1989, the City of Arcata adopted Ordinance No. 1151, the Coastal Land Use and Development Guide (CLUDG) for zoning and planning regulations within the Arcata Coastal Zone, which has been subsequently amended and certified by the California Coastal Commission.
- B. On December 4, 2013, the City Council adopted Ordinance No. 1437 proposing an amendment to the Coastal Land Use and Zoning Map designations and additionally making text amendments to the CLUDG Section 1-0203.
- C. On August 13, 2014, the Coastal Commission conditionally certified the City's proposed amendments to the Coastal Land Use and Zoning Map designations made by Ordinance No. 1437 subject to three modifications: 1) retain the Natural Resources Protection land use plan zoning map designations over Assessor's Parcel No. (APN) 503-211-005 (portion of the City's corporation yard), 2) retain the Parks land use plan map designation over APN 503-202-004 (portion of the Arcata Community Center), and 3) modify the Arcata Coastal Land Use Element Development Constraints Policy IV-19 designation given to the area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough.
- D. The Coastal Commission's certification was further conditioned by a request that the City take action to clarify that Ordinance No. 1437 intended only to reclassify specific parcels and not to rescind and replace the remaining portions of the existing Coastal Land Use and Zoning Map.
- E. This Ordinance No. 1439 is intended to rescind the City Council's December 4, 2013, action adopting Ordinance No. 1437 to thereby clarify the existence of the Coastal Land Use and Zoning Map as currently amended and certified, to make site-specific amendments to the Coastal Land Use and Zoning Map as shown in Exhibit 1, and to make textual amendments to the CLUDG Section 1-0203.

Section 2. Rescission of Action to Adopt Ordinance No. 1437. The prior action of the City Council taken December 4, 2013, to adopt Ordinance No. 1437 is hereby rescinded and said Ordinance No. 1437 is of no further force or effect.

Section 3. Zoning Map Amendment Adoption. The Coastal Land Use and Zoning Map of the City of Arcata is hereby amended as shown in Exhibit 1, attached hereto and incorporated herein.

Section 4. Text Amendments. Section 1-0203 of the CLUDG, as previously amended by Ordinance No. 1262 on May 7, 1997, is hereby amended by the following with deletions shown as ~~strike through~~ and additions as underscore:

SEC. 1-0203 Adoption of Zoning Map

The designations, location and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Land Use Plan and Zoning Map", which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps and all subsequent amendments thereto, adopted by Ordinances No. 1071 and 1151. The Coastal Zoning Map shall consist of only that portion of ~~the territory of the City of Arcata delineated within the boundary of the~~ Coastal Zone as established and maintained on official maps by the California Coastal Commission, and as generally shown on the revised Land Use Plan and Zoning Map adopted herein. The map consists of four (4) sections, which taken together, encompass the entire territory of the City within the Coastal Zone.

Amendments to the map hereby adopted shall be effected by ordinance in accordance with the procedures and requirements provided in Section 1-0403 of this title, and such amendments shall become part of this title and section by reference. Ordinances amending the map shall be listed in a Table of Ordinances and entitled "Table of Zoning Map Amendments" which shall be incorporated herein. The Community Development Director shall cause to be prepared and maintained an official Land Use Plan and Zoning Map which incorporated all amendments. The official map shall be a public document on file at the Arcata Community Development Department and shall be available for review and purchase by the public.

Section 5. Incorporation into CLUDG. Upon the effective date of this ordinance, the amendments hereby adopted in this ordinance shall be incorporated into the Coastal Land Use and Development Guide.

Section 6. Findings of Approval. Based substantially upon the whole record, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-13-04, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860.
2. The proposed amendments would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.

Section 7. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 8. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

Section 9. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 10. Effective Date. This ordinance shall take effect upon the filing of a *Notice of Certification* with the Secretary of Natural Resources by the Coastal Commission Executive Director.

DATED: January 21, 2015

ATTEST:

APPROVED:

Bridget Dory
City Clerk, City of Arcata

Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1439**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 21st day of January, 2015, by the following vote:

AYES: WINKLER, ORNELAS, PEREIRA, WHEETLEY

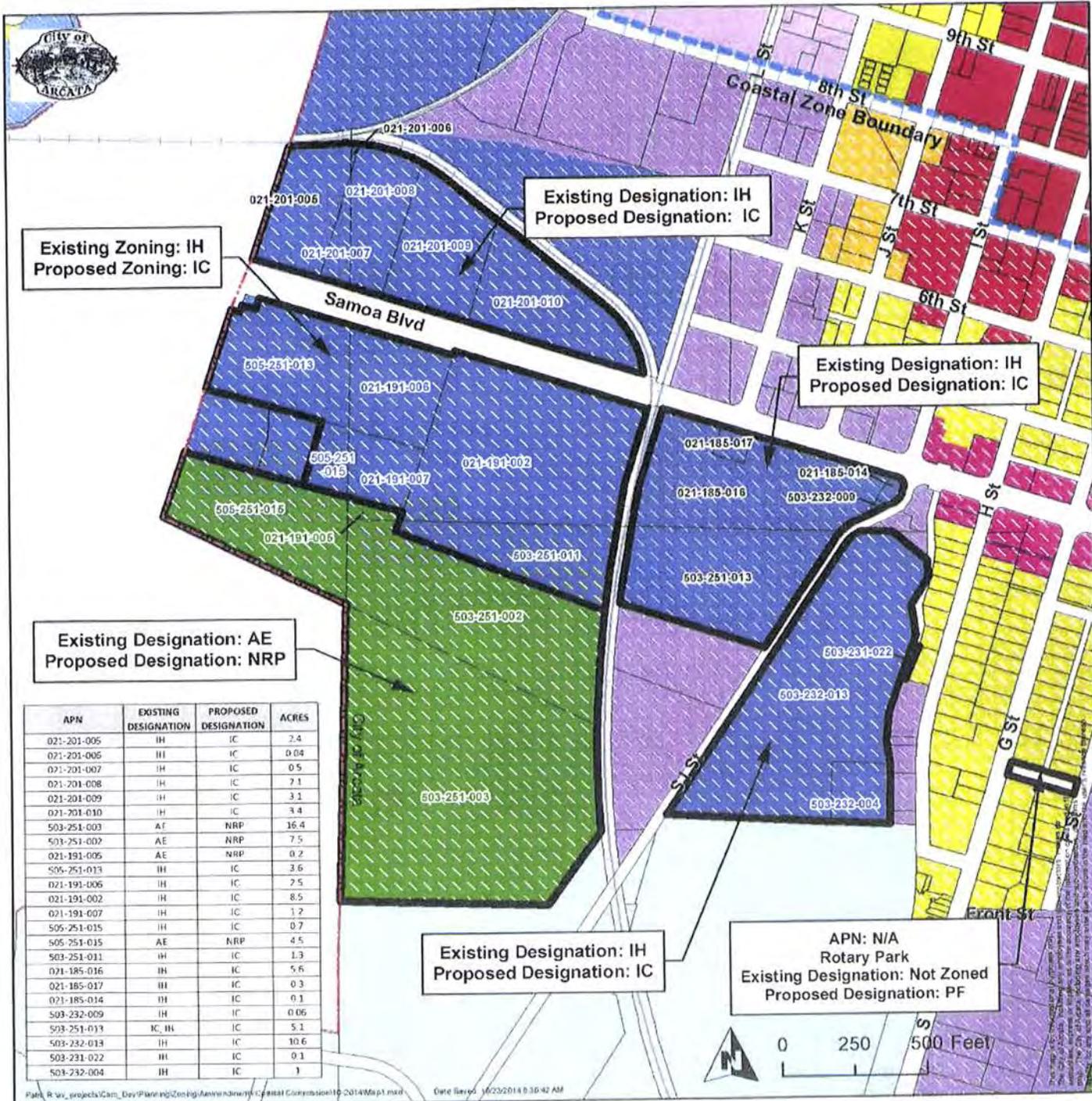
NOES: NONE

ABSENT: PITINO (RECUSED)

ABSTENTIONS: NONE

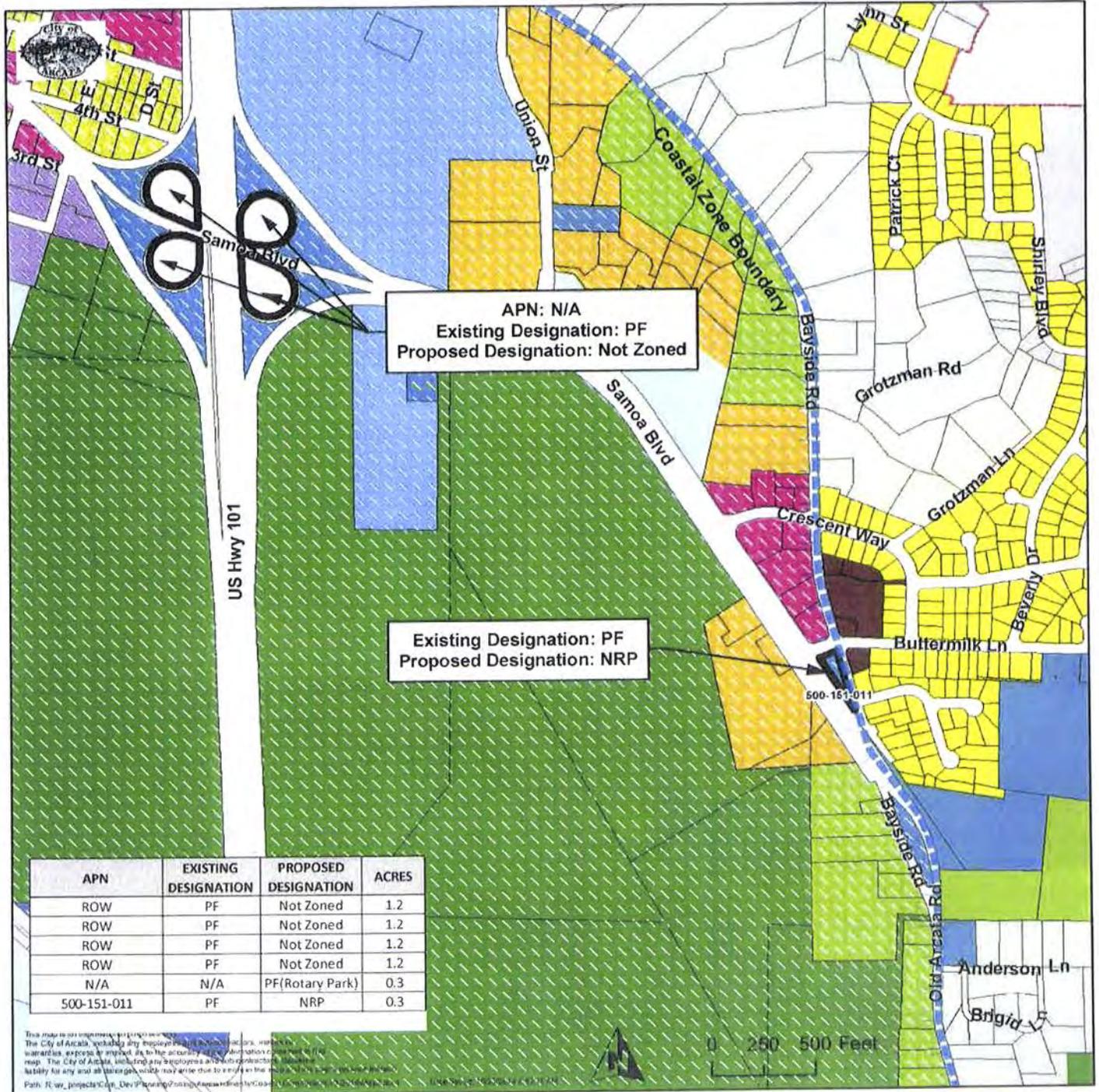
Bridget Dory
City Clerk, City of Arcata

City of Arcata
Map 1 of 2
Land Use and/or Zoning Designation Changes
 January 2015



- Coastal Zone Boundary
- Residential High Density [RH]
- Residential - Medium High Density [R-MH]
- Heavy Industrial [I-H]
- Natural Resource Protection [NRP]
- City of Arcata Parcel
- Residential Low Density [RL]
- Residential - Medium Density [R-M]
- Industrial Commercial [I-C]
- Public Facility - Parks [P]
- Proposed Designation
- Industrial Limited [IL]
- Residential - Low Density [R-L]
- General Commercial [G-G]
- Public Facility [P-F]
- Railroad
- Commercial Central [CC]
- Agriculture Exclusive [A-E]
- Central Business District [CBD]
- Arcata City Limits

City of Arcata
Map 2 of 2
Land Use and/or Zoning Designation Changes
 January 2015



Legend

Coastal Zone Boundary	Residential Low Density [RL]	Residential Medium Density [RM]	Residential - Medium High Density [R-MH]	Public Facility - Parks [P]
Proposed Designation	Residential Very Low Density [RVL]	Commercial Mixed [CM]	Residential - Medium Density [R-M]	Public Facility [P-F]
City of Arcata Parcel	Agriculture Residential [AR]	Public Facility [P-F]	Rural Residential [R-R]	Heavy Industrial [I-H]
Arcata City Limits	Agriculture Exclusive [AE]	Agriculture Exclusive [A-E]	NR - Public Trust [NR-PT]	Industrial Commercial [I-C]
Railroad			General Commercial [C-G]	