



City of Arcata Community Development Department

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www.cityofarcata.org

ZONING (LAND USE CODE TEXT) AMENDMENT

OVERVIEW

Any Land Use Code Text Amendment must be consistent with California Planning and Zoning Laws and the City's Land Use Code Chapter 9.92, Amendments. The process of amending the Land Use Code text applies to all such applications regardless of the portion of the Land Use Code proposed for amendment. Some Land Use Code text Amendments will also require General Plan Amendments. All Land Use Code text amendments must be initiated by the City Council or Planning Commission.

HOW TO APPLY

Land Use Code Text Amendment applications are available at the Community Development Department, or on the Department's website at www.cityofarcata.org. Staff can assist you with the materials needed for a complete application packet. Submit the completed application packet along with the application fee to the Department for processing.

THE PROCESS

Step 1: Application

Once your application has been submitted and fees collected, Staff will perform an initial application review for completeness. Should your application be found incomplete, you or your designated agent will be contacted and advised what items must be submitted before processing can continue.

Preliminary Review Option: Applicants can pay a fee to get the permit review process started rather than waiting until all required items are submitted for staff to begin review of your project. This will provide you with an assessment of how the proposed Land Use Code Text Amendment complies with applicable standards. The application must be complete to proceed beyond that.

Step 2: Initiation of the Amendment

All Land Use Code Text Amendments must be initiated by the City Council or the Planning Commission in accordance with Land Use Code § 9.92.020.A.2. After the application has been submitted, the proposal will be scheduled for Planning Commission or City Council meeting to determine if the amendment will be initiated. If the Planning Commission or City Council decides to initiate the amendment, processing will continue to Step 3; otherwise, the amendment will not be processed further.

Step 3: Environmental Review

The assigned planner will review the project in accordance with the California Environmental Quality Act (CEQA) to determine if the project is statutorily or categorically exempt from CEQA, or if it is subject to CEQA and further environmental review is required. If the project is exempt from CEQA, then Step 3 is complete. If the project is not exempt from CEQA, then an initial study will be prepared, which determines the required environmental document that must be prepared and circulated for agency and public comment.

Step 4: Department and Agency Referrals

Once your application has been accepted as complete, the assigned planner will send copies of your application materials to other City departments and public agencies having jurisdiction or authority over your project. If the responding Departments or agencies identify issues to be resolved prior to the continued processing of your application, or if additional information is required by those Departments or agencies, you or your designated agent will be advised as to what is needed. The Department and agency comments may affect the form and content of the environmental document.

Step 5: Planning Commission Staff Report

Staff will prepare a written report that describes the proposed project, discusses the legal findings, presents staff's recommendation, and lists conditions for approval. The findings will determine whether the proposed amendment is consistent with applicable general or specific plans adopted by the City. A copy of the staff report will be sent to you prior to the public hearing.

Step 6: Conditions of Approval and Findings

Staff reports will include the findings the City must make to approve the requested Land Use Code text Amendment, and conditions under which the amendment would be finalized. The findings are that the proposed amendment is consistent with the City General Plan would not be detrimental to the public interest, health, safety, convenience or welfare of the City (§ 9.92.050.B.). Conditions will include mitigation measures from the CEQA document.

Step 7: Planning Commission Public Notice and Hearing

The Planning Commission and the City Council shall each conduct one or more noticed public hearings regarding the amendment application.

The Notice of Public hearing will be completed pursuant to Land Use Code Section 9.74.020. Generally, a Land Use Code text Amendment will affect more than 1,000 property owners; therefore, instead of mailing the Notice of Public Hearing to all property owners, notice may be provided by placing a display advertisement of at least one-eighth page in a newspaper of general circulation ten days prior to the hearing. If fewer than 1,000 property owners will be affected, the Notice of Public Hearing will be sent to all property owners within 300 feet of the subject property if the project is exempt from CEQA. For projects not exempt from CEQA, notice will be sent to all property owners within 500 feet of your property. The notice, which must be mailed at least 10 calendar days prior to the hearing will state the date, time, and place for the public hearing. You and/or your agent should attend the public hearing in case there are project specific questions. At the public hearing, any person may present verbal and/or written testimony for or against the project. The review authority will take into account the whole record, including all of the public testimony before making a decision. The review authority may make a decision at the hearing, or may continue the matter if more information is needed.

After conducting a noticed public hearing, the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council whether to approve, approve in modified form, or disapprove the proposed Land Use Code Text Amendment, based upon the findings identified in Land Use Code § 9.92.050.B.

Step 8: City Council Staff Report

Staff will prepare a staff report for the City Council including findings the City must make to approve the requested Land Use Code text Amendment, conditions under which the amendment would be finalized, and the recommendation of the Planning Commission. A copy of the staff report will be sent to you prior to the public hearing.

Step 9: City Council Public Notice and Hearing

At a noticed public hearing, upon receipt of the Planning Commission’s recommendation, the City Council shall approve, approve in modified form or disapprove the proposed amendment based upon the required findings. If the City Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearing(s), the proposed modification shall first be referred to the Planning Commission for recommendation in compliance with State Law (Government Code Section 65857).

Step 10: Appeals

Planning Commission actions are appealable to the City Council by the property owner or any other adversely affected person. Appeals to the City Council must be filed with the City Clerk within 10 calendar days of the actual date of the final decision. Appeals must be submitted in writing and be accompanied by the required fees.

Step 11: Complying with Conditions of Approval

The conditions of approval discussed in Step 6 must be completed prior to changes to the zoning map. City staff must verify that all conditions are completed in accordance with the Conditions of Approval for the project.

Zoning (Land Use Code text) Amendment Application Checklist

Visit the Community Development Department page at www.cityofarcata.org. Select the Land Use Code from the menu and then see Chapter 9.92 for complete Amendment regulations.

- Preliminary Review Option: Applicants can pay a fee to get the permit review process started rather than waiting until all required items are submitted for staff to begin review of your project.

Talk with Arcata Community Development Department Planning Staff to determine which of the following items must be submitted along with a completed and signed application form. **Incomplete or inaccurate information will cause a delay in permit processing.**

- Application form with signatures of all owners of the affected parcels.
- Application fee deposit as indicated on the application form.
- Project description - three paper copies and one electronic copy compatible with MS WORD, including discussion on existing and proposed uses for the site, the number of properties involved, the existing and proposed project zoning, the reason for the amendment, etc.
- To request an exemption from the California Environmental Quality Act (CEQA), submit justification and evidence to support a CEQA exemption; or
- For projects not exempt from CEQA, submit a CEQA checklist. See staff for a Negative Declaration or Environmental Impact Report determination.
- Technical Studies – 3 paper copies and one electronic copy, including: soils report; wetland delineation, noise study, traffic study, solar access, and others as deemed necessary.
- Written responses for each Land Use Code Text Amendment finding (§ 9.92.050.B.1). One paper copy and one electronic copy compatible with MS WORD.
- If subject to Historic and Design Review requirements, complete the items on the Historic and Design Review checklist.
- Cultural Resource Review from North Coastal Information Center (NCIC) - Refer to the latest fee schedule and make checks payable to: The City of Arcata.

Subject to changes or additions at any time. Applications may require additional information for continued processing.