



STAFF REPORT – CITY COUNCIL MEETING

July 17, 2024

TO: Honorable Mayor and City Council Members

FROM: David Loya, Director of Community Development

PREPARER: David Loya, Director of Community Development

DATE: July 10, 2024

TITLE: **Consider Approval of the Gateway Area Plan, Gateway Code, and the Program Environmental Impact Report.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Receive a staff report;
- 2) Accept public comment;
- 3) Adopt Resolution No. 234-47 certifying the General Plan and Gateway Code Environmental Impact Report;
- 4) Adopt Resolution No. 234-48 adopting the Gateway Area Plan; and
- 5) Introduce Ordinance No. 1569, an ordinance of the City Council of the City of Arcata Amending the Land Use Code, Title IX, Planning and Zoning, of the Arcata Municipal Code to adopt the Gateway Code and zoning districts throughout the City; waive reading of the text and consent to read by title only.

INTRODUCTION:

The Council has been considering a comprehensive update to the General Plan for several years. This update includes adding two new Elements, the Health Element and the Gateway Area Plan, as well as adoption of a Form-Based Code, the Gateway Code, which would apply only in the Gateway Area. Prior to taking action to adopt these long-range plans and codes, the Council must first certify an Environmental Impact Report (EIR) by adopting findings included in Resolution No. 234-47. Two Councilmembers have recused themselves from discussions on the Gateway Area Plan and corresponding Gateway Code due to conflicts of interest. For that reason, the decision-making process has been divided into components that the recused members may not take action on and components they may. Because the EIR must encompass the whole of the action, it addresses both components the recused members may act on and components they may not act on. This report covers all of the components the recused members may not act on which include the EIR, the Gateway Area Plan, and the Gateway Code. This action incorporates amendments directed by the Council at their May 29, 2024, meeting.

BACKGROUND:

The City has been conducting public engagement and outreach to develop the General Plan 2045 and the Gateway Code for over seven years. The majority of the engagement, work product, and the environmental record is located at the City's website at <https://www.cityofarcata.org/896/Strategic-Infill-Redevelopment-Program>.

The City Council is the final review authority for the proposed amendments. The City Council must consider the Planning Commission recommendation, but the Council has the final authority to accept or reject specific recommendations.

Because two Councilmembers must recuse themselves, this item deals with the matters that create a conflict for those members. A separate item will consider the balance of the General Plan.

DISCUSSION:

The Planning Commission adopted Resolution No. PC-24-05 recommending approval of the May 14, 2024, versions of the Gateway Area Plan and Gateway Code as modified at their May 14 hearing. The Planning Commission adopted Resolution No. PC-24-06 recommending Ordinance 1569 on June 25, 2024. The Council reviewed the Gateway Code on May 29, 2024, and made changes (Attachment D). The changes have been incorporated into the July 17, 2024, version located at <https://www.cityofarcata.org/965/Arcata-Gateway-Area-Plan-and-Gateway-Cod>. Council should consider adopting Resolution No. 234-48 and Ordinance No. 1569 (Attachment B and C, respectively) to adopt the Gateway Plan and Gateway Code.

There will be several follow-on actions that the Council will consider to implement the General Plan 2045. Some of these implementation measures will happen in the coming months. For example, the Council provided direction to implement inclusionary zoning and the Community Benefits program must be adopted. Both of these actions, along with several zoning changes to make zoning consistent with the new General Plan, should be taken in the near term. Developing new zoning codes for the Infill Opportunity Zones will require additional engagement with each specific neighborhood and will take several months to complete. Other actions identified as Implementation Measures in the General Plan 2045 will occur over the next several years.

POLICY IMPLICATIONS:

Adoption will update the City's main policy document for the next 20-year period.

COMMITTEE/COMMISSION REVIEW:

The Gateway Area Plan and Code received extensive public engagement and recommendations by all City Committees. The Planning Commission reviewed the Committee recommendations and public comment, and made a recommendation based on the whole of the record.

ENVIRONMENTAL REVIEW (CEQA):

The Planning Commission adopted Resolution No. PC-24-03 recommending certification of the Environmental Impact Report and adoption of the Findings of Fact and Statement of Overriding Considerations. The Draft EIR, Final EIR, and Findings found at <https://www.cityofarcata.org/1067/Environmental-Impact-Report> were incorporated by reference in their recommendation. The Council must certify the EIR and adopt the necessary findings by adopting Resolution No. 234-47 (Attachment A) before taking action on the General Plan, Gateway Plan, or Gateway Code.

The CEQA process for this action will result in three documents that, together, satisfy the requirements of environmental review. There is a Draft EIR, a Final EIR, and a Statement of

Overriding Considerations. The purpose of each document is summarized below, but the Council action will incorporate by reference these documents found at the link above.

Findings of Fact and Statement of Overriding Considerations

The Findings of Fact and Statement of Overriding Considerations establishes the Council's legal basis for certifying the EIR. The Findings of Fact are specific statements the Council must adopt based on the whole of the record before they can certify the EIR.

Because there are environmental impacts that cannot be mitigated to a level below significance, the Council must also adopt findings that the benefits of the project outweigh the environmental impacts of the project. The EIR found that there will be impacts to air quality and historic resources that cannot be reduced to less than significant. The Statement of Overriding Considerations states that meeting the objectives of the General Plan in terms of social justice, racial equity, housing, economic growth, and alternative transportation policy, to name a few.

Lastly, this document formally adopts the Mitigation Monitoring and Reporting Program that is outlined in the Final EIR (discussed below).

Final Environmental Impact Report

The Final EIR discloses and responds to comments on the Draft EIR received during the comment period; revises the Draft EIR through Errata; Provides and summarizes the Mitigation Monitoring and Reporting Program.

The Final EIR incorporates the Draft EIR by reference. It does not replace the Draft EIR. Together, the Draft EIR and Final EIR provide the disclosure and public engagement requirements established by CEQA.

Draft Environmental Impact Report

The Draft EIR provides public disclosure on the potential environmental impacts, the proposed mitigation measures, and an assessment of alternatives, among other requirements of CEQA. The City accepted public comment on the Draft EIR during the circulation period starting January 26, 2024, and ending March 18, 2024. Comments that came in a reasonable time after the circulation period were also included in the Final EIR.

BUDGET/FISCAL IMPACT:

The Project was very nearly on budget. Due in large part to the number of public comments received, and because of unanticipated changes to parts of the plan, the project was over budget by \$25,000. This is 3.5% of the total budget.

ATTACHMENTS:

- A. Res 234-47 EIR (PDF)
- B. Res 234-48 Gateway Plan (PDF)
- C. Ord 1569 Zoning Code (PDF)
- D. Gateway changes (DOCX)