

**CITY OF ARCATA
CITY COUNCIL MEETING**

COUNCIL CHAMBER
736 F Street, Arcata

MARCH 02, 2022
Wednesday, 6:00 PM

AGENDA

Special accommodations for the disabled who attend City meetings can be made in advance by contacting the City Clerk at 822-5953. Assistive listening devices are available.

Pursuant to Government Code section 54957.5, all writings or documents relating to any item on this agenda which have been provided to a majority of the City Council, including those received less than 72 hours prior to the City Council meeting, will be made available for public inspection in the agenda binder located on the counter in the lobby at Arcata City Hall, 736 F Street, during normal business hours, and on the City's website at www.cityofarcata.org.

PLEASE NOTE: Speakers wishing to distribute materials to the City Council at the meeting are requested to provide 10 copies to the City Clerk.

**Public Advisory: The Council Chamber in City Hall
is now open to the public.**

COVID-19 Notice

The City Council has returned to in-person hybrid meetings. Consistent with the California Department of Public Health's February 7, 2022, *Guidance on the Use of Face Masks*, vaccinated persons are not required to wear a face covering in City Hall, including in the Council Chamber. Those not wearing a face covering are self-attesting that they are fully vaccinated. Unvaccinated persons are still required to wear a face covering in City Hall. The City Council asks that when attending City meetings, persons be courteous and socially distance as best they can.

How to Observe and Participate in the Meeting:

Observe:

Members of the public can attend the meeting in person or observe the meeting on Zoom (see below), on Access Humboldt Channel 10, online by visiting www.cityofarcata.org and clicking on the See Live Meetings, Agendas, and Archives button on the home page, or on the City's YouTube channel at <https://www.youtube.com/c/CityofArcataCA>

Public Comment Participation in Person and on Zoom:

Members of the public may attend the meeting in person and give public comment in the usual fashion. Or, they may access the meeting via Zoom to provide public comment.

1. Join from a PC, Mac, iPad, iPhone or Android device: Please use this URL:
<https://us06web.zoom.us/j/82319642454>
2. If you do not wish for your name to appear on the screen, then use the drop down menu and click on “rename” to rename yourself to be anonymous.
3. If you want to comment during the public comment portion of any item, click on **raise your hand** on the right-hand side of your screen. When it is time for public comment on the item on which you wish to speak, the Clerk will unmute you. You will have 3 minutes to comment, subject to the Mayor’s discretion.

Or join by phone:

1. *67 1-669-900-6833
2. Enter Meeting ID: 823 1964 2454
3. If you are accessing the meeting via telephone and want to comment during the public comment portion of any item, press **star (*) 9** on your phone. This will raise your hand. When it is time for public comment on the item on which you wish to speak, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. You will have 3 minutes to comment, subject to the Mayor’s discretion.
4. NOTE: Your phone number will appear on the screen unless you first dial star (*) 67 before dialing the numbers as shown above.

I. FLAG SALUTE

II. ROLL CALL

III. CEREMONIAL MATTERS

A. Proclamation Recognizing March 8, 2022, as *International Women's Day*.

B. Proclamation in Recognition of *Girl Scout Week*, March 6–12, 2022.

IV. REPORT BY COMMISSION/COMMITTEE

A. Historic Landmarks Committee Annual Report.

V. EARLY ORAL COMMUNICATIONS

This 15-minute time period is provided for people to address the Council on matters not on the agenda. At the conclusion of all oral communications the Council may respond to statements. Any request that requires Council action will be set by the Council for a future agenda or referred to staff. Speakers addressing the Council at this time may be limited to two minutes. All other Oral and Written Communications will be heard at this meeting under Agenda Item XI.

VI. N/A

VII. CONSENT CALENDAR

All matters on the Consent Calendar are considered to be routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Council members or members of the public can request that an item be removed for separate discussion.

- A. Approve the Minutes of the City Council Meeting of February 9, 2022.**
- B. Approve the Minutes of the City Council Meeting of February 16, 2022.**
- C. Bi-Weekly Report on General Warrants.**
- D. Declare a Continuation of the Local Emergency Related to the Coronavirus Pandemic.**
- E. Adopt Resolution No. 212-49 Incorporating a List of Projects for Fiscal Year 2022/2023 to be Funded by SB 1: The Road Repair and Accountability Act.**
- F. Adopt Resolution No. 212-50 Establishing the City's Opposition to State Ballot Measure 21-0042A1, the Taxpayer Protection and Government Accountability Act.**
- G. Approve an Agreement with the State of California, Acting by and through the Department of Transportation for Clean-Up and Maintenance of State Highways in the City Limits for Fiscal Year 2021/2022 in the Amount of \$24,000, and Authorize the City Manager to Execute All Applicable Documents.**

VIII. ITEMS REMOVED FROM CONSENT CALENDAR

Items removed from the Consent Calendar will be heard under this section.

IX. OLD BUSINESS

X. NEW BUSINESS

A. Receive an Update on the Local Coastal Program.

The City has been working on a comprehensive update to the Local Coastal Program (LCP) as a priority Council project for the last several years. The update will include modernizing the policy and zoning as directed by the Planning Commission and Council through several study sessions and regular business items on the LCP. In 2019, the City received a Coastal Commission grant to complete the LCP. This item is intended to provide the Council a primer on LCP planning, an update on progress, and seek direction as may be necessary to finalize, adopt, and submit for certification in 2022.

RECOMMENDATION:

Staff recommends the Council receive a staff report on the Local Coastal Program and provide direction as necessary.

B. Elect a New Vice Mayor and Consider Vice Mayor Goldstein's Liaison Appointments.

With a mid-term vacancy of the Vice Mayor's position, the Council will consider the election of a new Vice Mayor. Guidance on the selection of Vice Mayor, pursuant to a rotational schedule, is outlined in Section 2.3 of the City Council's Protocol Manual which is attached.

RECOMMENDATION:

It is recommended that the Council elect a new Vice Mayor and consider and reassign, if necessary, liaison appointments previously held by Vice Mayor Goldstein.

XI. ORAL AND WRITTEN COMMUNICATIONS

This time is provided for people to address the Council or submit written communications on matters not on the agenda. At the conclusion of all oral and written communications, the Council may respond to statements. Any request that requires Council action will be set by the Council for a future agenda or referred to staff. Speakers addressing the Council may be limited to three minutes, with a maximum of five minutes, and a time limit on the overall length of oral communications may be imposed.

XII. COUNCIL AND STAFF REPORTS

All reports shall be specifically limited to City business and shall not request or lead to action by the Council at this meeting.

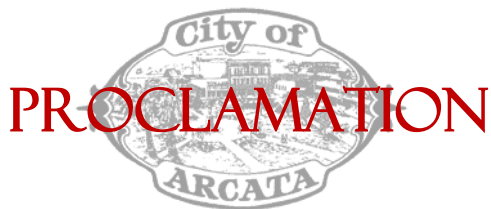
XIII. DATES OF FUTURE MEETINGS

XIV. CLOSED SESSION

XV. CLOSED SESSION REPORTS

XVI. ADJOURNMENT

Other than items continued or tabled to a date certain, the Council may, by majority vote, continue all matters not completed by 10:30 p.m. to the following Thursday at 6:00 p.m. in the Council Chamber. Should the Council vote to continue the meeting past 10:30 p.m., discussion on an item on the agenda that either requires or allows for public input may not begin without a unanimous vote of the City Council members present. (Closed Session items may begin later.) (Reference: Resolution No. 101-69)



Recognizing March 8, 2022 as

INTERNATIONAL WOMEN'S DAY

WHEREAS, International Women's Day began in the United States in 1909, has been celebrated internationally since 1911, and is an official holiday in 28 countries; and

WHEREAS, on March 8, people around the world host festivals, parades, meetings and ceremonies in honor of women and girls, recognizing their contributions and supporting their political and social rights; and

WHEREAS, women and girls of every race, ethnicity, class and gender identity are working for social and environmental justice, peace and safety at every level—locally to globally; and

WHEREAS, we benefit from the talent and spirit of social action that women and girls have made to our cities, nation and world. We continue to thank and honor our women and girls, appreciate their achievements and contributions to our society, and support their voices as they change the world, bringing peace, justice and harmony to our communities.

NOW, THEREFORE BE IT PROCLAIMED that the City Council of the City of Arcata hereby recognizes March 8, 2022, as **INTERNATIONAL WOMEN'S DAY** and encourages all community members to observe this day by participating in local events and working to create a more inclusive world where all genders are able to live to their fullest potential free from discrimination, oppression, and violence.

Dated: March 2, 2022

Stacy Atkins-Salazar
Mayor



PROCLAMATION

in Recognition of
GIRL SCOUT WEEK
March 6–12, 2022

WHEREAS, March 12, 2022, marks the 110th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low of Savannah, Georgia, in 1912; and

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character helping girls gain leadership skills and learn the lifelong lesson of contributing to their communities; and

WHEREAS, Girl Scouting increases girls' awareness of opportunities available to them today in math, science, sports, technology, government, and other fields that can expand their horizons; and

WHEREAS, this year, more than 2.5 million Girl Scouts nationwide, of which 28,000 of these are in the Girl Scouts of Northern California, celebrate 110 years of this American tradition. They look to the 50 million women who are former Girl Scouts as living proof of the impact of this amazing movement. 71% of the female senators in the US Congress, 53% of the female House Representatives, as well as all three former female Secretaries of State, nearly all female astronauts and numerous successful businesswomen such as Sheryl Sandberg and Melinda Gates have been Girl Scouts.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Arcata hereby designates the week of March 6–12, 2022, as **GIRL SCOUT WEEK** and applauds Girl Scouting's commitment to developing the leadership skills of America's girls.

Dated: March 2, 2022

Stacy Atkins-Salazar
 Mayor

Historic Landmarks Committee 2021 Annual Report

This is the Annual Report of the Historic Landmarks Committee to the City Council. The Committee provided input and approved this report at their regularly scheduled January and February 2022 meetings.

Committee Members: William Rich, Chair; Jill MacDonald, Vice Chair; Tim Keefe, Ronald Perry, and Alexandra Stillman.

2021 Accomplishments:

1. Provided guidance on development projects involving landmark properties;
2. Worked with the Historic Sites Society of Arcata and Tribal Historic Preservation Officers and the Wiyot Cultural Center Director to prepare information on various sites throughout the City for Historic Preservation Month;
3. Provided input on historic preservation in the content of the Gateway Area Plan;
4. Continued to work on the City Windshield survey and Historic Context Statement; and
5. Started dialogue of existing preservation incentives and ways to expand incentives to property owners.

2022 Goals:

1. Working with staff and the public to update the City's adopted Historical Preservation Element, and incorporate the findings of the City Context Statement and Citywide windshield survey.
2. Finalize the 2012 Context Statement prepared by Suzanne Guerra and forward to PC/CC for approval and adoption.
3. Finalize the first stage of the City windshield survey with the assistance of the HLC subcommittee and an HSU intern, to review and update the sites in Suzie Van Kirk's 1979 survey, with a focus on historic properties within the proposed Arcata Gateway Area.
4. Coordinate further with local Tribal Historic Preservation Officers to share information to better understand and incorporate Tribal perspectives pertaining to Arcata's pre-settlement history.
5. Continue to explore partnerships and programs to promote local history with a goal of increasing a knowledge and appreciation of local history, and pride in local history.
6. Function as a resource for applicants when approaching development projects that have the potential to affect historic resources, and provide guidance on development projects involving landmark properties.
7. Plan and implement Historic Preservation Month Programming and Celebrations with a continued focus on collaborations with local tribal partners, including the Wiyot Cultural Center.

**CITY OF ARCATA
SPECIAL CITY COUNCIL MEETING**

COUNCIL CHAMBER

FEBRUARY 09, 2022

A special meeting of the city Council of the City of Arcata was held on the above date at 5:38 p.m. as a hybrid meeting, via teleconference utilizing Zoom Video Communications and in person, with Mayor Atkins-Salazar presiding. Notice of this meeting was posted on February 4, 2022. PRESENT: Atkins-Salazar, Matthews, Schaefer, Watson. ABSENT: Goldstein. STAFF PRESENT: City Manager Diemer, Assistant City Manager/Personnel Director Demello, IT Manager Savage, City Clerk Dory.

PUBLIC COMMENT

Mayor Atkins-Salazar invited public comment.

Bob, a member of True North Organizing Committee, spoke in favor of quickly making an appointment to fill the upcoming vacancy on the City Council.

Cynthia Woods, Deacon at St. Alban's Episcopal Church and member of True North Organizing Committee, spoke in favor of appointing a new member to the City Council.

Chris Richards spoke in favor of holding a special election to fill the upcoming City Council vacancy.

Joanne McGarry spoke in favor of appointing a new City Council member.

Patricia spoke in favor of holding a special election to fill the upcoming City Council vacancy.

Jim spoke in favor of holding a special election to fill the upcoming City Council vacancy.

Mayor Atkins-Salazar closed the public comment period.

NEW BUSINESS

A. Accept the Resignation of Councilmember Emily Goldstein; Declare a Vacancy on the Arcata City Council; Consider Available Options for Filling the Vacant Unexpired Term; Choose Option A, B or C; and, if Choosing Option B, Adopt Resolution No. 212-43 Calling for a Special Municipal Election to be held June 7, 2022.

City Manager Diemer explained the options available to the Council for filling the upcoming vacancy coming about by the resignation of Councilmember Emily Goldstein. She stated that, by April 30, the Council would have to decide if it wanted to hold a special election in either June or November 2022 or make an appointment by April 30, 2022. If an appointment was made, that person would hold the seat until the November 8, 2022, general municipal election; the Council would be unable to make an appointment to fill the seat through the November 2024 election.

City Manager Diemer said that if the Council chose to hold a special election to be held either June 7, 2022, or November 8, 2022, the person elected would serve until November 2024. She

February 9, 2022

said the estimated cost for a special election in June 2022 was \$7,500. She said she did not have an estimate for adding the seat to the November 2022 ballot. She told the Council that if it chose to hold an election on June 7, 2022, it would have to adopt Resolution No. 212-43, calling for the election, that evening.

ON MOTION BY WATSON, SECONDED BY MATTHEWS, AND WITH A FOUR-TO-ZERO VOICE VOTE WITH ONE ABSENCE, THE COUNCIL ACCEPTED THE RESIGNATION OF COUNCILMEMBER EMILY GOLDSTEIN EFFECTIVE MARCH 1, 2022, DECLARED A VACANCY ON THE CITY COUNCIL, AND ADOPTED RESOLUTION NO. 212-43 CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD JUNE 7, 2022. AYES: ATKINS-SALAZAR, MATTHEWS, SCHAEFER, WATSON. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

ADJOURNMENT

The meeting was adjourned at 6:16 p.m.

Respectfully submitted,

Bridget Dory
City Clerk

Minutes Acceptance: Minutes of Feb 9, 2022 5:30 PM (CONSENT CALENDAR)

**CITY OF ARCATA
CITY COUNCIL MEETING**

COUNCIL CHAMBER

FEBRUARY 16, 2022

A regular meeting of the City Council of the City of Arcata was held on the above date at 6:00 p.m. as a hybrid meeting utilizing Zoom Video Communications and in person with Mayor Atkins-Salazar presiding. Notice of this meeting was posted on February 11, 2022. PRESENT: Atkins-Salazar, Goldstein, Matthews, Schaefer, Watson. ABSENT: None. STAFF PRESENT: City Manager Diemer, City Attorney Diamond, Assistant City Manager/Personnel Director Demello, Director of Community Development Loya, Finance Director Starzhevskiy, City Engineer Khatri, Director of Environmental Services Sinkhorn, Senior Planner Freitas, Deputy Director of Environmental Services—Community Services Benvie, IT Manager Savage, City Clerk Dory.

FLAG SALUTE

Mayor Atkins-Salazar led the Pledge of Allegiance.

CEREMONIAL MATTERS

A. Proclamation Recognizing February 22, 2022, as Spay Day USA.

Councilmember Matthews read the proclamation.

REPORT BY COMMISSION/COMMITTEE

A. Annual Report from the Economic Development Committee.

Serg Mihaylo, Chair of the Economic Development Committee, gave an oral version of the Committee's Annual Report.

Mayor Atkins-Salazar invited public comment.

Kent Sawatzky said he looked forward to all of Humboldt County's economy benefiting from Humboldt State University becoming California Polytechnic University Humboldt.

Mayor Atkins-Salazar closed the public comment period.

EARLY ORAL COMMUNICATIONS

Mayor Atkins-Salazar invited public comment.

Kent Sawatzky expressed his concern with the City's litigation expenses and recommended the Council discuss this in a public forum.

Oz of Arcata spoke of his concern with Arcata's aging water supply infrastructure and increased demand.

Joanne McGarry reminded the Council the world is in a climate emergency and that it should consider the importance of a declaration of climate emergency.

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Margie Nulsen spoke about crimes occurring at the Arcata Marsh and Wildlife Sanctuary and the current lack of police presence there. She suggested instituting a community patrol, more police presence, or video surveillance.

An unidentified person spoke in favor of the Gateway Area Plan and more affordable housing in Arcata.

Uri Driscoll said staff should not be promoting use of the Ridge Trail Crossing until issues of its impact on neighboring properties was resolved.

Mayor Atkins-Salazar closed Early Oral Communications.

CONSENT CALENDAR

Councilmember Watson requested items D, E, and F be removed for further discussion.

Mayor Atkins-Salazar invited public comment. None was received. Mayor Atkins-Salazar closed the public comment period.

ON MOTION BY SCHAEFER, SECONDED BY MATTHEWS, AND WITH A UNANIMOUS VOICE VOTE, THE COUNCIL ADOPTED THE CONSENT CALENDAR FOR FEBRUARY 16, 2022, WITH THE EXCEPTION OF THE FOLLOWING THREE ITEMS: D. ADOPT RESOLUTION NO. 212-42 APPROVING A NOTIFICATION OF INTENT TO COMPLY WITH SENATE BILL 1383 REGULATIONS, AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS; E. APPROVE AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN COOPERATION HUMBOLDT AND THE CITY OF ARCATA FOR COMUNIDAD UNIDA DEL NORTE DE ARCATA (CUNA) VALLEY WEST COMMUNITY ENGAGEMENT, AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS; AND F. AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH CAL POLY HUMBOLDT ADVANCEMENT FOUNDATION TO ACQUIRE ASSESSOR'S PARCEL NO. (APN) 505-251-011 AND A PUBLIC ACCESS EASEMENT OVER A PORTION OF APN 505-251-013 ADJACENT TO THE ARCATA MARSH AND WILDLIFE SANCTUARY. AYES: ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER, WATSON. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

Councilmember Watson read the Proclamation Recognizing February 2022 as National Children's Dental Health Month.

- A. Approve the Minutes of the City Council Meeting of January 28, 2022.
- B. Approve the Minutes of the City Council Meeting of February 2, 2022.
- C. Bi-Weekly Report on General Warrants.
- D. Item VII-D was moved to Items Removed from Consent Calendar.

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- E. Item VII-E was moved to Items Removed from Consent Calendar.
- F. Item VII-F was moved to Items Removed from Consent Calendar.
- G. Proclamation Recognizing February 2022 as National Children's Dental Health Month.

RECESS: The Council recessed from 7:14 to 7:19 p.m.

ITEMS REMOVED FROM CONSENT CALENDAR

- D. **Adopt Resolution No. 212-42 Approving a Notification of Intent to Comply with Senate Bill 1383 Regulations, and Authorize the City Manager to Execute All Applicable Documents.**

On inquiry by Councilmember Watson, Deputy Director of Environmental Services--Community Services Benvie described the six components of SB 1383 regarding the reduction of organic waste. She said that SB 619 gave entities a one-year extension to come into compliance with SB 1383, and Resolution No. 212-42 would put forth the City's intention to comply with the requirements of SB 1383 . Deputy Director Benvie then answered questions from the City Council.

Mayor Atkins-Salazar invited public comment.

Joanne McGarry said that a lot of grassroots composting projects could take place before the regional system was instituted.

Uri Driscoll expressed his concern with requiring another can for waste. He also said he didn't see a plan for what would happen if the City was unable to comply with SB 1383.

Kent Sawatzky suggested the City try to contest implementation of SB 1383 as he believed there would be significant costs involved in the program.

Maggie Gainer said that Zero Waste Humboldt was pleased with SB 1383. She said that as it was implemented, it would be important for everyone to pay close attention.

Mayor Atkins-Salazar closed the public comment period.

ON MOTION BY WATSON, SECONDED BY SCHAEFER, AND WITH A UNANIMOUS VOICE VOTE, THE COUNCIL ADOPTED RESOLUTION NO. 212-42 APPROVING A NOTIFICATION OF INTENT TO COMPLY WITH SENATE BILL 1383 REGULATIONS, AND AUTHORIZED THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS. AYES: ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER, WATSON. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

- E. **Approve Amended Memorandum of Understanding between Cooperation Humboldt and the City of Arcata for Comunidad Unida del Norte de Arcata (CUNA) Valley West Community Engagement; and Authorize the City Manager to Execute All Applicable Documents.**

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City Manager Diemer reminded the Council that it allocated some American Rescue Plan Act (ARPA) funds to support the Valley West Neighborhood. The Council entered into a three-month initial contract with Cooperation Humboldt—Comunidad Unida del Norte de Arcata (CUNA). She said staff was recommending the Council approve the contract in one-year increments.

Director of Environmental Services Sinkhorn explained the City wanted to recognize the good work being accomplished in Valley West and wanted to insure the City's investment was sound on the ground.

David, from Cooperation Humboldt, said it had been a joy to work with City staff who had been incredibly helpful.

ON MOTION BY WATSON, SECONDED BY SCHAEFER, AND WITH A UNANIMOUS VOICE VOTE, THE COUNCIL APPROVED THE AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN COOPERATION HUMBOLDT AND THE CITY OF ARCATA FOR COMUNIDAD UNIDA DEL NORTE DE ARCATA (CUNA) VALLEY WEST COMMUNITY ENGAGEMENT; AND AUTHORIZED THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS. AYES: ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER, WATSON. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

F. Authorize the City Manager to Enter into a Purchase and Sale Agreement with Cal Poly Humboldt Advancement Foundation to Acquire Assessor's Parcel No. (APN) 505-251-011 and a Public Access Easement over a Portion of APN 505-251-013 Adjacent to the Arcata Marsh and Wildlife Sanctuary.

Director of Environmental Services Sinkhorn said the City had been working with Cal Poly Humboldt to acquire a small marsh parcel off of Samoa Boulevard adjacent to the north marsh. She said the City saw the property as potential for future mitigation for projects in the City. She noted that it was contiguous to the Arcata Marsh and Wildlife Sanctuary and could facilitate enhanced coastal access through Samoa Boulevard.

Mayor Atkins-Salazar invited public comment.

Uri Driscoll said that per capita, Arcata owned more acreage than anywhere else in the country and that Arcata needed to look at these projects carefully rather than just accepting more acreage.

Mayor Atkins-Salazar closed the public comment period.

ON MOTION BY WATSON, SECONDED BY SCHAEFER, AND WITH A UNANIMOUS VOICE VOTE, THE COUNCIL AUTHORIZED THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH CAL POLY HUMBOLDT ADVANCEMENT FOUNDATION TO ACQUIRE ASSESSOR'S PARCEL NO. (APN) 505-251-011 AND A PUBLIC ACCESS EASEMENT OVER A PORTION OF APN 505-251-013 ADJACENT TO THE ARCATA MARSH AND WILDLIFE SANCTUARY. AYES:

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ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER, WATSON. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

OLD BUSINESS

A. Approve the Old Arcata Road Rehabilitation and Pedestrian/Bikeways Improvement Project.

City Engineer Khatri gave a brief overview and history of the development of the Old Arcata Road Rehabilitation and Pedestrian/Bikeways Improvement project. He answered the question of whether or not large trucks (logging trucks, fire trucks, STAA trucks, etc.) could navigate the roundabout by stating yes, they could.

Director of Community Development Loya gave a high-level overview of the environmental analysis and stated that the City was the lead agency for purposes of California Environmental Quality Act (CEQA) review. He stated that the Council was being asked that evening certify the final environmental impact report (EIR), approve the Coastal Development Permit, and approve the project design. He said the County of Humboldt would take separate action on the Coastal Development Permit on its portion of the project in the County. Further, Caltrans was conducting the NEPA review for the funding it was providing toward the project. Director Loya said there were no concerns that had not been addressed in the Draft EIR, Recirculated Draft EIR or the Final EIR. He said that nothing new had been raised at that point that would delay adoption of the Final EIR or cause recirculation. Further, the Final EIR found all potential impacts were mitigated to less than a significant amount. Director Loya said staff's recommendation was that the Council certify the Final EIR by adopting Resolution No. 212-44. He noted the recommendation by staff was supported by both the Historic Landmarks Committee and the Planning Commission.

At this point in the meeting, staff and consultants answered questions from the Council about the project.

Mel Melvin, from JRP Historical Consulting, said there would be no direct impacts to any historic property because the entire project was within the right of way. The only impact would be visual and only affect those properties immediately adjacent to the roundabout. The current intersection is not in the historic configuration as it was redesigned in 1947. A roundabout constructed in that area would not be destroying a historic intersection, just modifying an already modern intersection.

On inquiry by Councilmember Watson, City Attorney Diamond addressed the relationship of Transportation Safety Committee (TSC) member Josh Wolf, who was also an employee of GHD. She said she did not believe there existed a financial conflict of interest issue because there was no financial impact on Mr. Wolf. She said the project was presented to the Transportation Safety Committee as early as 2016 and the City contracted with GHD in 2018. She said this issue was reviewed by GHD when the Request for Proposals was under consideration and looked at again in response to a letter from Bayside Cares' attorney. City Attorney Diamond said there was no impact from this work on Mr. Wolf's salary. Further, since GHD was awarded the contract with the City in 2018, as a TSC member, Mr. Wolf had disqualified himself from any discussion when this item has appeared on the Committee's agenda. She said that was a further acknowledged basis for mitigating and eliminating any potential conflict of interest.

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Mayor Atkins-Salazar invited public comment.

The following persons spoke in favor of approval of the project: Lew Litzky, Miriam Billinger, Mary O'Brien, Eric Hall, Gordon Inkeles, Emily, Mike and Sara Dronkers, Carla Paliaga, Jim Zoellick, Steve McDonald, Will F., Michael Winkler, Gwelen Paliaga, Chelsey Castiglione, Evan Hatfield, Daniel, Jude Power, Michael Griffin, Oz of Arcata, Sherry, Zoe Billinger, Lee Devany, and Clara Zander McDonald.

The following persons spoke against the project or against the roundabout portion: Sue Moore, Uri Driscoll, Kent Sawatzky, Alice Finen, Marc Delany, Maggie Gainer, and Grayson.

Councilmember Watson exited the Council Chamber at 8:58 p.m. and returned at 8:59 p.m.

The following persons submitted written comment in favor of approval of the project: Chip Sharpe, Celestine Armenta, and Jim Zoellick.

The following persons/company submitted written comments in favor of denial of the project or requested more study: Chris Johnson Hamer, attorney for Bayside Cares; Sue Moore; Susan McPherson; and Green Diamond Resource Company.

Mayor Atkins-Salazar closed the public comment period.

SCHAEFER MOVED AND MATTHEWS SECONDED TO CLOSE THE PUBLIC HEARING AND ADOPT RESOLUTION NO. 212-44 CERTIFYING THE OLD ARCATA ROAD PEDESTRIAN AND BIKEWAY IMPROVEMENTS PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (EIR. SCH # 2021010176) AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP); AND APPROVE THE ACTION OF THE CITY COUNCIL REGARDING THE OLD ARCATA ROAD PEDESTRIAN AND BIKEWAY IMPROVEMENTS PROJECT WITH FINDINGS FOR APPROVAL AND CONDITIONS OF APPROVAL BASED ON THE FINAL EIR DESIGN PLAN SET.

Councilmember Watson requested more time to read the Environmental Impact Report and asked for a legal analysis of the February 11, 2022, letter from the attorney for Bayside Cares.

THE MOTION PASSED ON A FOUR-TO-ZERO VOICE VOTE WITH ONE ABSTENTION. AYES: ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER. NOES: NONE. ABSENT: NONE. ABSTENTIONS: WATSON.

ORAL AND WRITTEN COMMUNICATIONS

Mayor Atkins-Salazar invited public comment.

Oz of Arcata recommended 38 acres of the Arcata Gateway Area be reserved for a greenbelt area or reforestation.

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Mayor Atkins-Salazar closed Oral and Written Communications.

COUNCIL AND STAFF REPORTS

Councilmember Matthews announced that the Chamber Awards Dinner would be held Friday, February 18, 2022, via Zoom. She also said it had been an honor to serve with Councilmember Goldstein.

Mayor Atkins-Salazar and Councilmember Schaefer thanked Councilmember Goldstein for her service and said, too, it had been an honor to serve with her.

Councilmember Goldstein thanked the community for its love and support.

Councilmember Watson said he appreciated everything Councilmember Goldstein had done for the City and he wished her well.

DATES OF FUTURE MEETINGS

- A. **Goal Setting Study Sessions, Tuesday, March 1, and Tuesday, March 8, 2022, at 5:30 p.m. in the Council Chamber.**

BY GENERAL CONSENSUS, THE COUNCIL CONFIRMED IT WOULD HOLD GOAL SETTING STUDY SESSIONS ON TUESDAY, MARCH 1 AND TUESDAY, MARCH 8, 2022, IN THE COUNCIL CHAMBER.

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Bridget Dory
City Clerk

Minutes Acceptance: Minutes of Feb 16, 2022 6:00 PM (CONSENT CALENDAR)



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: Ondrea Starzhevskiy, Finance Director

PREPARER: Darcey Quinn, Finance Manager

DATE: February 23, 2022

TITLE: **Bi-Weekly Report on General Warrants.**

RECOMMENDATION:

It is recommended that the Council approve the warrant listing for the period February 5, 2022, to February 18, 2022.

INTRODUCTION:

Pursuant to Section 37208 of the California Government Code, warrants drawn in payment of demands certified by the City Finance Director as conforming to the authorized expenditures set forth in the City Council adopted budget need not be audited by the City Council prior to payment, but may be presented to the City Council at the first meeting after delivery.

DISCUSSION:

The attached Warrant Listing lists the warrants that have been paid for the period identified above. The Finance Director certifies that the listed warrants were drawn in payment of demands conforming to the adopted budget and that these demands are being presented to the City Council at its first meeting after the delivery of the warrants.

BUDGET/FISCAL IMPACT:

The warrants presented were drawn in payment of demands included within the adopted budget.

ATTACHMENTS:

A. Warrant 020522-021822 (PDF)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
	ACH PAYROLL	Payroll Direct Deposit	MISC	215,242.03	2/11/2022
	ACH PAYR010	Payroll Deductions ACH	MISC	110,582.91	2/11/2022
	ACH PERS010	PERS	101-00-00-22202	60,067.29	2/11/2022
	ACH PERS020	CalPERS	101-00-00-22202	152,517.25	2/11/2022
310143	PAYROLL	Payroll	MISC	532.67	2/11/2022
310144	PAYROLL	Payroll	MISC	504.89	2/11/2022
310145	PAYROLL	Payroll	MISC	699.75	2/11/2022
310146	PAYROLL	Payroll	MISC	295.72	2/11/2022
310147	PAYROLL	Payroll	MISC	505.59	2/11/2022
310148	PAYROLL	Payroll	MISC	421.36	2/11/2022
310149	PAYROLL	Payroll	MISC	1,449.38	2/11/2022
310150	PAYROLL	Payroll	MISC	613.92	2/11/2022
310151	PAYROLL	Payroll	MISC	1,442.87	2/11/2022
310152	PAYROLL	Payroll	MISC	519.63	2/11/2022
310153	PAYROLL	Payroll	MISC	2,909.43	2/11/2022
310154	PAYROLL	Payroll	MISC	1,176.64	2/11/2022
310155	PAYROLL	Payroll	MISC	697.91	2/11/2022
310156	PAYROLL	Payroll	MISC	1,053.79	2/11/2022
310157	PAYROLL	Payroll	MISC	99.96	2/11/2022
245584	CALHW010	California Highway Construction Group Inc	208-50-45-57600	77,872.07	2/11/2022
245584	CALHW010	California Highway Construction Group Inc	101-50-45-57601	39,360.35	2/11/2022
245584	CALHW010	California Highway Construction Group Inc	207-50-45-57600	350,000.00	2/11/2022
245585	COLAT010	Colantuono Highsmith & Whatley PC	101-10-09-51773	93.56	2/11/2022
245586	FRANC011	Franchise Tax Board	101-00-00-22109	25.00	2/11/2022
245587	INFOS010	Infosend Inc	661-60-64-53100	1,238.94	2/11/2022
245587	INFOS010	Infosend Inc	662-60-67-53100	1,238.95	2/11/2022
245587	INFOS010	Infosend Inc	662-60-67-51770	438.24	2/11/2022
245587	INFOS010	Infosend Inc	661-60-64-51770	438.25	2/11/2022
245588	KERNE010	Kernen Construction	207-50-45-53800	9.23	2/11/2022
245588	KERNE010	Kernen Construction	101-00-00-21090	(9.23)	2/11/2022
245588	KERNE010	Kernen Construction	207-50-45-53800	1,325.75	2/11/2022
245589	LIEBE010	Liebert Cassidy Whitmore	101-10-09-51773	950.00	2/11/2022
245590	OPERA010	Operating Engineers No 3	101-00-00-22113	2,146.00	2/11/2022
245591	PACIF020	Pacific Gas & Electric Co	101-50-81-51100	59.55	2/11/2022
245591	PACIF020	Pacific Gas & Electric Co	212-30-11-55400	6,650.93	2/11/2022
245592	PERSLONG	PERS Long Term Care	101-00-00-22202	67.51	2/11/2022
245593	USBAN003	US Bank Equipment Finance	775-10-71-53300	192.30	2/11/2022
245593	USBAN003	US Bank Equipment Finance	775-10-71-53300	215.92	2/11/2022
245593	USBAN003	US Bank Equipment Finance	775-10-71-53300	126.44	2/11/2022
245593	USBAN003	US Bank Equipment Finance	101-40-21-53300	230.97	2/11/2022
245594	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	115.49	2/11/2022
245594	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	74.59	2/11/2022
245594	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	1,040.45	2/11/2022
245594	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	1,944.84	2/11/2022
245594	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	186.42	2/11/2022
245595	WATER020	WaterTrax USA Inc	661-60-64-51770	10,837.34	2/11/2022
245596	USBAN005	US Bank	101-30-31-51400	126.00	2/15/2022
245596	USBAN005	US Bank	661-50-63-51400	89.95	2/15/2022
245596	USBAN005	US Bank	661-60-64-53300	23.01	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	25.00	2/15/2022
245596	USBAN005	US Bank	101-20-07-53300	130.77	2/15/2022
245596	USBAN005	US Bank	661-60-64-54200	8.78	2/15/2022
245596	USBAN005	US Bank	101-00-00-21090	(21.96)	2/15/2022
245596	USBAN005	US Bank	662-60-67-53100	7.38	2/15/2022

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
245596	USBAN005	US Bank	661-50-63-54200	657.94	2/15/2022
245596	USBAN005	US Bank	212-30-11-55400	50.00	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	50.00	2/15/2022
245596	USBAN005	US Bank	662-60-67-51400	39.00	2/15/2022
245596	USBAN005	US Bank	771-50-57-54300	64.22	2/15/2022
245596	USBAN005	US Bank	771-50-57-53500	30.70	2/15/2022
245596	USBAN005	US Bank	661-50-63-54300	126.46	2/15/2022
245596	USBAN005	US Bank	662-60-67-51500	0.99	2/15/2022
245596	USBAN005	US Bank	207-50-45-53300	30.99	2/15/2022
245596	USBAN005	US Bank	101-40-21-51770	24.00	2/15/2022
245596	USBAN005	US Bank	211-30-13-58213	22.00	2/15/2022
245596	USBAN005	US Bank	662-50-65-53900	107.74	2/15/2022
245596	USBAN005	US Bank	662-60-67-54200	459.91	2/15/2022
245596	USBAN005	US Bank	211-30-13-58213	34.06	2/15/2022
245596	USBAN005	US Bank	661-50-63-54300	104.14	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	46.64	2/15/2022
245596	USBAN005	US Bank	661-60-64-55300	14.65	2/15/2022
245596	USBAN005	US Bank	661-50-63-54300	178.19	2/15/2022
245596	USBAN005	US Bank	775-10-71-55300	205.02	2/15/2022
245596	USBAN005	US Bank	101-10-05-51400	168.43	2/15/2022
245596	USBAN005	US Bank	661-50-63-53300	148.98	2/15/2022
245596	USBAN005	US Bank	101-50-85-53600	27.11	2/15/2022
245596	USBAN005	US Bank	662-60-67-51600	91.00	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	17.29	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	37.21	2/15/2022
245596	USBAN005	US Bank	775-10-71-55300	130.17	2/15/2022
245596	USBAN005	US Bank	662-60-67-53500	113.86	2/15/2022
245596	USBAN005	US Bank	661-50-63-53300	0.99	2/15/2022
245596	USBAN005	US Bank	204-40-21-51420	1,398.00	2/15/2022
245596	USBAN005	US Bank	661-60-64-55300	70.23	2/15/2022
245596	USBAN005	US Bank	775-10-71-51210	60.00	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	150.00	2/15/2022
245596	USBAN005	US Bank	662-60-67-53500	228.22	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	25.00	2/15/2022
245596	USBAN005	US Bank	661-60-64-55300	14.71	2/15/2022
245596	USBAN005	US Bank	207-50-45-54200	97.63	2/15/2022
245596	USBAN005	US Bank	662-60-67-57800	8.71	2/15/2022
245596	USBAN005	US Bank	101-60-89-51300	20.00	2/15/2022
245596	USBAN005	US Bank	101-20-07-51400	900.00	2/15/2022
245596	USBAN005	US Bank	101-10-03-53300	61.10	2/15/2022
245596	USBAN005	US Bank	661-60-64-55300	7.15	2/15/2022
245596	USBAN005	US Bank	661-60-64-51500	204.16	2/15/2022
245596	USBAN005	US Bank	101-50-85-55400	274.36	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	25.00	2/15/2022
245596	USBAN005	US Bank	662-60-67-51600	192.00	2/15/2022
245596	USBAN005	US Bank	661-50-63-54300	115.61	2/15/2022
245596	USBAN005	US Bank	101-10-15-51705	25.00	2/15/2022
245596	USBAN005	US Bank	101-50-81-51400	1,500.00	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	21.83	2/15/2022
245596	USBAN005	US Bank	662-60-67-57800	255.00	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	56.13	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	17.35	2/15/2022
245596	USBAN005	US Bank	666-60-51-54200	397.86	2/15/2022
245596	USBAN005	US Bank	207-50-45-54200	164.97	2/15/2022

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
245596	USBAN005	US Bank	101-50-85-53600	12.92	2/15/2022
245596	USBAN005	US Bank	775-10-71-51200	82.40	2/15/2022
245596	USBAN005	US Bank	101-10-15-51400	59.67	2/15/2022
245596	USBAN005	US Bank	211-30-13-58213	25.30	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	9.74	2/15/2022
245596	USBAN005	US Bank	661-50-63-54200	97.64	2/15/2022
245596	USBAN005	US Bank	101-20-07-54200	6.00	2/15/2022
245596	USBAN005	US Bank	663-50-91-51400	420.00	2/15/2022
245596	USBAN005	US Bank	661-50-63-54300	63.26	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	25.00	2/15/2022
245596	USBAN005	US Bank	661-60-64-55300	52.05	2/15/2022
245596	USBAN005	US Bank	771-50-57-54300	67.22	2/15/2022
245596	USBAN005	US Bank	101-40-21-51200	54.00	2/15/2022
245596	USBAN005	US Bank	661-60-64-55300	19.91	2/15/2022
245596	USBAN005	US Bank	207-50-45-54200	117.25	2/15/2022
245596	USBAN005	US Bank	101-50-81-55400	84.54	2/15/2022
245596	USBAN005	US Bank	661-60-64-51500	60.68	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	21.83	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	82.61	2/15/2022
245596	USBAN005	US Bank	771-50-57-55300	21.96	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	39.54	2/15/2022
245596	USBAN005	US Bank	101-50-85-53600	32.54	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	37.20	2/15/2022
245596	USBAN005	US Bank	661-60-64-51400	199.99	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	75.00	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	337.50	2/15/2022
245596	USBAN005	US Bank	662-60-67-53500	495.58	2/15/2022
245596	USBAN005	US Bank	661-50-63-54300	130.15	2/15/2022
245596	USBAN005	US Bank	661-60-64-51400	167.04	2/15/2022
245596	USBAN005	US Bank	775-10-71-51200	0.99	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	71.66	2/15/2022
245596	USBAN005	US Bank	101-50-85-53600	30.28	2/15/2022
245596	USBAN005	US Bank	662-50-65-54200	410.14	2/15/2022
245596	USBAN005	US Bank	101-60-89-54200	28.22	2/15/2022
245596	USBAN005	US Bank	101-50-41-54200	135.13	2/15/2022
245596	USBAN005	US Bank	775-10-71-51200	26.28	2/15/2022
245596	USBAN005	US Bank	662-60-67-55400	26.28	2/15/2022
245596	USBAN005	US Bank	101-40-21-54400	1,296.31	2/15/2022
245596	USBAN005	US Bank	771-50-57-55300	271.38	2/15/2022
245596	USBAN005	US Bank	101-50-81-55400	911.40	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	26.02	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	4.42	2/15/2022
245596	USBAN005	US Bank	662-50-65-54200	77.85	2/15/2022
245596	USBAN005	US Bank	207-50-45-54200	265.81	2/15/2022
245596	USBAN005	US Bank	101-60-89-54200	42.61	2/15/2022
245596	USBAN005	US Bank	101-40-21-54200	60.74	2/15/2022
245596	USBAN005	US Bank	207-50-45-53600	183.66	2/15/2022
245596	USBAN005	US Bank	771-50-57-54400	74.26	2/15/2022
245596	USBAN005	US Bank	771-50-57-57900	678.28	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	25.00	2/15/2022
245596	USBAN005	US Bank	771-50-57-54300	53.15	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	50.00	2/15/2022
245596	USBAN005	US Bank	775-10-71-51200	5.82	2/15/2022
245596	USBAN005	US Bank	552-00-00-24022	25.00	2/15/2022

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
245596	USBAN005	US Bank	101-60-89-54200	46.66	2/15/2022
245596	USBAN005	US Bank	663-50-91-53100	58.00	2/15/2022
245596	USBAN005	US Bank	662-60-67-53500	45.56	2/15/2022
245597	UB*05336	Leach Water Systems	661-00-00-21000	1,774.92	2/18/2022
245598	AFLAC010	Aflac	101-00-00-22110	1,231.44	2/18/2022
245599	AMWIN010	AmWINS Group Benefits Inc./REMIF	101-00-00-22203	1,326.00	2/18/2022
245600	att030	A. T. & T.	775-10-71-51200	36.83	2/18/2022
245601	BOSS020	Business Oriented Software Solutions Inc	662-60-67-57800	232.00	2/18/2022
245602	CDWG0010	CDWG	775-10-71-51770	13,650.00	2/18/2022
245602	CDWG0010	CDWG	775-10-71-51790	2,000.00	2/18/2022
245602	CDWG0010	CDWG	775-10-71-57800	3,598.00	2/18/2022
245603	CWEAI010	CWEA	661-60-64-51600	192.00	2/18/2022
245604	DIAMO010	Diamond Nancy	101-10-09-54200	18.60	2/18/2022
245604	DIAMO010	Diamond Nancy	101-10-09-51771	18,059.50	2/18/2022
245604	DIAMO010	Diamond Nancy	101-10-09-51771	1,096.50	2/18/2022
245605	EMPLO020	Employment Development Department	101-10-17-52060	7,003.08	2/18/2022
245606	EUREK120	Eureka Rubber Stamp	101-30-11-54200	56.14	2/18/2022
245607	HUGHE999	Hughes Rees	205-60-87-54200	67.26	2/18/2022
245608	HUMBO025	Humboldt County Clerk Recorder	210-50-45-51770	3,539.25	2/18/2022
245609	HUMBO101	Humboldt County Planning Divis	210-50-45-51770	6,034.00	2/18/2022
245610	JBTBH999	JBTB Holdings Inc.	101-00-00-46100	232.18	2/18/2022
245610	JBTBH999	JBTB Holdings Inc.	101-00-00-42420	6,114.16	2/18/2022
245611	JEFFE999	Jefferson Neil	101-00-00-23070	300.00	2/18/2022
245612	KIRST999	Kirsten Dorje	212-00-00-23071	360.00	2/18/2022
245613	LOCAL020	Local Government Consultants LLC	101-20-07-51779	2,250.00	2/18/2022
245614	LOSTS999	Lost Soles Horse Rescue	101-00-00-44210	40.00	2/18/2022
245614	LOSTS999	Lost Soles Horse Rescue	101-00-00-23070	150.00	2/18/2022
245615	MADRI060	Mad River Union	101-30-11-51780	264.00	2/18/2022
245616	OLSON010	Olson Matthew	101-60-89-51710	211.50	2/18/2022
245617	PLOCHERR	Plocher Russell	101-50-81-51500	82.86	2/18/2022
245618	RAYMO010	Ray Morgan Company	775-10-71-53300	1,078.50	2/18/2022
245618	RAYMO010	Ray Morgan Company	101-20-07-53210	168.65	2/18/2022
245618	RAYMO010	Ray Morgan Company	101-40-21-53300	503.60	2/18/2022
245618	RAYMO010	Ray Morgan Company	101-40-21-53300	283.56	2/18/2022
245618	RAYMO010	Ray Morgan Company	775-10-71-53300	932.47	2/18/2022
245618	RAYMO010	Ray Morgan Company	101-20-07-53210	168.65	2/18/2022
245619	ROTHW999	Rothwell Angela	570-00-00-24157	29.00	2/18/2022
245620	ROTOR010	Roto-Rooter	662-00-00-46830	2,053.00	2/18/2022
245621	TMOBI010	T-Mobile USA Inc.	775-10-71-51200	1,714.66	2/18/2022
245621	TMOBI010	T-Mobile USA Inc.	101-40-21-51200	1,057.85	2/18/2022
245622	VILLA996	Villagrana Silvia	101-00-00-23070	500.00	2/18/2022
245623	WAGEW010	Wage Works	101-00-00-22110	150.00	2/18/2022
245624	ALVES010	Alves Inc.	207-50-45-53800	127.92	2/18/2022
245624	ALVES010	Alves Inc.	207-50-45-53800	1,330.00	2/18/2022
245625	ARCAT580	Arcata Stationers	101-50-81-53300	56.41	2/18/2022
245625	ARCAT580	Arcata Stationers	101-20-07-53300	74.69	2/18/2022
245625	ARCAT580	Arcata Stationers	101-40-21-53300	51.28	2/18/2022
245625	ARCAT580	Arcata Stationers	101-20-07-53300	10.38	2/18/2022
245625	ARCAT580	Arcata Stationers	662-60-67-53300	59.81	2/18/2022
245625	ARCAT580	Arcata Stationers	101-40-21-53300	167.67	2/18/2022
245625	ARCAT580	Arcata Stationers	101-30-31-53300	88.63	2/18/2022
245625	ARCAT580	Arcata Stationers	101-50-81-53300	21.03	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	40.00	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	20.00	2/18/2022

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-51770	25.00	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-51770	5.00	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	20.00	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	20.00	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	40.00	2/18/2022
245626	ARCAT620	Arcata Used Tire & Wheel	771-50-57-51770	5.00	2/18/2022
245627	B&BPO010	B & B Portable Toilets	101-50-81-55600	356.88	2/18/2022
245627	B&BPO010	B & B Portable Toilets	101-50-81-55600	364.13	2/18/2022
245627	B&BPO010	B & B Portable Toilets	662-60-67-55400	106.70	2/18/2022
245627	B&BPO010	B & B Portable Toilets	662-60-67-55400	157.12	2/18/2022
245627	B&BPO010	B & B Portable Toilets	662-60-67-55400	343.13	2/18/2022
245627	B&BPO010	B & B Portable Toilets	101-50-81-55600	210.90	2/18/2022
245628	BOBCA020	Bobcat of Chico	771-50-57-54400	78.79	2/18/2022
245629	BORGE010	Borges & Mahoney Inc.	662-60-67-55300	235.84	2/18/2022
245629	BORGE010	Borges & Mahoney Inc.	662-60-67-55300	1,048.36	2/18/2022
245629	BORGE010	Borges & Mahoney Inc.	662-60-67-55300	1,068.53	2/18/2022
245630	BRYAN010	Bayside Embroidery	662-60-67-54200	840.00	2/18/2022
245631	BUDDY010	Buddy's Auto Center	101-40-23-51762	55.00	2/18/2022
245632	CADEP040	CA Dep Of Justice	101-40-21-52524	1,559.00	2/18/2022
245632	CADEP040	CA Dep Of Justice	101-40-21-51770	280.00	2/18/2022
245633	CLEMENTI	Clementi Phd Mark A	101-40-21-51770	934.00	2/18/2022
245634	CONTI010	CIC	212-30-11-55400	37.00	2/18/2022
245634	CONTI010	CIC	212-30-11-55400	54.50	2/18/2022
245635	DAYWI010	Day Management Corporation	101-40-21-55300	195.00	2/18/2022
245636	ENCOR010	Sequential Environmental Services LLC	212-30-11-55400	1,225.00	2/18/2022
245637	EUREK080	Eureka-Humboldt Fire Extinguisher	661-60-64-51770	503.01	2/18/2022
245637	EUREK080	Eureka-Humboldt Fire Extinguisher	662-60-67-51770	688.51	2/18/2022
245638	EUREK120	Eureka Rubber Stamp	101-40-21-51500	41.78	2/18/2022
245638	EUREK120	Eureka Rubber Stamp	101-40-21-51500	33.94	2/18/2022
245639	EUREK130	Eureka Ready Mix Concrete Co Inc	662-50-65-53800	378.01	2/18/2022
245639	EUREK130	Eureka Ready Mix Concrete Co Inc	662-50-65-53800	372.16	2/18/2022
245640	GHDIN010	GHD Inc.	219-50-45-57600	11,019.34	2/18/2022
245640	GHDIN010	GHD Inc.	210-50-45-51770	11,019.33	2/18/2022
245641	GREEN020	Mad River Hardwood Company INC	101-50-81-55400	1.35	2/18/2022
245641	GREEN020	Mad River Hardwood Company INC	101-00-00-21090	(1.35)	2/18/2022
245641	GREEN020	Mad River Hardwood Company INC	101-50-81-55400	193.95	2/18/2022
245642	HARPE010	Harper Ford Country	771-50-57-54400	1,106.91	2/18/2022
245642	HARPE010	Harper Ford Country	771-50-57-54400	642.96	2/18/2022
245642	HARPE010	Harper Ford Country	771-50-57-54400	278.68	2/18/2022
245643	HEAD010	Head Thomas William	101-50-81-55400	2,400.00	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	28.20	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-53300	60.74	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	7.58	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	7.58	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	31.44	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	19.07	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	7.15	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	37.38	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	33.60	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-55400	262.13	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	10.41	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-55400	25.56	2/18/2022
245644	HENSE010	Hensels Hardware	662-60-67-55400	4.22	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	9.31	2/18/2022

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
245644	HENSE010	Hensels Hardware	101-50-85-55400	21.69	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	(3.24)	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	6.46	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	10.84	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	11.92	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	51.99	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	21.69	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	7.58	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	20.60	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	23.65	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	31.44	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-55400	57.44	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	22.33	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	101.88	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	8.67	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	8.67	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-53600	48.79	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-85-55400	20.60	2/18/2022
245644	HENSE010	Hensels Hardware	101-50-81-54200	24.94	2/18/2022
245645	HENSE010	Hensels Hardware	212-30-11-55400	103.76	2/18/2022
245646	HUMBO095	Humboldt County DHHS-Behavioral Health	211-30-13-58214	17,400.69	2/18/2022
245647	HUMBO200	Humboldt Termite & Pest Control	101-50-85-51770	59.00	2/18/2022
245648	HUMBO205	Humboldt Towing Inc.	101-40-23-51762	55.00	2/18/2022
245649	JMBOD010	J & M Body Shop/Towing	101-40-23-51762	130.00	2/18/2022
245650	KERNE010	Kernen Construction	662-50-65-53800	1,326.77	2/18/2022
245650	KERNE010	Kernen Construction	662-50-65-53800	9.23	2/18/2022
245650	KERNE010	Kernen Construction	101-00-00-21090	(9.23)	2/18/2022
245651	KRAME010	Kramer Workplace Investigations	101-10-09-51773	2,400.00	2/18/2022
245652	LEXIS020	LexisNexis Risk Data Management Inc	101-40-21-55300	50.00	2/18/2022
245652	LEXIS020	LexisNexis Risk Data Management Inc	101-40-21-55300	50.00	2/18/2022
245653	LIERL010	Lierly Jeffrey Scott	101-40-21-51770	325.00	2/18/2022
245654	MADRI010	American Hospital Management	101-40-21-51770	219.96	2/18/2022
245655	MAPLE010	Maple Service Inc.	212-30-11-55400	475.99	2/18/2022
245656	MCMAS010	McMaster-Carr	662-60-67-55300	624.20	2/18/2022
245657	MISSI010	Mission Linen Ind.Inc.	771-50-57-51500	73.36	2/18/2022
245657	MISSI010	Mission Linen Ind.Inc.	662-60-67-51500	146.48	2/18/2022
245657	MISSI010	Mission Linen Ind.Inc.	771-50-57-51500	73.36	2/18/2022
245657	MISSI010	Mission Linen Ind.Inc.	662-60-67-51500	107.42	2/18/2022
245658	MUNIC010	Municipal Maintenance Equipment Inc	771-50-57-57900	36,412.33	2/18/2022
245659	MUNIM010	Munimetrix Inc	101-10-05-51770	79.98	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	15.28	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	272.60	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	148.98	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	113.76	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	89.52	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	(43.40)	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	32.08	2/18/2022
245660	NAPAA010	NAPA Auto Parts	771-50-57-54400	16.45	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	83.70	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	129.95	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	44.50	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	18.45	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	156.20	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	47.45	2/18/2022

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)

City of Arcata Warrant Listing 02/05/2022-02/18/2022

<u>Check No.</u>	<u>Vendor No.</u>	<u>Vendor Name</u>	<u>GL Account</u>	<u>Amount</u>	<u>Date</u>
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	32.95	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	112.70	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	199.70	2/18/2022
245661	NORMA010	Norman's Dry Cleaners	101-40-21-51500	32.95	2/18/2022
245662	NORTH140	North Coast Journal Inc	101-10-15-51300	181.70	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	230.00	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	318.00	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	255.00	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	1,102.00	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	275.00	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	55.00	2/18/2022
245663	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	255.00	2/18/2022
245664	NORTH330	Northern Humboldt U.H.S.D	662-60-67-51770	411.76	2/18/2022
245664	NORTH330	Northern Humboldt U.H.S.D	207-50-45-51770	411.77	2/18/2022
245665	OCCUP020	American Hospital Management	101-10-15-51702	43.75	2/18/2022
245665	OCCUP020	American Hospital Management	101-10-15-51702	236.25	2/18/2022
245665	OCCUP020	American Hospital Management	101-10-15-51702	122.50	2/18/2022
245666	PLANW010	Planwest Partners Inc	213-30-13-58001	1,891.25	2/18/2022
245666	PLANW010	Planwest Partners Inc	213-30-13-58004	11,673.75	2/18/2022
245666	PLANW010	Planwest Partners Inc	213-30-13-58002	7,071.25	2/18/2022
245667	REMIF010	R.E.M.I.F.	101-10-09-51773	3,901.00	2/18/2022
245668	SCHIL010	Schillinger Jakob	101-50-81-57613	910.00	2/18/2022
245669	SEQUO020	Sequoia LP Gas Corp.	207-50-45-53800	85.45	2/18/2022
245669	SEQUO020	Sequoia LP Gas Corp.	207-50-45-53800	13.43	2/18/2022
245670	SHAPE010	Transene Company Inc.	662-60-67-53500	1,458.24	2/18/2022
245671	SPRIN030	Springbrook Holding Company LLC	662-60-67-53400	86.00	2/18/2022
245671	SPRIN030	Springbrook Holding Company LLC	661-60-64-53400	86.00	2/18/2022
245672	SYNAG010	Synagro	662-60-67-57601	49,780.00	2/18/2022
245673	TETRA010	WN Tetrault & Co Inc	771-50-57-51770	74.00	2/18/2022
245674	THRIF010	Thrifty Supply Company	101-50-85-55400	44.08	2/18/2022
245675	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	66.36	2/18/2022
245675	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	991.09	2/18/2022
245675	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	324.83	2/18/2022
245675	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	1,382.70	2/18/2022
245675	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	382.53	2/18/2022
245676	WARDS010	Guardian Public Safety Background Investigations	101-40-21-51770	1,200.00	2/18/2022
245677	ZANDE010	Zander Sofia	101-50-81-57612	16,900.00	2/18/2022
				<u>1,349,123.48</u>	

Attachment: A. Warrant 020522-021822 (3827 : Warrant Listing)



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: Karen T. Diemer, City Manager

PREPARER: Karen T. Diemer, City Manager

DATE: February 24, 2022

TITLE: **Declare a Continuation of the Local Emergency Related to the Coronavirus Pandemic.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Continue the Local Emergency related to the Coronavirus (COVID-19) pandemic and provide direction to staff as necessary on steps to respond to the public health and safety emergency; and
- 2) Find that the COVID-19 state of emergency continues to directly impact the ability of the Council members to meet safely in person, and state or local officials continue to impose or recommend measures to promote social distancing.

INTRODUCTION:

California Government Code section 8630 and Title II, Chapter 6—Emergency Operations and Functions, of the City of Arcata Municipal Code set forth the procedures to proclaim the existence or threatened existence of a local emergency when circumstances described therein exist. On April 1, 2020, the City Council adopted a resolution confirming the existence of a local emergency caused by the Coronavirus (COVID-19). The Arcata Municipal Code Title II, Chapter 6, requires the City Council to review and affirm the continuation of the Emergency proclamation every 40 days after the initial declaration.

BACKGROUND/DISCUSSION:

The Humboldt County Health Officer's and the California Governor's Emergency Declaration are still in place.

With the Omicron surge stemming from holiday travel and more indoor gatherings, Public Health is urging residents to get vaccinated and boosted to protect themselves and the community. Those aged 5 and older are eligible to get vaccinated and anyone aged 16 and older is encouraged by Public Health to get a booster if it's been six months or more since the completion of their initial vaccine series. Health officials remain confident that vaccination and booster shots can lessen the impacts of

highly transmissible Omicron variant, including hospitalizations and deaths. Sixty-one percent (65%), of Humboldt County residents are fully vaccinated and another 6.5% are partially vaccinated.

The COVID-19 pandemic has required the City to modify many services and programs. Since January 1st, 2022, like many businesses, the City has experienced the most significant employee deficit since the pandemic began due to quarantine periods for close contacts and positive cases. Although we have been able to bring back several of the positions that were initially frozen during the pandemic, like so many other employers, we are having a difficult time obtaining applicants. This is creating extended recruitment periods to ultimately find someone and/or having to re-recruit when the initial one does not result in a successful candidate. Also, while a good thing, several of our recruitments have resulted in the promotion or transfer of current employees, still leaving staffing capacity short for a longer period of time while the position they vacated is recruited for. For any new staff regardless of experience, productivity will slow as that individual is learning the position, and the time current staff must take away from their other duties in order to train. The community should know that any delays in response are not due to any particular item and/or individuals, we are covering core operations and getting to all other requests as quickly as possible and staffing levels allow.

The City continues to need and seek additional assistance, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion. The declaration of emergency also allows needed flexibility in staffing decisions and steps needed to continue to deliver essential services and to protect the City's residents. The declaration enables the City to more effectively respond to the outbreak, and potentially obtain reimbursement for the response.

Council, Commission and Committee Meetings:

COVID Modification: Meetings may be accessed by the public via Zoom or in person. In person attendance will be allowed starting March 1, 2023. Current public health orders do not require attendees to be masked unless they are unvaccinated. Social distancing is strongly encouraged.

City Council: The City will allow access to meetings both online and in person. The City may return to Zoom platform meetings based on virus conditions in the community as needed. On September 19th, Governor Newsom signed AB 361, amending the Brown Act effective October 1, 2021 until January 1, 2024.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions, including the requirement that meetings be conducted in physical locations, if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body has already determined or is determining whether—as a result of the emergency—meeting in person would present imminent risks to the health or safety of attendees. In order to continue to conduct remote meetings without complying with the standard teleconference requirements, every 30 days the Council must make the following findings by majority vote: (1) the Council has reconsidered the circumstances of the state of emergency; and, (2) any of the following exist: (a) the state of emergency continues to directly impact the ability of the Council members to meet safely in person, or (b) state or local officials continue to impose or recommend measures to promote social distancing.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in

option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.

- **No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- **Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024. The continuation of this Declared Emergency locally is intended to satisfy this requirement for periodic findings.

Commissions and Committees: Will remain teleconference/Zoom until the current restrictions are lifted. They will then return to in person meetings. No hybrid option planned.

POLICY IMPLICATIONS:

The action of extending the emergency proclamation is consistent with Arcata Municipal Code Title II, Chapter 6.

BUDGET/FISCAL IMPACT:

While there will be costs associated with City's emergency response to COVID-19, continuation of the proclamation of a Local Emergency by the City Council has no direct cost impact. However, it may enable potential external sources for reimbursement to costs associated with the City's emergency response.



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: Netra Khatri, City Engineer

PREPARER: Netra Khatri, City Engineer

DATE: February 22, 2022

TITLE: **Adopt Resolution No. 212-49 Incorporating a List of Projects for Fiscal Year 2022/2023 to be Funded by SB 1: The Road Repair and Accountability Act.**

RECOMMENDATION:

It is recommended that the Council adopt Resolution No. 212-49, incorporating a list of projects for fiscal year 2022/2023 to be funded by SB 1: The Road Repair and Accountability Act.

INTRODUCTION:

The City is required to adopt a resolution designating projects during fiscal year 2022/2023 which will be funded by SB 1: The Road Repair and Accountability Act.

DISCUSSION:

Staff has prepared a list of projects to be completed this fiscal year, and this is a portion of that list to be completed utilizing the \$392,775 which the City is eligible to receive under SB 1 for the year 2022/2023.

The fiscal year 2022/2023 list of projects planned to be funded with Road Maintenance and Rehabilitation Account (SB 1) revenues include:

List of proposed projects:

Description/ Project Type	Location	Total Project Estimated	Useful life	Estimated Project Start Date	Estimated Project Completi on Date	Community Benefit Summary
Speed feedback Sign for Safety Improvement	Spear Avenue & Alliance Road	\$15,000	10 years	7/1/2022	12/30/2023	Safety improvements
Paving West End Road (thin Asphalt	Between Giuntoli Lane and	\$377,775	20 years	7/15/2022	10/30/2023	Rehabilitation of existing streets

Concrete Overlay)	the City Limits (near North coast lab)					
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ENVIRONMENTAL REVIEW (CEQA):

The California Environment Quality Act (CEQA) determination for the project is a categorical exemption pursuant to CEQA Guidelines Section 15301(c), for the restoring and rehabilitating of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, involving negligible or no expansion of use beyond that presently existing.

BUDGET/FISCAL IMPACT:

No specific impacts. These funds will be incorporated into the budget and the projects included in the attached resolution will be constructed utilizing the proper funding sources.

ATTACHMENTS:

RESOLUTION 212-49 (PDF)

RESOLUTION NO. 212-49

**RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-2023 FUNDED
BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$392,775 in RMRA funding in Fiscal Year 2022-23 from SB 1; and

WHEREAS, this is the fifth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate Local/Main streets, add active transportation infrastructure throughout the City this year and additional similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City/County's streets and roads are in an "fair/at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City State of California, as follows:

- 1. The foregoing recitals are true and correct.
- 2. The following list of proposed projects will be funded in-part or solely with fiscal year 2022-23 Road Maintenance and Rehabilitation Account revenues:

Description/ Project Type	Location	Total Project Estimated	Useful life	Estimated Project Start Date	Estimated Project Completion Date	Community Benefit Summary
Speed feedback Sign for Safety Improvement	Spear Avenue & Alliance Road	\$15,000	10 years	7/1/2022	12/30/2023	Safety improvements
Paving West End Road (thin Asphalt Concrete Overlay)	Between Giuntoli Lane and the City Limits (near North coast lab)	\$377,775	20 years	7/15/2022	10/30/2023	Rehabilitation of existing streets

APPROVED AND PASSED this 2nd day of March 2022.

DATED: March 2, 2022

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

Attachment: RESOLUTION 212-49 (3825 : Adopt Resolution No.212-49, SB1 Funding Projects 2022-2023)

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 19-60 passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, California, held on the 1st day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

City Clerk, City of Arcata

Attachment: RESOLUTION 212-49 (3825 : Adopt Resolution No.212-49, SB1 Funding Projects 2022-2023)



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: Karen T. Diemer, City Manager

PREPARER: Karen T. Diemer, City Manager

DATE: February 24, 2022

TITLE: **Adopt Resolution No. 212-50 Establishing the City's Opposition to State Ballot Measure 21-0042A1, the Taxpayer Protection and Government Accountability Act.**

RECOMMENDATION:

It is recommended that the Council adopt Resolution No. 212-50 establishing the City's opposition to State Ballot Measure 21-0042A1, Taxpayer Protection and Government Accountability Act.

INTRODUCTION:

Per the League of California Cities (CalCities), The Taxpayer and Government Accountability Act creates harmful barriers for local governments and voters who should have a voice. Essentially the measure would establish new and stricter rules for raising taxes and fees, limit the authority of voters, and weaken the ability of government to hold violators of state and local laws accountable. In addition to the aforementioned consequences, this measure has the potential to significantly reduce revenue for local governments; thus, impacting essential services such as refuse collection and police. The resolution before the Council would signify the City's position

BACKGROUND/DISCUSSION:

CalCities monitors policies coming from Sacramento and Washington on behalf of local municipalities. CalCities frequently publishes alerts when policy, legal decisions, or initiatives will greatly impact local government, positively or negatively. Recently, CalCities informed local governments of an initiative that is making headway through the ballot measure process.

In 2018, a ballot measure titled, "Tax Fairness, Transparency and Accountability Act" was circulated to qualify for the November 2018 ballot; however, the measure's proponents withdrew the initiative due to immense pushback from advocacy networks. This new initiative represents a similar, but more detrimental, effort to alter the current process of establishing local taxes and the revenues collected by municipalities to operate essential services.

1. The Taxpayer and Government Accountability Act, or AG# 21-0042A1, creates several consequences for local governments and local voters including, but not limited to the

following: Prohibits local advisory measures – inhibiting the voters’ ability to decide how tax dollars should be spent.

2. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property.
3. Requires voter approval to expand existing taxes (e.g., utility user tax, use tax, hotel tax) to new territory (e.g., annexation) or expanding the base (e.g., new utility service). This would require additional tax measures and may deter annexations and land development in cities.
4. City charters may not be amended to include a tax or fee.
5. New taxes can be imposed only for a specific time period.
6. Taxes adopted after Jan. 1, 2022, that do not comply with the new rules, are void unless reenacted.

The above list is not designed to be exhaustive but rather is a representation of the contents of the measure that may directly impact the City.

POLICY IMPLICATIONS:

The City has supported several core services and projects through resident supported ballot initiatives. This has in part allowed Arcata to continue to support restrictions on certain size and types of businesses that generate sales tax.

BUDGET/FISCAL IMPACT:

Staff cannot identify the precise financial impact to the City if this ballot measure were to succeed as the language is still evolving. Additionally, implementation of the language contained in the ballot can be anticipated but not certain until actual enforcement occurs. However, based on financial evaluations completed by CalCities, it is projected this initiative has the potential to risk \$1.5 billion in tax revenues for all California cities collectively.

ATTACHMENTS:

Oppose_State Ballot Measure 21-0042A1 (DOCX)
 CBRT Fiscal Analysis (1-11-22) (PDF)
 CBRT Measure Opposition Fact Sheet (1-11-22) (PDF)
 Legal Analysis 01-20-22 AG FINAL (PDF)

RESOLUTION NO. 212-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA OPPOSING INITIATIVE 21-0042A1

WHEREAS, an association representing California’s wealthiest corporations is behind a deceptive proposition aimed for the November 2022 statewide ballot; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

THEREFORE, BE IT RESOLVED that the City of Arcata, opposes Initiative 21-0042A1.

THEREFORE, BE IT FURTHER RESOLVED, that the City of Arcata will join the NO on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

This Resolution shall be effective upon its adoption.

Dated: March 2, 2022

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

CLERK’S CERTIFICATE

Attachment: Oppose_State Ballot Measure 21-0042A1 (3832 : State Ballot Measure 21-0042A1, the Taxpayer Protection and Government

I hereby certify that the foregoing is a true and correct copy of the Resolution No. 212-50 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 2nd day of March, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

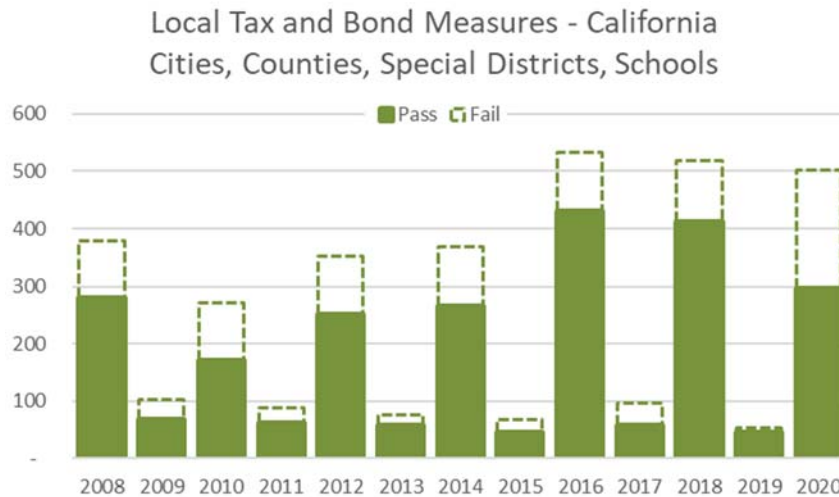
- Billions of local government fee and charge revenues placed at heightened legal peril. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for transportation, and public facility use.
- Hundreds of millions of dollars of annual revenues from dozens of tax and bond measures approved by voters between January 1, 2022 and November 9, 2022 subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations and associated impacts on housing and commercial development.
- Service and infrastructure impacts including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).
 - Because the case law regarding citizen initiative special taxes approved by majority vote (Upland) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through November 8, 2022 would be void after November 9, 2023.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - This would require additional tax measures to extend previously approved taxes at additional cost to taxpayers.
- Requires that a tax or bond measure adopted after January 1, 2022 and before the effective date of the initiative (November 9, 2022) that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative (November 9, 2023).
 - If past election patterns are an indication, dozens of tax and bond measures approving hundreds of millions of annual revenues may not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, measures not in compliance would need to be placed on a special election ballot for approval before November 9, 2023 or the tax will be void after that date. General tax measures would require declaration of emergency and unanimous vote of the governing board.

- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions for general taxes would, under current law, each require unanimous vote of the agency board to be placed on a special election ballot or would be void after November 9, 2023.



1.a. Number of Measures and Value of Local Taxes at Risk¹

In 2020, voters in California approved 293 local tax and bond measures for cities, counties, special districts and schools (95 in March and 198 in November). The approved measures enacted \$3.85 billion in new annual taxes including \$1.3 billion for cities, \$302 million for counties, \$208 million for special districts (fire, wastewater, open space and transit districts), and \$2.037 billion for schools (including for school bonds).

Most tax measures go to the ballot during a presidential or gubernatorial primary or general election in an even year. However, some tax measures are decided at other times. During 2019, there were 45 approved tax and bond measures (24 city, 14 special district, 7 school) adopting \$154.0 million in new annual taxes (\$124.0 million city, \$10.5 million special district and \$19.2 million school).

Most tax and bond measures comply with the new rules in Initiative 21-0042Amdt#1 except:

- Dozens of taxes would require end dates. This would require additional measures in future years to extend the taxes further. Very few extensions of existing local taxes fail.
- Majority vote general tax measures could not be accompanied on the same ballot with an advisory, non-binding measure as to use of tax proceeds.
- Special taxes placed on the ballot via citizen initiative would require two-thirds voter approval.

Bond measures have fixed terms. Historically, about 20 percent of other tax measures have included specific durations (i.e. sunsets). Advisory measures as to use of revenues are uncommon. I do not expect the provisions of 21-0042A1 to have any substantial effect on passage rates. However, some 2022 approved measures would likely have to put back on the ballot.

Based on history, a reasonable estimate of the annualized tax revenues estimated to be approved by

¹ Source: Compilation and summary of data from County elections offices.

voters in 2022 and placed at risk by this initiative is at least **\$1.5 billion, including \$1.0 billion from cities and \$500 million from counties and special districts.**²

1.b. Additional Costs and Public Service Effects of the Tax Provisions

In addition to service delays and disruption due to new tax revenues placed at greater legal risk, there will be substantial additional costs for legal defense. The deterrence of taxes for annexations will delay and deter municipal annexations.

2. “Exempt Charges” (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual cost" test defined as "(i) the minimum amount necessary to reimburse the government for the cost of providing the service to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In addition, subjects these same charges to a new, undefined, "reasonable" standard.
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Subjects a challenged fee or charge to new, higher burdens of proof if legally challenged.
- Prohibits a levy, charge or exaction regulating or related to vehicle miles traveled, imposed as a condition of property development or occupancy.

2.a. Value on New Local Government Fees and Charges at Risk³

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$1 billion per year including those adopted since January 1, 2022. Of this \$1 billion, about \$570 million is for special districts, \$450 million is cities, and \$260 million is counties.**⁴

Major examples of affected fees and charges are:

1. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
2. Commercial franchise fees.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Document processing and duplication fees.
6. Transit fees, tolls, parking fees, public airport and harbor use fees.
7. Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

In addition to fees and charges, the measure puts fines and penalties assessed for the violation of state and

² This does not include citizen initiative special tax approved by majority but not two-thirds. Because this approach is new, the number of these measures and amount of revenue involved cannot be estimated.

³ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁴ School fees are also affected but the amount is negligible by comparison.

local law at risk, making them taxes subject to voter approval under certain circumstances.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.

mc

Stop the Corporate Loopholes Scheme

Deceptive Proposition Allows Major Corporations to Avoid Paying their Fair Share and Evade Enforcement when they Violate Environmental, Health & Safety Laws

An association representing California's wealthiest corporations — including oil, insurance, banks and drug companies — is behind a deceptive proposition aimed for the November 2022 statewide ballot. Their measure would create major new loopholes that allow corporations to avoid paying their fair share for the impacts they have on our communities; while also allowing corporations to evade enforcement when they violate environmental, health, safety and other state and local laws. Here's why a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses **oppose** the Corporate Loophole Scheme:

Gives Wealthy Corporations a Major Loophole to Avoid Paying their Fair Share - Forcing Local Residents and Taxpayers to Pay More

- The measure creates new constitutional loopholes that **allow corporations to pay far less than their fair share for the impacts they have on our communities**, including local infrastructure, our environment, water quality, air quality, and natural resources – shifting the burden and making individual taxpayers pay more.

Allows Corporations to Dodge Enforcement When They Violate Environmental, Health, Public Safety and Other Laws

- The deceptive scheme creates new loopholes that makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Jeopardizes Vital Local and State Services

- This far-reaching measure **puts at risk billions of dollars currently dedicated to critical state and local services**.
- It could **force cuts** to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services and more.
- It would also **reduce funding for critical infrastructure** like streets and roads, public transportation, drinking water, new schools, sanitation, utilities and more.

Opens the Door for Frivolous Lawsuits, Bureaucracy and Red Tape that Will Cost Taxpayers and Hurt Our Communities

- The measure will encourage **frivolous lawsuits, bureaucracy and red tape that will cost local taxpayers millions** — while significantly **delaying and stopping investments in infrastructure and vital services**.

Undermines Voter Rights, Transparency, and Accountability

- This misleading measure changes our constitution to make it more difficult for local voters to pass measures needed to fund local services and local infrastructure.
- It also includes a hidden provision that **would retroactively cancel measures that were passed by local voters** — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would **limit voter input** by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

The Taxpayer Protection and Government Accountability Act
Initiative No. 21-0042A1
January 21, 2022

Summary: The measure limits the voters' input, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold state and local law violators accountable.

Limiting Voter Authority and Accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates Upland decision that allows majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

Restricting Local Fee Authority to Provide Local Services

- Franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be "reasonable" which must be proved by "clear and convincing evidence."
- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.

Restricting Authority of State and Local Governments to Issue Fines and Penalties for Violations of Law.

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

Restricting Local Tax Authority to Provide Local Services

- Expanding existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service) requires voter approval.
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after January 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

Other Changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: Netra Khatri, City Engineer

PREPARER: Netra Khatri, City Engineer

DATE: February 23, 2022

TITLE: **Approve an Agreement with the State of California, Acting by and through the Department of Transportation for Clean-Up and Maintenance of State Highways in the City Limits for Fiscal Year 2021/2022 in the Amount of \$24,000, and Authorize the City Manager to Execute All Applicable Documents.**

RECOMMENDATION:

It is recommended that the Council:

1. Approve an Agreement with the State of California, acting by and through the Department of Transportation (STATE) for Clean-up and maintenance of State highways in the City Limits for Fiscal Year 2021/2022 in the Amount of \$24,000, and
2. Authorize the City Manager to Execute All Applicable Documents.

INTRODUCTION:

This is a maintenance contract with the STATE for highway cleanup and maintenance. Work will involve litter, debris, and graffiti removal at the State Route(s) (SR) in the City limits. The City will contract with a local contractor to perform these tasks: remove and discard litter and debris, including, but not limited to: furniture, appliances, tire casings, bulky and large items, auto components, clothing, beverage containers, food packages and garbage.

DISCUSSION:

Recently Caltrans staff contacted the City and notified it of the availability of these funds for highways clean up. The funding for this activity comes from the Clean California Local Grant Program. This is a two-year program and the City anticipates approximately \$40,000 for the next two years.

POLICY IMPLICATIONS:

Not applicable

BUDGET/FISCAL IMPACT:

Currently this funding amount is not budgeted in the City's 21/22 budget; however, once the contract with the STATE is executed staff will request a budget adjustment for \$24, 000 for fiscal year 21/22. Staff will budget an appropriate amount for the 22/23 budget, as well as for this activity.

ATTACHMENTS:

Arcata CCMA_da 2.16 (PDF)

**CLEAN CALIFORNIA MAINTENANCE AGREEMENT
WITH THE CITY OF ARCATA**

This CLEAN CALIFORNIA MAINTENANCE AGREEMENT ("AGREEMENT") is made by and between the State of California, acting by and through the Department of Transportation ("STATE"), and the City of Arcata ("LOCAL AGENCY"); each may be referred to individually as a "PARTY" and jointly as "PARTIES".

RECITALS

1. This AGREEMENT will identify the specific maintenance functions STATE requests LOCAL AGENCY to perform in the STATE right of way, including highway and freeway areas situated within LOCAL AGENCY'S jurisdictional limits as authorized in Streets and Highways Code Section 130.
2. Pursuant to the "Clean California Beautification Program of 2021," the PARTIES desire to identify specific mission-critical maintenance services LOCAL AGENCY will perform on and around STATE right of way situated within LOCAL AGENCY's jurisdictional limits.

OPERATIVE PROVISIONS

1. **Maintenance Services.** Contingent upon the availability of STATE funds to reimburse LOCAL AGENCY in accordance with the terms of this Agreement, LOCAL AGENCY shall perform litter, debris, and graffiti removal at the State Route(s) (SR), post miles (PM) and approximate mile lengths (STATE Right of Way) set forth in Exhibit A. LOCAL AGENCY shall remove and discard litter and debris, including, but not limited to: furniture, appliances, tire casings, bulky and large items, auto components, clothing, beverage containers, food packages and garbage.
2. **Maintenance Standards.** LOCAL AGENCY shall perform all maintenance services in compliance with the provisions of Streets and Highways Code Section 27, and in accordance with California and federal laws and regulations and STATE policies, procedures and specifications in effect and as amended, and applicable municipal ordinances.
3. **Prior Maintenance Agreements.** The PARTIES agree that this AGREEMENT does not supersede the PARTIES' existing Delegated Maintenance Agreement or other maintenance agreements, if any.
4. **Maintenance Areas.** LOCAL AGENCY shall only perform maintenance services in the STATE Right of Way locations described in Exhibit A and listed in Exhibit B.

5. **Amendment to Agreement.** Changes to LOCAL AGENCY's maintenance services covered in this AGREEMENT may be made by each PARTY executing amended Exhibits A and B and/or executing additional pages to Exhibits A and B that shall be attached to this AGREEMENT and will supersede the original Exhibits A and B. Otherwise, this AGREEMENT may only be amended by a written agreement executed by both PARTIES. STATE's District Maintenance Agreement Coordinator (DMAC)(or other title as appropriate)() must obtain prior written approval of any amendments from the District 1 Deputy Director of Maintenance before such amendments may become effective and enforceable under this AGREEMENT.

6. **Party Representatives and Notices.**

LOCAL AGENCY's Project Manager is: Netra Khatri, City Engineer

STATE's DMAC (or other title) is: Jessica Henry Gibbs

All notices, document submittals and invoices required under this AGREEMENT shall be deemed to have been fully given when made in writing and received by the PARTIES at their respective addresses as follows:

LOCAL AGENCY

Attn: Name of Project Manager: Netra Khatri, City Engineer

Address: City of Arcata, 736 F Street

City, Zip: Arcata, CA 95521

STATE

Attn: Name of DMAC (or other title): Jessica Henry Gibbs

Address: 6100 US Hwy 101 N

City, Zip: Eureka CA 95503

7. **Excluded Maintenance Activities.**

7.1 **Unsheltered Encampment Relocation.** LOCAL AGENCY shall not engage in any activities to relocate any persons experiencing homelessness who are situated within STATE Right of Way. LOCAL AGENCY shall comply with the processes and procedures set forth in STATE's "Interim Guidance on Encampments, Prioritizing and Addressing Encampments on Caltrans-owned Property," dated July 2021, and as may be amended during the term of this AGREEMENT (Interim Guidance).

7.2 **Abandoned Encampments.** If LOCAL AGENCY encounters abandoned homeless encampments at or within STATE Right of Way, LOCAL AGENCY shall comply with the processes and procedures set forth in STATE's Interim Guidance, including but not limited to coordination with STATE and the local California Highway Patrol.

- 7.3 **Hazardous Material Clean up.** LOCAL AGENCY shall not engage in any hazardous material clean-up activities. If LOCAL AGENCY encounters any hazardous materials, including but not limited to bloodborne pathogens, biological waste, dead animals, feces, syringes, needles, sharp objects or unknown substances during maintenance services performed under this AGREEMENT, LOCAL AGENCY shall immediately contact STATE's District Hazardous Material Manager for appropriate action.
- 7.4 **Weed Abatement.** LOCAL AGENCY shall not perform any weed abatement, remove overgrown brush, trees, grass and limbs or conduct any spraying, grading, mowing or discing for any maintenance services within STATE Right of Way.
8. **Graffiti Removal.** LOCAL AGENCY's graffiti removal shall be limited to removal of text only in accordance with Streets and Highway Code Section 96. Any graffiti that in any way resembles a mural, artwork, paintings, or other similar elements may not be removed. LOCAL AGENCY shall discuss such possible art with STATE's District 1 Transportation Art Coordinator before conducting any graffiti removal or remediation. STATE shall pay the actual cost of LOCAL AGENCY's graffiti removal as specified in Section 11 of this AGREEMENT.
9. **Maintenance Service Schedule.** LOCAL AGENCY shall provide STATE's District 1 Area Maintenance Superintendent, (name) Johnnie James, at least twenty-four (24) hour prior telephone or email notice before performing any maintenance services under this AGREEMENT. His email and phone number are: Johnnie.James@dot.ca.gov 707-498-0680 LOCAL AGENCY shall provide the DMAC identified in this AGREEMENT with a litter, debris and graffiti removal schedule. Maintenance services shall be provided at a minimum (weekly, biweekly, monthly, daily) _____ basis. Maintenance services shall be performed between the hours of 6:00 am and 6:00 pm and may be performed on weekends and holidays if necessary. LOCAL AGENCY must request through the DMAC (or other title) a prior written approval from STATE's District Maintenance Supervisor to perform any maintenance services before 6:00 am or after 6:00 pm.
10. **Authorized Reimbursement.** The functions and levels of maintenance services delegated to LOCAL AGENCY in the attached Exhibits A and B and amounts appropriated to STATE pursuant to the Clean California Beautification Program of 2021 have been considered in setting authorized total dollar amounts. LOCAL AGENCY may perform additional work if desired, but STATE will not reimburse LOCAL AGENCY for any work in excess of the authorized dollar limits established herein.

11. **Cost Reimbursement.** STATE shall reimburse LOCAL AGENCY for LOCAL AGENCY's actual and necessary costs incurred to perform the maintenance services under this AGREEMENT; provided, however, that STATE's reimbursement shall not exceed the maximum authorized expenditures listed in Exhibit B.

11.1 **Amendment to Approved Expenditures.** Upon LOCAL AGENCY's written request, the expenditures per route for maintenance services set forth in Exhibits A and B may be increased, decreased, or redistributed between routes pursuant to the PARTIES executing an appropriate amendment in accordance with section 5 above. All such adjustments must be authorized in writing by the District Director or his/her authorized representative.

11.2 **Term of Expenditures.** Additional expenditures or an adjustment of expenditures once authorized shall apply only for the term of this AGREEMENT and shall not be deemed to permanently modify or change the basic maximum expenditures per route as specified in Exhibits A and B. Any expenditure adjustments shall not affect or alter any other terms of this AGREEMENT.

12. **Billing, Payment and Reporting.**

12.1 **Billing Date.** LOCAL AGENCY shall submit billing invoices to STATE's DMAC (or other title) each (month/quarter) beginning after the first (month/quarter) LOCAL AGENCY has performed maintenance services under this AGREEMENT. LOCAL AGENCY shall not submit billing invoices for reimbursement of costs less than \$500 more than once each quarter. LOCAL AGENCY shall also submit billing invoices promptly following the close of STATE's fiscal year on each June 30th.

12.2 **Billing Submission Format.** Each billing invoice shall include all of the following:

- (a) STATE's Clean California Program Code: CLEANCADMA;
- (b) AGREEMENT number;
- (c) Date(s) of services;
- (d) Location of services;
- (e) Number of hours and hourly rates;
- (f) Receipts for trash disposal;
- (g) Receipts for equipment, materials and supplies; and
- (h) LOCAL AGENCY's Performance Report that includes the information required under section 15 of this AGREEMENT.

STATE shall pay LOCAL AGENCY for the maintenance services satisfactorily performed in accordance with the rates and schedules in Exhibits A and B.

13. **Successors.** This AGREEMENT shall be binding upon and inure to the benefit of each of the PARTIES' successors-in-interest, including, but not limited to any public entity to whom any part of the STATE Right of Way covered under this AGREEMENT may be relinquished and any subsequently incorporated city or other municipality established within the LOCAL AGENCY's jurisdictional limits.
14. **Encroachment Permits.** Before LOCAL AGENCY may enter STATE Right of Way to perform any maintenance services in the areas covered by this AGREEMENT, STATE's District 1 Encroachment Permit Office must issue an initial encroachment permit at no cost to LOCAL AGENCY. LOCAL AGENCY must obtain additional encroachment permits, if necessary, to enter or perform any work within STATE right of way not covered by this AGREEMENT. STATE will issue these additional encroachment permits at no cost to LOCAL AGENCY. LOCAL AGENCY's contractors and sub-contractors must apply for and be issued separate encroachment permits before they may enter STATE Right of Way to perform any maintenance or work under this AGREEMENT.
15. **Performance Monitoring.** LOCAL AGENCY shall prepare a Performance Report to record and report the quantity and description of litter, debris, and graffiti removed and maintenance services performed at each clean-up site and location set forth in Exhibits A and B. This Performance Report shall include dated and executed documents demonstrating the weight and/or amount of litter, debris, and graffiti removed, including disposal receipts from authorized disposal sites and/or landfills. The DMAC (or other title i.e; RESOURCE MANAGER) may also request that LOCAL AGENCY provide photographs of the sites taken before and after LOCAL AGENCY's maintenance services are performed.

16. **Legal Disposal of Litter Collected.**

¹LOCAL AGENCY shall make its own arrangements for the legal disposal of litter or debris materials to authorized disposal sites. LOCAL AGENCY shall not leave any filled litter bags, litter piles or other groups of litter assembled during its maintenance services along or in STATE Right of Way. Such litter groupings shall be removed out of STATE Right of Way each day LOCAL AGENCY performs the maintenance services in this AGREEMENT.

¹ Delete this article if filled litter bags, litter piles or other groups of litter assembled will be picked up by the STATE

² STATE shall remove and dispose of all litter bags and piles LOCAL AGENCY collects in STATE right of way covered in this AGREEMENT. LOCAL AGENCY shall advise the DMAC of District 1 Maintenance (by email/telephone notice) that the litter has been collected and is ready for disposal no later than close of business on the day of collection.

17. **Safety and Worker Compliance.** LOCAL AGENCY shall be solely responsible for crew pay, workers compensation and any other benefits required by state and federal law. Subcontractors and crew members are not considered STATE's employees at any time. LOCAL AGENCY shall comply with all applicable State and Federal statutes and regulations governing worker and public safety, including but not limited to compliance with CAL-OSHA regulations and guidelines. LOCAL AGENCY shall make arrangements through the DMAC if traffic controls, flags, signs, or lane closures are necessary to safely perform any maintenance services.
18. **Equipment and Supplies.** LOCAL AGENCY shall provide the necessary equipment, tools, personal protective equipment, materials, supplies and products necessary to perform the maintenance services under this AGREEMENT. STATE shall reimburse LOCAL AGENCY for the reasonable costs of such equipment and supplies not to exceed the authorized expenditures set forth in Exhibit B.
19. **Legal Relations and Responsibilities.**
- 19.1 **No Third-party Beneficiaries.** This AGREEMENT is not intended to create duties, obligations, or rights of third parties beyond the PARTIES to this AGREEMENT, nor does this AGREEMENT affect a PARTY's legal liability by imposing any standard of care for the maintenance of STATE highways different from the standard of care imposed by law.
- 19.2 **Indemnification.** Neither STATE nor any of its officers or employees is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by LOCAL AGENCY in connection with any work, authority or jurisdiction conferred upon LOCAL AGENCY under this AGREEMENT. LOCAL AGENCY shall fully defend, indemnify, and save harmless STATE and its officers and employees from all claims, suits, or actions of every kind occurring by reason of anything done or omitted to be done by LOCAL AGENCY, its contractors, sub-contractors and/or its agents pursuant to this AGREEMENT.

² Delete this article if filled litter bags, litter piles or other groups litter assembled will be picked up by the LOCAL AGENCY

Neither LOCAL AGENCY nor any of its officers or employees is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, in connection with any work, authority or jurisdiction conferred upon STATE under this Agreement. STATE shall fully defend, indemnify, and save harmless LOCAL AGENCY and its officers and employees from all claims, suits, or actions of every kind occurring by reason of anything done or omitted to be done by STATE under this Agreement.

19.3 **Work-related Injuries.** If a LOCAL AGENCY-assigned crew member is injured while performing maintenance services under this AGREEMENT, LOCAL AGENCY or its designated subcontractor shall be responsible for ensuring the crew member is given prompt medical care and treatment and, if necessary, transportation to a medical facility. LOCAL AGENCY or its designated subcontractor shall administer any injury and workers compensation claims. LOCAL AGENCY shall notify the DMAC (or other title) within twenty-four (24) hours when any such incident has occurred.

20. **Prevailing Wages and Labor Compliance.** LOCAL AGENCY shall comply with any and all applicable labor and prevailing wage requirements in Labor Code Sections 1720 through 1815 and implementing regulations for public works or maintenance contracts and subcontracts executed for the LOCAL AGENCY's maintenance services under this AGREEMENT.

21. **Insurance.**³ LOCAL AGENCY and its contractors and subcontractors shall maintain in force during the term of this AGREEMENT a policy of general liability insurance, including coverage of bodily injury and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. LOCAL AGENCY will provide a certificate of insurance evidencing this insurance in a form satisfactory to STATE.

Self-Insured.⁴ LOCAL AGENCY is self-insured. LOCAL AGENCY shall deliver evidence of self-insured coverage providing general liability insurance, coverage of bodily injury and property damage liability, in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess by delivering a Letter Certifying Self-Insurance. The Letter of Self-Insurance must be substantially in the form of Exhibit C and identify the AGREEMENT number, and location as depicted in Exhibits A and B. LOCAL AGENCY shall provide the original Letter Certifying Self-Insurance as a condition to STATE's execution

³ Delete if self-insured

⁴ Delete if not self-insured

of this AGREEMENT. A copy of the original letter shall be attached to this AGREEMENT as Exhibit C.

Self-Insured⁵ using Contractor. If the work performed under this AGREEMENT is done by LOCAL AGENCY's contractor(s), LOCAL AGENCY shall require its contractor(s) to maintain in force, during the term of this AGREEMENT, a policy of general liability insurance, including coverage of bodily injury and property damage liability, naming STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. LOCAL AGENCY shall provide a certificate of insurance evidencing this insurance in a form satisfactory to STATE.

22. **Budget Contingency.** STATE's payments to LOCAL AGENCY are contingent upon the Legislature appropriating sufficient funds under the Budget Act, the allocation of funding by the Clean California State Beautification Program of 2021 as appropriate, and the encumbrance of funding to STATE's District Office.
23. **Termination.** This AGREEMENT may be terminated by the mutual written consent of each PARTY. STATE may terminate this AGREEMENT for convenience or for cause upon thirty (30) day prior written notice to LOCAL AGENCY. LOCAL AGENCY may terminate this AGREEMENT upon thirty (30) day prior written notice to STATE.
24. **Term of Agreement.** This AGREEMENT shall become effective on the last of the dates each PARTY's authorized representative has executed this AGREEMENT and shall expire on June 30, 2024, unless terminated or amended.
25. **Authority.** Each individual executing this AGREEMENT on behalf of each PARTY represents and warrants that he/she is duly authorized to execute this AGREEMENT as authorized under Streets and Highways Code Sections 114 and 130. LOCAL AGENCY represents and certifies that it has, through its regular political process, authorized the execution of this AGREEMENT by appropriate resolution, delegation, or plenary authority as required.
26. **Counterparts.** This AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.
27. **Electronic Signatures.** Electronic signatures of the PARTIES, whether digital or encrypted, are intended to authenticate this written AGREEMENT, and shall have the same force and effect as manual signatures for this AGREEMENT.

⁵ Delete if not self-insured; include 2 and 3 if self-insured and LA is subcontracting the work. Need both a self-insurance certification letter and insurance certificate naming State as additional, covered insured.

THE LOCAL AGENCY OF CITY OF ARCATA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Dated:

City Manager

Dated:

District Deputy Director
District

INITIATED AND APPROVED:

Dated:

Local Agency Clerk

Attachment: Arcata CCMA_da 2.16 (3828 : Approve Clean California Maintenance Agreement with Caltrans)

EXHIBIT A

(Place holder for tables and/or maps showing and describing the areas for the liter, debris, and graffiti removal operations to be performed)

Route No.	Length Miles	Description of Routing	Program Code
101	5.24	Route No. 101 within City Limits of Arcata	CLEANCADMA
255	0.80	Route No. 255 within City Limits of Arcata	CLEANCADMA
299	1.45	Route No. 299 within City Limits of Arcata	CLEANCADMA
	7.49		

Attachment: Arcata CCMA_da 2.16 (3828 : Approve Clean California Maintenance Agreement with Caltrans)

EXHIBIT B
BREAKDOWN & LISTING OF MAINTENANCE TASKS

Rte No.	Post Miles	Litter per Bag (EA)	Large Items	Graffiti Sq. Ft.	Traffic Control	Other (EA)	Maximum Authorized Expenditures
101	83.60-88.84	\$125.00	\$200.00 ea	\$29.00	\$2500.00	\$250.00 ea	\$16,790.40
255	8.00-8.80	\$125.00	\$200.00 ea	\$29.00	\$2500.00	\$250.00 ea	\$2,563.20
299	0.00-1.45	\$125.00	\$200.00 ea	\$29.00	\$2500.00	\$250.00 ea	\$4,646.40

TOTAL MAXIMUM AUTHORIZED EXPENDITURES: \$24,000

Attachment: Arcata CCMA_da 2.16 (3828 : Approve Clean California Maintenance Agreement with Caltrans)

EXHIBIT C

LETTER CERTIFYING CITY'S/COUNTY'S SELF-INSURED STATUS (TEMPLATE)

On Local Agency letterhead

Insert (CT District) addressee information _____, 20__

ATTN: (name of CT representative)

Re: Statement of Self-Insurance for CITY of _____ Arcata _____ for
Clean California Maintenance Agreement No. _____ with California
Department of Transportation for the _____ along
SR _____ 101 _____ at _____ 83.60-88.84 _____

SR _____ 255 _____ at _____ 8.00-8.80 _____

SR _____ 299 _____ at _____ 0.00-1.45 _____

Dear _____:

This letter certifies that the CITY of _____ Arcata _____ is self-insured and self-funded covering third-party claims arising out of its general operations (i.e.; commercial general liability and automobile liability insurance). Further, the CITY/COUNTY is self-insured covering workers' compensation claims and has received the consent of the State Department of Industrial Relations to do so.

Each fiscal year, as a part of its budgetary process, the CITY/COUNTY appropriates funds specifically to satisfy valid third-party claims and workers' compensation claims, which may be brought against the CITY/COUNTY.

The CITY/COUNTY certifies its self-insured, general liability coverage for bodily injury and property damage liability, and meets the required coverage amounts in section 21 (Insurance) of the Clean California Maintenance Agreement, specifically general liability insurance, coverage of bodily injury and property damage liability in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess.

If you need any additional information regarding this letter, please direct those inquiries through my office.

Sincerely,

Attachment: Arcata CCMA_da 2.16 (3828 : Approve Clean California Maintenance Agreement with Caltrans)

Finance Manager/Risk Manager/Authorized Representative's Title



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: David Loya, Director of Community Development

PREPARER: David Loya, Director of Community Development

DATE: February 24, 2022

TITLE: **Receive an Update on the Local Coastal Program.**

RECOMMENDATION:

Staff recommends the Council receive a staff report on the Local Coastal Program and provide direction as necessary.

INTRODUCTION:

The City has been working on a comprehensive update to the Local Coastal Program (LCP) as a priority Council project for the last several years. The update will include modernizing the policy and zoning as directed by the Planning Commission and Council through several study sessions and regular business items on the LCP. In 2019, the City received a Coastal Commission grant to complete the LCP. This item is intended to provide the Council a primer on LCP planning, an update on progress, and seek direction as may be necessary to finalize, adopt, and submit for certification in 2022.

BACKGROUND:

The City's currently adopted LCP includes the Local Coastal Element of the General Plan, which was adopted in 1989, and the Land Use and Development Guide, substantively adopted in 1998. The Council has made adopting a comprehensive update one of its priority projects and goals for the past few years. This comprehensive LCP amendment will replace the 1989 Local Coastal Element and the 1998 zoning.

DISCUSSION:

Staff will provide a primer on LCPs at the meeting. The primary components of the LCP are a Local Coastal Element, which outlines the policy framework, and an implementation plan. The implementation plan generally has a zoning ordinance along with any other programmatic tools necessary to effectuate the framework. The City's LCP is structured to include a Local Coastal Element (Element) and a Coastal Zoning Ordinance (Coastal Zoning).

The LCP establishes local land use regulation in the Coastal Zone. The Coastal Zone boundary, along with a body of coastal resource protection policy, was established by the Coastal Act. The

Coastal Act also established provisions for local regulation of the Coastal Act through Local Coastal Programs.

The City established an LCP in the early 1980s through the state certification process. The State Coastal Commission must review an LCP for consistency with the Coastal Act. If they find the LCP consistent, they will certify the LCP. Then the local jurisdiction can regulate coastal development within its jurisdiction.

The Element (Attachment A) covers the several policy areas required by the Coastal Act. Staff will provide a synopsis of the policy areas, with an emphasis on sea-level rise and climate adaptation. The primary purpose of this meeting is to provide the public and decision makers access to the document for consideration prior to local adoption. This is not a public hearing on adoption of the LCP.

While there is no specific timeline for adoption of the LCP, staff recommends the Council consider adoption in early 2022. The state will likely need nine months to a year for its review and processing once the LCP amendment is submitted for certification. Ideally, this comprehensive amendment will be certified by early 2023.

POLICY IMPLICATIONS:

Current coastal policy is decades out of date. This update will modernize the City's coastal planning.

COMMITTEE/COMMISSION REVIEW:

Several committees have considered the LCP update during the last 10 years. The Planning Commission and Council have considered it at several study sessions in addition to the many regular meetings at which it was considered. There are several community and environmental groups that are engaged in the effort to review and comment on the LCP. Staff will provide a summary of these efforts orally.

ENVIRONMENTAL REVIEW (CEQA):

LCP updates have a statutory exemption in CEQA (CEQA Guidelines Sec. 15265). The Coastal Commission certification process requires CEQA.

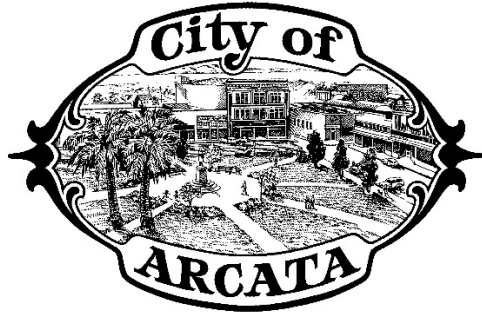
BUDGET/FISCAL IMPACT:

The City has a grant to cover some of the costs associated with this amendment. The City awarded the LCP contract to Ben Nobel. This contract has been fully funded by the grant. City staff time has not been reimbursed for this long-range planning effort.

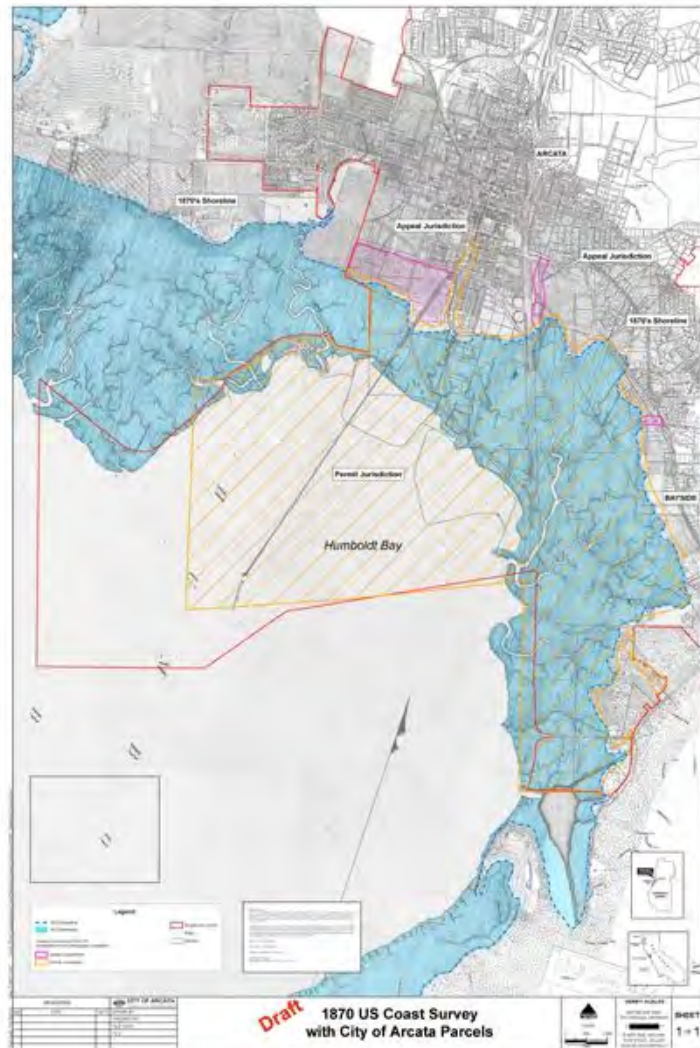
ATTACHMENTS:

- A. Local Coastal Element 2022.02.23 (PDF)

DRAFT



City of Arcata LOCAL COASTAL ELEMENT



Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)

February, 2022

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Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)

1.0 Introduction

1.1. City of Arcata Local Coastal Element

Approximately one-third of the City of Arcata lies within the Coastal Zone. The California Coastal Act of 1976 (California Public Resources Code Section 30000 *et seq.*) requires the City to have a Local Coastal Program (LCP) certified by the Coastal Commission that implements the Coastal Act at the local level. A Local Coastal Program consists of a Land Use Plan and an Implementation Plan.

This Local Coastal Element of the City of Arcata General Plan is a component of the Land Use Plan as described in the Coastal Act, Section 30108.5 and 30108.55. This Element identifies the policy to enact the Coastal Act locally and contains implementation measures where necessary to enact the provisions and policies of the Coastal Act that are not adequately implemented by the Coastal Zoning Ordinance.

The City of Arcata uses the Local Coastal Element as the standard of review for required Coastal Development Permits in the Coastal Zone under the City's permit jurisdiction. The Coastal Commission retains original permit jurisdiction over the immediate shoreline, tidelands, submerged lands, public trust lands, and land within a certain distance of wetlands, estuaries, streams, and coastal bluffs. In these areas, the standard for review is the Chapter 3 policies of the Coastal Act. The Local Coastal Element, however, may be used as guidance in the areas where the City retains jurisdictional authority (retained jurisdiction).

The Local Coastal Element is a legal mandate that governs both private and public actions. For purposes of administering the Coastal Act, the Local Coastal Element is at the top of the hierarchy of City laws regulating land use in the Coastal Zone. Unless explicitly exempted, other City laws and policies, such as specific plans, subdivision regulations, and zoning ordinances, are subordinate to, and must be consistent with, the Local Coastal Element as a whole.

Local Coastal Element and the Coastal Zoning Ordinance

As a component of the Land Use Plan, the Local Coastal Element indicates the kinds, location, and intensity of land uses and the applicable resource protection and development policies. The Local Coastal Element must include development and resource protection policies sufficient to carry out the policies of Chapter 3 of the Coastal Act. Arcata's Land Use Plan also includes the certified Coastal Land Use Map.

The Coastal Zoning Ordinance, chaptered in Title IX of the Arcata Municipal Code, is a component of the Implementation Plan. The Coastal Zoning Ordinance contains the land use and development regulations necessary to carry out the Local Coastal Element. The Coastal Zoning Ordinance includes specific regulation on the kinds, location, and intensity of land uses, while the Local Coastal Element primarily addresses the policy related to land use. These documents together meet the requirements of, and implement the provisions and policies

of, the Coastal Act at the local level.

Local Coastal Element Organization

Arcata's Local Coastal Element consists of 13 chapters, generally following the Coastal Commission's Local Coastal Program Update Guide. Each chapter contains a short introduction and a detailed policy section.

Public Participation in Creating the Plan

The City recognizes the importance of public participation in the development of the guiding principles, policies, and implementation measures that will frame land use within the City's Coastal Zone for years to come. In 2014 and 2015, the City Council held joint study sessions with the Planning Commission to discuss updates, goals, and schedules. Throughout the summer of 2015, the Planning Commission conducted six public scoping meetings advertised in the local paper, through standard noticing practices, and on social media in an effort to provide opportunities for the public to provide its vision on coastal issues, such as sea level rise, annexations, zoning changes, coastal hazards, and development in specific neighborhoods. Progress on the update was also provided to the public on the City's website where staff posted draft documents, maps, and meeting announcements.

Throughout 2016 and 2017, the City Council held study sessions and joint study sessions with the Planning Commission to provide feedback on key issues. In the summer and fall of 2017, public workshops were held to discuss sea level rise issues. The Planning Commission reviewed and commented on Element chapters in 2021. The Planning Commission and City Council held noticed public hearings to review and adopt the Local Coastal Element in early 2022.

Regional and Local Setting

Regional Setting. The City of Arcata is located on the Northern California coast, approximately 275 miles northwest of San Francisco, in the heart of the redwood region. It is in the west-central portion of Humboldt County, six miles north of the City of Eureka, the County seat. Arcata is situated at the north end of Arcata Bay, which is part of Humboldt Bay, the second largest marine embayment in California. The City is located on U.S. Highway 101, which connects to Eureka and the San Francisco Bay Area to the south, and to Crescent City and the Oregon Coast to the north. The City is at the western terminus of State Highway 299, which connects Arcata and the north coast to Redding and the Upper Sacramento Valley to the east. State Highway 255 also bisects the City west to east.

Local Setting. Arcata is situated on a coastal terrace, the lower portions of Fickle Ridge and the easterly portions of the Arcata Bottoms, between Arcata Bay and the Mad River. As shown in Figure 1-1, the area of Arcata within the Coastal Zone contains approximately 4.75 miles of Arcata Bay shoreline and consists of a mix of agricultural lands, commercial, light and heavy industrial uses, natural resource lands, and residential uses.

Coastal Commission

- Coastal Zone Boundary
- Categorical Exclusion Area E-88-3

Post LCP Certification Permit and Appeal Jurisdiction

- ▨ Appeal Jurisdiction
- ▨ Permit Jurisdiction

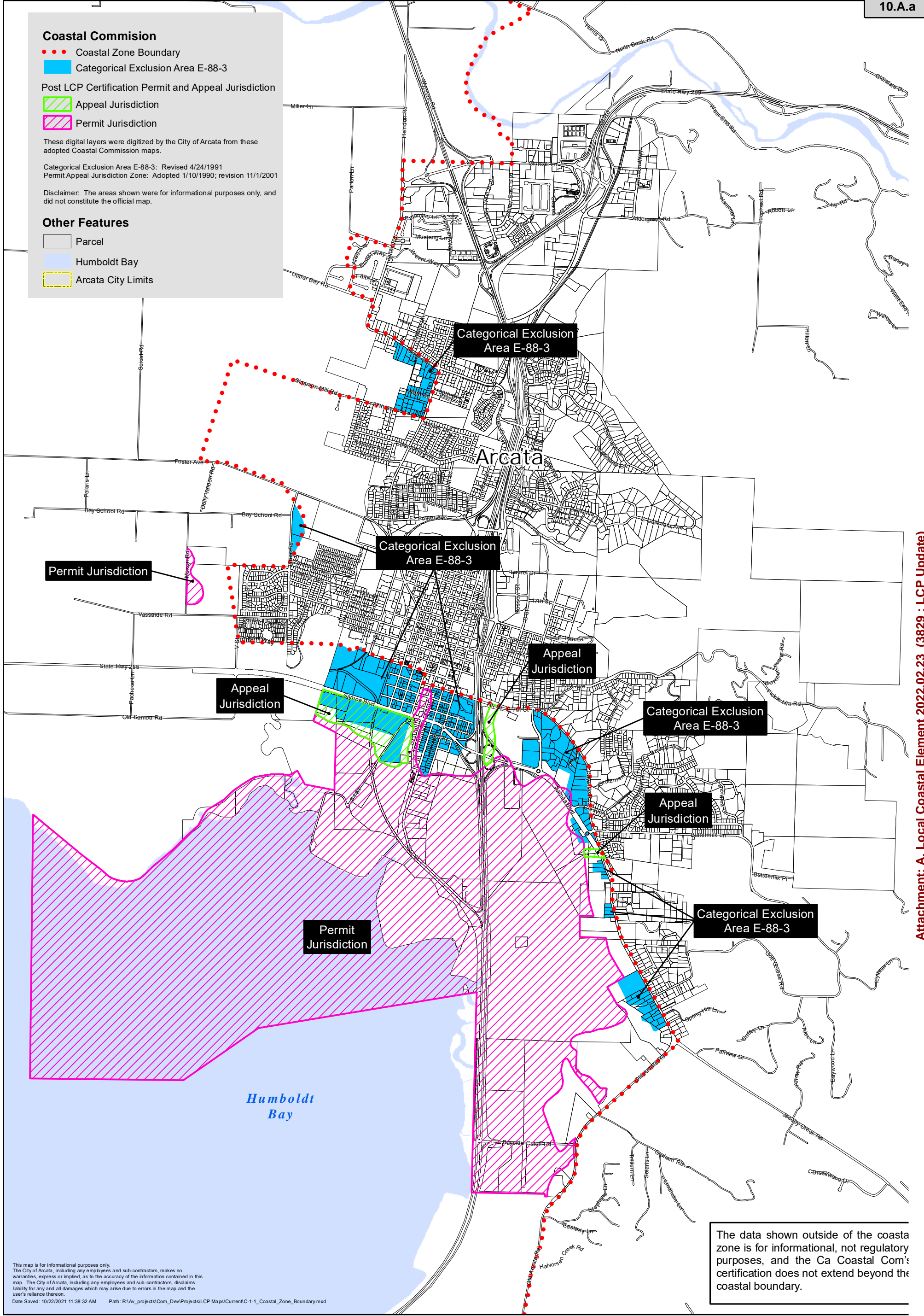
These digital layers were digitized by the City of Arcata from these adopted Coastal Commission maps.

Categorical Exclusion Area E-88-3: Revised 4/24/1991
Permit Appeal Jurisdiction Zone: Adopted 1/10/1990; revision 11/1/2001

Disclaimer: The areas shown were for informational purposes only, and did not constitute the official map.

Other Features

- ▭ Parcel
- Humboldt Bay
- ▭ Arcata City Limits



Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)

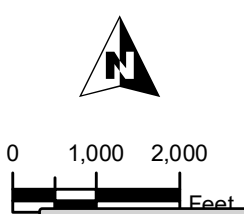
This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.
Date Saved: 10/22/2021 11:38:32 AM Path: R:\Av_projects\Com_Dev\Projects\LCP Maps\Current\C-1-1_Coastal_Zone_Boundary.mxd

The data shown outside of the coastal zone is for informational, not regulatory purposes, and the Ca Coastal Com's certification does not extend beyond the coastal boundary.



City of Arcata

Figure C-1-1
Coastal Zone Boundary



Future Trends and Assumptions

The Local Coastal Element includes goals, policies and implementation measures that anticipate and help shape future changes to ensure that they reflect the community's shared sense of values. Future trends will reflect changes in social, economic, cultural, and environmental factors, but will be shaped locally by the guidelines expressed in this element.

Arcata embraces environmentally sustainable principles which encourage infill development, brownfield remediation, multi-modal transportation, and zoning districts that emphasize and encourage mixed-use developments where compatible. Arcata recognizes the value of natural resource lands, and has implemented strong regulatory protections that discourage sprawl and protect open spaces. Arcata aspires to preserve sufficient lands for both active and passive recreational activities and coastal access to serve the present and future needs of the community. The City has set aside a large amount of land for resource protection and must maximize the use of the remaining agricultural, industrial, commercial and residential lands. It is expected that there will be increased use of vacant and underdeveloped parcels within the City as opposed to outward expansion of the City limits.

Administering the Local Coastal Element

All land use and development decisions in the Coastal Zone must be consistent with the Local Coastal Program. Unless otherwise exempt, development in the Coastal Zone requires a Coastal Development Permit. A Coastal Development Permit may be issued by the City in its delegated jurisdiction if the City finds that the development conforms with the standards of the certified Local Coastal Program. The City must also make any other Local Coastal Element findings in the Coastal Zoning Ordinance.

1.2. Implementation Principles

- 1.2.1. Coastal Act Direction.** The policies of Chapter 3 of the California Coastal Act (California Public Resources Code Sections 30210 through 30264) shall direct the interpretation of the Local Coastal Element.
- 1.2.2. Coastal Act Direction.** The policies of Chapter 3 of the California Coastal Act (California Public Resources Code Sections 30210 through 30264) shall direct the interpretation of the Local Coastal Element.
- 1.2.3. Conflicts with General Plan.** Where the policies of the Local Coastal Element appear to conflict with the provisions of any other element of the General Plan, the policies of the Local Coastal Element shall take precedence in the Coastal Zone.
- 1.2.4. Descriptive Text.** Descriptive text outside of enumerated policies is for background information only and does not govern the issuance of Coastal Development Permits. If a perceived conflict occurs between the wording of the enumerated policies and the accompanying descriptive text of the Local Coastal Element, the enumerated policy language shall take precedence. Where enumerated policy language conflicts with maps

or graphics in the Local Coastal Element, the policy language shall take precedence.

- 1.2.5. Inconsistent Policies.** Where policies within the Local Coastal Element overlap or seem inconsistent, the policy which is the most protective of coastal resources shall take precedence.
- 1.2.6. Conflicts with Coastal Zoning Ordinance.** Where provisions of the Coastal Zoning Ordinance or other implementation measures appear to conflict with the policies of the Local Coastal Element, the policies of the Local Coastal Element shall take precedence.
- 1.2.7. Findings Required.** Prior to the approval of any development permit, the City, or the Coastal Commission on appeal, shall make the finding that the development meets the standards set forth in all applicable Local Coastal Element policies and Coastal Zoning Ordinance regulations.

2.0 Planning and Locating Development

2.1. Introduction

Most of the land within the City's Coastal Zone is designated Coastal Agricultural (:CA), Coastal Resource & Open Space Lands (:CROS), or Coastal Industrial (:CI). An area within the City's urban core is designated Coastal Residential Medium Density (:CRM) for medium density residential uses and Coastal Commercial Central (:CCC) for commercial uses. The most significant vacant and underutilized portions of the City within the Coastal Zone that are available for development are industrial lands located along the State Route 255/Samoa Boulevard corridor on the west side of town, designated Coastal Mixed Use (:CMU).

Strict protective standards for natural resources and agricultural designated areas require the City to utilize the developable portions of the City more intensely. City policy emphasizes the reuse of former industrial lands and promotes compact, high-density, infill development over the encroachment of services into resource lands. Infill development maximizes use of existing infrastructure and transportation facilities, reduces air quality impacts, and protects against the conversion of agriculture and open space lands.

Coastal Act Policies

The following Coastal Act policies are most relevant to planning and locating development in Arcata:

Section 30250:

- (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. 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.
- (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.

2.2. Local Coastal Element Policies

2.2.1. Coastal Land Use Designations. The western and southern portions of the City are within the Coastal Zone. The Coastal Zone boundary and Coastal Land Use Designations are depicted in Figure 2.1. The maximum intensity for each designation is shown in Table 2-1, below. To calculate the residential density for a parcel, the gross parcel size shall be used.

Table 2-1 Allowable Residential Density by Land Use Designation

Coastal Land Use Plan Designations		Maximum Intensity	
		Dwelling Units Per Acre*	Floor Area Ratio
Coastal Resource & Open Space Lands	:CROS	None allowed	No maximum
Coastal Agricultural	:CA	1 du/60 acres	N/A**
Coastal Residential Very Low Density	:CRVL	2 du/acre	No maximum
Coastal Residential Low Density	:CRL	7.5 du/acre	No maximum
Coastal Residential Medium Density	:CRM	30 du/acre	No maximum
Coastal Residential High Density	:CRH	60 du/acre	No maximum
Coastal Commercial Central	:CCC	No Maximum	5.0
Coastal Mixed Use	:CMU	No Maximum	5.0
Coastal Industrial	:CI	No Maximum	3.0
Coastal Public Facility	:CPF	None allowed	1.5

*Excludes Accessory Dwelling Units pursuant to Government Code Sec. 65852.2 et seq.

**Maximum buildout is a function of building type and use as described in Section 2.3

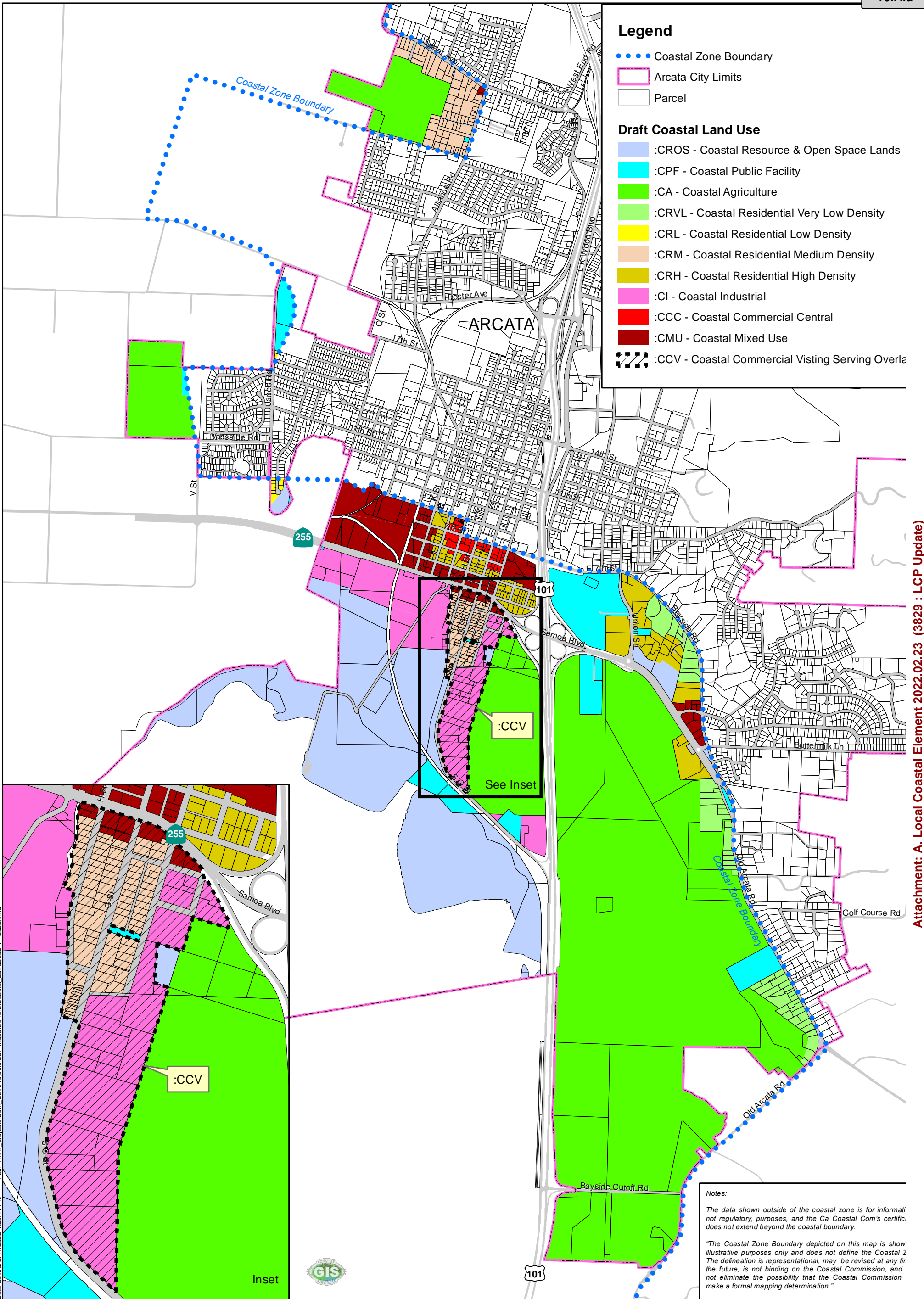
2.2.2. Development Permit Approval. Prior to the approval of a Coastal Development Permit required by the Local Coastal Program, the City shall make the finding that proposed development meets the standards set forth in all applicable Local Coastal Element policies and the Coastal Zoning Ordinance.

2.2.3. Land Use Plan Map. The Coastal Land Use Map (Figure 2.1) shows the land use designations that apply within the Coastal Zone.

2.2.4. Location of New Development. New infill development and redevelopment shall be allowed and encouraged within and adjacent to existing developed areas, and shall be subject to the density and intensity limits and resource protection policies of the Local Coastal Program.

2.2.5. Development in Areas with Public Services. New development shall be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.

Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)



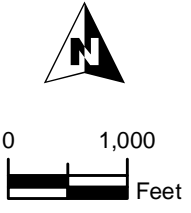
Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)

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City of Arcata

Figure C-2-1 Coastal Land Use



2.2.6. Promoting Infill Development. The City shall encourage appropriate redevelopment of certain parcels of land which are either underutilized, brownfields, or vacant but surrounded by existing urban development. Consistent with all other Local Coastal Program policies, infill development may include new residential units on upper floors of commercial structures, development of accessory dwelling units on residential lots, and new or expansion of existing residential and commercial structures. The Planned Development procedure shall be encouraged for coordinated development on larger infill sites.

2.2.7. Coastal Dependent Land Uses. Coastal dependent developments shall have priority over other development or uses on or near the Arcata Bay shoreline. Where appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal dependent uses they support. Arcata’s coastal dependent uses are predominantly recreational, as the Arcata Bay coastline is shallow and does not support coastal dependent industrial activities. Recreational uses including coastal access and coastal visitor serving uses are considered coastal dependent uses.

2.2.8. Clustering New Development. New development shall be concentrated in areas that can accommodate it without significant adverse effects on coastal resources. Siting shall take potential coastal hazards into account by concentrating development outside of hazard areas. New development in areas adjacent to ESHAs should be clustered away from land where wetlands and other coastal habitats could migrate as sea level rises. New development should be clustered into existing developed areas such as the Urban Protection Zone as shown in Figure 8-2 (Proposed Urban Protection Areas).

2.2.9. Subdivisions. The City may approve new subdivisions of land only if the resulting parcels can be developed consistent with the Local Coastal Program.

2.3. Land Use Designations

2.3.1. Residential Designations. The objective of the residential designations is to 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. Allowed uses in residential designations include:

- Residential Uses as described below;
- Neighborhood-serving Retail Uses (e.g., small convenience stores)
- Commercial Services Uses (e.g., day care centers, bed & breakfast inns, accessory offices, extended medical care services);
- Agricultural Uses and Open Space;
- Recreation, Education, and Public Assembly Uses;
- Transportation, Communications, and Infrastructure Uses (e.g., public utilities); and

- Other uses compatible with a residential setting.

The City shall review and act on accessory dwelling unit applications consistent with Government Code Section 65852.2 et seq.

Residential Very Low Density (:CRVL). The :CRVL designation allows the lowest density residential development in areas where physical constraints, protection of natural features, or preservation of low density character are important considerations. The :CRVL designation is applicable to lands with steep slopes where the open space character of Arcata's hillsides and perimeter lands are to be preserved. Development in hillside areas shall avoid Environmentally Sensitive Habitat Areas (ESHA) and erosion.

Newly created lots in this designation must contain a buildable area of sufficient size and flatness to allow development without significant environmental damage or landform alteration. This designation is also intended to provide a transition between urban uses and rural and agricultural areas.

Residential Low Density (:CRL). The :CRL designation primarily provides for single-family homes on individual lots.

Residential Medium Density (:CRM). The :CRM designation is applied to areas appropriate for a variety of housing types, including small-lot single-family housing and various types of multifamily housing.

Residential High Density (:CRH). The :CRH designation is designated primarily for high-density residential development.

- 2.3.2. Agriculture & Natural Resource Designations.** The objective of the agriculture and natural resource designations is to preserve and promote management of agricultural, forest, and aquaculture lands; protect public natural resource/open space lands, including stream courses, wetlands, tidelands, and open space areas; and provide for complementary uses including farm housing, processing of agricultural and aquaculture products, and public access for coastal recreation in designated areas.

Coastal Agricultural (:CA). The :CA designation is intended to preserve land for agricultural production. The :CA designation is appropriate for lands with prime agricultural soils and wetlands that could be used as grazed agricultural lands, as well as other areas with non-prime soils suitable for protecting their current uses as, or potential for, agricultural production. Appropriate structures in the :CA district include structures necessary for agricultural production and structures that are accessory, incidental to, and compatible with agricultural production. Allowed uses in the :CA designation include:

- Agricultural and Open Space Uses;
- Parks, Playgrounds, and Recreation Uses;
- Residential Uses (max. two units per parcel);

- Transportation, Communications, and Infrastructure Uses (e.g., public utilities); and
- Other uses compatible with agricultural operations.

See Chapter 12 for policies protecting agricultural uses within the :CA designation.

Coastal Resource and Open Space Lands [:CROS]. The :CROS 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. This designation is also applicable to productive resource lands and aquaculture in Arcata Bay, though tidelands are within the Coastal Commission's retained Coastal Development Permit jurisdiction. See Policy AG-12.2.4 for limitations on aquaculture as an allowed use in the :CROS designation.

The :CROS designation is not applied to small or "pocket" wetlands that exist on parcels large enough to accommodate development without adversely impacting wetlands. The designation is also not applied to wetlands used as grazed agricultural lands. See Chapter 6 for policies protecting all wetlands, regardless of designation.

Allowed uses in the :CROS designation include:

- Agricultural and Open Space Uses;
- Parks, Playgrounds, and Recreation Uses;
- Transportation, Communications, and Infrastructure Uses (e.g., public utilities); and
- Other uses to protect and enhance natural resources.

2.3.3. Commercial and Mixed Use Designations. The objective of the commercial and mixed use designations is to provide sufficient land areas and locations for a variety of retail, commercial services, and mixed-use housing to serve the consumer needs of the community and visitors.

Commercial Central (:CCC). The :CCC designation applies to the downtown 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. Allowed uses in the :CCC designation include:

- Recreation, Education, and Public Assembly Uses;
- Residential Uses;
- Commercial and Service Uses;
- Transportation, Communications, and Infrastructure Uses (e.g., public utilities);
- Agricultural and Open Space; and

Mixed Use (:CMU). The :CMU designation allows high-density, large-scale, infill development with a high degree of flexibility around uses. This land use designation is applied only to parcels suitable for infill development, redevelopment, and densification where development will cause no or negligible impacts to coastal natural resources, ESHAs, or coastal access. Allowed uses in the :CMU designation include:

- Recreation, Education, and Public Assembly Uses;
- Residential Uses;
- Commercial and Service Uses;
- Industrial Uses;
- Transportation, Communications, and Infrastructure Uses;
- Agricultural and Open Space Uses; and
- Other uses appropriate in a mixed-use district.

Commercial Visitor Serving (:CCV). The :CCV overlay applies to areas where visitor-serving uses are allowed in addition to uses allowed by the base designation. Allowed uses in the :CCV designation include:

- Open Space Uses;
- Visitor-serving Recreation and Public Assembly Uses;
- Visitor-Serving Commercial and Service Uses;
- Transportation, Communications, and Infrastructure (e.g., public utilities); and
- Other uses appropriate in a visitor-serving commercial area.

2.3.4. Public Facilities (:CPF). The objective of the :CPF designation is to 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 educational (public and private) facilities. The :CPF designation applies to lands used for various types of public purposes. Public facility uses may be owned by private individuals, private organizations, or private institutions, as well as by government entities. Allowed uses in the :CPF designation include:

- Agricultural and Open Space Uses;
- Recreation, Education, and Public Assembly Uses;
- Limited Residential Uses (e.g., group quarters, residential care-facilities, caretaker units);

units);

- Commercial and Service Uses serving a governmental function (e.g., recycling collection facilities, governmental offices);
- Transportation, Communications, and Infrastructure (e.g., public utilities); and
- Other uses appropriate in a public facility.

2.3.5. Industrial (:CI). The objective of the :CI designation is to provide for uses which will retain and generate higher paying jobs, including labor intensive manufacturing, processing, assembly, warehousing, services, and complementary non-industrial uses, in appropriate locations. The :CI designation is intended to provide attractive industrial areas suitable for light manufacturing and limited commercial uses. Allowed uses in the :CI designation include:

- Recreation, Education, and Public Assembly Uses;
- Commercial and Service Uses;
- Industrial Uses;
- Transportation, Communications, and Infrastructure Uses (e.g., public utilities);
- Agricultural and Open Space Uses; and
- Other uses appropriate in an industrial district.

3.0 Industrial Development and Energy

3.1. Introduction

Industrial land uses are important to retain as they generate a variety of jobs, and produce goods that are often sold outside of the community, both of which provide economic benefits to the City. Industrial uses within the City include labor-intensive manufacturing, processing, assembly, warehousing and services, as well as complementary non-industrial uses, such as restaurants and child-care facilities, in appropriate locations. In Arcata, substantial areas in the Coastal Zone near Arcata Bay were developed by the timber industry adjacent to Samoa Boulevard. With the transition from resource extraction industries such as timber harvesting and wood product manufacturing, many of these properties present opportunities for re-use as industrial and commercial sites oriented toward new markets. The land use designations applicable to industrial lands are identified in Chapter 2, *Planning and Locating Development*.

Energy facilities in Arcata's Coastal Zone include transfer stations, power lines, and transformer poles. No municipal electrical power generation or similar large-scale energy facilities are located within Arcata's Coastal Zone. Electrical power for the City is delivered primarily from Pacific Gas & Electric's Humboldt Bay Power Plant, which generates power from natural gas. Pacific Gas & Electric also maintains a natural gas delivery network throughout the City with a major transmission line that runs parallel to Highway 101. Alternative energy resources such as solar, wave, and wind technologies may also be important to the city.

Coastal Act Policies

The following Coastal Act policy is most relevant to industrial development and energy in Arcata:

30260: Location or Expansion. 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 local coastal plan. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this local coastal plan, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 of the California Coastal Act 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.

Additional Coastal Act policies that relate to industrial development and energy include:

30262: Oil and Gas Development.

30263: Refineries or petrochemical facilities.

3.2. Local Coastal Element Policies

- 3.2.1. Conversion and Reuse of Old Industrial Sites.** The City shall encourage the conversion and reuse of abandoned or inactive industrial sites, such as former lumber mills. An environmental site assessment shall be required for sites where prior uses may have caused soil contamination. Light and moderate manufacturing, other industrial uses, and mixed-uses (commercial, industrial, residential) are encouraged in these locations. The City will accommodate coastal-dependent development, coastal-related development, visitor-serving uses, and public recreational uses in these locations as appropriate consistent with the Coastal Land Use Plan Map.
- 3.2.2. Concentration of Industrial Uses.** Industrial uses should be concentrated in existing industrially developed properties.
- 3.2.3. Oil and Gas Development.** On and off shore petroleum product exploration, recovery, and processing is prohibited within the Coastal Zone except when otherwise allowed by Coastal Act Sections 30262 and 30263.
- 3.2.4. Hazardous Industrial Development.** Hazardous industrial development is allowable in the Coastal Zone only when demonstrated that all risks associated with the industrial operations are fully mitigated to a level consistent with existing adjacent development and uses.
- 3.2.5. Energy Generation.** The City will encourage new and retrofitted development to incorporate distributed energy generation, such as solar and wind power generation. Development of these systems will be designed to protect scenic and visual qualities of coastal areas, wildlife including birds and bats, sensitive coastal resources, marine life, water quality, and public access.

4.0 Recreation and Visitor Serving Facilities

4.1. Introduction

The City of Arcata strives to protect and maximize recreation and visitor serving land uses, including free or low-cost opportunities. Recreational activities within the City occur in many different zoning classifications. There are nearly 350 acres of land dedicated to recreational and visitor serving land uses in the Arcata Coastal Zone, mostly within the Arcata Marsh & Wildlife Sanctuary (Arcata Marsh). There are also commercial recreational and visitor serving uses in Arcata outside of the Coastal Zone which provide lodging, restaurants, entertainment and other facilities for Coastal Zone visitors. The Arcata Marsh provides 5.4 miles of walking and bicycling paths and also provides access to Humboldt Bay via Arcata's only boat launch. Figure 4-1 identifies existing shoreline and near-shore recreational areas, facilities and support facilities (e.g. parks, parking areas, visitor-serving commercial) in the Arcata Coastal Zone.

Coastal Act Policies

The following Coastal Act policies are most relevant to recreation and visitor serving facilities in Arcata:

30220 Protection of certain water-oriented activities. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221 Oceanfront land; protection for recreational use and development. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30212.5 Public facilities; distribution: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

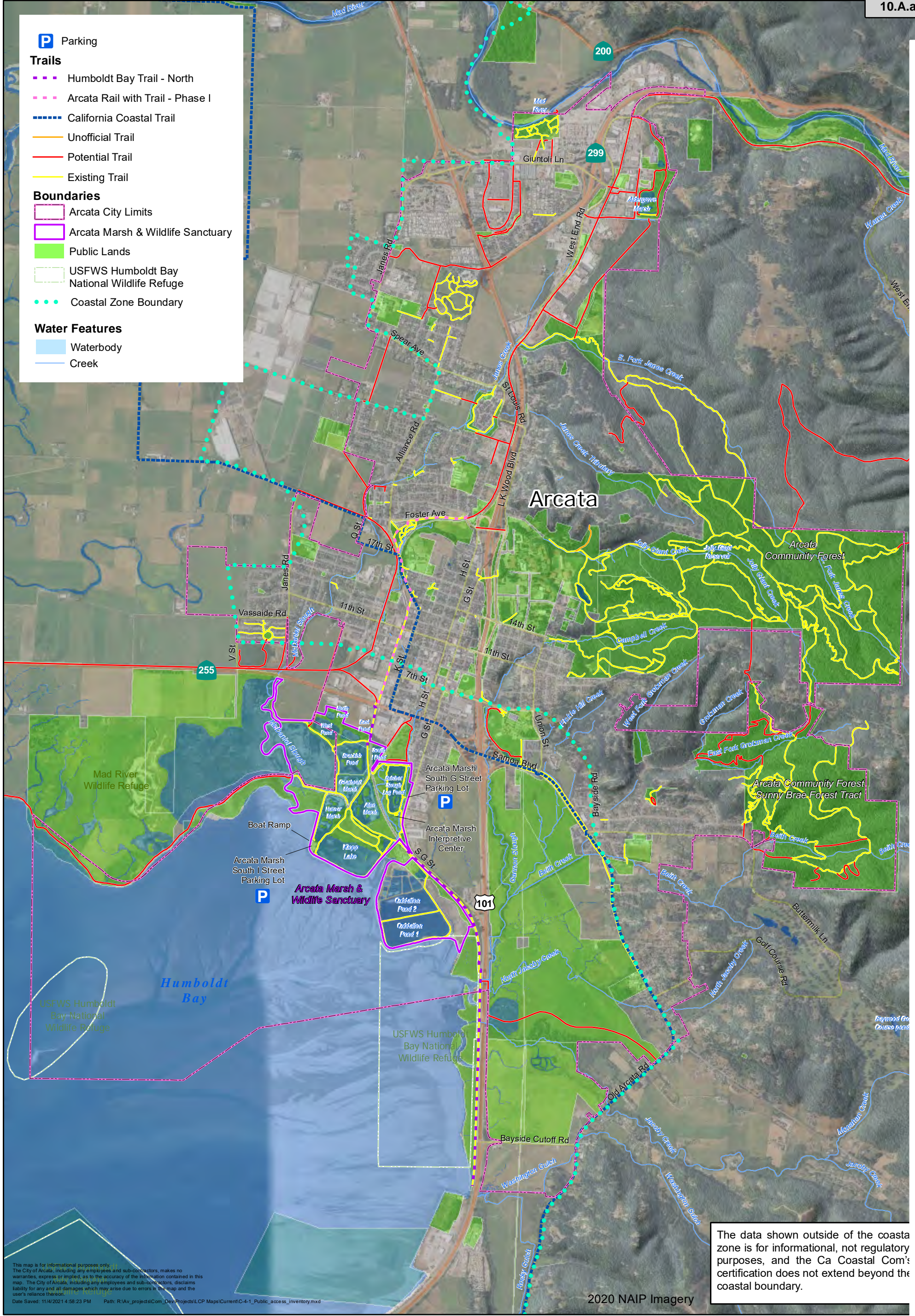
30222 Private lands; priority of development purposes: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but do not have priority over agriculture or coastal-dependent industry.

30223 Upland areas: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30224 Recreational boating use; encouragement; 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.

30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30234 Commercial Fishing and Recreational Boating Facilities: 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.



Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)

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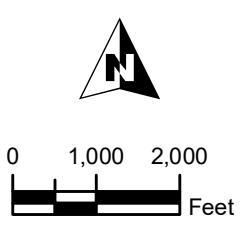
2020 NAIP Imagery

The data shown outside of the coastal zone is for informational, not regulatory purposes, and the Ca Coastal Com's certification does not extend beyond the coastal boundary.



City of Arcata

Figure C-4-1
 Existing shoreline and near-shore area
 Public Access Inventory



Local Coastal Element Policies

Recreation Uses

- 4.1.1. Existing Recreational Facilities.** Existing recreational areas and facilities within the Coastal Zone shall be retained and maintained to provide water-oriented recreational opportunities for visitors and residents.
- 4.1.2. New Recreational Facilities.** Undeveloped areas suited for water-oriented recreational activities shall be protected for such uses. New water-oriented recreational opportunities in these areas shall be provided where needed to meet present and foreseeable future demand for additional recreational facilities. The City encourages new recreational facilities that are low-cost or free to use.
- 4.1.3. Accessory Recreation Areas.** Passive recreational activities that are secondary and accessory to the primary permitted uses, such as public access trails and bird watching, may occur in any land use designation when consistent with all applicable Local Coastal Program regulations and policies. Such activities shall be subject to restrictions protecting proximate environmentally sensitive areas.
- 4.1.4. Trail Connectivity and Amenities.** Development shall connect to the trail network when located adjacent to designated, existing, or planned trail routes. Facilities to accommodate pedestrians and bicyclists shall be provided where feasible. Facilities may include benches, wayfinding signage, bicycle and pedestrian access, bicycle parking, water stations, picnic tables, bike repair stations, kiosks, and walk-up windows.

See also Chapter 9 for additional trail policies.

- 4.1.5. Coastal Commercial Visitor Serving and Recreation Facilities.** The City shall support and encourage commercial visitor serving and recreation facilities, such as guiding services or equipment rentals in the Samoa Boulevard and South “G” corridor neighborhoods, to provide services to visitors and residents.
- 4.1.6. North of Samoa Recreational Area.** The area south of 10th Street, west of “K” Street, and north of Samoa Boulevard includes vacant and underutilized parcels. Recreational facilities shall be developed in this area in accordance with the type of development that occurs.

See also Chapter 12 for recreation policies in agriculture designations.

Visitor Serving Facilities

- 4.1.7. Visitor Serving Facilities.** Visitor serving facilities that provide food, lodging, recreational, and shopping opportunities shall be located in existing developed areas.

- 4.1.8. Lower Cost Overnight Accommodations.** The City shall encourage new overnight visitor accommodation development that serves all income levels, including lower-cost overnight accommodations such as campgrounds, RV parks, hostels, lower cost hotels, and motels.
- 4.1.9. Visitor Parking.** Free and low-cost visitor parking shall be provided within the Coastal Zone to accommodate visitors at coastal access points. If feasible, new parking areas shall be developed adjacent to coastal access points, such as the Samoa Boulevard entrance to the McDaniel's Slough.
- 4.1.10. Visitor Public Transportation.** The City shall work with local transit agencies to explore public transportation options that connect visitors from the Valley West lodging areas and northern portions of Arcata to coastal resources such as Mad River Beach and the Arcata Marsh and Wildlife Sanctuary.

5.0 Water Quality

5.1. Introduction

Improving water quality in and around Humboldt Bay is important to the City of Arcata. The Humboldt Bay Management Plan (2007), prepared by the Humboldt Bay Harbor Recreation and Conservation District (Harbor District), identifies that cities adjacent to Humboldt Bay put pressure on the area's natural resources and affect water quality. Nonpoint source pollution is cited as the leading cause of water pollution in both coastal and inland waters, and regulatory efforts at the state level have expanded to address surface water and runoff pollution into drainage channels, streams, and groundwater. Nonpoint source pollution from stormwater is a primary cause of impacts to water quality, waterways, and the coastal environment. Controlling nonpoint source pollution is an important goal for agencies and municipalities working to maintain or improve water quality. The City's watersheds located within and surrounding the Coastal Zone are mapped in Figure 5-1.

Coastal Act Policies

The following Coastal Act policies are most relevant to water quality protection in Arcata:

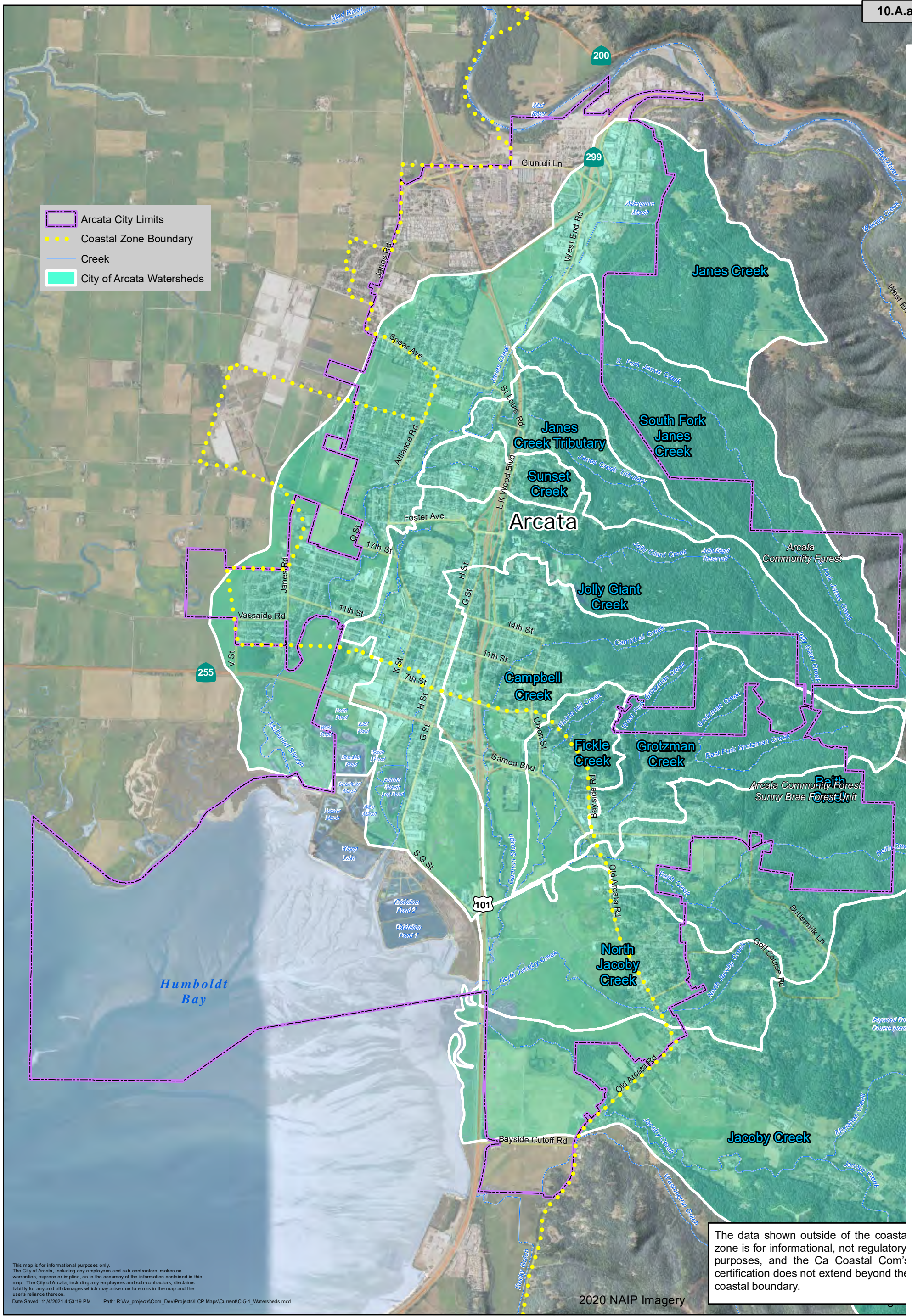
Section 30230: Marine resources; maintenance. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will 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.

Section 30231: Biological productivity; water quality. The biological productivity and the quality of coastal waters, streams, wetlands and estuaries 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

5.2. Local Coastal Element Policies

5.2.1. Biological Productivity of Coastal Waters. Development shall maintain, and where feasible, restore the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes.

5.2.2. Stormwater Impacts. To minimize adverse impacts to coastal waters, development shall be planned, sited, designed and managed to minimize adverse changes in stormwater runoff volume, flow rate, timing, and duration, and to minimize pollutants in stormwater runoff.



Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)

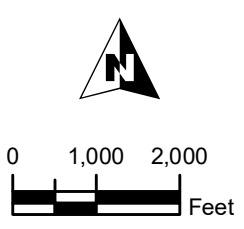
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City of Arcata

Figure C-5-1
 City of Arcata Watersheds



5.2.3. Construction Pollution Prevention Plan. All development that has the potential for adverse water quality or hydrologic impacts to coastal waters during construction shall prepare a Construction Pollution Prevention Plan to be reviewed and approved by the City Engineer or their designee prior to the issuance of any building or grading permits. The purpose of the Construction Pollution Prevention Plan is to minimize erosion and the discharge of sediment during construction, and to minimize pollution of runoff and coastal waters by construction chemicals and materials. The level of detail provided to address the Construction Pollution Prevention Plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality impacts to coastal waters.

5.2.4. Post-Development Runoff Plan. All development that has the potential for adverse water quality or hydrologic impacts to coastal waters shall prepare a Post-Development Runoff Plan to be reviewed and approved by City staff prior to the issuance of any building or grading permits. The purpose of the Post-Development Runoff Plan is to minimize stormwater pollution and adverse changes in runoff flows from the site for the life of the development. The Post-Development Runoff Plan shall comply with the following requirements:

- The level of detail provided to address the Post-Development Runoff Plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality impacts to coastal waters.
- The Post-Development Runoff Plan shall give precedence to a Low Impact Development approach to stormwater management in conformance with Policy 5.2.5.
- The Post-Development Runoff Plan shall include a requirement for ongoing management of post-construction stormwater management Best Management Practices (BMPs) for the life of the development in conformance with Policy 5.2.6.

5.2.5. Low Impact Development (LID). The City shall give precedence to a Low Impact Development (LID) approach to stormwater management in all development. LID integrates preventive Site Design strategies with small-scale, distributed Best Management Practices (BMPs) to replicate the site's pre-development hydrologic balance through infiltration, evapotranspiration, harvesting water for later on-site use, detention, or retention of stormwater close to the source.

5.2.6. Ongoing Management of Best Management Practices (BMPs). The City shall require ongoing management of all post-development BMPs (including operation, inspection, and maintenance) for the life of the development as a condition of Coastal Development Permit approval. No additional Coastal Development Permit is required for management activities approved as a condition of the Coastal Development Permit.

5.2.7. Alterations to Rivers and Streams. The City shall prohibit channelizations and other substantial alterations to rivers, streams, and creeks except for necessary water supply projects, necessary flood control projects, and fish and wildlife habitat restoration

projects. Such projects must incorporate all feasible Best Management Practices to mitigate impacts to the river or stream habitat value. This policy applies to projects in creeks regardless of whether a creek is defined as ESHA.

- 5.2.8. Stormwater outfalls.** Construction of new stormwater outfalls discharging into coastal waters, streams, wetlands, estuaries, and lakes should be avoided. Stormwater should be directed to existing facilities with appropriate treatment and filtration where feasible. Where new outfalls are necessary, stormwater outfalls shall be planned, sited and designed to minimize adverse impacts on coastal resources. Consolidation of existing and new outfalls are encouraged where appropriate.
- 5.2.9. Increase Capacity of Stormwater Infrastructure.** The City shall work to reduce impacts from higher water levels by widening drainage ditches, improving carrying and storage capacity of tidally-influenced streams, installing larger pipes and culverts, converting culverts to bridges, creating retention and detention basins, and developing contingency plans for extreme events.

6.0 Environmentally Sensitive Habitat Areas

6.1. Introduction

The City of Arcata sets a high priority on the protection of Environmentally Sensitive Habitat Areas (ESHA), which include various types of wetlands, riparian areas, coastal prairies, woodlands and forests, and other natural resources in the Coastal Zone. The City's Local Coastal Program provides for protection of ESHA.

Coastal Act Policies

The following Coastal Act policies are most relevant to ESHA in Arcata:

Section 30233: Diking, filling or dredging; continued movement of sediment and nutrients

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the 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.
- (b) 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.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.
- (d) 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."

Section 30240: Environmentally sensitive habitat areas; adjacent developments.

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30236: Water supply and flood control. 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.

30607.1. Wetlands dike and fill development; mitigation measures. Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

Additional Coastal Act policies that relate to ESHA include:

Section 30230: Marine resources; maintenance.

Section 30231: Biological productivity; water quality.

6.2. Local Coastal Element Policies

Policies in the “Natural Resources Protection and Enhancement” section below apply to all ESHA. Policies in subsequent sections provide additional protections for specific natural resources, which supplement the policies applicable to all ESHA.

Natural Resources Protection and Enhancement

6.2.1. Native Biotic Resources. The native biotic resources of river and creek riparian zones, the Arcata Marshes, and Arcata Bay tidelands and sloughs are unique ecosystems that have important habitat values far beyond their values as open space. The City shall restore and maintain these systems 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.
- **Creeks** that flow openly through the developed portion of the community shall have biological corridors and greenways established, and shall be maintained as visual assets. The natural features of the Mad River corridor, Arcata’s creeks and adjacent areas, marshes, and other wetland areas, shall be retained.
- **Unique Habitat and Wildlife Areas** shall remain in a natural condition. Such areas include salt marshes and special habitats such as nesting areas.

6.2.2. ESHA Definition. The City declares the following to be ESHA within the Coastal Zone.

1. Rivers, creeks, sloughs, and associated riparian habitats such as: Jacoby Creek; Beith Creek; Grotzman Creek; Campbell Creek; Jolly Giant Creek; Janes Creek; Fickle Hill Creek; North Jacoby Creek; Washington Gulch; Gannon Slough; Butcher's Slough; and McDaniel Slough.
2. Wetlands, estuaries, and associated riparian habitats such as: Arcata Bay; Mad River Slough; Liscom Slough; Butcher Slough; and the Arcata Marsh and Wildlife Sanctuary.
3. Other unique habitat areas such as water bird rookeries; shorebird concentration sites; habitat for all rare, threatened or endangered fully protected, and special concern plant and animal species and natural communities on federal or state lists; and plant species appearing on the California Native Plant Society List "1b" and "2" lists.
4. Any areas not specifically designated in the Local Coastal Program that meet the definition of ESHA in Section 30107.5 of the Coastal Act shall be accorded all the protections provided for ESHA in the Local Coastal Program.

6.2.3. Protect ESHA Functions. All ESHAs in the Coastal Zone shall be protected from conversion to other uses except as allowed by Policy 6.2.5. To the extent practicable, open space easements will be established when development is proposed adjacent to ESHAs, to allow for migration of these habitats as sea level rises.

6.2.4. Habitat Value Protection. ESHAs 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 these areas. Proposed development in areas adjacent to ESHAs and park and recreation areas shall be sited and designed to prevent impacts that would significantly degrade such areas, and must be compatible with the continuance of such habitat areas.

6.2.5. Exceptions to ESHA Use Limitations. The following 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 consistent with Section 30233 of the Coastal Act; and (2) development entailing channelization, damming, or other substantial alterations of rivers and streams consistent with Section 30236 of the Coastal Act.

6.2.6. Biological Assessment. Proposed development requires a biological assessment to identify and map potential ESHA if 1) an initial screening conducted by the City finds the potential for ESHA within 100 feet of any site disturbance; and 2) The City determines that the proposed development may adversely impact ESHA.

6.2.7. Environmental Buffer Area Requirements. All permitted development shall be set back from adjacent coastal ESHA to provide buffers around these areas. The minimum buffer width shall be as required by the Coastal Zoning Ordinance. An increased buffer width may be required where necessary to ensure the biological integrity and preservation of the adjacent ESHA. The purpose of such buffers are to prevent any degradation of the ecological functions provided by the habitat area as a result of the development. Allowable

uses in a buffer are limited to uses that will sustain biological productivity, protect against any significant disruption of habitat values, and maintain or enhance the ESHA functional capacity.

- 6.2.8. Conservation Easement or Deed Restrictions.** New development shall dedicate or offer to dedicate a conservation easement or equivalent deed restriction as part of a proposed development. The easement shall encompass the area within the ESHA and the associated environmental buffer area, if an environmental buffer area is established. 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 ecosystem.
- 6.2.9. Economic Viability Determination.** If the application of these Local Coastal Element policies or the Coastal Zoning Ordinance standards regarding use of property designated as ESHA or environmental buffer area would not avoid a taking of private property, then a use that is not consistent with the ESHA policies of the Local Coastal Program shall be allowed on the property. This is provided that 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. If relevant, the applicant shall apply for an economic viability determination with their Coastal Development Permit application, to meet the provisions of the Coastal Zoning Ordinance.

An applicant must provide a biological assessment identifying resources present on the property in order to determine whether all of the property, or part, shall be subject to development restrictions. This is required to evaluate whether development restrictions would still allow an economically viable use of the property with an ESHA or environmental buffer area designation.

In addition, the least environmentally impactful, feasible alternative as determined by the City shall be selected. Impacts to ESHAs or ESHA buffer that cannot be avoided shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when on-site mitigation is not feasible. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to ESHAs and environmental buffer area.

- 6.2.10. Non-native Plant and Animal Species.** Development shall use only non-invasive plant species for landscaping and may not allow invasive plant species to be naturalized or persist on the site. Developments that incorporate landscaping into their site plans to mitigate adverse environmental impacts and/or to meet planning and zoning provisions, and which are located in proximity to ESHAs, shall use native species and local plants where feasible. 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 shall eradicate invasive species on public lands where they are displacing native species. Invasive plant species means any plant species with a "High" rating in the California Invasive Plant Council's Cal-IPC inventory of invasive plants,
- 6.2.11. Land Divisions Involving ESHAs.** The City may approve land divisions, including subdivisions, lot splits, and lot line adjustments that are within proximity to ESHAs for

which protective buffers are required, only if the resulting parcels contain adequate space to place all development (e.g., buildings and appurtenant structures and features such as detention/retention ponds and biofiltration swales) outside of areas required for watercourse and/or other environmental buffer area protection. If the division is specifically for the purpose of protecting the ESHA and does not propose development on the divided parcel, the division is exempt from this requirement. In such a case, uses of the divided parcel shall be restricted to uses allowed within ESHA and environmental buffer areas through a recorded deed restriction or offer to dedicate an easement.

Streams Conservation & Management

6.2.12. Designation of Protected Streams. The provisions of this section shall apply to those streams shown on the Protected Watercourse Map (Figure 6-1). These watercourses and associated riparian areas serve as habitat for fish and wildlife, provide for the flow of stormwater runoff and flood waters, and provide open space and recreational areas for the City. This map is only intended to serve as a repository of collated data for use as a screening tool in the review of future development proposals and is not a comprehensive inventory of all protected watercourses within the City, nor is it a delineation of ESHA.

6.2.13. Environmental Buffer Area. An environmental buffer area is hereby established along both sides of the streams identified on the City Protected Watercourse Map (Figure 6-1). The environmental buffer area along streams shall comply with general ESHA requirements in Policy 6.2.7. The purpose of the environmental buffer area is to remain in a natural state in order to protect stream ecosystems and associated riparian habitat areas.

Wetlands Management

6.2.14. Environmental Buffer Area. New development shall establish an environmental buffer area 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 mitigation. The extent of the environmental buffer area shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study. The environmental buffer area from wetlands shall comply with general ESHA requirements in Policy 6.2.7. The applicant must submit evidence to the satisfaction of the City 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.

6.2.15. Requirement for Wetland Delineation and Study. All development applications shall include a site plan that shows the precise location of existing wetlands on the subject property. Any application for development on a parcel where wetlands may be present shall include a wetland reconnaissance or delineation report prepared in a manner consistent with the Coastal Zoning Ordinance.

Stream Side Protection Areas

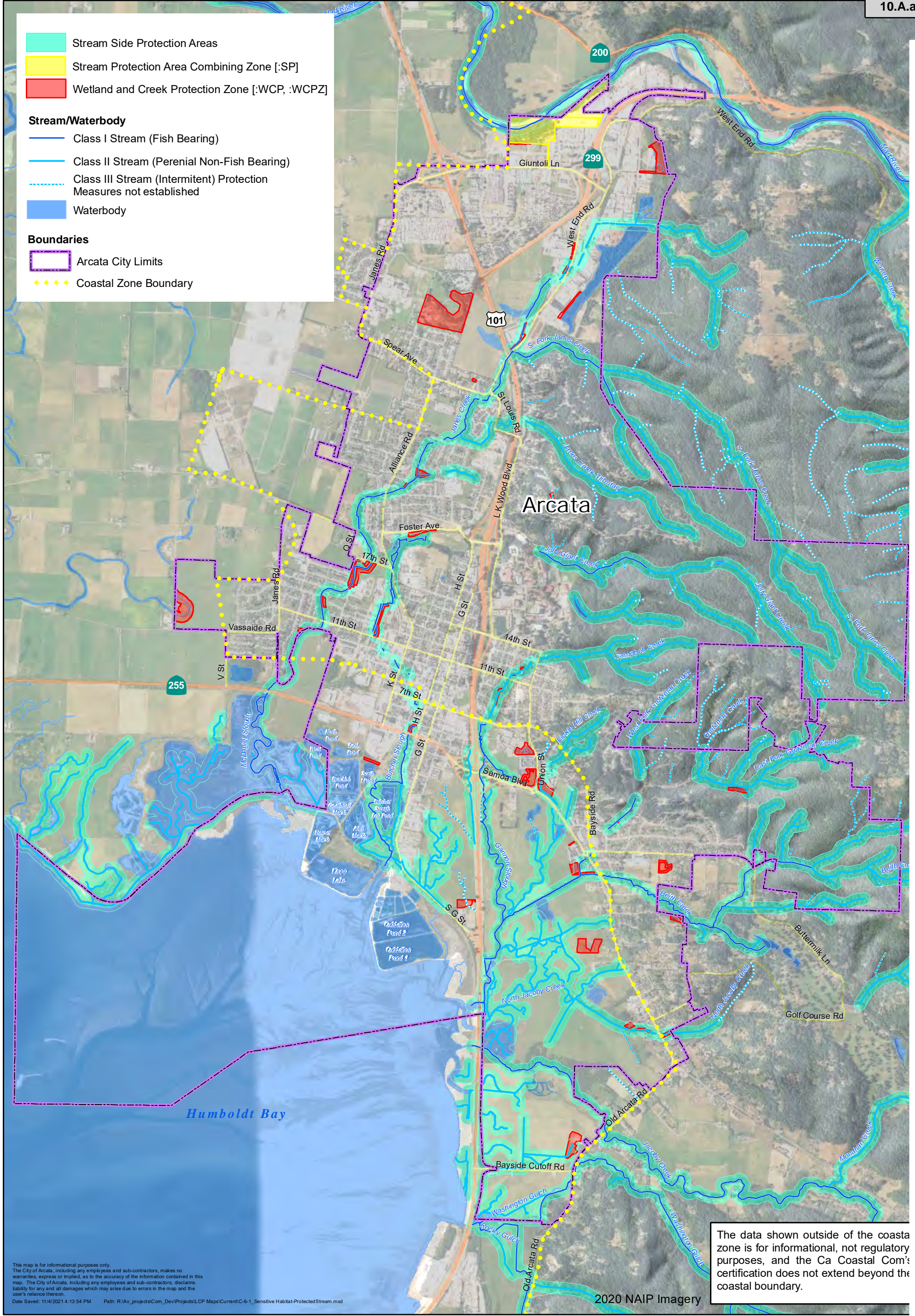
- Stream Protection Area Combining Zone [:SP]
- Wetland and Creek Protection Zone [:WCP, :WCPZ]

Stream/Waterbody

- Class I Stream (Fish Bearing)
- Class II Stream (Perennial Non-Fish Bearing)
- Class III Stream (Intermittent) Protection Measures not established
- Waterbody

Boundaries

- Arcata City Limits
- Coastal Zone Boundary



Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)

The data shown outside of the coastal zone is for informational, not regulatory purposes, and the Ca Coastal Com's certification does not extend beyond the coastal boundary.

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. Date Saved: 11/4/2021 4:13:54 PM Path: R:\Av_projects\Com_Dev\Projects\LCP Maps\Current\C-6-1_Sensitive Habitat-ProtectedStream.mxd

2020 NAIP Imagery

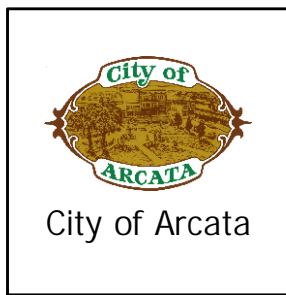


Figure C-6-1 Sensitive Habitats & Protected Stream Courses

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6.2.16. Diking, Filling or Dredging of Wetlands. Diking, filling or dredging of a wetland that is otherwise in compliance with this Land Use Plan, shall, at a minimum, require mitigation measures, a monitoring program, and adequate funding as determined by the review authority. Filling of wetlands shall only be authorized if feasible mitigation measures have been provided to minimize adverse environmental effects, resulting in “no net loss” in area and value of wetlands. Mitigation shall consist of creating and maintaining a new wetland or substantial restoration of previously degraded wetlands, at an appropriate ratio of 1:1 to 10:1 as required by the Coastal Zoning Ordinance. Mitigation shall offset temporal and other losses to ensure that compensatory wetlands are of equal or greater functional capacity and value than the wetland proposed to be filled. Required wetland mitigation ratios shall fully mitigate the adverse impacts of the dike or fill project. Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of these resources.

6.2.17. Uses Allowed in Diked/Reclaimed Former Tidelands. Allowable uses and development in grazed or farmed wetlands are limited to existing uses compatible with the Public Trust.

6.2.18. Compatibility with Humboldt Bay National Wildlife Refuge and Arcata Marsh and Wildlife Sanctuary. 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 uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.

Open Waters of Arcata Bay & Tidelands

***Note:** In those areas where the Commission retains Coastal Development Permit authority on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519), the standard of review used by the Coastal Commission for proposed Coastal Development Permit applications is the Chapter 3 policies of the California Coastal Act, not the Local Coastal Program. The Local Coastal Program may be used as guidance.*

6.2.19. Protection of Open Waters/Tideland Areas of Arcata Bay. The tidal and water areas of Arcata Bay constitute a fragile Public Trust resource. 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.

6.2.20. 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 may be required for new development.
2. Tidelands and water areas of Arcata Bay shall be designated Coastal Resource (:CNR), and identified as passive use recreational areas.

3. The Arcata Marsh and Wildlife Sanctuary shall be designated as Coastal Resource (:CR) and the recreational component of the marsh identified as a passive use recreational area.
4. The continued use of tidelands for scientific and educational studies is encouraged.
5. The Arcata Marsh and Wildlife Sanctuary shall be maintained and new facilities shall be consistent with the Arcata Marsh Plan adopted by the City Council.
6. The South "I" Street boat launch shall be enhanced and maintained to accommodate small watercraft and non-motorized watersports.
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 Arcata Marsh westward to the City limit will be provided for passive recreation including nature observation.

6.2.21. Management of Bayfront And Marsh Areas for Coastal Access, Recreation, and Tourism.

Tidelands and water areas of Arcata Bay shall be designated Coastal Resource (:CR) and protected from uncontrolled access. The following guidelines shall be used when permitting access to these areas:

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

New development shall provide and not restrict public access to the shoreline. Where consistent with the Humboldt Bay National Wildlife Refuge's (Wildlife Refuge) Management Plan, controlled public access to the Wildlife Refuge's Jacoby Creek Unit shall be developed along Arcata Bay from the Arcata Marsh to the City's westward limit.

6.2.22. Diking, Dredging, Filling, and Shoreline Structures. Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted for uses allowed in Coastal Act Section 30233 where it has been demonstrated that: there is no feasible and less environmentally damaging alternative; Public Trust resources and values are being protected; and feasible mitigation measures have been provided to minimize adverse environmental effects.

6.2.23. Coastal-related and Coastal-dependent Industrial Development. The City of Arcata's coastline consists of intertidal areas and mudflats, riparian areas where small creeks meet Humboldt Bay, the Arcata Marsh, and a system of sloughs. Aquaculture is encouraged as a desirable use on bayfront lands, consistent with the resource protection policies of the Local Coastal Element.

6.2.24. Aquaculture Use of Coastal Wetlands/Tidelands. To protect aquaculture activities in Arcata Bay, the City shall:

1. Ensure that its wastewater discharge does not exacerbate 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. 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. Aquaculture shall include adequate precautions to prevent new adverse impacts to natural ecological processes. The City shall continue its management of:

- a. Integrated wetland enhancement and wastewater treatment; and
- b. The tidelands, for commercial and native oyster harvesting.

7.0 Coastal Hazards

7.1. Introduction

The City of Arcata requires that new development reduce risks to life and property and avoid substantial changes to natural landforms. While the City of Arcata has no dunes or coastal bluffs, many of the low-lying areas around Humboldt Bay are protected from flooding by levees that are subject to erosion or overtopping during storm events or extreme high tides. The Arcata Bottoms and other low-lying areas adjacent to Arcata Bay including McDaniel, Butcher's and Gannon Sloughs, and the Arcata Marsh are susceptible to flooding from extreme Bay tidal action, tsunami run-up, seiche, dike or tidegate failure, heavy rainfall, and, extremely rarely, Mad River flood events.

In addition to coastal flooding, the Coastal Act also requires the Local Coastal Program to address geologic, fire, and other coastal hazards. Arcata is in a seismically active region where earthquakes can damage the built environment through groundshaking, fault rupture, and liquefaction. Fire hazard is considered moderate throughout the Arcata coastal zone. High fire hazard areas do exist in Arcata, but these are located in upland areas well outside of the coastal zone.

This chapter contains policies to minimize risks to life and property from natural hazards and hazardous materials. The City defines coastal hazards as environmental factors that, when triggered, result in immediate and dramatic impacts which may impact life, property, and natural landforms. The City's definition of Coastal Hazards does not include the relationship between the effects of climate change on the prevalence, frequency, and magnitude of coastal hazards. While many conflate the causal relationship between climate change, which alters the conditions precedent to a coastal hazard, and coastal hazards themselves, the City clearly demarcates the environmental condition from the risks associated with the state of those conditions as they manifest over time.

The principal environmental condition that will cause changes in coastal hazard risk with modeled climate change is the elevation of Humboldt Bay. As such, the Local Coastal Element addresses sea level rise under a separate chapter so as not to conflate the hazards and responses thereto with the environmental conditions. Chapter 8 contains policies that address sea level rise caused by global warming and expected changes to coastal hazards in Arcata over time.

Development within Arcata's coastal zone is subject to additional flood regulations, such as Title VIII, Chapter 4 (Flood Hazard Mitigation Standards) of the City's Municipal Code, which are not certified as part of the Local Coastal Program. These regulations do not govern the review and

approval of coastal development permits (CDPs) and do not serve as a basis for appealing a local CDP action to the Coastal Commission.

Coastal Act Policies

The following Coastal Act policy is most relevant to coastal hazards in Arcata:

Section 30253. Minimization of adverse impacts. New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b. Assure [sic] 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.

...

Section 30610 Developments authorized without permit. Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

- g. (1) 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.

...

7.2. Local Coastal Element Policies

7.2.1. Minimize Risk. New development shall be sited and designed to minimize risk to life and property in areas of high geologic, flood, and fire hazard. Where complete avoidance of hazards is not feasible, development shall be designed to minimize hazards to the greatest extent feasible.

7.2.2. Ensure Stability and Structural Integrity. New development shall ensure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

7.2.3. Preliminary Hazards Review. The City shall review all applications for new development to determine the presence of geologic, flood, or fire hazards. The City shall use current maps of hazardous areas (known and potential) and other information as necessary and available as part of this review.

7.2.4. Specific Study Requirement. If a preliminary hazards review finds the presence of geologic, flood, or fire hazards, a site-specific study is required for all applications unless the Director determines that the proposed development is located and designed in a manner that clearly avoids all hazards on the site and will not increase or exacerbate hazards in surrounding areas. The study contents shall be as required by the Coastal Zoning Ordinance. If a specific study identifies areas that are not suitable for certain types of

development on a property, this does not necessarily prohibit all development in that area.

- 7.2.5. Mapped Hazard Area Limitations.** City maps of known hazardous areas are not an indication of a definite hazard on a specific parcel. A site-specific study may determine that a parcel is not exposed to hazards despite being mapped as a hazardous area. Likewise, a parcel may be subject to hazards despite its location outside of previously mapped hazardous areas.
- 7.2.6. Acceptable Hazard Risk.** Hazards pose varying degrees of risk to life and property depending on the type of use or structure and its potential for human occupancy. The City shall require development to be located and designed to minimize risks to a level that is safe for the intended use.
- 7.2.7. Replacing Destroyed Structures.** Any structure, other than a public works facility as defined by this Element, destroyed by a disaster may be replaced without a Coastal Development Permit. 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.
- 7.2.8. Nonconforming Development.** Existing, lawfully established development that is nonconforming to a standard in the Local Coastal Program may be maintained and continued, provided that such development is not enlarged or intensified.
- 7.2.9. Coastal Redevelopment.** If an existing structure located in an area subject to potential hazards is proposed to be redeveloped, the structure shall be deemed new development under this Local Coastal Program and must be made to conform with all applicable Local Coastal Program policies

Geologic and Seismic Hazards

- 7.2.10. Identification of Geologic Hazard Areas.** New development within a mapped geologic hazard area shall require a site-specific study that describes geologic conditions and hazards and specifies mitigation measures to avoid, if feasible, or mitigate the risk associated with the hazard.
- 7.2.11. Development Within Fault Zone / Surface Rupture Areas.** Development in identified fault zones and probable surface rupture areas shall be avoided, unless structures and facilities are set back, engineered, and designed to meet the seismic standards of the California Building Code and the Alquist-Priolo Act.
- 7.2.12. 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.

Fire Hazards

- 7.2.13. Review of Development for Fire Safety.** Roadways shall have an all-weather surface and grades shall not exceed the Arcata Fire Department’s maximum slope standards for emergency access.
- 7.2.14. Management of Wildland Fire Hazards.** Buildings in natural resource areas shall use materials such as non-flammable perimeter vegetation and roofing materials to prevent exposure to wildland fires. Methods to reduce wildfire hazard risks that do not require removal of native vegetation, such as locating buildings away from hazard areas and use of fire-retardant materials, are strongly encouraged.
- 7.2.15. Vegetation Removal.** Vegetation removal to reduce wildland fire hazards shall occur in a manner that is most protective of coastal resources. Adverse impacts to ESHA and ESHA buffers shall be avoided to the maximum extent feasible.

Hazardous Materials

- 7.2.16. Accidental Spills of Petroleum Products.** Design, siting, and measures to protect against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be required for any development that stores or uses such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills.
- 7.2.17. 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 meet 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 vulnerable populations, when reviewing new facilities and businesses that handle or produce hazardous waste.
- 7.2.18. Hazardous Waste Management (Recycling, Treatment, Disposal).** All commercial and industrial businesses and operations that use, store, or produce hazardous materials shall contract with a licensed hauler for pickup and disposal of waste materials in compliance with County, State, and Federal requirements. All hazardous materials shall be stored in safe containers and locations. Use, storage, and disposal of these materials shall be in compliance with County, State and Federal standards.

Flood Hazards

- 7.2.19. Minimize Flood Hazard Risks.** New development shall minimize risks to life and property in flood hazard areas.
- 7.2.20. Site-Specific Flood Hazard Evaluation.** When required by policies 7.2.3 and 7.2.4, the City

shall evaluate proposed development in a flood hazard area based on site-specific hazard information and environmental hazards identified in this **element** and in other current information sources. Materials to be reviewed include but are not limited to:

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps;
- Coastal storm surge maps; and
- Tsunami inundation/run-up maps and models prepared by applicable state and federal emergency management and research agencies.

7.2.21. Low Intensity/Occupancy Uses. Low intensity/occupancy uses, such as open space and recreational facilities, are allowable in floodways or flood hazard Zone V areas when consistent with all applicable policies of the Local Coastal Program.

7.2.22. Limitations on Development Within Special Flood Hazard Area. Development in flood hazard areas shall meet the following requirements:

- Flood hazard areas shall be kept free of structures and other obstructions that would restrict flood flows.
- New construction shall protect human safety and minimize property damage through such measures as elevating structures, flood-proofing, allowing flood flows and drainage through structures, and providing access for evacuation and emergency response.
- Landform alterations shall not impede flood flows in adjacent upstream or downstream areas.
- Development shall comply with setbacks for flood hazard zone areas based on site-specific studies as part of the development review process.

7.2.23. 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. Primary measures such as siting, setbacks, easements covering flood zones, and minimal use of impervious surfaces are strongly encouraged. Elevation of structures, anchoring, flood-proofing, and construction of detention basins are considered secondary and less desirable measures.

7.2.24. Limitations to Development Adjacent to Arcata Bay and Along Bay Shoreline. The following requirements apply to the following flood hazard areas: 1) the Arcata Bottom and other low lying areas adjacent to Arcata Bay; 2) McDaniel, **Butcher's** and Gannon Sloughs; and 3) the Arcata Marsh:

- Where otherwise permissible, habitable structures and related improvements shall be elevated above flood levels, designed so as not to restrict flood flows, and comply with applicable provisions of the Environmentally Sensitive Habitats section of this Coastal Land Use Element.

- Land alterations for recreation and natural resource uses shall not restrict, increase, or channelize flood flows in a way that could cause inundation to adjacent areas.

7.2.25. Other Floodplain Approvals. City action on permits and approvals required by Chapter 4 (Flood Hazard Mitigation Strategies) of Municipal Code Title VIII (Building Regulations) must occur prior to action on a **Coastal** Development Permit. In case of conflict between of Municipal Code Title VIII Chapter 4 and the Local Coastal Program, the Local Coastal Program standards control for purposes of Coastal Development Permit review.

Tsunami Hazards

7.2.26. Tsunami and Tidal Flooding Hazards. New essential public services and other development necessary for tsunami recovery shall not be located within a mapped tsunami inundation area.

7.2.27. Best Available Science. The City shall use the best available, up-to-date adopted scientific information regarding local tsunami hazards when evaluating Coastal Development Permit applications for new development within the tsunami inundation area.

7.2.28. Minimize Risk. Development within a mapped tsunami inundation area shall be sited and designed as needed to minimize risk to life and property in the event of a tsunami to the extent feasible.

7.2.29. Development that Exacerbates Tsunami Damage. New development that would significantly exacerbate tsunami damage (e.g., hazardous material storage) is prohibited within a mapped tsunami inundation area.

7.2.30. Non-Coastal Dependent Critical Infrastructure. Critical infrastructure that is not coastal dependent should be avoided, if possible, within a mapped tsunami inundation area.

7.2.31. Emergency Broadcasting Systems. The City shall use available emergency broadcasting systems to communicate tsunami warnings.

7.2.32. Signage. Appropriate signage shall be posted if additional coastal access within a mapped tsunami inundation area is provided in the future.

7.2.33. Tsunami Safety Plans. All new development intended for human occupancy within a mapped tsunami inundation areas shall prepare a tsunami safety plan with information on the nature of the tsunami threat, tsunami warning signals, a communication plan, and evacuation instructions and routes. The City shall ensure that tsunami safety plans for development that is hard to evacuate (e.g., high-occupancy buildings, senior/youth/sick/physically disabled care facilities) incorporate all feasible measures to protect public safety to the maximum extent feasible. Tsunami safety plans shall demonstrate the feasibility of safe pedestrian evacuation time given tsunami travel times to Arcata from dominant, disaggregated tsunami sources.

8.0 Sea Level Rise

8.1. Introduction

The City of Arcata's Coastal Zone includes areas of reclaimed, former tidelands of Humboldt Bay. In 1870, the shoreline was mapped by the USGS, and the bay inundated approximately the same footprint shown on the projected sea level rise inundation extent maps (Figure 8-1). The reclaimed tidelands were protected by a system of earthen dikes, which have been in service for over 100 years.

Development in the potential inundation zone was originally largely to establish agricultural uses. The dike network, which extends to Mad River Slough, allowed modified development patterns around Arcata Bay and lands on the Arcata Bottom. While most of this area was never filled, and is still in agricultural uses, the areas immediately south of Samoa Boulevard, and the lands extending to the City of Arcata Wastewater Treatment Plant (Treatment Plant) on South G Street, between G and I Streets, was developed for industrial purposes in the 1900s. This area forms a highly-developed urban 'peninsula' that extends into the diked former tidelands.

The urban peninsula includes a mix of land uses and is developed on a fill prism that is on average 1.78 feet higher in elevation than the surrounding bottomlands. This peninsula is the site of the Treatment Plant; the renowned Arcata Marsh and Wildlife Sanctuary (Arcata Marsh); a high-density lower-income residential neighborhood; and several industrial and commercial uses. These uses have changed over time, but the peninsula as a development has been in constant use and redevelopment for more than 100 years, with some areas having been diked and filled in the 1850s. This peninsula includes segments of dike that have been constantly repaired, enhanced, and maintained for decades.

By contrast, the lower lying bottomlands adjacent and surrounding the urban peninsula were not filled. Land uses in the City's Coastal Zone outside of the urban developed areas include agriculture, open space, recreation, and natural resources preservation. Historically, these lands were in agricultural production. The City has actively pursued conservation easements, land acquisition, and restoration partnerships (e.g., McDaniel Slough Restoration) to provide both current improvements to natural areas and hundreds of acres of natural buffer from sea level rise.

If the earthen dike system failed, these bottomlands would be inundated, while the peninsula would be protected by the elevated fill prism. This existing condition indicates the City's strategy for sea level rise: defend the peninsula to the extent practicable while planning to accommodate floodwaters and tidal inundation in lower lying areas that have been preserved for the purpose.

The City recognizes the importance of the peninsula due to its natural resources, critical public infrastructure, significant industrial and commercial private investment, lower-income housing, and residential racial diversity. In addition, this area may be desirable for coastal recreational and visitor serving uses in the future. Since there is no feasible, socially equitable relocation option for these land uses currently, the City's sea level rise strategy includes both a protect in place and a measured retreat approach for the peninsula.

The City of Arcata will continue to add lands to its natural resource buffer inventory. Currently, the approximate XXX acres of lowlands that are in mapped potential inundation zones, include XX acres owned or controlled through easement and agreement for habitat values and open space. These areas will be the first to transition as the tidal patterns change. Furthermore, the City's strategy does not include adding protective barriers to any developed or undeveloped areas that are not currently protected by the existing dike system around the Bay.

The City has worked to protect and enhance wetlands around the Arcata Bay for decades. In 1981, the City created the Arcata Marsh and Wildlife Sanctuary (75 acres including 30 acres of freshwater wetlands). In 1986, the City expanded the Sanctuary by realigning Butchers Slough to reestablish a more natural meandering course, restore salt marsh habitat, and create an adjacent freshwater wetland from the remains of an old log pond. The City then purchased a 74-acre property that is the core of the McDaniel Slough project area, and in 1999 worked with the Coastal Conservancy to prepare an enhancement plan for this area. In 2014 the McDaniel Slough enhancement project was built.

Furthermore, the City is positioned well for sea level rise adaptation due to acquisitions and actions dating back decades. The City has strategically invested in conservation easements, land acquisition and restoration, and land use limitations in areas subject to future inundation. Notably, the City owns the 322-acre Bayview Ranch, purchased in 2004. The City has since added 81.1 acres to its inventory. The principal first phase strategy for the City's future impacts related to sea level rise is to accommodate the higher water levels and increased inundation from flooding in these low-lying areas.

Of these potentially vulnerable lands, approximately XX acres are developed with residential uses. These uses include approximately XX per acre. While relocating these uses and accepting the loss of public and private lands in these areas over time will not be easy, these land uses will adapt over time, until and unless the uses cannot be conducted at these sites. As a result, the City's policy in these areas is to continue to support conversion of uses to allow for adaptation and accommodation.

Though some parcels are in mapped potential inundation areas, sea level rise is an issue with city-wide implications that require city-wide solutions. The impacts of rising sea level will be felt beyond the boundary of the coastal zone as high tides back up into the City's creek system, causing potential flooding upstream. Utilities, roads, recreational opportunities, and major infrastructure that service the City at large will face impacts from sea level rise either directly or indirectly.

The overall goal to address sea level rise impacts is to provide feasible and sustainable adaptation that preserves the economic, cultural, and social functions for as long as practicable, taking into account ecological integrity and social justice and racial equity. This goal focuses on adaptation

in the way that best maintains utility services and transportation capabilities, preserves cultural resources, maximizes public access and recreational opportunities, maximizes agricultural viability, maximizes habitat values, and protects water quality. However, the City cannot value every policy area equally in all geographic areas, but will instead focus policy in various areas. Roughly ninety percent of lands in the City's projected inundation area will be preserved for ecological and other coastal resource functions. The remaining ten percent of the City's projected inundation area that contains the current urban interface will be primarily focused on preserving economic viability and promoting social/racial equity.

8.2. Overall Strategy

Climate change science and sea level rise projections are continually evolving. This assessment includes analysis of a wide range of possible scenarios between now and 2100, but it does not include the most extreme emerging science. Depending on future global climate mitigation efforts and the behavior of Antarctic ice sheets, the City may need to assess higher water levels in the future.

This assessment provides actionable information for near- and mid-term adaptation, but the work to increase the City's resilience to sea level rise is not complete. Adapting to sea level rise and other climate hazards and impacts will require ongoing monitoring of the science and local impacts, as well as applying lessons from the implementation of adaptation solutions within the City of Arcata and the larger Humboldt Bay Area region.

The City's sea level rise response is a mix of adaptation strategies including measured retreat of the built environment and accommodation where land uses and landforms allow. Structures, uses, and features that have higher adaptive capacity or lower sensitivity will remain in use in place until such time as the environmental conditions impose changes to those uses. Adaptation is, in this way, a continuum with phases dictated by the interplay between environmental conditions and the adaptive capacity and sensitivity of the asset, feature, or landform.

The City's adaptation strategy considers the full range of impact factors. These factors include more than the individual asset's sensitivity and adaptive capacity. The adaptation strategy also considers economic, social justice, racial and social equity, and environmental impacts. In this way, the City has integrated planning across a variety of sectors involved or impacted by decisions related to sea level rise adaptation.

It is equally poor public policy to retreat without cause as it is to fail to adequately plan and implement measures to safeguard life and property. Given the uncertainty in timing and magnitude of sea level rise projections, the plan is flexible, allowing retreat strategies to be implemented based on monitoring input rather than arbitrarily conservative timeframes. This will result in the application of measures suited to the environmental conditions. Flexible timeframes for adaptation that plan for appropriate measures, which can be delayed or advanced as the evidence warrants, form the basis of the City's adaptation strategy.

The City plans to continue to protect and defend significant investments where feasible and practical, as long as the benefits of protection outweigh the costs. Accommodating and adapting to the rising seas will occur in areas where planned when it is infeasible to defend or relocate

development. Retreat will occur where and when it is not feasible to defend development or accommodate the rising seas.

Protect and Defend

Protection strategies employ some sort of engineered structure or other physical measure to defend development in place without changes to the development itself. Existing development endangered by flooding, such as the waste water treatment plant, South “G” Street commercial and industrial uses, working agricultural lands, and infrastructure shall be permitted to be protected by the least environmentally damaging means practicable. Where feasible, protective devices shall visibly blend into adjacent natural surroundings and form eco-levees. This strategy will afford continued public access to the coast line, agricultural practices, economic activities, residential uses, and critical infrastructure until and unless the means to maintain the uses becomes infeasible.

Recognizing the areas potentially subject to flooding from higher sea level is all currently protected from daily or periodic inundation by a network of anthropogenic structures, this strategy will continue to maintain and improve structures that are consistent with existing function.

Accommodate and Adapt

Accommodation strategies employ methods that modify existing developments or design new developments to decrease hazard risks and thus increase the resiliency of development to the impacts of sea level rise. Over time, sea level rise will result in conversion of habitat types, especially in low lying areas including former tidelands. Structures and other development within areas that experience tidal flooding may need to adapt to accommodate periodic flooding and eventually inundation. Accommodation can also take other forms such as addressing drainage issues and locating new development away from low lying areas.

Retreat

Retreat strategies result in relocation or removal of existing development out of hazard areas and limitation on the construction of new development in vulnerable areas. Retreat will be slow and measured, with a goal of minimizing economic impacts on both taxpayers and property owners and renters of development in the area of retreat. Explicit measures will be developed to preserve economic viability of existing and new development for as long as feasible, recognizing that in some cases, development in hazard areas will be safe from projected Sea Level Rise for its estimated design life.

Retreat will be initiated as a second phase in the Sea Level Rise Adaptation Zone 1. Zone 1 comprises urban development on historic fill prism dating to the early 1800s. This area includes residential, commercial, recreational, and industrial uses, as well as the City’s wastewater treatment plant. The economic, financial, and social impact of a hasty and early retreat from this area significantly outweighs the benefits of an early retreat. Notwithstanding, the policies in this Local Coastal Element establish the framework for market driven retreat and conversion of uses to higher return and lower investment land uses. These land uses will more readily

accommodate periodic inundation and eventual removal than current uses.

Coastal Act Policies

The following Coastal Act policy is most relevant to sea level rise in Arcata:

Section 30253. Minimization of Adverse Impacts. New development shall do all of the following:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) 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.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30236. Water Supply and Flood Control. 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 the public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30235. Construction Altering Natural Shoreline. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

8.3. Local Coastal Element Policies

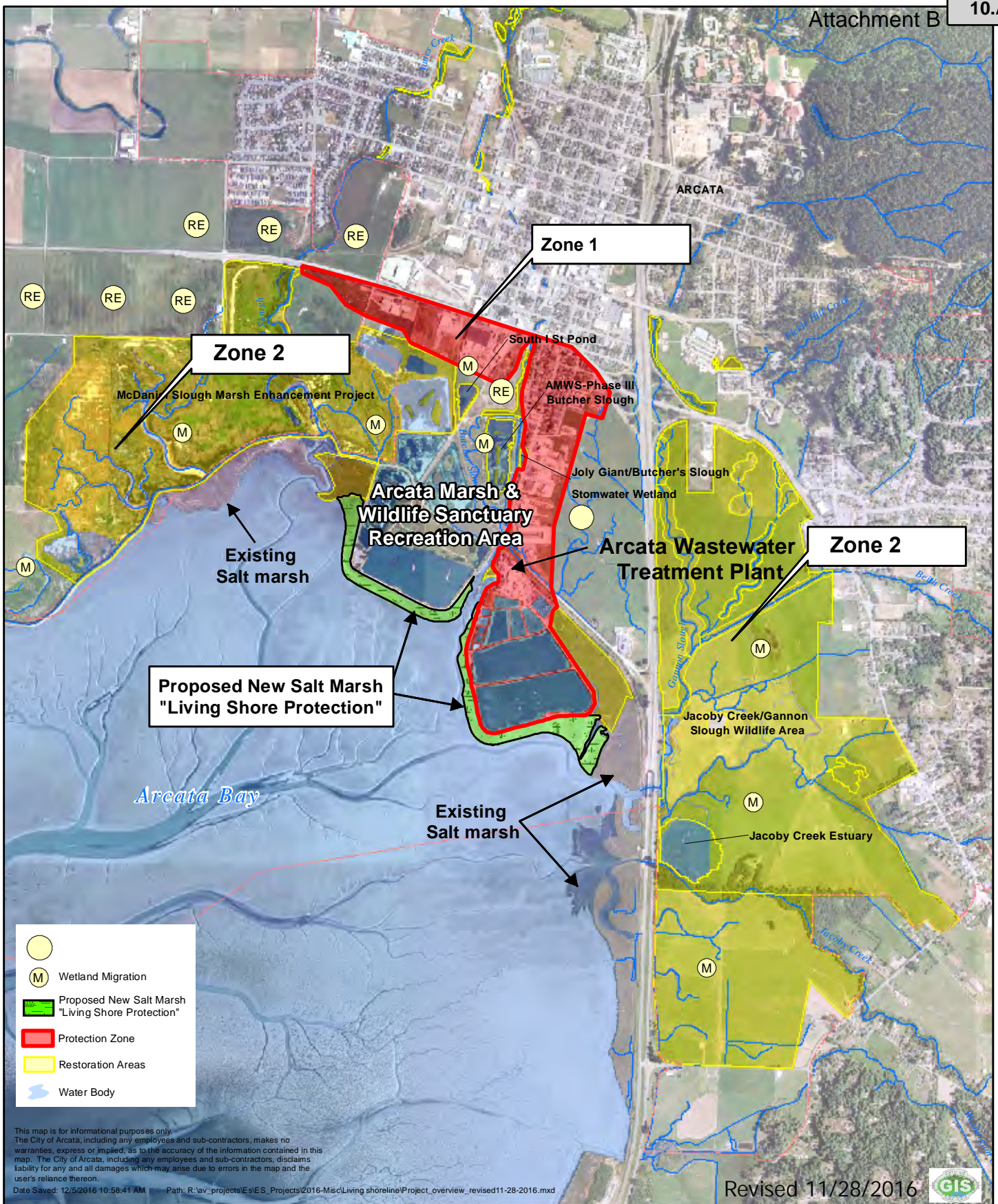
The following policies are not intended to be viewed as a stand-alone regulatory document. These regulations are one section of the City's overall Local Coastal Program. The City's Local Coastal Program includes many other policies related to development, environmentally sensitive habitat areas, public access, recreation, agriculture, and other coastal issues.

PLANNING AND LOCATING DEVELOPMENT

All Sea Level Rise Adaptation Zones

The following policies apply to development in all Sea Level Rise Adaptation Zones shown in Figure 8-2.

8.3.1. Siting and Design. Development shall be sited to avoid adverse impacts from sea level rise over the anticipated life of the development. Where complete avoidance of impacts is not feasible, development shall be designed to minimize impacts to the greatest extent feasible.



Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)



City of Arcata
Environmental Services

City of Arcata

**Figure 8-1 Sea Level Rise
Adaptation Zones**



Existing Development

- 8.3.2. Innovative Development.** To ensure continued economic, recreational, coastal dependent, and other beneficial uses of existing development, the City shall allow the use of innovative accommodation strategies that minimize flooding risk when consistent with all policies of the LCP. This may include elevating structures over water or over areas that are periodically inundated. For areas subject to the Public Trust doctrine of the State of California, the uses on those lands will be compatible with Chapter 1238 of the Statutes of 1989, including commerce, navigation, fisheries and other public trust purposes, including but not limited to preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and recreational and visitor-oriented uses.
- 8.3.3. Long-Term Plan for Critical Facilities.** The City shall develop a long-term management plan to address sea level rise evaluating options for adaptation or relocation and incorporates any potential maintenance, relocation, protection, or retrofits and structural changes to critical city-owned facilities to accommodate changes in sea level. The management plan shall include strategies to protect and defend existing facilities, accommodate and adapt to sea level rise, and retreat from sea level rise hazard areas as appropriate consistent with City's overall strategy for sea level rise adaption described in this chapter. The management plan shall be used to inform annual Capital Improvement Program (CIP) discussions and goal setting.
- 8.3.4. Retrofitting Inadequate Stormwater Infrastructure.** The City shall identify and prioritize retrofits to inadequate stormwater infrastructure for existing development in low-lying areas over other less critical improvements when budgeting limited resources. The City shall work with property owners to retrofit these systems to better accommodate flooding due to sea level rise. The City shall encourage the use of green stormwater infrastructure strategies where feasible.

New Development

- 8.3.5. New Structures Design for Sea Level Rise.** New development in the Sea Level Rise Adaptation Zones shown in Figure 8-2 shall meet all of the following criteria:
- (1) Development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.
 - (2) Development shall be sited and/or designed in such a way to avoid flooding related to the current estimated 100-year storm event, plus three feet to finished floor elevation.
 - (3) If there is inadequate space to feasibly meet such siting and design requirements, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated to be resilient to sea level rise over the economic life of the development.
 - (4) Development shall provide for adequate ingress/egress and all applicable service connections (e.g., for water, wastewater, electricity, gas, etc.), all of which shall

be sited and designed to avoid impacts from flooding and to protect coastal resources to the maximum feasible extent.

8.3.6. Development Duration. Development shall be removed and the affected area restored to a natural condition if:

- (1) A government agency declares the development unsafe for occupancy and/or use;
- (2) The development encroaches onto public trust land (including as the public trust migrates) and its use is inconsistent with the public trust; and/or
- (3) Access and utilities are no longer available to serve the development.

8.3.7. No New Hospitals and Public Safety Facilities. No new hospitals, public safety facilities, power generation plants, airports, public corporation yards, and schools, except for permitted coastal-dependent infrastructure, shall be developed within the area on the seaward side of Old Arcata Road/Samoa Boulevard. This policy shall not apply to new energy facilities covered by Policy 8.3.8.

8.3.8. Design Coastal-dependent Infrastructure to Accommodate Sea Level Rise. Coastal-dependent infrastructure, such as industrial, transportation, and energy facilities that must be sited in near-coast locations, shall be designed to withstand future impacts associated with sea level rise. Infrastructure shall minimize risks to other coastal resources through initial siting, design, and features that will allow for future adaptation to rising sea levels, based on the best available scientific data.

Shoreline Protective Devices

8.3.9. When Allowed. The development of new shoreline protective devices or the augmentation of existing shoreline protective devices beyond ordinary repair and/or maintenance is allowed when required to (1) serve a coastal-dependent use, or (2) protect a principal structure in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977) that is in danger from erosion. Limitations on shoreline protective devices in this section should only apply to dikes, seawalls and other hard protective devices. This policy shall be interpreted to allow for “soft” shoreline protective devices to protect the Sea Level Rise Adaptation Zone 1 as described below.

8.3.10. No Feasible Alternative. Shoreline protective devices are permitted only if there are no other feasible and less environmentally damaging alternatives to address erosion hazards, minimize risk of flooding, and provide structural stability. Alternatives include non-structural options (e.g., relocation of threatened development, habitat restoration) and soft protection strategies (e.g., living shorelines).

8.3.11. Mitigation. Shoreline protective device projects shall be subject to proportional mitigation for all unavoidable coastal resource impacts.

- 8.3.12. Hard Coastal Protective Devices.** When shoreline protection is needed, hard protective devices are allowed only when non-structural options or soft armoring are infeasible or more environmentally damaging. Hard coastal protection includes engineered features such as seawalls, revetments, dikes and levees, roads, and trails that block the landward retreat of the shoreline and provide little or no habitat value but may provide recreation and coastal access opportunities.
- 8.3.13. Soft Coastal Protective Devices.** When choosing among shoreline protective devices, soft protective devices shall be used and prioritized over hard protective devices wherever possible. Soft protective devices may include the construction of engineered islands, reefs, marshes, living shorelines (horizontal levees) and other biotechnical habitat restoration approaches that mimic natural biological processes, and/or provide ancillary or incidental shoreline protection. If structural shoreline protection is needed in a particular location and soft protective devices are not possible, hard protective devices may be used when consistent with the City's Local Coastal Program.
- 8.3.14. Living Shoreline.** The City may use an engineered living shoreline or fringe salt marsh to protect vulnerable City facilities when consistent with the City's Local Coastal Program. The City shall promote green infrastructure pilot projects (e.g. horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects over time and share lessons learned with other jurisdictions.
- 8.3.15. Green Infrastructure Pilot Projects.** The City shall promote green infrastructure pilot projects such as engineered islands, reefs, marshes, living shorelines (horizontal levees) and other biotechnical/habitat restoration approaches that may help protect assets from sea level rise and increased storm surges and provide ancillary or incidental shoreline protection. The City will study and monitor such projects over time and share lessons learned with other jurisdictions.
- 8.3.16. Avoiding and Mitigating Impacts.** A shoreline protective device shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including visual and public access impacts.
- 8.3.17. Beneficial Reuse of Sediment through Dredging Management.** The City shall work with other local jurisdictions and agencies to reuse clean sediment from bay dredging operations to create living shorelines where needed and appropriate, when consistent with the City's Local Coastal Program. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.
- 8.3.18. Re-Assessment of Need.** If an existing shoreline protective device is reconstructed, expanded, and/or replaced, a re-assessment of the need for the device and the potential for removal based on changed conditions shall be required.
- 8.3.19. Maintenance of Shoreline Protection Structures.** Routine monitoring and maintenance of shoreline protection structures shall be required as a condition of permit authorization for

construction, augmentation, or repair. Structures shall be examined for structural deterioration, excessive scour, or other damage, and repaired to maintain viability. Maintenance can only occur if properly permitted or determined to be exempt. Consider a requirement for a City-approved monitoring and maintenance program for shoreline protection structures.

WITHIN THE SEA LEVEL RISE ADAPTATION ZONE 1

The Sea Level Rise Adaptation Zone 1 as shown on Figure 8-2 is a starting point for where the City plans to continue to protect existing development endangered from flooding. As part of the City's adaptation strategy, given uncertainty regarding timing and rates of sea level rise, boundaries and protective devices will change over time as part of a measured retreat strategy. The City's objective is to retain existing development within this area, and to allow for redevelopment as well. The City will further study this area to determine where, specifically, to enhance protection and where to begin retreat. Triggers for different adaptations will be developed with associated monitoring by the City for all development within the Sea Level Rise Adaptation Zone 1. For all development within the Sea Level Rise Adaptation Zone 1, the following policies shall apply.

Existing Development

8.3.20. Wetland Fill Allowed to Protect Sea Level Rise Adaptation Zone 1. In the Sea Level Rise Adaptation Zone 1, if it can be shown that all less environmentally damaging feasible alternatives have been exhausted and impacts on coastal resources are mitigated, the City may fill wetlands for the installation of hard or soft protective structures. Wetland fill shall be the least amount practicable to provide necessary protection and meet the "least environmentally damaging and feasible alternative" requirement. Compensatory mitigation for wetland fill may include but is not limited to creating wetlands.

8.3.21. Wastewater Treatment Plant. The City will continue to protect and adapt the wastewater treatment plant with existing armoring and continual augmentation as necessary and additional soft armoring, pursuing the least environmentally damaging alternative that is economically feasible. The City will explore opportunities to shrink the footprint of the plant and the protective devices by transitioning to a new technology or a traditional wastewater treatment system.

8.3.22. Citywide Funding to Protect Wastewater Treatment Plant. The City shall pursue a funding mechanism to protect the wastewater treatment plant functionality and access to critical plant infrastructure. Funding sources could include a citywide assessment or other means.

8.3.23. Limits on Corporation Yard Expansion. Development of the City corporation yard facilities shall be restricted to the existing boundaries, or moved to an alternate location that is not subject to flooding impacts from sea level rise during the lifespan of the improvements.

New Development

- 8.3.24. Infill Development Allowed within the Sea Level Rise Adaptation Zone 1.** New development and redevelopment that is protected from sea level rise impacts by dikes and other means shall be allowed within the Sea Level Rise Adaptation Zone 1. Property owners will be informed of the elevation to which the area is designed to be protected. If and when a property is no longer protected by dikes or other means, the property must obtain a CDP to address sea level rise hazards through alternative accommodation and/or retreat strategies.
- 8.3.25. Subdivisions.** Subdivisions that increase development potential are not allowed within the Sea Level Rise Adaptation Zone 1.

Shoreline Protective Devices

- 8.3.26. Protective Devices.** Shoreline protective devices may be constructed and maintained to protect development within the Sea Level Rise Adaptation Zone 1.
- 8.3.27. Existing Hard Protective Devices.** Existing hard coastal protection may be augmented to protect existing development endangered from flooding, and gaps may be filled where planned to afford such protection when consistent with the Local Coastal Program. For the existing Industrial, Commercial, and Residential developments south of Samoa Boulevard, including the Arcata wastewater treatment facility as mapped on Figure 8-2, shoreline protection shall be retained, monitored, and augmented to protect existing developed areas to an elevation of at least 15 feet (NAVD 88 elevation), or to an alternative elevation given the best available science and economic feasibility of protecting the area. Saltwater and stormwater into the Wastewater Treatment Plant will be controlled through pumping.
- 8.3.28. Siting and Design of New Shoreline Protective Structures.** The siting and design of shoreline protective structures should take into account anticipated future changes in sea level, based on the best available scientific information and projections or range of projections of future sea level, and be designed for anticipated sea level rise. When feasible, hard shoreline protective devices shall be designed to minimize impacts to public views by incorporating design features that mimic surrounding natural features.
- 8.3.29. Protective Device Funding.** The City shall seek funding from state and federal programs to construct and maintain protective devices for the Sea Level Rise Adaptation Zone 1. A City-wide fee, tax, or other assessment may also be collected to construct and maintain protective devices in this area.
- 8.3.30. Easements for Adaptation Planning.** The City shall work with property owners within and adjacent to the proposed Sea Level Rise Adaptation Zone 1 to secure easements for future sea level rise protective devices.

INSIDE SEA LEVEL RISE ADAPTATION ZONE 2

The following policies apply to development inside the Sea Level Rise Adaptation Zone 2 as shown

in Figure 8-2.

8.3.31. Resiliency to Sea Level Rise. New development in Sea Level Rise Adaptation Zone 2 shall be resilient to the effects of sea level rise without development of new protective devices except where planned to protect existing developed areas and coastal-dependent development.

8.3.32. Conditions Prohibiting Future Protective Structures. Non-coastal dependent new development or substantial improvement on parcels potentially subject to sea level rise inundation shall only be approved with conditions requiring that no shoreline protective structure be constructed in the future to protect the development from erosion or flooding.

8.3.33. Sea Level Rise Vulnerability Report. A sea level rise hazards report shall be prepared for new development in the Sea Level Rise Adaptation Zone 2 requiring a CDP. The report shall describe potential sea level rise impacts on the project, projects impacts on coastal resources given sea level rise, and recommended measures for the project to avoid or reduce sea level rise impacts consistent with the LCP.

8.3.34. Removal of Shoreline Protective Structures. Authorization and permitting of shoreline protective structures will have terms and conditions for maintenance, removal, or modification of the structures over time as conditions change. A shoreline protective device shall only be authorized until the time when the existing principal structure that is protected by such device (1) is no longer present; or (2) is no longer requires armoring. Permittees shall be required to submit a CDP application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. Removal may not be authorized if flooding or other deleterious impacts would result to adjacent properties.

OTHER POLICIES RELATED TO COASTAL RESOURCES

VISUAL RESOURCES

8.3.35. Minimizing Impacts to Visual Resources. Shoreline protective structures and other sea level rise adaptation strategies shall minimize adverse impacts to visual resources to the extent feasible.

8.3.36. Strategies with No Impacts. The City shall encourage sea level rise adaptation strategies that will not impact visual resources, including short-term retrofits of existing structures and longer-term relocation or removal of structures within scenic areas.

ENVIRONMENTALLY SENSITIVE HABITATS

8.3.37. Sea Level Rise in Habitat Projects. Sea level rise impacts shall be addressed in management plans for coastal habitats. Such evaluations should consider both

topographic features as well as habitat and species sensitivities (for example, sensitivity to inundation and saltwater intrusion). Habitat management plans and/or other habitat projects should use an adaptive management approach with clearly defined triggers for adaptive actions, to ensure that coastal habitats are able to migrate and transition with changes in sea level.

8.3.38. Habitat Connectivity to Allow Species Movement. New structures such as highways, medians, bridges, culverts, walls, fences and other development in response to sea level rise shall be designed to facilitate movement of wild animals along wildlife corridors.

WATER QUALITY PROTECTION

8.3.39. Sea Level Rise in Stormwater Control Plans and Actions. Stormwater control plans for private development subject to MS4 requirements shall include measures to minimize impacts to water quality from pollutants, sediments, and nutrients entering water bodies through precipitation-generated runoff. Required stormwater control plans should address Sea level rise and extreme storm events. Metrics to establish minimization are identified in the Coastal Zoning Ordinance.

PUBLIC ACCESS

8.3.40. Protect Coastal Access Opportunities. When feasible, shoreline protective structures shall be designed to incorporate public access features. The City will pursue opportunities to secure easements over shoreline protective structures specifically for public access.

8.3.41. Coastal Trails. The City will work with Caltrans and applicable agencies to incorporate portions of the California Coastal Trail and other trails within rights of way using retrofit options to avoid impacts from future sea level rise (boardwalks, bridges, etc.). The California Coastal Trail will remain within sight of Humboldt Bay where feasible.

8.3.42. Designing New Public Access Sites. Newly proposed public access sites, segments of the California Coastal Trail, and recreation and visitor serving facilities shall be sited and designed to minimize impacts from flooding and coastal erosion due to sea level rise. For facilities that can be safely sited for the near term but future impacts are likely, an adaptive management plan detailing steps for maintenance, retrofitting and/or relocation shall be required.

ARCHAEOLOGICAL AND CULTURAL RESOURCES

8.3.43. Sea-level Rise and Cultural, Archaeological and Paleontological Resources. The City will support local tribes’ efforts to identify, document, and, where appropriate, preserve cultural resources threatened by the effects of sea level rise and coastal flooding.

Attachment: A. Local Coastal Element 2022.02.23 (3829 : LCP Update)

AGRICULTURAL RESOURCES

- 8.3.44. City-Owned Agricultural Lands East of Highway 101.** Sea level rise will eventually impact the city-owned agricultural lands east of Highway 101, south of Samoa Boulevard, and west of Old Arcata Road. Coastal wetland habitats will be allowed to migrate onto the City-owned Jacoby Creek/Gannon Slough Wildlife Area as part of the overall management of the wildlife area consistent with Coastal Act Section 30241-30242.
- 8.3.45. Saltwater Intrusion Conversion.** Agricultural lands converted to marsh land by saltwater intrusion due to sea level rise or other natural conditions may be redesignated as Coastal Resource (:CR) lands at such time as agricultural uses are no longer viable.
- 8.3.46. Replacement of Recreation Areas.** Sea level rise may eventually convert agricultural land west of Highway 101, south of Samoa Blvd. and west of Old Arcata Road to tidal lands. Once agricultural lands are converted to coastal wetland habitats, the City may provide recreational trails to replace other passive recreational areas lost to sea level rise.
- 8.3.47. Agricultural Water Quality Impacts.** Agricultural practices may need to be updated or enhanced to ensure water quality protection as required by federal, state, or local regulations if climate change or other natural conditions result in more frequent flooding of agricultural lands.
- 8.3.48. Rising Groundwater.** Clean fill material may be imported and placed on previously compacted or subsided agricultural lands to raise the surface elevation of these former tide lands to make them more resilient to rising groundwater and sea level rise as part of a permitted habitat restoration/enhancement project to allow for future migration of saltmarsh habitat. In areas where fill material is placed on existing wetlands, the depth of fill must allow continuation of wetland characteristics such that no net loss of wetlands shall occur.
- 8.3.49. Agriculture Protection, Maintenance and Adaptation of Dikes and Levees.** Existing agricultural areas within the City's Coastal Zone are partially protected by a series of dikes and drainage structures. These dikes may be repaired, maintained, and enlarged/augmented to protect the agricultural lands from sea level rise impacts for as long as feasible. The method of repair, maintenance, and enlargement/augmentation shall be the least environmentally damaging feasible alternative and feasible mitigation measures shall be provided to minimize adverse environmental effects.

REGIONAL APPROACHES – COLLABORATION WITH REGIONAL PARTNERS

Sea level rise will affect all jurisdictions and agencies within the Humboldt Bay region. The City will work with the City of Eureka, the County of Humboldt, the Humboldt Bay Harbor Recreation and Conservation District, Caltrans, Pacific Gas and Electric, the North Coast Railroad Authority, landowners, and other stakeholders to collaborate on regional approaches to sea level rise.

- 8.3.50. Stakeholder Collaboration.** The City will assist in developing collaborative stakeholder

group(s) that include: other jurisdictions, critical asset owners, property owners, shoreline protective structure managers, business owners, regulatory agencies, and interested public members. These stakeholders will assist in developing or reviewing bay-wide, watershed, drainage basin, and project specific, multipurpose sea level rise adaptation strategies and measures.

8.3.51. Collaboration with Regional Partners. The City will work with regional partners to explore and encourage innovative solutions to adapt to sea level rise. Potential regional solutions may include:

- (1) Installing hard engineered tidal barriers at the Humboldt Bay entrance, Eureka Slough entrance, and/or between Indian, Woodley, and Daby Islands that allow continued navigation, fish passage, and sediment transport while allowing temporary sea gates, pump stations, and offshore structures to be put in place.
- (2) Constructing soft engineered islands, reefs, marshes, living shorelines or other features which mimic natural processes and offer shoreline protection.
- (3) Utilizing oyster shells, navigation channel dredge spoils and other safe, local, suitable material to implement adaptation measures inland, along the shoreline, and within the waters of Humboldt Bay.
- (4) Identifying the areas where it is feasible and appropriate to protect dikes, railroads, highways and roads in place as a way of serving to protect existing development, and identifying those areas where elevating or relocating these features would be more appropriate to allow for wetland migration and restoration.
- (5) Exploring a regional ocean outfall or other regional solutions for treated wastewater.
- (6) Increasing the number and size of tide gates to enhance the drainage capacity of the lands behind the dikes.

8.3.52. Mitigation Program. The City supports development of a regional mitigation program to address the region's potential to fill wetlands in an effort to protect existing development. The program would involve creating wetland areas to be used as compensation for filling wetlands to create protective devices for existing development.

8.3.53. Education. The City will work with community partners to educate the community about sea level rise impacts, including how to implement best management practices throughout the City to reduce vulnerability and risk from flooding hazards associated with sea level rise.

8.3.54. Preserve Undeveloped Shorelines. The City shall encourage preservation and habitat enhancement of natural shoreline areas throughout Humboldt Bay that are vulnerable to future flooding, contain significant habitats or species, are suitable for ecosystem enhancement, and allow area for habitat migration as sea level rises.

8.3.55. Regional Adaptation Strategies. The City will promote and participate in development of a regional entity for protection of existing development, restoration of coastal habitats, and preservation of public access and recreational opportunities on Humboldt Bay. The

City will participate in regional efforts to seek funding for regional solutions to accommodate higher sea levels.

8.3.56. Acquisition and Buyout Program. The City will collaborate with regional partners to seek funding, and work with property owners to acquire property at risk from flooding or inundation due to sea level rise.

8.3.57. Retrofit Transportation Infrastructure. The City will work with Caltrans and the County of Humboldt to address sea level rise impacts to Highway 101, Highway 255, and adjacent County roads to maintain transportation functions as the sea level rise. The City will work with these entities to identify which existing roadways should be retrofitted to withstand flooding and provide a barrier to flooding inland and to plan for these projects to be completed over time as roads are maintained.

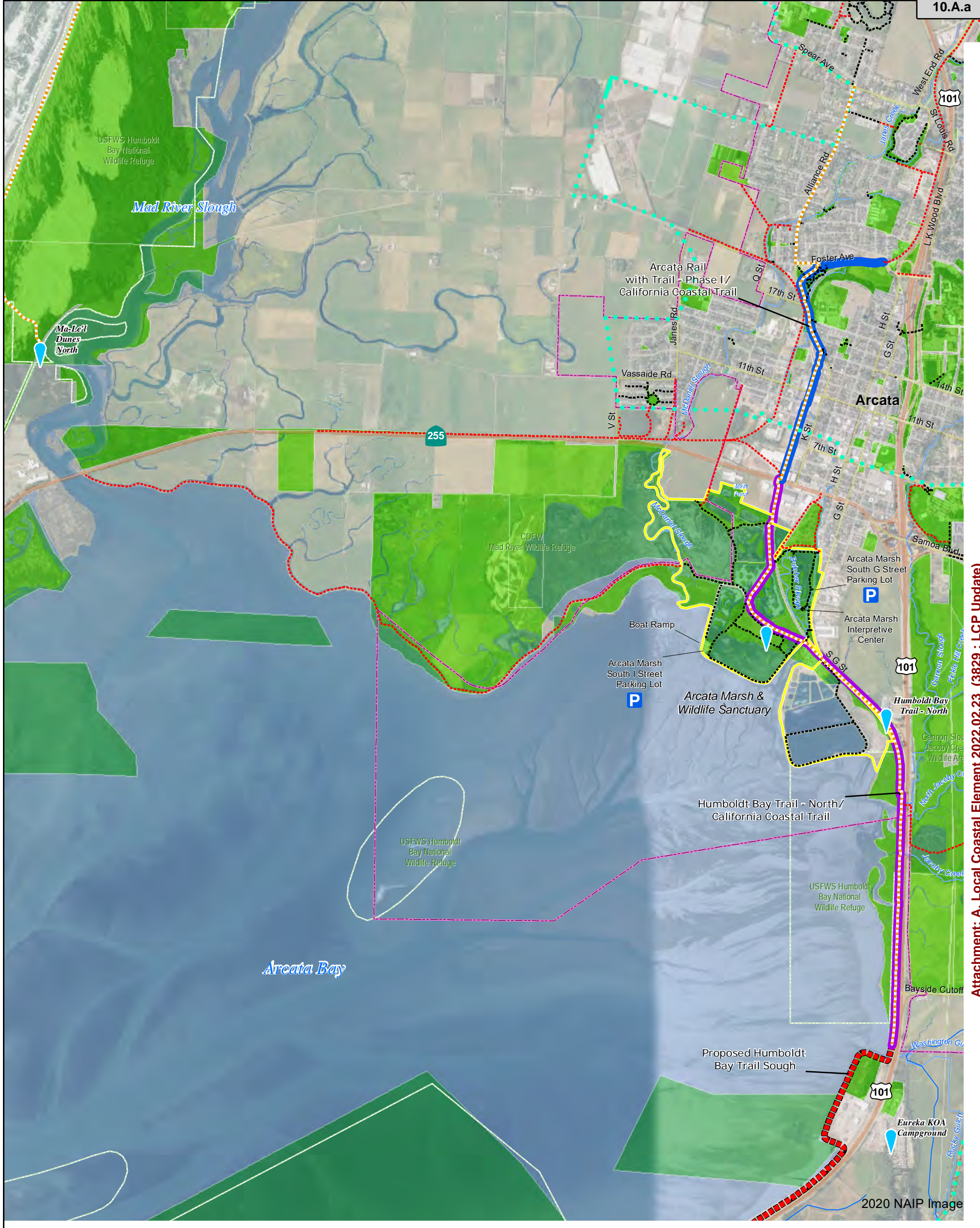
8.3.58. Phased Implementation of Transportation Projects. As sea level rises and existing roads are periodically flooded, alternate transportation routes shall be established to accommodate traffic. Recognizing that periodic flooding of low-lying roads could result in hazardous conditions or delays, transportation routes shall be maintained, retrofitted, and re-routed to accommodate sea level rise, until such time as retreat is the only viable option. The City will coordinate with Caltrans, the County of Humboldt, and the City of Eureka to ensure that planned transportation networks meet the needs of the City and the region.

9.0 Public Access

9.1. Introduction

The City of Arcata strives to provide maximum public access to the coast and shall protect existing access and provide new public access where appropriate. The City of Arcata Coastal Zone contains approximately four miles of Humboldt Bay shoreline; however, there is no direct access to the Pacific Ocean within the City's Coastal Zone. Public access to the shoreline of Humboldt Bay is primarily located in the Arcata Marsh and Wildlife Sanctuary (Arcata Marsh) and McDaniel Slough. Figure 9-1 identifies these access points, as well as other existing, required, and planned access points, including segments of the California Coastal Trail, Humboldt Bay Trail (Rail with Trail Connectivity Project) and the Pacific Coast Bike Route.

The Arcata Marsh is a publicly owned conservation and recreation area on the northern edge of Humboldt Bay that contains 307 acres of freshwater marshes, salt marshes, brackish marsh, tidal sloughs, tidal mudflats, and grassy uplands. The Arcata Marsh's primary purpose is to provide tertiary, sustainable wastewater treatment for the City, while also providing habitat and recreational value. The Arcata Marsh provides wildlife habitat and recreational opportunities with parking areas, a boat launch, and approximately 5.4 miles of walking and biking paths which provide access to the levees surrounding the sanctuary. An additional mile of trail was added as a portion of the Humboldt Bay Trail rail with trail project.



Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)

- Trails**
- ■ ■ ■ Proposed Humboldt Bay Trail South
 - Humboldt Bay Trail - North
 - Arcata Rail with Trail - Phase I
 - California Coastal Trail
 - City of Arcata Potential Trail
 - City of Arcata Existing Trail

- Boundaries**
- Arcata City Limits
 - Arcata Marsh & Wildlife Sanctuary
 - Public Lands
 - USFWS Humboldt Bay National Wildlife Refuge
 - ● ● Coastal Zone Boundary

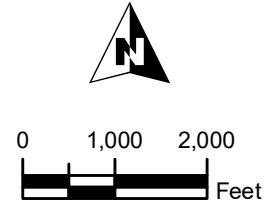
- Water Features**
- Ca Coastal Commission Coastal Access Points
 - P Parking
 - Waterbody
 - Creek

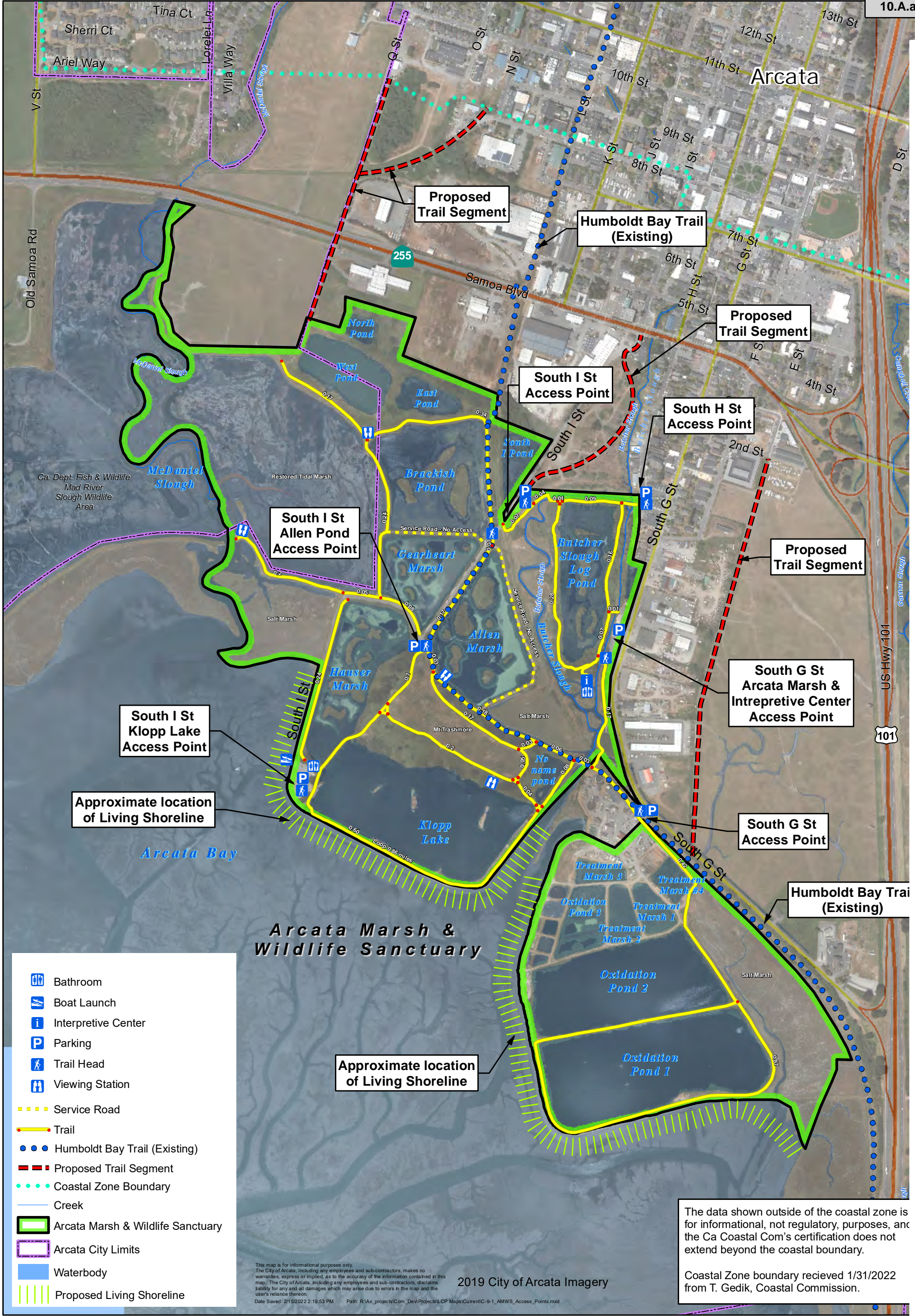
The data shown outside of the coastal zone is for informational, not regulatory, purposes, and the Ca Coastal Com's certification does not extend beyond the coastal boundary.

Data Sources:
California Coastal Trail and Access Points and Coastal Zone Boundaries
Data downloaded from Ca Coastal Commission GIS hub, <https://the-california-coastal-trail-1-coastalcomm.hub.arcgis.com/> 10/26/2021
Public Lands: Humboldt County GIS
USFWS Boundary: Data downloaded from https://www.fws.gov/gis/data/CadastralDB/links_cadastral.html, 10/26/2021



Figure C-9-1
Coastal Access



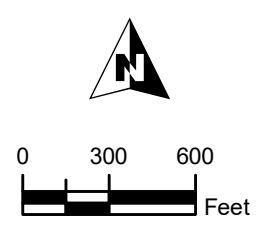


Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)



City of Arcata

Figure C-9-2
Arcata Marsh & Wildlife Sanctuary
Access Points



Coastal Act Policies

The following Coastal Act policies are most relevant to shoreline access in Arcata:

Section 30252: 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 non-automobile 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.

Section 30210: 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.

Section 30211: 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.

Section 30212: 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 accessways 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.

Section 30214: 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 re-pass 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; and (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.

9.2. Local Coastal Element Policies

9.2.1. Public Coastal Access. The City shall maintain and improve public access to and along the coastline consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

9.2.2. Multi-use Trails. The City shall provide a network of multi-use trails to serve both recreational and commuter needs. Trails should connect parks and natural areas with business, commercial, industrial and residential sections of town to allow for non-motorized transportation alternatives. Existing and proposed trails should be aligned for interconnectivity. New dikes, revetments, and other similar structures shall provide non-motorized access ways to the extent feasible where planned.

9.2.3. Connection to the Regional Trail System. The City shall develop a continuous trail system developed with connections to the California Coastal Trail system. Alignments and interconnectivity of proposed bike paths and trails shall be coordinated. These include the Arcata Rail with Trail Connectivity Project, the Pacific Coast Bike Route, and the California Coastal Trail system. The City will work with the appropriate agencies to encourage trail development and access to the Humboldt Bay National Wildlife Refuge and the Mad River Slough Wildlife Area west of the City limits. The City will work with the County of Humboldt to explore road shoulder and bike path improvement options for County roads west of the City of Arcata in the Arcata Bottom, to provide access to Mad River Beach and the Hammond Trail.

9.2.4. California Coastal Trail. the California Coastal Trail shall be maintained and enhanced to:

- Provide a continuous, nonmotorized public trail through Arcata located as close to the coast as possible;
- Connect with contiguous trail links in adjacent unincorporated Humboldt County;
- Include connections to the shoreline (“vertical access”) at appropriate intervals: and
- Include sufficient transportation access to encourage public use.

9.2.5. Public Coastal Access in New Development. New development located between the Bay and the first public road shall provide vertical (perpendicular) access from the public road and lateral access along the shoreline in the following areas:

- In the locations shown in Figure 9-1; and/or
- Where the Coastal Development Permit review authority determines the need for additional public access on and/or through the site, or the need for additional access created by the project.

9.2.6. Exemptions to Public Coastal Access Requirements. The following development projects are exempt from the public coastal access requirements of Policy 9.2.4:

- Improvement, replacement, demolition or reconstruction of certain existing structures, as specified in Coastal Act Section 30212(b); and
- New development under Coastal Act Section 30212(a) where (1) public access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate public access exists nearby; or (3) agriculture would be adversely affected.

9.2.7. Dedication of Public Coastal Access. If a coastal accessway is required as a condition of development pursuant to Policy 9.2.4, the City shall require guarantee of the access through deed restriction, offer of dedication, or grant fee interest or easement.

9.2.8. from New Development. Approved new development shall maintain coastal access

corridors and shall not restrict or interfere with the public's right of access to and along the shoreline.

- 9.2.9. Public Access Signage.** In coordination with Caltrans and the County of Humboldt, the City shall provide adequate directional signage to assist the public in locating, recognizing, and utilizing the public accessways shown in Figure 9-1.
- 9.2.10. Parking.** New development shall provide off-street parking to the extent necessary to adequately serve the development and ensure that the development does not adversely impact public access to the coast.
- 9.2.11. Transit Service Collaboration.** The City will work with transit service providers to maintain and enhance coastal access by bus and other forms of public transportation.

10.0 Scenic and Visual Resources

10.1. Introduction

Protecting scenic resources and views of the coast is a central focus of the Coastal Act and local coastal programs. The Coastal Act requires protection of the scenic and visual qualities of coastal areas, since they are important public resources. Scenic resources in Arcata’s coastal zone include Arcata Bay, shoreline areas, and open space and natural features outside of but visible from the coastal zone. Public views of these scenic resources are enjoyed from roadways, public vista points, and trails. The Coastal Land Use Element contains policies to protect the scenic and visual qualities of coastal areas and to ensure that new development does not adversely impact public views of scenic resources.

Coastal Act Policies

The following Coastal Act policy is most relevant to scenic and visual resources in Arcata:

Section 30251: 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.

10.2. Local Coastal Element Policies

10.2.1 Designation of Scenic Resources. The following natural features are designated as scenic resources:

- Open waters of Arcata Bay.
- Habitat areas and natural features along the shoreline, including coastal lagoons, marshes, estuaries, sloughs, and mudflats.
- Visually prominent natural features located outside of but visible from the coastal zone, including agricultural lands, gulches, forested slopes, hillsides, ridgelines and mountain tops.

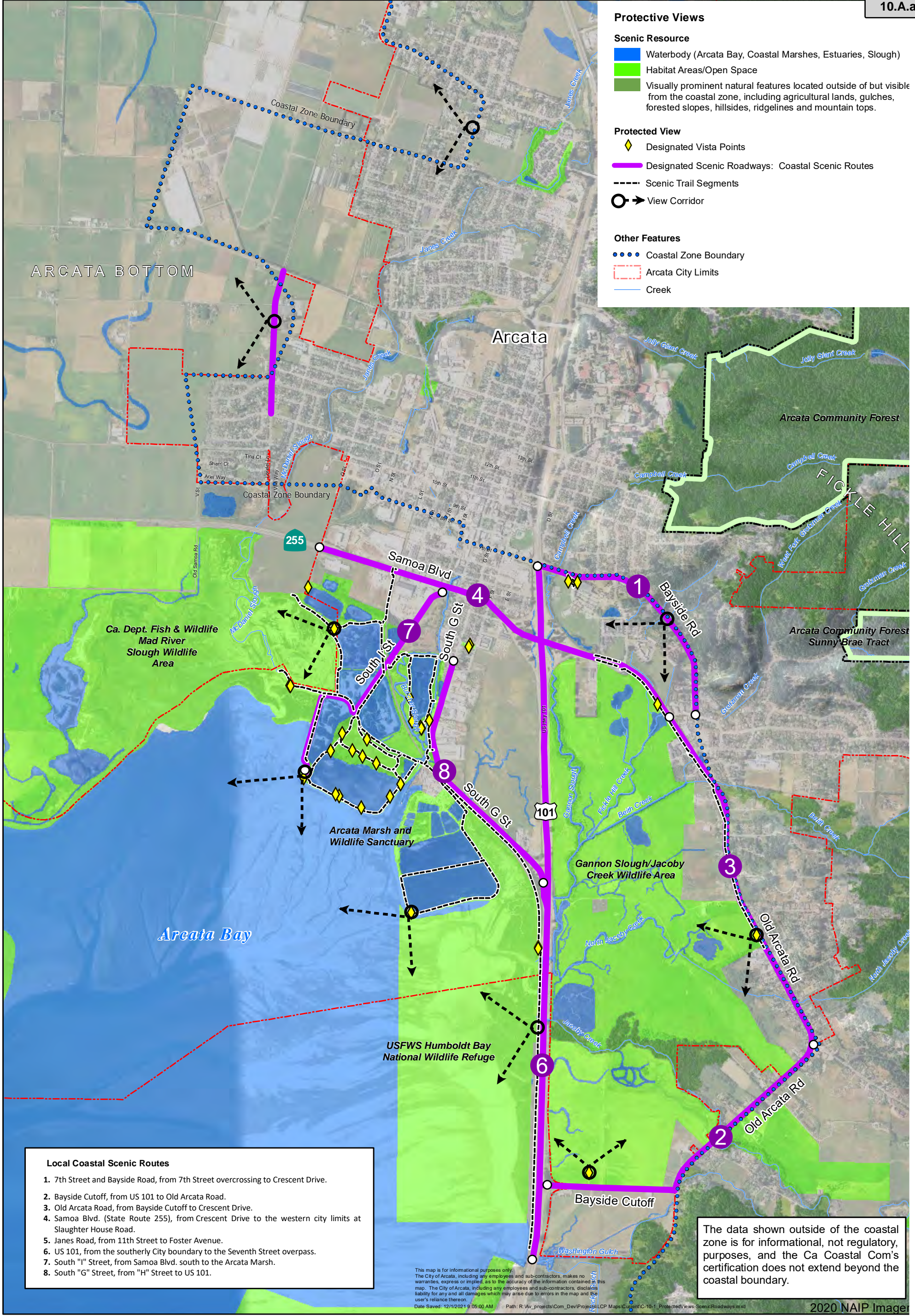
These areas and features are not considered a “highly scenic area” pursuant to Coastal Act Section 30251.

10.2.2 Protected Views. The following are designated as protected views:

- **Scenic Roadway Segments.** Views of designated scenic resources from scenic roadway segments shown in Figure 10-1.
- **Vista Points.** Views of designated scenic resources from designated vista points shown in Figure 10-1.

- **Scenic Trail Segments.** Views of designated scenic resources from designated scenic trail segments shown in Figure 10-1.

- 10.2.3 Visual Impacts.** New development that would result in a significant adverse impact to a protected view is prohibited. A significant adverse impact to a protected view occurs only when development substantially blocks or disrupts views of a scenic resource in a manner that significantly diminishes the public enjoyment of that scenic resource.
- 10.2.4 Initial Project Evaluation.** The City shall evaluate all Coastal Development Permit applications to determine if a proposed project may adversely impact a protected view.
- 10.2.5 Visual Impact Analysis.** Applicants shall prepare a visual impact analysis where an initial evaluation finds that a project may result in a significant adverse impact to a protected view. The analysis shall include recommendations to avoid or minimize impacts to protected views prepared in accordance with Coastal Zoning Ordinance requirements.
- 10.2.6 Open Space Preservation.** The open and natural character of farmlands and undeveloped countryside within the Coastal Zone shall be protected and maintained consistent with the parcel's coastal zoning designation and applicable Local Coastal Program policies and standards.
- 10.2.7 Visual Compatibility.** New development shall be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas.
- 10.2.8 Marsh-Adjacent Development.** New 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.
- 10.2.9 Public Infrastructure.** The City shall minimize impacts to protected views resulting from City-controlled utilities, traffic signals, governmental signs, and other similar improvements in the public right-of-way.



- Local Coastal Scenic Routes**
1. 7th Street and Bayside Road, from 7th Street overcrossing to Crescent Drive.
 2. Bayside Cutoff, from US 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 the western city limits at Slaughter House Road.
 5. Janes Road, from 11th Street to Foster Avenue.
 6. US 101, from the southerly City boundary to the Seventh Street overpass.
 7. South "I" Street, from Samoa Blvd. south to the Arcata Marsh.
 8. South "G" Street, from "H" Street to US 101.

The data shown outside of the coastal zone is for informational, not regulatory, purposes, and the Ca Coastal Com's certification does not extend beyond the coastal boundary.

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Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)

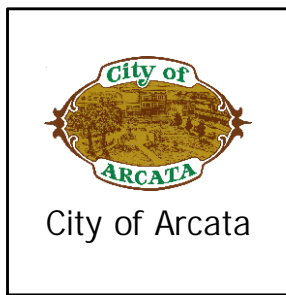
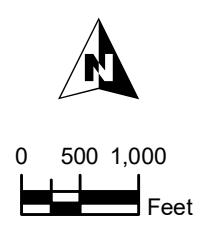


Figure C-10-1
 Protected Views & Scenic Roadways



11.0 Archeological and Cultural Resources

11.1. Introduction

The City of Arcata strives to protect archaeological, tribal cultural, and paleontological resources. Section 30244 of the Coastal Act states that where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. The City of Arcata generally relies on the 1870 Tideland survey map prepared by the federal government, which delineates the former Arcata Bay shoreline, as a guide to show where Native American settlements might have been located. The City's practice for discretionary permit review includes a referral to each of the three local Wiyot territory Tribal Heritage Preservation Officers to facilitate positive collaborative working relationships.

Coastal Act Policies

The following Coastal Act policy is most relevant to cultural resources in Arcata:

Section 30244: Archaeological or paleontological resources. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

11.2. Local Coastal Element Policies

11.2.1. Protection of Archaeological and Paleontological Resources. Development shall protect and preserve archaeological, tribal cultural and paleontological resources from destruction, and avoid and minimize impacts to such resources.

11.2.2. Cultural Resources Consultation. As part of project environmental review for development that has the potential to adversely impact archaeological, tribal cultural, or paleontological resources, the City of Arcata shall, at a minimum, consult with the Northwest Information Center of the California Historical Resources Information System at Sonoma State University (or its successor) and Tribal Governments of the Blue Lake Rancheria, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria, each of whom have recognized Wiyot ancestral ties to lands within Arcata's Coastal Zone.

11.2.3. Cultural Resources Report. A cultural resources report shall be prepared prior to project approval if: 1) initial project screening concludes that the project area may contain potentially significant archaeological, paleontological, and/or Native American tribal cultural resources; and 2) the project has potential to adversely impact these resources. The City will require reports to evaluate potential impacts to archaeological resources in consultation with the three Wiyot area tribes. The purpose of the report is to determine

whether or not significant cultural, paleontological, or archaeological resources are present; determine the size, nature, and significance of any identified resource; and provide measures that result in the avoidance, or if avoidance is not feasible, minimization of impacts to resources that are present on the site. All reports shall be prepared by a qualified archaeologist/paleontologist.

11.2.4. Mitigation of Potential Impacts. Significant impacts to archaeological, tribal cultural, and paleontological resources shall be avoided or mitigated in consultation with affected tribes and other responsible agencies.

11.2.5. Coordination with State Historic Preservation Officer. The City shall consult with the State Historic Preservation Officer and affected tribes to identify actions to protect archaeological, tribal cultural, and paleontological resources.

11.2.6. Review Required for City Projects. The City will, as a matter of process, inform the local Tribal Heritage Preservation Officers of ground disturbing activities that occur on City sites or within City rights-of-way within $\frac{1}{4}$ mile of known sensitive sites even when no permit is required. The City will rely on updates of sensitive locations from the Tribal Heritage Preservation Officers at their discretion.

12.0 Agricultural Resources

12.1. Introduction

The Coastal Act requires the protection of agricultural lands within the Coastal Zone. It directly mandates that the maximum amount of prime agricultural land be maintained in production, and supports various measures to limit threats to agricultural productivity. The City's definition of prime agricultural land within the Coastal Zone as discussed in this chapter is consistent with Coastal Act §30113 and Government Code §5120. All land meeting this definition is mapped in Figure 12-1.

Agricultural lands are an important resource within Arcata's Coastal Zone. Agriculture is the largest non-urban use in the City, representing 25 percent of the land base in total. Arcata's agricultural lands are generally used for grazing, silage, and hay production, as well as flower and vegetable crops including lilies, daffodils, raspberries, strawberries, potatoes, corn, artichokes, and other shallow-rooted crops. The City of Arcata owns approximately 80 percent of the agricultural land within the Coastal Zone and manages this land as seasonal grazing and natural resource open space.

Coastal Act Policies

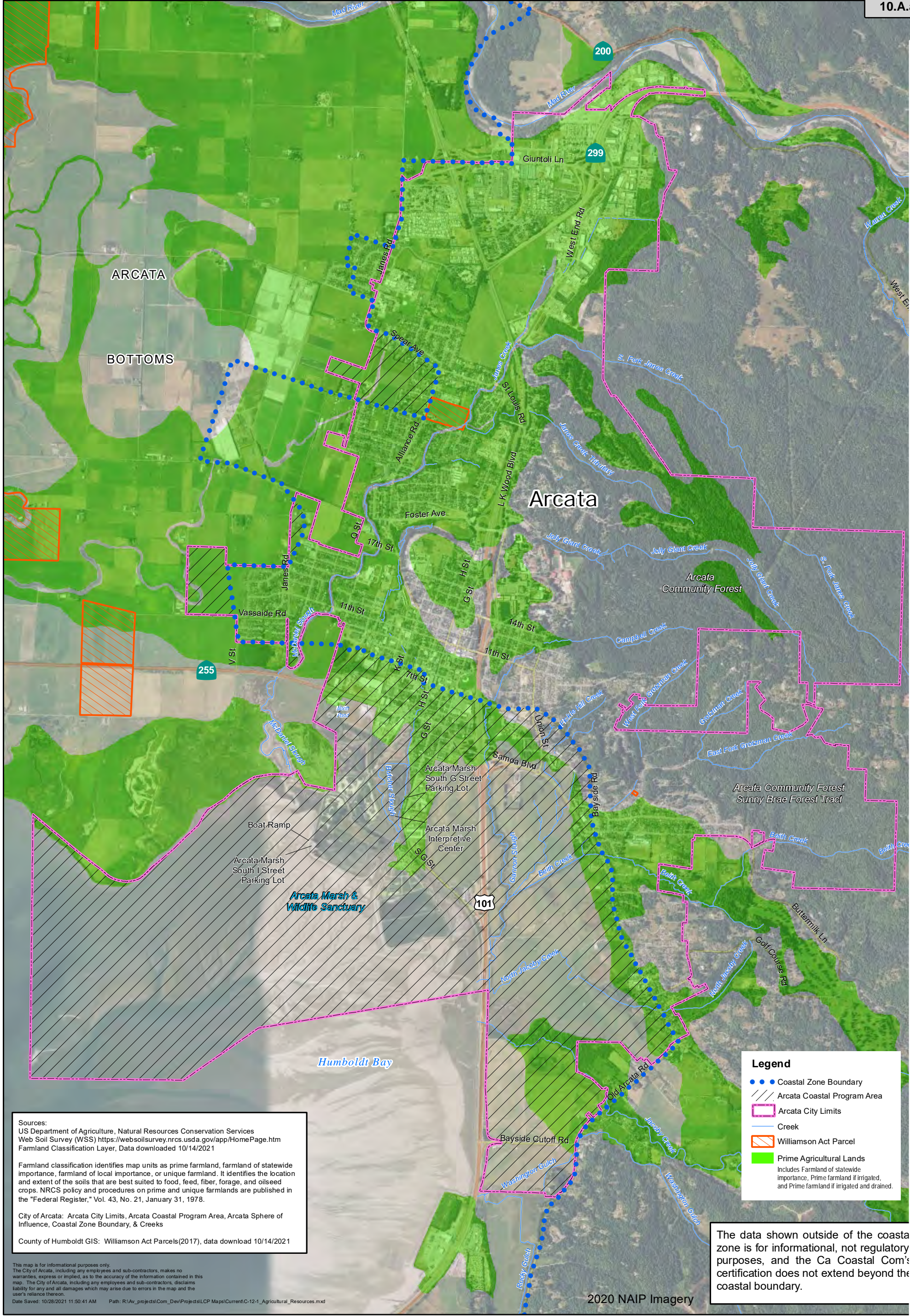
The following Coastal Act policies are most relevant to agriculture in Arcata:

Section 30241 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 areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses ...

Section 30241.5 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 Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation ...

Section 30242 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 Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.



Attachment: A: Local Coastal Element 2022.02.23 (3829 : LCP Update)

Sources:
 US Department of Agriculture, Natural Resources Conservation Services
 Web Soil Survey (WSS) <https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
 Farmland Classification Layer, Data downloaded 10/14/2021

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

City of Arcata: Arcata City Limits, Arcata Coastal Program Area, Arcata Sphere of Influence, Coastal Zone Boundary, & Creeks

County of Humboldt GIS: Williamson Act Parcels(2017), data download 10/14/2021

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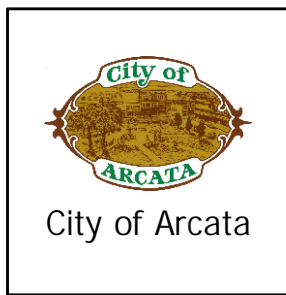


Figure C-12-1
 Agricultural Resources

0 1,000 2,000 Feet

Packet Pg. 133

12.2. Local Coastal Element Policies

Agricultural Lands

12.2.1. Agricultural Classifications. The agricultural classification in the City's Coastal Zone is Coastal Agricultural [CA]. This designation is intended to preserve land for agricultural production. The CA designation is appropriate for lands with prime agricultural soils and wetlands that could be used as grazed agricultural lands as well as other areas with non-prime soils suitable for protecting their current uses as, or potential for, agricultural production. Structures accessory, incidental to, and compatible with agricultural production, such as barns and farmhouses, are appropriate uses in CA areas.

12.2.2. Land Use Compatibility. 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, along with other activities that are not commonly considered compatible with urban uses. 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 is required to be disclosed to future residents. Where new agricultural uses locate adjacent to existing non-agricultural areas, the agricultural user shall be responsible for maintaining setbacks and establishing buffers as set by the Coastal Zoning Ordinance.

12.2.3. Uses Allowed in Diked/Reclaimed Former Tidelands. Allowable uses in grazed or farmed wetlands are limited to existing uses compatible with the Public Trust as follows:

1. Specific agricultural operations limited to apiaries, field and truck crops, livestock raising, and orchards.
2. Farm-related structures including barns, sheds, and farmer-occupied housing necessary for the performance of agricultural operations.
3. Restoration projects.
4. Nature study, aquaculture, and similar resource-dependent activities.
5. Incidental public service purposes which may temporarily impact the resources of the areas (such as burying cables or pipes).

12.2.4. Aquaculture. Bayfront 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. Aquaculture in the C-ROS designation shall avoid, if possible, or mitigates adverse impacts to coastal resources.

Agricultural Resources Management

12.2.5. Prime Agricultural Lands. The City shall maintain the maximum amount of prime agricultural land in agricultural production and minimize conflicts between agricultural and urban land uses through use of strategies identified in Coastal Act Section 30241.

- 12.2.6. Protecting Agricultural Land.** For areas within the City’s Coastal Development Permit jurisdiction, the City shall protect existing agricultural land, especially prime agricultural land, from conversion to other uses. Protection shall be in the form of zoning and land use restrictions as well as proactive measures. These may include but are not limited to affirmative conservation easements, or recordation of “right-to-farm” deed restrictions for development occurring in proximity to such agricultural lands. For coastal agricultural lands within the City’s Planning Area, to the west of the City limits within the County of Humboldt, the City shall encourage the retention of Agricultural Exclusive zoning, and shall not convert any prime agricultural lands to other uses if the land is annexed into the City limits.
- 12.2.7. Reports for Agricultural Conversions.** For proposed conversions of prime agricultural lands around the periphery of urban areas, the City shall require the applicant to submit an economic feasibility evaluation consistent with Coastal Act Section 30241.5. The City shall also require the applicant to submit a report prepared by a qualified professional demonstrating that the conversion will not diminish the productivity of adjacent prime agricultural lands. The City may approve the proposed conversion only after approving the reports, as required by the Coastal Zoning Ordinance
- 12.2.8. Subdivision of Agricultural Land.** The City shall allow the subdivision of prime agricultural lands only when consistent with Coastal Act Section 30250(a). For proposed subdivisions of prime agricultural land, the City shall require the applicant to submit a continued viability report and economic management plan prepared by a qualified professional demonstrating that the subdivided land will remain viable for, and actively engaged in, agricultural use. The City may approve the proposed subdivision only after approving the report and plan.
- 12.2.9. Non-Prime Agricultural Land Conversions.** As provided in Coastal Act Section 30242, the City shall prohibit the conversion of non-prime agricultural land 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 Coastal Act Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.
- 12.2.10. Development on Agricultural Lands.** All structural development, including farm dwellings, on agriculturally zoned lands shall be subject to siting, design and performance standards as required by the Coastal Zoning Ordinance to protect the maximum amount of agricultural lands and minimize interference with production activities to ensure that agricultural lands do not lose their long-term productivity.
- 12.2.11. Development Adjacent to Agricultural Lands.** New non-agricultural development immediately adjacent to agricultural areas shall include location, design, construction, and maintenance techniques that do not impair agricultural viability, diminish the productivity of agricultural lands, and are compatible with continued agricultural use on surrounding lands, as required by the Coastal Zoning Ordinance.
- 12.2.12. Prime Agriculture Soils Reuse.** The long-term productivity of soils shall be

protected. 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.

- 12.2.13. Recreational Activities on Agricultural Lands.** Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, kayaking, and paddleboarding that are consistent with the City's municipal code and which do not require permanent structures, facilities, or foundations, may be permitted in areas designated :CA. These activities are allowed only 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 wetlands.

13.0 Glossary

This section defines terms and phrases used in the Local Coastal Element that are technical or specialized, or that may not reflect common usage. If a definition in this section conflicts with a definition in the General Plan Glossary, the definition in this chapter governs when interpreting and applying Local Coastal Element requirements. If a term or phrase is not defined in this section or in the General Plan Glossary, the Director shall determine the correct definition.

Aquaculture. 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 the Local Coastal Element.

Coastal Access. The ability of the public to reach, use or view the shoreline of coastal waters or inland coastal recreation areas and trails.

Coastal Act. The California Coastal Act of 1976, as amended.

Coastal-dependent Development. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal Development Permit. A permit for any development within the coastal zone that is required pursuant to Coastal Act Section 30600(a).

Coastal Hazards. Include, but are not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction, and the interaction of same.

Coastal-related Development. Any use that is dependent on a coastal-dependent development or use.

Coastal Resources. Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological and paleontological resources.

Coastal Zone. The geographic zone adjacent to the shoreline, the land and water area boundaries of which are determined by the California Coastal Act of 1976, as amended

Coastal Zoning Ordinance. Division 2 of Title IX of the Arcata Municipal Code, certified as part of the Implementation Plan of the City of Arcata Local Coastal Program.

Development. Any of the following, whether on land or in or under water:

1. The placement or erection of any solid material or structure.

2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste.
3. Grading, removing, dredging, mining or extraction of any materials.
4. Change in the density or intensity of use of land, including, but not limited to, subdivisions, 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.
5. Change in the intensity of use of water, or access thereto.
6. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility.
7. 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.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

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. This term includes ESHA buffers as defined by the Coastal Commission.

Environmentally Sensitive Habitat Areas (ESHA). Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In addition, the following areas are categorically ESHA as identified in Arcata's LCP:

1. Rivers, creeks, sloughs, and associated riparian habitats including 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 including Arcata Bay, Mad River Slough, Liscom Slough, Butcher Slough, and the Arcata Marsh and Wildlife Sanctuary.
3. Other unique habitat areas including water bird rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered fully protected, and special concern plant and animal species and natural communities on federal or state lists; and plant species appearing on the California Native Plant Society List "1b" and "2" lists.

Erosion. The wearing away of land by natural forces. On a beach, the carrying away of beach material by wave action, currents or the wind.

Estuary. A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least

occasionally diluted by fresh water runoff from the land.

Farm Dwelling. A dwelling unit on an agricultural property owned by the farm owner or operator.

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.

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. The deposit of earth material caused or placed by artificial means.

Flood Hazard Area. The floodplain boundaries for Special Flood Hazard Areas as shown on the current FEMA Flood Insurance Rate Map (FIRM).

Geologic Hazard. A risk associated with geologic processes or events including fault line surface rupture, liquefaction, subsidence, landslides, and coastal erosion.

Habitat. The physical location or type of environment in which an organism or biological population lives or occurs.

Hard Shoreline Protective Device. Engineered features such as seawalls, revetments, dikes and levees, roads, and trails that protect against coastal hazards by blocking the landward retreat of the shoreline.

Incidental Public Service Purposes. Projects, such as burying cables and pipes, inspection of piers, etc., which may temporarily impact the resources of a habitat area.

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 designations.

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 applicable land use designations.

Land Use Plan. the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Lateral Access. A recorded dedication or easement granting to the public the right to pass and

repass over real property generally parallel to, and up to 25 feet inland from, the mean high tide line.

Local Coastal Element. The portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or any additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

Local Coastal Program. A local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.

Low-impact Development. A stormwater management approach with the basic principle that rainfall be managed and retained at the source using uniformly distributed decentralized micro-scale controls to capture, treat and infiltrate stormwater runoff on site to maintain the site's pre-development runoff characteristics.

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.

Nonconformity. A legally-established lot, land use, structure, or other form of development that does not conform with the certified Local Coastal Program.

Non-prime Agricultural Land. Land suitable for agriculture that does not meet the definition of prime agricultural land.

Person. Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof

Prime Agricultural Land. Those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

Public Access. The right or privilege for persons to visit an area or resource.

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.

Public Works.

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations,

bridges, trolley wires, and other related facilities.

3. All publicly financed recreational facilities and any development by a special district.

4. All community college facilities.

Public Infrastructure. Roads, sidewalks, bikeways, trails, water delivery systems, stormwater facilities, sewer systems, gas and electric, and other similar facilities to serve the general public.

Recreational Facility. Non-commercial or commercial facilities that allow for the public to engage in outdoor and/or water-dependent leisure activities. Includes public parks and recreational facilities; public plazas; public marinas, boat launches, and piers; open space and wildlife areas; and trails. Also includes commercial facilities offering harbor cruises, fishing charters, eco tours, kayak and boat rentals, guided tours, carriage rides, and other similar activities.

Redevelopment.

Development involving an existing structure that consists of one or more of the following:

- (1) Alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50 percent or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components);
- (2) Additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or
- (3) Additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977, with deduction for inflation and depreciation (i.e., 50% in 1977 dollars less depreciation).

Scenic Resource. Aspects of the natural and built environment identified in Chapter 3: Visual and Scenic Resources of this Land Use Plan that contribute in a positive manner to Eureka's unique sense of place.

Shoreline. Intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

Shoreline Protective Device. Constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads built in a way that protects land or structures or other features against sea level rise, erosional forces and other coastal hazards.

Soft Shoreline Protective Devices. Types of shoreline protection that use natural or "green" infrastructure such as beaches, dune systems, wetlands, and other systems to buffer coastal areas; may include strategies such as beach nourishment, dune management, and living shorelines.

Streams. Streams in the coastal zone, perennial or intermittent, which are mapped by the

United States Geological Survey (USGS) in the National Hydrographic Dataset. Includes streams and waterways governed by the Arcata Creeks Management Plan, as amended, including McDaniel Slough, Gannon Slough and Butcher Slough. This definition differs from the definition on the Land Use Code.

Tidelands. Lands located between the lines of mean high tide and mean low tide.

Vertical Access. A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicator's real property from a public road to the mean high tide line. Vertical accessways should be used for pass and repass and passive recreational use, unless specified otherwise.

Visitor. Any person visiting the coastal area for leisure and/or recreational purposes. Visitors to coastal areas include out-of-town guests and Arcata residents residing in locations outside of the coastal zone.

Visitor-Serving Facilities. Any land use that serves a visitor as defined by this Local Coastal Element. Visitor-serving facilities include restaurants, cafes, shops, hotels and motels, parks, trails, recreational facilities, leisure activities, and entertainment attractions.

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.

Wetlands. Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.



STAFF REPORT – CITY COUNCIL MEETING

March 02, 2022

TO: Honorable Mayor and City Council Members

FROM: Karen T. Diemer, City Manager

PREPARER: Karen T. Diemer, City Manager

DATE: February 24, 2022

TITLE: **Elect a New Vice Mayor and Consider Vice Mayor Goldstein's Liaison Appointments.**

RECOMMENDATION:

It is recommended that the Council elect a new Vice Mayor and consider and reassign, if necessary, liaison appointments previously held by Vice Mayor Goldstein.

INTRODUCTION:

With a mid-term vacancy of the Vice Mayor's position, the Council will consider the election of a new Vice Mayor. Guidance on the selection of Vice Mayor, pursuant to a rotational schedule, is outlined in Section 2.3 of the City Council's Protocol Manual which is attached.

BACKGROUND/DISCUSSION:

Due to the vacancy in the Vice Mayor position created by the resignation of Vice Mayor Goldstein, the Council will consider electing a new Vice Mayor. Vice Mayor Goldstein served as the Liaison to the Humboldt Transit Authority, The Humboldt-Del Norte Hazardous Materials Response Joint Powers Authority and The Homelessness and Housing Working Group. Additionally she was an alternate to The Humboldt Waste Management Authority, Redwood Region Economic Development Commission, Arcata House Partnership, Arcata/Camoapa Sister City Committee, Cooperation Humboldt—Board Report Meetings (and CUNA), and Equity Arcata Advisory Team.

Since the new councilmember should be sworn in and seated in July of 2023 it is not imperative that the Council reassign each of these positions rather the Council is asked to review the current liaison assignments and add a primary or alternate if there are groups that the City is concerned about meeting coverage during this interim period.

When a new Vice Mayor is elected, that councilmember will also serve as the second to the Cal Poly Humboldt Liaison group.

BUDGET/FISCAL IMPACT:

None with this action.

ATTACHMENTS:

- Arcata Municipal Code, II-1 (PDF)
- Excerpt Council Protocol Manual (DOCX)
- Committee Commission Liaison Appointments 2022 (PDF)

TITLE II—ADMINISTRATION

CHAPTER 1—COUNCIL

(Ord. No. 1171, eff. 8/5/1991; Ord. 1278, eff. 3/6/1998; Ord. 1308, eff. 9/01/2000;
Ord. 1311, eff. 11/17/2000; Ord. 1336, eff. 11/1/2002; Ord. 1351, eff. 4/1/2005;
Ord. 1358, eff. 3/9/2007; Ord. 1388, eff. 3/6/2009; Ord. 1407, eff. 3/18/2011;
Ord. 1457, eff. 5/15/2015; Ord. 1454, eff. 12/4/2015; Ord. 1506, eff. 8/31/2018)

SEC. 2000. Time and place of regular meeting. (Amd. Res. 923-31, eff. 12/16/1992; 978-32, eff. 11/19/1997; 045-37, eff. 1/19/2005; 056-08, eff. 7/20/2005; 067-56, eff. 5/16/2007; Ord. 1457, eff. 5/15/2015)

The City Council of the City of Arcata shall meet at 6:00 p.m. on the first and third Wednesdays of each month at the Arcata City Hall. In the event any regular meeting day falls on a holiday, such regular meeting shall be held on a day and at a time selected by the City Council after giving such notice thereof as may be required by law.

SEC. 2001. Time and place of special meetings.

Special meetings of the Council shall be held in the Arcata City Hall and may be called as provided by the laws of the State of California.

SEC. 2002. Change of place of meeting.

If by any reason of fire, flood, earthquake, or other emergency, it shall be unsafe to hold any meeting of the Council in the City Hall, any such meeting may be held for the duration of such emergency at such place as shall be designated by a majority of the Council. In the event said Council Chamber shall be determined by a majority of the Council to be too small to conveniently accommodate the persons in attendance at any meeting, the Council may adjourn such meeting to be held at a place within the City to be designated by the Council.

SEC. 2003. Decorum.

While the Council is in session, order and decorum shall be preserved. No person shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, disturb any member while speaking, or refuse to obey the orders of the Council.

Any person making personal, impertinent or slanderous remarks, or who shall become boisterous during a meeting, shall be forthwith barred by the presiding officer from further attendance at said meeting, unless permission to continue be by a majority of the Council.

SEC. 2004. Statement of purpose.

In enacting Sections 2004-2007, of the Arcata Municipal Code, the City Council is exercising its right, pursuant to Government Code Section 45953.7 of the Ralph M. Brown Act (hereinafter "Brown Act") to impose requirements upon itself pertaining to noticing of meetings that are more stringent than standards prescribed by the Brown Act. In situations of conflict in which the Brown Act provides more stringent noticing requirements than the provisions herein set forth, the provisions of the Brown Act shall apply.

SEC. 2005. Definitions.

The words and terms used in Sections 2006-2007 shall have the meaning as defined in the Brown Act, Government Code Section 54950, et seq.

SEC. 2006. Items not on posted agenda. (Ord. 1171, eff. 4/5/1991)

In any case where the Council determines that the need to take action arose subsequent to the posting of an agenda, no action shall be taken without specific findings and a statement thereto by four-fifths (4/5's) of the Council, or if less than all of the members are present, a unanimous vote of those members present, of the actual facts and circumstances that supports each of the following:

- (a) That the need to act arose subsequent to the posting of the agenda.
- (b) That action must be taken at the present meeting, rather than at a subsequent meeting.
- (c) That failure to act would materially prejudice a substantial interest of the City.

SEC. 2007. Action on items not on posted agenda.

In any case where a Councilmember proposes to place an item not appearing on the posted agenda before the Council for action, the Council shall make those findings specified in Section 2006 prior to calling any regularly calendared item on the posted agenda. If the Council makes those findings as specified in Section 2006 and determines to add the item to the agenda, action on the item shall be continued and shall be considered as the last action item on the agenda. When the item is called for action, the public shall be permitted to offer testimony on the item.

SEC. 2010. Salaries of City Council Members. (Ord. 1308, eff. 9/01/2000; Ord. 1336, eff. 11/1/2002; Ord. 1351, eff. 4/1/2005; Ord. 1358, eff. 3/9/2007; Ord. 1388, eff. 3/6/2009; Ord. 1407, eff. 3/18/2011; Ord. 1454, eff. 12/4/2015; Ord. 1506, eff. 8/31/2018)

The members of the Arcata City Council shall receive as compensation that amount authorized by Section 36516 of the Government Code of California, equal to six hundred sixty-eight dollars and eighty-four cents (\$668.84) per month, which represents an increase of five percent (5%) for each calendar year from the operative date of the last salary adjustment. Said compensation shall become effective the pay period beginning after August 31, 2018.

SEC. 2011. Supplemental Benefits for City Council Members. (Ord. 1278, eff. 3/6/1998; Ord. 1454, eff. 12/4/2015)

Any Councilmember who so wishes may participate in the health, dental, vision care and life insurance plans provided by the City. These benefits may include the Councilmember and his/her dependents. These benefits shall be administered the same as management employees' benefits, excepting that Councilmembers are not eligible to receive these benefits as retirees; provided, that Councilmembers are eligible to receive COBRA.

SEC. 2015. Reimbursement.

The salaries provided are and shall be exclusive of any amount payable to each member of the City Council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the City of Arcata.

SEC. 2020. Selection of Mayor and Vice-Mayor. (Ord. 1311, eff. 11/17/2000; Ord. 1457, eff. 5/15/2015)

The members of the City Council shall elect one of its members as Mayor and one of its members as Vice Mayor at a special meeting to be held on the Thursday immediately following the second Wednesday of December. The offices of Mayor and Vice Mayor shall each be held for one year. If any vacancy occurs in the office of Mayor, the Vice Mayor shall automatically assume the office of Mayor. If any vacancy occurs in the office of Vice Mayor, the City Council shall elect one of its members to fill the office.

Excerpt—City Council Protocol Manual 2018

2.3—Selection of Mayor and Vice Mayor

The Council rotates/selects the Mayor each year on the Thursday immediately following the second Wednesday in December. The City Council believes that experience as a Council Member will assist those who are selected to serve as Mayor or Vice Mayor, and has outlined a process that provides Council Members an opportunity to gain experience in cycles of governing prior to assuming their respective offices. Rotation to Vice Mayor is based on the length of time a councilmember has served since last being elected mayor and if needed the total vote count of his/her last election and works as follows:

1. The Vice Mayor rotates to the position of Mayor.
2. The member with the most continuous time of service on the Council who has not previously served as Mayor will be selected as Vice Mayor.
3. If two or more members have equal time of continuous service, the member who received the highest number of votes at his/her election shall be selected.
4. If a Council Member is appointed to fill a mid-term vacancy, that Council Member will go to the bottom of the rotational list.
5. Incumbent Council Members, when re-elected, do not begin anew at the bottom of the list, but rather retain their placement in the rotation.
6. A Council Member may decline to serve as Mayor or Vice Mayor. In this case, the office would pass to the next Council Member on the list. The Council Member who declined may drop back one position in the rotation.
7. When the Council reorganizes, the outgoing Mayor will nominate the Vice Mayor to succeed him/her. The newly appointed Mayor will then nominate the next Council Member in the rotational sequence to serve as Vice Mayor for the coming year.

The process described above shall guide the council's selection of the Mayor and Vice Mayor; however, a majority of the City Council retains the authority to disregard the process and select any member of the City Council for these positions.

2.6—Resignation of Mayor or Vice-Mayor

If the Mayor or Vice-Mayor resigns, the City Council will select a new Mayor or Vice-Mayor.

<u>Agency/Committee</u>	<u>Council Representative</u>
Humboldt County Association of Governments (HCAOG)	Stacy Atkins-Salazar
Meets monthly at 4:00 p.m. on the 3 rd Thursday Eureka City Hall, 531 K Street, Suite B, Eureka, CA 95501, 444-8208	Alternate Sarah Schaefer
Humboldt Transit Authority (HTA)	Emily Goldstein
Meets Feb/May/June/Sept/Dec at 9:00 a.m. on the 1 st Wednesday HTA Conference Room, 133 V Street, Eureka, CA 95501, 443-0826	Alternate Meredith Matthews
Humboldt Waste Management Authority (HWMA)	Meredith Matthews
Meets monthly at 5:30 p.m. on the 2 nd Thursday (no meetings in February, August or December) Eureka City Hall or alternate site of Board of Supervisors' Chamber 1059 West Hawthorne Street, Eureka, CA 95501, HWMA.net, Finance Office 268-8680	Alternate Emily Goldstein
Redwood Coast Energy Authority (RCEA)	Sarah Schaefer
Meets monthly at 3:30 p.m. on the 4 th Thursday HBMWD Offices, 828 Seventh Street, Eureka, CA 95501, 269-1700	Alternate Stacy Atkins-Salazar
Redwood Region Economic Development Commission (RREDC)	Brett Watson
Meets monthly at 6:30 p.m. on the 4 th Monday RREDC Board Room, 520 E Street, Eureka, CA 95501, 445-9651	Alternate Emily Goldstein
Humboldt Bay Municipal Water District, Water Quality Task Force	Meredith Matthews
Meets on the Call of the Chair 828 Seventh Street, Eureka, CA 95501, 443-5018 P.O. Box 95, Eureka, CA 95502	Alternate Brett Watson
Humboldt-Del Norte Hazardous Materials Response Joint Powers Authority	Emily Goldstein
Meets quarterly (Jan/April/July/Oct) on the 2 nd Monday of the month at 4:30 p.m. Department of Health and Human Services (Div. of Environmental Health) Conference Room, 533 C Street, Eureka, CA 95501, 445-6215	Alternate Brett Watson
Humboldt County Indian Gaming Local Community Benefit Committee	Brett Watson
Meets on call of the Chair Humboldt County Board of Supervisors 825 Fifth Street, Eureka, CA 95501	Alternate Stacy Atkins-Salazar
League of California Cities, Redwood Empire Division	Stacy Atkins-Salazar
Representative to the Legislative Committee & Division Business Meetings	Alternate Sarah Schaefer
<u>Liaison Appointments</u>	
Arcata Chamber of Commerce	Meredith Matthews
Board meets monthly at 8:00 a.m. on the 3 rd Wednesday Chamber Board Room, 1635 Heindon Road, Arcata, CA 95521, 822-3619	Alternate Stacy Atkins-Salazar
Arcata Downtown Business Community—Arcata Main Street	Stacy Atkins-Salazar
Board meets twice monthly at 5:00 p.m. on the 2 nd and 4 th Wednesdays 761 Eighth Street, Arcata, CA 95521, 822-4500	Alternate Meredith Matthews
Arcata House Partnership	Sarah Schaefer
Board meets monthly at 6:00 p.m. on the 3 rd Monday The Arcata Marsh Commons, 101 H Street, Suite A, Arcata, CA 95521, 633-6236	Alternate Emily Goldstein
Arcata/Camoapa Sister City Committee	Sarah Schaefer
Board meets monthly at 7:00 p.m. on the 2 nd Thursday Library Conference Room, 500 Seventh Street, Arcata, CA 95521, 822-7130	Alternate Emily Goldstein
Cooperation Humboldt—Board Report Meetings (and CUNA)	Meredith Matthews
Board meets monthly at 12 p.m. on the last Friday of the month Meetings via Zoom	Alternate Emily Goldstein
COVID-19 Economic Recovery Collaborative	Brett Watson
Group meets 1 st & 3 rd Fridays from 12:30-1:30 p.m. Meetings via Zoom	& Sarah Schaefer
Equity Arcata Advisory Team	Meredith Matthews
Group meets quarterly (March, June, Sept, Dec) at 2 p.m. on the 2 nd Thursday—via Zoom	Alternate Emily Goldstein
Homelessness and Housing Working Group	Emily Goldstein
Board meets monthly at 1:30-3:00 p.m. on the 3 rd Wednesday Meetings via Zoom	Stacy Atkins-Salazar & City Manager
HSU/City Liaisons	Stacy Atkins-Salazar
Meetings to be determined (typically quarterly on a Thurs or Fri afternoon) HSU sets agenda & emails it to Liaison Group HSU Contact: Vice-President for Administrative Affairs, 826-3361	Emily Goldstein & City Manager

Attachment: Committee Commission Liaison Appointments 2022 (3833 : Elect a Vice Mayor and Consider Liaison Assignments)