

ORDINANCE NO. 1458

An Ordinance of the City Council of the City of Arcata Amending Arcata Municipal Code Title IX—Land Use Code, Section 9.12.020, *Zoning Map*, to Prezone 2212 Jacoby Creek Road as Commercial Mix (CM) with Special Considerations-Commercial (:SCC)

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

SECTION 1. Zoning Map Amendment.

Arcata Municipal Code Title IX—Land Use Code (LUC), Section 9.12.020, *Zoning Map*, is hereby amended by the addition of prezoning standards adopted in conformance with Land Use Code Section 9.92.060, *Prezoning*, as follows:

The property identified as the area on Exhibit 1 attached hereto and incorporated herein, is hereby prezoned as Commercial Mixed with Special Considerations-Commercial (CM:SCC).

SECTION 2. Zoning Text Amendment.

Arcata Municipal Code Title IX—Land Use Code (LUC), Section 9.26.070, *Commercial, Industrial, and Public Facility Special Considerations*, is hereby amended by the addition of the following Special Considerations-Commercial Zone Requirement no. 1b.

SCC Zone	Area	SCC Zone Requirements
1a	Giuntoli Lane at Hwy. 101: Graham site	Commercial development should include consolidated access points, parking that is screened, and setbacks from the Mad River. This property is within the Urban Services Boundary, must be annexed, and has a Planned Development (:PD) overlay.
1b	<u>2212 Jacoby Creek Rd Assessor's Parcel Number: 501-011-006</u>	<u>In addition to the permitted uses allowed in the base zone, the following uses shall be considered as permitted uses: Studio - Art, dance, martial arts, music etc.; Fitness / health facility; Meeting facility, public and private; School – Elementary, middle, secondary; School – Specialized; and Theater, auditorium.</u> <u>Future development shall provide special consideration to potential impacts to Cultural and Historical Resources on the site as the property is listed on the National Register of Historic Places – National Register #85000353 and has had archaeological investigations and tribal consultation/monitoring.</u> <u>Future development shall also not significantly diminish the school's historical structure, context or setting. The maximum percentage of site area to be occupied by structures, parking, driveways and pavement shall not exceed 60%.</u>

SECTION 3. Findings of Approval.

Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation PC-14-06, dated April 15, 2015, the following findings are hereby adopted:

1. The unincorporated PROPERTY as shown on Exhibit 1 is within the City's Sphere of Influence and Urban Services Boundary. No additional urban services are required because the subject parcels is already served by City wastewater services and existing water services are proved by the City of Arcata through the Jacoby Creek Water District; and
3. The proposed amendment is consistent with the General Plan; and
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
5. The Planning Commission's Resolution PC-14-06 adopted on April 14, 2015, recommended classifying the PROPERTY Commercial Mixed with Special Considerations-Commercial (CM:SCC); and
6. The PROPERTY is physically suitable (including absence of physical restraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.

SECTION 4. California Environmental Quality Act (CEQA) Determination

This Ordinance is subject to the California Environmental Quality Act (CEQA) Guidelines §15319 categorical exemption (Class 19—Annexations of Existing Facilities and Lots for Exempt Facilities) adopted by the Arcata City Council pursuant to Resolution No. 145-14 on May 5, 2015.

SECTION 5. Severability

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

SECTION 6. Limitation of Actions

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

SECTION 7. Effective Date

Section 1 of this ordinance shall take 30 days after adoption.

Attachment: Exhibit 1

DATED: May 20, 2015

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1458**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 20th day of May, 2015, by the following vote:

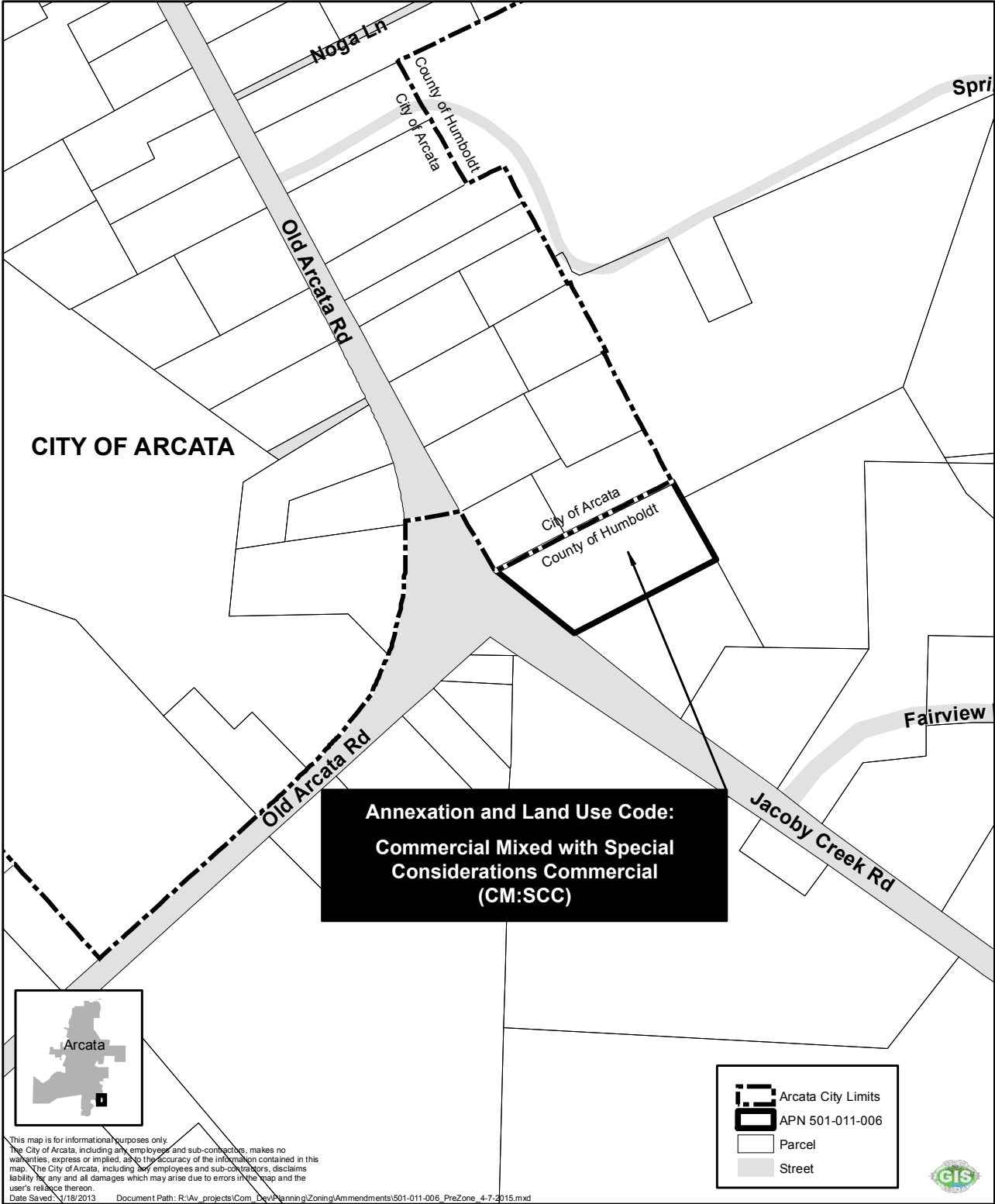
AYES: WINKLER, PITINO, ORNELAS, PEREIRA, WHEETLEY

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Michael Winkler
City Clerk, City of Arcata



**Annexation and Land Use Code Zoning
Map Amendment to Prezone
2212 Jacoby Creek Road
Assessor Parcel Number 501-011-006**

