

**ORDINANCE NO. 1398**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE CODE BY AMENDING SPECIAL CONSIDERATIONS IN SECTIONS 9.24.070 AND 9.26.070; REZONING PARCELS NUMBERED 020-128-002 FROM PUBLIC FACILITIES TO INDUSTRIAL LIMITED, 020-127-005 FROM PUBLIC FACILITIES TO RESIDENTIAL HIGH, 020-127-004 FROM PUBLIC FACILITIES TO RESIDENTIAL HIGH, AND 505-012-030 (FORMERLY 505-012-019) FROM RESIDENTIAL HIGH:PLANNED DEVELOPMENT TO PUBLIC FACILITIES; AND AMENDING THE CITY OF ARCATA ZONING MAP TO REFLECT THE AFOREMENTIONED ZONING CHANGES**

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

**SECTION 1. Amendment of the 2008 City of Arcata Land Use Code**

Title IX of the Arcata Municipal Code is hereby amended as follows:

1. Amend § 9.24.070 (Residential Special Considerations) SCR Zone 2 as follows:

Residential development shall be clustered to preserve Jolly Giant Creek course and wetland areas as open space, and to reserve right-of-way for the future extension of Foster ~~Street~~ Avenue to Sunset Avenue. Baldwin should be extended to intersect with the extension of Foster. Access to residential development should be from Foster and Baldwin. ~~The eastern portion of the site may be used for a public facility use to allow for a new Fire Station on this site. A public facility specific consideration shall be placed on the Sunset Avenue sites per PC Resolution 08-07.;~~

2. Amend § 9.26.070 (Commercial, Industrial, and Public Facility Special Considerations) SCP Zone 9 as follows:

<p><del>M Street Fire Station Site</del>  <del>APN's 020-127-004 &amp; 005 &amp; 020-128-002</del>  <u>Sunset Fire Station Site</u>  <u>APN 505-121-030</u></p>	<p><del>Provide for a residential overlay to this site to make it compatible with adjacent residential – low density neighborhood to the west. The special consideration should be considered if a new fire station is constructed south of the intersection of Sunset Avenue at Baldwin Street. Residential overlay considerations shall be placed on the “M” Street site per PC Resolution 08-07.</del>  <u>Development of a fire station compatible with the proposed Foster Avenue extension shall be allowed on this Public Facilities (PF) designated parcel.</u></p>
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3. Amend City of Arcata Zoning Map as illustrated below to reflect the following zoning designation changes:

APN	Location	Ammended Zoning
505-012-030*	Sunset Avenue	PF
020-128-002	M Street	IL
020-127-005	M Street	RH
020-127-004	M Street	RH

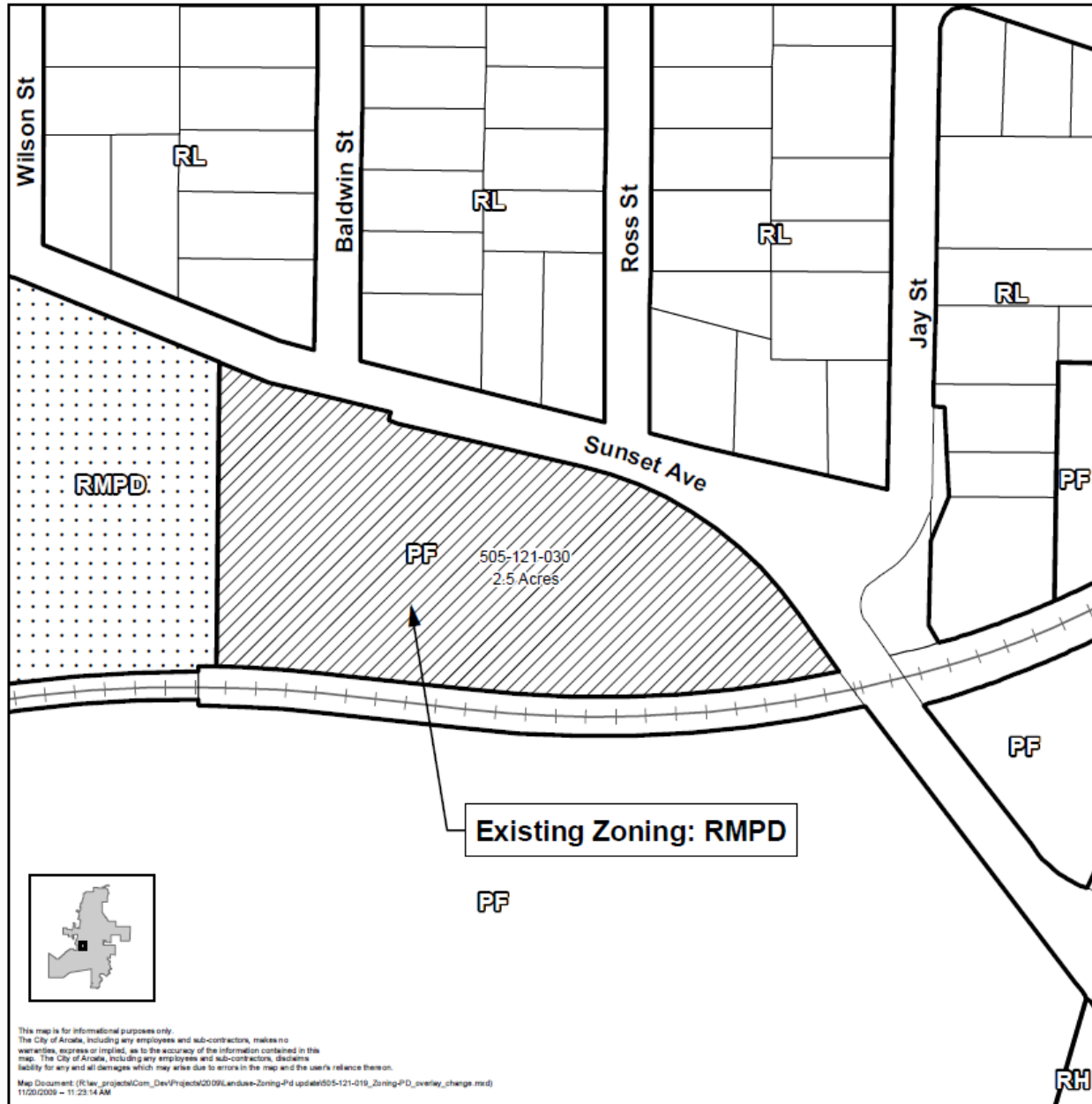
\* - formerly 505-121-019



City of Arcata  
**Proposed Zoning Designation Changes 12-2-2009**  
**Ordinance 1398**

Exhibit 1

APN 505-121-030 "Formerly 505-121-019"



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.

Map Document: (R:\lay\_projects\Com\_Dev\Project\2009\Landuse-Zoning-Pd update\505-121-019\_Zoning-PD\_overlay\_change.mxd)  
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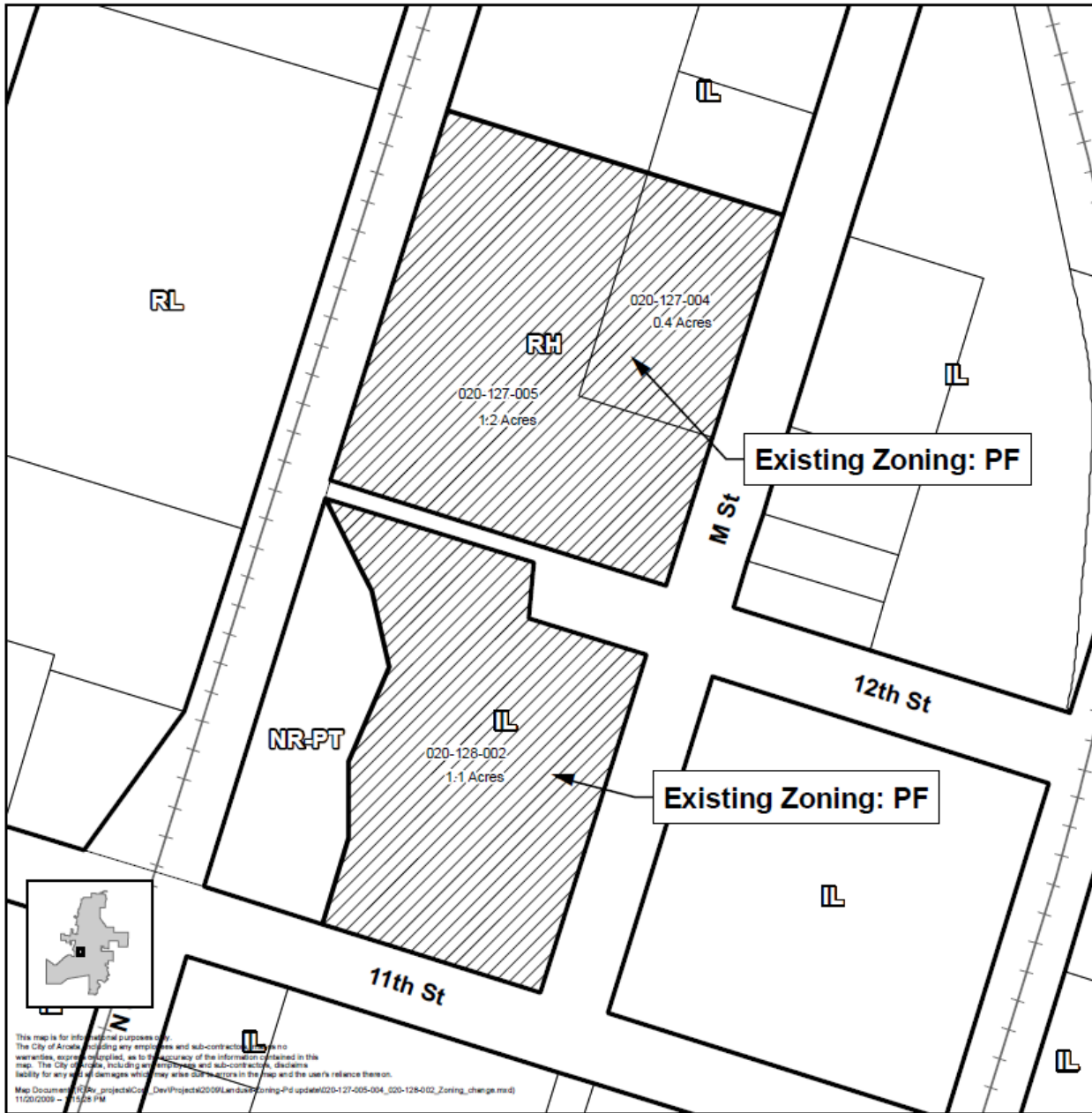
<b>Legend</b>		<b>Proposed &amp; Existing Zoning</b>		 0 50 100 Feet
	Proposed Zoning Designation Change		Proposed Zoning (Shown in letters)	
	Proposed Planned Development Overlay		Existing Zoning (Shown in leader label)	
	City of Arcata Parcel			



City of Arcata  
**Proposed Zoning Designation Changes 12-2-2009**  
**Ordinance 1398**

Exhibit 1

APN's 020-127-004, -005 & 020-128-002



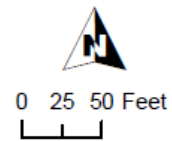
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 Map Document: R:\Dev\Project\020-099\LandUse\Zoning-P\update\020-127-004\_020-128-002\_Zoning\_change.mxd  
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**Legend**

- Proposed Zoning Designation Change
- City of Arcata Parcel

**Proposed & Existing Zoning**

- Proposed Zoning (Shown in letters)
- Existing Zoning (Shown in leader label)



4. Remove the Planned Development (:PD) Combining Zone that was established by Ordinance Number 884 from 505-121-030 (formerly 505-121-019).

**SECTION 2. Findings of Approval**

Based upon the whole record, including the Initial Study, subsequent Negative Declaration, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-09-07, and City Council Resolution 090-37, the following findings are hereby adopted.

1. The proposed amendments are consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The proposed amendments would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.
3. The affected sites are physically suitable for the proposed zoning designation and proposed and anticipated uses and associated development.

**SECTION 3. 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 4. 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 ninety (90) days of the date of adoption of this ordinance.

**SECTION 5. Effective Date**

This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: December 16, 2009

ATTEST:

APPROVED:

/s/ Randal J. Mendosa  
Interim City Clerk, City of Arcata

/s/ Alexandra Stillman  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1398**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 16<sup>th</sup> day of December, 2009, by the following vote:

AYES: **STILLMAN, ORNELAS, WHEETLEY, BRINTON, WINKLER**  
NOES: **NONE**  
ABSENT: **NONE**  
ABSTENTIONS: **NONE**

/s/ Randal J. Mendosa  
Interim City Clerk, City of Arcata