

ORDINANCE NO. 1392

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, TO AMEND THE COMPREHENSIVE LAND USE CODE (LUC) TO CREATE STANDARDS AND A COMBINING ZONE FOR HOUSING THE HOMELESS AS A PERMITTED USE IN COMPLIANCE WITH SENATE BILL 2

WHEREAS, the City found it necessary to replace a previous Land Use and Development Guide (LUDG) with a new comprehensive Land Use Code (LUC) in October 2008 to provide consistency with the goals, policies, and direction of the adopted General Plan: 2020; and

WHEREAS, the City found it necessary to replace a previous Land Use and Development Guide (LUDG) with a new comprehensive Land Use Code (LUC) in October 2008 to provide an updated implementation tool for the adopted General Plan: 2020; and

WHEREAS, the City of Arcata has an adopted General Plan: 2020 and the City found it necessary in October 2008 to amend the General Plan: 2020 to be consistent with an adopted comprehensive Land Use Code (LUC); and

WHEREAS, On March 27, 2007, the California State Senate approved Senate Bill 2 (SB-2), requiring that cities and counties identify specific sites with by-right zoning to accommodate the community's need for emergency shelters; and

WHEREAS, the intent of the proposed code amendment is to establish a combining zone and development standards for emergency shelters, transitional housing, and supportive housing in compliance with SB-2, Government Code § 65582 – 65583; and

WHEREAS, the proposed code amendment will include transitional housing and supportive housing as residential uses subject to the same permitting requirements as other residential uses in compliance with Government Code § 65583; and

WHEREAS, the proposed amendments are consistent with the City of Arcata General Plan: 2020 in accordance with the California Government Code § 65860; and

WHEREAS, the City is currently updating its Housing Element, and the City must approve the combining zone within one year of adoption of the new Housing Element, which is due in August 2009; and

WHEREAS, the City of Arcata's Homeless Services Plan has identified a need for additional housing for the homeless in the City of Arcata; and

WHEREAS, pursuant to the requirements of state and local law, the Planning Commission conducted four duly noticed public hearings to consider the proposed amendments to the comprehensive Land Use Code, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission, following said hearings did adopt Resolution 09-02, thereby recommending that the City Council approve and adopt the recommended amendments to the comprehensive Land Use Code; and

WHEREAS, pursuant to the requirements of state and local law, the City Council conducted two duly noticed public hearings to consider the proposed amendments to the comprehensive Land Use Code, at which time all interested persons were given an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Land Use Code Amendment.

Title IX of the Arcata Municipal Code is hereby amended through the addition of § 9.28.110 (Housing For Homeless Combining Zone) and § 9.42.200 (Housing For Homeless) standards in compliance with SB 2; the associated revisions to Allowable Land Uses and Permit Requirement in Tables 2-4 and 2-10; the associated noticing revisions to § 9.72.040 and § 9.78.120; and amendment of the associated definitions for Multi-Family Housing and Single-Family Dwelling in Article 10 (Glossary) of the comprehensive Land Use Code (LUC) as identified and shown in Exhibits 1, 2, 3, 4, and 5.

SECTION 2. 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 3. 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 4. Effective Date

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

DATED: April 15, 2009

ATTEST:

APPROVED:

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

/s/ Mark E. Wheatley
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1392**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 15th day of April, 2009, by the following vote:

AYES: **WHEETLEY, STILLMAN, BRINTON, ORNELAS, WINKLER**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

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