ORDINANCE NO. 1400

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING A DEVELOPMENT AGREEMENT AND A ZONING AMENDMENT FOR A MIXED-USE DEVELOPMENT KNOWN AS THE MAD RIVER PARKWAY BUSINESS CENTER, THAT IS IDENTIFIED BY ASSESSOR'S PARCEL NUMBERS 507-141-037, 507-141-042, AND 507-141-043

WHEREAS, the City of Arcata has an adopted General Plan: 2020; and

WHEREAS, the City of Arcata has an adopted Land Use Code; and

WHEREAS, the Land Use Map and the Zoning Map have been amended from time to time since their original adoptions; and

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

WHEREAS, the Planning Commission, following said hearings, did recommend on November 10, 2009, that the City Council approve the proposed Mixed-Use Development; and

WHEREAS, pursuant to the requirements of state and local law, the City Council conducted four duly noticed public hearings to consider the proposed Mixed-Use Development at which time all interested persons were given an opportunity to be heard; and

WHEREAS, an Initial Study was prepared and circulated in accordance with the California Environmental Quality Act (CEQA), noticed for the requisite time period, and adopted by the City Council on February 3, 2010; and

WHEREAS, the City Council has determined that certain Conditions of Approval and Findings are required for the Zoning Map Amendments, the Planned Development Permit, and the Subdivision process with those Conditions of Approval, project Findings, and Development Agreement Findings being approved by the City Council on February 3, 2010; and

WHEREAS, the City Council has reviewed and approved the proposed land use activities that are associated with the Development Plan for the proposed Mixed-Use Development; and

WHEREAS, the City Council has reviewed the language of the proposed Development Agreement that shall establish certain development rights that are associated with the subject property;

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

SECTION 1. Zoning Map Amendments.

Chapter 9.12 of the Arcata Land Use Code, as contained within Title IX of the Arcata Municipal Code, with said chapter addressing the Zoning Map Amendment process, is hereby amended as follows:

:SC (Special Considerations) Overlay Zone: Applied to the entirety of APNs 507-141-037 and 507-141-042. The :SC Overlay Zone is intended to reflect the following notation in the General Plan: 2020 with respect to the subject site:

"Planned Development for entire property to minimize access points on Giuntoli, and coordinate land uses, interior circulation, shared parking and overall building layout. Constraints include setback area along Mad River. APN 507-141-042 may allow for a public facility type use to accommodate a future City park along the Mad River. A special consideration for this parcel shall include dual (Industrial Limited [IL] and/or Public Facilities [PF]) land use activities."

:PD (Planned Development) Overlay Zone: Applied to the entirety of APN 507-141-037 with a reservation to apply the :PD Overlay Zone to APN 507-141-042 upon the transfer of the subject site to the City of Arcata for conservation and park purposes.

:NH (Natural Hazards) Overlay Zone: Applied to that portion of the property within FEMA Flood Zone A (the 100-year flood). At the project site, the base flood elevation has been determined to be 34.0 feet above sea level, thus property at lower elevations would receive the :NH zoning designation.

:SP (Stream Protection) Overlay Zone: Applied to that portion of the property in the channel of the Mad River and within 250 feet of the top of bank of the Mad River as determined by the wetland delineation study prepared for this project.

The Arcata City Council hereby directs the Community Development Director to amend the Official Zoning Map to include the above Overlay Zones.

SECTION 2. Development Agreement.

Pursuant to Government Code Section 65864 *et seq.*, the Arcata City Council hereby approves a Development Agreement with Kenneth E. and Ellen C. Zanzi, as Trustees of the Kenneth E. Zanzi and Ellen C. Zanzi Family Trust dated June 19, 2002, a copy of which shall be on file in the City of Arcata City Clerk's Office, to establish certain

development rights associated with the Zanzi property that are identified through the Minor and Major Subdivision of said development project, and authorizes the City Manager to execute said Development Agreement and all other documents needed in connection with this project..

SECTION 3. Effective Date.

	This ordinance	shall take effe	ct thirty ((30) da	vs after its	adoption b	v the Cit	v Council
--	----------------	-----------------	-------------	---------	--------------	------------	-----------	-----------

DATED: February 17, 2010

ATTEST:

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1400**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 17th day of February, 2010, by the following vote:

AYES: STILLMAN, ORNELAS, BRINTON, WINKLER

NOES: NONE

ABSENT: WHEETLEY

ABSTENTIONS: NONE

____/s/ Alexandra Stillman City Clerk, City of Arcata