

ORDINANCE NO. 1430

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE *ARCATA MUNICIPAL CODE TITLE IX—LAND USE CODE, SECTION 9.24.070 RESIDENTIAL SPECIAL CONSIDERATIONS, FOR THE
FOLLOWING SHIRLEY BOULEVARD/PARK AVENUE PROPERTIES:
ASSESSOR'S PARCEL NOS. 503-092-003, 503-103-008, 503-103-019, 503-103-023,
503-104-001, 503-104-002, 503-104-003, 503-104-004, AND 503-104-011***

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

SECTION 1. Amendment of the Residential Special Considerations Section of the Land Use Code. *Arcata Municipal Code Title IX—Land Use Code, Section 9.24.070, Residential Special Considerations* is hereby amended as follows:

SCR Zone	Area	SCR Zone Requirements
4	Shirley Blvd, Park Ave., Park Place Annexation (Portion) APN's 503-092-003, 503-103-008, 503-103-019, 503-103-023, 503-104-001, 503-104-002, 503-104-003, 503-104-004, and 503-104-011.	These assessor parcels are substandard in size and do not meet the 20,000 s.f. minimum parcel size required by the RVL zoning district. The :SCR applied to these parcels will allow the continued non-conformity pertaining to parcel size without further action on the part of the property owner(s) per PC Resolution 13-01.

SECTION 2. Findings of Approval

Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation on January 22, 2013, the following findings are hereby adopted:

1. The proposed amendment is consistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The affected site 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 3. California Environmental Quality Act (CEQA) Determination

This ordinance is subject to a CEQA Negative Declaration adopted by the Arcata City Council pursuant to Resolution No. 123-26 on April 3, 2013.

SECTION 4. 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 5. 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 6. Effective Date

This ordinance shall take effect upon annexation of the properties into the City of Arcata.

DATED: April 3, 2013

ATTEST:

APPROVED:

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

/s/ Shane Brinton
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1430**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 3rd day of April, 2013, by the following vote:

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

NOES: **NONE**

ABSENT: **ORNELAS**

ABSTENTIONS: **NONE**

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