

## ORDINANCE NO. 1374

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE AND DEVELOPMENT GUIDE, CHAPTER I, ARTICLE 2, SECTION 1-0203, ZONING MAP, TO AMEND THE ZONING DISTRICT TO ADD THE LANDMARK HISTORIC STRUCTURE (:LHS) DESIGNATION TO A PARCEL AT 3501 BOYD ROAD (A.P. No. 507-521-001) CONTAINING THE POINSETT PLACE HOUSE AND GARAGE.

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

### **SECTION 1. Amendment of the Zoning Map**

Section 1-0203, Zoning Map, of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, Title IX of the Arcata Municipal Code, said section being the Zoning Map, is hereby amended as follows:

The properties identified as project site on Exhibit 1 are hereby rezoned from Residential Medium-High Density with Planned Development Combining Zone (R-M:PD) to Residential Medium-High Density with Planned Development and Landmark Historic Structure Combining Zones (R-MH:PD:LHS). The properties are described as follows: Poinsett Place House and Garage; 3501 Boyd Road; A.P. No. 507-521-001; with features to be preserved and conditions to be met as described in the attached Exhibit 2.

### **SECTION 2. Findings of Approval**

Based upon information received in the public hearing, including the staff report and attachments, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with California Government Code section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

### **SECTION 3. Categorical Exemption from CEQA**

The City Council hereby determines that the project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) per Section 15331 of the CEQA Guidelines. This section exempts “. . . projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.” (Weeks and Grimmer, 1995).

**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 thirty (30) days after its adoption by the City Council.

DATED: March 5, 2008

ATTEST:

/s/ Michael Hackett  
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. 1374**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 5<sup>th</sup> day of March, 2008, by the following vote:

**AYES: WHEETLEY, MACHI, GROVES, PITINO**

**NOES: NONE**

**ABSENT: STILLMAN**

**ABSTENTIONS: NONE**

/s/ Michael Hackett  
City Clerk, City of Arcata