

## ORDINANCE NO. 1524

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING A DEVELOPMENT AGREEMENT FOR THE CREEK SIDE HOMES PROJECT

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

**SECTION 1. Development Agreement Approval.** Pursuant to Government Code §§ 65864, the Development Agreement by and between the City of Arcata and Foster Avenue, LLC (attached hereto as Exhibit 1, and incorporated herein) is hereby approved, and the City Manager is hereby authorized to execute said Development Agreement and any other documents that may be associated with its implementation, and to cause the recording of the Development Agreement in the Official Records of Humboldt County.

**SECTION 2. Findings of Approval.** Arcata Municipal Code Title IX—Land Use Code (Code), Section 9.72.110.H, Findings. The use of a development agreement is solely at the discretion of the City Council upon a finding that the development agreement is appropriate under the stated intent of the enacting chapter and the circumstances of the project for which the agreement is sought. The findings adopted through Resolution 190-44 are incorporated herein by reference.

**SECTION 3. California Environmental Quality Act (CEQA) Determination.** A Final Environmental Impact Report (EIR) has been prepared for this project pursuant to the CEQA Guidelines and Chapter 9.78 (Environmental Impact Assessment) of the Land Use Code. Through its adoption of Resolution No. 190-37, the City Council adopted Findings of Fact and a Statement of Overriding Considerations and certified the Final EIR.

**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 thirty (30) days of the date of adoption of this ordinance.

**SECTION 6. Effective Date.** This ordinance shall take effect 30 days after adoption.

Exhibit 1: Development Agreement

**DATED:** April 1, 2020

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
/s/ Bridget Dory  
City Clerk, City of Arcata

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/s/ Paul Pitino  
Vice Mayor, City of Arcata

## **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1524, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 1<sup>st</sup> day of April, 2020, by the following vote:

**AYES: PITINO, PEREIRA, WATSON**

**NOES: NONE**

**ABSENT: WINKLER (Recused)**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata