

ORDINANCE NO. 1569

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE LAND USE CODE, TITLE IX, PLANNING AND ZONING, OF THE ARCATA MUNICIPAL CODE TO ADOPT THE GATEWAY CODE AND ZONING DISTRICTS THROUGHOUT THE CITY

WHEREAS, the General Plan is the overarching plan for ensuring social justice and racial equity while balancing community growth, development, resource protection, provision of public services, circulation and mobility, housing access and affordability, economic development and job growth, capital infrastructure investment, climate adaptation, and quality of life in the City. The City Council adopted the last comprehensive update to the City's General Plan in 1999 for the planning period ending 2020; and

WHEREAS, part of the General Plan planning effort included provisions for encouraging development in areas close to the urban core of Arcata, in proximity to jobs, retail, Cal Poly Humboldt, and housing, emphasizing infill development with the goals increasing racial equity and social justice, improving access to affordable housing, building a sense of place and culture, preserving and enhancing open space, while growing Arcata's economy in sustainable ways; and

WHEREAS, the Gateway Area Plan, included as an element of the General Plan, encompasses approximately 139 acres adjacent to the downtown with opportunities for redevelopment and investment, was identified in the certified 2019-2027 Housing Element as a required rezone to meet the City's housing development obligations, the Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, the Gateway Zoning Code amends the City's Land Use Code to ensure that the City's zoning requirements are consistent with the General Plan and the Gateway Area Plan as an element of that General Plan; and

WHEREAS, the General Plan 2045 amended Land Use designations throughout the City shown in Figure LU-a in the Land Use Element, which creates a need to update the Zoning Map; and

WHEREAS, Planning Commission Resolution No. PC-24-05 adopted on May 14, 2024, contains the Planning Commission's recommendation for adoption of the Gateway Zoning Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCATA DOES ORDAIN AS FOLLOWS:

Section 1. Factual Findings. The City Council of the City of Arcata hereby makes the following findings:

1. The City Council committed to a mandatory rezone in the Gateway Area in its Housing and Community Development Department certified 2019 Housing Element; and
2. In-fill development is the most effective strategy to preserve open space and working lands surrounding the City of Arcata while meeting its housing needs; reduce Vehicle Miles Traveled and the negative impacts of Green House Gasses by bringing a mix of uses closer together and by generating the economies of scale necessary to support robust public transit;

Section 2. Zoning Text Amendment, Section 9.110. The May 29, 2024, version of the Gateway Code, as amended by the City Council, incorporated herein by reference and made a material part of this ordinance, is hereby amended into Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, creating Article 11, *Gateway Code*, Section 9.110 et seq. The Gateway Code shall regulate land use and development only within the Gateway Area.

Section 3. Zoning Map Amendment, Section 9.12.020. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 1, *Land Use Code Applicability*, Section 9.12.020, *Zoning Map and Zoning Districts, Exhibit 1 – Zoning Map*, is hereby amended, replacing zoning districts to be consistent with General Plan Land Use Designations (Figure LU-a) as shown in Exhibit 1 – Zoning Map, incorporated herein by reference.

Section 4. Zoning Map Amendment, Section 9.12.020. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 1, *Land Use Code Applicability*, Section 9.12.020, *Zoning Map and Zoning Districts, Exhibit 1 – Zoning Map*, is hereby amended, adding Gateway Barrel, Gateway Hub, Gateway Corridor, and Gateway Neighborhood districts as Combining Zones to properties in the Gateway Area Plan area according to Exhibit 2 – Gateway Combining Zones, incorporated herein by reference.

Section 5. Zoning Text Amendment, Section 9.12.020.A. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Sections 9.12.020.A, Table 1-1; 9.26.030, Table 2-10; and 9.28.120, as shown in Exhibit 3 using bold, double-underline/strikeout text. Subsections that remain unchanged are not shown and are indicated by three consecutive asterisks (* * *). The Table of Contents and the Chapter 9.28 Sections listing shall reflect the following change:

9.28.120 Repealed by Ordinance No. 1569~~Creamery District (:CD) Combining Zone~~

Section 6. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible and trustee agencies, the public, and the Arcata Planning Commission recommendation PC-24-05, dated May 14, 2024, the following findings of approval are hereby adopted pursuant to Land Use Code Section 9.92.050.B, *Zoning Map and Land Use Code Amendment Findings*, and California Government Code, Section 65860:

1. The proposed amendment is consistent with the General Plan. The Gateway Code proposes overlay zones that implement land use designations identified in the Gateway Area Plan, an Element of the General Plan;
2. The affected sites are physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development; and
3. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 7. California Environmental Quality Act Determination. The City Council certified the Environmental Impact Report (SCH# 2022020107) and adopted a Statement of Overriding Considerations pursuant to California Environmental Quality Act Guidelines Sections 15090-15093 on July 17, 2024, by Resolution No. 234-47.

Section 8. 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 9. 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 10. Effective Date. This ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

DATED: September 4, 2024

ATTEST:

APPROVED:

/s/Rhea Varley
Rhea Varley
City Clerk, City of Arcata

/s/Meredith Matthews
Meredith Matthews
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1569**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 4th day of September, 2024, by the following vote:

AYES: **MATTHEWS, SCHAEFER, WHITE**

NOES: **NONE**

ABSENT: **STILLMAN (RECUSED), ATKINS-SALAZAR (RECUSED)**

ABSTENTIONS: **NONE**

/s/RheaVarley

Rhea Varley

City Clerk, City of Arcata