

ORDINANCE NO. 1439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA RESCINDING ORDINANCE NO. 1437; AMENDING THE COASTAL ZONING LAND USE MAP OF THE CITY OF ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE (CLUDG); AND, MAKING RELATED TEXT AMENDMENTS TO CLUDG SECTION 1-0203

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

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

- A. In 1989, the City of Arcata adopted Ordinance No. 1151, the Coastal Land Use and Development Guide (CLUDG) for zoning and planning regulations within the Arcata Coastal Zone, which has been subsequently amended and certified by the California Coastal Commission.
- B. On December 4, 2013, the City Council adopted Ordinance No. 1437 proposing an amendment to the Coastal Land Use and Zoning Map designations and additionally making text amendments to the CLUDG Section 1-0203.
- C. On August 13, 2014, the Coastal Commission conditionally certified the City's proposed amendments to the Coastal Land Use and Zoning Map designations made by Ordinance No. 1437 subject to three modifications: 1) retain the Natural Resources Protection land use plan zoning map designations over Assessor's Parcel No. (APN) 503-211-005 (portion of the City's corporation yard), 2) retain the Parks land use plan map designation over APN 503-202-004 (portion of the Arcata Community Center), and 3) modify the Arcata Coastal Land Use Element Development Constraints Policy IV-19 designation given to the area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough.
- D. The Coastal Commission's certification was further conditioned by a request that the City take action to clarify that Ordinance No. 1437 intended only to reclassify specific parcels and not to rescind and replace the remaining portions of the existing Coastal Land Use and Zoning Map.
- E. This Ordinance No. 1439 is intended to rescind the City Council's December 4, 2013, action adopting Ordinance No. 1437 to thereby clarify the existence of the Coastal Land Use and Zoning Map as currently amended and certified, to make site-specific amendments to the Coastal Land Use and Zoning Map as shown in Exhibit 1, and to make textual amendments to the CLUDG Section 1-0203.

Section 2. Rescission of Action to Adopt Ordinance No. 1437. The prior action of the City Council taken December 4, 2013, to adopt Ordinance No. 1437 is hereby rescinded and said Ordinance No. 1437 is of no further force or effect.

Section 3. Zoning Map Amendment Adoption. The Coastal Land Use and Zoning Map of the City of Arcata is hereby amended as shown in Exhibit 1, attached hereto and incorporated herein.

Section 4. Text Amendments. Section 1-0203 of the CLUDG, as previously amended by Ordinance No. 1262 on May 7, 1997, is hereby amended by the following with deletions shown as ~~strike through~~ and additions as underscore:

SEC. 1-0203 Adoption of Zoning Map

The designations, location and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Land Use Plan and Zoning Map", which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps and all subsequent amendments thereto, adopted by Ordinances No. 1071 and 1151. The Coastal Zoning Map shall consist of only that portion of ~~the territory of~~ the City of Arcata ~~delineated~~ within the ~~boundary of the~~ Coastal Zone as established and maintained on official maps by the California Coastal Commission, and as generally shown on the revised Land Use Plan and Zoning Map adopted herein. The map consists of four (4) sections, which taken together, encompass the entire territory of the City within the Coastal Zone.

Amendments to the map hereby adopted shall be effected by ordinance in accordance with the procedures and requirements provided in Section 1-0403 of this title, and such amendments shall become part of this title and section by reference. Ordinances amending the map shall be listed in a Table of Ordinances and entitled "Table of Zoning Map Amendments" which shall be incorporated herein. The Community Development Director shall cause to be prepared and maintained an official Land Use Plan and Zoning Map which incorporated all amendments. The official map shall be a public document on file at the Arcata Community Development Department and shall be available for review and purchase by the public.

Section 5. Incorporation into CLUDG. Upon the effective date of this ordinance, the amendments hereby adopted in this ordinance shall be incorporated into the Coastal Land Use and Development Guide.

Section 6. Findings of Approval. Based substantially upon the whole record, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-13-04, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860.
2. The proposed amendments would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.

Section 7. 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 8. 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 9. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 10. Effective Date. This ordinance shall take effect upon the filing of a *Notice of Certification* with the Secretary of Natural Resources by the Coastal Commission Executive Director.

DATED: January 21, 2015

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1439**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 21st day of January, 2015, by the following vote:

AYES: **WINKLER, ORNELAS, PEREIRA, WHEETLEY**

NOES: **NONE**

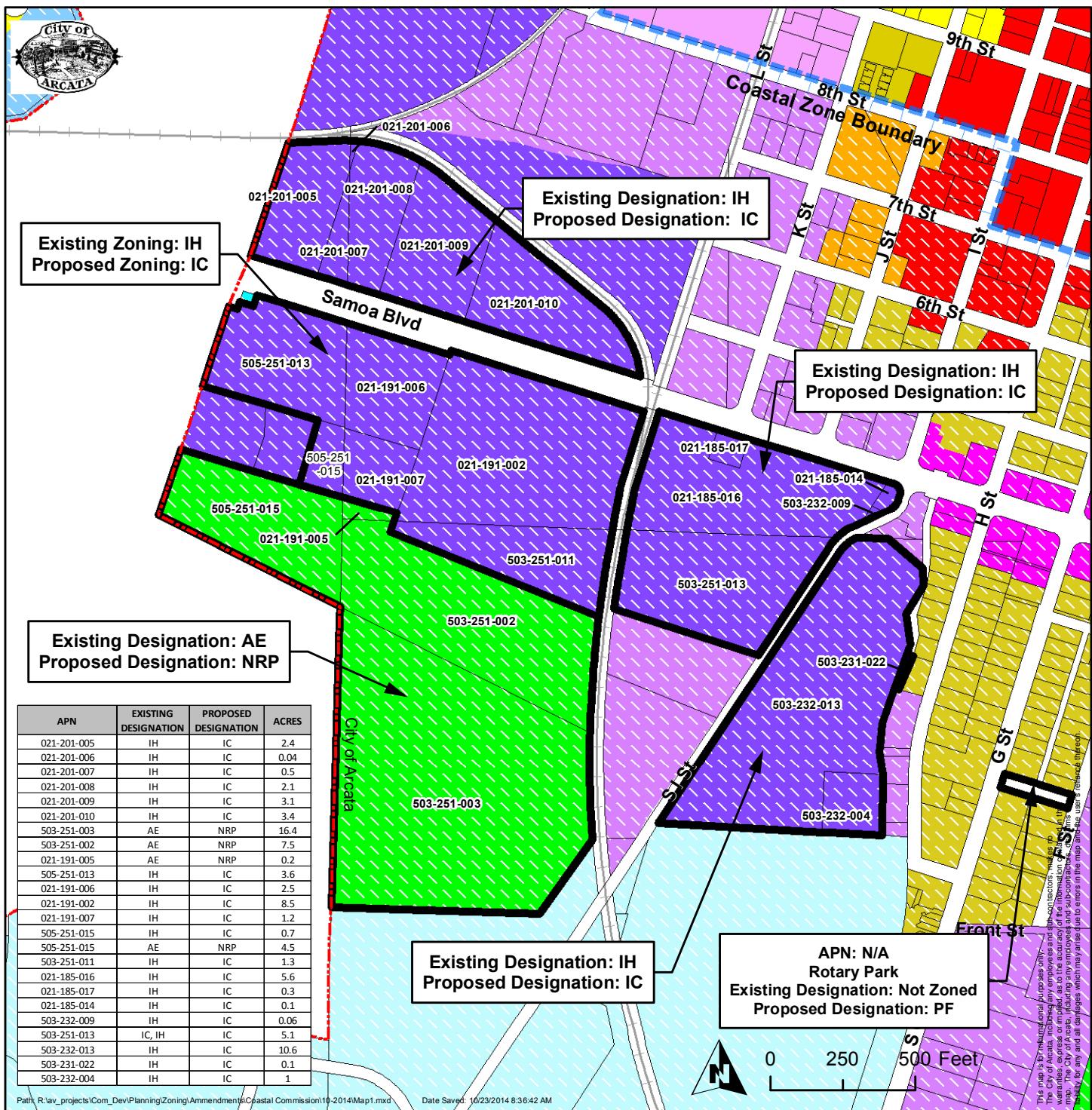
ABSENT: **PITINO (RECUSED)**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata

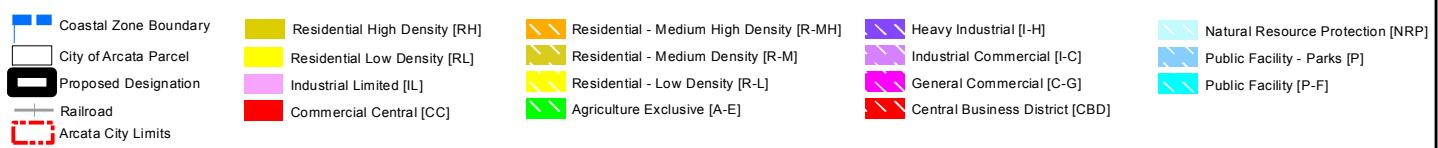
City of Arcata

January 2015



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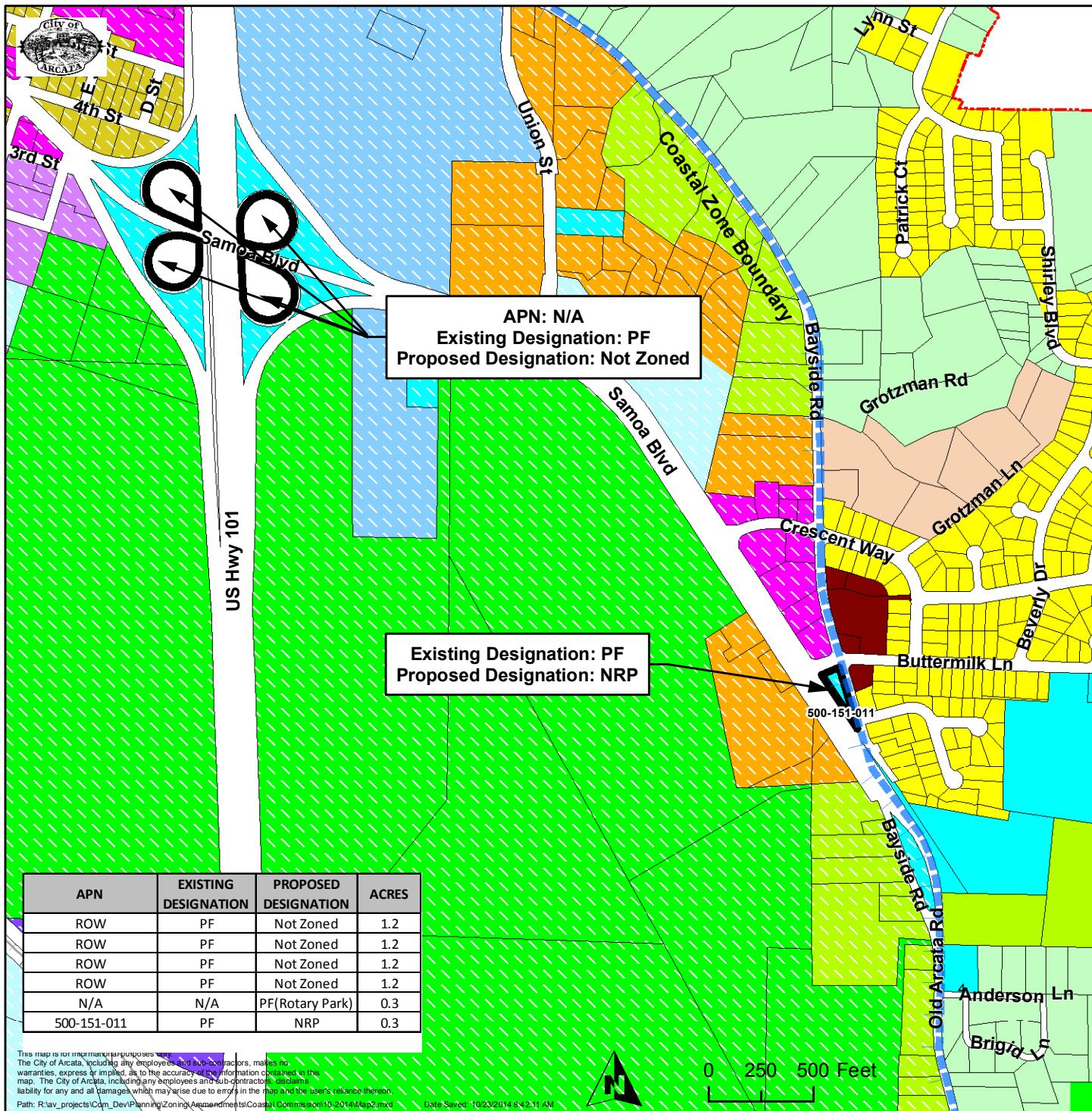


City of Arcata

Map 2 of 2

Land Use and/or Zoning Designation Changes

January 2015

**Legend**

Coastal Zone Boundary	Residential Low Density [RL]	Residential Medium Density [RM]	Public Facility - Parks [P]
Proposed Designation	Residential Very Low Density [RVL]	Residential - Medium Density [R-M]	Public Facility [P-F]
City of Arcata Parcel	Agriculture Residential [AR]	Rural Residential [R-R]	Heavy Industrial [I-H]
Arcata City Limits	Agriculture Exclusive [AE]	Agriculture Exclusive [A-E]	Industrial Commercial [I-C]
Railroad	NR - Public Trust [NR-PT]	Natural Resource Protection [NRP]	General Commercial [C-G]