

## **ORDINANCE NO. 1442**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE TITLE IX—LAND USE CODE, SECTION 9.12.030, LAND USE PLAN MAP, ADOPTED FOR THE FOLLOWING PANORAMA—UNIT II PROPERTIES: ASSESSOR'S PARCEL NOS. 500-300-002 AND 500-300-009**

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

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

*Arcata Municipal Code Title IX—Land Use Code, Section 9.12.030 A—Land Use Plan Map Adopted*, said section being the Zoning Map, is hereby amended as follows:

The property identified as the project area on Exhibit “A,” attached hereto and incorporated herein, is hereby re-zoned from Public Facility (PF) to Residential Very Low Density (RVL).

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

Based upon the whole record, information received in public hearings and the Arcata Planning Commission recommendation on April 22, 2014, 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**

Under Section 15061 of the CEQA Guidelines, a lead agency is responsible for determining whether or not an action is a “project” under CEQA. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This ordinance is subject to a finding of “no effect” in accordance to §15061(b)(3) of the CEQA Guidelines, adopted by the Arcata City Council pursuant to Resolution No. 145-08 on August 20, 2014.

#### **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 30 days after adoption by the City Council of the City of Arcata.

**DATED:** August 20, 2014

**ATTEST:**

**APPROVED:**

/s/ Bridget Dory  
City Clerk, City of Arcata

/s/ Mark E. Wheetley  
Mayor, City of Arcata

### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1442**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 20<sup>th</sup> day of August, 2014, by the following vote:

AYES: **WHEETLEY, WINKLER, ORNELAS, STILLMAN**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata