

## **ORDINANCE NO. 1354**

### **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 CHANGE THE ZONING OF THE Q STREET DEVELOPMENT, WEST OF Q STREET BETWEEN 12<sup>TH</sup> AND 13<sup>TH</sup> STREETS (AP# 505-211-042) FROM RESIDENTIAL-LOW DENSITY (R-L) TO RESIDENTIAL-LOW DENSITY: PLANNED DEVELOPMENT WITH A WETLAND AND CREEK PROTECTION COMBINING ZONE (R-L:PD:WCP).**

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 property identified as project site on Exhibit “1” ( “Q Street Development” ) is hereby rezoned from Residential-Low Density (R-L) to Residential-Low Density: Planned Development with a Wetland and Creek Protection Combining Zone (R-L: PD: WCP). The property is described as follows: The Q Street Development located west of Q Street between 12<sup>th</sup> and 13<sup>th</sup> Streets; AP# 505-211-042.

#### **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 the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed Zoning

Amendment that would also restrict second units to Lots 4, 13, 14, and 15 within the Q Street Development. Pursuant to Government Code Section 65852.2 (a) 1. (A), this Ordinance restricts the number of second units within the Q Street Development due to physical limitations in site suitability for second unit development. Specifically, second unit development is restricted to those lots containing a developable area that is greater than 6,000 square feet (Lots 4, 13, 14, and 15). The limitations on second unit development in the Q Street Development implement the City’s General Plan: 2020 and Housing Element goal of allowing a range of housing choices to accommodate affordable dwellings, families, individuals and groups. In order to achieve this goal, lot sizes in the Q Street Development range from 4,000 square feet to 6,000 square feet, where 6,000 square feet is the minimum size allowed by zoning. The lots under 6,000 square feet in

size cannot physically support an equivalent home as may be constructed on the larger lot with a second unit.

### **SECTION 3. 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 4. 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 5. Effective Date**

This ordinance shall take effect thirty (30) days after its adoption by the City Council.

**DATED:** April 5, 2006

**ATTEST:**

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City Clerk, City of Arcata

**APPROVE:**

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Mayor, City of Arcata

### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1354, passed and adopted at a special meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on March 31, 2006, by the following vote:

**AYES:** Meserve, Pitino, Wheetley, Machi.

**NOES:** None.

**ABSENT:** Groves.

**ABSTENTIONS:** None.

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City Clerk, City of Arcata