ORDINANCE NO. 1398


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

SECTION 1. Amendment of the 2008 City of Arcata Land Use Code

Title IX of the Arcata Municipal Code is hereby amended as follows:

1. Amend § 9.24.070 (Residential Special Considerations) SCR Zone 2 as follows:

   Residential development shall be clustered to preserve Jolly Giant Creek course and wetland areas as open space, and to reserve right-of-way for the future extension of Foster Street Avenue to Sunset Avenue. Baldwin should be extended to intersect with the extension of Foster. Access to residential development should be from Foster and Baldwin. The eastern portion of the site may be used for a public facility use to allow for a new Fire Station on this site. A public facility specific consideration shall be placed on the Sunset Avenue sites per PC Resolution 08-07.

2. Amend § 9.26.070 (Commercial, Industrial, and Public Facility Special Considerations) SCP Zone 9 as follows:

   M Street Fire Station Site
   APN’s 020-127-004 & 005 & 020-128-002
   Sunset Fire Station Site
   APN 505-121-030

   Provide for a residential overlay to this site to make it compatible with adjacent residential - low density neighborhood to the west. The special consideration should be considered if a new fire station is constructed south of the intersection of Sunset Avenue at Baldwin Street. Residential overlay considerations shall be placed on the “M” Street site per PC Resolution 08-07.

   Development of a fire station compatible with the proposed Foster Avenue extension shall be allowed on this Public Facilities (PF) designated parcel.

3. Amend City of Arcata Zoning Map as illustrated below to reflect the following zoning designation changes:

<table>
<thead>
<tr>
<th>APN</th>
<th>Location</th>
<th>Ammended Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>505-012-030*</td>
<td>Sunset Avenue</td>
<td>PF</td>
</tr>
<tr>
<td>020-128-002</td>
<td>M Street</td>
<td>IL</td>
</tr>
<tr>
<td>020-127-005</td>
<td>M Street</td>
<td>RH</td>
</tr>
<tr>
<td>020-127-004</td>
<td>M Street</td>
<td>RH</td>
</tr>
</tbody>
</table>

* - formerly 505-121-019
4. Remove the Planned Development (PD) Combining Zone that was established by Ordinance Number 884 from 505-121-030 (formerly 505-121-019).

SECTION 2. Findings of Approval

Based upon the whole record, including the Initial Study, subsequent Negative Declaration, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-09-07, and City Council Resolution 090-37, the following findings are hereby adopted.

1. The proposed amendments are consistent with the General Plan in accordance with the 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.

3. The affected sites are physically suitable for the proposed zoning designation and proposed and anticipated uses and associated development.

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: December 16, 2009

ATTEST:                         APPROVED:

/s/ Randal J. Mendosa               /s/ Alexandra Stillman
Interim City Clerk, City of Arcata  Mayor, City of Arcata

CLERK’S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1398, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 16th day of December, 2009, by the following vote:

AYES: STILLMAN, ORNELAS, WHEETLEY, BRINTON, WINKLER
NOES: NONE
ABSENT: NONE
ABSTENTIONS: NONE

;s/ Randal J. Mendosa
Interim City Clerk, City of Arcata