

ORDINANCE NO. 1486

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING ARCATA MUNICIPAL CODE TITLE IX—LAND USE CODE, SECTION 9.12.020, ZONING MAP AND ZONING DISTRICTS, AFFECTING 21 PARCELS

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

SECTION 1. Zoning Map Amendment

Arcata Municipal Code Title IX—Land Use Code (LUC), Section 9.12.020, *Zoning Map and Zoning Districts*, is hereby amended in conformance with Land Use Code Section 9.92.050.B, *Findings for Zoning Map Amendments*, by the rezoning of the properties identified and hereby amended as shown in Exhibit 1.

SECTION 2. Findings

Based upon the whole record, including information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission Resolution PC-17-02, adopted January 24, 2017, the following findings, pursuant to Section 9.92.050.B of the LUC and incorporated herein as Exhibit 2, are hereby adopted:

1. The proposed amendment is consistent with the General Plan based on City Council Resolution 167-33;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The affected sites are 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

Given the minor nature of the amendments, the City Council hereby finds the *Zoning Map and Zoning Districts* amendment exempt from environmental review pursuant to Section 15061(b)(3)—the *General Rule*. The *General Rule* can be applied when a project has no potential to have a significant effect on the environment like aligning zoning and land use designations to existing uses where no further development potential will result.

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 thirty (30) days of the date of adoption of this ordinance.

SECTION 6. Effective Date

This ordinance shall take effect 30 days after adoption.

DATED: May 3, 2017

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Susan Ornelas
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1486**, 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 3rd day of May, 2017, by the following vote:

AYES: ORNELAS, PEREIRA, PITINO, WATSON, WINKLER

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata

Exhibit 1

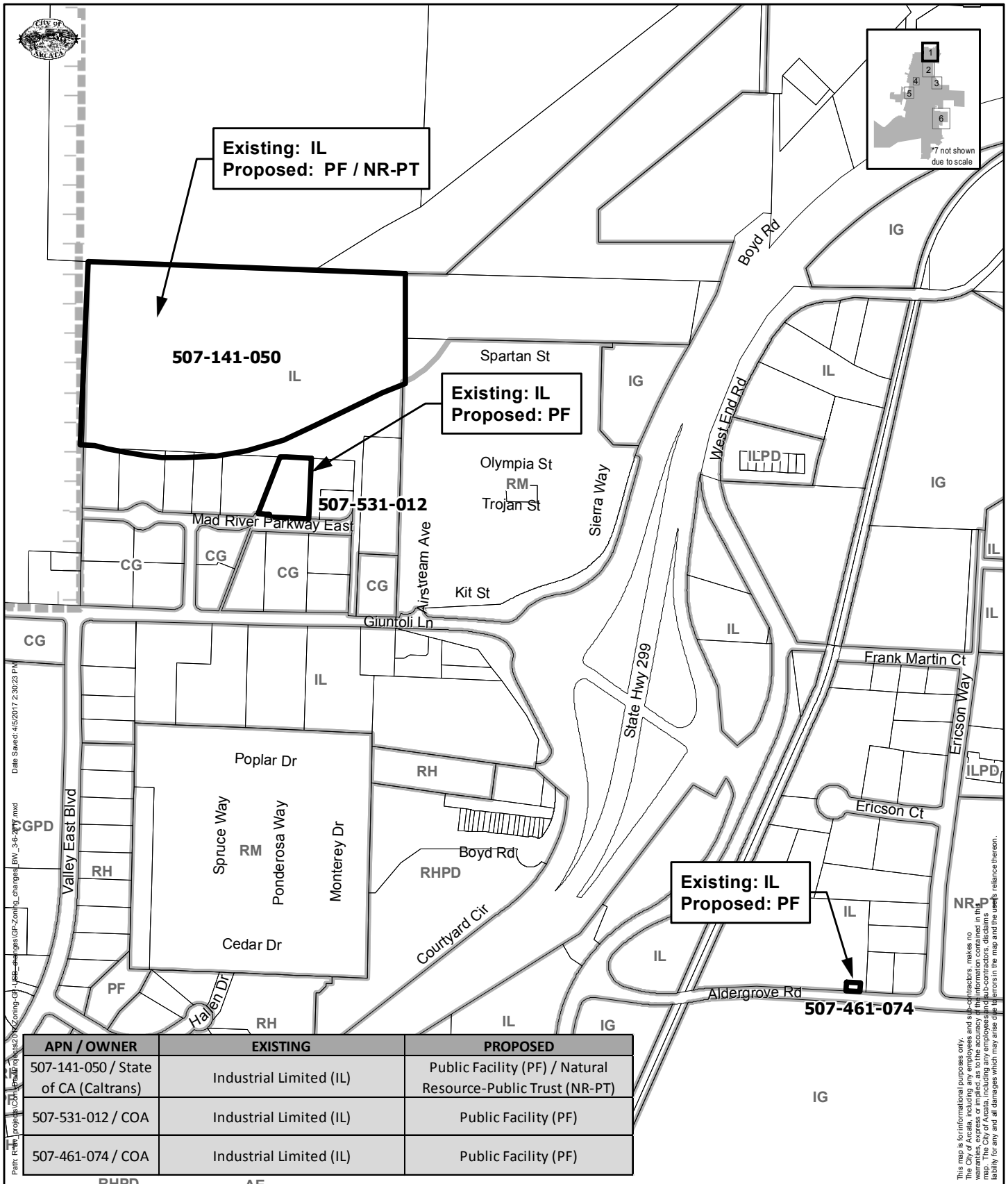


Exhibit 1 of 7

Citywide General Plan & Zoning Amendments 2017

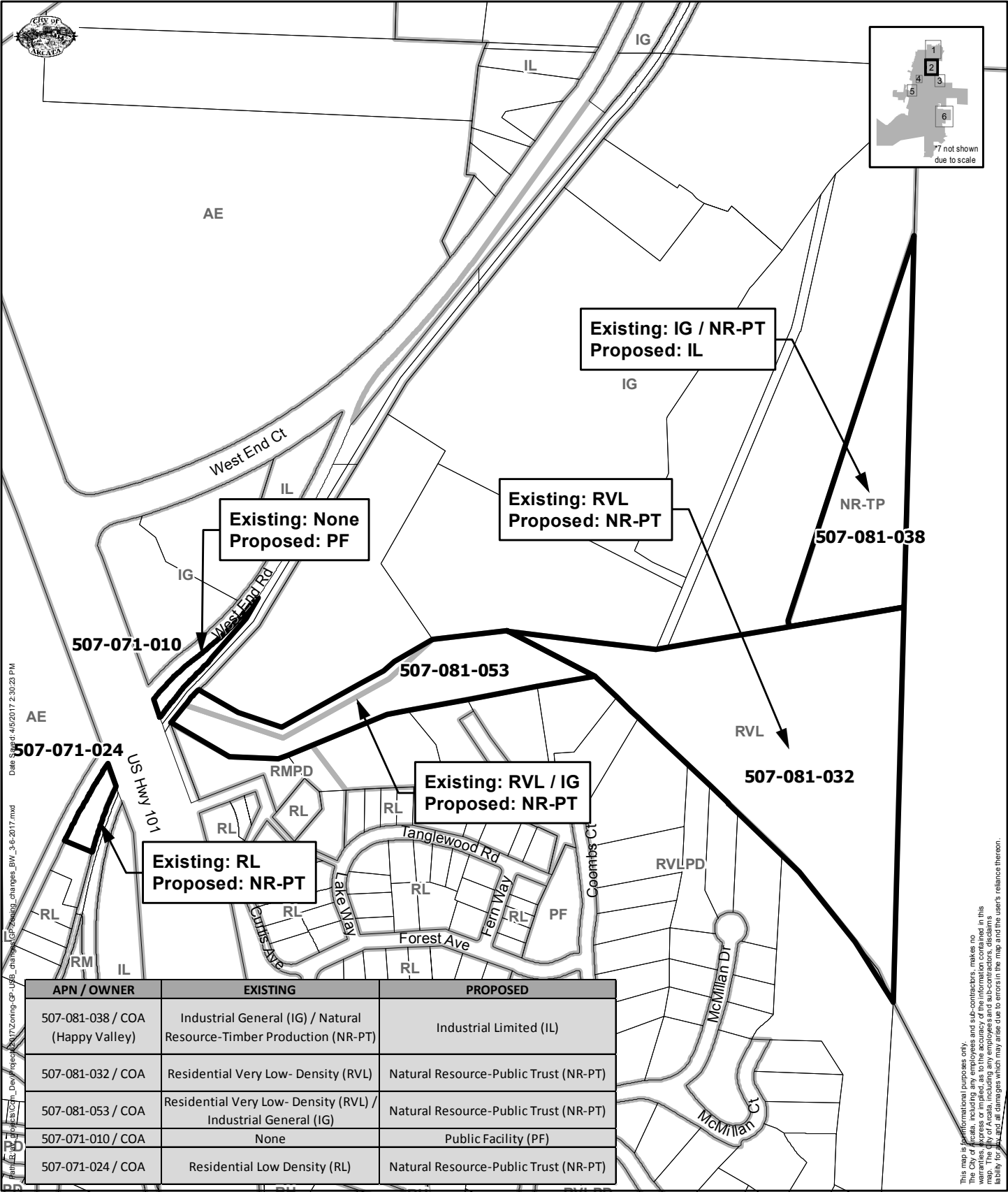
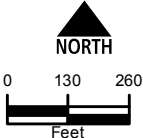


Exhibit 2 of 7

Citywide General Plan & Zoning Amendments 2017

Legend

- Proposed
- Existing
- City of Arcata Parcel
- Coastal Zone Boundary



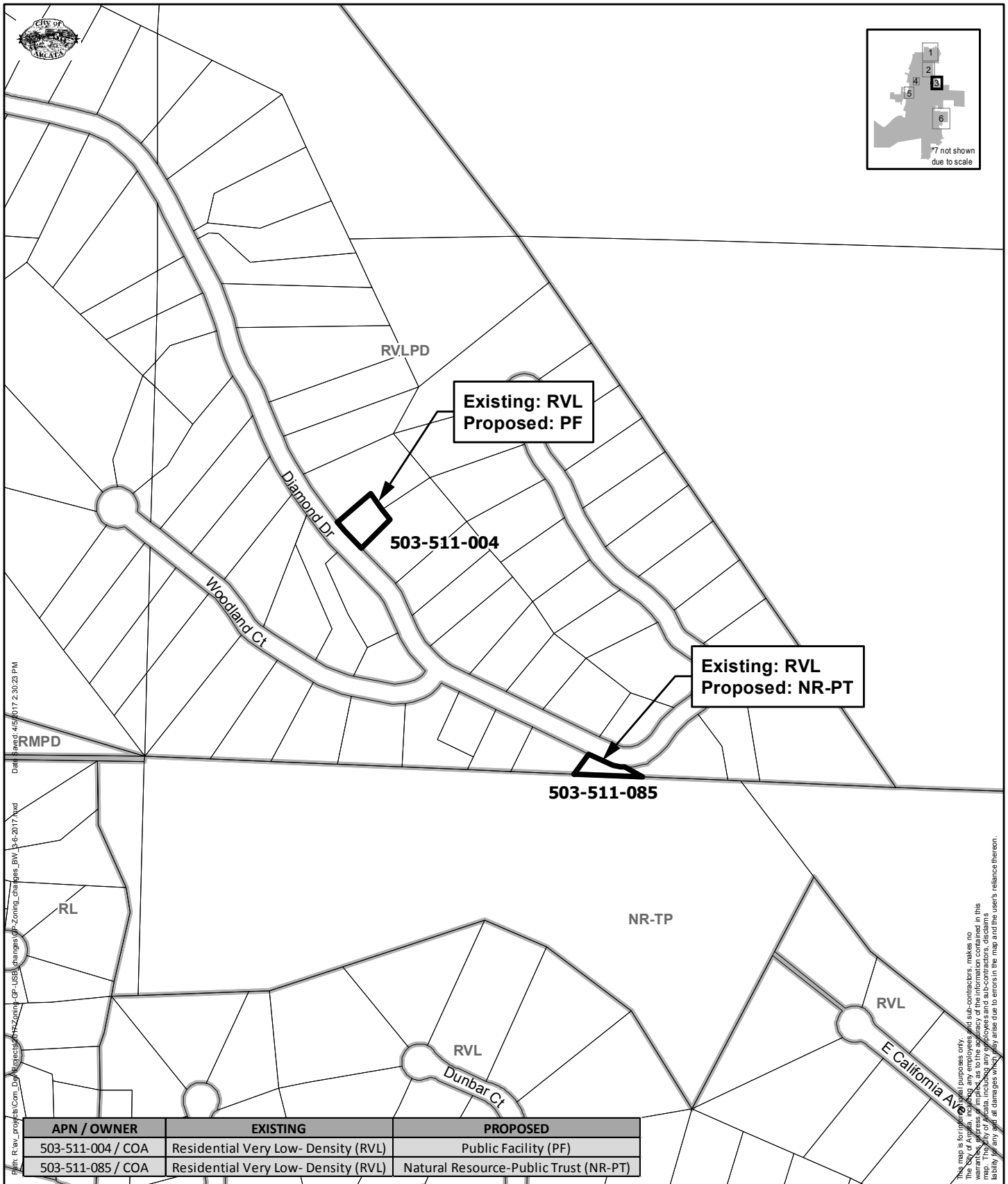


Exhibit 3 of 7

Citywide General Plan & Zoning Amendments 2017

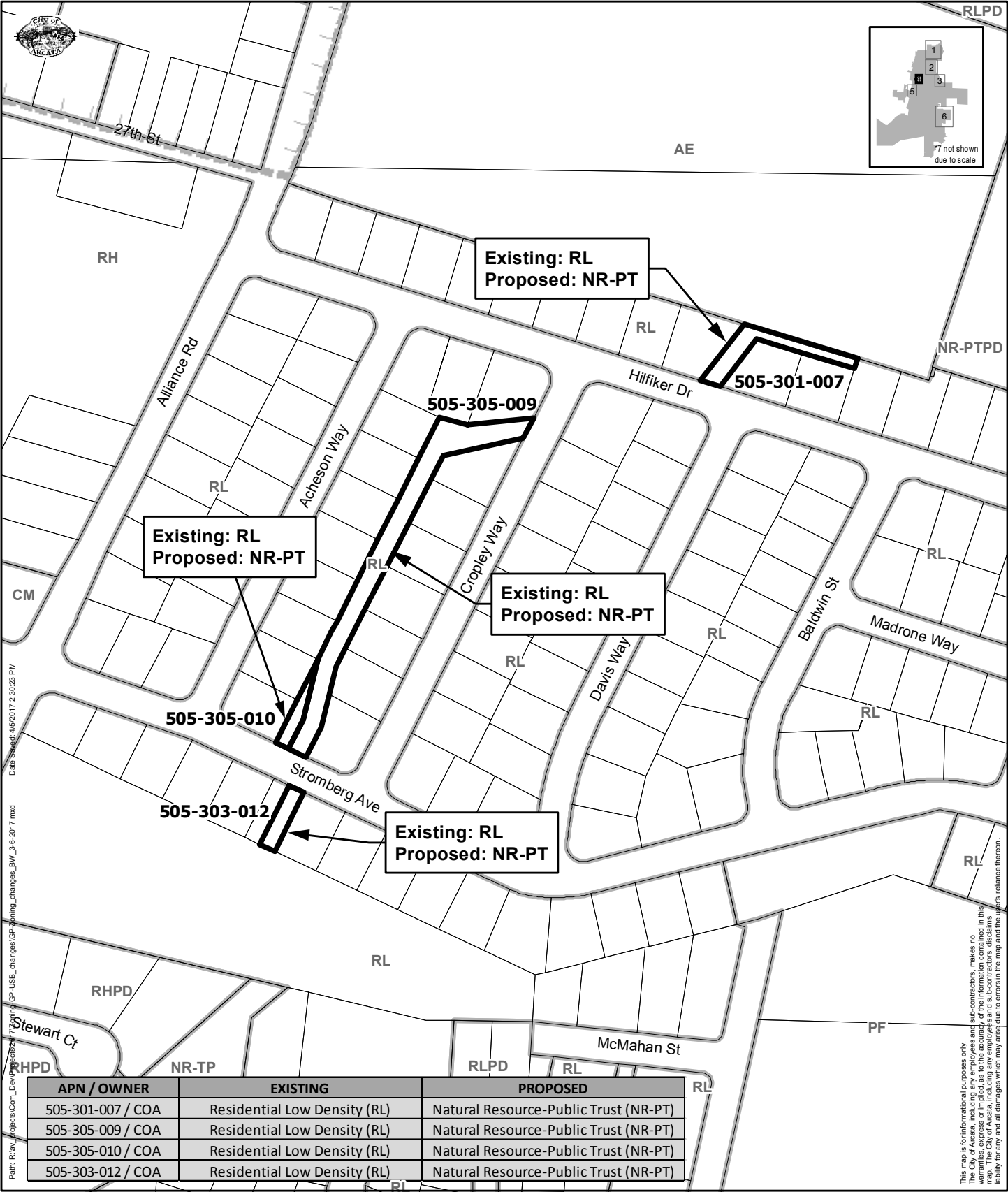
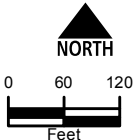


Exhibit 4 of 7

Citywide General Plan & Zoning Amendments 2017

Legend

- Proposed
- Existing
- City of Arcata Parcel
- Coastal Zone Boundary



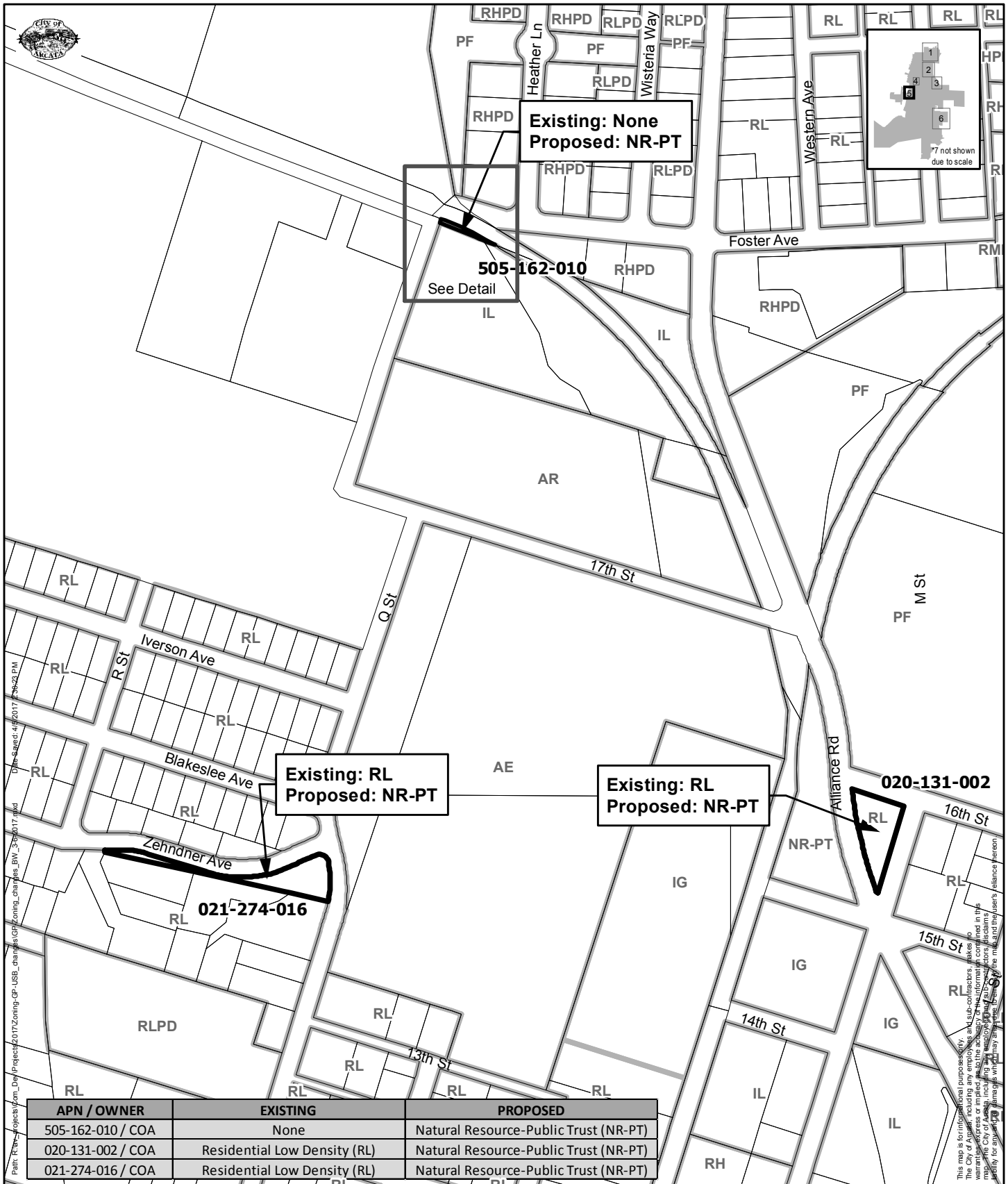


Exhibit 5 of 7

Citywide General Plan & Zoning Amendments 2017

Legend

Proposed

Existing

City of Arcata Parcel

Coastal Zone Boundary

NORTH

0
100
200

Feet

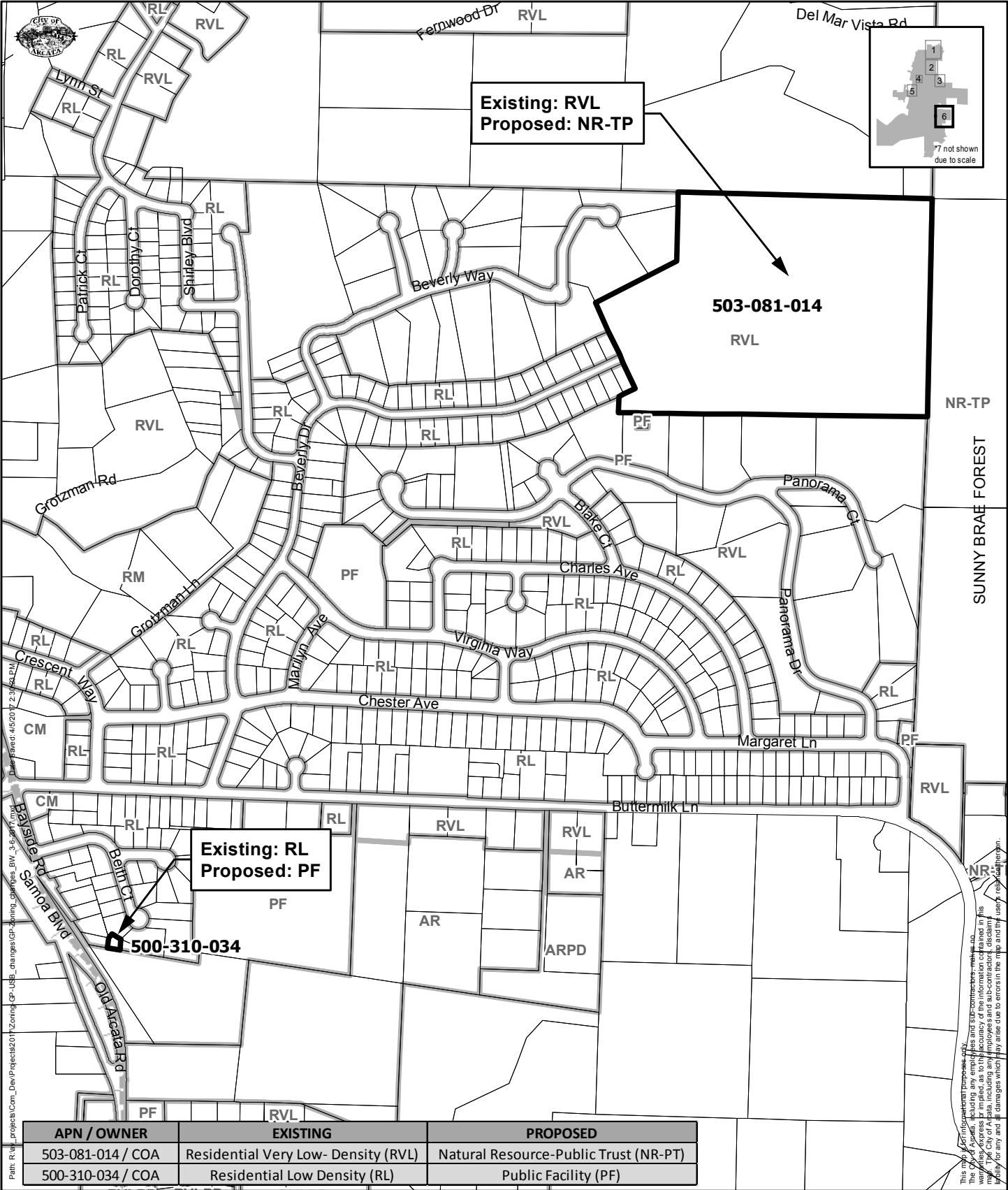


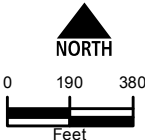
Exhibit 6 of 7

Citywide General Plan & Zoning Amendments 2017

Legend

- Proposed
- Existing

- City of Arcata Parcel
- Coastal Zone Boundary



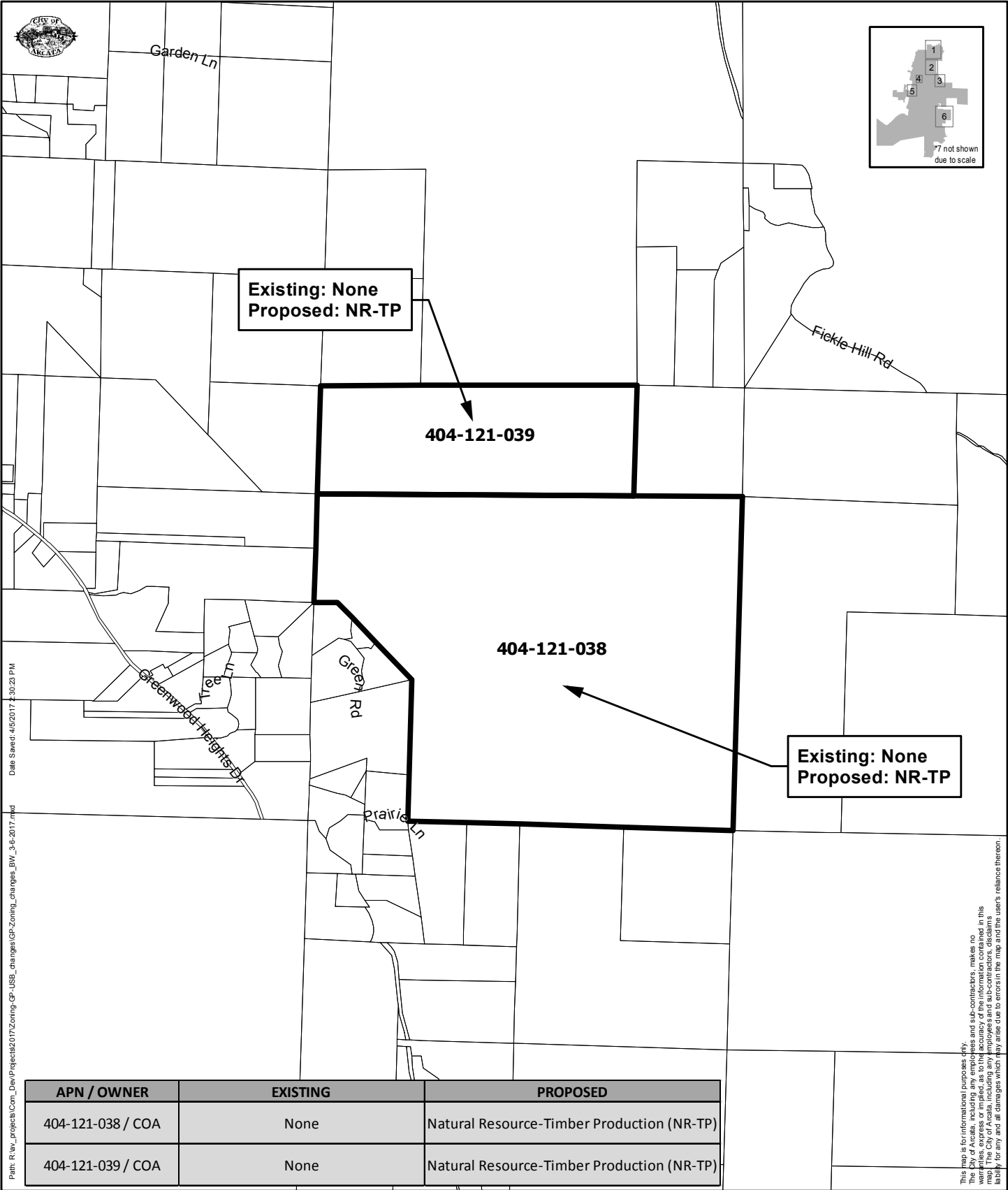


Exhibit 7 of 7

Citywide General Plan & Zoning Amendments 2017

Exhibit 2

Findings of Approval

The City Council makes the following findings, based on requirements outlined in the following sections of the Land Use Code, in support of approving the proposed General Plan and Zoning Amendments for the 21 subject properties located throughout the City.

I. General Plan Amendments - §9.92.050.A:

1. *The proposed amendment is consistent with all other provisions of the General Plan.*

The properties involved in the General Plan amendment are mostly owned by the City and have general plan designations that may coincide with surrounding properties, but do not comport to the public uses established onsite. For example, a municipal water storage tank located on a parcel planned and zoned Residential Very Low Density (RVL). In this instance, the proposal is to change the general plan designation from RVL to Public Facility (PF). The amendment is considered a “clean-up” of a variety of nonconforming situations that will not induce growth nor result in other environmental impacts.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.*

Given the nature of the proposed general plan amendment as described in 1. above, there is no indication that changing the general plan designation to better fit existing public uses or vacant public land would be detrimental to the public interest, health, safety, convenience or welfare of the City.

3. *The affected site(s) are physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses and/or development.*

The City-owned sites are currently either developed with public utility uses, open space or recreation uses or they are vacant. No new development is proposed as a result of this amendment.

General Plan Map Amendments

This General Plan amendment includes changes to Figures LU-a (Attachment D) and GM-a (Attachment E), maps which show the existing USB as well as a land use (for planning purposes only) designation, and the SOI, respectively. These maps will need to be amended to show the Janes Road properties and include a new underlying general plan of Agriculture Exclusive (A-E) for those three properties. For the Graham property, which is already “pre-designated” General Commercial (C-G) within the existing USB/SOI, and a combination of Natural Resource Protection (NRP) and A-E to comport with the existing constraints mapping for prime ag soils, and mapped wetland and riparian areas relating to the Mad River. At the time that these properties come in for annexation, a full analysis of ag conversion and other impacts will be required.

II. Zoning Map and Land Use Code Amendments - §9.92.050.B:

1. Findings required for all Zoning Map and Land Use Code text amendments:

a. *The proposed zoning amendment is consistent with the General Plan.*

The proposed zoning map amendment will bring the zoning into compliance with the underlying general plan designations which are also being amended through this process via Resolution 167-33.

b. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.*

There is no indication that unifying the zoning and land use designations on the subject public properties will be detrimental to the public interest, health, safety, convenience, or welfare of the City. No new development is proposed at this time and the proposed rezone will not expand or intensify the existing uses.

2. Additional finding for Zoning Map amendments: *The affected site(s) is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.*

As mentioned in the General Plan section above, the publicly-owned sites are currently either developed with public utility uses, open space or recreation uses or they are vacant. No new development is proposed as a result of this amendment.