

**ORDINANCE 2024-769**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA TO AMEND FORTUNA MUNICIPAL CODE TITLE 17, ZONING REGULATIONS TO ADD CHAPTER 17.10, REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES, AND FIND THE AMENDMENT TO BE EXEMPT FROM ADDITIONAL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW UNDER CEQA GUIDELINES SECTION 15162, AND 15061(B)(3).**

**WHEREAS**, on August 7, 2019, the City Council, by Resolution 2019-21, adopted the 6<sup>th</sup> Cycle Housing Element covering the planning period of 2019-2027 ("Housing Element"); and

**WHEREAS**, the Housing Element includes programs to implement the goals and policies contained therein; and

**WHEREAS**, Housing Element Program H-18 directs the City to develop a process for Reasonable Accommodation Requests pursuant to state law; and

**WHEREAS**, the City of Fortuna wishes to provide flexibility in the application of the Zoning Regulations for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities; and

**WHEREAS**, Section 3604(f)(3)(b) of Title 42 of the United States Code (the "Fair Housing Act") and Section 12955 et seq. of the California Government Code (the "California Fair Employment and Housing Act") prohibit local government from refusing to make reasonable accommodations in policies and practices when these accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling; and

**WHEREAS**, the draft Housing Element is within the scope of the City's General Plan Program Environmental Impact Report (PEIR), certified and adopted by the City Council on October 26, 2010, by Resolution 2020-45 and therefore, no further environmental review is required; and

**WHEREAS**, the Fortuna Planning Commission held a duly noticed public hearing on December 10, 2024, to consider and receive public testimony on the Amendment and associated CEQA recommendation; and

**WHEREAS**, on December 10, 2024, the Planning Commission unanimously adopted Resolution No. 2024-3120 recommending to the Fortuna City Council approval of the Amendment to add Chapter 17.10, Reasonable Accommodations Policy and Procedures to Title 17, zoning Regulations, and find the Amendment to be exempt from additional environmental review pursuant to CEQA Guidelines Sections 15162 and 15061(b)(3); and

**WHEREAS**, a public hearing notice describing the Fortuna City Council's public hearing on the Amendment and recommended CEQA determination was published in the North Coast Journal on December 5, 2024; and

**WHEREAS**, Staff recommends the Fortuna Municipal Code (FMC) be amended as set forth in Exhibit A, attached hereto and incorporated herein by reference, to implement the above-referenced Housing Element program; and

**WHEREAS**, the Fortuna City Council held a duly noticed public hearing on December 16 2024, to consider the Amendment and recommended CEQA determination.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FORTUNA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above and foregoing recitals are each incorporated by reference and adopted as findings by the City of Fortuna City Council.

**SECTION 2. CEQA.** Pursuant to CEQA Guidelines Section 15162, the Housing Element, including Program H-18 addressed in the Amendment, was analyzed in the City’s certified General Plan Program Environmental Impact Report. (PEIR). Addendum to the General Plan 2035 Final Environmental Impact Report (FEIR) entitled the "2023-2031 Housing Element Update General Plan EIR Addendum" certified and adopted certified and adopted by the City Council on October 26, 2010, by Resolution 2020-45, and no substantial changes or new information merits subsequent analysis of the Amendments.

Additionally, or alternatively, the proposed Amendment is exempt as a “common sense” exemption under CEQA Guidelines Section 15061(b)(3) because it implements a Housing Element program to promote fair and equal housing opportunities but does not involve any physical changes with the potential to create an adverse effect on the environment. It can be seen with certainty that there is no possibility that the Amendment may have a significant effect on the environment. The Amendment will align the FMC with General Plan Housing Element policies and programs and State law. Prior to adoption of the Housing Element, the applicable housing element policies and programs were analyzed for potential environmental impacts and were found to not have a significant impact on the environment. Upon adoption of the Amendment, Staff will file a Notice of Exemption as required by CEQA.

**SECTION 3. Municipal Code Amendment.** Chapter 17.10, Reasonable Accommodations Policy and Procedures, is hereby added to FMC Title 17, Zoning Regulations in the form and substance set forth in “**Exhibit A**” attached hereto and incorporated by reference. Following approval of this Ordinance, without modifying the substance, the City Clerk shall cause the Fortuna Municipal Code amendment to be consistent in form and style with Title 17 of the Fortuna Municipal Code.

**SECTION 4. Effective Date.** The effective date of this ordinance is thirty (30) days after adoption by the City Council of the City of Fortuna.

**SECTION 5. Severability.** If any provision of this ordinance is determined to be invalid, such invalidity does not affect the remaining provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this

resolution are severable. The City Council of the City of Fortuna declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

**SECTION 6. Limited Repeal.** Any provision of the City of Fortuna Municipal Code or appendices to it that are inconsistent with the requirements of this ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this ordinance.

**FIRST READING CONDUCTED** at a regular meeting of the City Council on this 16th day of December 2024, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

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Tami Trent, Mayor

**ATTEST:**

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Siana L. Emmons, City Clerk