

RESOLUTION P-2024-3120

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FORTUNA RECOMMENDING CITY COUNCIL 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 SECTIONS 15162 AND 15061(b)3.

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

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

WHEREAS, Housing Element Program H-18 directs the City to amend the Fortuna Municipal Code (FMC) to develop and formalize a general process for reasonable accommodations in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities; and

WHEREAS, the proposed Zoning Amendment (Amendment) is consistent with and implements the Goals and Objectives of the Fortuna General Plan 2030; and

WHEREAS, staff recommends the 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, a public hearing notice describing the Planning Commission's public hearing on the proposed Amendment and CEQA determination was published in the North Coast Journal on November 28, 2024; and

WHEREAS, the City posted the December 10, 2024 Planning Commission public hearing agenda on the community bulletin board in front of City Hall 72 hours prior to the public hearing; and

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

WHEREAS, the Planning Commission has received, reviewed, and given due consideration to the records and reports herein, and the oral and other evidence received at the public hearing from the public and City staff on the Amendment and associated CEQA determination; and

WHEREAS, the Planning Commission, by Resolution P-2024-3120, recommends to the Fortuna City Council adoption of the Amendment; and

WHEREAS, the Planning Commission finds the Amendment to be exempt from additional environmental review pursuant to CEQA Guidelines Sections 15162 and 15061(b)(3) based on the following findings:

Pursuant to CEQA Guidelines Section 15162, the Housing Element including Program H-18 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 Zoning Amendment.

To the extent the Amendment is a separate project for the purposes of CEQA, it is exempt pursuant to CEQA Guidelines Section 15061(b)(3) which exempts projects 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 Amendment will implement General Plan Housing Element Program H-18 which was analyzed for potential environmental impacts as noted above and was found to not have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that based on the evidence presented and the records and files herein, the Planning Commission of the City of Fortuna does hereby recommend that the City Council adopt the Amendment as attached in Exhibit A and incorporated herein and determine the Amendment to be exempt from CEQA.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Fortuna on the 10th day of December 2024 by the following vote:

AYES: Commissioner Burke, Dorris, Nichols, Vice-Chair Kein, Chair Halley

NOES: None

ABSTAIN: None

ABSENT: None

APPROVED: 
Chair Halley, Planning Commission

ATTEST: 
Siana L. Emmons, City Clerk