

**ORDINANCE 2024-772**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA ADOPTING AMENDMENTS TO FORTUNA MUNICIPAL CODE TITLE 17, ZONING REGULATIONS REGARDING SINGLE-ROOM OCCUPANCY FACILITIES (AMENDMENTS) AND FINDING THE AMENDMENTS 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 6<sup>th</sup> Cycle Housing Element covering the planning period of 2019-2027 ("Housing Element"); 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 Housing Element includes programs to implement the goals and policies contained therein; and

**WHEREAS**, Housing Element Program H-15 directs the City to amend the Fortuna Municipal Code (FMC) to allow for single-room occupancy (SRO) facilities to comply with state law; and

**WHEREAS**, the proposed Amendments are consistent with and implement the Goals and Objectives of the Fortuna General Plan 2030; and

**WHEREAS**, staff recommends the FMC be amended as set forth in Exhibits A, B, C, D, E, F, and G attached hereto and incorporated herein by reference, to implement the above-referenced Housing Element program (collectively the "Amendments"); and

**WHEREAS**, the Amendments uphold the City's public health, safety, and general welfare by providing additional housing options; and

**WHEREAS**, the Amendments are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15162 and 15061(b)(3) as further articulated in Section 2 of the RECITALS contained herein;

**WHEREAS**, on December 10, 2024, the Planning Commission of the City of Fortuna held a duly noticed public hearing and recommended to the City Council, by Resolution P-2024-3119, adoption of the Amendments and making a finding of CEQA exemption for the Amendments; and.

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

**WHEREAS**, notice of the City Council public hearing on the Amendments was posted 72 hours prior to the meeting on the City's website and on the City's community bulletin board located in front of City Hall; and

**WHEREAS**, the City Council of the City of Fortuna has considered the Planning Commission recommendation, staff report, supporting documents, public comment, and all appropriate information that has been submitted with this Ordinance; and

**WHEREAS**, all legal prerequisites to the adoption of the Ordinance have occurred.

**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.** Based on the Record as described above and all matters deemed material and relevant prior to adopting this ordinance, the City Council finds the Amendments to be exempt from the requirements of CEQA 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-15 addressed in the Amendments, 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 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.

To the extent the Amendments are a separate project for the purposes of CEQA, they are 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 Amendments will align the FMC with General Plan Housing Element policies and programs. 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.

**SECTION 3. Municipal Code Amendments.** Section 17.06.184.7, Single Room Occupancy (SRO) Facilities, is hereby added to FMC Chapter 17-06, Regulations That Apply to Specific Uses in the form and substance set forth in "**Exhibit A**" attached hereto and incorporated by reference. FMC Section 17.013.012, Multifamily Residential Zoning District (R-M) is amended in the form and substance set forth in "**Exhibit B**" attached hereto and incorporated by reference. FMC Section 17.013.020, Neighborhood Commercial Zoning District (N-C) is amended in the form and substance set forth in "**Exhibit C**" attached hereto and incorporated by reference. FMC Section 17.013.021, Retail Commercial Zoning District (R-C) is amended in the form and substance set forth in "**Exhibit D**" attached hereto and incorporated by reference. FMC Section 17.013.022, Commercial Thoroughfare Zoning District (C-T) is amended in the form and substance set forth in "**Exhibit E**" attached hereto and incorporated by reference. FMC Section 17.013.31, Light industrial zoning district (M-1) is amended in the form and substance set forth in "**Exhibit F**" attached hereto and incorporated by reference. FMC Section 17.013.30, Heavy

industrial zoning district (M-2) is amended in the form and substance set forth in “**Exhibit G**” attached hereto and incorporated by reference.

Following approval of this Ordinance, without modifying the substance, the City Clerk shall cause the Fortuna Municipal Code amendments 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.

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

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Tami Trent, Mayor

**ATTEST:**

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Siana L. Emmons, City Clerk