ORDINANCE 2025-779

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA TO AMEND FORTUNA MUNICIPAL CODE TITLE 17, ZONING REGULATIONS, CHAPTERS 17.03, 17.06, AND 17.08 TO IMPLEMENT THE 6TH CYCLE HOUSING ELEMENT AND FIND THE AMENDMENTS TO BE EXEMPT FROM ADDITIONAL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW PURSUANT TO PUBLIC RESOURCES CODE AND CEQA GUIDELINES

WHEREAS, the City of Fortuna, California (City) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65850, et seq. authorizes cities to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, California Government Code subdivision (a) of Section 65860 requires that a city's zoning regulations be consistent with its general plan; and

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 the Housing Element includes programs to implement the goals and policies contained therein, and to address any inconsistencies with state law; and

WHEREAS, Housing Element Program H-12 and Program H-18 commit the City to amending those provisions of the Fortuna Municipal Code Title 17, the Zoning Regulations, that are inconsistent with state housing law to be compliant with state law; and

WHEREAS, the amendments to the Zoning Regulations as set forth in Exhibit A, attached hereto and incorporated in its entirety herein by reference, implement Housing Element Program H-12, Transitional and Supportive Housing, that has an objective to "Amend the Zoning Ordinance to state that transitional and supportive housing types [will be allowed] consistent with state law", and implement Housing Element Program H-18 that directs the City to update the definition of family consistent with state law; and

WHEREAS, the amendments to the Zoning Regulations are consistent with the City's General Plan Administrative and Implementation Program AI-4: "The City shall review and amend, as necessary, applicable ordinances and regulations referenced herein to ensure consistency with the General Plan. These shall include the following: Zoning Ordinance, Subdivision Ordinance, Building Code, and Development Standards"; and

WHEREAS, pursuant to and in accordance with the provisions of the State of California Guidelines for Implementation of the California Environmental Quality Act (Title 14 of the California Code of Regulations, hereafter "CEQA Guidelines"), the City is the lead agency for the preparation and consideration of environmental documents for the proposed project; 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 2010-45, and therefore, no further environmental review is required; and

WHEREAS, the amendments to the Zoning Regulations are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085, which states a rezoning that

implements the schedule of actions in an approved housing element is statutorily exempt from CEQA; and Section 15061(b)(3) of the CEQA Guidelines, the common sense exemption, which states that a project is not subject to CEQA where it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment; and

WHEREAS, the Fortuna Planning Commission held a duly noticed public hearing on October 28, 2025, to consider and receive public testimony on the amendments to the Zoning Regulations, and the associated CEQA recommendation; and

WHEREAS, on October 28, 2025, the Planning Commission unanimously adopted Resolution No. P-2025-3137, recommending that the Fortuna City Council adopt the amendments to the Zoning Regulations, and find the amendments to be exempt from additional environmental review pursuant to CEQA Guidelines Sections 15162 and 1506l(b)(3); and

WHEREAS, the review and adoption of the amendments is in conformance with the requirements of California Government Code Sections 65853 through 65857, which require a duly noticed public hearing of the Planning Commission whereby the Planning Commission shall provide its written recommendation to the City Council for its consideration; and

WHEREAS, the City caused to be published in the November 6, 2025 edition of the North Coast Journal, a Notice of Public Hearing on the proposed amendments; additionally, the City posted the same Notice of Public Hearing in conspicuous locations including City Hall and the City website, specifying the availability of the proposed amendments, the date, time, and location of the public hearing for these amendments to the Zoning Regulations, and recommended CEQA finding; and

WHEREAS, the Fortuna City Council held a duly noticed public hearing on December 1, 2025, to consider the amendments and recommended CEQA determination.

WHEREAS, the City Council has considered the staff report, supporting documents, public testimony, the Planning Commission's recommendation that the City Council adopt the proposed amendments to the Zoning Regulations, and all appropriate information that has been submitted with these amendments; and

WHEREAS, all legal prerequisites to the adoption of the Ordinances 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 true and correct, and each is incorporated in full herein by reference.

SECTION 2. Public hearing and notices and public participation. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with state law.

SECTION 3. Findings. That all of the following findings are hereby made:

California Environmental Quality Act (CEQA).

A. Prior to adoption of the 6th cycle 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. As part of approving Resolution 2019-21 and adopting the Housing Element on August 19, 2019, the City Council made findings pursuant to CEQA Guidelines Section 15162(a)(3), finding the Housing Element, inclusive of Program H-12 and Program H-18, had been analyzed in the City's certified General Plan Program Environmental Impact Report (PEIR), and no substantial changes or new information merits subsequent analysis of the amendments.

B. Additionally, the amendments to the Zoning Regulations intend to satisfy the requirements of paragraphs (3) and (5) of Government Code Section 65582(c), which are identified as Programs H-12 and H-18 in the City's approved and certified 2019-2027 Housing Element; Programs H-12 and H-18 are thereby scheduled programs of action. The facts in the record show that the amendments to the Zoning Regulations do not involve zoning actions allowing the construction of oil and gas infrastructure or a distribution center, as defined by Public Resources Code Sections 21064.8 and 21060.4, or involve or affect areas located within natural and protected lands, as defined by Public Resources Code Section 21067.5. Therefore, the amendments to the Zoning Regulations are statutorily exempt from further environmental review pursuant to Public Resources Code Section 21080.085.

C. Finally, the proposed amendments are exempt as a "common sense" exemption under CEQA Guidelines Section 15061(b)(3) because they implement Housing Element programs to achieve compliance with state law and promote fair and equal housing opportunities but do 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 amendments may have a significant effect on the environment. The amendments will align the FMC with General Plan Housing Element policies and programs and state law.

D. Upon adoption of the amendments, staff will file a Notice of Exemption in accordance with CEQA.

Consistency with the Fortuna General Plan

E. In approving Resolution P-2025-3137, the Planning Commission found that the amendments to the Zoning Regulations are consistent with the with Housing Element and Mill District Specific Plan of the General Plan because the subject ordinance will amend the FMC Title 17, Zoning Regulations, as set forth herein, to implement adopted programs of the Mill District Specific Plan and the Housing Element to achieve consistency with the Housing Element, and will ensure consistency with state law.

Public Interest

F. In approving Resolution P-2025-3137, the Planning Commission found that the proposed amendments to the Zoning Map are in the public interest because the amendments promote the orderly and efficient development of land within the City, and encourage a wide range of housing types and densities, while removing regulatory barriers to the creation of a variety of housing types and ownerships, and at a range of densities.

Consistency with the Zoning Regulations and the Fortuna Municipal Code

G. In approving Resolution P-2025-3137, the Planning Commission found that the amendments to the Zoning Regulations are internally consistent with Title 17, and other adopted titles of the FMC.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Fortuna hereby amends the Fortuna Municipal Code Title 17, Chapters 17.03, 17.06, and 17.08, Zoning Regulations, are hereby amended in the form and substance as set forth in Exhibit A, attached hereto and incorporated in its entirety herein by reference. Following the adoption 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 ordinance 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 1st day of December 2025, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
Mike Johnson, Mayor

ATTEST:

_____
Buffy L. Gray, Deputy City Clerk

SECOND READING PERFORMED AND ADOPTED on the 15th day of December 2025, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
Mike Johnson, Mayor
ATTEST:

_____
Siana L. Emmons, City Clerk

Exhibit A

Zoning Text Amendments to the Zoning Regulations

Project location of proposed text amendments: Citywide in the City of Fortuna.

Notes:
1. Proposed amendments to Title 17 of the Fortuna Municipal Code are shown in underlined text for additions and ~~strikethrough~~ text for deletions.

2. All sub-sections not included in the below Sections shall continue in full force, unamended by this Ordinance.

Chapter 17.03
REGULATIONS THAT APPLY IN PRINCIPAL ZONING DISTRICTS

17.03.010 Residential estates zoning district (RE).

…

B. Principal Permitted Uses.

1. One single-family dwelling or mobile home per lot.

2. Community care facilities for six or fewer (FMC 17.08.152), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

C. Permitted Accessory Uses. Subject to the provisions of FMC 17.06.001 and 17.06.002:

~~1. One second residential dwelling per lot, subject to the provisions of FMC 17.06.183;~~

~~2~~1. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020;

~~3. Community care facilities for six or fewer (FMC 17.08.152);~~

~~4~~2. Home occupations, subject to the provisions of FMC 17.06.071;

~~5~~3. Servants' quarters;

~~6~~4. Guesthouses, subject to the provisions of FMC 17.06.061;

~~7~~5. Private garages and parking areas;

~~8~~6. Garage and yard sales, subject to the provisions of FMC 17.06.060;

~~9~~7. Public parks, playgrounds, and other public recreational uses;

~~10~~8. Keeping of not more than eight household pets on each lot, subject to the provisions of FMC 17.06.006;

~~11~~9. Other accessory uses and buildings customarily appurtenant to a permitted use.

…

17.03.011 Residential single-family zoning district (R-1).

…

B. Principal Permitted Uses.

1. One single-family dwelling or mobile home per lot.

2. Community care facilities for six or fewer (FMC 17.08.152), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

C. Permitted Accessory Uses. Subject to the provisions of FMC 17.06.001 and 17.06.002:

~~1. One second residential dwelling per lot, subject to the provisions of FMC 17.06.183;~~

~~2~~1. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020;

~~3. Community care facilities for six or fewer (FMC 17.08.152);~~

~~4~~2. Home occupations, subject to the provisions of FMC 17.06.071;

~~5~~3. Guest rooms for not more than two persons in any single-family dwelling;

~~6~~4. Servants' quarters;

~~7~~5. Guesthouses, subject to the provisions of FMC 17.06.061;

~~8~~6. Garage and yard sales, subject to the provisions of FMC 17.06.060;

~~9~~7. Public parks, playgrounds, and other public recreational uses;

~~10~~8. Keeping of not more than four household pets on each lot, subject to the provisions of FMC 17.06.006;

~~11~~9. Other accessory uses and buildings customarily appurtenant to a permitted use.

…

17.03.012 Multifamily residential zoning district (R-M).

A. Purpose. The RM district is intended to be applied in areas of the city where it is reasonable to permit and protect medium-high density apartment, townhouse, and condominium development. The RM district is intended to be applied in existing medium-high density areas, as well as other developed areas to encourage higher-density development and in undeveloped areas to allow for large-scale development projects. The R-M zoning district is intended to implement the Residential High (RH) General Plan land use designation which has a density range of 15.0 to 29.0 units per gross acre.

B. Principal Permitted Uses.

1. Multifamily dwelling units. Projects requesting deviation from the Objective Planning Standards for Mixed-Use Residential and Multifamily Development, adopted pursuant to Resolution 2023-26 or as later amended by the city council (hereinafter the "multifamily design standards"), are subject to design review approval, pursuant to the provisions of Chapter 17.07 FMC;

2. Single room occupancy (SRO) facilities, subject to R-M zone density, open space, and setback requirements, and the provisions of FMC 17.06.184.7~~.~~;

3. Community care facilities for six or fewer (FMC 17.08.152), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone;

4. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

C. Permitted Accessory Uses. Subject to the provisions of FMC 17.06.001 and 17.06.002:

~~1. One second residential dwelling per lot, subject to the provisions of FMC 17.06.183;~~

~~2~~1. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020;

~~3. Community care facilities for six or fewer (FMC 17.08.152);~~

~~4~~2. Home occupations, subject to the provisions of FMC 17.06.071;

~~5~~3. Private garages and parking areas;

~~6~~4. Garage and yard sales, subject to the provisions of FMC 17.06.060;

~~7~~5. Keeping of not more than two household pets on each lot, subject to the provisions of FMC 17.06.006;

~~8~~6. Public parks, playgrounds, and other public recreational uses;

~~9~~7. Other accessory uses and buildings customarily appurtenant to a permitted use.

…

17.03.020 Neighborhood commercial zoning district (N-C)

…

B. Principal Permitted Uses.

1. Professional offices;

2. Antique, art, music, and hobby stores;

3. Cleaning and dyeing establishments;

4. Dry goods stores;

5. Food stores;

6. Household appliance, radio, and TV repair establishments (small scale);

7. Restaurants seating less than 100 persons, including service of alcoholic beverages at tables and a bar;

8. Sporting goods stores;

9. Barber and beauty shops;

10. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020 (where a use permit is obtained for the residential use prior to establishment of the child day care facility);

11. Community care facilities for six or fewer (FMC 17.08.152) (where a use permit is obtained for the residential use prior to establishment of the community care facility), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone;

12. Bed-and-breakfast inns;

13. Multifamily dwelling units having the density, open space, and setback requirements of the R-M zone, each in a manner consistent with the multifamily design standards;

14. Single room occupancy (SRO) facilities, subject to R-M zone density, open space, and setback requirements, and the provisions of FMC 17.06.184.7;

15. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

…

17.03.021 Retail commercial zoning district (R-C)

…

B. Principal Permitted Uses.

1. Art, music, and hobby stores;
2. Business administration offices;
3. Business service establishments;
4. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020 (where a use permit is obtained for the residential use prior to establishment of the child day care facility);
5. Community care facilities for six or fewer (FMC 17.08.152) (where a use permit is obtained for the residential use prior to establishment of the community care facility), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone;
6. Department stores;
7. Dry goods stores;
8. Financial institutions;
9. Furniture and appliance stores;
10. Hotels and nonprofit clubs;
11. Miscellaneous retail stores;
12. Motion picture and live theaters, concert halls, and assembly halls;
13. Professional offices;
14. Recreation and sports stores;
15. Restaurants including bars, dancing and entertainment;
16. Special schools;
17. Bed-and-breakfast inns, subject to the provisions of FMC 17.06.010;
18. Multifamily dwelling units having the density, open space, and setback requirements of the R-M zone, each in a manner consistent with the multifamily design standards;
19. Single room occupancy (SRO) facilities, subject to R-M zone density, open space, and setback requirements, and the provisions of FMC 17.06.184.7.;
20. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

…

17.03.022 Commercial thoroughfare zoning district (C-T)

…

B. Principal Permitted Uses.

1. Automotive services, general;

2. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020 (where a use permit is obtained for the residential use prior to establishment of the child day care facility);

3. Commercial recreation facilities, such as swimming pools, bowling alleys, skating rinks, and dance halls;

4. Community care facilities for six or fewer (FMC 17.08.152) (where a use permit is obtained for the residential use prior to establishment of the community care facility), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone;

5. Convenience markets, not to exceed 3,000 square feet in gross floor area;

6. Food stores with at least 3,000 square feet of gross floor area;

7. Motels;

8. Offices;

9. Plant nurseries, greenhouses, and fruit stands;

10. Restaurants, including bars, dancing, and entertainment;

11. Restaurants, drive-in;

12. Retail shops for sale of auto parts and accessories, souvenirs, curios, and other similar products, primarily to serve the touring public;

13. Bed-and-breakfast inns, subject to the provisions of FMC 17.06.010~~.~~;

14. Emergency homeless shelters in the areas shown on the homeless shelters zoning maps (Exhibit C attached to Ordinance 2012-698)~~.~~;

15. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

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17.03.030 Light industrial zoning district (M-1)

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B. Principal Permitted Uses.

1. Any manufacturing, processing, assembling, contracting, repair, office, research, transportation, transfer, storage, wholesale, or administrative use, except those listed in FMC 17.03.031(C) and (D);

2. Emergency homeless shelters in the areas shown on the homeless shelters zoning maps (Exhibits B-1, B-2 and C attached to Ordinance 2012-698)~~.~~;

3. Short-order convenience grocery markets with a gross floor area not to exceed 3,000 square feet;

4. Public buildings~~.~~;

5. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

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17.030.040 Heavy industrial zoning district (M-2)

...

B. Principal Permitted Uses.

1. Any manufacturing, processing, assembling, contractors' offices, research, wholesale, or storage use is permitted that is not otherwise prohibited in the statutes of the state or the municipal ordinances of the city;

2. Public and quasi-public buildings and uses~~.~~;

3. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

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17.03.050 Public facility zoning district (PF).

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B. Principal Permitted Uses.

1. Public services and administrative offices, including police and fire stations, post offices, and public parking lots;

2. Parks;

3. Child care facilities with eight or fewer children, subject to the provisions of FMC 17.06.020 (where a use permit is obtained for the residential use prior to establishment of the child care facility);

4. Community care facilities for six or fewer (FMC 17.08.152), and supportive housing (FMC 17.08.507) and transitional housing (17.08.509). Community care facilities for six or fewer, and supportive and transitional housing, are residential uses that are permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone;

5. Public schools~~.~~;

6. Supportive housing developments, subject to the R-M zone density, objective standards for Height Regulations; Lot Standards, Yards and Floor Area Ratio; Required Open Space, Off-Street Parking, the multifamily design standards, and the requirements of FMC 17. 06.18X.

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Chapter 17.06
REGULATIONS THAT APPLY TO SPECIFIC USE

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17.06.18X5.5 Supportive Housing Developments

A. Purpose.

This Section provides for the regulation of supportive housing developments as required by Sections 65650 through 65656 of the California Government Code. Section 65651 prescribes that qualifying supportive housing developments shall be a by right use in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses when specific requirements are met. Government Code Sections 65651 through 65656 establish specific requirements for the regulation of supportive housing developments. This Section is intended to comply with the standards in Sections 65650 through 65656 of the California Government Code to the greatest extent feasible.

B. Applicability.

The provisions of this Section apply to all lots in zones that permit multifamily and mixed uses, including nonresidential zones that permit multifamily uses, that is the Multifamily residential zoning district (R-M), Neighborhood commercial zoning district (N-C), Retail commercial zoning district (R-C), Commercial thoroughfare zoning district (C-T), Light industrial zoning district (M-1), Heavy industrial zoning district (M-2), Public facility zoning district (PF). Supportive housing developments shall comply with objective development standards and policies that apply to other multifamily development within the same zone.

C. General Provisions.

A supportive housing development developed pursuant to Government Code Section 65650 et seq., consisting of fifty (50) units or less, and that meets all of the following requirements shall be permitted in the Multifamily residential zoning district (R-M), Neighborhood commercial zoning district (N-C), Retail commercial zoning district (R-C), Commercial thoroughfare zoning district (C-T), Light industrial zoning district (M-1), Heavy industrial zoning district (M-2), and Public facility (PF) zoning districts, provided:

1. Units within the development are subject to a recorded affordability restriction for fifty- five (55) years.

2. Affordability. One hundred percent (100%) of the units, excluding managers' units, within the development must be restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. Lower income households has the same meaning as defined in Section 50079.5 of the California Health and Safety Code. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.

3. Supportive Housing Units. At least 25 percent (25%) of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population as defined in subparagraph (d) of Government Code Section 65650. In

developments with fewer than 12 units, one hundred percent (100%) of those units, excluding managers' units, must be restricted to residents in supportive housing.

4. Services Plan. The applicant shall submit a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project as required by Section 65651, and describing those services, which must include all of the following:

a. The name of the proposed entity or entities that will provide supportive services.

b. The proposed funding source or sources for the provided onsite supportive services.

c. Proposed staffing levels.

5. Replacement Dwelling Units. The supportive housing development shall replace rental dwelling units in the manner provided in paragraph (3) of subdivision (c) of Section 65915 of the California Government Code.

6. Facilities. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

7. Supportive Services Floor Area. For a development with twenty (20) or fewer total units, at least ninety (90) square feet shall be provided for onsite supportive services. For a development with more than 21 units, at least three percent (3%) of the total nonresidential floor area must be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

8. Parking. A supportive housing development that is located within one-half mile walking distance of a public transit stop shall not require parking for units within the supportive housing development that are designated for supportive housing residents.

9. Any other requirements of Government Code Section 65650 et seq. regarding supportive housing, as may be amended.

D. Review Procedures.

1. The City shall approve a supportive housing development that complies with the applicable requirements of this Section.

2. The City shall only require the supportive housing development to comply with the objective development standards and policies that apply to other multifamily development within the same zone.

3. The City shall notify the developer whether the application is complete within 30 days of receipt of an application to develop supportive housing in accordance with this Section. The City shall complete its review of the application within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days after the application is complete for a project with more than 50 units.

4. The City's review of a supportive housing development to determine whether the development complies with objective development standards, including objective design review standards, pursuant to this Section shall be conducted consistent with the requirements of subdivision (f) of Section 65589.5 of the California Government Code, and shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

5. Any discretion exercised by the City in determining whether a project qualifies as a use by right pursuant to this Section or discretion otherwise exercised pursuant to this section does not affect that City's determination that a supportive housing development qualifies as a use by right pursuant to this Section.

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Chapter 17.08
DEFINITIONS AND ILLUSTRATIONS

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17.08.240 Family.

"Family" means one or more persons sharing a dwelling unit whether or not related by blood, marriage, or adoption ~~a person living alone, or two or more persons related by blood, marriage, or adoption, or a group of not more than five unrelated persons living together who constitute a bona fide single nonprofit housekeeping unit in a dwelling, as distinguished from a group occupying a boardinghouse, lodging house, motel, hotel, or fraternity or sorority house. A family shall be deemed to include necessary servants. (Ord. 2011-692 § 2 (Exh. A)).~~.

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~~**17.08.260 Group care, retarded.**~~

~~Refer to FMC 17.08.152, Community care facility. (Ord. 2011-692 § 2 (Exh. A)).~~

~~…~~

17.08.507 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population~~, as defined by Government Code Section 53260(d)(i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions)~~, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community, pursuant to Government Code Section 65582(n). Supportive housing is a residential use that is permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone pursuant to Government Code Section 65583(c)(3). ~~(Ord. 2012-698 § 1 (Exh. A)).~~

17.08.507.1 Target population

"Target population" means persons with low income, persons who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people pursuant to Government Code Section 65582(p).

…

17.08.509 Transitional housing.

"Transitional housing" means a building or buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time~~, which~~ that shall be no less than six months from the beginning of the assistance pursuant to Government Code Section 65582(q). Transitional housing is a residential use that is permitted in the

same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone pursuant to Government Code Section 65583(c)(3). ~~(Ord. 2012-698 § 1 (Exh. A)).~~