



City of Fortuna

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June 17, 2025

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT

Melinda Coy, Proactive Housing Accountability Chief
651 Bannon Street, Suite 400
Sacramento, CA 95811

Via email to: Clare.Blackwell@hcd.ca.gov

RE: Response to Letter of Inquiry – Fortuna 6th Cycle Housing Element Program Statuses

Dear Ms. Coy,

We have received your letter dated May 23, 2025, regarding the City of Fortuna's (City) 6th Cycle Housing Element Program implementation. The City is keenly aware of the importance of remaining compliant with the State Housing Element Law and the potential consequences of not doing so. We apologize for the deficiencies and assure you that the City has not intentionally been remiss in implementing Housing Element programs. It is due solely to limited staffing.

To that end, on June 16, 2025, the Fortuna City Council approved the allocation of a Senior Planner. This additional staffing resource will allow the Community Development Director to work on completing outstanding Housing Element implementation programs. It will, however, take a couple of months to get this person online and able to take over some of the development review workload. An open Senior Planner recruitment began on June 17, 2025, with the application period to close on July 15, 2025. Considering the time to conduct interviews and a background check, a Senior Planner is anticipated to be onboard by September 1, 2025.

The City is pleased to provide the following update on the implementation status and timeline of the Housing Element programs identified in your May 23, 2025, letter:

Housing Element Programs and Statuses

Program H-10 (Maintain an Inventory of Affordable Housing Sites and Ensure Site Feasibility) commits to amending the zoning regulations to allow residential use without discretionary action on identified reuse sites (Housing Element Table 34) where at least 20 percent of the units are affordable to lower-income households. The attached .pdf packet for Program 10 includes a table demonstrating that four sites noted in Table 34 are in the RM zoning district. The RM zoning district allows multifamily development by right without regard for affordability level, subject to compliance with Objective Planning Standards for Mixed-Use Residential and Multifamily Development (also included in the packet). Under California government code Section 65583.2(i), "...A local ordinance may provide that 'use by right' does not exempt the use from design review...". Staff's interpretation is that allowing multifamily by right

subject to a 20% lower-income affordability requirement would be more restrictive than what is currently allowed. Please review and advise.

The remaining eight sites are also in an RM zoning district but have a "Qualified District" overlay. These overlay districts require a use permit for multifamily development or prohibit it altogether. If multifamily development were proposed on any of these sites as currently zoned, staff would refer to Assembly Bill 821, which allows development to move forward even if zoning is inconsistent with the general plan, provided the development complies with the general plan. The City's General Plan land use designations for *all Table 34 Housing Element* sites allow multifamily development. A developer would therefore be permitted to build multifamily units on any of the sites. The City will bring zoning regulations amendments to the Planning Commission and City Council to remove the "Qualified District" requirement of a Use Permit or prohibition for multi-family development on these sites by November 5, 2025; however, based on AB 821, by-right multifamily development could proceed now.

Program H-12 (Transitional and Supportive Housing) commits to amending the zoning regulations to allow for transitional and supportive housing types in compliance with Government Code Section 65583f(c)(3). Note 1 for Housing Element Table 38 clarifies that the City considers transitional and supportive housing consistent with Community Care Facilities. Community care facilities providing services for six or fewer individuals are considered a residential use of the property and are permitted by right in all residential zones and the Neighborhood Commercial, Retail Commercial, Commercial Thoroughfare, Public Facility, and Agriculture Exclusive zoning districts. Community care facilities providing services for seven or more individuals require a Use Permit in the above zones. The City will update the zoning definitions of supportive housing, transitional housing, and target population, update each applicable zoning district to distinguish between these and community care facilities uses, and ensure that all language and allowances meet applicable State Government codes by November 26, 2025.

Program H-15 (Housing for Extremely Low-Income (ELI) Households) commits to amending the zoning code to allow for Single-Room Occupancy Units (SRO) in selected zones. The City previously provided Ordinance No. 2024-772 to demonstrate program completion. However, we did not provide adequate documentation showing the establishment of zoning for SROs. An informal response to this letter was sent to Clare Blackwell on May 30, 2025, which includes supportive documentation. It is also included in the attached "SROs-H15" packet.

Program H-18 (Reasonable Accommodation) commits to developing and formalizing a process for a person with disabilities to make a reasonable accommodation request. On January 6, 2025, the City Council adopted Ordinance 2024-769, adding Chapter 17.10, Reasonable Accommodations Policy and Procedures to Title 17, Zoning Regulations, of the Fortuna Municipal Code (see the attached "RRA-H18" packet). The program's commitment to update the definition of family to "one or more persons living together in a dwelling unit" has not been completed. The City will take this zoning regulations amendment with the H-12 Zoning Amendments, or by November 26, 2025.

Program H-19 (Provide Assistance for Persons with Developmental Disabilities) commits the City to contacting Redwood Coast Regional Center to determine a plan for informing families about housing and services available for people with developmental disabilities. The City's website currently includes a link to the Redwood Coast Regional Center website and staff will work with the Redwood Coast Regional Center to develop an outreach program to assist people with developmental disabilities by October 15, 2025.

We appreciate that State HCD staff is communicating with the City about our Housing Element implementation statuses. The proposed timelines accommodate recruiting, onboarding, and training a Senior Planner and consider that the zoning regulations amendments require approval from two review bodies (with public notice timeline requirements for each). We commit to completing this work as quickly as possible.

Sincerely,

A handwritten signature in black ink that reads "Shari Meads". The script is cursive and fluid.

Shari Meads
Community Development Director

Attachments:

MF Housing by Right-H10 Packet
SRO-H15 packet
RRA-H18 packet

MF Housing by Right-H10 Packet

District	Net Lot Area (Sq. Ft.)	Lot Depth (Ft.)	Lot Width (Ft.)	Lot Coverage (Max %)	Minimum Depth or Width in Feet of Required Yards			
					Front	Side	Total for Two Side	Rear
R1-10	10,000	100	80	35	30	7	20	25
R1-6	6,000	60	60	35	20	5	10	15

1. Nonresidential use floor area ratio shall not exceed 0.30 in the R1-10 districts, or 0.50 in the R1-6 district.

G. Other Regulations.

1. Off-street parking shall be required for all uses, as provided in FMC 17.05.140.
2. Signs shall comply with all provisions of FMC 17.05.180. (Ord. 2011-692 § 2 (Exh. A)).

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.

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.

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. 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. Home occupations, subject to the provisions of FMC 17.06.071;
5. Private garages and parking areas;
6. Garage and yard sales, subject to the provisions of FMC 17.06.060;
7. Keeping of not more than two household pets on each lot, subject to the provisions of FMC 17.06.006;
8. Public parks, playgrounds, and other public recreational uses;
9. Other accessory uses and buildings customarily appurtenant to a permitted use.

D. Conditional Uses. Subject to securing a use permit, and design review approval with the exception of single-family dwellings pursuant to the provisions of Chapter 17.07 FMC:

1. Rest homes;
2. Hospital offices;
3. Community care facilities with seven or more (FMC 17.08.152);
4. Bed-and-breakfast inns; subject to the provisions of FMC 17.06.010;
5. Mobile home parks, subject to the provisions of FMC 17.06.123;
6. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;
7. Single-family dwellings;
8. Principal permitted uses in the neighborhood commercial (N-C) zoning district (FMC 17.03.020).

E. Height Regulations. Maximum height limit, except as provided for in FMC 17.05.070:

1. One foot in building height for every foot of setback from any property line adjacent to developed single-family areas or undeveloped single-family districts, up to a maximum of the lesser of 40 feet or three stories;
2. Two feet in building height for every foot of setback from any property line adjacent to developed two-story single-family areas, up to a maximum of the lesser of 40 feet or three stories.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Lot Width (Ft.)	Minimum Lot Depth	Minimum Depth or Width in Feet of Required Yards			
			Front	Side	Rear	Public Street
10,000	80	3 times lot width	20	5	10	10

1. Minimum net lot area may be reduced under the planned development provisions in FMC 17.07.080;
2. Minimum lot width may be reduced under the planned development provisions in FMC 17.07.080;
3. Zero Lot Line Option. All or part of the setback and height requirements of interior yards along property lines adjoining other private lots may be waived with the written permission of the property owner of the private lot adjoining the yard that is being encroached upon. Such written permission shall take the form of a zero lot line option agreement that shall be recorded on the chain of title of the adjoining property being affected.

The zero lot line option agreement shall describe the extent of such waiver. All construction utilizing this option shall be subject to design review approval. All Uniform Building Code requirements resulting from the use of an interior setback of less than the normal zone requirements shall be met

by the construction. In no case shall a zero lot line option be approved that would prevent emergency access to all portions of the lot;

4. Nonresidential use floor area ratio shall not exceed 0.60, and the mixed-use floor area ratio shall not exceed 0.80.

G. Other Regulations.

1. **Required Open Space.** At least 40 percent of the area of a lot shall be open space, not covered by buildings, parking spaces, or driveways, as provided in accordance with FMC 17.05.141. This standard shall apply to all residential multifamily developments. This standard may be reduced or modified for any other use in the RM zone, as approved by the planning commission through the conditional use permit process.

2. **Covered Parking and Storage Area.** Covered parking shall be provided in accordance with FMC 17.05.140. In lieu of covered parking, enclosed, lockable storage areas at least six feet in height may be provided on the following per unit basis:

1 bedroom	12 square feet
2 bedroom	21 square feet
3 bedroom	30 square feet

3. **Off-Street Parking.** Off-street parking shall be required for all uses, as provided in accordance with FMC 17.05.140.

4. **Landscaping and Screening.** At least 20 percent of the lot shall be landscaped and screened, as prescribed in FMC 17.05.110. This standard applies only to subdivisions of land completed after December 17, 1990, or to larger lots as determined by the zoning administrator. The amount of landscaping and screening for smaller lots created prior to December 17, 1990, shall be determined by the planning commission.

5. **Review Procedures.** As prescribed in Chapter 17.07 FMC.

6. Signs shall comply with all provisions of FMC 17.05.180. (Ord. 2024-772 § 3 (Exh. B); Ord. 2023-764 § 4 (Exh. A); Ord. 2014-712 § 1 (Exh. A); Ord. 2011-692 § 2 (Exh. A)).

17.03.020 Neighborhood commercial zoning district (N-C).

A. **Purpose.** The purpose of the N-C district is to provide locations for convenience retail shopping facilities and services adequate to supply the daily needs of residential neighborhoods of Fortuna. The N-C district shall be established in accordance with the local service commercial or boulevard commercial designations of the Fortuna general plan or any applicable area plan, where analysis of residential population demonstrates that such facilities are required.

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);
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.

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

1. Public parks, playgrounds, and other public recreational uses;
2. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC:

1. Single-family dwellings;
2. Mobile home parks, subject to the provisions of FMC 17.06.123;
3. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;
4. Public and quasi-public buildings and uses, not to include service centers, storage or repair yards, warehouses, or similar uses;
5. Community care facilities for seven or more (FMC 17.08.152);
6. Service stations, subject to the provisions of FMC 17.06.184;
7. Social halls and nonprofit clubs, subject to the requirements of FMC 17.06.185;
8. Plant nurseries;
9. Shopping centers, which are subject to all three of the following:

- Chapter 17.05 REGULATIONS THAT APPLY IN PRINCIPAL ZONING DISTRICTS
- a. Minimum size of one acre; and
 - b. Placement of the design control combining of -D zone on the entire project site; and
 - c. Approval of the final site plan by the city council, after review by the planning commission;

10. Special schools;

11. Mobile food vending.

E. Height Regulation. The maximum building height shall be 35 feet, except as provided for in FMC 17.05.070.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
2,000	25	None, except that where frontage is in a block that is partially in an R zone, the front yard shall be the same as that required in such R zone.	None, except that a side yard of an interior lot abutting an R zone shall be not less than the front yard required in such R zone.	15, except where a rear yard abuts on an alley, such rear yard may be not less than five feet. Exceptions to this requirement may be granted through a use permit.

1. Floor area ratio shall not exceed 0.35.

G. Other Regulations.

1. Off-street parking shall be required for all uses, as provided in FMC 17.05.140.
2. Landscaping. All parts of the required front yard except the area used for walks and driveways shall be landscaped as prescribed in FMC 17.05.110.
3. Indoor Uses. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities, plant nurseries, mobile food vending, newspaper stands, ice machines, and kindred uses. Except for nursery stock and the farmers' market, all merchandise shall be stocked indoors. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises, except for occasional sidewalk or parking lot sales.
4. Pre-existing nonconforming uses as determined by the planning commission shall be exempt from subsection (C) of this section. A list of pre-existing, nonconforming uses shall be prepared by the planning commission and placed on file in the office of the city clerk.
5. If the commercial use for any parcel changes from its current use, the new use must conform with the existing zoning and parking requirements.
6. Signs shall comply with all provisions of FMC 17.05.180.

7. Design review procedures as prescribed in FMC 17.07.100. (Ord. 2024-772 § 3 (Exh. C); Ord. 2023-764 § 4 (Exh. A); Ord. 2014-707 § 1 (Exh. A); Ord. 2011-693 § 2 (Exh. A); Ord. 2011-692 § 2 (Exh. A)).

17.03.021 Retail commercial zoning district (R-C).

A. Purpose. The purpose of the R-C district is to stabilize, improve, and protect the commercial characteristics of the retail business district of the city. The R-C district is intended to provide a complete and intensive commercial center in the downtown commercial area.

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);
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.

C. Permitted Accessory Uses. Accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of FMC 17.06.001 and 17.06.002.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC:

1. Automobile rental agencies, commercial parking lots and parking structures, and service stations subject to the provisions of FMC 17.06.184;
2. Automotive services, general;
3. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;
4. Commercial recreation facilities subject to the following:
 - a. Ingress and egress shall be at least 20 feet from any property line;
 - b. Landscape and screening provisions of FMC 17.05.110 shall be followed;
5. Community care facilities for seven or more (FMC 17.08.152);
6. Contractors' shops and yards;
7. Food stores;
8. Major retail development, subject to the provisions of FMC 17.06.120;
9. Mortuaries, crematories, and columbaria;
10. Plant nurseries;
11. Shopping centers, which are subject to all three of the following:
 - a. Minimum size of two acres, including adjacent and associated lots developed, managed, or owned by the same party, which may or may not be enjoying joint reciprocal parking and/or access; and
 - b. Placement of the -D design control combining zone on the entire project site; and
 - c. Approval of the final site plan by the city council after review by the planning commission;
12. Warehousing and wholesaling;
13. Single-family dwellings.

E. Height Regulations. No building or structure shall exceed 48 feet in height, except as provided in FMC 17.05.070.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Lot Coverage (Max %)	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
2,000	100	None	None, except when abutting an R district, then not less than 15 feet.	None, except when abutting an R district, then not less than 15 feet. Exceptions may be granted through a use permit.

1. Nonresidential floor area ratio shall not exceed 1.0, except that the floor area ratio for a mixed use shall not exceed 2.0.

G. Other Regulations.

1. Off-Street Parking. Off-street parking shall be required for all uses, as provided in FMC 17.05.140.
2. Landscaping. All undeveloped parts of the lot shall be landscaped, as prescribed in FMC 17.05.110.
3. Indoor Uses. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities, plant nurseries, mobile food vending, newspaper stands, ice machines, and kindred uses. Except for nursery stock and the farmers' market, all merchandise shall be stocked indoors. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises, except for occasional sidewalk or parking lot sales.
4. Pre-existing nonconforming uses as determined by the planning commission shall be exempt from subsection (C) of this section. A list of said pre-existing, nonconforming uses shall be prepared by the planning commission and placed on file in the office of the city clerk.
5. If the commercial use for any parcel changes from its current use, the new use must conform to the existing zoning and parking requirements.
6. Commercial and industrial uses are subject to review under FMC 17.07.100, Design Review, with the exception that noticing property owners within 300 feet of the property as specified in FMC 17.07.100(H), Notice, shall not be required.
7. Signs shall comply with all provisions of FMC 17.05.180. (Ord. 2024-772 § 3 (Exh. D); Ord. 2023-764 § 4 (Exh. A); Ord. 2011-693 § 2 (Exh. A); Ord. 2011-692 § 2 (Exh. A)).

17.03.022 Commercial thoroughfare zoning district (C-T).

A. Purpose. The purpose of the C-T district is to provide for retail, wholesale, highway, and heavy commercial uses, along with amusement, transient residential, warehousing and distribution, maintenance, repair, and servicing activities. C-T districts are to be established in zones of two acres or larger and shall be located only in the immediate vicinity of arterial streets, freeways, or the service/frontage drives thereof.

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);
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;

5. Notwithstanding any of the regulations of this section, nothing in this section shall be deemed to prevent normal maintenance and repair of any use or structure or the carrying out upon the issuance of a building permit of major structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the building official shall state the precise reason why such alterations were deemed necessary.

6. The existence of one or more nonconforming uses on any parcel, lot, or site shall not justify or allow a change in the character, nature, or scale of the business or functioning of any nonconforming use.

7. The provisions of this section may not be altered or varied by conditional use permits or variances.

D. Construction Approved Prior to Adoption of This Title. A building, structure, or part thereof that does not conform to the regulations for the district in which it is situated, but for which a building permit was issued prior to the enactment of the ordinance codified in this title, or any amendment or extension of said building permit, may be completed providing the work is diligently pursued. Such building, structure, or part thereof shall be deemed to be a nonconforming use and shall thereafter be subject to the restrictions set forth in this title. (Ord. 2011-692 § 2 (Exh. A)).

17.06.140 Multifamily dwellings.

A. Compliance With Objective Standards. Multifamily dwellings and mixed-use residential development are subject to the adopted 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").

B. By-Right Approval. A proposed project determined to be consistent with the multifamily design standards and all other applicable city standards and requirements shall be approved without design review or a use permit.

C. Deviation From Standards. An applicant may request a deviation from the multifamily design standards through the design review process in FMC 17.07.100. The planning commission may approve the deviation upon finding that the project incorporates an alternative method to achieve the intent statement that proceeds the standard. (Ord. 2023-764 § 5 (Exh. B)).

17.06.150 Promotional events.

Promotional events consisting of productions, displays, or exhibitions produced for the purpose of attracting persons to a shopping center shall be permitted when so specified in a use permit. A use permit for a promotional event shall be issued only to a shopping center upon application by its authorized representative, who shall attest that the promotional event will comply with the requirements of this section and be in conformance with the application as approved.

A. In General.

1. No participation fee, entrance fee, or contribution shall be requested or required of the public, except that fees may be charged for amusement rides or facilities. No more than five rides or amusement facilities shall be allowed, and no such ride or facility shall exceed 15 feet in height.

2. No direct light or sound associated with such promotional event shall be visible or broadcast beyond the boundaries of the shopping center.

RESOLUTION 2023-26
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA ADOPTING
THE MULTIFAMILY DESIGN STANDARDS

WHEREAS, SB-35 (Chapter 366, Statutes of 2017) enacted section 65913.4 to the Government Code, effective January 1, 2018; and

WHEREAS, Government Code section 65913.4 requires cities and counties to approve qualifying multifamily projects through a streamlined ministerial process if a project conforms to applicable objective standards and meets other requirements;

WHEREAS, The Housing Accountability Act (HAA), Government Code section 65589.5, limits the ability of cities and counties to deny or reduce the density of housing development projects that are consistent with objective standards;

WHEREAS, SB-330 (Chapter 654, Statutes of 2019) enacted Government Code section 66300 which prohibits cities and counties from establishing design standards that are not objective;

WHEREAS, Fortuna's Zoning Code currently contains limited objective design standards for multifamily residential development;

WHEREAS, Fortuna currently relies on subjective design review criteria in Zoning Code Section 17.07.100 to ensure that multifamily residential development conforms with the General Plan and the City's design review manual;

WHEREAS, for a project requesting streamlined review under SB-35, the City cannot enforce subjective design review criteria;

WHEREAS, under the Housing Accountability Act and SB-330, the City cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project;

WHEREAS, in 2019 Fortuna was awarded an SB-2 grant from the State of California established to fund city planning efforts to streamline housing approvals and accelerate housing production;

WHEREAS, Fortuna elected to use part of this SB-2 grant to prepare new Multifamily Design Standards;

WHEREAS, On December 7, 2020 the City Council and Planning Commission held a study session to provide feedback on a recommended approach to the Multifamily Design Standards task;

WHEREAS, On October 14 and December 1, 2020 City staff received feedback on the approach from a group of local stakeholders.

WHEREAS, the City prepared draft Multifamily Design Standards based on feedback from the City Council, Planning Commission, and local stakeholders;

WHEREAS, the Multifamily Design Standards contains objective standards that would apply

to SB-35 projects and conforms to the requirements of the Housing Accountability Act and SB-330;

WHEREAS, the Planning Commission held a public hearing on the Multifamily Design Standards on June 27, 2023 considered the staff report, and public testimony, and made a recommendation to the City Council pursuant to Resolution P-2023-3103 to adopt the Multifamily Design Standards.

WHEREAS, on August 12, 2023, a notice was published in the North Coast Journal and notices were posted in conspicuous locations including City Hall and the City website, specifying the availability of the proposal, and the date, time, and location of the City Council public hearing for this Multifamily Design Standards; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council adopts, by resolution, Multifamily Design Standards in the form attached hereto as Exhibit "1".

PASSED AND ADOPTED on this 5th day of September, 2023 by the following vote:

AYES: Council Member Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent

NOES: None

ABSENT: None

ABSTAIN: None


Tami Trent, Mayor

ATTEST:


Siana L. Emmons, City Clerk



Objective Planning Standards for Mixed-use Residential and Multifamily Development

I. Introduction

This document contains Objective Planning Standards for mixed-use residential and multifamily development. These standards apply to multiple-family dwellings as defined in Zoning Code Chapter 17.08 and mixed-use buildings that contain both a residential and non-residential use. These standards do not apply to detached single-family homes, including subdivisions of multiple single-family homes.

In addition to the Objective Planning Standards, proposed development must also comply with requirements in the Fortuna Zoning Code, the General Plan, and other applicable City plans, policies, and regulations.

The Objective Planning Standards are intended to be consistent with all other City development regulations. Where an Objective Planning Standard appears to conflict with another regulation, the City will construe such requirement to give effect to both, if possible, by harmonizing them with each other. In cases of conflict, the requirement more permissive of housing production governs.

Design Standards for All Areas

Projects in all locations must comply with the standards in Section II: Design Standards for All Areas. Within Section II, there are two types of standards: baseline standards and credit standards. Baseline standards are mandatory for all projects. Project must comply with four of eight available credit standards. Each project can choose which standards to use to meet the credit standard requirement.

Character Areas

This document also contains standards for two defined geographic "character areas:" 1) Single-family Neighborhood and 2) Town Center. The boundaries and standards for these character areas are found in Section III of this document. Projects in a defined Character Area must comply with the applicable Section III: standards in addition to the design standards for all areas in Section II.

Deviation from Standards

An applicant may request deviation from one or more standard through the Design Review process. The Planning Commission may approve a deviation upon finding that the project incorporates an alternative method to achieve the intent statement that proceeds the standard. A project requesting a deviation is not eligible for streamlined approval under SB 35.

II. Design Standards for All Areas

The design standards in this section apply to multifamily and mixed-use residential projects in all locations in Fortuna. The standards address the following topics:

- Circulation and Streetscape Parking and Vehicle Access
- Building Placement, Orientation, and Entries
- Building Massing and Open Space



- Facade and Roof Design
- Other Site Features

A. Circulation and Streetscape Standards

Intent: The intent of the circulation and streetscape standards is to:

- Enhance the visual character and aesthetic qualities of the city; Encourage pedestrian activity with safe, functional, and attractive sidewalks;
- Provide for sufficient sidewalk widths to accommodate street trees and an ADA-compliant pedestrian clear path; and
- Provide for appropriate transitions from the public to private realm.

Baseline Standards

1. **Sidewalks.** Public sidewalks abutting a development parcel shall have a minimum sidewalk width (curb to back of walk) of 6 feet.

Credit Standards

1. Street Trees.

- a. At least one street tree for every 30 feet of linear feet of sidewalk length shall be provided within the sidewalk. See Figure 1: Streetscape standards.
- b. A minimum 2-foot 8-inches pedestrian clear path shall be maintained adjacent to street trees.
- c. Sidewalk tree wells shall be 48" in width by 36" or more in length.

B. Parking and Vehicle Access

Intent: The intent of the parking and vehicle access standards is to:

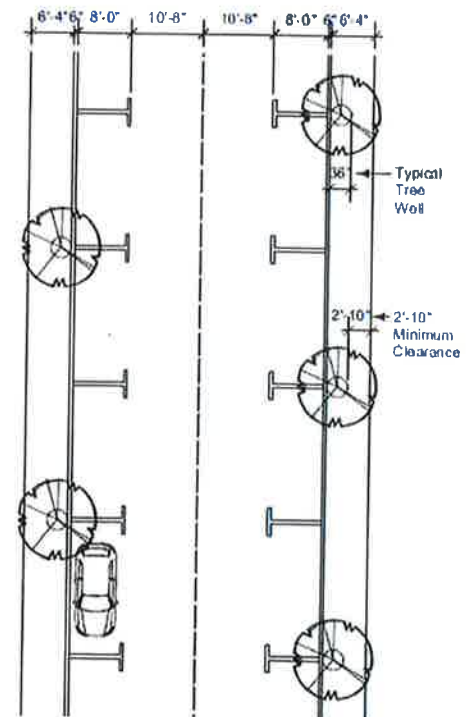
- Support a pedestrian-friendly streetscape design, walkable neighborhoods, and active and inviting mixed-use districts;
- Minimize the visual dominance of parking facilities visible from the street frontage; and
- Promote the ability for residents to walk, bike, and take transit to destinations.

Baseline Standards

1. Parking Placement.

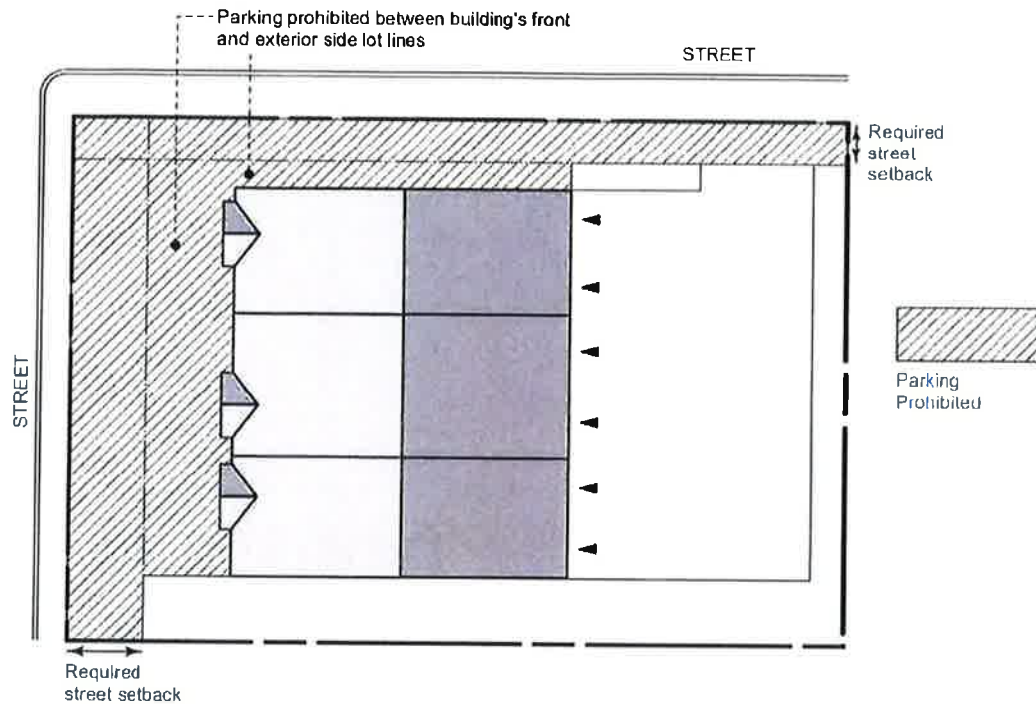
- a. Except when allowed by sections (b) and (c) below, surface parking spaces may not be located:
 - (1) In a required front or street side yard; or
 - (2) Between a primary building and a front or street side lot line. See Figure 2: Parking and Vehicle Access.

- b. The Director may administratively approve an exception to this requirement when necessary





to provide ADA-compliant parking.



c. **Figure 2: Parking and Vehicle Access**

d. Outside of the Single-family Neighborhood and Town Center character areas, surface parking spaces may be located in a required front or street side yard or between a primary building and a front or street side lot line for one or both of the following types of projects:

- (1) Age-restricted senior housing developments.
- (2) Development site greater than one acre in size that fronts an arterial or collector street as designated in the General Plan circulation diagram.

2. **Interior Parking Lot landscaping.** The following standards apply to parking lots with four or more spaces.

a. **Amount of Landscaping.**

- (1) All portions of a parking lot not occupied by a parking space, drive aisle, pedestrian way, or trash collection and storage area must be landscaped.
- (2) A minimum of one tree that reaches a mature height of at least 20 feet must be planted within the parking lot at a minimum ratio of one tree for each 15 parking spaces.
- (3) When the calculation of required trees results in less than one tree (i.e., parking lots with fewer than 15 spaces), a minimum of one tree must be provided.

b. **Location of Landscaping.**

- (1) Where space permits, a landscaped island, at least four feet in all interior dimensions, and containing at least one tree, must be provided at each end of each interior row of automobile parking stalls and between every eight consecutive automobile parking stalls.



Horizontal curb surfaces may not be included in the landscaped island area calculation.

- (2) Landscaping must be located and designed so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This may be achieved through the orientation of the landscaped fingers and islands, and by providing dedicated pedestrian access through landscaped areas where needed.
3. **Driveway Width.** The maximum width of a new driveway crossing a public sidewalk is 12 feet for a one-way driveway and 20 feet for a two-way driveway. Increased driveway width is allowed if required by the Fortuna Fire Department.
4. **Number of Driveways.** A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per 150 feet of property street frontage.
5. **Garage Width and Design.**
 - a. Garage doors may occupy no more than 40 percent of a building's public street frontage.
 - b. Garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually subservient to other building elements:
 - (1) Garage doors recessed a minimum of 18 inches from a street-facing wall plane.
 - (2) Enhanced garage door windows or architectural detailing consistent with the main dwelling.
 - (3) Garage door color that matches the primary color of the main dwelling.
 - (4) Arbor or other similar projecting feature above the garage doors. -
 - (5) Landscaping occupying 50 percent or more of driveway serving garage. -
6. **Loading.**
 - a. For lots served by an alley, loading docks and service must be accessed from the adjoining alley if the alley complies with minimum dimensions for truck service.
 - b. For corner parcels not served by an alley, loading docks and service areas must be accessed from the side street.
 - c. Loading docks and service areas are prohibited on the primary building frontage.

C. Building Placement, Orientation, and Entries

Intent: The intent of the building placement, orientation, and entries standards is to:

- Support cohesive neighborhoods and social interaction with outward facing buildings; -
- Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character; and-
- Provide for sensitive transition from the public realm (sidewalk) to the private realm (residences).

Baseline Standards



1. Building Entrances.

- a. For buildings with one primary entrance that provides interior access to multiple individual dwelling units, the primary building entrance must face the street. A primary building entrance facing the interior of a lot is not allowed. See Figure 3: Building Entry Orientation-Single Primary Entry.
- b. On lots where units have individual exterior entrances, all ground floor units with street frontage must have an entrance that faces the street. If any wall of a ground floor unit faces the street, the unit must comply with this requirement. For units that do not front the street, entrances may face the interior of the lot. See Figure 4: Building Entry Orientation – Multiple Primary Entries.
- c. Outside of the Single-family Neighborhood and Town Center character areas, building entrances may face the interior of a lot for projects on a site of one acre or more, with multiple buildings sharing a common open space/interior courtyard and located on an arterial or collector street as designated in the General Plan circulation diagram. Such project must comply with the following standards:

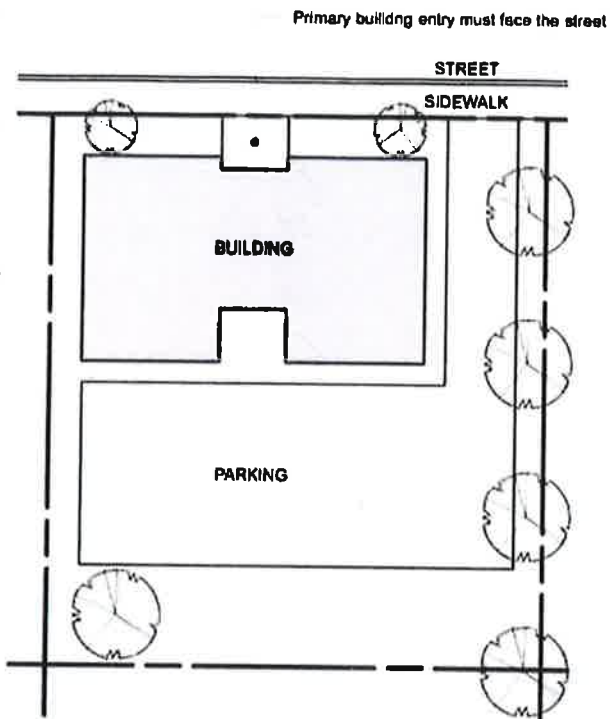


Figure 3: Building Entry Orientation – Single Primary Entry

- (1) At least one pedestrian walkway per 50 feet of property street frontage must connect the adjacent sidewalk to the interior of the lot.
- (2) The area between a building and the street must be landscaped, except for private open space for units (patios), pedestrian pathways or driveways, or semi-public amenities such as courtyards or outdoor seating areas in the town center special character area.
- (3) Continuous solid fences between buildings and the street are prohibited except private outdoor space, if provided, may be defined by a low fence not exceeding four feet in height.
- (4) Street-facing buildings may not exceed a width of 100 feet.
- (5) Buildings facing the street must comply with credit standards E.1 (Facade Articulation) and E.3 (360-Degree Design).

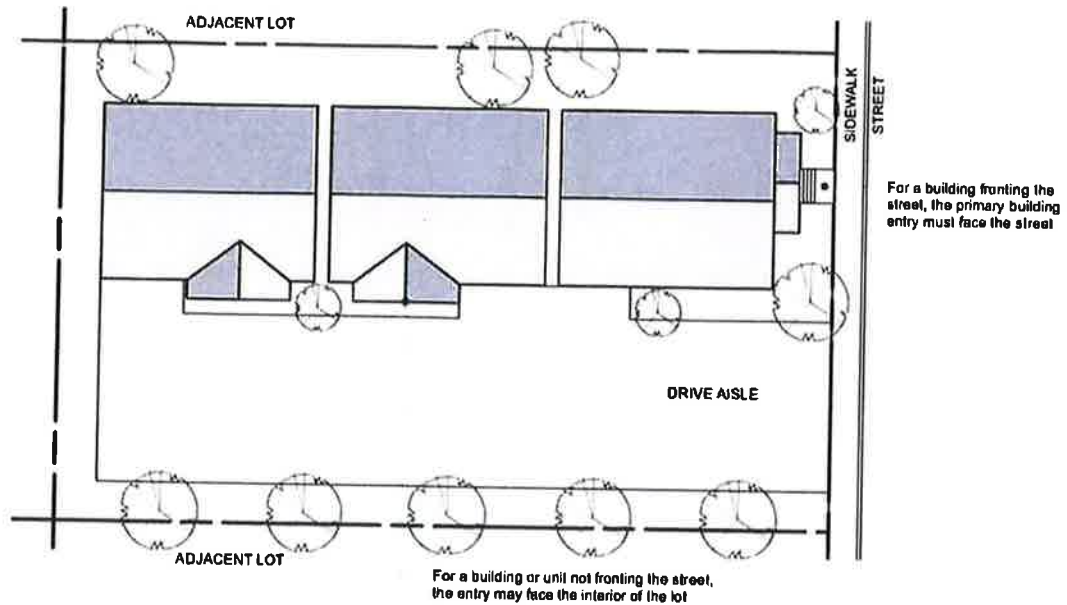


Figure 4: Building Entry Orientation – Multiple Primary Entries

2. **Pedestrian Walkway.** A pedestrian walkway, minimum 6-foot width, shall provide a connection between the public street and all building entrances.

Credit Standards

1. **Entry Design.**

- a. **Residential Projects.** A street-facing primary entrance to residential buildings must feature a porch, covered entry, or recessed entry clearly visible from the street to give the entrance prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry. This standard does not apply to secondary or service entrances.
- b. **Mixed-Use Projects.** Primary entrances to mixed-use buildings with ground floor commercial uses must be emphasized and clearly recognizable from the street. Methods to achieve this result include:
 - (1) Projecting non-fabric awnings or canopies above an entry (covered entry); Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
 - (2) Special corner building treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
 - (3) Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
 - (4) Projecting entries or projecting bays in the facade;



- (5) Recessed entries or recessed bays in the facade; and
- (6) Changes in roofline or articulation in the surface of the subject wall.

D. Building Massing and Open Space

Intent: The intent of the building massing and open space standards is to:

- Provide for human-scale and pedestrian-friendly building massing where large buildings are broken into smaller volumes that fit into the surrounding neighborhood.
- Provide for sensitive transitions to adjacent lower-density residential uses, and.
- Minimize visual and privacy impacts to neighboring properties.

Baseline Standards

1. Residential Transitions.

- a. Development sharing a side or rear lot line with a single-family home in an R-1 district shall comply with the following:
 - (1) Minimum 5-foot step back from ground floor facade for third story and above.
 - (2) Building facade planes abutting an R-1 district may not exceed 50 feet in width.
 - (3) When a building facade abutting an R-1 district exceeds 50 feet in width, it must be separated into facade bays no greater than 50 feet by a recess minimum 5 feet wide and 5 feet deep. See Figure 5: Residential Transitions.
 - (4) In the RM district, the building complies with Zoning Code Section 17.03.012.E.
- b. When a building facade across the street from and facing an R-1 district exceeds 50 feet in width, it must be separated into facade bays no greater than 50 feet by a recess 5 feet wide and 5 feet deep.

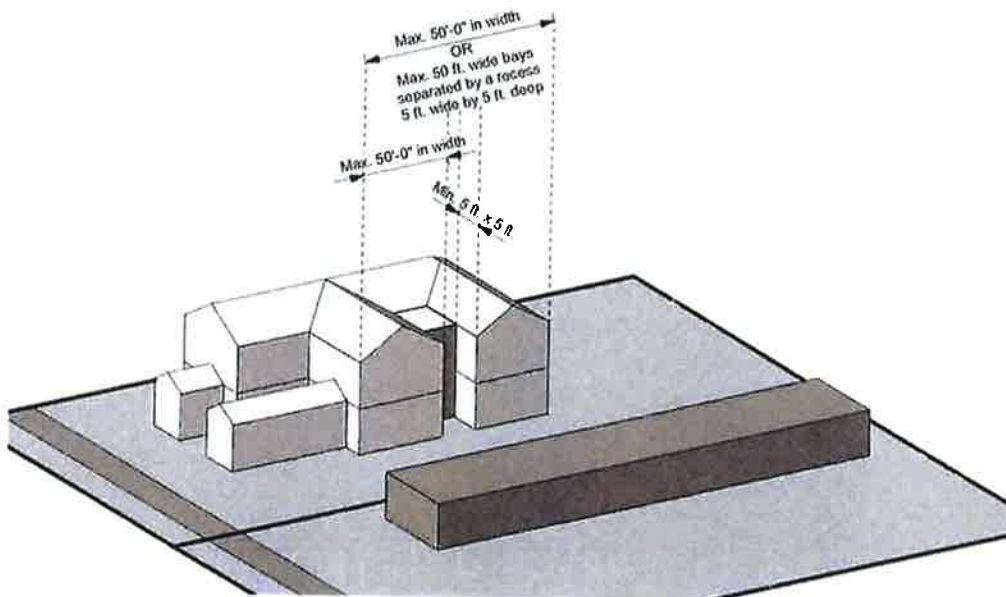


Figure 5: Residential Transitions



Credit Standards

1. **Massing Breaks.** As shown in Figure 6: Massing Breaks, buildings facing a public street must comply with one of the following:
 - a. The width of the building measured parallel to the street does not exceed 50 feet.
 - b. The street-facing facade is separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet wide and 3 feet deep.

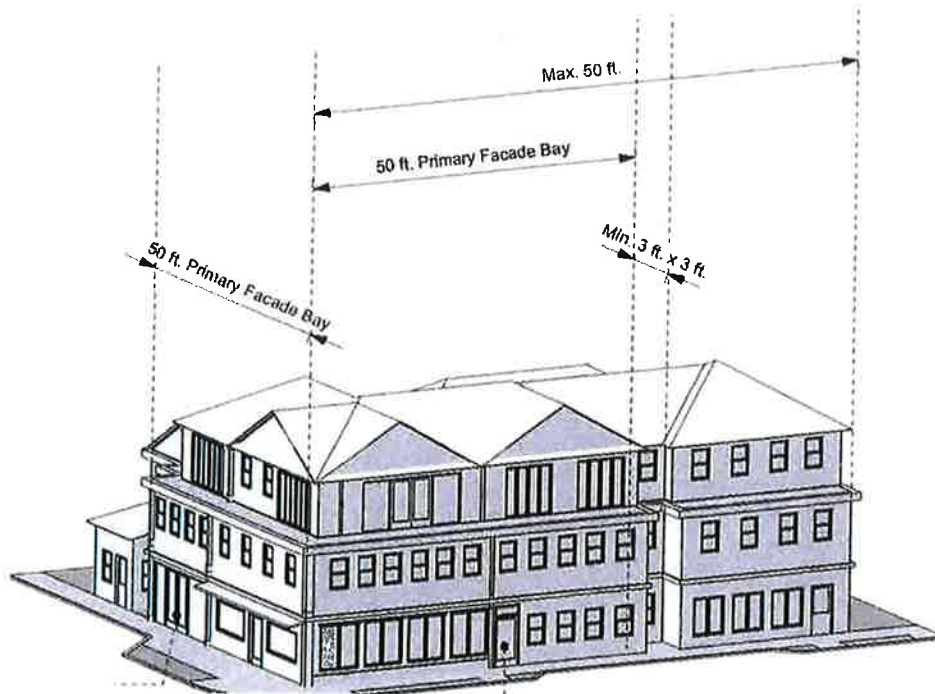


Figure 6: Massing Breaks

- c. All street-facing facades shall have at least one building wall projection or recess at least 4 feet in depth, or two projections or recesses at least 2.5 feet in depth, for every 25 horizontal feet of wall.

E. Facade and Roof Design

Intent: The intent of the facade and roof design standards is to:

- Create street-facing building facades that are varied and interesting with human-scale design details;
- Incorporate architectural elements that reduce the box-like appearance and perceived mass of buildings;
- Provide for buildings designed as a unified whole with architectural integrity on all sides of the structure;
- Ensure quality materials that maintain their appearance over time;
- Promote design details and materials compatible with the existing neighborhood character; and;



- Minimize privacy impacts to neighboring properties.

Baseline Standards

1. Blank Walls/Facade Articulation

- Maximum Blank Wall Area.** The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both 10 ft. See Figure 7: Blank Wall Standards.



Figure 7: Blank Wall Standards

b. Breaks in Blank Walls.

- (1) A break in a blank building wall may be provided by any of the following:
 - (a) Doors, windows, or other building openings.
 - (b) Building projections or recesses, doorway and window trim, or other details that provide architectural articulation and design interest.
 - (c) Varying wall planes where the wall plane projects or is recessed at least six inches.
 - (d) Trim/Framing for windows must have a color that visually contrast from the building wall
 - (e) Non-fabric awnings, canopies or arcades.
 - (f) Substantial variations in building material. For example, adding brick or stone veneer to a stucco building or changing from vertically-oriented board and baton style siding to horizontally-oriented lap siding.
 - (g) A permanently attached trellis or architectural feature for landscaping.
 - (h) Decorative light fixtures or wall sconce.
 - (i) A living wall.



- (2) The following do not qualify as a break in blank wall:
- (a) Variation in exterior building wall color.
 - (b) Vegetation or landscaping.
 - (c) Commercial signs.
 - (d) Mechanical appurtenances such as water heaters, vents, or utility meters.
 - (e) Gutters.

2. Roof Form Variation. Buildings facing a public street must comply with one of the following:

- a. At least 25 percent of the linear frontage of the building's street-facing building roof line must incorporate at least one element of variable roof form that is different from the remainder of the street-facing roof form. See Figure 8: Roof Form Variation. This standard can be met with:
 - (1) Recessed or projecting gabled roof elements;
 - (2) Roof dormers;
 - (3) Changes in roof heights;
 - (4) Changes in direction or pitch of roof slopes;
 - (5) An offset gable clerestory;
 - (6) Upper story embedded in a sloped roof form; or
 - (7) Other similar method as approved by the Director.
- b. Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.

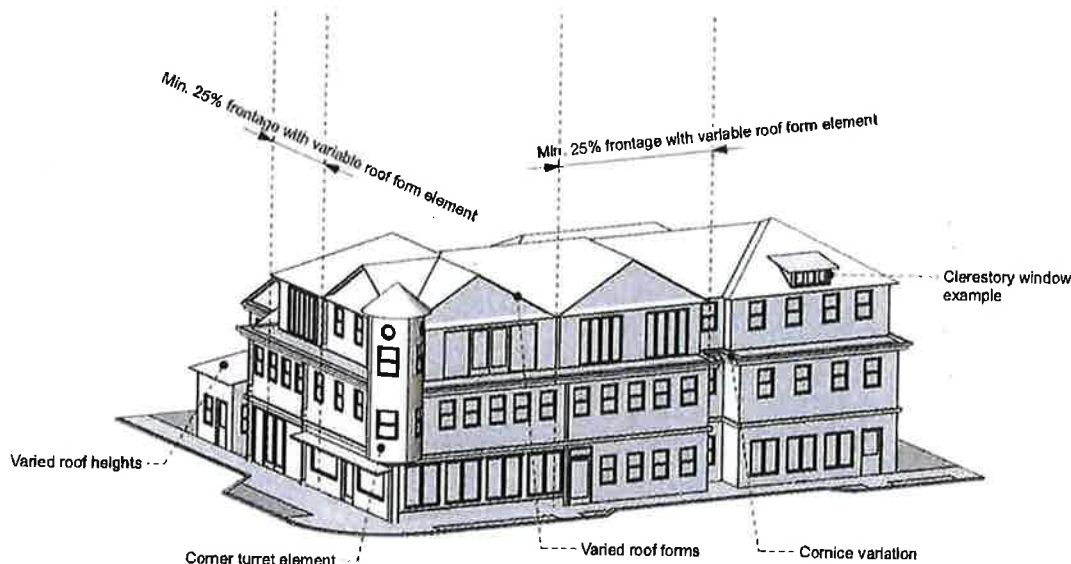


Figure 8: Roof Form Variation

3. Neighbor Privacy.



- a. Balconies, roof decks and other usable outdoor building space must be set back a minimum of 15 feet from a lot line abutting an R-1 zone. A landscape screen with a minimum 1 tree per 15 linear feet is required along the R-1 lot line.
- b. Windows facing adjacent dwellings must comply with one of the following:
 - a. A Minimum 6-foot privacy fence must be provided along the shared property line.
 - b. Windows must be staggered to limit visibility into neighboring units. The vertical centerline of a window may not intersect the window of an adjacent dwelling. See Figure 9: Neighbor Privacy.
 - c. If a window facing the adjacent property intersects the window of an adjacent dwelling, the window must be clerestory or opaque.

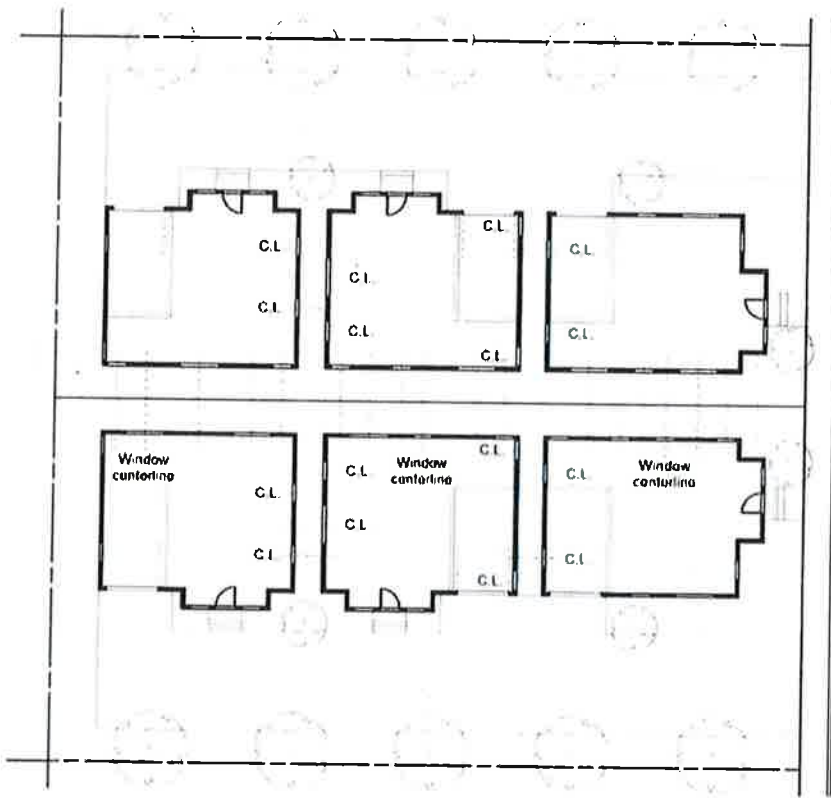


Figure 9: Neighbor Privacy

Credit Standards

1. **Facade Articulation.** Each side of a building facing a street shall include a minimum of two of the following façade design strategies to create visual interest:
 - a. **Projecting Windows.** At least 25 percent of the total window area on the street-facing building wall consists of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
 - b. **Window Boxes.** A minimum of 50 percent of street-facing windows feature window boxes



- projecting at least one-half foot from the building wall.
- c. **Shutters.** A minimum of 50 percent of street-facing windows feature exterior decorative shutters constructed of material that visually contrasts from the building wall.
 - d. **Prominent Front Porch.** A front porch with a minimum depth of 6 feet and width of 12 feet providing access to the unit's primary entrance.
 - e. **Balconies.** Balconies, habitable projections, or Juliet balconies, with at least 20 percent of the linear frontage of the street-facing building wall containing one or more above-ground balcony.
 - f. **Shade/Screening Devices.** Screening devices such as lattices, louvers, shading devices, awnings, non-fabric canopies, perforated metal screens, with such a device occupying at least 20 percent of the linear frontage of the street-facing building wall.
 - g. **Datum Lines.** Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material.
 - h. **Varied Exterior Color.** The street-facing building walls feature two or more visibly contrasting main colors, with each color occupying at least 20 percent of the street-facing building wall area.
 - i. **Varied Building Wall Material.** The street-facing building walls feature two or more visibly contrasting primary materials, (e.g., wood shingles and stucco), with each material occupying at least 20 percent of the street-facing building wall area.
2. **Windows.** Street-facing windows shall comply with one of the following:
- a. All street-facing windows and doors must feature built up profile trim/framing. Windows must include sills and lintels. Trim/framing must project at least two inches from the building wall with material that visually contrasts from the building wall.
 - b. For all street-facing windows, glass shall be inset a minimum of 3 inches from the exterior wall or frame surface to add relief to the wall surface.
3. **360-degree Design.** Buildings shall be designed with architectural integrity on all sides. All exposed exterior surfaces shall feature consistent facade articulation, window and door material and styles, and building wall materials and colors.
4. **Building Materials.** Allowed primary exterior material:
- a. Stucco (minimum 2-coat stucco, synthetic stucco or EIFS not allowed). Stucco shall be painted.
 - b. Siding (lap, vertical, or shingle). Wood siding shall be painted, stained or sealed.
 - c. Wood or cement fiberboard only; (vinyl and aluminum not allowed).
 - d. Stone.
 - e. Brick.
 - f. Tile.



5. Durability. Exterior finish materials shall have an expected lifespan of no less than 30 years.

- a. Features to direct rainwater away from exterior walls shall include one or more of the following:
 - (1) Cornice, with drip at outer edge of corona (minimum 12-inch projection).
 - (2) Projecting eaves (minimum 12-inch projection)
 - (3) Scuppers, with or without downspouts (minimum 12-inch projection if no downspouts are used).
 - (4) Gutters, with downspouts or rain chains.
 - (a) Downspouts shall be round or rectangular, made of copper or metal.
 - (b) Downspouts shall not break façade profiles (such as a cornice) but shall wrap around projecting profile.
- b. Exterior timber shall be protected from decay by one or more of the following:
 - (1) Material properties (e.g., cedar).
 - (2) Staining and sealing.
 - (3) Painting.
- c. Exterior ferrous metals shall be protected from corrosion by one or more of the following:
 - (1) Metallurgical properties (e.g., galvanized, stainless, or weathering steel).
 - (2) Painting or other impermeable coating.

F. Other Site Features

Intent: The intent of the other site feature standards is to:

- Minimize visual clutter on a development site;
- Enhance the design character of the public realm;
- Support an active and welcoming pedestrian environment; and
- Minimize noise, odor, and visual impacts on neighboring residential properties.

Baseline Standards

1. Refuse Storage Areas.

- a. A shared refuse collection and storage area is required for projects with four or more units.
- b. Refuse collection and storage areas may not be located:
 - (1) In a required front or street side yard;
 - (2) Between a primary building and a front or street side lot line;
 - (3) Within a required landscape area; or
 - (4) Within a required yard adjacent to a single-family home in an R-1 district.



- c. Refuse containers shall be located in a building or screened by a solid enclosure with a minimum height of five feet for carts/cans, and 6 feet for dumpsters.

2. Mechanical Equipment Screening.

- a. Rooftop mechanical equipment, including vents and stacks, shall be fully screened by an architectural feature, such as a parapet wall.
 - (1) Ground-mounted mechanical equipment may not be located:
 - (2) In a required front yard;
 - (3) Between a primary building and a front lot line; or
- b. If ground-mounted mechanical equipment is located within a required yard adjacent to an R-1 district containing a single-family home, a 6-foot solid privacy fence must be located along the shared property line.
- b. Backflow prevention devices may be located within the front half of the lot, when located between the side building plane extending to the front property line and the side yard property line. Backflow prevention devices shall not be placed directly in front of the building but may be located in a side location of the front yard. This equipment shall be either:
 - (1) Screened to its full height by a combination of fencing and perennial landscaping to 70 percent opacity; or
 - (2) Contained within a protective enclosure (metal grate) within a planter or landscape bed.

3. Fences. Plastic, chain link, and other wire fencing materials are prohibited:

- a. In a required front or street side yard; and
- b. Between a primary building and a front or street side lot line.

4. Outdoor lighting.

- a. Light fixtures may not exceed a height of 16 feet.
- b. All lighting fixtures must be shielded or recessed so the lighting source is not directly visible from the public right-of-way or adjoining properties. All fixtures must meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant") and the California Green Building Standards Code.
- c. Light Trespass.
 - (1) Lights must be directed downward and away from adjacent lots to minimize illumination of adjacent properties and the public right-of-way to the maximum extent possible.
 - (2) Direct or sky-reflected glare from floodlights may not be directed into an adjacent property or the public right-of-way.
 - (3) No lighting may produce an illumination level greater than one foot-candle on any adjacent residential property.
- d. The following types of exterior lighting are prohibited:



- (1) Bulbs without fixtures or hoods;
- (2) Mercury vapor lights; and
- (3) Searchlights, neon, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

III. Supplemental Standards for Character Areas

Figure 10 shows the location of special character areas in Fortuna. These special character areas identify locations where unique conditions require additional design standards. Development projects in these areas must comply with the supplemental standards below in addition to standards in Section II (Design Standards for All Areas).

A. Primarily Single-Family Neighborhoods

The single-family neighborhood special character area applies to areas that allow multifamily housing but where the majority of existing homes are detached single-family or have a single-family character.

Intent: The intent of the supplemental standards for the single-family neighborhood special character areas is to:

- Locate new homes close to the front property line to reflect the predominant street frontage character in the neighborhood;
- Break larger buildings into smaller volumes that matches the scale and rhythm of the surrounding neighborhood; and
- Ensure that buildings have a residential character compatible with the surrounding neighborhood.

Standards

1. **Maximum Setback.** A minimum of 50 percent of the building width must be located no greater than 20 feet from the front and corner side yard line. If a site contains two or more buildings, this standard applies to each street-facing building on the site. Or average of adjacent setbacks.
2. **Massing Breaks.** When the width of the building measured parallel to the primary street frontage exceeds 48 feet, it must be separated into façade bays no greater than 48 feet by a minimum recess 5 feet wide and 5 feet deep. Sdesee

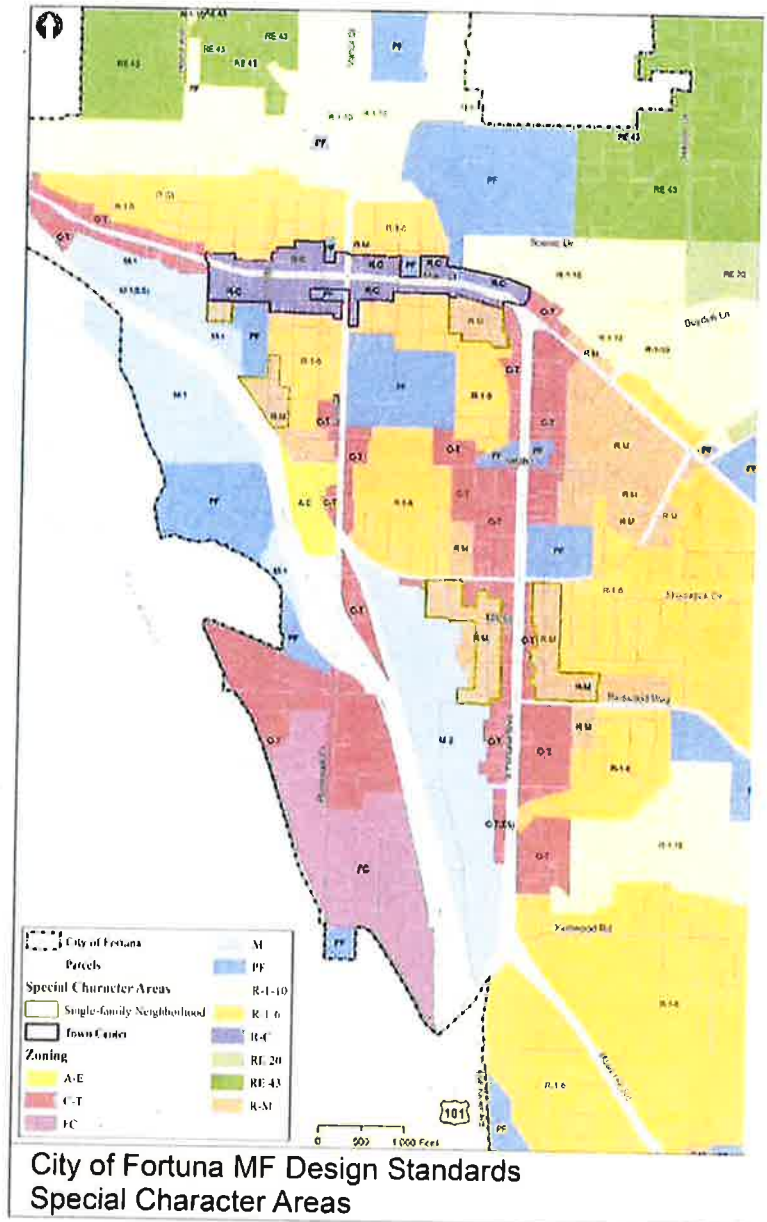


Figure 10: City of Fortuna Special Character Areas



Figure 11: Single Family Neighborhood Standards.

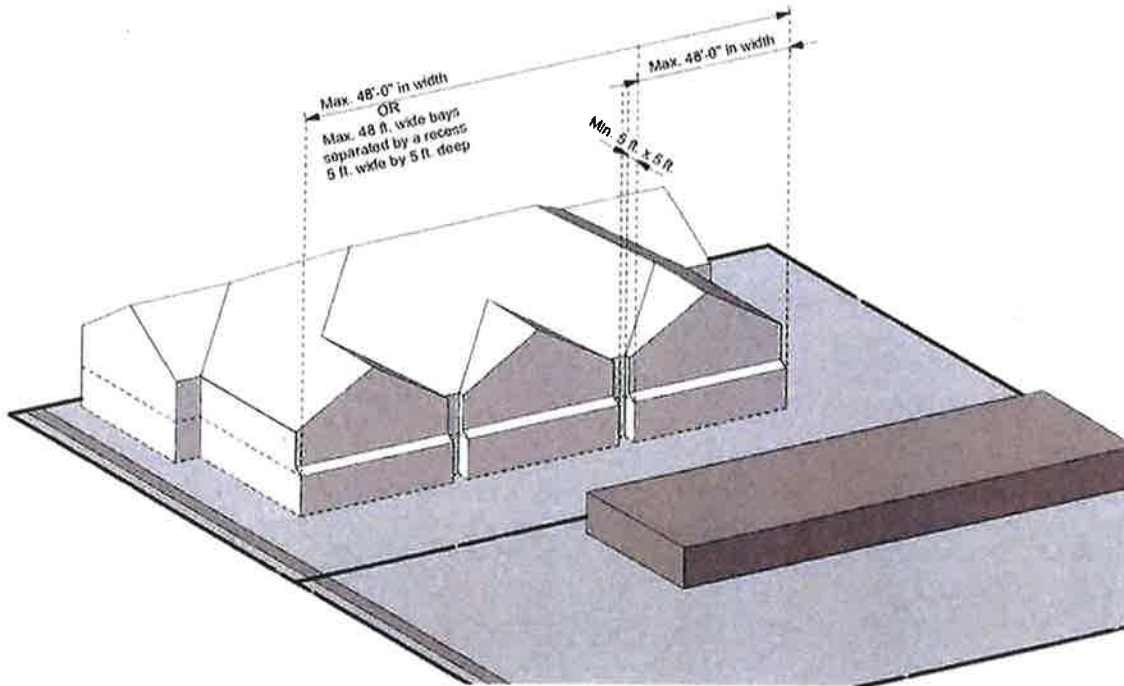


Figure 11: Single-Family Neighborhood Standards

3. Roof Forms. Primary buildings must feature a hipped, gable or dormer roof design.

B. Town Center

The town center special character area applies to properties zoned Retail Commercial (RC) in Fortuna's Downtown/Main Street area.

Intent: The intent of the town center supplemental standards is to:

- Provide for active and inviting ground floor frontages in mixed-use residential buildings;_
- Ensure that vehicle access and parking support a pedestrian-friendly environment;_
- Locate buildings close to the sidewalk to provide for a sense of enclosure and to frame the public realm;_
- Require landscaping and amenities along building frontages to support an attractive and active public realm; and
- Provide for human-scale building designs._

Standards

1. Storefront Height.

- a. Ground-floor storefronts in a mixed-use building must have a minimum 12-foot floor to ceiling height, except as provided for in Paragraph (b) below.
- b. For mixed-use residential buildings with a ground-floor storefront that is adjacent to and immediately contiguous with an existing storefront, the height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.



2. **Parking Access.** For lots served by an existing alley, the building complies with minimum City dimensions, vehicle access to parking must be from the alley. Parking may be accessed from side street for corner parcels.
3. **Parking Placement.** Surface parking must be located:
 - a. In the rear half of the lot; or
 - b. Behind a street-facing building if in the front half of the lot.
4. **Maximum Setback.** A minimum of 50 percent of the building width must be located no greater than 15 feet from the front and corner side yard line. If a site contains two or more buildings, this standard applies to each street-facing building on the site.
5. **Use of Setback Area.** Front setback areas not used for vehicle parking or circulation shall be pedestrian oriented and shall be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.
6. **Base, Middle, Cap.** As shown in Figure 12: Town Center Standards, a building shall have a base, middle, and cap:
 - a. **Base:** The base grounds the structure at the bottom of the building with accent lines and/or materials/colors that contrast with the building middle.
 - b. **Middle:** This element establishes the vertical proportion and is constructed of the primary building material.
 - c. **Cap:** This is the roof or parapet of the building. Cornice or fascia trim shall be incorporated along the roofline.



Figure 12: Town Center Standards

7. **Street-facing Entries to Upper Floors.** Street-facing entries to upper floors shall be equal in quality



and detail to storefronts. This standard may be satisfied through one or more of the following:

- a. Dedicated awning, canopy, or other roof element.
- b. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
- c. Dedicated light fixture(s).
- d. Decorative street address numbers or tiles.
- e. Plaque signs for upper-floor business tenants.

ORDINANCE NO. 88-532 Z

AN ORDINANCE AMENDING SECTION 17.08.030
(OFFICIAL ZONING MAP) OF TITLE 17, ZONING,
OF THE MUNICIPAL CODE OF THE CITY OF FORTUNA

The City Council of the City of Fortuna, State of California,
does ordain as follows:

SECTION 1: That Section 17.08.030 of Title 17 (Zoning Ordinance) consisting of the Official Map of the City of Fortuna is hereby amended as depicted on Exhibit "A."

SECTION 2: The qualifications included on the "Fortuna General Plan Land Use and Zoning Map" are described below:

- A. The area along South 12th Street just north of Loni Drive to Newburg Road zoned Commercial Thoroughfare, Qualified. The Qualification eliminates commercial stables, contractor yards, equipment storage facilities, second hand stores, and warehouse facilities from the conditionally permitted uses.
- B. The property located at 1787 Smith Lane zoned as Commercial Thoroughfare, Qualified. The Qualification is that a use permit would be required for any development so that the extension of Smith Lane and the need for drainage easements can be evaluated.
- C. The area on South 15th and 16th Street, the properties on Spring Street, The properties on the north side of 3rd Street west of Fortuna Boulevard, and the properties on the north side of Redwood Way past Safeway that are zoned Residential Multifamily, Limited, Qualified. The qualification is that a use permit is required for any development that increases the density of dwellings or intensity of use other than a single family residence.

88-532 Z

SECTION 3: All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflicts and no further.

PASSED AND ADOPTED this 7th day of November, 1988
by the following vote:

AYES: Councilman Dean Lewis, Councilwoman Doris Osburn,
Councilman Dennis Wood and Mayor Mel Berti

NOES: None

ABSENT: Councilman Rick Silvers



Mayor, City of Fortuna

ATTEST:



City Clerk, City of Fortuna

ORDINANCE NO. 2002-633Z

AN ORDINANCE AMENDING SECTION 17.08.030
(OFFICIAL ZONING MAP) OF TITLE 17, ZONING,
OF THE MUNICIPAL CODE OF THE CITY OF FORTUNA
AND THE CITY OF FORTUNA GENERAL PLAN

The City Council of the City of Fortuna, State of California, does ordain as follows:

SECTION 1

That Section 17.08.030 of Title 17 (Zoning Ordinance) consisting of the Official Map of the City of Fortuna is hereby amended, and the City of Fortuna General Plan is hereby amended, to provide that:

1. The area depicted on Exhibit "A" currently zoned as Single Family Residential (R-1-6) be rezoned to Residential Multi Family Qualified (RM-Q). The Q combining zone modifies the uses of the RM zone by completely eliminating the multifamily dwelling units as either a principal use or a conditional use. All uses otherwise allowed remain the same as listed in Chapter 17.15.

SECTION 2

All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflicts and no further.

SECTION 3:

A negative declaration of environmental impact has been prepared for this project and is hereby adopted.

PASSED AND ADOPTED this 4th day of March, 2002 by the following vote:

AYES:	Councilmen Berti, Chapman, Cooke, Shelton and Mayor Nyberg
NOES:	None
ABSENT:	None
ABSTAIN:	None

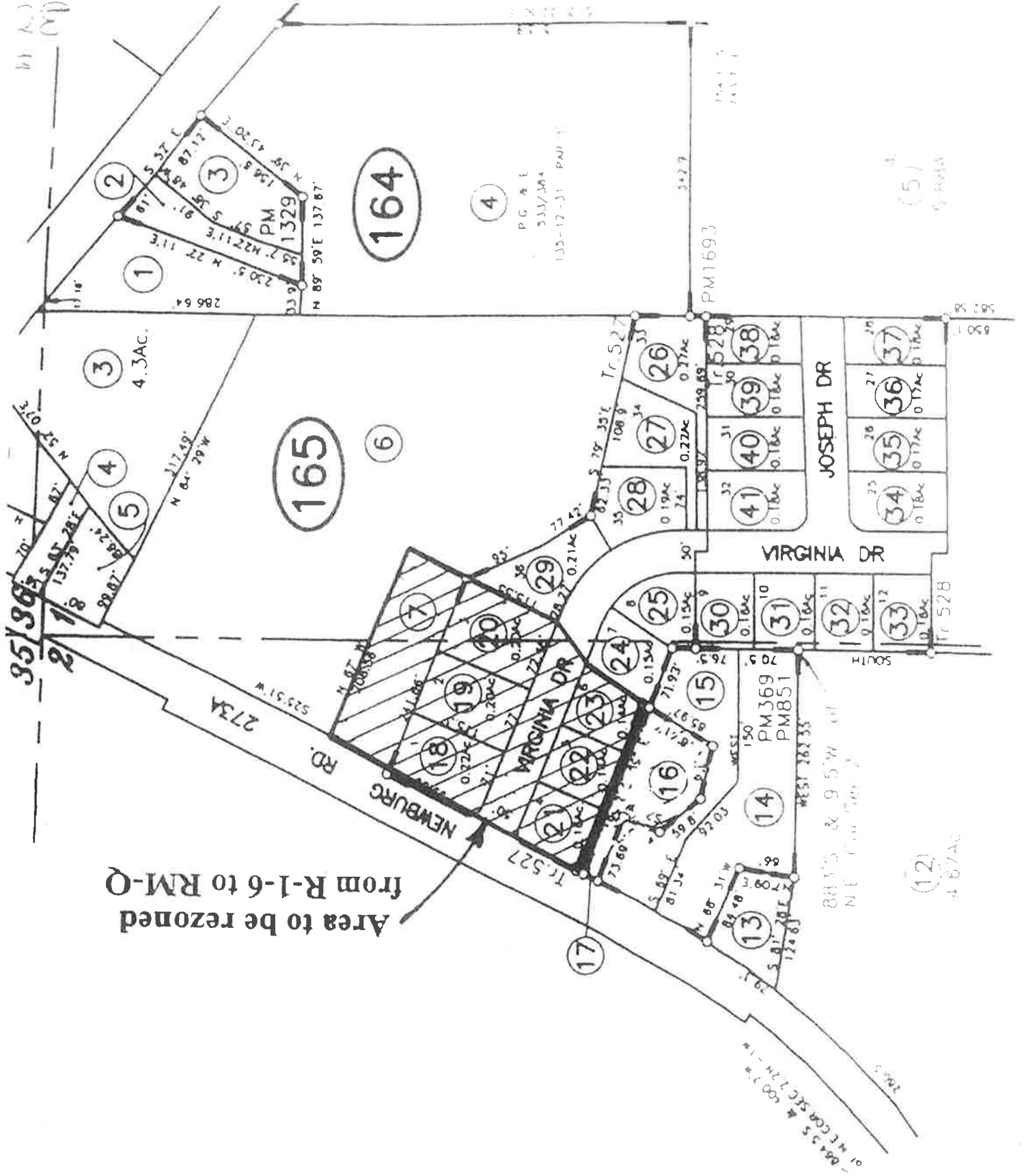
ATTEST:


Mayor, City of Fortuna


City Clerk, City of Fortuna

Exhibit A Area To Be Rezoned

Area to be rezoned
from R-1-6 to RM-Q



ORDINANCE NO. 2004-649Z

**AN ORDINANCE AMENDING SECTION 17.08.030
(OFFICIAL ZONING MAP) OF TITLE 17, ZONING,
OF THE MUNICIPAL CODE OF THE CITY OF FORTUNA
AND THE CITY OF FORTUNA GENERAL PLAN**

The City Council of the City of Fortuna, State of California, does ordain as follows:

SECTION 1: That Section 17.08.030 of Title 17 (Zoning Ordinance) consisting of the Official Map of the City of Fortuna is hereby amended, and the City of Fortuna General Plan is hereby amended, to provide that:

1. The area depicted on Exhibit "A", currently zoned as R-M be rezoned to R-M(B-21). The "B" combining zone designates:

A. The lots shall be fixed as shown on the tentative map and site plan dated June 11, 2004. No further subdivision of any lot is allowed. This ordinance shall become void and null if the tentative map is invalidated through expiration or other means.

SECTION 2: All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflicts and no further.

SECTION 3: A negative declaration of environmental impact has been prepared for this project and is hereby adopted.

SECTION 4: The proposed ordinance is in the public interest and consistent with the General Plan as described in Attachment A.

PASSED AND ADOPTED this 20th day of September, 2004 by the following vote:

AYES: Councilwoman August, Councilmen Berti, Glaser, Shelton and Mayor Cooke

NOES: None

ABSENT: None

ABSTAIN: None



Mayor, City of Fortuna

ATTEST:



City Clerk, City of Fortuna

Attachment A
Findings to Approve the Schneider Planned Development Ordinance
(Ordinance No. 2004-649Z)

The Fortuna Zoning Code, Section 16.65.120 requires that amendments to the zoning code be based on certain findings. The City Council may approve a zoning code amendment only when it finds:

1. *"That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860":*

The project is consistent with the General Plan because the General Plan land use map designates this area for Residential Multifamily development, with multifamily residential uses as a conditionally permitted type of use. The proposed project conforms to the General Plan policies in terms of land use, road standards and other infrastructure, environmental constraints, and health and safety issues, with the approval of the planned development ordinance, waiving: 1) lot width (Lots 6 and 8 have reduced widths below the required 80 feet as measured at the street frontage, although they exceed 80 feet wide if measured further back from the street frontage); 2) parking (Lot 8 is short one space); and 3) road width. These standards are being waived in accordance with the City's planned development ordinance. In exchange for strict adherence to these standards, the project is creating a larger common open space available to all of the project's residents..

2. *"That the public health, safety, and general welfare require the adoption of the proposed amendment":*

The purpose of the Planned Development is to comply with General Plan policies to allow a flexible development that serves the needs of the citizens. This Planned Development grants Zoning Code waivers to minimum lot size, road standard, and parking. By doing so, the project meets the standard of clustering buildings to allow consolidated common open space and less costly improvements.

The project will generate an estimated 168 average daily trips per day. Forty eight of those trips will be located on the northerly access road, and 96 trips will be on the southerly access road. The City Engineer has determined that the proposed road widths can safely accommodate the trips generated based on the existing traffic and roadway capacity.

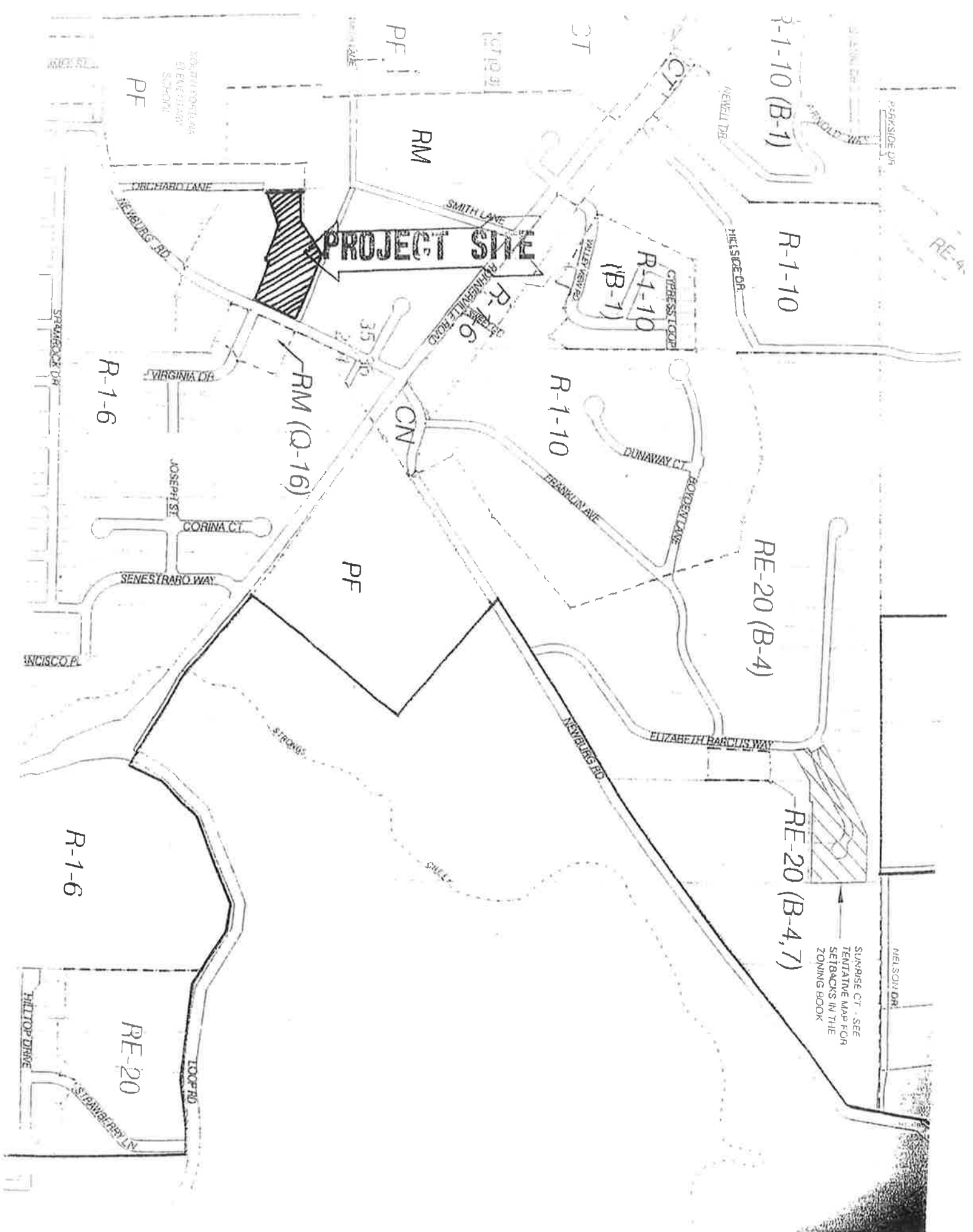


EXHIBIT A

FORTUNA GENERAL PLAN AND ZONING LAND USE MAP

(TO BE INSERTED)

Ordinance 88-532 adopts the Fortuna Zoning Map. The Zoning Map creates the B-1 Qualification with the following setbacks for certain specified areas: Front Yard: 20 feet; Side Yard: 5 feet; Rear Yard: 15 feet

City of Fortuna 6th Cycle Housing Element - Program H10 Implementation Status

SITE NUMBER	APN	PARCEL ACRAGE	CURRENT ZONING CODE	ADDRESS	MF allowed by right (Y/N)	DEVELOPED? (Y/N)	Still Requires Rezoning?
1	201-149-023	0.53	RM (Q-2)	1st vacant Parcel on 3rd Avenue heading east. Adjacent to Site #2	N	N	Y
2	201-149-024	0.53	RM (Q-2)	2nd vacant Parcel on 3rd Avenue heading east. Adjacent to Site #11	N	N	Y
3	200-165-023	0.13	RM (Q-16)	Vacant Parcel at 2431 Virginia Dr	N	N	Y
4	200-165-022	0.13	RM (Q-16)	Vacant Parcel at 2407 Virginia Dr (adjacent to Site #3)	N	N	Y
5	200-165-021	0.07	RM (Q-16)	Vacant Parcel at 2381 Virginia Dr adjacent to Site #4	N	N	Y
6	200-461-018	1.64	RM	3041 through 3049 Smith Lane	Y	Y - MF	N
8	200-461-030	0.17	RM (B-21)	2411 Newburg Ct	Y*	Y - MF	N
9	200-461-032	0.14	RM (B-21)	2600 Kathleen Ct	Y*	Y - MF	N
10	201-149-039	0.23	RM (Q-2)	4th and last vacant Parcel on 3rd Avenue heading east. Adjacent to Site #13	N	N	Y
11	201-149-037	0.24	RM (Q-2)	3rd vacant Parcel on 3rd Avenue heading east. Adjacent to Site #10	N	N	Y
12	200-461-038	0.57	RM	Vacant lot on Newburg Ct	Y	Y - MF under construction	N
13	201-149-026	3.4	RM (Q-2)	The is a vacant parcel to the north of Redwood Way with the closest streets being the intersection of Barry Avenue and Redwood Way.	N	N	Y

* The B-21 qualifying zone allows for density between 7 and 14.9 units per acre. It overlays the R-M district, so multi-family within this density range is allowed by right regardless of affordability level.

The R-M Zoning District allows multifamily dwelling units to be built by right regardless of affordability levels as long as they comply with the adopted Objective Planning Standards for Mixed-Use Residential and Multifamily Development. Projects requesting deviation from the Standards are subject to design review approval

SRO-H15 packet

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 6th 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.

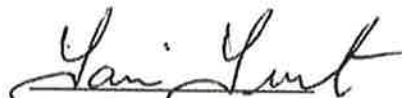
INTRODUCTION AND FIRST READING CONDUCTED at a regular meeting of the Fortuna City Council on this 16th day of December 2024 by the following vote:

AYES: Council Member Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent

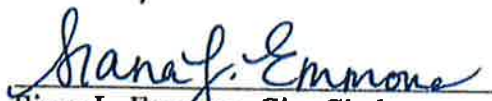
NAYS: None

ABSENT: None

ABSTAIN: None


Tami Trent, Mayor

ATTEST:


Siana L. Emmons, City Clerk

SECOND READING PERFORMED AND ADOPTED on the 6th day of January 2025 by the following vote:

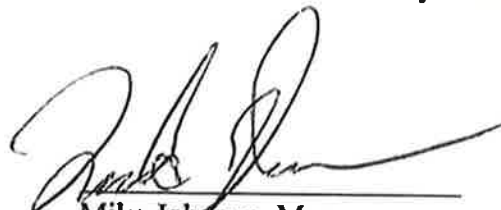
AYES: Council Member Conley, King,

, Mayor Pro Tem Trent, Mayor Johnson

NAYS: None

ABSENT: Council Member Mobley

ABSTAIN: None


Mike Johnson, Mayor

ATTEST:


Siana L. Emmons, City Clerk

Exhibit A

Title 17. Zoning regulations

Chapter 17-06. REGULATIONS THAT APPLY TO SPECIFIC USES

§ 17.06.184.6 Single Room Occupancy (SRO) Facilities.

- A. **General Provisions.** The provisions of this section are intended to expand affordable housing opportunities in selected zones for lower-income one- or two-person households. Where allowed by 17.06.184.7(C), Single Room Occupancy (SRO) Dwelling Units and Facilities shall comply with all requirements of this section.
- B. **Definitions.** For the purposes of this section, the following words and phrases shall have the following meanings:
 - 1. **Single Room Occupancy (SRO) Facility.** A multi-family residential building that contains at least two Single Room Occupancy (SRO) Dwelling Units, common (vs private) gathering or open space areas, laundry facilities, a management office, and ancillary facilities necessary to maintain the SRO facility. Full cooking, eating, and bathroom facilities shall be provided if each SRO Dwelling Unit does not contain full bathroom and cooking and eating facilities.
 - 2. **Single Room Occupancy (SRO) Dwelling Unit.** A residential dwelling unit located in a Single Room Occupancy (SRO) Facility that has a minimum floor area of 150 square feet for single person occupancy, 220 square feet for two-person occupancy, and a maximum floor area of 350 square feet. Each SRO Dwelling Unit shall contain a closet, and a partial or full bathroom sanitation facility. A partial bathroom shall have at least a toilet and a sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. An SRO Dwelling Unit shall accommodate a maximum of two persons.
- C. **Location.** A Single Room Occupancy Facility may be proposed in the R-M, N-C, R-C, C-T, M-1, and M-2 Principal zones, and any location where emergency homeless shelters are allowed.
- D. **Required approvals. Project review and approval.** SRO Facilities are principally permitted uses in the R-M, N-C, and R-C zones, and any location where emergency homeless shelters are allowed. SRO Facilities proposed in the C-T, M-1, and M-2 zones require an approved Conditional Use Permit in compliance with Section 17.07.060. SRO Facilities are prohibited in all other zones. SRO Facilities require Design Review approval pursuant to 17.07.100 unless they are found compliant with the City's multifamily design standards in which case they are exempt from the Design Review requirement.
- E. **Development standards.**
 - 1. **Single Room Occupancy Facilities.** Single Room Occupancy (SRO) Facilities are subject to the density, open space, and setback requirements of the R-M zone.
 - a. **Height Regulations.** Maximum height limit, except as provided for in FMC 17.05.070:

- i. One foot in building height for every foot of setback from any property line adjacent to developed single-family uses or undeveloped single-family zoning districts, up to a maximum of the lesser of 40 feet or three stories;
 - ii. Two feet in building height for every foot of setback from any property line adjacent to developed two-story single-family uses, up to a maximum of the lesser of 40 feet or three stories.
 - b. Management. Twenty-four-hour on-site management must be provided at an SRO Facility with seven (7) or more units and shall include a dwelling unit designated for the manager. An SRO Facility with less than seven (7) units shall provide an on-site management office. Facility management shall have at least 24 hours of onsite office hours per week, and a minimum of three (3) days per week. Office hours shall be within the time range of 7:00 AM and 8:00 PM.
 - c. Management Plan. A Management Plan shall be submitted with the required conditional use permit for an SRO Facility for approval by the Planning Commission. The Management Plan shall contain management policies and operations, rental procedures and rates, tenant screening procedures, procedures for handling tenant grievances, maintenance plans, residency and guest rules and procedures, security procedures, and staffing expectations.
 - d. Parking. Off-street parking shall be provided at a rate of at least one (1) covered space per SRO Dwelling Unit, one (1) dedicated parking space for the manager, and must comply with all FMC parking design standards. In lieu of covered parking, enclosed, lockable storage areas at least six (6) feet in height and 12 square feet in area may be provided per unit. On-site covered, secure bicycle parking shall be provided at a rate at least one (1) space per SRO Dwelling Unit.
 - e. Bathroom facilities. Each SRO Dwelling Unit shall be equipped with a private toilet in an interior-locking enclosed compartment that is no less than 15 square feet in area. If private bathing facilities (bathtub, shower, or bathtub shower combination) are not provided for each SRO Dwelling Unit, shared shower or bathtub facilities shall be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
 - f. Common Area. Single Room Occupancy Facilities shall provide interior common space at a rate of 10 square feet per SRO Dwelling Unit or 300 square feet in total, whichever is greater. Interior common space shall not include janitorial storage, laundry facilities, closets, bathrooms, kitchen facilities, or common hallways.
2. Single Room Occupancy Dwelling Units
- a. Unit Size. An SRO Dwelling Unit shall have a minimum floor area of 150 square feet for single person occupancy, 220 square feet for two-person occupancy, and a maximum floor area of 350 square feet.

- b. **Occupancy.** An SRO Dwelling Unit with 150 square feet to 219 square feet in floor area shall have a maximum occupancy of one (1) person. An SRO Dwelling Unit with 220 square feet to 350 square feet in floor area shall have a maximum occupancy of two (2) persons.
 - c. **Tenancy.** SRO Dwelling Units require occupancy of no less than 30 days and shall not be used as short-term rentals. SRO tenants shall not have an additional residential address other than the address of the SRO Facility in which the SRO Dwelling Unit is located.
 - d. **Bathroom facilities.** An SRO Dwelling Unit must contain a partial bathroom facility and may contain a full bathroom facility. A partial bathroom facility includes at least a toilet in an interior-locking enclosed compartment that is no less than 15 square feet in area, and a sink. A full bathroom facility includes a toilet, sink, and bathtub, shower or bathtub/shower combination. Toilet and bathing facilities must be located in enclosed compartments with interior locking doors.
 - e. **Kitchen.** An SRO Dwelling Unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink with hot and cold running water, a refrigerator, and a stove, range top or oven. A partial kitchen is missing at least one of these appliances.
 - f. **Closet.** Each SRO Dwelling Unit shall have at least one closet measuring not less than 30 cubic feet.
 - g. **Code compliance.** SRO Dwelling Units shall comply with all **California Building Code** and Fortuna Municipal Code regulations, and development and performance standards.
 - h. **Accessibility.** SRO Dwelling Units shall comply with all applicable accessibility and adaptability requirements including common areas.
- F. **Existing structures.** An existing structure may be converted to an SRO Facility, consistent with the provisions of this Section.

Exhibit B

FMC Section 17.03.012 ZONING TEXT AMENDMENTS

Proposed amendments are in ~~strike-out~~ (deleted text) and red underline (added text).

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.

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.

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. 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. Home occupations, subject to the provisions of FMC 17.06.071;
5. Private garages and parking areas;
6. Garage and yard sales, subject to the provisions of FMC 17.06.060;
7. Keeping of not more than two household pets on each lot, subject to the provisions of FMC 17.06.006;
8. Public parks, playgrounds, and other public recreational uses;
9. Other accessory uses and buildings customarily appurtenant to a permitted use.

D. Conditional Uses. Subject to securing a use permit, and design review approval with the exception of single-family dwellings pursuant to the provisions of Chapter 17.07 FMC:

1. Rest homes;
2. Hospital offices;
3. Community care facilities with seven or more (FMC 17.08.152);
4. Bed-and-breakfast inns, subject to the provisions of FMC 17.06.010;
5. Mobile home parks, subject to the provisions of FMC 17.06.123;
6. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;

7. Single-family dwellings;

8. Principal permitted uses in the neighborhood commercial (N-C) zoning district: (FMC 17.03.020).

E. Height Regulations. Maximum height limit, except as provided for in FMC 17.05.070:

1. One foot in building height for every foot of setback from any property line adjacent to developed single-family areas or undeveloped single-family districts, up to a maximum of the lesser of 40 feet or three stories;
2. Two feet in building height for every foot of setback from any property line adjacent to developed two-story single-family areas, up to a maximum of the lesser of 40 feet or three stories.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Lot Width (Ft.)	Minimum Lot Depth	Minimum Depth or Width in Feet of Required Yards			
			Front	Side	Rear	Public Street
10,000	80	3 times lot width	20	5	10	10

1. Minimum net lot area may be reduced under the planned development provisions in FMC 17.07.080;
2. Minimum lot width may be reduced under the planned development provisions in FMC 17.07.080;
3. Zero Lot Line Option. All or part of the setback and height requirements of interior yards along property lines adjoining other private lots may be waived with the written permission of the property owner of the private lot adjoining the yard that is being encroached upon. Such written permission shall take the form of a zero lot line option agreement that shall be recorded on the chain of title of the adjoining property being affected.

The zero lot line option agreement shall describe the extent of such waiver. All construction utilizing this option shall be subject to design review approval. All Uniform Building Code requirements resulting from the use of an interior setback of less than the normal zone requirements shall be met by the construction. In no case shall a zero lot line option be approved that would prevent emergency access to all portions of the lot;

4. Nonresidential use floor area ratio shall not exceed 0.60, and the mixed-use floor area ratio shall not exceed 0.80.

G. Other Regulations.

1. Required Open Space. At least 40 percent of the area of a lot shall be open space, not covered by buildings, parking spaces, or driveways, as provided in accordance with FMC 17.05.141. This standard shall apply to all residential multifamily developments. This standard may be reduced or modified for any other use in the RM zone, as approved by the planning commission through the conditional use permit process.

2. Covered Parking and Storage Area. Covered parking shall be provided in accordance with FMC 17.05.140. In lieu of covered parking, enclosed, lockable storage areas at least six feet in height may be provided on the following per unit basis:

1 bedroom	12 square feet
2 bedroom	21 square feet
3 bedroom	30 square feet

3. Off-Street Parking. Off-street parking shall be required for all uses, as provided in accordance with FMC 17.05.140.

4. Landscaping and Screening. At least 20 percent of the lot shall be landscaped and screened, as prescribed in FMC 17.05.110. This standard applies only to subdivisions of land completed after December 17, 1990, or to larger lots as determined by the zoning administrator. The amount of landscaping and screening for smaller lots created prior to December 17, 1990, shall be determined by the planning commission.

5. Review Procedures. As prescribed in Chapter 17.07 FMC.

6. Signs shall comply with all provisions of FMC 17.05.180.

Exhibit C

FMC Section 17.03.020 ZONING TEXT AMENDMENTS

Proposed amendments are in ~~strike-out~~ (deleted text) and red underline (added text).

17.03.020 Neighborhood commercial zoning district (N-C).

A. Purpose. The purpose of the N-C district is to provide locations for convenience retail shopping facilities and services adequate to supply the daily needs of residential neighborhoods of Fortuna. The N-C district shall be established in accordance with the local service commercial or boulevard commercial designations of the Fortuna general plan or any applicable area plan, where analysis of residential population demonstrates that such facilities are required.

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);
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.

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

1. Public parks, playgrounds, and other public recreational uses;
2. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC:

1. Single-family dwellings;

2. Mobile home parks, subject to the provisions of FMC 17.06.123;
3. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;
4. Public and quasi-public buildings and uses, not to include service centers, storage or repair yards, warehouses, or similar uses;
5. Community care facilities for seven or more (FMC 17.08.152);
6. Service stations, subject to the provisions of FMC 17.06.184;
7. Social halls and nonprofit clubs, subject to the requirements of FMC 17.06.185;
8. Plant nurseries;
9. Shopping centers, which are subject to all three of the following:
 - a. Minimum size of one acre; and
 - b. Placement of the design control combining of -D zone on the entire project site; and
 - c. Approval of the final site plan by the city council, after review by the planning commission;
10. Special schools;
11. Mobile food vending.

E. Height Regulation. The maximum building height shall be 35 feet, except as provided for in FMC 17.05.070.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
2,000	25	None, except that where frontage is in a block that is partially in an R zone, the front yard shall be the same as that required in such R zone.	None, except that a side yard of an interior lot abutting an R zone shall be not less than the front yard required in such R zone.	15, except where a rear yard abuts on an alley, such rear yard may be not less than five feet. Exceptions to this requirement may be granted through a use permit.

1. Floor area ratio shall not exceed 0.35.

G. Other Regulations.

1. Off-street parking shall be required for all uses, as provided in FMC 17.05.140.
2. Landscaping. All parts of the required front yard except the area used for walks and driveways shall be landscaped as prescribed in FMC 17.05.110.
3. Indoor Uses. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities, plant nurseries, mobile food vending, newspaper stands, ice machines, and kindred uses. Except for nursery stock and the farmers' market, all merchandise shall be stocked indoors. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises, except for occasional sidewalk or parking lot sales.
4. Pre-existing nonconforming uses as determined by the planning commission shall be exempt from subsection (C) of this section. A list of pre-existing, nonconforming uses shall be prepared by the planning commission

and placed on file in the office of the city clerk.

5. If the commercial use for any parcel changes from its current use, the new use must conform with the existing zoning and parking requirements.

6. Signs shall comply with all provisions of FMC 17.05.180.

7. Design review procedures as prescribed in FMC 17.07.100.

Exhibit D

FMC Section 17.03.021 ZONING TEXT AMENDMENTS

Proposed amendments are in ~~strike-out~~ (deleted text) and red underline (added text).

17.03.021 Retail commercial zoning district (R-C).

A. Purpose. The purpose of the R-C district is to stabilize, improve, and protect the commercial characteristics of the retail business district of the city. The R-C district is intended to provide a complete and intensive commercial center in the downtown commercial area.

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);
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.

C. Permitted Accessory Uses. Accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of FMC 17.06.001 and 17.06.002.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC:

1. Automobile rental agencies, commercial parking lots and parking structures, and service stations subject to the provisions of FMC 17.06.184;
2. Automotive services, general;
3. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;
4. Commercial recreation facilities subject to the following:
 - a. Ingress and egress shall be at least 20 feet from any property line;
 - b. Landscape and screening provisions of FMC 17.05.110 shall be followed;

5. Community care facilities for seven or more (FMC 17.08.152);
 6. Contractors' shops and yards;
 7. Food stores;
 8. Major retail development, subject to the provisions of FMC 17.06.120;
 9. Mortuaries, crematories, and columbaria;
 10. Plant nurseries;
 11. Shopping centers, which are subject to all three of the following:
 - a. Minimum size of two acres, including adjacent and associated lots developed, managed, or owned by the same party, which may or may not be enjoying joint reciprocal parking and/or access; and
 - b. Placement of the -D design control combining zone on the entire project site; and
 - c. Approval of the final site plan by the city council after review by the planning commission;
 12. Warehousing and wholesaling;
 13. Single-family dwellings.
- E. Height Regulations. No building or structure shall exceed 48 feet in height, except as provided in FMC 17.05.070.
- F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Lot Coverage (Max %)	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
2,000	100	None	None, except when abutting an R district, then not less than 15 feet.	None, except when abutting an R district, then not less than 15 feet. Exceptions may be granted through a use permit.

1. Nonresidential floor area ratio shall not exceed 1.0, except that the floor area ratio for a mixed use shall not exceed 2.0.
- G. Other Regulations.
1. Off-Street Parking. Off-street parking shall be required for all uses, as provided in FMC 17.05.140.
 2. Landscaping. All undeveloped parts of the lot shall be landscaped, as prescribed in FMC 17.05.110.
 3. Indoor Uses. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities, plant nurseries, mobile food vending, newspaper stands, ice machines, and kindred uses. Except for nursery stock and the farmers' market, all merchandise shall be stocked indoors. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises, except for occasional sidewalk or parking lot sales.
 4. Pre-existing nonconforming uses as determined by the planning commission shall be exempt from subsection (C) of this section. A list of said pre-existing, nonconforming uses shall be prepared by the planning commission and placed on file in the office of the city clerk.

5. If the commercial use for any parcel changes from its current use, the new use must conform to the existing zoning and parking requirements.
6. Commercial and industrial uses are subject to review under FMC 17.07.100, Design Review, with the exception that noticing property owners within 300 feet of the property as specified in FMC 17.07.100(H), Notice, shall not be required.
7. Signs shall comply with all provisions of FMC 17.05.180.

Exhibit E

FMC Section 17.03.022 ZONING TEXT AMENDMENTS

Proposed amendments are in ~~strike-out~~ (deleted text) and red underline (added text).

17.03.022 Commercial thoroughfare zoning district (C-T).

A. Purpose. The purpose of the C-T district is to provide for retail, wholesale, highway, and heavy commercial uses, along with amusement, transient residential, warehousing and distribution, maintenance, repair, and servicing activities. C-T districts are to be established in zones of two acres or larger and shall be located only in the immediate vicinity of arterial streets, freeways, or the service/frontage drives thereof.

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);
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);

C. Permitted Accessory Uses. Accessory uses and buildings customarily appurtenant to a

permitted use, subject to the provisions of FMC 17.06.001 and 17.06.002.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC:

1. Auto body, fender, and radiator shops;
2. Ambulance service, mortuary, crematorium, or columbarium;
3. Child care facilities with nine or more children, subject to the provisions of FMC 17.06.020;
4. Community care facilities with seven or more (FMC 17.08.152);
5. Commercial stables;
6. Contractors' shops and yards;
7. Live theater;
8. Equipment rental and storage;
9. Light service industries, as defined by resolution of the city council;
10. Major retail development, subject to the provisions of FMC 17.06.120;
11. Mobile home parks, subject to the provisions of FMC 17.06.123;
12. Public and quasi-public buildings and uses, including corporation yards, warehouses, and similar uses;
13. Recreational vehicle parks, subject to FMC 17.06.170;
14. Residential uses that conform with the density, open space and setback requirements of the RM zone, subject to design review under Chapter 17.07 FMC, with the exception of single-family dwellings;
15. 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~~16. Shopping centers, which are subject to all four of the following:

- a. Minimum size of two acres, including adjacent and associated lots developed, managed, or owned by the same party, which may or may not be enjoying joint reciprocal parking and/or access; and
- b. Placement of the -D design control combining zone on the entire project site; and
- c. Approval of the final site plan by the city council after review by the planning commission; and
- d. All principal permitted uses allowed in the R-C zone;

167. Veterinary facilities, subject to the provisions of FMC 17.06.210;

178. Secondhand stores;

189. Warehousing and wholesaling, when completely enclosed inside a building;

19 20. Mobile food vending.

E. Height Regulations. No building or structure shall exceed 48 feet in height, except as provided in FMC 17.05.070.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed, subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC, except where increased for conditional uses:

Minimum Net Lot Area (Sq. Ft.)	Minimum Lot Width	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
6,000	60	15	None, except when abutting an R district, then not less than 15 ft.	10, except when abutting an R district, then not less than 20 feet. Exceptions may be granted through a use permit.

1. Nonresidential floor area ratio shall not exceed 0.8, except that the floor area ratio for a mixed use shall not exceed 2.0.

G. Other Regulations.

1. Off-Street Parking. Paved off-street parking and loading facilities shall be required for all principal permitted, accessory, and conditional uses, subject to the provisions of FMC 17.05.140.

2. Landscaping. All portions of the required front yard not used for access shall be landscaped, in accordance with FMC 17.05.110.

3. Indoor Use. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities, plant nurseries, newspaper stands, ice machines, and kindred uses. Except for nursery stock, all merchandise shall be located indoors. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises, except for occasional sidewalk or parking lot sales. Pre-existing nonconforming uses as determined by the planning commission shall be exempt from this subsection. A list of said pre-existing, nonconforming uses shall be prepared by the planning commission and placed on file in the office of the city clerk.

4. Shopping Centers. In a shopping center, not less than two percent of the parking area shall be landscaped and maintained, of which not more than one percent may be placed at any one location. The periphery of the site qualifies as a single location. In a shopping center, the provisions of FMC 17.05.140(D) do not apply. Automobile parking spaces shall be provided at the rate of four and three-tenths parking spaces for each 1,000 square feet of gross leasable floor area. All other provisions of FMC 17.05.140 shall apply to shopping centers.
5. If the commercial use for any parcel changes from its current use, the new use must conform with the existing zoning and parking requirements.
6. Signs shall comply with all provisions of FMC 17.05.180.
7. Design review procedures as prescribed in FMC 17.07.100.

Exhibit F

FMC Section 17.03.030 ZONING TEXT AMENDMENTS

Proposed amendments are in ~~strike-out~~ (deleted text) and red underline (added text).

17.03.030 Light industrial zoning district (M-1).

A. Purpose. The purpose of the M-1 district is to provide for the establishment of areas where light manufacturing, wholesaling, storage, and transfer functions can serve the community's need for industrial activities not offensive to nearby commercial and residential uses. The M-1 zone is consistent with the industrial land use designation of the Fortuna general plan.

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.

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

1. Incidental services such as cafeterias to serve employees, when conducted in an enclosed building and entered from within the site, and mobile food vending;
2. Other accessory uses and buildings customarily appurtenant or appropriate to a permitted use.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC:

1. Animal hospitals and kennels;
2. Animal feed and sales yards;
3. Automobile salvage and wrecking operations and metal and waste rag, glass, and paper salvage operations; provided, that all operations are conducted behind a solid screen not less than six feet in height;
4. Living quarters that conform to the required yard setbacks of the R1-10 District (FMC 17.03.011) and which may include mobile homes for security guards, caretakers, watchmen, or similar employees of a principal permitted use;

5. 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.

5.6. Stockyards and slaughterhouses;

6. 7. Any other use that is of the same general character as the above conditional uses.

E. Height Regulations.

1. No building shall exceed a height of four stories, not to exceed 48 feet; except as provided by FMC 17.05.070.

2. Within 200 feet of the boundary of any R district, no building or structure shall exceed the maximum height permitted in such adjoining R district.

3. Within the area covered by the Rohnerville Airport zoning ordinance, no building or structure shall exceed the height limitation established by that ordinance, or the airport land use commission.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be observed except where increased for a conditional use and subject to FMC 17.05.240 and Chapter 17.06 FMC.

Minimum Net Lot Area (Sq. Ft.)	Lot Coverage (Max. %)	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
10,000	60	20	10 feet, except when adjoining an R district designated for future residential development in the Fortuna general plan, then not less than 50 feet.	50 feet; may be reduced to 20 feet by conditional use permit.

1. Pumps dispensing fuel directly into a motor vehicle shall maintain the setbacks required in FMC 17.06.184.

2. Watchmen or caretaker residential units shall meet the setbacks of FMC 17.03.011(F).

3. Nonresidential floor area ratio shall not exceed 0.35.

G. Other Regulations.

1. Off-street parking shall be required for all uses, as provided in FMC 17.05.140.

2. Signs shall comply with all provisions of FMC 17.05.180.

3. Design review procedures as prescribed in FMC 17.07.100.

Exhibit G

FMC Section 17.03.031 ZONING TEXT AMENDMENTS

Proposed amendments are in ~~strike-out~~ (deleted text) and red underline (added text).

17.03.031 Heavy industrial zoning district (M-2).

A. Purpose. The purpose of the M-2 district is to provide appropriate sites for manufacturing and processing uses that, by their nature, require locations buffered from other uses so as not to create nuisances or have deleterious effects upon neighboring properties.

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.

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

1. Incidental services such as cafeterias to serve employees, when conducted in an enclosed building and entered from within the site, and mobile food vending;
2. Other accessory uses and buildings customarily appurtenant or appropriate to a permitted use.

D. Conditional Uses. Subject to securing a use permit pursuant to the provisions of Chapter 17.07 FMC.

1. Living quarters, which may include mobile homes for security guards, watchmen, caretakers, or similar employees of a principal permitted use.

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.

E. Height Regulations. No building or structure shall exceed a height of 48 feet, except as follows:

1. Within 200 feet of the boundary of any R district, no building or structure shall exceed the maximum height permitted in such adjoining R district.
2. Within the area covered by the Rohnerville Airport zoning ordinance, no building or structure shall exceed the height limitation established by that ordinance or the airport land use commission.
3. As provided by FMC 17.05.070.

F. Lot Standards, Yards, and Floor Area Ratio. The following minimum requirements shall be

observed, except where imposed or increased for a conditional use, and subject to the provisions of FMC 17.05.240 and Chapter 17.06 FMC.

Minimum Net Lot Area (Sq. Ft.)	Lot Coverage	Minimum Depth or Width in Feet of Required Yards		
		Front	Side	Rear
20,000	No requirements	20	10, except when adjoining an R district designated for future residential development in the Fortuna general plan, then not less than 50 feet.	50; may be reduced to 20 feet by conditional use permit.

1. Nonresidential floor area ratio shall not exceed 0.35.

G. Other Regulations.

1. Performance Standards. All uses shall be subject to initial and continued compliance with performance standards set forth by the city.
2. Off-Street Parking. Off-street parking and loading facilities shall be required for all uses, as provided in FMC 17.05.140.
3. Landscaping. All portions of the required front yard not used for access shall be landscaped in accordance with the standards of FMC 17.05.110.
4. Signs shall comply with all provisions of FMC 17.05.180.

RRA-H18 packet

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 6th 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 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.

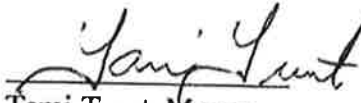
FIRST READING CONDUCTED at a regular meeting of the City Council on this 16th day of December 2024, by the following vote:

AYES: Council Member Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent

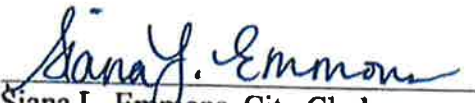
NAYS: None

ABSENT: None

ABSTAIN: None


Tami Trent, Mayor

ATTEST:


Siana L. Emmons, City Clerk

SECOND READING PERFORMED AND ADOPTED on the 6th day of January 2025 by the following vote:

AYES: Council Member Conley, King,

NAYS: None

ABSENT: Council Member Mobley

ABSTAIN: None

Mayor Pro Tem Trent, Mayor Johnson


Mike Johnson, Mayor

ATTEST:


Siana L. Emmons, City Clerk

Title 17. Zoning regulations

Chapter 17.10
REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

17.10.010 – Intent and purpose.

- A. Intent. The intent of this Chapter is 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. This Chapter will facilitate compliance with federal and state fair housing laws, and promote housing opportunities for Fortuna residents.
- B. Purpose. The purpose of this Chapter is to establish a procedure for persons with disabilities seeking fair access to housing to make requests for reasonable accommodation in the application of Fortuna's zoning laws, rules, policies, practices and procedures pursuant to 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"), which 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.

17.10.020 – Applicability.

- A. A request for reasonable accommodation may be made by any person with a disability as defined herein, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. This Chapter is intended to apply to those persons who are defined as disabled under the Acts as defined herein.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. A request for reasonable accommodation shall comply with Section 17.10.040 (Application Requirements).

17.10.030 – Definitions.

"Acts" means the "Fair Housing Act" (Section 3601 et seq. of Title 42 of the United States Code) and the "California Fair Employment and Housing Act" (Section 12955 et seq. of the California Government Code).

"Person with a Disability" is any person who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment, as further defined and amended in the Fair Employment and Housing Act (FEHA) of California Government Code Section 12926(i)(1), (2), and (m)(1), (2). Federal and State fair housing laws do not protect an individual's current unlawful use of controlled

substances or other drugs, unless that individual has a separate disability.

"Request for Reasonable Accommodation" means a request to modify land use, zoning and building regulations, policies, practices, or procedures in order to give people with disabilities an equal opportunity to use and enjoy a dwelling.

17.10.040 – Application requirements.

A. Application. A written request for reasonable accommodation shall be submitted to the Community Development Director and must include the following information:

1. The applicant's name, address and telephone number;
2. Address of the property for which the request is being made;
3. The current actual use of the property;
4. The basis for the claim that the individual is considered disabled under the Acts;
5. The Zoning Code provision, regulation or policy from which reasonable accommodation is being requested; and
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. Review with other land use or design review applications. If the project for which the request is being made also requires one or more unrelated discretionary approvals (including, but not limited to, design review, conditional use permit, variance or subdivision), then the application for reasonable accommodation shall whenever feasible be submitted with the application for said permit(s).

C. An applicant may request City staff assistance to complete the request for reasonable accommodation.

17.10.050 – Application review and procedures.

A. Authority. The Community Development Director shall have the authority to consider and act on requests for reasonable accommodation and shall make reasonable accommodations in rules, policies, practices, or services when those accommodations may be necessary to afford persons with disabilities equal opportunities to use and enjoy the dwelling.

1. The Community Development Director shall issue a written determination no later than thirty (30) days after the receipt of a complete request for reasonable accommodation and may: (1) grant the accommodation request; (2) grant the accommodation request with specified nondiscriminatory conditions of approval; or (3) deny the request, pursuant to Section 17.10.050 (Findings and decision). All written determinations shall give notice of the right to appeal, if any, as specified in Section 17.010.070. The notice of determination shall be sent to the applicant by first class mail or in a format requested by the applicant.

2. Requests for reasonable accommodations that include unrelated discretionary approvals, shall be processed and considered separately from any discretionary elements of the same proposal. The Community Development Director, or their designee, shall act on the request for reasonable accommodation within a timely manner but no later than thirty (30) days of the date of a complete request pursuant to Section 17.10.040; however, if the request for a reasonable accommodation cannot be effectuated until a final decision is rendered on the related discretionary approvals, a "provisional approval" can be granted within the 30 day time frame allowing the reasonable accommodation request to be implemented, or modified as needed to obtain the same goal, at the time of the final discretionary approval, and shall become final at the same time. The applications for discretionary approval shall be separately considered and shall be subject to the procedures for consideration specified in the applicable Zoning regulations, depending on the type of application. The appropriate decision-making body shall act on all discretionary permits, but not the reasonable accommodation request.
- B. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

17.010.060 – Decision.

- A. The Community Development Director's written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
1. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;
 2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;
 4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning; and
 5. Other reasonable accommodations that may provide an equivalent level of benefit.
- B. Conditions of approval. In granting a request for reasonable accommodation, the Community Development Director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 17.010.060(A). Conditions may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation be removed once those structures or physical design features are unnecessary to provide access to the dwelling unit for the current occupants.

None of the findings of this Section are intended to supersede any other findings which might also be required for a discretionary permit that is reviewed concurrently with the request for

accommodation.

17.010.070 – Appeal of adverse decision.

- A. Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may submit a written appeal of an adverse decision.
- B. An individual may request City staff assistance in filing an appeal of an adverse decision.
- C. All appeals shall include a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

17.010.080 – Notice of availability.

- A. Notice of the City of Fortuna's Reasonable Accommodations Policy and Procedures shall be displayed at public information counters in the City's planning and building offices.