

STAFF REPORT

City Council Business Agenda Item

DATE: May 2, 2022

TO: Honorable Mayor and Councilmembers

FROM: Liz Shorey, Deputy Director of Community Development

THROUGH: Merritt Perry, City Manager

SUBJECT: Public Hearing to Consider Amendments to the General Plan Land Use Map from Residential Low (RL) to Residential Medium (R-M), and the Fortuna Zoning Map from Residential Single Family (R-1-6) to Residential Multifamily (R-M); Location: 809 12th Street and 806 13th Street; APNs: 040-043-021 and 040-043-016; Applicant: Tyler Franklin; *Ordinance 2022-754*

STAFF RECOMMENDATION:

Staff recommends that the City Council amend the General Plan Land Use Map from Residential Low (RL) to Residential Medium (R-M) and the Fortuna Zoning Map from Residential Single Family (R-1-6) to Residential Multifamily (R-M) by adopting *Resolution 2022-13* and *Ordinance-2022-754*.

EXECUTIVE SUMMARY:

The applicant has submitted a request to rezone 806 13th Street from Residential Single Family (R-1-6) to Residential Multifamily (R-M) in order to convert the existing residence to a 4-plex. City staff recommends also including in the rezone the neighboring parcel to the west (809 12th Street), as it is an existing non-conforming 4-plex. Both parcels are located on the north side of N Street (between 12th and 13th streets), adjoining the City's Downtown district. Approval of a rezone would also require a General Plan map amendment from Residential Low (RL) to Residential Medium (RM) in order to maintain general plan consistency.

The area under consideration consists of two parcels, summarized as follows:

Assessor Parcel No.:	040-043-021	040-043-016
Address:	809 12 th Street	806 13 th Street
Parcel Size:	6,600 square feet	6,600 square feet
Existing General Plan:	Residential Low (RL)	Residential Low (RL)
Proposed General Plan:	Residential Multifamily (R-M)	Residential Multifamily (R-M)
Existing Zoning:	Residential Single Family (R-1-6)	Residential Single Family (R-1-6)
Proposed Zoning:	Residential Medium (R-M)	Residential Medium (R-M)

Existing Land Use:	Four units	One unit
Proposed Land Use:	No change	Four units

Proposed Project

The proposed map amendments would change the principal land use activity from single-family residential to multifamily. The residence at 809 12th Street contains four living units, which are allowed as a legal nonconforming use (FMC 17.06.130). The residence at 806 13th Street has operated as a group care home in the past, and has most recently been used as a single-family residence, a principally permitted activity. The applicant/property owner is requesting a rezone to allow the two-story building at 806 13th Street to be remodeled to allow four living units, including two 2-bedroom units and two 3-bedroom units (see attached floor plans). After the rezone, the multifamily units would be a principally permitted activity, with no special permit required except for design review approval for any proposed exterior changes.

Location

Zoning to the north is Residential Single Family (R-1-6) and Retail Commercial (R-C) to the south. Surrounding activities consist of residential single-family activities to the north of N Street, single family to the east, commercial/office to the west, and mixed use commercial and residential activities to the south in the Downtown Retail Commercial (R-C) zone.

Neighborhood Compatibility

Each parcel is developed with a two-story Craftsman-style structure that complements the period architecture of the Downtown area (see attached street view images). This housing style has the appearance of a medium-sized single-unit house, and is compatible in scale with the single-family zone to the north, creating a seamless transition between the Downtown commercial activities and the single-family neighborhood. These are ideal for conversion to four-plexes as proposed, with simple conversion to two units on the ground floor and two above, with shared or individual entries from the street. They also fill the demand for affordable housing in walkable neighborhoods with dining and shopping amenities, as well as other commercial services and transit options, are responsive to changing demographics, and offer affordable housing to low to moderate income individuals and small families.

Because these lots were built in the early 20th century pre-automobile style, there is reduced opportunities for on-site provision of parking. At this location, there is the ample street frontage along three streets (N, 12th and 13th streets). These 4-plexes would typically not have more than a total of eight cars (two per unit). Each site would have three to four on-site parking spaces accessed by the alley, and street parking will provide up to seven spaces for each building, for a total of 11 spaces per 4-plex building. In addition, households with fewer cars (such as single or retired renters and those with smaller households) are typically attracted to this type of walkable housing style adjacent to the Downtown area where they can enjoy the nearby urban amenities.

PLANNING COMMISSION RECOMMENDATION

On April 12, 2022, the Planning Commission considered the proposed General Plan and Zoning Map amendments, and voted (4-1) to recommend that the Council adopt the amendments, with Commissioner Mobley dissenting due to parking concerns. There were no members of the public in attendance at the hearing, and no public comments were submitted.

ENVIRONMENTAL:

The project is exempt from the provisions of the California Environmental Quality Act under a Class 32 exemption (CEQA Sec. 15332) for In-Fill development projects, and a Common Sense Exemption pursuant to 15061(b)(3) which applies to projects where it can be seen with certainty that there is no chance of a significant environmental impact.

FISCAL IMPACT:

The General Plan and zoning amendments will not result in any cost to the City.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review questions with staff.
2. Open public comment.
3. Close public comment.
4. Motion to:
 - 1) Amend the General Plan Land Use Map from Residential Low (RL) to Residential Medium (RM) by adopting *Resolution 2022-13*, read by title only; Roll call vote; and
 - 2) Amend the Fortuna Zoning Map from Residential Single Family (R-1-6) to Residential Multifamily (R-M) by holding the first reading of *Ordinance 2022-754*, read by title only and continue the Public Hearing to Monday, May 16, 2022 for the second reading. Roll call vote.

ATTACHMENTS:

- Assessor Parcel Map
- Project Location Map
- Zoning & General Plan Map Amendments Map
- 806 13th Street First Floor Plan
- 806 13th Street Second Floor Plan
- Street View
- *Resolution 2022-13, A Resolution of the Fortuna City Council Amending the General Plan Land Use Map from Residential Low (RL) to Residential Medium (R-M)*
 - Exhibit 1—Area to be Rezoned
- *Ordinance 2022-754, An Ordinance of the City Council of the City of Fortuna Amending the Fortuna Zoning Map from Residential Single Family (R-1-6) to Residential Multifamily (R-M)*
 - Exhibit 1—General Plan Amendment

RESOLUTION NO. 2022-13

A RESOLUTION OF THE FORTUNA CITY COUNCIL AMENDING THE GENERAL PLAN LAND USE MAP FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL MEDIUM (R-M)

WHEREAS, an application has been submitted by Tyler Franklin to rezone 806 13th Street (APN 040-043-021) to Residential Multifamily to allow conversion of the single family residence to a multifamily four-plex and amend the General Plan from Residential Low to Residential Medium; and

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, multifamily projects of this type adjacent to the Downtown area offer lower cost housing to meet the needs of the existing and future residents while maintaining compatibility with the existing single-family neighborhoods; and

WHEREAS, the City Council of the City of Fortuna has the authority to approve and amend the land use designations of parcels from one General Plan designation to another in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the Fortuna General Plan 2030 Housing Element includes policies and programs to support and create affordable housing, a diverse range of housing types and provisions for updated accessory dwelling unit zoning standards, including the following:

H-1.1 Continue to encourage the development and provision of a variety of housing choices, including residential types, tenancies, sizes, locations, and prices, for all economic groups.

WHEREAS, amending the Fortuna General Plan Land Use Map from Residential Low Density (RL) to Residential Medium (RM) will be in the public interest and will not be detrimental to the public health, safety, or general welfare pursuant because it will fill the demand for affordable housing in walkable neighborhoods with nearby dining, shopping, commercial, and transit services, are responsive to changing demographics, and will not result in a significant change in development patterns of the neighborhood, and there will be negligible increase in traffic, noise, or other activities that would otherwise create hazards or nuisances, and

1. The land use designations of Residential Low and Central Business District have similar types of allowable residential activities that would result in a similar rate of vehicle trips. The proposed amendment will not result in a significant change in activities, and therefore the change itself will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. Adjoining uses are a mix of residential and commercial in nature, and include retail and office uses on surrounding sides. The proposed use is compatible with the surrounding area. The existing building has historically been used for residential

activities, including a group care home, and a single-family residence. The proposed multifamily use will result in traffic volumes or noise levels similar to the existing or previous residential uses.

3. The parcel is located on N Street, designated in the General Plan as a Collector street, suitable for directing traffic from neighboring residential uses and commercial uses on N Street. The facility will generate a level of traffic that is not expected to impair the existing public roadway, affect roadway design, or increase the Level of Service (LOS) above LOS C, considered acceptable by the General Plan.
4. The site is suitable for residential multifamily uses as it is developed with over-sized residential buildings that are ample for multifamily developments, and with sufficient on-site and street parking to serve the uses and avoid impacts to the local circulation system.

WHEREAS, amending the Fortuna General Plan Land Use Map from Residential Low to Residential Medium is consistent with the General Plan, will not create any internal General Plan inconsistencies or otherwise cause the General Plan to be deficient, and supports the following General Plan goals and policies:

The General Plan designation is described in the General Plan as Residential Medium (RM)—“This designation provides for single-family detached and attached homes, secondary residential units, townhomes, condominiums, public and quasi-public uses, limited neighborhood-serving commercial uses, and similar and compatible uses.

LU-1.1 Historic Heritage. The City shall strive to preserve Fortuna’s traditional small town qualities and historic heritage, while expanding its residential, retail, and employment base.

LU-4.1 Residential Growth. The City shall support residential development at a manageable pace to achieve the City’s fair share of regional housing needs and provide for orderly extension of infrastructure and public services.

LU-4.2 Range of Residential Densities. The City shall promote new residential development in a range of residential densities that reflects the positive qualities of Fortuna.

LU-4.3 Multi-Family Housing. The City shall encourage multi-family housing to be located throughout the community, but especially within or near major transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers.

LU-11.5 Housing. The City shall actively pursue the creation of significant new housing opportunities within and immediately adjacent to Downtown.

LU-11.4 Nighttime Activities. The City shall strive to create more nighttime pedestrian activity in Downtown.

LU-11.7 Pedestrian Environment. The City shall create a distinctive and active pedestrian environment that supports Downtown as a unique destination.

LU-1.6 Infill Development. The City shall encourage infill development on vacant sites and reuse of underutilized parcels to minimize outward growth and reduce the cost of providing public services and facilities.

WHEREAS, the City has added 809 12th Street (APN 040-043-021) to the proposed general plan and zoning amendments, determining that it meets and fulfills the aforementioned health and safety findings and general plan policies and programs; and

WHEREAS, the project is exempt from the California Environmental Quality Act because it meets the provisions of a Class 32 exemption (CEQA Sec. 15332) for in-fill development projects, and a Common Sense Exemption (CEQA 15061(b)(3)), pursuant to the criteria listed in these code sections; and

15332. In-Fill Development Projects: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

15061(b)(3). CEQA Common Sense Exemption: The activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. 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 activity is not subject to CEQA.

WHEREAS, the Planning Commission has considered the General Plan amendments at a duly noticed public hearing on April 12, 2022, and after considering the staff report, discussion, and public comment, voted (4-1) to recommend that the City Council amend the General Plan map;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fortuna that the General Plan Land Use Map is exempt from the California Environmental Quality Act, and is hereby amended from Residential Low (RL) to Residential Medium (R-M) as shown in Exhibit 1.

PASSED AND ADOPTED on this 2nd day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sue Long, Mayor

ATTEST:

Siana L. Emmons, City Clerk

ORDINANCE 2022-754

AN ORDINANCE OF THE FORTUNA CITY COUNCIL AMENDING THE FORTUNA ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1-6) TO RESIDENTIAL MULTIFAMILY (R-M)

WHEREAS, the City Council of the City of Fortuna has the authority to approve and amend the land use designations of parcels from one zoning designation to another in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the proposed rezone will amend the parcels shown on Exhibit 1 from Residential Single Family (R-1-6) to Residential Multifamily (R-M); and

WHEREAS, the Zoning Map amendments are consistent with the Fortuna General Plan, pursuant to FMC 17.07.1, including the following General Plan policies:

LU-4.3 Multi-Family Housing. The City shall encourage multi-family housing to be located throughout the community, but especially within or near major transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers.

LU-11.5 Housing. The City shall actively pursue the creation of significant new housing opportunities within and immediately adjacent to Downtown.

LU-11.4 Nighttime Activities. The City shall strive to create more nighttime pedestrian activity in Downtown.

LU-11.7 Pedestrian Environment. The City shall create a distinctive and active pedestrian environment that supports Downtown as a unique destination.

LU-1.6 Infill Development. The City shall encourage infill development on vacant sites and reuse of underutilized parcels to minimize outward growth and reduce the cost of providing public services and facilities, and

WHEREAS, the City finds that the amendment supports the public health, safety, and general welfare pursuant to FMC 17.07.H.2, in that it results in affordable housing in an appropriate location adjacent to the Downtown Retail Commercial area to the south and a residential single family neighborhood to the north, and that fills the demand for affordable housing in walkable neighborhoods with dining and shopping amenities, and other commercial services and transit options, and is responsive to changing demographics; and

WHEREAS, the Planning Commission has considered the Zoning Map amendments at a duly noticed public hearing on April 12, 2022, and after considering the staff report, discussion, and public comment, and voted (4-1) to recommend that the City Council amend the Zoning Map;

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

SECTION 1. Pursuant to Fortuna Municipal Code Section 17.07.200 Zoning Amendments, the City Council does hereby amend the Fortuna Zoning Map from Residential Single Family (R-1-6) to Residential Multifamily (R-M) as set forth is Exhibit 1.

SECTION 2. Severability. If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

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

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

INTRODUCED AND FIRST READING PERFORMED on this 2nd day of May 2022 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Sue Long, Mayor

ATTEST:

Siana L. Emmons, City Clerk

SECOND READING PERFORMED AND ADOPTED on the _____ day of _____, 2022 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sue Long, Mayor

Siana L. Emmons, City Clerk