

REGULAR MEETING AGENDA
Fortuna Planning Commission
Tuesday, October 13, 2020 at 6:00 P.M.
City Hall - 621 11th Street

We May Disagree, But We Will Be Respectful of One Another
All Comments Will Be Directed to the Issue at Hand, and Addressed to the City Council
Personal Attacks are Unacceptable

If you wish to watch this meeting, it is scheduled to stream live on television via Access Humboldt at 6:00 p.m.

***This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Planning Commission, City staff, and the public to participate by teleconference, videoconference, or both.**

***To submit public comments for this meeting prior to the meeting, please email comments to kschmidt@ci.fortuna.ca.us by noon on Tuesday, October 13, 2020. All public comments received by noon will be read into the record (limit to 3 minutes) during the regular meeting. Public comments will also be posted to the City of Fortuna website prior to the meeting. If your public comments are received after noon on Tuesday, they may not be read into the record or posted to the website prior to the meeting, but will be included in the official minutes.**

To provide public comment during the meeting, you can call 1-669-900-9128 and enter Meeting ID: 872 5613 0992 and Passcode: 487229 press star (*) 9 on your phone - this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Planning Commission Secretary will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

I. OPENING/FLAG SALUTE/ROLL CALL

II. APPROVAL OF MINUTES- *September 22, 2020*

III. ORAL COMMENTS FROM THE PUBLIC

Members of the public may be heard on any item of interest not on the Agenda. Speakers addressing the Commission will be limited to 3 minutes per speaker. Be advised that, by law, the Commission is not able to deliberate or take action on issues presented during Oral Comments.

To provide public comment during the meeting, you can call 1-669-900-9128 and enter Meeting ID: 872 5613 0992 and Passcode: 487229 press star (*) 9 on your phone - this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

IV. BUSINESS

1. Consideration of a Recommendation to the Fortuna City Council Regarding Amendment to Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Section 17.07.004 Administration.

V. STAFF COMMISSION COMMUNICATIONS

1. August Community Development Department Report

VI. ADJOURN

Copies of maps and other information for the agenda items are available for review City Hall, 621 11th Street, between the hours of 8:00 AM to 4:00 PM or on the City's website at friendlyfortuna.com.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Building Department at (707) 725-7600. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102 - 35.104 ADA Title II).

If you are not satisfied with a decision of the Planning Commission, you may appeal the decision to the City Council. If you appeal a decision, the appeal must be filed with the City Clerk within 15 days of the Planning Commission's decision. NOTICE REGARDING CHALLENGES TO DECISIONS Pursuant to all applicable laws and regulations, including without limitation, Calif. Gov. Code Section 65009 and or Calif. Public Resources Code Sec. 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City Clerk prior to this public hearing.

Minutes of the Fortuna Planning Commission
Regular Meeting
Tuesday, September 22, 2020 – 6:00p.m.
Fortuna City Hall

Note: The following record contains motions and actions of the Fortuna Planning Commission. An audio library of the meeting proceedings is on file at Fortuna City Hall.

I. CALL TO ORDER:

Chairman Mobley called the meeting to order at 6:00 PM.

FLAG SALUTE:

Chairman Mobley led the flag salute.

ROLL CALL:

Planning Commission

Commissioner Blakely
Commissioner Bradley
Commissioner Church
Commissioner Halley
Commissioner McClendon
Chairman Mobley
Vice-Chair Rogers

Staff Present

Deputy Director of Community Development Liz Shorey
Community Development Sr. Administrative Assistant Katey Schmidt

Commissioner Absent:

Commissioner Moore

Alternate:

II. APPROVAL OF MINUTES:

Commissioner Blakely moved, seconded by Vice-Chair Rogers to approve the meeting record for August 25, 2020.

Roll Call Vote:

AYES: Bradley, Blakely, Church, Halley, McClendon, Mobley, Rogers

NOES: 0

ABSTAIN: 0

ABSENT: Moore

MOTION: 7-0

III. ORAL COMMENTS FROM THE PUBLIC:

There being no public comment, Commissioner Bradley moved, seconded by Commissioner Halley to close this section of Public Comment.

Roll Call Vote:

AYES: Bradley, Blakely, Church, Halley, McClendon, Mobley, Rogers

NOES: 0

ABSTAIN: 0

ABSENT: Moore

MOTION: 7-0

IV. BUSINESS:

1. Public Hearing to Consider a Conditional Use Permit to Extend an Existing Setback into the Required Rear Yard Where 10 Feet is Required

Applicant: Harber's Insurance APN: 040-194-025

STAFF RECOMMENDATION:

Approve the use permit with conditions.

Staff Report:

Deputy Director of Community Development Liz Shorey gave an oral and written report regarding the proposed conditional use permit. Deputy Director Shorey explained that a use permit is required to reduce the street-side rear setback from 10 to 5 and that the applicant is requesting the reduction as part of a building addition and remodel.

The Planning Commission discussed aspects of the proposed project and expressed their appreciation for the design.

Public Comment:

Donald Cleek, local designer spoke regarding the project, explaining that the addition will mainly be used for storage.

There being no further public comment, Commissioner McClendon moved, seconded by Commissioner Blakely to close this section of public comment.

Roll Call Vote:

AYES: Bradley, Blakely, Church, Halley, McClendon, Mobley, Rogers

NOES: 0

ABSTAIN: 0
ABSENT: Moore
MOTION: 7-0

Planning Commission Action:

Commissioner Bradley moved, seconded by Commissioner McClendon to approve "A Resolution of the Planning Commission of the City of Fortuna Approving a Use Permit for a Conditional Use Permit to reduce the required street side rear setback from 10' to 5'".

Roll Call Vote:

AYES: Blakely, Bradley, Church, Halley, McClendon, Mobley, Rogers
NOES: 0
ABSTAIN: 0
ABSENT: Moore
MOTION: 7-0

2. Design Review of a Commercial Remodel

Applicant: Harber's Insurance APN: 040-194-025

STAFF RECOMMENDATION:

Approve the proposed project with conditions of approval as described in the attached Planning Commission Resolution P-2020-3046.

Staff Report:

Deputy Director of Community Development Liz Shorey gave an oral and written report regarding the design of the addition and entryway remodel.

Public Comment:

There being no public comment Commissioner Bradley moved, seconded by Vice-Chair Rogers to close this section of Public Comment.

Planning Commission Action:

Commissioner McClendon moved, seconded by Commissioner Bradley to approve "A Resolution of the Planning Commission of the City of Fortuna Approving Design Review of a Commercial Addition to an Existing Office Building and remodel of Existing Covered Porch and Entryway".

Roll Call Vote:

AYES: Blakely, Bradley, Church, Halley, McClendon, Mobley, Rogers
NOES: 0

ABSTAIN: 0
ABSENT: Moore
MOTION: 7-0

3. A Public Hearing to Consider a Conditional Use Permit to Extend an Existing Nonconforming 6-foot Setback of a Single Family Residence Where 15 feet is Required

Applicant: Foxi Keane APN: 200-083-010

STAFF RECOMMENDATION:

Approve the use permit with conditions.

Staff Report:

Deputy Director of Community Development Liz Shorey gave an oral and written report regarding the proposed conditional use permit. Deputy Director Shorey explained that a use permit is required to extend the nonconforming setback and that the applicant is requesting the use permit as part of a residential addition.

Public Comment:

There being no public comment Commissioner Bradley moved, seconded by Commissioner Blakely to close this section of Public Comment.

Planning Commission Action:

Commissioner Bradley moved, seconded by Commissioner Halley to approve "A Resolution of the Planning Commission of the City of Fortuna Approving a Use Permit for a Conditional Use Permit to Extend a Nonconforming Setback for a Single Family Residence".

Roll Call Vote:

AYES: Blakely, Bradley, Church, Halley, McClendon, Mobley, Rogers
NOES: 0
ABSTAIN: 0
ABSENT: Moore
MOTION: 7-0

4. Motion to Open and Continue a Hearing to Consider a Recommendation to the Fortuna City Council Regarding Amendment to Title 17 – Zoning Regulations of the Fortuna Municipal Code, Section 17.06.021 Wireless Communications Facilities and Section 17.07.004 Administration; Applicant: City of Fortuna; Roll Call Vote.

Planning Commission Action:

Commissioner Bradley moved, seconded by Commissioner McClendon to open and continue until October 13, 2020 “a Hearing to Consider a Recommendation to the Fortuna City Council Regarding Amendment to Title 17 – Zoning Regulations of the Fortuna Municipal Code, Section 17.06.021 Wireless Communications Facilities and Section 17.07.004 Administration”.

V. STAFF COMMISSION COMMUNICATIONS

The Planning Commission discussed code compliance issues, as well as traffic safety.

VI. ADJOURNMENT:

There being no further business Commissioner Blakely motioned, seconded by Commissioner Bradley to adjourn the meeting at 6:57 PM.

Respectfully submitted by
Katey Schmidt
Community Development Sr. Administrative Assistant

Planning Commission Staff Report

DATE: October 13, 2020

TO: Planning Commission

FROM: Liz Shorey, Deputy Director of Community Development

THRU: Merritt Perry, City Manager

SUBJECT: **Consideration of a Recommendation to the Fortuna City Council Regarding Amendment to Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Amending Section 17.07.004 Administration**

STAFF RECOMMENDATION: Make a recommendation to the City Council to adopt the proposed zoning amendments by adopting Resolution 2020-3043.

DISCUSSION:

In response to the growing demand for increased wireless capability, the telecommunications industry is actively seeking to implement the fifth generation of wireless network technology, known as 5G. 5G technology requires the installation of new small cell antennas, which are smaller than traditional stand-alone towers and must be placed in closer proximity to each other. In most jurisdictions, small cell antennas are typically placed in public rights-of-way, mounted to existing utility infrastructure such as street lights and power poles. Small cell antennas are similar to WiFi- networks in that their coverage is limited and they must be placed approximately 300-500 feet apart. Therefore, next generation 5G technology will necessarily require increased density and a more rapid build-out to provide service.

Existing Federal and State law significantly limits local authority over wireless telecommunication facilities. Additionally, a recent Declaration and Order from the FCC further limits local control over small cell facilities, and imposes short “shot clocks” on processing small cell facility application. The FCC Order provides that aesthetic requirements must be reasonable, no more burdensome than those applied for other types of infrastructure, and published in advance.

Currently, Fortuna does not have specific regulations that apply to small wireless facilities, making it challenging to ensure new facilities are visually compatible and appropriately sited within the community. Given the FCC’s Order and recent interest among wireless carriers to install 5-G technology throughout California, it is important that Fortuna establish criteria for processing wireless facility applications and adopt standards for these facilities. The proposed Ordinance would govern the application, processing, aesthetic standards, and operation of wireless facilities to the extent allowed by Federal and State law. The following provides a brief overview of applicable Federal and State law regarding wireless facilities, and key points contained in the proposed City regulations.

Federal and State Law

The area of Federal and State law governing the telecommunications industry is designed to promote the development of wireless facilities with minimal local control. The following summarizes some of the key issues of these laws.

Both Federal and State law prohibit a local authority from regulating many aspects of telecommunication facilities, including:

- Regulations based on health or environmental impacts.
- Regulations to control electromagnetic or radio waves.
- Collocation on existing wireless telecommunication facilities.
- Modification of existing wireless towers that does not substantially change dimensions.
- The installation of wireless facilities on existing utility poles in public rights-of-way.

Under Federal law, a city may not prohibit, or have the effect of prohibiting, wireless telecommunication facilities (Federal Telecommunications Act, 47 U.S.C., § 253(a)). However, Federal and State law allow local control over the placement, construction, and aesthetics of wireless facilities, so long as there is no “effective prohibition” on service. Additionally, in September 2018, the FCC issued an Order effective in January 2019 that is intended to streamline the provision of wireless services. The FCC Fact Sheet and Order may be found at: <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>.

The FCC Order makes it easier for telecommunication companies to install small cell facilities by setting forth new regulations regarding the deployment of small cell antennas, including shot clocks and fees. The new FCC rules include:

- Shot Clock. Applications to mount small cell antennas on public infrastructure must be processed within 60 days, and applications for new poles must be processed within 90 days.
- Fee Guidelines. Fees are limited to \$500 for an initial application and \$270 for an annual right-of-way access fee per small cell. If higher fees are imposed, the local jurisdiction must establish that they are a “reasonable approximation” of costs incurred. The City will be adopting the fees in the near future on the Council Fee Schedule.
- A city may impose requirements regarding the minimum spacing between small cell antennas, because spacing is considered an aesthetic consideration. However, the Order does not detail what it would consider a reasonable spacing distance and spacing between antennas may not be so distant as to effectively prohibit the functioning of wireless facilities.
- A city may require that any new or substantially changed wireless facility receive a discretionary permit (such as a conditional use permit); however, non-substantial changes to existing facilities must be approved ministerially. (Otherwise known as a Section 6409(a), Eligible Facilities approvals.)
- A city must allow wireless facilities in public rights-of-way, subject to certain exceptions and regulations based on aesthetics. Telephone companies have the right to place equipment - including wireless facility equipment - within public rights-of-way subject to aesthetic and safety standards.

To ensure wireless facilities conform to federal and state regulations, yet are sensitively designed and sited, staff has drafted an ordinance that contains City permit procedures, design standards, and location preferences Fortuna. The primary goals of the ordinance are to:

1. **Sensitive Siting:** Direct WCFs to preferred locations such as alleys and non-residential zones;
2. **Visual Compatibility:** Require all WCFs to be stealth-designed to extent feasible;
3. **Maintenance:** Require WCFs and associated improvements to be well maintained for the life of the facility;
4. **Transparency:** Provide notices to property owners within 300-feet of a proposed WCF and require public hearings for facilities that don't implement stealth design or are located in discouraged locations;
5. **Consistency:** An established WCF policy will help ensure facilities are processed consistently.

Permit Procedures

The proposed policy would create a tiered permit system for WCFs based on the facility's design and location. Facilities designed in a stealth manner and sited in a preferred location would be eligible for an administrative, over-the-counter use permit. Facilities which are not stealth and/or which are sited in non-preferred locations, such as residential zones and certain streets, would be subject to a special use permit and be considered in a publicly noticed hearing before the Planning Commission or City Council. The proposed tiers are shown in the following table:

Table 1. WCF Tiers and Types of Required WCF Permits¹

Tier	Types of Facilities	Location	Permit Required
I	Modifications to an existing facility per 47 C.F.R. Section 1.40001(b)(3)	All	Section 6409(a) Permit
II	Strand-mounted facilities	All	Zoning Administrator Minor Use Permit (FMC 17.07.004.B)
	Stealth pole-mounted facilities in ROW	Alleys, non-residentially zoned properties ²	
	Stealth building- or façade-mounted facilities		
	A collocation or modification that is not a Tier I facility		

III	Stealth pole-mounted facilities in ROW	Residentially zoned properties, ROWs	Planning Commission Conditional Use Permit (FMC 17.07.004.C)
	Stealth building- and façade-mounted facilities		
IV	Non-stealth facilities and all towers	All	City Council Major Use Permit (FMC 17.07.004.D)
	Any facility	Main Street, 12 th Street, Riverwalk Drive	

¹Applies to all types of cell facilities, including small cell facilities.

²Alleys which divide a non-residential and a residential zone are considered non-residential for the purposes of this policy

The proposed procedures would create an administrative use permit for Tier II facilities that would include mailed public notices to property owners within 300 feet of a planned WCF. The notices would provide residents with an opportunity to request a public hearing within 10 days. If no requests for a hearing are received, an over-the counter permit would be issued. If a request is received, the application would be scheduled for a public hearing before the Planning Commission.

Location Standards

To the extent feasible, all proposed facilities under the proposed procedures would be sited according to the following preferences, ordered from the most to the least preferred. Where possible, new WCFs would be encouraged to collocate on structures with existing WCFs to minimize the number of facilities.

ENVIRONMENTAL REVIEW:

The installation of new poles, collocation of wireless cells on existing poles, and installation of small equipment will not result in any changes to the environment. Therefore, the adoption of the Ordinance is exempt from the California Environmental Policy Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of any significant environmental effects

FISCAL IMPACT: No fiscal impact as a result of the Code amendments.

RECOMMENDED COMMISSION ACTION:

1. Receive staff presentation and review questions with staff.
2. Open public comment
3. Close public comment
4. Motion to adopt Resolution 2020-3043:

“A Recommendation to the Fortuna City Council Regarding an Amendment to Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Section 17.07.004 Administration”;

ATTACHMENTS:

Attachment 1: Resolution P-2020-3043

Attachment 2: Ordinance of the City Council, 2020-X

Attachment 1

Resolution P-2020-3043

A Resolution of the Planning Commission of the

City of Fortuna Recommending that the Fortuna City Council Amend the Fortuna Zoning Code Amending Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Amending Section 17.07.004 Administration

WHEREAS, there have been significant changes in the types of wireless communication facilities used to provide communications services within the City; and

WHEREAS, both federal and state law has been modified regarding the regulation of wireless communication facilities both in the public rights of way and on private property outside of the public rights of way; and

WHEREAS, the City desires to ensure to the greatest extent allowed under federal state law that wireless communication facilities are located, designed, installed, constructed, maintained, and operated in a manner that meets the aesthetic and public health and safety requirements of the City; and

WHEREAS, the City deems it necessary and appropriate to adopt standards and regulations relating to the location, design, installation, construction, maintenance, and operation of wireless communication facilities, including towers, antennas, and other structures both in the public rights of way and on private property outside of the public rights of way and to provide for the enforcement of these standards; and

WHEREAS, the zoning amendment is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that the installation of new poles, colocation of wireless cells on existing poles, and installation of small equipment will not result in any changes to the environment; and

WHEREAS, the adoption of this Ordinance is exempt from the California Environmental Policy Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of any significant environmental effects.

WHEREAS, the Planning Commission has considered this project at a duly noticed public hearing including the staff report and findings (Exhibit 1);

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends that the City Council adopt the attached ordinance (Exhibit 2).

PASSED AND ADOPTED on this 13th day of October, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman, Planning Commission

ATTEST: _____
Secretary, Planning Commission

EXHIBIT 1 TO RESOLUTION P-2020-3043

FINDINGS

17.07.200 Zoning amendments. H. Criteria for Granting. An amendment to the zoning regulations or zoning map may be granted if the following findings are made:

1. That the proposed amendment is consistent with the Fortuna general plan in accordance with Section [65860](#) of the Government Code; and
2. That the public health, safety, and general welfare require the adoption of the proposed amendment.

The following findings are provided in support of approval of the proposed Zoning Map amendment/update from R-1-6 to R-M, and adoption of a Mobile Home Park (T) combining zone:

I. General Plan Consistency

1. The proposed amendment is internally consistent with the General Plan 2030. The following General Plan policies and programs support the amendment of the parcel:

“The City is responsible for the development and day-to-day operations of public services and facilities. This is accomplished either directly or indirectly through contracts and agreements with private organizations or other governmental agencies.

Each type of service has a unique set of constraints that must adapt to the challenges of population growth. Services provided by the City include water, storm-water drainage, wastewater treatment, senior transportation, emergency communications, and law enforcement.

Supporting the City are other organizations that address solid and hazardous waste disposal (including recycling), fire protection, education of youth, public utilities (power and telecommunications) and public library services.” (Fortuna General Plan, page 7-2)

Goal PFS-1--To ensure the efficient and cost effective delivery of services and well maintained infrastructure systems, commensurate with the City’s ability to finance and operate.

Goal PFS-8

To expand the use of information technology as a communication tool in order to improve personal convenience, reduce dependency on nonrenewable resources, take advantage of the ecological and financial efficiencies of new technologies, and develop a better-informed citizenry.

Policies

PFS-8.1 City Website. The City shall continue to maintain a website that will contain information about the

City government, City services, and City-produced documents in a downloadable format.

PFS-8.3 Broadband Services. The City shall work with telecommunication companies to provide broadband services to all interested residents and businesses in Fortuna.

PFS-8.4 Regional Telecommunication Infrastructure. The City shall work with the County and other pertinent agencies to coordinate telecommunication infrastructure planning on a regional basis for both telephone and data.

PFS-8.5 Wireless Communication Facilities. To minimize the visual impact of wireless communication facilities (e.g., cell towers), the City shall require that they meet the following conditions:

- Are located away from residential and open space areas;
- Are not visibly intrusive to residential neighborhoods or public rights-of-way;
- When possible, are co-located with other wireless facilities on existing buildings, towers, poles, or other existing support structures; and
- Are painted, camouflaged, or textured in a manner as to reduce their visual impacts.

II. Public Health, Safety, and General Welfare

1. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and the City requires the zoning amendment:
 - A. The telecommunication industry is actively seeking to implement the fifth generation of wireless network technology, known as 5G, that requires the installation of new antennas that are smaller than traditional stand-alone towers and must be placed in closer proximity to each other; and
 - B. Federal and State law preempt local control of wireless telecommunication facilities in several respects; and
 - C. The purpose of this Ordinance is to establish uniform and comprehensive standards and regulations regarding the siting, development, and operation of wireless telecommunication facilities within the City in a manner consistent with State and Federal law; and
 - D. California Public Utilities Code section 7901.1 gives the City the right to reasonably control the time, place, and manner of the location of wireless telecommunication facilities; and
 - E. The Federal Telecommunications Act prohibits local jurisdictions from effectively prohibiting the provision of wireless service (47 U.S.C. §§ 332 and 253); and
 - F. Local jurisdictions may not regulate wireless telecommunication facilities based on health concerns and/or radio frequency emissions; and
 - G. Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act mandates local approval of eligible modifications and collocations to existing wireless telecommunication facilities; and

- H. Local jurisdictions must reasonably allow wireless telecommunication facilities to be located in public rights-of-way, but may impose regulations based on published aesthetic standards (Cal. Pub. Utilities Code, § 7901); and
- I. In September 2018 the Federal Communications Commission issued an Order and Declaratory Statement effective January 2019 in furtherance of its ongoing efforts to speed the development and provision of wireless telecommunication services, including small cell antennas; and
- J. In its September 2018 Order and Declaratory Statement, the FCC included short “shot clocks” or deadlines, within which local jurisdictions must decide on a wireless
- K. In its September 2018 Order and Declaratory Statement, the FCC further provided that local jurisdictions may impose aesthetic standards on wireless facilities if such standards are reasonable, published in advance, and do not effectively prohibit or materially inhibit wireless service; and
- N. The City has a legitimate governmental interest in regulating wireless telecommunication facilities because, if left unregulated, the installation of wireless facilities, including small cell antennas, pose an immediate threat to the public health, safety, and welfare by adversely impacting the aesthetics of rights-of-way and other areas in the City to the extent the wireless facilities are excessively bulky, tall, or otherwise inappropriate; the installation of facilities that lack appropriate camouflage and are not undergrounded to the extent feasible; and traffic and pedestrian safety hazards related to the installation and construction of wireless facilities in rights-of-way and throughout the City; and
- O. The City currently regulates communication facilities pursuant to the Zoning Code, but does not have any rules directly applying to small telecommunication facilities as defined by the FCC; and
- P. In light of recent developments in Federal and State law with respect to the regulation of small cell antennas and other wireless telecommunication facilities, there is an immediate need for the City to update its Municipal Code to reflect current telecommunication trends and necessary legal requirements, and publish aesthetic, location, and other standards for wireless facilities, as set forth in the attached draft Ordinance; and
- Q. Based on the foregoing, the City finds that the Ordinance is necessary to immediately protect the public health, safety, and welfare by establishing aesthetic and other appropriate standards that apply to all wireless telecommunication facilities, and allow the City to evaluate applications within the “shot clock” deadlines; and
- R. Pursuant to Article XI, section 7 of the California Constitution and sections 36931 et seq. of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and
- S. The Ordinance does not conflict and is consistent with the limitations imposed by Federal and State law, and does not effectively prohibit or materially inhibit the provision of wireless telecommunication services; and

III. California Environmental Quality Act.

The installation of new poles, colocation of wireless cells on existing poles, and installation of small equipment will not result in any changes to the environment. Therefore, the adoption of the

Ordinance is exempt from the California Environmental Policy Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of any significant environmental effects.

Attachment 2
ORDINANCE NO. 2020-X

**AN ORDINANCE OF THE CITY OF FORTUNA REGULATING SMALL WIRELESS
COMMUNICATION FACILITIES WITHIN THE CITY
BY ADDING SECTION 17.06.220 AND AMENDING SECTION 17.07.004
ADMINISTRATION**

WHEREAS, there have been significant changes in the types of wireless communication facilities used to provide communications services within the City; and

WHEREAS, both federal and state law has been modified regarding the regulation of small wireless communication facilities both in the public rights or way and on private property outside of the public rights of way; and

WHEREAS, the City desires to ensure to the greatest extent allowed under federal state law that small wireless communication facilities are located, designed, installed, constructed, maintained, and operated in a manner that meets the aesthetic and public health and safety requirements of the City; and

WHEREAS, the City deems it necessary and appropriate to adopt standards and regulations relating to the location, design, installation, construction, maintenance, and operation of small wireless communication facilities, including towers, antennas, and other structures both in the public rights or way and on private property outside of the public rights of way and to provide for the enforcement of these standards and regulations consistent with federal and state legal requirements;

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

SECTION 1. Code Amendment. Section 17.06.220 of Chapter 17.06 of the Fortuna Municipal Code is hereby added in its entirety as set forth in **Exhibit “1”**. The provisions of Section 17.06.220. The adoption of this Ordinance shall not affect any actions and proceedings that began before the effective date of this Ordinance; prosecution for ordinance violations committed before the effective date of this Ordinance; licenses and penalties due and unpaid at the effective date of this Ordinance.

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 the _____ day of _____, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sue Long, Mayor

City Clerk

SECOND READING PERFORMED AND ADOPTED on the _____ day of _____, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sue Long, Mayor

City Clerk

Exhibit “1”

Chapter 17.06 REGULATIONS THAT APPLY TO SPECIFIC USES

Section 17.06.022 Wireless Communication Facilities, Small

A. Purposes. The purpose of this section is to provide uniform standards for the establishment and modification of small wireless communications facilities (WCFs) in the city and to provide for the desired location, design, installation, construction, maintenance, and operation of WCFs consistent with applicable federal and state requirements. These standards are intended to address and balance the potentially adverse visual and aesthetic impacts of WCFs while providing for the communication needs of residents, local businesses, and government agencies; manage the public rights-of-way, and ensure the public is not incommoded by the placement of WCFs on private land or in the public rights-of-way. The primary aim of these provisions is to ensure that WCFs in Fortuna:

1. Provide residents, visitors, and emergency responders with access to a modern and reliable high-speed wireless network.
2. Are reviewed and provided within the parameters of the law.
3. Provide residents with advance notification of pending WCF applications.
4. Are encouraged to locate in preferred locations and away from residential and other sensitive areas, except as allowed by this section.
5. Represent the fewest possible facilities necessary to complete a network without discriminating against providers of functionally equivalent services or prohibiting the provision of wireless services.
6. Maintain the City of Fortuna’s unique community character and distinctive high-quality aesthetics through concealment and “stealth” techniques to the maximum extent feasible.
7. Maintain the community of Fortuna’s quality of life.

B. Authority. This section is enacted pursuant to the city’s police power to regulate for the public health, safety and welfare subject to the limitations of that power under federal and state law, including, but not necessarily limited to, the Federal Telecommunications Act of 1996, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, state laws regulating the processing and procedures associated with local WCF approvals. This section shall be interpreted in conjunction with the federal and state laws and regulations regarding the processing and placement of telecommunications facilities within the city.

C. Scope. Except as set forth in subsection “S”, below, this section shall apply to all wireless communication facilities within the City.

D. Definitions.

1. **“Antenna”** means a device or system of wires, poles, rods, dishes, or similar devices used to transmit and/or receive radio or electromagnetic waves.
2. **“Collocation”** means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.
3. **“Director”** means the Director of the Community Development Department.
4. **“Eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.”
5. **“FCC”** means the Federal Communications Commission or its successor agency.
6. **“Lattice tower”** is defined as a free-standing framework tower, typically 3 or 4 sided.
7. **“Monopole”** is a tower that consists of a single pole structure (non-lattice), designed and erected on the ground or on top of a structure, to support WCF antennas and related equipment.
8. **“RF”** means radio frequency or electromagnetic waves generally between thirty kHz and three hundred GHz in the electromagnetic spectrum.
9. **“Section 6409(a)”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.
10. **“Significant gap”** is a gap in the service provider’s own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.
11. **“Site”** means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”

12. **“Small wireless facilities”** or “small cell facilities” or “wireless facilities, small” means a small wireless facility within the meaning of 47 C.F.R. § 1.6002(l) or any successor provision. The FCC Order defines a small cell wireless facility as meeting the following conditions: 1) satisfaction of one of the following: a) mounted on structures no higher than 50 feet, including antenna; b) mounted on structures no more than 10% taller than other adjacent structures; or c) not extending existing structures to a height of more than 50 feet or 10% whichever is greater; 2) antenna is no greater than 3 cubic feet in volume; 3) all other wireless equipment associated with structure is no more than 28 feet in volume; 4) no human exposure to radio frequency radiation in excess of FCC Guidelines; 5) not located on Tribal lands; and 5) not require antenna registration.
13. **“Stealth facility”** is any facility designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade-mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation or trees.
14. **“Temporary wireless communications facility”** means a wireless communications facility consisting of a vehicle-mounted facility, a building-mounted antenna, or a similar facility, and associated equipment, that is used to provide temporary coverage for an event, an emergency, or to provide temporary replacement coverage due to the removal of an existing permitted, permanent wireless communications facility.
15. **“Tower”** means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees, and lattice towers.
16. **“Transmission equipment”** means the same as defined by the FCC in 47 C.F.R. Section 140001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.” (Also referred to as “equipment”).

17. **“Wireless communications facility (WCF)”** is a facility that sends and/or receives radio frequency signals, AM/FM, microwave, and/or electromagnetic waves for the purpose of providing voice, data, images or other information, including, but not limited to, cellular and/or digital telephone service, personal communications services, and paging services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; towers or similar structures built to support such equipment; equipment cabinets, base stations, and other accessory development; and screening and concealment elements. (Also referred to as “facility.”)
18. **“Wireless communications provider”** is any company or organization that provides or who represents a company or organization that provides wireless communications services. (Also referred to as “service provider” or “carrier”.)

E. Application Requirements.

1. **In general.** No person shall construct, install, attach, operate, collocate, modify, reconstruct, relocate, or otherwise deploy any WCF within the city’s jurisdictional and territorial boundaries, on private property and within the public right-of-way except in compliance with this section.
2. **Permit Required.** All requests for a WCF shall be accompanied by a Use Permit application as outlined in Fortuna Municipal Code (FMC) Chapter 17.07 and required fees and deposits. In addition, the following information shall be submitted unless waived by the director:
 - a. Full sets of plans, including site plan, elevations, landscape details, and color and material samples;
 - b. Full color, scaled photo-simulations of the proposed WCF from publicly visible viewpoints;
 - c. Coverage maps which shows existing and proposed coverage;
 - d. A map of the carrier’s other existing and proposed sites and a description of how the proposed WCF fits into the overall, long-term network coverage plans;
 - e. Noise and acoustical information for the base transceiver station(s), equipment buildings, and associated equipment such as air conditioning units and back-up generators. Such information shall be provided by a qualified firm or individual, approved by the city, and paid for by the project applicant.
 - f. A signed copy of the proposed property lease agreement, exclusive of the financial terms of the lease, including provisions for removal of the WCF and

appurtenant equipment within ninety days of its abandonment and provisions for city access to the WCF for removal where the provider fails to remove the WCF and appurtenant equipment within ninety days of its abandonment pursuant to subsection “O(6), below. The final agreement shall be submitted at the building permit stage.

- g. Proof that notice has been mailed to owners of all property owners, and the resident manager for any multi-family dwelling unit that includes ten or more units, within three hundred feet of the proposed personal wireless services facility.
- h. If applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the city from complying with any deadline for action on an application.
- i. Applications for a Tier III or IV facility shall be required to submit an alternative sites analysis which includes all other sites and facilities considered and a description of why more preferred sites/facilities were not selected.
- j. Verification that the proposed WCF will either comply with the FCC’s guidelines for human exposure to radio frequency (RF) electromagnetic fields or will be categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1). If WCFs are proposed for collocation, the verification must show the total exposure from all facilities taken together meets the FCC guidelines.
- k. At the discretion of the director, the applicant may be required to submit an additional deposit to cover the City’s costs to hire an independent, qualified consultant to evaluate any technical aspect of the proposed use including, but not limited to, issues involving radio frequency emission, alternative designs, and alternative sites.
- l. A security plan, subject to the director’s approval, must be kept on file with the city. Permittee must comply with the security plan at all times.

3. Additional Requirements. The director may develop, publish, and from time to time update or amend any forms, checklists, guidelines, informational handouts, or other related materials that the director finds necessary, appropriate, or useful for processing any application governed under this section.

4. Indemnification—Liability. The following requirements shall be conditions of approval of all permits approved by the city for any WCF.

1. The permittee shall defend, indemnify and hold harmless the City of Fortuna, its officers, agents, and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee, its agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the city.
2. WCF operators and permittees shall use commercially reasonable methods to avoid any interference their WCF may cause with the City's communication systems and, in the event of any such interference, shall immediately determine the source of any interference, and eliminate the interference (including, but not limited to, filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and arising from third party claims against the city attributable to the interference.
3. The city shall promptly notify the permittee of any claim, action, or proceeding concerning the project and the city shall cooperate fully in the defense of the matter. The city reserves the right, at its own option, to choose its own attorney to represent the city, its officers, employees and agents in the defense of the matter, provided that the City shall be responsible for the cost of such attorney.
4. Failure to comply with any of these conditions shall constitute grounds for revoking a WCF use permit.

F. Other Permits and Regulatory Compliance. In addition to any permit or approval required under this section, the applicant, owner or operator, who owns or controls an WCF, must obtain all other permits and regulatory approvals (such as compliance with the California Environmental Quality Act) required by the city, any federal, state or local government agencies; and the applicant, owner or operator must comply with all applicable federal state and local government agency laws and regulations applicable to the WCFs, including, without limitation, any applicable laws and regulations governing RF emissions, and local zoning and building code requirements.

G. Prohibited WCFs. The following types of WCFs are prohibited.

1. WCFs that exceed current standards for RF emissions standards adopted by the FCC.
2. WCFs on sites containing existing or planned public or private school facilities; or within five hundred feet of said areas so designated or zoned.
3. WCFs in designated sensitive habitat areas, such as habitat restoration areas, as designated by the city. The community development department shall maintain a map identifying such areas.

H. Location Standards. To the extent feasible, all proposed WCFs shall be sited according to the following preferences, ordered from the most to least preferred:

1. Collocations in alley rights-of-way within or abutting non-residential zones;
2. New facilities in alley rights-of-way within or abutting non-residential zones;
3. Collocations on City owned parcels or rights-of-way (including alleys in residential zones);
4. Collocations outside public rights-of-way in non-residential zones;
5. New facilities outside public rights-of-way in non-residential zones;
6. Collocations in residential zones;
7. New facilities in residential zones.

I. Discouraged Locations. WCFs shall not be permitted on or within the rights-of-ways of Main Street, 12th Street, and Riverwalk Drive unless the applicant demonstrates, to the City Council's, satisfaction that the facility is the least intrusive means possible to close an identified significant gap in coverage.

J. Required Permits. WCFs are grouped into four tiers, each with its own WCF permit requirements as shown in Table 1:

Table 1. WCF Tiers and Types of Required WCF Permits¹

Tier	Types of Facilities	Location	Permit Required
I	Modifications to an existing facility per 47 C.F.R. Section 1.40001(b)(3)	All	Section 6409(a) Permit
II	Strand-mounted facilities	All	Zoning Administrator Minor Use Permit (FMC 17.07.004.B)
	Stealth pole-mounted facilities in ROW	Alleys, non-residentially zoned properties ²	
	Stealth building- or façade-mounted facilities		
	A collocation or modification that is not a Tier I facility		
III	Stealth pole-mounted facilities in ROW	Residentially zoned properties, ROWs	Planning Commission Conditional Use Permit (FMC 17.07.004.C)
	Stealth building- and façade-mounted facilities		
IV	Non-stealth facilities and all towers	All	City Council Major Use Permit (FMC 17.07.004.D)
	Any facility	Main Street, 12 th Street, Riverwalk Drive	

¹Applies to all types of cell facilities, including small cell facilities.

²Alleys which divide a non-residential and a residential zone are considered non-residential for the purposes of this policy

K. Design Standards. To the extent feasible, all WCFs shall be designed in accordance with the following standards:

1. **Public Visibility.** In all areas, WCFs shall be designed and located where least visible to the public and least disruptive to the appearance of the host property. No WCF shall be installed in a location readily visible from a public vantage point, recreation area, scenic area, or residential area unless it is satisfactorily located and/or concealed or disguised to fit with the surrounding visual environment.
2. **Stealth Design Required.** All aspects of a WCF, including antennas, supports, equipment, wiring, and screening materials shall exhibit stealth design techniques to visually blend into the background or the surface on which they are mounted. Subject to City approval, applicants may use faux architectural elements (e.g., cupolas, bell towners, dormers, and chimneys), architectural treatments (e.g., colors and

materials), elements replicating natural features (e.g., trees and rocks), landscaping, and other creative means to hide or disguise WCFs. Stealth facilities may also refer to those completely hidden by existing improvements, such as parapet walls.

3. **Equipment.** All equipment and utilities shall be undergrounded or located within existing structures unless it can be demonstrated that full concealment is physically or technologically infeasible. If equipment must be located outside, it shall be fully screened with landscaping, walls, architectural elements, or other screening device. If small outbuildings are constructed specifically to house equipment, they shall be designed and treated to match nearby architecture or the surrounding landscape. Any equipment that cannot be screened and is not required to be located at height shall be located underground in a vault.
4. **Height.** WCFs shall adhere to the existing height limitations of the underlying zone unless a height exception is granted pursuant to subsection K(11), below.
5. **Setbacks.** WCFs and associated equipment should adhere to building setbacks of the underlying zone. The following considerations and exceptions apply to WCF setback requirements:
 - a. WCFs mounted to an existing or new utility pole are exempt from setback requirements, except that they shall not be sited in an unsafe manner as determined by the City Engineer.
 - b. The City Council or Planning Commission, as applicable, may decrease or increase required setbacks.
6. **Collocation.** Collocating with existing or other planned wireless communication facilities is required whenever feasible. Service providers are encouraged to collocate with major power transmission and distribution towers and other utility structures when in compliance with this section.
7. **Building or Structure-Mounted WCFs.**
 - a. Antenna and associated mountings shall not project outward more than 24 inches from the face of a building unless concealed behind a faux architectural feature or other concealment method.
 - b. Roof-mounted antennae shall not be placed on roof peaks unless concealed with a faux chimney or other concealment method.
 - c. If permitted, WCFs on residential buildings shall only be allowed if disguised as a typical residential feature (e.g., chimney, dormer, etc.) and if all equipment is located inside the building.
8. **Ground Mounted Monopoles.**

- a. No new ground-mounted monopoles shall be permitted unless the applicant demonstrates that no other existing WCF can accommodate the proposed antenna and close an identified significant coverage gap. Cables and antennae for any non- stealth new monopoles shall be contained within the monopole or on top of the pole if the antennae width does not exceed the width of the pole.
 - b. If permitted, all antennas shall be located inside the ground-mounted monopole, or on top of the monopole within the diameter of the natural slope of the top of the pole, or as close as possible to the monopole to disguise antenna to the maximum extent feasible.
 - c. The placement, screening, and disguise of the monopole shall fit with the surrounding site design, architecture, and landscaping. Faux trees may be acceptable depending on their appearance, quality, and compatibility with existing nearby vegetation.
 - d. When feasible and in compliance with this section, monopoles shall be placed next to tall buildings, structures, or trees.
9. **Lattice Towers.** New lattice towers shall not be permitted unless it is demonstrated that no other facility or group of facilities which comply with this policy and are less intrusive can close an identified significant coverage gap.
10. **WCFs in Public Rights-of-Way (ROW).**
- a. WCFs located within an alley right-of-way with any above ground equipment shall be sited away from residential windows and balconies. “Within an alley” does not include poles at the end of an alley which intersects with a street.
 - b. Antennas shall be attached to existing poles (e.g., utility poles), substantially similar replacement poles in the same location, or vertical structures already located in the ROW depending on which solution provides the greatest stealth. The installation of new poles or vertical structures may be permitted if it can be demonstrated that facilities mounted to an existing pole(s) or other stealth facilities could not close a significant coverage gap.
 - c. New metal poles which can house wiring and small equipment inside the pole shall be used if mounting a WCF to an existing pole would create a greater visual impact.
 - d. Antenna assembly may not exceed the height of an existing pole unless it extends no more than 10% of the height of the pole and is within the diameter of the natural slope of the pole.

- e. The use of an existing pole, replacement pole, or other existing vertical structure shall require the authorization of the owner. If a City street light or any structure in the right of way is proposed, an encroachment permit is required, as well as reasonable compensation (pursuant to the adopted Fortuna Fee Schedule) for City structures or poles.
 - f. Panel antennas shall be vertically mounted to a pole or structure in compliance with any applicable separation requirements and shall not exceed eight-inches in distance from the pole to the front side of the panel.
 - g. No more than four panel antennas or two omni-directional antennas shall be mounted on any utility pole or structure by any one provider. Other antenna styles shall follow this standard to the extent feasible.
 - h. Antennas shall be painted to match the surface of the pole on which they are attached or shall otherwise be screened to reduce visibility.
 - i. All other equipment associated with the facility shall be placed underground. If undergrounding is determined to be infeasible, all equipment should be setback at least 2.5 feet from the back of the curb and within the parkway or greenway or 2.5 feet back from the edge of sidewalk when it is contiguous to the curb.
 - j. All equipment shall be located to prevent impacts to pedestrian access and provide adequate vehicular sight distance and safety.
 - k. New WCFs shall be discouraged from being placed on utility poles which are included in a planned utility undergrounding project.
11. **Design Exceptions.** An exception to one or more of the above design standards may be granted by the Planning Commission (Tier II and III facilities) or the City Council (Tier IV facilities) if a finding is made that the design standards are physically or technologically infeasible and/or the facility would be the least intrusive means possible to close an identified significant gap in coverage.

L. Temporary Wireless Communications Facility.

- 1. Temporary WCF, such as “cell on wheels” (COW) may be used for a maximum of 90 calendar days to replace permanent WCFs during the relocation or rebuilding process of an existing facility, during temporary events, and during emergencies through the issuance of a non-discretionary building permit and right-of-way encroachment permit, as applicable.
- 2. A temporary WCF may be used for more than 90 calendar days through approval of a Zoning Administrator Minor Use Permit.

M. Decision-Making Authority. Applications for WCF permits are considered in accordance with Table 2:

Table 2: Permit Decision-Making Matrix

	Role of Authority		
	Community Development Director	Planning Commission	City Council
6409(a)	Decision	-	-
Zoning Administrator Minor Use Permit ¹	Decision/Recommendation	Appeal/Decision	Appeal
Conditional Use Permit	Recommendation	Decision	Appeal
Major Use Permit	Recommendation	Recommendation	Decision
¹ A Tier II Zoning Administrator Use Permit may require Planning Commission approval if the carrier requests an exception to a design or performance standard as described in this policy or if a request for a public hearing is requested as outlined in this policy.			

N. Permit and Public Noticing Procedures.

1. Noticing, public hearings, and appeals shall be as outlined in the Fortuna Municipal Code Section 17.07.
2. Other City permits including, but not limited to, an encroachment permit, building permit, etc. may be required in addition to any wireless communication use permits outlined in this policy.

O. Performance Standards.

1. **Noise.** All equipment, such as emergency generators and air conditioners, shall be designed and operated consistent with Fortuna General Plan noise standards.
2. **Maintenance.** All facilities, related equipment, and landscaping shall be maintained in good condition and free from trash, graffiti, and any form of vandalism throughout the life of the facility. Routine maintenance of equipment in residential zones or within 100 feet of a residential zone shall be conducted only during the hours of 8 a.m. and 5 p.m. weekdays. No maintenance may be performed on weekends or holidays observed by the City of Fortuna. In other zones, maintenance may occur anytime.

3. **Emergency Repairs.** Emergency repairs and maintenance shall be conducted within a reasonable length of time to be determined by the City Manager or their designee.
4. **Lighting.** Security lighting shall be kept to a minimum and shall only be triggered by a motion detector unless an exception is granted by the applicable decision-maker.
5. **Compliance with FCC RF Exposure Guidelines.** Within six months after final permit sign-off, and with each time extension or amendment request, the developer/operator shall submit to the director either verification that the WCF is categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1) or a project implementation report that provides cumulative field measurements of radio frequency (RF) electromagnetic fields of all antennas installed at the subject site. The report shall quantify the RF emissions and compare the results with currently accepted ANSI/IEEE standards as specified by the FCC. The director shall review the report for consistency with the project's preliminary proposal report submitted with the initial project application and the accepted ANSI/IEEE standards. If, on review, the director finds the project does not meet ANSI/IEEE standards, the City may take any action necessary, as provided by law, to require compliance including, but not limited to, permit revocation.
6. **Abandonment.** Any WCF that is not operated for a continuous period of 90 days will be considered abandoned. Within 90 days of receipt of notice from the City notifying the owner of such abandonment, the WCF owner must remove the facility and restore the site, as much as is reasonable and practical, to its prior condition. If such WCF is not removed within 90 days, the WCF will be considered a nuisance and in addition to any other available remedy, will be subject to abatement under Chapter 86.50 of the Fortuna Municipal Code. If there are two or more users of a single WCF, then this provision will not become effective until all users stop using the WCF. The provider or owner must give notice to the City of the intent to discontinue use of any facility before discontinuing the use.
7. **Removal as Part of Utility Undergrounding Project.** Any WCF mounted to a utility pole which is included in a utility undergrounding project shall be removed at the carrier's expense at least 60 calendar days prior to the initiation of the undergrounding project.

P. Permit Findings. To approve a permit for a WCF, the decision-maker shall make all the following findings:

1. The proposed facility complies with the location, design, and performance standards of this section;
2. The proposed facility is consistent with the general plan, local coastal program,

zoning ordinance, and any other applicable specific plan, ordinance, or policy adopted by the City Council;

3. The proposed facility will not be detrimental to public health, safety, and welfare;
4. The proposed facility will address an identified significant coverage gap in the least visually intrusive means possible.

Q. Permit Term. Permits for WCFs shall be granted for a period not to exceed five (5) years. Upon a request for either a permit extension or an amendment, the WCF should be reevaluated to assess the impact of the facility on adjacent properties, the record of maintenance and performance with reference to the conditions of approval, and consistency with these guidelines. Additionally, the City may review the appropriateness of the existing facility's technology and may require the applicant to document that the WCF maintains the technology that is the smallest, most efficient, and least visible and that there are not more appropriate and available locations for the facility, such as the opportunity to collocate or relocate to an existing building.

R. Appeals. Appeals of a WCF permit shall be processed in accordance with FMC §17.07.004.

S. Exemptions. Notwithstanding anything in this section to the contrary, this section shall not apply to any of the following:

1. Television antennae, satellite dishes, and amateur radio facilities, whether interior or exterior, as follows:
 - a. Direct broadcast satellite (DBS) antennae and television broadcast service (TBS) antennae or other similarly scaled telecommunication device that neither exceeds one meter in diameter nor extends above the roof peak or parapet.
 - b. Ground mounted antennas and support structures: (i) located entirely on-site and not overhanging or extending beyond any property line; (ii) not located within any required front or side yard setback; and (iii) screened from public view to the extent practical.
 - c. Antenna height shall not exceed the maximum allowable building height for the zoning district in which it is located by more than ten feet. The antenna support structure shall not exceed a width or diameter of twenty-four inches.
2. WCFs used only for public safety purposes, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure.
3. WCFs that are accessory to other publicly owned or operated equipment used for data acquisition such as irrigation controls, well monitoring, and traffic signal controls.
4. WCFs erected and operated for emergency situations, as designated by the police chief, fire chief, or city manager so long as the facility is removed at the conclusion of the emergency.

5. Multipoint distribution service (MDS) antennas and other temporary mobile wireless service including mobile WCFs and services providing public information coverage of news events (less than two-weeks duration).
6. Mobile WCFs when placed on a site for less than seven consecutive days, provided any necessary building permit is obtained.
7. SES in a commercial or industrial zone that meet the following standards:
 - a. The antennas do not exceed two meters in either diameter or diagonal measurement.
 - b. The antennas are located as far away as possible from the edges of rooftops or are otherwise adequately screened to eliminate visibility from adjacent properties. The method of screening shall be approved by the director.
8. Commercial television (TVBS) and AM/FM radio antennas not extending more than twelve feet beyond the maximum allowed building height for the zone.
9. Personal wireless internet equipment, such as a wireless router, provided that the equipment is included entirely within a building or residence.
10. Any WCF that is specifically and expressly exempt from local regulation pursuant to federal or state law, but only to the extent of any such exemption and provided that the applicant must provide the documentation necessary to prove the exemption to the satisfaction of the director.

T. Existing conforming and legal nonconforming WCFs. Except as may otherwise be required by state or federal law (as in the case of an eligible facility request), modification of an existing legal nonconforming WCF shall be subject to same permitting requirements as a new WCF.

U. Transfer of Operations. The permittee shall not assign or transfer any interest in its permits for WCFs without advance written notice to the director. The notice shall specify the identity of the assignee or transferee of the permit, as well as the assignee or transferee's address, telephone number, name of primary contact person(s), and other applicable contact information, such as an e-mail address or facsimile number. The new assignee or transferee shall comply with all of the WCF's conditions of approval.

V. Violations—Public nuisance. Any violation of this section is deemed a public nuisance subject to abatement and shall, in addition to any other available legal penalty or remedy, constitute grounds for revocation of any permits and/or approvals granted under this section or any predecessors to this section.

W. Revocation of permit.

1. Permittees shall fully comply with all conditions related to any permit or approval granted under this section or any predecessors to this section. Failure to comply with any condition of approval or maintenance of the WCF in a manner that creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety shall constitute grounds for revocation. If such a violation is not remedied within a reasonable period, following written notice and an opportunity to cure, the director

may schedule a public hearing before the planning commission to consider revocation of the permit. The planning commission revocation action may be appealed to the city council pursuant to section 17.07.004.

2. If the permit is revoked pursuant to this section, the permittee shall remove its WCF at its own expense and shall repair and restore the site to the condition that existed prior to the WCF's installation or as required by the director within ninety days of revocation in accordance with applicable health and safety requirements. The permittee shall be responsible for obtaining all necessary permits for the WCF's removal and site restoration.
3. At any time after ninety days following permit revocation, the director may have the WCF removed and restore the premises as he/she deems appropriate. The city may, but shall not be required to, store the removed WCF (or any part thereof). The WCF permittee shall be liable for the entire cost of such removal, repair, restoration, and storage. The city may, in lieu of storing the removed WCF, convert it to the city's use, sell it, or dispose of it in any manner deemed appropriate by the city.

X. Mandatory removal and relocation. If a WCF must be modified or relocated because of an abandonment, undergrounding of utilities, or change of grade, alignment or width of any street, sidewalk or other public facility (including the construction, maintenance, or operation of any other city underground or aboveground facilities, including, but not limited to, sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by city or any other public agency), the permittee shall modify, remove, or relocate its WCF, or portion thereof, as necessary without cost or expense to the city. Said modification or removal of a WCF shall be completed within ninety days of notification by the city unless exigencies dictate a different period of time as established by the director. In the event a WCF is not modified or removed within the requisite period of time, the city may cause the same to be done at the sole expense of permittee. Further, in the event of an emergency, the city may modify, remove, or relocate WCFs without prior notice to permittee provided permittee is notified within a reasonable period thereafter. A permittee electing to relocate a WCF that was removed pursuant to this section shall be subject to the requirements of this section applicable to the proposed relocation site.

Y. Appeals. Any person dissatisfied with the decision to approve, deny, or revoke a conditional use permit for the construction or modification of a WCF subject to this section may file an appeal in accordance with Section 17.07.004.

Z. Effect of state or federal law.

1. Ministerial permits. In the event the city attorney determines that state or federal law prohibits any discretionary permitting requirements of this section, all provisions of this section shall be apply with the exception that the required permit shall be reviewed and administered as a ministerial permit by the director rather than as a discretionary permit. Any conditions of approval set forth in this section or deemed necessary by the director shall be imposed and administered as reasonable time, place, and manner rules. If the city attorney subsequently determines that the law has

changed and that discretionary permitting has become permissible, the city attorney shall issue such determination in writing with citations to legal authority and all discretionary permitting requirements shall be reinstated. The city attorney's written determinations under this section shall be a public record.

2. Exceptions. Exceptions to any provision of this section, including, but not limited to, exceptions from findings that would otherwise justify denial, may be granted pursuant to a conditional use permit subject to the following:
 - a. An applicant must request the exception at the time its application is submitted. The request must include both the specific provision(s) of this section from which the exception is sought and the legal and factual basis of the request. Any request for an exception after the city has deemed an application complete shall be treated as a new application.
 - b. The exception shall only be granted upon a finding that application of the provision of this section from which the exception is sought would in the case of the proposed WCF violate federal law, state law, or both. The applicant shall have the burden of proof as to this finding.
 - c. The city may hire an independent consultant, at the applicant's expense, to evaluate the issues raised by the exception request and shall have the right to submit rebuttal evidence to refute the applicant's claim.

Chapter 17.07
PROCEDURES, AMENDMENTS, AND ENFORCEMENT

Section 17.07.004 Application procedures, hearings, and appeals.

B. Authorized Hearing Officer.

1. The zoning administrator or his designee shall have the authority to consider applications for zoning clearance certificates under FMC [17.07.050](#). The zoning administrator shall also have authority to consider applications for ~~conditional~~ zoning administrator **minor** use permits, ~~or may at his discretion schedule for hearing by the planning commission any application for such permit. A notice on any use permit application considered by the zoning administrator shall be sent to the planning commissioners and any commissioner can request that a hearing before the commission be held.~~
2. The planning commission shall have the authority to consider applications for conditional use permits, variances and planned developments, and shall make recommendations to the city council on zone amendments and major use permits.
3. The city council shall have the authority to consider applications for major use permits.







[Newton DT CRAN 001, A]



Digital Photo Simulation of Final Product

STAFF REPORT

City Council Consent Calendar Agenda Item

DATE: September 21, 2020

TO: Honorable Mayor and Council Members

FROM: Liz Shorey, Deputy Director of Community Development

THROUGH: Merritt Perry, City Manager

SUBJECT: **Community Development Department Monthly Report for August 2020**

STAFF RECOMMENDATION:

Receive report as an informational item.

BACKGROUND:

Attached is the Monthly Community Development Department Report for August 2020. The following attached tables provide detailed descriptions of the monthly activities of the Department.

ACTIVITIES & ACCOMPLISHMENTS

List of activities and recent accomplishments of the Department.

DEVELOPMENT APPLICATION ACTIVITY

Status of development projects that have been submitted and either approved or in process, including those activities considered by the Planning Commission and the Zoning Administrator.

SUBDIVISION STATUS REPORT

Subdivisions that have been approved but not finalized and status of improvement plan and/or final map review process.

BUILDING PERMIT ACTIVITIES

The Building Department's report for the month's permits and valuation is attached.

LONG-RANGE PLANNING PRIORITIES

Table of long-range Planning priorities as presented at Council workshop on December 19, 2018 with updates showing ongoing and completed programs.

RECOMMENDED COUNCIL ACTION:

Receive Community Development Department monthly report. Consent Agenda vote.

ONGOING ACTIVITIES & ACCOMPLISHMENTS

- A total of 40 building permits were issued in August including two single family homes and one manufactured residence. Permits issued include two residential remodels, one addition, one garage and 33 permits for electrical, plumbing, mechanical, solar and, roofing. The total value of improvements for August was \$1,748,889.00 and building permit fees were \$25,890.80 (see attached report).
- Current in-process long-range projects for Community Development include: SB2 contract awarded to carry out Council priority and housing element programs; Second phase SB2 funding grant (LEAP) application has been submitted for Mill District planning, research several areas for zoning update considerations (e.g., Newburg Road police facility), small cell towers in city right of way, food cart vending standards), continuing to process development applications (implementing approved subdivisions in process of development, design review, pre-applications), and support other City department's projects (WWTP upgrade environmental document, CIP General Plan conformance).
- The Gene Lucas Community Center is open under a Temporary Occupancy, issued to allow limited activities until the exterior site work (parking lot, intersection, sidewalk) is completed. The Center's second building (Senior Center) is completed as well.
- Nuisance abatement is in process for significant violations on Acacia Drive, Rohnerville Road, and Senestraro Way. Numerous other violations are being investigated; most of these violations get resolved quickly and voluntarily by the majority of property owners.
- Other ongoing tasks completed in August:
 - City staff is continuing to meet with and support several businesses interested in new commercial development within the City by providing preliminary project review, site analysis, permit process information, and scheduling.
 - Coordinated with City departments for review and input on various ongoing City projects, public works improvements, and grant applications.
 - Reviewed and issued 6 business licenses.
 - City Hall is now open to the public and the Community Development Department has adapted during the Covid-19 pandemic; continuing to serve the community and provide Planning and Building services in person, over the phone, and in writing to numerous requests for information needed for property purchases, building permits, permitted and allowable activities, business feasibility, permit inquiries, zoning verification letters, and related inquiries.
- **County Tracking:**
 - **Zoning Update:** The County's proposed zoning amendments to bring their zoning map into conformance with their updated General Plan is on-hold. Their study includes the Q-overlay for cannabis protection within certain areas of the City's Sphere of Influence. City staff submitted the letter to the County on August 15th, 2019. The County has not yet scheduled a County hearing on the zoning map updates.
 - **Marijuana Ordinance:** Staff continues to track County cannabis permit activity and make public comment requesting protection of the City's sphere of influence and future annexation opportunities. The City's appeal to the Board of Supervisors against Boutique Gardens on was denied and the project is approved.

Development Activity/Planning Report for August 2020
Updated 9/14/20

PROJECTS RECENTLY DECIDED:		Submittal	Complete	Status
Subject:	Design Review of new residential units and a Community Center in a Planned Unit Development.	6/24/2020	6/24/20	Approved by the Planning Commission 7/28/2020
Applicant:	Dennis Fitze			
APN:	202-082-005/202-121-002			
Project Site:	Redwood Way			
Zoning:	R-1-10 Residential Single Family			
Subject:	Rezone from single-family to multi-family and add mobile home combining (T) zone.	6/1/2020		Approved by Planning Commission 8/25/2020. Scheduled for City Council 9/21/20
Applicant:	Ray Chisum			
APN:	202-061-006			
Project Site:	Rohnerville Road near Loop Road			
PROJECTS SUBMITTED AND PENDING:				
Subject:	Minor subdivision of one .35 acre lot into two lots ~.18 and ~.17 acres each. Applicant is requesting a reduction of the General Plan creek setback from 50' to 15'.	6/16/2020		Corrections returned to applicant.
Applicant:	Jeana and Kevin McClendon			
APN:	040-282-031			
Project Site:	344 N. Fortuna Blvd.			
Zoning:	CT t Commercial Thoroughfare			
Subject:	Residential subdivision of existing 5-acre parcel into 4 lots ranging from .5 acre to 1 acre, with a remainder 2.2 acres. Request for abandonment of Public Road Easement labeled "Parcel A"; Tract Map 507, Book 22, Page 82.	5/30/19		Corrections returned to applicant 7/31/20
Applicant:	Susan Campbell			
APN:	202-381-033/202-071-091			
Project Site:	2 nd Avenue and Berry Creek Avenue			
Subject:	Revision of Conditional Use Permit to increase permitted maximum daily throughput to 99.9 tons per day.	7/14/2020		Under City review
Applicant:	Recology Eel River			
APN:	200-363-001 and 200-353-021			
Project Site:	956 Riverwalk Drive			
Subject:	Subdivision of a 1.9-acre parcel into two commercial parcels.	8/5/2020		Scheduled for Planning Commission 10/13/20
Applicant:	Wally Wright and Wendt Construction			
APN:	202-093-002			
Project Site:	101 Gulliksen Drive			
Subject:	Conditional Use Permit to reduce the required street side rear setback from 10' to 5'.	8/18/20		Scheduled for Planning Commission 9/22/20
Applicant:	Harber's Insurance			
APN:	040-194-025			
Project Site:	210 12 th Street			
Subject:	Design Review of a 444 sf addition to an existing 3,648 sf building and remodel of existing covered	8/18/20		Scheduled for Planning Commission 9/22/20
Applicant:	Harber's Insurance			
APN:	040-194-025			
Project Site:	210 12 th Street			
Subject:	Conditional Use Permit to expand a non-conforming rear setback of 5' where 15' is required in the R-1-10 (B1) zone.	8/21/20		Scheduled for Planning Commission 9/22/20
Applicant:	Foxi Keane			
APN:	200-083-010			
Project Site:	1460 Vancil Street			

Subdivision Status Report
(Approved projects, not yet completed)
9/14/2020

Project:	Approved:	Expires:	Status:
Adams Major Subdivision (6 multifamily lots; 36 units)	12/16/19	12/15/21	Next step: Applicant has submitted improvement plans, City corrections have been returned to applicant.
Christensen Minor Subdivision (1 lot and a remainder on Kenmar Road)	12/10/19	12/9/21	Next step: Parcel Map approved by City; applicant to submit map for recording.
Tanferani Minor Subdivision (2 lots Alamar Way)	11/12/19	11/11/2021	Next step: Parcel Map out for corrections; Improvement plans being reviewed by RWQCB.
Fitze Planned Unit Development (59 Lots/Units; Redwood Way)	7/15/19	7/14/21	Next step: Improvement plans approved and improvements are under construction. Submit and record parcel map.
Luster Minor Subdivision (2 lots; Newburg Road)	6/25/19	6/24/21	Next step: Parcel map submitted, under City review. Improvement plans to be submitted.
Cook Subdivision Phase 1 (1 lot and remainder)-Alder Drive	11/19/2018	11/18/2020	Phase 1 Parcel Map recorded 4/3/2019.
Cook Subdivision-Alder Drive-8 lots	11/19/2018	11/18/2020	Next step: Improvement plans approved and under construction.
Mildbrandt Subdivision(2 lots; Angel Heights Drive)	10/23/2018	10/22/2020	Next step: Improvement plans and parcel map under City review.
White Circle Subdivision (Riverwalk; 2 lots)	3/27/2018	3/26/2020	Parcel map recorded. Improvements under construction.
Improvement Agmt	5/14/2020	5/14/2021	Improvements to be completed in one year.
Redwood Memorial Foundation – Lot Split	12/16/14	12/15/16	Final Map recorded. Improvements to be complete during building permit phase.

All applicants, upon project approval, have been provided with schedules showing the series of discretionary and non-discretionary extensions that are allowed by State legislation (SB 1185, AB 333, AB 208, and AB 116) and the Subdivision Map Act. The Map Act places responsibility for tracking expiration dates with the applicant. Upon project approval, applicants are provided with notification of expiration dates and renewal request process.

CITY OF FORTUNA

BUILDING PERMIT SUMMARY

AUGUST
2020TYPE OF PERMIT ISSUEDRESIDENTIAL

	NUMBER OF PERMITS	LIVING UNITS	VALUE / COST OF CONSTRUCTION	BUILDING PERMIT FEES
SINGLE FAMILY RESIDENCES	2	2	\$790,530.00	\$12,210.08
DUPLEX FAMILY RESIDENCES				
MULTI-FAMILY RESIDENCES				
MANUFACTURED RESIDENCES	1		\$175,000.00	\$1,788.96
(ADU) ACCESSORY DWELLING UNIT (ATTACHED)				
(ADU) ACCESSORY DWELLING UNIT (DETACHED)				
ADDITIONS	1		\$354,540.00	\$5,274.91
REMODELS	2		\$89,000.00	\$777.42
GARAGES/CARPORTS	1		\$19,200.00	\$409.05
ACCESSORY STRUCTURES				

PUBLIC WORKS - SEWER & WATER FEES
\$19,880.04
\$0.00
\$0.00
\$0.00
\$0.00

COMMERCIAL

NEW STRUCTURES				
ON-SITE IMPROVEMENTS/GRADING				
ADDITIONS				
TENANT IMPROVEMENT / REMODEL				
REPAIRS				
SIGNS				

OTHER PERMITS

ELECTRICAL	6		\$14,550.00	\$852.38
PLUMBING	2		\$4,854.00	\$203.45
MECHANICAL	4		\$21,357.00	\$528.79
ROOFING	18		\$234,373.00	\$3,026.14
GRADING - RESIDENTIAL				
SIDING / WINDOWS				
DECK	1		\$4,500.00	\$162.19
SOLAR PHOTO-VOLTAIC SYSTEM	1		\$30,985.00	\$454.18
MISCELLANEOUS	1		\$10,000.00	\$203.05

\$0.00
\$3,354.00
\$0.00
\$0.00
\$0.00
\$0.00
\$0.00

TOTAL THIS MONTH:	40	2	\$1,748,889.00	\$25,890.60
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\$23,234.04

NUMBER OF PERMITS	LIVING UNITS	VALUE / COST OF CONSTRUCTION	BUILDING PERMIT FEES
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Building Permit Fees.
CA State Seismic Fee
CA State Housing Dev. Fee

PUBLIC WORKS - SEWER & WATER FEES

Water Connection Fee
Water Capital Conn Fee
Sewer Capital Conn Fee
Storm Drainage Fee,
Traffic Impact Fee

2020 - TOTAL YEAR TO DATE:	244	17	\$10,120,972.00	\$145,398.80
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# OF PERMITS	LIVING UNITS	VALUE/COST OF CONST	BUILDING PERMIT FEES
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\$138,439.06

PW - SEWER & WATER FEE

CITY OF FORTUNA LONG-RANGE PLANNING PRIORITIES

Adopted November 19, 2018 Council Workshop

Updated 8/11/20

Priority #	Program	Discussion	Anticipated Schedule	Estimated Cost	Status
PROJECTS COMPLETED:					
1	Short Term Rental Ordinance	Outdated or inefficient Code.	Completed	Staff	Completed. Adopted on March 16, 2020. Effective April 16, 2020.
2	Riverwalk/Freeway Commercial Zoning Amendment and General Plan Land Use Amendment	Council confirmed that this is still their highest priority.	Completed	Staff	Completed. Approved by City Council on April 1, 2019.
3	Rezone of 280 12 th Street from PF to Commercial Thoroughfare	Prepare & post a Notice of Exemption from CEQA; Planning Commission hearing & two Council hearings.	Completed	Staff	Rezone adopted by City Council on 9/16/19.
4	Needle Exchange Ordinance & Land Use Regulation	Anticipated needle exchange programs are operating in the City without land use considerations and public safety. High priority due to potential for needle distributors acting within the City.	Completed	Staff	Completed. Approved by City Council on March 18, 2019.
5	H-11. Emergency Shelters	Create overlay zone; review standards.	Completed	Staff	Completed. Approved by Planning Commission on 9/25/18. Approved by Council 9/17/2018.

6	Economic Development Focused Business Development Program	Created a tracking system to track business inquiries to aid in follow-up support and identification of needs.	Ongoing	Staff	Ongoing tracking and assistance.
7	Water-efficient landscaping ordinance	State mandate, but currently no penalty. State code is automatically operative.	Ongoing	Staff	Completed and ongoing. Staff has prepared handouts and forms that are now being submitted with development permits.
PROJECTS IN PROCESS:					
1	Mill District Rezone/Specific Plan	Rezone from Heavy Industrial (M-1) to commercial mixed use to conform to General Plan, or amend General Plan to retain Industrial as primary use. Specific Plan is recommended to promote orderly development (utilities, roads, parcel layout)	1-2 years	To be determined (potential consultant)	Staff to present Council with specific plan procedure and options.
2	Housing Element programs	Update to accomplish housing goals and to comply with State housing law.	SB 2 Grant of over-the-counter funds. Projects must be completed by end of grant term—June 30, 2022	SB 2 Grant in amount of \$160,000 (max. for small cities).	Grant awarded 2/24/2020. Consultant selected (Planwest). Kickoff meeting being scheduled.
a	H-7. Improvement Standards Update & review road standards	Review and update the Improvement Standards and Specifications to ensure that			

		balanced improvements are required of new developments, and review for possible alternative public access standards to improve access and reduce costs.			
b	H-9. Residential Multifamily Development Review Process	Amend Code to replace CUP process with site plan review with list of standards.			
c	Accessory dwelling units (ADU's)	State mandate (Fortuna relying on State ADU standards until local code is updated). Also required as a housing element program			
d	Infrastructure provision and financing opportunities analysis	Housing element program			
e	Employee housing code adoption	Housing element program			
f	Design review guidelines	Create predictability and to streamline approvals			
g	GIS housing and infrastructure layers update	Housing element program; to identify and track inventory of sites, constraints, and other housing data to facilitate development.			
	Water-efficient landscaping ordinance	State mandate, but currently no penalty. State code is			In process. Staff has prepared handouts and forms to be

		automatically operative.			submitted with development permits.
6	Climate Action Plan	Participate in Humboldt County effort to plan for climate change, identify reduction policies, and avoid independent City plan; Comply with CEQA by providing measurable reduction goals; Avoid legal challenge to future development CEQA challenges	In process through 2019	Staff	City staff participating in County & City update program.

PROJECTS TO BE PRIORITIZED:

	Cannabis workshop	Review status, state law, cost/benefit, etc., and consider if the City should amend the existing commercial cannabis prohibition.			Staff to schedule workshop in near future.
	Sign Ordinance	Council recognized that 1) the sign ordinance is not being implemented consistently or per Code (for example, Eel Valley Appliance projecting sign <i>[staff note: it was actually approved by the</i>	Not a top priority (housekeeping).	Staff	Sign ordinance reviewed and discussed by Planning Commission on 10/8/19. Discussion only; no decision was made.

		<i>Planning Commission under a conditional use permit as allowed by Code</i>]; 2) Code is not being enforced, (flashing & flag-style signs are proliferating); 3) Lack of information provided to public (we can distribute sign regs. with business licenses).			
	Code enforcement process & penalties	Updated needed to improve enforcement ability and review fees.	Low priority—Utilize the Code enforcement officer & city attorney	Staff	
	Water-efficient landscaping ordinance	State mandate, but currently no penalty. State code is automatically operative.			
	Animal Keeping (roosters, bees)	Outdated or inefficient Code. Complaints are infrequent.	Low priority		
	Sidewalk Vendor Ordinance	New State law (SB946) allows sidewalk vendors in absence of local regulation	Moderate staff time to understand the level of detail needed and City's approach.	Staff	
	Trail Master Plan	City-wide trail system, allowing easier funding and coordinated efforts.	Build on John Campbell Greenway Trail; follow similar process of identifying needs, general location, and consensus.	Grant	

	Parkland Master Plan	Master plan will allow coordinated effort and easier funding.	I.D. general locations and purposes; build on plans thru grants.	Grant	Ongoing—grant submittals
	Airport Area Annexation	Pending Council discussion and direction.			
	Food Truck Ordinance	Consider updating standards to remove barriers			
	General Plan programs (numerous; see list)	Council review deferred.	To be determined.		
	Housing Element programs	Council review deferred.	To be determined.		