

## RESOLUTION NO. PC -2024

### RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND 18.71.090 - PLANNED DEVELOPMENT PERMIT OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE TO ALLOW PLANNED DEVELOPMENT PERMITS ON PARCELS OF 1 ACRE OR MORE.

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS** the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

**WHEREAS** the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits; and

**WHEREAS**, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the Inland General Plan on December 2, 2012; and

**WHEREAS**, the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning amendment; and

**WHEREAS**, a Notice of Intent to Adopt an MND was published on December 7 and the twenty-day review period was December 7 through December 27, 2023; and

**WHEREAS** the Planning Commission held a duly noticed public hearing on January 10, 2024, to consider the zoning amendment, accept public testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of January 10, 2024 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

#### **SECTION 1: RECITALS INCORPORATED**

All of the Recitals set forth herein are true and correct and incorporated herein as findings and determinations.

## **SECTION 2: MITIGATED NEGATIVE DECLARATION ADOPTED**

Based upon an independent review of the record, including all written and oral evidence presented, the Planning Commission finds and determines that all environmental impacts of the Project either less than significant or can be mitigated to a level that is less than significant under the mitigation measures outlined in the MND. The planning commission finds that the MND submitted contains a complete, objective, and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment of the planning commission. The Planning Commission herein approves and adopts the MND.

## **SECTION 3: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS**

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Inland Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

The proposed amendment is consistent with the General Plan, as the amendments would result only in a change in the minimum parcel size for a PUD and the existing ordinance complies with the General Plan. There are no policies in the General Plan that only apply to parcels of 5 acres or more, and all policies in the General Plan apply equally to all parcels regardless of size. Additionally, all PUD permit approvals must make the following finding: *“The project is consistent with the General Plan and any applicable specific plan, and allowed within the applicable zoning district.”*

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment would retain permit requirements that: *“The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.”*

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The proposed amendment would not change the ordinance’s existing consistency with the Development Code, indeed the goal of the PUD permitting process is to allow the City to carveout exceptions to the code so long as all permit findings can be made. All PUD permit approvals would be required to make the following finding: *“The project complies with all applicable provisions of this Development Code other than those modified by the Planned Unit Development Permit.”*

**SECTION 3: GENERAL FINDINGS:**

- a. The foregoing recitals are true and correct and made a part of this Resolution; and
- b. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

**BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby recommend that the City Council amend Chapter 18.71.090 - Planned Unit Development Permit, of Division 18 of the Fort Bragg Municipal Code, to allow Planned Unit Development Permits on parcels of 1 acre or more.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by \_\_\_\_\_ seconded by \_\_\_\_\_, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10<sup>th</sup> day of January 2024, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSE:**

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**Jeremy Logan, Chair**

**ATTEST:**

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**Maria Flynn, Administrative Assistant  
Community Development Committee**

# ILUDC Amendment

## 18.71.090 - Planned **Unit** Development Permit (**PUD**)

**A. Purpose.** The Planned **Unit** Development Permit is intended to provide for flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each Planned **Unit** Development project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

**B. Applicability.** A Planned **Unit** Development Permit application may be filed and processed only under the following circumstances:

1. **Minimum site area.** A Planned **Unit** Development Permit may be requested for a residential, commercial, industrial, or mixed-use development on a site ~~larger than 5 of one acre~~ **or more**.
2. **Timing of permit.** No Building or Grading Permit shall be issued on a site for which a Planned **Unit** Development Permit is proposed until the Planned **Unit** Development Permit has been approved in compliance with this Section.
3. **Scope of approval.**
  - a. Planned **Unit** Development Permit approval may adjust or modify, where determined by the review authority to be necessary and justifiable, any applicable development standard of this Development Code (e.g., building height, setbacks, parking, street layout, etc.); provided, that the approval shall not authorize a land use that is not allowed in the applicable zoning district by Article [2](#).
  - b. A project proposing increased residential density may only be approved by the Council in compliance with Chapter [18.31](#) (Density Bonuses and Affordable Housing Incentives).

**C. Application filing and processing.** An application shall be filed in compliance with Chapter [18.70](#) (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Planned **Unit** Development Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection (F) of this Section (Commission action).

**D. Review authority.** A Planned **Unit** Development Permit may be granted by the Commission.

**E. Project review, notice, and hearing.**

1. **Application review.** Each Planned **Unit** Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration.
2. **Public hearing.** The Commission shall conduct a public hearing on an application for a Planned **Unit** Development Permit before the approval or disapproval of the permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter [18.96](#) (Public Hearings).

**F. Commission action.** Following a public hearing, the Commission may approve or disapprove a Planned **Unit** Development Permit, and shall record the decision and the findings upon which the decision is based.

**1. Required findings.** The Commission may approve a Planned **Unit** Development Permit only after first finding that:

- a. The project is consistent with the General Plan and any applicable specific plan, and allowed within the applicable zoning district;
- b. The project complies with all applicable provisions of this Development Code other than those modified by the Planned **Unit** Development Permit;
- c. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;
- d. The development authorized by the Planned **Unit** Development Permit approval will be of significantly higher quality, more energy efficient, more conserving of resources, and will produce fewer and less serious environmental impacts than development that could otherwise occur in compliance with the requirements of this Development Code without adjustment;
- e. The project complies with all applicable provisions of the City's Design Guidelines;
- f. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
- g. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood;
- h. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
- i. The site is adequate for the project in terms of size, shape, topography, and circumstances; and
- j. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**2. Conditions of approval.** In approving a Planned **Unit** Development Permit, the Commission may impose any conditions deemed reasonable and necessary to ensure that the project will comply with the findings required by Subsection (F)(1) of this Section.

**G. Time limit and expiration.**

1. A Planned **Unit** Development Permit may specify a development completion period acceptable to the review authority.
2. If a time limit is not specified in the permit, the completion period shall not exceed 2 years.

3. If project construction has not commenced within the required time limit, the Planned **Unit** Development Permit shall automatically be terminated and deemed void, with no further action required by the City.

#### H. **Planned **Unit** Development Permit amendment.**

**1. Commission action on requested changes.** Any requested change in the Planned **Unit** Development Permit, other than those allowed by Subsection (H)(3) of this Section shall be submitted to the review authority that originally approved the permit for review and approval following the same review notice and hearing procedures as for the original approval.

**2. Added conditions.** The review authority may, as a condition of approval, impose added changes or conditions on the Planned **Unit** Development Permit amendment as it deems reasonable and necessary to carry out the purpose and intent of the original Planned **Unit** Development Permit and this Section.

**3. Minor changes by Director.** Minor changes in the Planned **Unit** Development Permit which do not involve an increase in building area, an increase in the number of dwelling units, or a change of use may be approved by the Director in compliance with § [18.76.080](#) (Changes to an Approved Project).

**I. Post approval procedures.** The procedures and requirements in Chapter [18.76](#) (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article [9](#) (Land Use and Development Code Administration), shall apply following a decision on an application for Planned **Unit** Development Permit approval.