

MEMO

MARIE JONES CONSULTING

To: Fort Bragg Planning Commission

From: Marie Jones, MJC

Date: 3/27/2024

Re: Receive Report and Provide Code Interpretation Guidance Regarding the Appropriate Level of Design Review for Solar Canopies (Photovoltaics above Parking).

ISSUE

As Photovoltaics (PV) become a popular energy source, applicants are considering placing PV arrays on top of parking lots (solar canopies). The City has not established guidance regarding what level of Design Review is appropriate for solar canopies. If Design Review is required, there are currently no guidelines in the *Citywide Design Guidelines* to evaluate solar canopies.

The City is aware of at least three solar canopy applications which will soon be submitted for existing buildings in commercial districts, and others may follow. The City does not require Design Review for PV panels placed on roof tops. The only solar canopies located within City limits are on school property which is not subject to permit review by the City of Fort Bragg (school properties are subject to review by the State Architect's Office).

CDD is seeking direction on how to process these applications. They could be processed in one of the following ways:

1. **Design Review.** The applicant would submit an application for which staff would prepare a design review analysis which would be reviewed by the Planning Commission at a publicly noticed hearing for a decision. If this route is taken the City should develop new review guidelines for inclusion in the *Citywide Design Guidelines*.
2. **Administrative Design Review.** The applicant would submit elevations and a site plan, and the acting Community Development Director would review and make the decision on each project.
3. **Exempt from Design Review.** The applicant would only submit a Building Permit.

Currently section 18.71.050 of the ILUDC includes the following delineation of what is subject to Design Review at each level. Comments about applicability are in green text.

1. Improvements subject to Design Review by the Commission.

- a. The following improvements shall always require Design Review by the Commission:
 - I. A project resulting in 3 or more residential dwelling units on a single parcel, including apartments, condominiums, townhouses, and other multifamily residential development projects.
 - II. All nonresidential development projects, including commercial, office, and industrial structures or additions of more than 250 square feet; **Solar Canopies could be considered a commercial structure of more than 250 SF; however, this is a bit of a stretch as they are not stand-alone facilities, so they are more like an accessory structure.**
 - III. The aesthetic impact of grading or filling of land.
- b. The following improvements shall require Design Review by the Commission only if in conjunction with a development project:
 - I. Removal of natural ground cover, trees, or vegetation.
 - II. Installation of a fence, wall, or retaining wall visible from a public right-of-way.
 - III. Landscaping including vegetation, irrigation systems, and low level lighting.
 - IV. Signs included with plans for any project listed above.
 - V. Exterior lighting.

2. Improvements subject to Design Review by the Director. The following improvements shall be subject to Design Review by the Director, when constructed as a stand-alone project (e.g., not constructed in conjunction with a development project, otherwise it is subject to review and approval by the Commission as required in Subsection (B)(1) of this Section):

- a. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height;
- b. The construction of a commercial structure or addition of less than 250 square feet;
- c. Removal of natural groundcover, trees, or vegetation;
- d. Signs that do not require Commission review; or
- e. Other work determined by the Director to be substantially similar in scope to improvements subject to Design Review by the Director. **The Commission could advise the Director to determine that solar canopies are similar to a detached accessory structure (2a above), as solar canopies might be considered a type of accessory structure, and some are more than 16 feet in height.**

3. Improvements exempt from Design Review. The following improvements are exempt from Design Review:

- a. One single-family dwelling on a single parcel, a second unit on a single parcel, a duplex, and/or any related residential accessory structures of less than 16 feet in height;
- b. Structural improvements not visible from a public right-of-way;
- c. Installation of a fence, wall, or retaining wall;
- d. Landscaping including vegetation, irrigation systems, and low level lighting;
- e. Exterior lighting;
- f. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and **The Commission could advise the Director to determine that solar canopies might be considered a type of accessory structure (under 3a) as most are less than 12 feet in height, or they could be considered similar to a fence, wall or retaining wall (3c) and thus no height limit would apply.**
- g. Ordinary maintenance and repair of structures, landscaping, and fencing.

The Citywide Design Guidelines do not currently include any standards for PV panels above parking. This makes undertaking Design Review a tricky operation. The only

guideline that could be considered applicable is that for accessory structures which is worded as follows:

Garages & Ancillary Structures - Mandatory Standards

1. Accessory structures shall be complementary in form, material, and color to the primary buildings.
2. The number of accessory structures shall be minimized; uses shall be combined where possible into one accessory structure.

Given that there are no standards in the *Citywide Design Guidelines* that can be utilized with solar canopies (or other types of non-roof top mounted PV arrays), these types of projects could be considered exempt from Design Review under 18.71.050B3f "Work determined by the Director to be minor or incidental within the intent and objectives of this Section."

This item is being brought forward to the Planning Commission to determine if the Commission concurs with exempting solar canopies from Design Review or if the Commission would prefer that solar canopies be subject to either Administrative Design Review or Design Review by the Commission.

Some policy considerations to keep in mind as you deliberate, include the following:

- I. The apparatus for mounting PV panels for solar canopies is fairly standard (see below), as the structures must support significant weight. Therefore, there is not much leeway to apply design guidelines to these structures.
- II. Solar canopies could block sightlines to buildings, if the parking lot is in front of a building.
- III. Many buildings do not have good roof orientation, size or sufficient structural strength to accommodate roof mounted PV, making solar canopies an effective alternative to reach net zero energy use for a facility.
- IV. PV panels are becoming more popular as the cost of PV falls, and the price of electricity rises.
- V. The effects of climate change are serious and felt everywhere, PV is one way to reduce the production of greenhouse gasses and thereby the effects of climate change.

