



24-538 - Staff Report PUD

Amendments to the CLUDC and
ILUDC, City of Fort Bragg

Legistar



AGENCY:	City Council
MEETING DATE:	April 8, 2024
DEPARTMENT:	Community Development
PRESENTED BY:	Marie Jones Consulting

AGENDA ITEM SUMMARY

TITLE: Receive Report, Hold a Public Hearing, and Consider:

1. Introduction, by Title Only, and Waive Further Reading of an Ordinance Amending 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, Subject to Previously Approved Mitigated Negative Declaration; and
2. Adoption of a Resolution of the Fort Bragg City Council submitting an LCP Amendment to the Coastal Commission to Amend 17.71.090 - Planned Unit Development Permit of Division 17 of the Fort Bragg Municipal Code to Allow Planned Unit Development Permits on Parcels of 1 Acre or More, Statutory Exemption 15265.

APPLICATION #: ILUDC Amendment (ILUDC 6-23) and LCP Amendment (LCP 6-23) Planned Development Permit

APPLICANT: City of Fort Bragg

PROJECT: Proposed Amendment to the Inland and Coastal Land Use and Development Codes to 1) Amend the Planned Development Permit Ordinance to Allow Planned Development Projects on parcels of 1 acre or less; and 2) Prepare an LCP amendment for the Local Coastal Program to Amend the Planned Development Permit Ordinance to Allow Planned Development Projects on parcels of 1 acre or less.

LOCATION: Various

APN: Various

LOT SIZE: Greater than 1 acre

ZONING: Coastal and Inland: Low Density (RL), Medium Density (RM), High Density (RH) and Very High-Density (RVH) Residential Zoning Districts, and possibly, General Commercial (CG), Highway Visitor Commercial (CH), Neighborhood Commercial (CN), and Commercial Office (CO) Zoning Districts.

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration (MND) has been prepared for the amendments to the Inland Land Use and Development Code concurrently proposed for approval in agenda item 24-537.

The proposed amendment to the Coastal Land Use and Development Code is part of the City's Local Coastal Program and will be submitted to the California Coastal Commission for certification. The CLUDC Amendment is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

BACKGROUND

Planned Development Permit. A Planned Development Permit provides enhanced flexibility in the application of Development Code standards to proposed development projects under very limited and unique circumstances. They allow the Planning Commission to consider innovative site planning and exceptional project design that effectively responds to specific site features, uses on adjoining properties, and reduces environmental impacts than the Development Code standards would produce without adjustment. Each project must be of obvious and significantly higher quality than would be achieved through conventional design practices and standards.

Currently a Planned Development Permit may be requested for a residential, commercial, industrial, or mixed-use development on a site larger than 5 acres.

The Planned Development Permit scope of approval, allows an applicant to obtain the following zoning code modifications:

- a. Planned 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).

This permit process provides the City with the scope to allow significant exceptions, adjustments, modifications to the zoning standards in exchange for innovative, exceptional project features.

Many communities throughout California allow Planned Development Permits, although most call them Planned Unit Development (PUD) permits. All include extra requirements and findings for permit approval. Some also limit PUDs to overlay zones within a community or specific types of development.

PROJECT DESCRIPTION

This section summarizes various changes to the CLUDC and the ILUDC for the City Council's consideration. These amendments are voluntary as they are not required by the State. The State does not offer specific regulatory requirements for how to regulate PUD development

projects, which means that the extent of the regulations is entirely at the discretion of the City Council.

This section describes the primary City Council policy decisions re PUDs.

Policy Considerations

1. **Change the Permit Name.** MJC recommends changing the name of this permit to a Planned Unit Development (PUD) which is the common planning term for this type of development permit. This will make for a more transparent and clear permitting process. The Planning Commission concurred with this recommendation.
2. **Minimum Parcel Size.** Currently the minimum parcel size is 5 acres. There are eight vacant parcels in Fort Bragg that are more than 5 acres, five vacant parcels between 3 and 5 acres, and four vacant parcels between 1 and 3 acres. Two of these vacant parcels are not developable while some are significantly constrained in development due to existing botanical, archaeological and visual resources. Therefore,
 - i. Changing the minimum parcel size to one acre or more will result in at most nine additional vacant parcels becoming eligible for a PUD.
 - ii. Changing the minimum parcel size to three acres or more will result in at most five additional vacant parcels becoming eligible for a PUD.

The Planning Commission recommended a minimum parcel size of 1 acre.

3. **PUDs on the GP Mill Site.** The Mill Site is the largest vacant parcel within City limits. However, the PUD process does not allow the City to make exceptions to allowable uses within a specific zoning district. Therefore, as the Mill Site is currently zoned Timber Resources Industrial, a PUD would not allow residential or commercial uses with the site's current industrial zoning. However, should the site be rezoned through an LCP amendment process to residential and commercial zoning districts, the Mill Site offers the greatest potential for PUD project proposals. Please keep this in mind as you contemplate the minimum parcel size for a PUD. It may make sense to keep the size limit at 5 acres on the Mill Site, as the Mill Site is very large and carving it up into many 1-acre PUDS with a variety of developers could be problematic for overall zoning and design cohesiveness. Therefore, MJC recommends the following additional language:

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 1 acre, with the exception that all PUDs on the former Georgia Pacific Mill Site must be at least 5 acres or more.

The Planning Commission concurred with this recommendation.

RECOMMENDED ACTIONS:

The proposed action consists of two actions:

- Introduce, by Title Only, and Waive Further Reading of an Ordinance Amending 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; and
- Adopt a resolution of the Fort Bragg City Council submitting an LCP Amendment to the Coastal Commission to Amend 17.71.090 - Planned Unit Development Permit of Division 17 of the Fort Bragg Municipal Code to Allow Planned Unit Development Permits on Parcels of 1 Acre or More.

ALTERNATIVE ACTION(S):

- Make no change to the zoning code and continue to require a minimum parcel size of 5 acres for PUDs.
- Provide other direction.

ENVIRONMENTAL ANALYSIS:

- **ILUDC Amendment.** The proposed project is subject to CEQA and an MND for this project was prepared and the City Council adopted the MND on March 25, 2024.
- **CLUDC Amendment.** The proposed amendment to the Coastal Land Use and Development Code is part of the City's Local Coastal Program and will be submitted to the California Coastal Commission for certification. Therefore, the proposed project is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

FISCAL IMPACT:

No impact.

GREENHOUSE GAS EMISSIONS IMPACT:

Greenhouse gas emissions would be reduced as mixed use development and higher residential density development both reduce the vehicle miles traveled for residents to access services, jobs, and community activities.

CONSISTENCY:

The existing ordinance is consistent with both General Plans and both zoning ordinances. The reduction in the allowable parcel size from 5 acres to 1 acre would not change this consistency. There are no policies in the General Plan or the Coastal General Plan that only apply to parcels of 5 acres or more, and all policies in both General Plans 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."

Furthermore, the proposed amendment is internally consistent with the applicable provisions of both Development Codes. 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 carve out 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.”

IMPLEMENTATION/TIMEFRAMES:

This effort includes two amendments, which are processed differently as the CLUDC amendment will be a Local Coastal Program application to the Coastal Commission which will be approved by the Coastal Commission, while the ILUDC amendment will be approved as an ordinance by the City Council. While the two amendments are similar, they are not identical, as PUDs in the Coastal Zone would be subject to the Coastal Development Permit process.

Inland LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	January 2024
City Council – Public Hearing	April 2024
Ordinance become effective	April 2024

Coastal LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	January 2024
City Council – Public Hearing and Adoption of Resolution Transmitting Zoning Amendment to Coastal Commission	April 2024
Coastal Commission Review and Friendly Modifications Due	June 2024
City Council acceptance of Friendly Modifications	July 2024

NOTIFICATION

1. “Notify Me” subscriber lists: Fort Bragg Downtown Businesses; and Economic Development Planning.

ATTACHMENTS

1. Ordinance Amending 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; and
2. Resolution of the Fort Bragg City Council submitting an LCP Amendment to the Coastal Commission to Amend 17.71.090 - Planned Unit Development Permit of Division 17 of the Fort Bragg Municipal Code to Allow Planned Unit Development Permits on Parcels of 1 Acre or More.
3. Resolution of the Fort Bragg Planning Commission Recommending that the City Council approve an LCP Amendment to the Coastal Commission to Amend 17.71.090 - Planned

Unit Development Permit of Division 17 of the Fort Bragg Municipal Code to Allow Planned Unit Development Permits on Parcels of 1 Acre or More.

4. 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 Unit Development Permits on Parcels of 1 Acre or More.