



Planned Development Permit

Amendments to the CLUDC and
ILUDC, City of Fort Bragg

Marie Jones Consulting January 2024

PROJECT INFORMATION

- 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:** Residential, Commercial and Industrial Zoning Districts in the Coastal Zone and the Inland Area.
- 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:** An MND has been prepared for the ILUDC Amendment which includes measures which will reduce the effect of the project to less than significant. Amendment to the Local Coastal Plan is exempt pursuant to CEQA Guideline 15265.
- APPROVALS:** This project constitutes a change to the City of Fort Bragg Local Coastal Program and the City's Inland Land Use and Development Code.
- The Planning Commission will provide a recommendation to the City Council who will make the legislative decision on the amendments.
 - The City Council will hold a hearing and consider the Planning Commission recommendation and consider: 1) Adopting an Ordinance for the Inland LUDC; and 2) Directing staff to submit the Coastal LUDC amendment to the California Coastal Commission for consideration and possible Certification.

PROJECT 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 that the Development Code standards would produce without adjustment. Each project must be of obvious and significantly high 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 City 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, and 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 Planning Commission and 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 and Planning Commission.

City staff is seeking one change to the Planned Development Permit and that is namely to change the minimum parcel size. This section describes the pros and cons of the proposed amendment.

Policy Considerations for Planned Development Permit Revision

1. **Change the Permit Name.** Staff 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.
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 due to existing botanical, archaeological and visual resources. Therefore,
 - Changing the minimum parcel size to one acre or more will result in at most nine additional vacant parcels becoming eligible for a planned development.
 - Changing the minimum parcel size to three acres or more will result in at most five additional vacant parcels becoming eligible for a planned development.
3. **Planned Development on the GP Mill Site.** The Mill Site is the largest vacant parcel within City limits. However, the planned development 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 planned development 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 planned development 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 planned developments with a variety of developers could be problematic for overall zoning and design cohesiveness. Therefore, it is recommended 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 Planned Unit Developments (PUDs) on the former Georgia Pacific Mill Site must be at least 5 acres or more.**

RECOMMENDED ACTION

The proposed action consists of adopting the following resolutions:

1. 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 Development Permit of Division 17 of the Fort Bragg Municipal Code to Allow Planned Development Permits on Parcels of 1 Acre or More.
- 2. 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.

Environmental Analysis

- **ILUDC Amendment.** The proposed project, which is subject to CEQA and a Mitigated Negative Declaration (MND) was prepared for the Planning Commission and City Council to consider concurrently with the proposed ILUDC zoning amendment. The measures included in the MND will avoid or reduce the effects to less than significant. A Notice of Intent to Adopt an MND was published on December 7, 2023. As of December 29, 2023 no comments on the draft MND had been received.
- **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 planned development 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, since the goal of the planned development permitting process is to allow the City to carve out exceptions to the code so long as all permit findings can be made. All planned development 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, while the ILUDC amendment will be approved as an ordinance amendment by the City Council.

Inland LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	January 2024
City Council – Public Hearing and 1st Reading of Ordinance	February 2024
City Council – 2 nd Reading of Ordinance	February 2024
Ordinance become effective	March 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	February 2024
Coastal Commission Review and Friendly Modifications Due	Spring- Summer 2024
City Council acceptance of Friendly Modifications	October 2024

NOTIFICATION

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

ATTACHMENTS

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2. 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.
3. Mitigated Negative Declaration