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TO: Commissioners and Interested Parties

DATE: September 2, 2010

FROM: Peter M. Douglas, Executive Director  
Robert S. Merrill, District Manager – North Coast District  
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SUBJECT: **City of Crescent City LCP Amendment No. CRC-MAJ-1-03 (LCP Update)  
(Meeting of September 16, 2010)**

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## TIMELINE SYNOPSIS

The proposed LCP Amendment was submitted on July 18, 2003 and filed on July 22, 2009. The 90-day time limit for the Commission to act on the proposed LCPA was October 20, 2009. A one-year time extension was granted by the Commission on October 7, 2009. As such, the last date for Commission action on this item is October 20, 2010. The City has requested that: (1) the Commission open and continue the hearing at its September 16, 2010 meeting and invite public comment on the City's proposed LCPA and the Commission staff's suggested modifications; and (2) vote on the proposed LCPA at the Commission's meeting in October.

## STAFF NOTES

### **1. Exhibits to the Staff Report**

Exhibit No. 1 and Exhibit No. 2 of the staff report are key components of the staff recommendation, as all of the recommended suggested modifications are shown merged into the text of the City's proposed updated Land Use Plan (Exhibit No. 1), and the City's proposed updates to the coastal zoning and development regulations sections of its Municipal Code (Exhibit No. 2). The full text versions of the City's proposed LCP Amendment, with suggested modifications, show how the suggested modifications fit into the context of the City's proposed LCP documents. Exhibit Nos. 3 (Proposed Amended General Plan - LUP) and 4 (Proposed Amended Zoning Code - IP) contain the proposed LCP amendment as submitted by the City without the staff's suggested modifications. Exhibit No. 5 comprises a set of aerial photo-based

graphics of various City proposed land use and zoning amendments for which substantial issues of Coastal Act and/or LCP conformance and implantation adequacy have been identified, including select suggested modifications affecting some of these proposed changes. Exhibits Nos. 6 and 7 consist of two comparison matrices, showing side-by-side the existing-certified, proposed-to-be-amended, and staff's suggested-to-be-modified versions of the text policies and standards of the LUP and IP intended for bringing the LCP update into conformance with the Coastal Act, respectively. Exhibit Nos. 6 and 7 were not complete at the time of publication of this report and will be provided in an addendum. Due to the size of Exhibit Nos. 1-5, these exhibits are provided digitally to reduce paper consumption, reproduction, and mailing costs. The Commission will receive Exhibit Nos. 1-5 on the e-packet compact disc containing the agenda packet. Some other recipients are being mailed a disc containing Exhibits Nos. 1-5 along with the hard copy of this staff report. The exhibits are also available for review on-line at the Commission's website by following the links under "Exhibits" on the on-line version of the staff report (<http://documents.coastal.ca.gov/reports/2010/9/Th6a-9-2010.pdf>). Commission staff will also provide several hard copies of the exhibits at the September 16, 2010 meeting. Exhibit Nos. 8-20, containing maps of the location and geographic extent of the City's coastal zone, existing land use and zoning maps, proposed amended land use plan and zoning maps, maps of proposed site-specific plan and zoning changes, and the various resolutions and ordinances locally adopting the LCP updates and transmitting the LCP amendment to the Commission, are attached.

## **2. Areas of Known Controversy**

The majority of the concerns expressed by the City to date about particular suggested modifications have been resolved by making revisions, additions, and/or corrections to the suggested modifications detailed herein. However, there are several remaining areas of known controversy at this time regarding: (a) restricting the proposed diversification of uses in the Harbor Related plan and zoning designations; (b) limiting the areas proposed to be redesignated from Harbor Related plan and zone designations; and (c) requirements for avoiding, minimizing, and mitigating coastal flooding impacts from sea level rise and tsunamis, and inclusion of projected global sea level rise in geo-technical and other evaluations of proposed development. Commission staff will continue to work with City staff to resolve these issues to the extent possible prior to the September and October hearings on the LCP amendment. These issues are described in further detail below:

**Limitations on Permissible Uses on Harbor Related Designated Lands.** The currently certified LUP restricts uses in the Harbor Related (HR) land use designated areas to those, "Commercial and recreational activities that are dependent in some way upon a harbor location." The currently certified Coastal Zone Harbor Related (CZ-HR) zoning district standards identify a very limited number of specific principal permitted uses such as "commercial fishing berths," "fish processing plants," and "boat building and repair." The list of potential conditionally permitted uses, ranked in descending priority are identified as: (1) "energy facilities, provided that such facilities have proper protection devices to prevent crude oil, gas, petroleum or other hazardous substances from being spilled or from contaminating areas beyond the project site;" (2) "recreational facilities, including but not limited to, recreational vehicle parks and buildings necessary to that

operation;” (3) “restaurants;” and (4) “museums, specifically those dealing with coastal activities.”

The proposed amended LCP would significantly expand the range of qualified permissible uses to include numerous other types of uses which would not be limited to those “dependent in some way on a harbor location,” but those which are ...”not dependent upon immediate access to the harbor but benefit from a harbor location.” Among the list of new, principally permitted uses that could be developed under the amended designation are “marine curio manufacture and sales,” “hotels and motels,” and “visitor related services including retail sales shops.” Consideration could also be given for conditionally permitting several new uses, including “residential uses as a secondary use at a density not to exceed 15 units per acre (including condominiums),” “recreational facilities,” and “recreational vehicle parks.”

Coastal Act Section 30255 directs that, “Coastal-dependent developments shall have priority over other developments on or near the shoreline... When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.” In addition, Sections 32221, 30222.5, 30223, 30224, 30234, and 30234.5 identify numerous priority uses for which oceanfront and/or shoreline adjacent sites and adjoining nearby areas shall be prioritized for development thereupon, including, public and private recreational uses and development, aquaculture, coastal recreational upland support uses, and recreational boating dry storage areas. Notably absent from this listing are tourist oriented products manufacturing and sales, short-term/overnight accommodations, and permanent residences.

The recommended suggested modifications would reassert the limitations on development in the Harbor Related land use and zoning designations to those primarily involving “coastal related” uses as defined by the Coastal Act, namely a use which requires a site on, or adjacent to, the sea in order to be able to function at all. Visitor-serving facilities, residential development, and general retail commercial uses would be struck from the lists of principally and conditionally permitted uses in the plan and zone category descriptions.

Concerns have been raised that these suggested modifications would unduly restrict the development of non-harbor related uses, in what the City views as a coastal-dependent industrial to general commercial transitional area, in a manner that would prevent the City from effectively redeveloping its harbor area into a vibrant mix of uses, including those related to adjacent harbor dependent uses and other more visitor-serving and highway commercial oriented uses. The City notes that the region’s decline in commercial fishing and forest products shipping activity over the last several decades has resulted in the area having a surplus of land designated for harbor related support uses. The City believes that its future depends upon diversification into a more tourism-oriented economic base, and that the vacant undeveloped parcels, former harbor-related business sites, and legal nonconforming properties, such as the City-operated recreational vehicle park, should be developed with other uses and/or allowed to be redesignated to visitor-serving and highway commercial designations to facilitate such diversification

and transition. Staff concurs with the City's observations regarding the currently depressed demand for coastal related development sites, however, no information has been developed as to what the future demand for harbor related sites may be assuming changed conditions in commercial fishing and marine shipping, particularly if those sectors experience a resurgence in activity, associated with recovered fisheries, reinvigorated maritime shipping activity, or new entrepreneurial harbor-based investment, such as boat-building and aquaculture. Commission staff believes that Section 30255 together with Sections 32221, 30222.5, 30223, 30224, 30234, and 30234.5 clearly direct that, given the subject area's harbor-proximate location, development therein be limited to the types of uses which relate to and support adjoining harbor-dependent uses, and that the proposed additional mix of residential and general commercial uses be redirected to lands further upland from the immediate harbor environs until such time that specific economic development studies have been prepared to identify the amount of land needed to meet future project port activity levels and, if an excess land base is found to exist, the most desirable sites that should be retained for harbor related development.

**Limitations on the Lands Proposed to be Redesignated from Harbor Related to Other Uses.** Related to the foregoing issue, the City has also expressed concerns over Commission staff's recommendation to retain the Harbor Related designation over the majority of the lands adjacent to the Crescent City Harbor. As proposed, approximately 17 acres of land, either vacant or developed with a variety of visitor-serving and general commercial uses, would be redesignated to either visitor-serving commercial, highway commercial, or open space designations. As discussed above, no information has been developed as to what the future demand for harbor related sites may be or what sites are most desirable to retain for harbor related development to inform determinations as to how much land area and which particular sites may be appropriately converted to other uses without jeopardizing priority harbor related uses necessary to serve the commercial fishing and other harbor uses that would otherwise be sustainable into the future. Accordingly, with certain site-specific exceptions (i.e., dredge spoils upland disposal ponds, former ice packing plant), staff believe that retention of the Harbor Related designation over the majority of the inner-harbor area is both prudent and consistent with Coastal Act Sections 30255, 32221, 30222.5, 30223, 30224, 30234, and 30234.5, until such time that specific economic development studies have been prepared to identify the amount of land needed to meet future project port activity levels and, if an excess land base is found to exist, the most desirable sites that should be retained for harbor related development.

However, based on locational and development activity factors, staff believes that it is appropriate to allow certain sites, such as the former Pacific Choice crab processing / ice packing plant (APN 118-380-22) parcel and lands in and adjoining the dredge spoils upland disposal site (APNs 118-020-29 and the rear portion of 118-020-42) to be redesignated to the respective highway services visitor-serving commercial and harbor dependent land use classifications and zoning proposed by the City. With regard to the proposed conversion of the ice packing plant parcel to highway commercial uses, with the noticeable decline in commercial fishing and other harbor activity over the last two

decades, some reduction in the inventory of harbor-related lands is warranted provided any such reduction does not compromise the ability of the City to provide sites for harbor related support facilities in the future. Given that the site: (1) does not front directly along the waterfront or onto harbor dependent lands; (2) with the exception of a small antique shop operating out of its front office has been vacant for the last 10 years, and (3) packing ice facilities have been developed elsewhere in the harbor area in closer proximity to the commercial and recreational fishing interests they serve, the location appears be the location least necessary and desirable for harbor related use. In contrast, with its frontage on Highway 101 and it's adjacency to other visitor serving lands, the site appears to be particularly well-suited to accommodate priority visitor-serving uses such as would be allowed by the visitor-serving commercial and highway services land use and zoning classifications zones proposed by the City.

Similarly, the shoreline frontage location, proximity to the water, and use history of the Crescent City Harbor District's dredged materials disposal site and adjoining areas to the northwest on the adjacent parcel make them highly desirable for providing for higher priority harbor dependent uses including but not limited to continued upland spoils disposal. Accordingly, staff believes the City's proposal for redesignating this area from Harbor Related to Harbor Dependent land use plan and zoning designations would be consistent with the Chapter 3 policies of the Coastal Act and would conform with and adequately carry out the policies of the LUP as amended and further suggested to be modified.

**Addressing Risks Associated with Tsunami Inundation and Sea Level Rise.** In response to relatively recent heightened recognition of tsunami and global sea level rise inundation hazards along the Cascadia Subduction Zone coastline, the suggested modifications would include new policies in the *Health and Safety* section of the land use plan and new development permit application review standards within the coastal zoning regulations. These measures require that potential risks associated with these flooding related hazards be evaluated for new development involving the construction of structures for human occupancy within historic, modeled, or mapped tsunami hazard areas and that the project's particular site-specific risks from runup inundation be assessed. Such assessments, as well as those for geologic stability, hydrologic, geotechnical, and engineering applications, must consider the best available and most recent projected rates of sea level rise. Moreover, subdivisions entailing the development of new permanent residential units must design the floor elevation of such residences to be one foot above the projected maximum credible height of tsunami runup at the site, factoring in rates of projected sea level rise over its economic life. In addition, such structures are required to be designed to be resilient to wave strike so that a catastrophic collapse is precluded. In addition, human occupied developments are subject to approval of a tsunami safety plan, and no new residential subdivisions may be approved in areas where evacuation to high ground cannot be attained within a reasonable timeframe.

Concerns have been raised that both the hazards evaluation requirements, and building design and siting standards are too onerous given the relatively low probability of such a catastrophic event occurring during a project's design life, or that designing residential

structures to withstand such damage is not economically feasible given the scope of the development, and that the requirements would render large areas of the City's shoreline effectively undevelopable. Commission staff believes that Coastal Act Section 30253(a) clearly states that risks to life and property from geologic, flooding, and fire hazards are to be minimized. To this end, the risk analysis, building resiliency design standards, and tsunami safety plan preparation requirements would provide information essential to devise mitigation to minimize loss of life and property from flooding as required by both Section 30253 of the Coastal Act and existing LUP policies.

In the past 60 years, from 1959 to 2009, the City of Crescent City has experienced three significant, damaging tsunamis — in 1960, 1964, and 2006. Eleven people were killed by the 1964 tsunami and there was significant property damage from all three events. When the next major earthquake on the Cascadia Subduction Zone occurs, a tsunami is likely to be generated and it is very likely that Crescent City would experience a tsunami event similar to or larger than these recent historic events. Moreover, with the calamitous tsunamis in Indonesia and Chile in recent years, the threat of flooding from tsunamis is a very real concern of both local and state-wide significance. The Commission has reviewed this issue in the context of the preceding *Coasta Norte Condominiums* LCP amendment (CRC-MAJ-1-09) and applied the very same policies, proposed herein as suggested modifications, to that particular site because of the safety risks of building in the tsunami run-up area. As of the date of this report's writing, the *Coasta Norte* project's developer has accepted the subject floor elevation and building resiliency design permit requirements and the project's structural engineer is currently in the process of designing the building to meet the standards.

### **3. Background**

The City of Crescent City has put forth a considerable effort over the past several years to prepare and submit the proposed amendment to the City's LCP, which constitutes the first comprehensive update since the LCP was originally certified in 1983. Although the Commission has certified several LCP amendments since the time of original certification, the City has used this LCP Amendment as a significant opportunity to bring the LCP up to date with current planning and development standards, particularly with regard to the protection of the City's coastal resources. Overall, the LCP Amendment as proposed by the City constitutes a far more comprehensive, detailed, and improved LCP than the City's currently certified Land Use Plan and zoning ordinance.

Commission staff notes that despite the significant improvements to the City's LCP as part of the proposed amendment, the changes included in the Suggested Modifications are numerous. However, it is important to note that many of the changes are largely due to a reorganization of the City's proposed LUP and IP that evolved from discussions between Commission staff and City staff during the review of the amendment submittal. As explained in greater detail below, the Land Use Plan (LUP) and Implementation Plan (IP), consisting of various zoning and development regulations appearing under various titles of the Municipal Code, as submitted by the City for certification were originally prepared to apply to both inland and coastal portions of the City. Commission staff and City staff agreed that developing a separate *Coastal* Land Use

Plan, to apply specifically to the geographic portion of the City located within the coastal zone, would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The City would continue to apply the existing General Plan to the geographic areas of the City that are outside the coastal zone. Given this decision to maintain separate general plans for portions of the City inside and outside of the coastal zone, many of the suggested modifications reflect necessary changes that stem from this reorganization.

Additionally, several of the changes included in the Suggested Modifications reflect “friendly modifications” requested by the City. Lastly, many changes included in the Suggested Modifications are a result of the LUP having been prepared several years prior to the preparation of the IP, thus necessitating the addition or deletion of various policies, programs, text, and other references to ensure consistency between the LUP and IP.

4. **Addendum**

Due to the extensive nature of the subject LCP amendment, staff was unable to complete certain written findings and exhibits staff had intended to include prior to the mailing of the staff report. These omitted items entail the bases for the Suggested Modifications to certain site specific Land Use Plan Map changes and the Implementation Plan Amendment (Part IV), and the comparative matrices illustrating the existing, certified, proposed amended, and suggested-to-be-modified versions of the LUP and IP policies and standards (Exhibit Nos. 6 and 7). Staff will present these findings and exhibits as part of an addendum at the Commission’s September 16, 2010 meeting.

**SUMMARY OF AMENDMENT REQUEST**

The proposed LCP amendment consists of a comprehensive update of the City’s currently certified Land Use Plan (LUP) and Implementation Program (IP), originally certified in 1983. Both the General Plan Coastal Policies (LUP), formatted in entirely different organizational format than the currently certified LUP, and the amendments to various chapters of the Coastal Zone Zoning Regulations (IP) have been submitted to the Commission for certification. These documents constitute an update of the majority of the City’s land use regulatory policies and programs.

The City adopted a new General Plan in May 2001 to replace the currently certified LUP. Although many of the currently-certified policies and standards would be either included in the updated, reformatted LUP, or with minor revisions not effecting their scope or bearing, the updated LUP contains numerous new policies addressing a variety of coastal resource issues not previously covered in the currently-certified LUP. A new Visitor Local Commercial land use category would be created to designate areas intended for development of a mix of visitor-serving and general commercial uses. In addition, the proposed LUP amendment would diversify the number of permissible uses in the Harbor Related land use classification, redesignating some areas currently designated as Harbor Related to other uses. Finally, the amendment includes a number of other site specific land use classification changes.

The City also adopted amendments to its currently certified coastal zoning ordinance in June 2003, entitled the “Coastal Zone Zoning Regulations,” to carry out the policies of the amended LUP in a consistent manner, and to update numerous provisions within IP, primarily in the “Definitions” chapter to bring the City’s zoning provisions into conformance with changes in federal housing and public institutions law regarding prohibitions on discrimination in housing and public accommodations, and various changes to the principal and conditional permissible uses to better match those of the amended LUP land use designations they implement. Changes to the zoning districts’ prescriptive development standards are also proposed to bring them into a standardized format. The amendments to the IP also include a comprehensive update to the regulations within the sign ordinance. Furthermore, the LCP update proposes that four sections be added into the IP setting standards for: (1) public trees and landmark/memorial trees; (2) management of stormwater runoff; (3) bed and breakfast establishments; and (4) water quality best management practices. Finally, the amendment reclassifies the zoning over a number of specific properties to correspond with proposed changes in the sites’ LUP land use classifications.

1. LUP Amendments

As mentioned above, the proposed updated LUP document has a significantly changed format from the currently certified LUP and is organized in a two part format: Part I includes an introductory discussion of the General Plan process and a summary of the organization and contents of the General Plan. This introduction is followed by a Part II containing several “sections,” which, in addition to a prefacing section, defining certain critical land use planning terminology, include: (1) *Land Use and Community Development*; (2) *Housing*;<sup>1</sup> (3) *Transportation and Circulation*; (4) *Public Facilities and Services*; (5) *Recreational and Cultural Resources*; (6) *Natural Resources / Conservation*; and (7) *Health and Safety*. The LUP also includes an appendix consisting of a glossary of terms used throughout the document. In addition, as a fold-out within the *Land Use and Community Development* section, the proposed LUP includes a land use plan map depicting the location of the various land use plan designations throughout the coastal zone portion of the City.

For the most part, many of the provisions of the currently certified LUP are being retained and brought forward under the updated LUP with only minor revisions. The majority of these revisions involve provisions which have become dated outdated overtime due to changing conditions or have been implemented and no longer need to appear as directives controlling future events or situations, and are being updated or deleted outright from the updated plan. Numerous other new policies are being proposed to reflect changes in land use law and environmental protection that have evolved since the original LUP was penned a quarter-century ago. These include measures relating specifically to air and water quality, habitat for identified threatened and endangered fish and wildlife species, especially salmonids, and policies addressing land use issues which reflect the general trend in the area’s change from a resource extraction based economy to one more centered on regional services and public parkland-based tourism. For the most part, the major new provisions within the LUP reflect the objective to consolidate all of the City’s general plan policies in one document to apply City-wide, including

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<sup>1</sup> The Housing Element is not included as a part of this LCP amendment.



coverage of many subject areas that do not bear directly on coastal resources, but are directed on growth in general, such as, regulating building scale and mass through floor-area ratios, establishing minimum residential density standards and site design requirements in certain urban areas with adequate services to ensure that initial low-density development of these sites does not preclude eventual full build-out of the areas, and identifying transportation control measures for maximizing the efficiency of existing road infrastructure. However, there are a several new area-specific initiatives that reflect significant programmatic changes with respect to the City's coastal resources. These entail:

- Deletion of the currently-certified "Multi-Family" (residential) and "Medical Related" land use categories;
- The creation of a new "Visitor Local Commercial" land use designation and related policies to be applied to areas along Highway 101 and Front Street, the City's primary thoroughfares, adjacent to lower Elk Creek, and near the Battery Point Lighthouse;
- The creation of a new "Harbor Dependent" land use category to be applied to certain areas within the Crescent City Harbor District currently used for upland dredged materials disposal.
- Significant changes to areas along the shoreline of Crescent City Harbor currently certified with "Harbor Related" land use designation to either "Visitor Local Commercial," "Public Facility," or "Open Space" designations; and
- Proposed application of a "General Commercial" land use designation over the currently uncertified former McNamara-Peepe lumber mill site area.

2. IP Amendments

The City's proposed amended IP document, the Coastal Zone Zoning Regulations (CZZR) is equally ambitious in comparative scope to the LUP amendments but does not involve a changed format from the currently certified zoning ordinance. The zoning amendments include new or expanded provisions entailing: (1) updated definitions of terms used throughout the regulations; (2) the introduction of development standards for bed and breakfast establishments; (3) establishing procedures for the planting, designation, and protection of street and landmark trees; (4) renaming and making changes to the enumerated principal and conditional permitted uses in "Low Density (formerly "Single Family") Residential zoning districts to provide for development of bed and breakfast establishments and second dwelling units; (5) deleting the "Two-Family (duplexes) Residential" and "Residential-Professional zoning districts; (6) modifying and expanding the list of principal and conditional permitted uses in the "General Commercial" zoning district to more closely implement the permissible uses identified in "Visitor Local Commercial" and "Public Facility" land use designations; (7) modifying and expanding the list of principal and conditional permitted uses in the "Harbor Related" zoning district to implement the permissible uses identified in the "Visitor Local Commercial" land use designation, including the introduction of several uses not directly dependent upon harbor dependent uses, including recreational vehicle parks and upper-floor residential development; (8)

the introduction of development standards for a new “Harbor Dependent” zoning district to implement the associated new “Harbor Dependent” land use category; (9) expansion and revisions to the principally and conditionally permitted uses in “Open Space” zoning districts to provide for the development of both public and private improvements; (10) modifying the principal and conditional permitted uses within the Highway Service zoning district to more closely match the permissible uses in the Visitor Local Commercial land use designation it is proposed to implement, and adding additional landscaping, screen, and lighting standards to improve the visual expression of the southern gateway into the City; (11) establishing conservation incentive density bonus provisions for development within Natural Resources zoning districts; and (12) introducing standards for the comprehensive management of stormwater runoff through drainage conveyance and treatment requirements.

3. Site-specific Land Use and/or Zoning Designation Amendments

The City is also proposing to change the land use and/or zoning designations over much of the land within the coastal zone, primarily associated with the renaming of several of the plan and zone categories ( i.e., “Residential” to “Single Family Residential,” “Single Family Residential to “Coastal Zone Low Density Residential”.) However, in six specific locations, these proposed redesignations entail the introduction of new land use categories and zoning that significantly deviate from that currently certified for these areas in terms of permissible density and intensity of the use of land. These six areas are referenced herein as: (1) *Pebble Beach Drive Beach Residential (Grinnell)*; (2) *Oceanfront Commercial*; (3) *Battery Point Recreational*; (4) *Beach Front Park / Mouth of Elk Creek*; (5) *Inner Harbor*; and (6) *Former McNamara-Peepe Mill Site and Log Pond*, colloquially referred to as the “Little Mo-Peepe” Area of Deferred Certification.

**SUMMARY OF STAFF RECOMMENDATION**

1. Commission Action

Staff recommends that the Commission **DENY** both the Land Use Plan (LUP) and Implementation Plan (IP) portions of the amendment as submitted, and then **APPROVE** both portions of the amendment if modified to incorporate the Suggested Modifications listed below. The motions to accomplish this are found in Part One on pages 19-21.

The City’s LCP was originally certified in 1983. Although there have been numerous amendments, the LCP has never been comprehensively updated until now. Most of the staff recommended suggested modifications are intended to supplement and enhance the proposed policies and standards to reflect current policy and standard language that has been applied in more recently certified LCPs and LCP amendments throughout the coastal zone. These updated policies and standards reflect current practices of the Commission in implementing Chapter 3 policies of the Coastal Act in the Commission’s review of coastal development permit applications. For example, many of the staff recommended suggested modifications would modify the proposed LCP policies and standards in this amendment dealing with the protection of water quality, environmentally sensitive habitat areas, and geologic hazards to reflect the considerable refinement in the Commission’s program over the last 25 years in these areas.

2. Suggested Modifications for Policy Changes and Implementation Measures Necessary for Compliance with the Coastal Act

Numerous suggested modifications are being recommended to bring the proposed updated LCP into consistency with the policy mandated and requisite implementation standards and procedures set forth in the Coastal Act and its administrative regulations. These modifications range from major revisions, such as the inclusion of requisite Coastal Act policy coverage and the insertion of detailed public notice, hearing and appeal procedures, heretofore missing from the LUP and IP, respectively, to minor changes, such as rephrasing advisory wording (“should” “may”) into mandatory terms (“shall” “must”) consistent with the compulsory nature of a given policy. Examples of these significant suggested modifications include:

- Revisions to the land use designation descriptions and policies within LUP Section 1: *Land Use and Community Development* to establish recognized and permissible land uses within each category or planning area in conformance with specific protections for public access facilities, recreational, and coastal-dependent and coastal-related development, and other priority uses at shoreline proximate sites, ESHA protection, hazard prone areas, and sites with significant visual resources, as directed by Chapter 3 of the Coastal Act.
- Insertion of policies and standards within LUP Section 3: *Transportation and Circulation* and Section 5: *Recreation and Cultural Resources*, to implement the construction of the portions of the California Coastal Trail through the City.
- Expanding upon the stormwater policies within LUP Section 4: *Public Facilities and Services* to include water quality protective measures and actions developed by the Commission’s Water Quality Unit in coordination with state and regional water quality control boards, as mandated by Coastal Act Section 30230 and 30231.
- Insertion of policies and standards within LUP Section 5: *Recreational and Cultural Resources* to ensure consistency with the requirements of the Coastal Act for protecting and providing public access, prioritizing recreational opportunities at shoreline proximate locales, including privately-owned sites, and the protection of cultural and visual resources, per Sections 30210-30214, 30220-30224, 30244, and 30251, respectively.
- Insertion of policies within LUP Section 6: *Natural Resources / Conservation* to address the protection of biological resources; delineation of, use restrictions in and near, and safeguarding of, environmentally sensitive habitat areas; and the protection of coastal water quality, as directed by Coastal Act 30230, 30231, 30233, 30236, and 20340.
- Insertion of policies within LUP Section 7: *Health and Safety* to comprehensively address avoidance and minimization of risks to persons and property of all classes of natural and anthropogenic hazards per Coastal Act Section 30253.

- Insertion of expanded procedures and criteria within the implementation measures comprising the coastal zoning title of the City Code to establish minimum public notice and hearing standards for the issuance and appeals of coastal development permits as required by Coastal Act Sections 30620, and detailed in Title 14, Sections 13560 through 13577, California Code of Regulations.
  - Revisions to the “Special Zoning Uses” to reflect current state law with regard to ministerial approval of second dwelling units, the granting of density bonus incentives, and development of small wind generator facilities.
3. Summary of Reasons for Numerous Suggested Modifications Other Than Policy Changes Necessary for Compliance with the Coastal Act

The changes included in the Suggested Modifications recommended by staff are numerous for several reasons. In addition to policy changes necessary for compliance with the Coastal Act described above, many of the changes included in the Suggested Modifications are recommended for reasons generally described below:

A. Distinguishing “Policies” Governing Coastal Development Permit Issuance from “Other Initiatives”

Many changes included in the Suggested Modifications involve moving proposed text and/or policy language from one sub-section to another, namely “policies” that are not intended to directly govern the issuance of coastal development permits through the setting of development limitations, requirements, or prohibitions, or to used as a basis for reviewing plan consistency of a land use plan or zoning amendment. In contrast, these provisions state City-adopted positions on various issues, give endorsements to other parties’ efforts, make pledges of support for certain outcomes or endeavors, or commit the City to continued or future actions and/or practices. To better highlight the specifications and qualifications which bear more directly on development from the remaining provisions, staff is recommending that a new sub-section be added to each policy suite of the LUP, titled “Other Initiatives,” and that all such permit non-governing provisions be relocated thereunder, and parenthetically annotated as having been “[Moved to *Other Initiatives*].”

B. Emphasizing Development as the Subject of Regulations

Stylistically, the majority of the proposed updated LUP policies are written with “the City” identified as the grammatical subject (e.g., “*The City* shall require site-specific investigations prior to the construction of all high intensity and/or public use structures.”) Such phrasing can result in confusion as to the breadth of the policy’s applicability. For example, questions have been raised as to whether the policy is limited solely to City-initiated development projects or, whether another hearing body other than the City, such as the Coastal Commission in considering an appeal of a locally issued coastal development permit, may apply the policy. Accordingly, staff recommends that these policies be rewritten into passive voice, with the development or regulatory article being

the subject rather than the City (i.e., “*Site-specific investigations of seismic hazards* shall be required prior to the construction of all high intensity and/or public use structures.”)

C. Collating Thematic Policies

Several of the Suggested Modifications are proposed purely for organizational purposes, primarily to relocate LUP policies which tangentially relate to the subject heading to a section or sub-section where they would be more directly in context. These changes are identified with an endnote indicating where the section or sub-section into which the policy has been moved (e.g., [Relocated to *SECTION 1B ESHA – Policies*]).

D. “Friendly Modifications”

Changes included in the Suggested Modifications recommended by staff include some “friendly modifications” that are changes that have either: (1) been requested by the City following submittal of the LCP Amendment to provide further clarification, delete outdated provisions, and/or make typographic and other corrections to proposed language; or (2) represent entirely new language proposed by Commission staff with the concurrence of the City to augment development application review procedures to establish a factual basis by which findings can be adopted for permitting actions. In cases where the changes proposed by the City are more than just minor edits and corrections, they are identified at the end of the text as [CITY REQUESTED MODIFICATION] as an informational note for purposes of review. Significant new language modifications suggested by Commission staff and agreed to by City staff counterparts are parenthetically identified with a [COMMISSION-CITY NEGOTIATED MODIFICATION] endnote. These latter modifications primarily take the form of suggested new zoning code development review chapters 21.55A through 21.55G.

I. Reorganization / Recodification

The amendments to the General Plan (LUP) and Coastal Zone Zoning Regulations (IP) submitted by the City for certification were originally prepared to apply to both inland and coastal portions of the City. As submitted, the City had designated certain policies throughout the General Plan elements or sections with a “wave” symbol (☪) intended to distinguish those policies meant to apply solely in the coastal zone. In addition, as submitted, the General Plan contains policies applying in both the coastal zone and throughout the inland portions as well, designated with both “wave” and City seal “crescent” symbols (☪☪). With regard to the requested amendments to the IP, the City submitted only select portions of Title 17, its coastal zone-specific Coastal Zone Zoning Regulations, for certification for implementing the General Plan. No significant restructuring of the IP was proposed.

Following several discussions between Commission staff and City staff during the course of review of the LCP Amendment, it was decided that developing a separate coastal general plan element (herein referred to as the Coastal Land Use Plan) and consolidating the various zoning and development regulations appearing throughout the Municipal Code into a unified coastal land use and development code (Title 17 “Coastal Zone Zoning Regulations”) to apply

specifically to the geographic portion of the City located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The City would continue to apply the existing General Plan and the other portions of its Municipal Code to the geographic areas of the City that are outside the coastal zone. Given this decision to maintain separate General Plans and Land Use and Development Codes for portions of the City inside and outside of the coastal zone, Commission staff and City staff agreed to do away with the ☞ symbols and reorganize the coastal zone-specific portions of the updated General Plan into a separate document. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies contained within the Coastal Land Use Plan (LUP) and not just those denoted with a ☞ symbol. Moreover, separate coastal and non-coastal plan and development regulation titles would allow the City to amend portions of their code pertaining to inland development outside of the coastal zone without first seeking certification of the amendment by the Commission as would be necessitated under a City-wide regulatory format.

These features of the reorganization are specifically reflected in the changes included as Suggested Modification Nos. 1 and 2, which involve organization-related directive modifications and text changes to the Summary, and applicability sections of the LUP.

As discussed above, the LCP's implementation measures are contained in the Municipal Code, under Title 17 – "Zoning," in Chapters 17.60 through 17.86. Several other sets of regulations, specifically those dealing with street and sidewalk improvements, public services, and building and construction, are written as City-wide provisions, applying in both coastal and inland areas. These provisions were not included as part of the City's 1983 original LCP submittal for certification and as such have no bearing on the review and issuance of coastal development permits or constitute bases by which alleged nonconformance with these standards could be a basis for appealing a coastal development permit.

Suggested Modifications sub-group No. C above, notes that, in numerous cases, particular policies in the LUP have been relocated to other chapters where the policy or standard would be more in keeping with the coastal resource subject addressed therein. A similar situation is presented with the three proposed new chapters to the coastal zoning regulations, regarding public trees, stormwater management, and bed and breakfast establishments. In each of these cases, the new provisions would be chartered under other titles of the Municipal Code rather than the latter half of Title 17, the Coastal Zone Zoning Regulations. Accordingly, staff is similarly suggesting that these three chapters be replicated and recodified as appended new Chapters 17.87 through 17.89, rather than being charter as part of the *Streets, Sidewalks, and Public Places* Title 15, or the non-coastal portion of the *Zoning* title (Chapters 17.00 through 17.59). To accomplish this reorganization, the various measures regarding the protection and dedication of public street, designated memorial, and landmark trees; methods for managing stormwater runoff; and standards for the operation of bed and breakfast establishments, would be copied into Title 17 – "Zoning," into chapters recognized as comprising the coastal Zone Zoning Regulations. In addition, a staff suggests text change to Section 17.60.020 of the *Coastal Zone General Provisions* chapter has been included to reflect the relocation of these regulations into the CZZR, Suggested Modification No. 12.

**CITY OF CRESCENT CITY LCP AMENDMENT NO. CRC-MAJ-1-03 (LCP UPDATE)**  
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A summary table indicating the above-described reason(s) for each suggested modification grouped by LUP policy or IP chapter appears at the start of Exhibit Nos. 1 and 2, respectively.

4. Conclusion of Staff Recommendation Summary

Staff believes that with the suggested modifications recommended by staff, the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment conforms with, and is adequate to carry out, the LUP as modified.

**FORMAT OF SUGGESTED MODIFICATIONS**

Staff has prepared Exhibit Nos. 1 and 2 showing in “book format” all of the Suggested Modifications merged into the text of the City’s proposed coastal General Plan (Exhibit No. 1), and the City’s zoning and development regulations titles (Exhibit No. 2). This full text version of the City’s proposed LCP Amendment with suggested modifications shows how the suggested modifications fit into the context of the City’s proposed documents.

**KEY TO SUGGESTED MODIFICATIONS**

1. Organization

The Suggested Modifications are numbered to correspond with the compilation of changes made to each particular section of the General Plan (LUP) and to each particular chapter of the Coastal Zone Zoning Regulations (IP). In addition, suggested modifications involving directives to the City are numbered and grouped by topic (e.g., “Organization,” “LUP Maps,” etc.).

2. Typography

The City’s proposed LUP language is shown in regular text while the suggested modifications are shown in **bold double-underline** (text to be added) and ~~**bold double-strikethrough**~~ (text to be deleted). The proposed City textual changes to the currently-certified IP are shown in single-underline (text to be added) and ~~single-strikethrough~~, with staff’s recommended suggested modifications shown in **bold double-underline** and ~~**bold double-strikethrough**~~, respectively.

3. Numeration

The addition of new policies and the deletion or relocation of proposed policies will affect the numbering of policies and standards throughout the LUP and IP. The numbering has been changed as necessary as part of the suggested modifications. Where suggested modifications involve adding entirely new policies to the LUP, relocating LUP policies to other sections or sub-sections, or appending new chapters or sub-sections to the IP, staff has either renumbered all subsequent policies, or in the case of wholly new IP chapters used intervening numeration in keeping with preceding and subsequent chapters. Moreover, Suggested Modification No. 31 (Organization/Recodification) directs the City to correct all sequential numbering, nomenclature, and cross-referencing, and consolidate all IP provisions into two discrete coastal zoning and land division titles when it prepares the final LCP documents for submission to the Commission for

effective certification pursuant to Sections 13544 and 13544.5 of the Commission's administrative regulations (Title 14, California Code of Regulations, Section 13001 et seq.)

**ADDITIONAL INFORMATION**

1. Availability of LCP Amendment Materials

To save duplication resources, the text of the City's entire currently certified LCP is not included in its entirety as an exhibit to the staff report. However, the City's existing certified LCP is available for review on-line at the Commission's website at <http://documents.coastal.ca.gov/reports/2010/9/Th6a-9-2010.pdf>, or by contacting the North Coast District office. Copies of the City's entire currently certified LCP will also be available at the Commission hearings on this LCP Amendment. The staff report available on-line at the Commission's website contains color versions of the proposed land use plan and zoning maps included as Exhibit Nos. 13 and 15 respectively.

2. Point of Contact

For further information please contact James R. Baskin at the North Coast District Office (707) 445-7833. Correspondence should be sent to the North Coast District Office at 710 E Street, Suite 200, Eureka, CA, 95501. All LCP Amendment documents are also available for review at the North Coast District office located at the same address.



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**PART ONE: MOTIONS, RESOLUTIONS AND SUGGESTED MODIFICATIONS**

I. **COMMISSION RESOLUTIONS ON CITY OF CRESCENT CITY LAND USE PLAN AMENDMENT CRC-MAJ-1-03**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

A. **Denial of LUP Amendment No. CRC-MAJ-1-03 As Submitted**

**Motion #1**

I move that the Commission **CERTIFY** City of Crescent City Land Use Plan Amendment CRC-MAJ-1-03 as submitted.

**Staff Recommendation for Denial**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

**Resolution for Denial of Certification of the Land Use Plan Amendment, As Submitted**

The Commission hereby **DENIES** certification of City of Crescent City Land Use Plan Amendment CRC-MAJ-1-03 as submitted and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and is not in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act as there are feasible mitigation measures and alternatives that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

B. **Certification of LUP Amendment No. CRC-MAJ-1-03 with Suggested Modifications**

**Motion #2**

I move that the Commission **CERTIFY** City of Crescent City Land Use Plan Amendment CRC-MAJ-1-03 if modified as suggested in this staff report.

**Staff Recommendation for Certification**

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the land use plan with suggested modification and adoption of the following resolution

and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

**Resolution for Certification of the Land Use Plan Amendment with Suggested Modifications**

The Commission hereby certifies the Land Use Plan Amendment CRC-MAJ-1-03 for the City of Crescent City if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment that would result from certification of the Land Use Plan Amendment if modified.

II. **COMMISSION RESOLUTIONS ON CITY OF CRESCENT CITY IMPLEMENTATION PLAN AMENDMENT CRC-MAJ-1-03**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

C. **Denial of Implementation Plan Amendment No. CRC-MAJ-1-03, As Submitted**

**Motion #3**

I move that the Commission reject Implementation Program Amendment No. CRC-MAJ-1-03 for the City of Crescent City as submitted.

**Staff Recommendation of Rejection**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution for Denial of the Implementation Plan Amendment, As Submitted**

The Commission hereby denies certification of the Implementation Program Amendment No. CRC-MAJ-1-03 as submitted for the City of Crescent City and adopts the findings set forth below on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment would not meet

the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

**D. Approval of Implementation Plan Amendment No. CRC-MAJ-1-03 with Suggested Modifications**

**Motion #4**

I move that the Commission certify Implementation Plan Amendment No. CRC-MAJ-1-03 for the City of Crescent City if it is modified as suggested in this staff report.

**Staff Recommendation for Certification of the Implementation Plan Amendment with Suggested Modifications**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution for Certification of the Implementation Plan Amendment with Suggested Modifications**

The Commission hereby certifies the Implementation Plan Amendment for the City of Crescent City if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment if modified as suggested complies with the California Environmental Quality Act, because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment; or (2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## PART TWO: LAND USE PLAN SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed LUP amendment be adopted. Suggested Modification Nos. 1-9 each modify a separate prefacing discussion, element, and the definitions appendix of the General Plan. The suggested modifications are included in Exhibit No. 1 showing the suggested modifications as they apply directly to the entire text of the City's proposed Coastal General Plan. Because of the length of each suggested modification, Suggested Modification Nos. 1-9 are not reproduced herein. The language in Exhibit No. 1 shown in **bold double underline** represents language that the Commission suggests be added and the language shown in ~~**bold double underline**~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the City (i.e., mapping and document formatting Suggested Modification Nos. 10 and 11) are shown in *bold italics*, or as notations on the maps within Exhibit No. 3.

1. **Suggested Modification No. 1: (General Plan Summary)**  
All changes to *Part I: General Plan Summary* shown in the Part I Introduction Chapter of Exhibit No. 1.
2. **Suggested Modification No. 2: (Goals, Policies, and Programs Definitions)**  
All changes to the *PART II: Goals, Policies, and Programs* prefacing definitions shown in the Part II Preface of Exhibit No. 1.
3. **Suggested Modification No. 3: (Land Use and Community Development Element)**  
All changes to the *Land Use and Community Development* Element shown in Part II, Section 1 of Exhibit No. 1.
4. **Suggested Modification No. 4: (Transportation and Circulation Element)**  
All changes to the *Transportation and Circulation* Element shown in Part II, Section 3 of Exhibit No. 1.
5. **Suggested Modification No. 5: (Public Facilities and Services Element)**  
All changes to the *Public Facilities and Services* Element shown in Part II, Section 4 of Exhibit No. 1.
6. **Suggested Modification No. 6: (Recreation and Cultural Resources Element)**  
All changes to the *Recreation and Cultural Resources* Element shown in Part II, Section 5 of Exhibit No.
7. **Suggested Modification No. 7: (Natural Resources/Conservation Element)**  
All changes to the *Natural Resources/Conservation* Element shown in Part II, Section 6 of Exhibit No. 1.
8. **Suggested Modification No. 8: (Health and Safety Element)**  
All changes to the *Safety and Noise* Element shown in Part II, Section 7 of Exhibit No. 1.

9. **Suggested Modification No. 9 (Definitions Appendix)**

All changes to the *Policy Document Definitions* shown in Appendix A of Exhibit No. 1.

**LAND USE DIAGRAM**

10. **Suggested Modification No. 10 (LUP Map)**

All changes to the LUP Map as follows:

- a. **Pebble Beach Drive Beach Residential Area (Grinnell):** Retain currently-certified Open Space land use designation over the parcel.
- b. **Oceanfront Commercial Area:** Retain currently-certified Public Facility land use designation on the southwest quarter of the block bounded by Front, Battery, and B Streets and Beach Front Park currently occupied by the City's Wastewater Treatment Plan Water Quality Laboratory.
- c. **Battery Point Recreational Area:** (1) Retain currently-certified Open Space land use designation on portion of the site south of Howe Drive between the wastewater treatment plant and Crescent City Harbor proposed for redesignation to Harbor related; and (2) Insert cross-hatching over the intertidal portions of the area within the Commission's coastal development permitting jurisdiction proposed for Open Space designation and attach notation of associated limitations on City's permitting authority over the area.
- d. **Beach Front Park / Mouth of Elk Creek Area:** Insert cross-hatching over the intertidal portions of the area within the Commission's coastal development permitting jurisdiction proposed for Open Space designation and attach notation of associated limitations on City's permitting authority over the area.
- e. **Inner Harbor Area:** With the exception of the Crescent City Harbor Districts dredge spoils disposal site and adjoining areas (APNs 118-020-29 and rear portion of 118-020-42) and the former Eureka Fisheries ice packing plant (APN 118-380-22), retain currently-certified Harbor Related land use designation over all portions proposed for redesignation to Visitor Local Commercial and Open Space designations.
- f. **Former McNamara-Peepe Mill Site Area:** Change proposed General Commercial land use plan designation for this currently uncertified site containing wetlands, riparian vegetation ESHA and ESHA buffer area to the Natural Resources designation.

**REORGANIZATION**

11. **Suggested Modification No. 11 (Organization)**

All changes to the organization of the LUP as follows:

- a. *Delete “wave” (☪) symbols from all Elements of the Coastal Land Use Plan.*
- b. *Number all policies and table entries in appropriate sequential order and correct all policy cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- c. *List all policies that constitute the LCP in subsection 1 of the Coastal Land Use Plan Policy Document section of Part I – General Plan Summary chapter of the LUP following the numbering corrections required by (b) above.*
- d. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added or revised through suggested modifications.*
- e. *Change all references to “General Plan” to “Coastal Land Use Plan” throughout the LUP and the Zoning title.*
- f. *Publish the updated Coastal Land Use Plan incorporating all of the above suggested modifications under separate cover from that of the updated non-coastal Crescent City General Plan.*



**PART THREE: IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS**

Staff recommends the following suggested modifications to the proposed IP amendment be adopted. Suggested Modification Nos. 12-29 each modify a separate chapter of the Coastal Zone Zoning Regulations (“CZZR”) (Title 17, City of Crescent City Municipal Code), and other provisions applicable to development within the coastal chaptered under other titles of the Municipal Code (i.e., surface mining, private rural road standards, building and grading, subdivision, signage, and harbor development). The suggested modifications are included in Exhibit No. 2 showing the suggested modifications as they apply directly to the City’s proposed amendments to the CZZR. Because of the length of each suggested modification, Suggested Modification Nos. 12-29 are not reproduced here. The language in Exhibit No. 2 shown in **bold double underline** represents language that the Commission suggests be added and the language shown in ~~**bold double underline**~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the City (i.e., zoning map changes, organizational changes, and statute recodifications) are shown in *bold italics*.

**COASTAL ZONING REGULATIONS**

12. **Suggested Modification No. 12: (Title 17 – Zoning, Chapter 17.60: General Provisions)**  
All changes to Title 17 – Zoning, Chapter 17.60 shown in Chapter 17.60 of Exhibit No. 2.
13. **Suggested Modification No. 13: (Title 17 – Zoning, Chapter 17.61: Definitions)**  
All changes to Title 17 – Zoning, Chapter 17.61 shown in Chapter 17.61 of Exhibit No. 2.
14. **Suggested Modification No. 14: (Title 17 – Zoning, Chapter 17.64: CZ-R-1 Coastal Zone Low Density Residential District)**  
All changes to Title 17 – Zoning, Chapter 17.64 shown in Chapter 17.64 of Exhibit No. 2.
15. **Suggested Modification No. 15: (Title 17 – Zoning, Chapter 17.65: CZ-R-1-B Coastal Zone Low Density Residential Beach District)**  
All changes to Title 17 – Zoning, Chapter 17.65 shown in Chapter 17.65 of Exhibit No. 2.
16. **Suggested Modification No. 16: (Title 17 – Zoning, Chapter 17.68: CZ-C2 Coastal Zone General Commercial District)**  
All changes to Title 17 – Zoning, Chapter 17.68 shown in Chapter 17.68 of Exhibit No. 2.
17. **Suggested Modification No. 17: (Title 17 – Zoning, Chapter 17.69: Coastal Zone Highway Services District)**

All changes to Title 17 – Zoning, Chapter 17.69 shown in Chapter 17.69 of Exhibit No. 2.

**18. Suggested Modification No. 18: (Title 17 – Zoning, Chapter 17.70: Coastal Zone Harbor Related District)**

All changes to Title 17 – Zoning, Chapter 17.70 shown in Chapter 17.70 of Exhibit No. 2.

**19. Suggested Modification No. 19: (Title 17 – Zoning, Chapter 17.70A: Coastal Zone Harbor Dependent District)**

All changes to Title 17 – Zoning, Chapter 17.70A shown in Chapter 17.70A of Exhibit No. 2.

**20. Suggested Modification No. 20: (Title 17 – Zoning, Chapter 17.73: Coastal Zone Waterfront Commercial District)**

All changes to Title 17 – Zoning, Chapter 17.73 shown in Chapter 17.73 of Exhibit No. 2.

**21. Suggested Modification No. 21: (Title 17 – Zoning, Chapter 17.79: Site Plan and Architectural Review)**

All changes to Title 17 – Zoning, Chapter 17.79 shown in Chapter 17.79 of Exhibit No. 2.

**22. Suggested Modification No. 22: (Title 17 – Zoning, Chapter 17.83: Special Zoning Uses)**

All changes to Title 17 – Zoning, Chapter 17.83 shown in Chapter 17.83 of Exhibit No. 2.

**23. Suggested Modification No. 23: (Title 17 – Zoning, Chapter 17.84: Coastal Zone Coastal Development Permits and Appeals)**

All changes to Title 17 – Zoning, Chapter 17.84 shown in Chapter 17.84 of Exhibit No. 2.

**24. Suggested Modification No. 24: (New Title 17 – Zoning, Chapter 17.84A through 21.55G: – Coastal Resource Protection Application Review, Findings, and Development Standards)**

Append seven new sub-chapters shown in Chapters 17.84A through 17.84G of Exhibit No. 2.

**25. Suggested Modification No. 25: (Title 17 – Zoning, Chapter 17.85: Variances)**

All changes to Title 17 – Zoning, Chapter 17.85 shown in Chapter 17.85 of Exhibit No. 2.

**26. Suggested Modification No. 26: (Title 17 – Zoning, Chapter 17.86: Coastal Zone Waterfront Development)**

All changes to Title 17 – Zoning, Chapter 17.86 shown in Chapter 17.86 of Exhibit No. 2.

27. **Suggested Modification No. 27: (Title 12 – Streets, Sidewalks, and Public Places, Chapter 12.34: Public Trees)**

All changes to Title 12 – Streets, Sidewalks, and Public Places, Chapter 12.34 shown renumbered as new Chapter 17.87 of Exhibit No. 2.

28. **Suggested Modification No. 28: (Title 12 – Streets, Sidewalks, and Public Places, Chapter 12.36: Stormwater Management) and Associated Stormwater Management Resolution**

All changes to Title 12 – Streets, Sidewalks, and Public Places, Chapter 12.36, and the related uncodified stormwater management resolution, shown as a consolidated ordinance renumbered as new Chapter 17.88 of Exhibit No. 2.

29. **Suggested Modification No. 29: (Title 17 – Zoning, Chapter 17.59 Bed and Breakfast Establishments)**

All changes to Title 17 – Zoning, Chapter 17.59 renumbered as new Chapter 17.89 of Exhibit No. 2.

**ZONING MAPS**

30. **Suggested Modification No. 30 (Zoning Map)**

All changes to the Zoning Map (Title 17 – Zoning, Chapter 17.63 – Coastal Zone District Classifications, Section 17.63.020 - Boundaries) as follows:

- a. ***Battery Point Recreational Area: (1) Retain currently-certified Open Space zoning designation on portion of the site south of Howe Drive between the wastewater treatment plant and Crescent City Harbor proposed for redesignation to Harbor related; and (2) Insert cross-hatching over the intertidal portions of the area within the Commission’s coastal development permitting jurisdiction proposed for Open Space designation and attach notation of associated limitations on City’s permitting authority over the area.***
- b. ***Beach Front Park / Mouth of Elk Creek Area: Insert cross-hatching over the intertidal portions of the area within the Commission’s coastal development permitting jurisdiction proposed for Open Space designation and attach notation of associated limitations on City’s permitting authority over the area.***
- c. ***Inner Harbor Area: With the exception of the Crescent City Harbor Districts dredge spoils disposal site (APNs 118-020-29 and rear portion of 118-020-42) and the former Eureka Fisheries ice packing plant (APN 118-380-22), retain currently-certified Harbor Related zoning designation over all portions proposed for redesignation to Coastal Zone Highway Services and Open Space designations.***
- d. ***Former McNamara-Peepe Mill Site Area: Change proposed Coastal Zone General Commercial zoning designation for this currently uncertified site containing wetlands***

*and riparian vegetation ESHAs and ESHA buffer area to Coastal Zone Natural Resources zoning designation.*

## **REORGANIZATION**

### **31. Suggested Modification No. 31 (Organization/Recodification)**

All changes to the organization of the IP as follows:

- a. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added, revised, or rechaptered through suggested modifications.*
- b. *Number all chapters and sections, including table entries, in appropriate sequential order and correct all policy and standards cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- c. *Change all references to “General Plan” to “Coastal Land Use Plan” throughout the Coastal Zoning and Coastal Subdivision titles.*
- d. *Publish the updated Coastal Zone Zoning Regulations implementation measures as Title 17 –Zoning, Chapters 17.60 through 17.89, incorporating all of the above suggested modifications.*

**PART FOUR: REASONS FOR MODIFICATIONS**

**I. SUMMARY OF SUGGESTED MODIFICATIONS RATIONALE**

Table 1, below, summarizes the various categorical reasons for the above-listed suggested modifications as discussed in the Summary of Staff Recommendation. Additional detailed discussion of the reasons for the modifications to the LUP and IP is located in the findings sections of Part Three and Part Four, respectively.

**Table IV-1: Reasons for Suggested Modifications**

Suggested Modification	Rationale for Suggested Modifications										
	Coastal Act Consistency	“Friendly” Modification	Policy / Non-policy Distinction	Clarifying Regulatory Intent	Identifying Principal Permitted Use	Retroactive Certification	Resolve Land Use/Zoning Discrepancy	Inferred / Non-disclosed IP Measures	Grouping Related Policies	Reorganization/ Recodification	
<b>LUP Modifications</b>											
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IP Modifications</b>											
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: “(c) *The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.*”

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission must act by majority vote of the Commissioners present when making a decision on the implementing portion of a local coastal program.

III. BACKGROUND

Setting

The City of Crescent City is located in Del Norte County, approximately 20 south from the state border with Oregon. Del Norte County covers approximately 1,008 square miles, with an overall population of 29,419.<sup>2</sup> As the City seat, Crescent City is the sole incorporated coastal city, with a population of more than 7,300 people and represents the primary urbanized commercial and residential areas within the County’s coastal zone. The portions of Crescent City within the coastal zone comprise a relatively narrow, one- to three-block area spanning from the City’s northwestern municipal boundary near the Preston Island Coastal Access Point south and eastward along the City’s ocean and harbor shorelines to the southwestern City limits conterminus with King Street, within the state sovereign lands ceded to the Crescent City Harbor District (see Exhibit Nos. 7-10). All of the City’s coastal zone portions are situated within an established Urban Services Boundary in which domestic and process water supplies and and/or wastewater disposal are provided to the urbanized residential and commercial uses therein by the City’s distribution, collection, and treatment systems. Highway services oriented commercial land uses are located primarily along the Highway 101 corridor that is the City’s southern gateway. Lands at the intersection of Front and A Streets are similarly designated for “waterfront commercial” development, primarily intended for serving the needs of coastal visitors to the area. Residential neighborhoods are located along or in proximity to the City’s open oceanfront, along Pebble Beach Drive, Taylor Street, Wendell Street, and A Street, between Condor and Second Streets. The majority of the coastal zone portions of the City, within the area spanning for the Battery Point Lighthouse along the inner shore of Crescent City Harbor to the mouth of Elk Creek, are designated for a combination of public facility and open space uses, chiefly as public parkland. In addition, two areas of the city’s harbor frontage, at the base of the

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<sup>2</sup> California Department of Finance, 2008.

B Street Pier and between the inner harbor and Sunnyside Circle/Highway 101 are designated for Harbor Related uses to support the adjoining Harbor Dependent uses with the developed portion of the harbor just outside the City's municipal limits.

Del Norte County is also home to Redwood National Park and co-managed Del Norte Redwoods and Prairie Creek State Parks, where some of the world's tallest coastal redwood trees are found. In addition, the City's rugged, relatively pristine ocean coast provides miles of uncrowded shoreline for exploring. Several other federal and state park, beach, and wildlife refuge units, and other publicly-owned and maintained parks and recreational facilities are also located within the City's vicinity, including, from north to south, Point Saint George Access, Pebble Beach Access Points, Castle Rock National Wildlife Refuge, Battery Point Lighthouse, Elk Creek Wildlife Area, and Crescent City Marsh Wildlife Area. In addition, several tribal entities have begun a series of tourism and outdoor recreational initiatives, including the development of the a recreational vehicle park and hotel at the Smith River Rancheria, and the Requa Resort, a full-service campground and boat launch near the mouth of Klamath River on the Yurok Reservation. Together, with other natural attractions, such as the California Redwoods Bird and Nature Festival (formerly the Aleutian Goose Festival) and so-called "Wild Rivers Coast" destinations, nature-based tourism is steadily becoming a significant industry in the area, attracting visitors from around the globe.

As has been the experience with many other rural areas where the economic foundation was concentrated on natural resource extraction activities, Crescent City has been undergoing a transition from these enterprises to more general commercial, and technical and professional services sector modes. As a result, many of the timber products processing concerns that once dotted the landscape are now shuttered. One significant exception is the Hambro Group. Inc. industrial complex along Elk Valley Road east of the City, where a combination of engineered wood decking products and composted soil amendment products processing is being conducted. Similarly, many of the once active in-stream gravel mining operations lay dormant due to decreased regional demand for aggregate products.

The Crescent City Harbor, located just south of the City, is the locus of a once large commercial and recreational fishing port, most of which is outside the city limits in unincorporated City areas. The harbor area encompasses all of the formally designated coastal-dependent and coastal related industrial, commercial, and recreational land within the coastal zone. Primary resident uses include shipbuilding and repair facilities, commercial and recreational fishing support services, commercial vessel moorage, and short- and long-term private boat slip rentals.

#### Format of Currently-Certified LCP

The currently certified LCP consists of the original LUP and IP effectively certified by the Commission as the total LCP on March 10, 1983, maps, and various LCP amendments submitted by the City and certified by the Commission over the years since 1983.

*Crescent City General Plan – Coastal Element:* The currently certified LUP provides general goals and policies governing development throughout those portions of the city within the coastal zone. The plan document follows a structure set out in the State's *Local Coastal*

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*Program Manual*, and is based on “policy groups” drawn from the California Coastal Act (e.g., “Public Access,” Marine and Water Resources,” Visual Resources”). The plan contains seven policy group chapters and 18 appendices providing salient inventory tables, maps, or technical report entries associated with the foregoing policy text. As described in detail in the findings below in Part Three, Crescent City’s proposed LCP update involves an entirely new Land Use Plan format.

*Coastal Zone Zoning Regulations:* The currently certified Crescent City LCP Implementation Program (IP), is primarily chartered as Municipal Code Title 17 –*Zoning*, consisting of Chapters 17.60 “General Provisions” through 17.86 – “Coastal Zone Waterfront Development.” These regulations provide definitions for the numerous land use and development terminology, prescribes use and development standards applied coastal zone-wide, in specified sub-areas, and in the various zoning districts, and identifies the processes by which proposed development is reviewed and permitted, In addition, procedures are set for appeals, variances, and permit and development regulation exceptions, and amendments to zoning and land use plan designations.

In addition, the Municipal Code includes several City-wide development regulations applicable in both coastal and inland areas, consisting of the following: (1) Title 12 – *Streets, Sidewalks, and Public Spaces*; (2) Title 13 – *Public Services*; (3) Title 15 – *Building and Construction*; and (4) Title 16 – *Subdivisions*. However, these portions of the City’s land use regulations are not currently, nor are proposed to be certified as part of the City’s LCP, and therefore, do not govern the issuance of coastal development permits or provide the basis on which City may be appealed to the Commission. The City proposes to add several new sets of development standards to the IP for: (1) public street and memorial landmark trees; (2) stormwater management; (3) bed and breakfast establishments; and (4) Harbor Dependent zoning districts, proposed to be chartered as Chapters 12.32, 12.36, and 17.70A, respectively.

LCP Certification History

The Land Use Plan (LUP) was certified with suggested modifications by the Regional Commission on January 14, 1981, and by the State Commission on March 3, 1981. A resubmittal was certified with suggested modifications on June 3, 1982. The Implementation Program (IP) was certified with suggested modifications on June 3, 1982. The City accepted the Commission's suggested modifications for approval in February 1983. On March 10, 1983, the Commission effectively certified the total LCP and the City assumed permit-issuing authority for the balance of the City, excluding: (1) the McNamara-Gillispie Annexation area, which became a separate geographic segment due to concerns regarding the three-block wetland area within the annexation; and (2) two small portions of coastal zone property along the City’s eastern boundary collectively known as the “Little Mo-Peepe” Areas of Deferred Certification (see below). Following the Wildlife Conservation Board's purchase of the 11-acre, three block wetlands portion of the McNamara-Gillispie Annexation area, the LCP was effectively certified for that area on November 14, 1984, with the City assuming permit-issuing authority over the annexation on that date.

“Little Mo-Peepe” Areas of Deferred Certification



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As mentioned above, the “Little Mo-Peepe” ADCs were created on March 3, 1981, due to an inadvertent error in the Coastal Zone Boundary line map submitted by the City along the east side the Crescent City limits. These areas consist of: (1) a five-acre mobilehome park situated off of Highway 101 just within the City’s northeasterly municipal boundary; and (2) an approximately three-acre portion of the former McNamara-Peepe forest products mill site and a portion of its former logging pond. The City has proposed to designate the three-acre former mill site and pond area with General Commercial land use and zoning designations to resolve this ADC. No new land use and zoning designations are provided for the five-acre mobilehome park and this area will remain an ADC.

Schedule of LCP Amendments

Numerous other amendments have been approved as well over the last 27 years. The Commission has certified a total of 12 LCP amendments since certification of the original LCP in 1983. Table IV-1, below, summarizes the status of the various LCP amendments submitted by the City to the Commission:

**Table IV-1: CITY OF CRESCENT CITY – SUMMARY OF LOCAL COASTAL PROGRAM AMENDMENTS 1983 TO PRESENT**

LCPA File No.	Local Gov't Adoption Res. / Ord. No.	Local Gov't Resolution of Transmittal No.	Subject of Amendment	Action(s) Taken	
				LUP/CZZR Map Change	LUP/CZZR Text Change
1-84 (Minor)	Ord. 600	Res. 1984-50	Spelling/syntax corrections to CZZR Chaps 17.60, 17.61, 17.62, 17.63, 17.69, 17.70, 17.71, 17.72, 17.76, 17.77, 17.80, 17.81, 17.83, 17.84	N/A	Approved as submitted
1-86 (Major)	Ord. 1986-2	Ord. 1986-2	Variance Ordinance	N/A	Approved with SM, accepted by Res. 1986-37; enacted by Ord. 611
1-86 (Minor)	Ord. 602	---	CZZR §17.67.020 (Real estate and insurance offices principally permitted in CZ-RP)	N/A	Approved as submitted
1-89 (Minor)	Ord. 632	Res. 1988-14	CZZR Chap 17.63, 17.68, 17.74, 17.76, 17.77, 17.79, 17.80, 17.81, and 17.82 syntax clarifications	N/A	Approved as submitted
1-89 (Major)	Ord. 633	Res. 1989-01	HR/CZ-HR -> C/CZ-HS (Messel/Shah)	Approved as submitted	N/A
1-90 (Major)	Ord. 648	Res. 1990-13	HR/CZ-HR -> C/CZ-HS (Hartwick/Peterson)	Approved as submitted	N/A
1-90 (Minor)	Ord. 641	Res. 1989-14	CZZR Chap 17.76 (Off-street Parking Standards update)	N/A	Approved as submitted
2-90 (Major)	Ord. 649	Res. 1990-15	CZZR §17.71.020.A (Non-profit marine mammal rehabilitation centers principally permitted in CZ-O)	N/A	Approved as submitted
1-94 (Major)	Ord. 667	Res. 1994-02	CZZR §17.65.020 (Bed & Breakfast establishments conditionally permitted in CZ-R1B)	N/A	Approved as submitted
1-97 (Major)	Ord. 672	Ord. 672	CZZR Chap 17.39 (Revised Sign Regulations)	N/A	Considered / continued by CCC 10/9/97 (Not effectively certified)
1-00 (Major) (Redwood Oceanfront Resort)	Res. 2000-40; Ord. 695	Res. 2000-41	(A) MR -> C; related text amendments to LUP public access, recreation, shoreline structures, economic development, and public works policy language (B) CZZR Chap. 17.73; CZ-RP -> CZ-CW	Approved as submitted	Approved w / SM, accepted by
CRC-MAJ-1-09 (Coasta Norte Condominiums)	Res. 2009-02; Ord. 737	Res. 2009-12	(A) MR -> R (B) LUP-LU (Uses in Residential) (C) CZZR §17.67.030.B.5 (CZ-RP lot-area-per-unit) (D) CZ-R2 -> CZ-RP	Approved w / SM, accepted by Res. 2009-38; enacted by Ord. No. 749	Approved w / SM, accepted by Res. 2009-38; enacted by Ord. No. 749

Development-Initiated and Programmatic Amendments

As Table IV-1 indicates, roughly half of the LCP amendments submitted to date by the City of Crescent City have been programmatic in nature, most being driven by changes in other bodies of federal or state law, such as state planning and zoning law (variances), outdoor signage regulations, or streets and highway standards, with the other half associated with a particular private development proposal or the land use and/or zoning of the development site.

**IV. SUMMARY OF PUBLIC PARTICIPATION**

The City initially decided to update its overall General Plan, including the coastal element, in 1996. An extensive public participation process took place to ensure that the revised Plan reflects the concerns and views of the community.

Key milestones of the public participation process undertaken by the City include the following:

- The retained consultancy of J. Laurence Mintier & Associates, retained by the City in 1997, holds, in coordination with the Community Development Department a series of townhall meetings in October 1997 to orient community members on the general plan revision process and to solicit initial input as to priority “Phase I” resource/conservation, land use, and transportation/circulation development issues deemed crucial to be addressed in the updated general plan.
- From the input provided at the initial meetings, the Draft General Plan Background Report and Policy Issues Report are prepared and presented in a series of follow-up public meetings in May 1998.
- Following the preparation of administrative drafts of a revised consolidated General Plan and Coastal Element policy document based on the comments provided on the background and policy issues reports, in September 1997 a townhall meeting was held for the purpose of further refining the direction of the Phase I policy initiatives and to shift to addressing “Phase II” issues, including public access, scenic resources, noise, and public facilities and services.
- A revised Administrative Draft General Plan with more comprehensive coastal policies was prepared in October 2001.
- Public workshops were held by the Planning Commission and the City Council during late 2000 and early 2001.
- Public hearings were held by the Planning Commission and the City Council in August through December 2002 to review the Draft General Plan and the Environmental Impact Report.

Following numerous special meetings and public hearings, the City of Crescent City adopted an updated General Plan and certified an Environmental Impact Report for the General Plan on May

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21, 2001. Over the next two years the City adopted various changes to the Coastal Zone Zoning Regulations.

On July 18, 2003, the City submitted LCP Amendment Application No. CRC-MAJ-1-03 that involved comprehensive changes to the City's Land Use Plan (LUP) pursuant to the City's adopted 2003 General Plan update. In response to this application, Commission staff sent a letter to the City dated January 28, 2004 requesting additional information. This requested additional information was developed and submitted over the next several years, with the LCP amendment application being deemed complete for filing on July 22, 2009. If the deadline had not been extended, the 90-day time limit for the Commission to act on the proposed LCPA would have been October 20, 2009. A one-year time extension was granted by the Commission on October 8, 2009. As such, the last date for Commission action on this item is October 20, 2010.

**PART FIVE: AMENDMENTS TO THE LAND USE PLAN - FINDINGS**

I. FINDINGS FOR DENIAL OF THE CITY OF CRESCENT CITY’S LAND USE PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

A. Amendment Description

The proposed updated LUP document has a significantly changed format from the currently certified LUP and is organized by General Plan “coastal element.” The document is structured in two parts, with the first part entailing an introductory discussion of the General Plan process and the organization and contents of the General Plan. This introduction chapter is followed by the second part of the document, commencing with a preface containing an explanation of the differences between “goals,” “policies,” and “programs,” and the symbology used to distinguish policies intended for application in the coastal zone, those intended solely for non-coastal portions of the City, and City-wide provisions not intended for the governance of coastal development permit authorizations. This preface is followed by a series of plan element “sections,” which include: (1) *Land Use and Community Development*; (2) *Housing*<sup>3</sup>; (3) *Transportation and Circulation*; (4) *Public Facilities and Services*; (5) *Recreational and Cultural Resources*; (6) *Natural Resources / Conservation*; and (7) *Health and Safety*. The LUP also includes a *Policy Document Glossary* appendix.

B. Findings

[Organizational Note: The following findings sections are organized to correspond with the organization of the City’s proposed updated General Plan (LUP).]

SM-1. Part I: General Plan Summary

a. Synopsis of Currently-Certified Provisions

Unlike the proposed updated LUP, the currently certified LUP contains no overall summary. Prefacing remarks are limited to a mention of the passage of Proposition 20 in 1972 as its impetus, and acknowledging that financial assistance had been provided through the NOAA Office of Coastal Zone Management to aid in its preparation. Each chapter of the LUP contains prefacing sections, introducing the reader to the thematic subject area(s), followed by a detailed discussion of the information, resources inventories or studies, and/or methodology utilized in developing the policies, statements of “general policies” reflective of the thrust of the City Plan, a list of applicable Coastal Act policies, and finally, an enumerated list of specific “LCP Policies.” Each chapter closes with illustrative maps or diagrams detailing the locations of the various coastal resources areas addressed in the preceding chapter.

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<sup>3</sup> The general plan housing element is not proposed to be a part of this updated LCP amendment.

b. Summary of Proposed Amendments

The updated LUP would include a significantly detailed Part I summary introduction, providing a synopsis of the format and contents of the LUP set forth in Part II of the document. The summary states the reasons for why the LUP is being updated, relays a history of the City, its unique features, and demographics, and the local amendment process followed in developing the update.

c. Summary of Suggested Modification No. 1: (General Plan Summary)

- Clarifies the relationship and statutory differences between the General Plan and the LUP.
- Describes the portions of the General Plan that constitute the Land Use Plan.
- Introduces and defines the applicability icons (☞, ☺) used throughout the Part II policy sections.=
- Specifically enumerates which policies are intended for CDP governance and which provisions are intended for use in the review and approval of non-coastal aspects of development.
- Clarifies procedural requirements and processes of the Coastal Land Use Plan.
- Identifies the components of the suggested-to-be consolidated and recodified Implementation Program which carry out the LUP's policies.
- Strikes discussions that pertain solely to non-coastal portions of the City.

d. Discussion of Bases for Suggested Modifications

The summary chapter of the LUP explains the process, mission and vision, and organization and content of the General Plan.

The General Plan (LUP) submitted by the City for certification was originally prepared to apply to both inland and coastal portions of the City. As submitted, the City had designated certain policies throughout several of the General Plan Elements with a “wave” symbol (☞) intended to distinguish those policies meant to apply to the coastal zone. The City also submitted numerous amendments to its Coastal Zone Zoning Regulations to the Commission for certification with the implication that, with these modifications, the CZZR would be adequate to implement the updated General Plan. Following several discussions between Commission staff and City staff during the course of review of the LCP Amendment, it was decided that developing a separate “Coastal Land Use Plan” and Coastal Zoning and “Coastal Land Division” titles to apply specifically to the geographic portion of the City located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The City would continue to apply the unmodified General Plan and the bulk of other titles of its Municipal Code to the geographic areas of the City that are outside the

coastal zone. Commission staff and City staff also agreed to do away with the ☞ symbol and reorganize the General Plan to remove the policies originally intended for coastal zone application. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies of the discrete Coastal Land Use Plan (LUP) and also avoids confusion over, or oversight of, applicable policies denoted with a ☞ symbol.

These features of the reorganization and corrections and additions necessary to clarify procedural requirements and processes of the LCP are included as Suggested Modification No. 1, which make necessary text changes to the introductory chapter of the LUP.

Other suggested modifications to the Part I Summary entail a discussion of which portions of the Municipal Code, as recommended to be consolidated and recodified under Suggested Modification No. 31, implement the policies of the LUP.

The Commission finds that as modified, the Summary chapter, comprising the Part I “Summary” of the LUP *Policy Document*, meets the requirements of, and is in conformity with, the Coastal Act.

**SM-2. Part II: Goals, Policies, and Programs**

a. Synopsis of Currently-Certified Provisions

Similar to the foregoing plan summary, the currently-certified LUP does not contain a section specifically defining “goals,” “policies,” “implementation programs,” and other plan components, nor, due to its coastal zone exclusivity, utilizes symbology to distinguish between policies applying in the coastal zone, policies for outside of the coastal zone, and those applying Citywide.

b. Summary of Proposed Amendments

The prefacing discussion to Part II of the City’s proposed LUP, as modified: (1) makes hierarchical and functional distinctions between “goals,” “policies,” and “programs;” (2) relocates several policies to a new “Other Initiatives” sub-category; and (3) identifies the portions of the Municipal Code which implement the LUP policies.

c. Summary of Suggested Modification No. 2: (General Plan Goals, Policies, and Programs)

- Redefines the scope and intent of planning document nomenclature.
- Clarify the definitions of “Goal,” “Policy,” “Programs,” “Standards,” and “Objectives,” and introduce new “Other Initiatives” sub-section, to emphasize that “Policy” is clearly intended for governing the review and approval of coastal development permit applications.

- Eliminates applicability icons (, ).=

d. Discussion of Bases for Suggested Modifications

The Part II preface restates the sectional structures of the overall LUP and the definitions to the applicability icons, and defines several new planning terms. Toward the goal of realizing a stand-alone set of land use plan policies and implementation program standards, independent of other inland provisions, certain revisions must be made to the definitions in the Part II preface.

Suggested Modification No. 2 includes directives to the City regarding the reorganization of the LUP. When incorporating the suggested modifications into the Coastal General Plan, inconsistencies may arise between the text of the narrative and the revised policies. Descriptive narrative no longer consistent with the policies will need to be revised by the City to conform the narrative to any associated policy that has been revised through suggested modifications as part of the submission of the final document for certification pursuant to sections 13544 and 13544.5 of the California Code of Regulations. Narrative is intended only as background and shall not be considered policy. Language clearly labeled “Policy” within each Element shall control. Furthermore, the addition of new policies or the deletion of policies as submitted affects the numbering of subsequent policies.

The Commission finds that as modified, the prefacing chapter, comprising the Part II “Goals, Policies, and Programs” of the LUP *Policy Document*, meets the requirements of, and is in conformity with, the Coastal Act.

**SM-3 through SM-8: Part II: Sections 1, 3, 4, 5, 6, and 7 – Land Use and Community Development, Transportation and Circulation, Public Facilities and Services, and Recreational and Cultural Resources, Natural Resources / Conservation, and Health and Safety**

[Note: Due to the interrelatedness of the coastal resources policies set forth in Chapter 3 of the Coastal Act (e.g., the biological habitat, community services, and public infrastructure interdisciplinary aspects of “water quality,” functional linkages between coastal-dependent and “coastal-related “priority uses” and “public access,” “recreational opportunities,” and “visitor-serving facilities”), the following set of Suggested Modifications are discussed in the findings below together, organized around central policy themes rather than in sequential order by number of the suggested modification.]

**A. Coastal Access, Recreational Opportunities and Visitor-Serving Facilities**

1. Relevant Coastal Act Chapter 3 Provisions

Section 30210 Access; recreational opportunities; posting

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Section 30211 Development not to interfere with access**

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

**Section 30212 New development projects**

(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) *It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
  - (2) *Adequate access exists nearby, or,*
  - (3) *Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*
- (b) *For purposes of this section, "new development" does not include:*
- (1) *Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*
  - (2) *The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*
  - (3) *Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*
  - (4) *The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.*
  - (5) *Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

*As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

(c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

**Section 30212.5 Public facilities; distribution**



*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

**Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals**

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

**Section 30214 Implementation of public access policies; legislative intent**

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

**Section 30220 Protection of certain water-oriented activities**

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

**Section 30221 Oceanfront land; protection for recreational use and development**

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30222 Private lands; priority of development purposes**

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

**Section 30223 Upland areas**

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

**Section 30224 Recreational boating use; encouragement; facilities**

*Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

**Section 30250 Location; existing developed area ...**

- (c) *Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

**Section 30252 Maintenance and enhancement of public access**

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

2. **Synopsis of Currently-Certified Public Access, Recreation and Visitor-Serving LUP Provisions**

The currently-certified LUP sets forth policies and standards for public coastal access, recreational opportunities, and protection and development of coastal visitor-serving facilities primarily within its *Public Access* and *Recreation* chapters. Other provisions appear through the other portions of the LUP, particularly in the “Visual Resources” sub-section of the *Recreation and Cultural Resources* section and the *Land Use and Community Development* section, particularly as they relate thematically to the scenic nature of the accessway or recreational or visitor-serving facility, or as location specific recommendations for these amenities (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of these provisions is to establish guidance for the City’s development regulatory program with respect to identifying measures for the protection of, reservation for, and development of, shoreline proximate coastal access, recreational facilities, and visitor-serving facilities, including but not limited to overnight accommodations, consistent with Sections 30210 through 30222, 30224, 30250(c), and 30252 of the Coastal Act.

3. Summary of Proposed Amendments

Many of the currently-certified public access, recreational, and visitor-serving facilities policies are proposed to be brought forward in the updated LUP with only minor changes in their wording. Several outdated or fulfilled policies are proposed for deletion. Many of the new policies take the form of encouragements to and pledges of support for and coordination with the various state and federal parkland management agencies in developing and providing facilities for coastal visitors and recreationists.

4. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Public Access, Recreational Opportunities, and Visitor-Serving Facilities Policies

Except in a very limited set of locales, the City’s proposed public access, recreation, and visitor-serving policies do not require specific measures to maximize public access and recreational opportunities. Without adequate policy mechanisms regulating potential impacts of development on existing accessways, such as: (1) measures to provide for appropriate levels of access and use in areas with environmental resources or hazards, or (2) protecting sites suitable for public access, recreational, and visitor-serving facilities, the LUP is inconsistent with Coastal Act provisions 30210-30213 and 30220 through 30224.

To eliminate or reduce potential impacts from development on public access and recreation, the Coastal Act identifies several strategies for ensuring that the overall availability and diversity of opportunities to visit and enjoy the coast are provided in the planning for and consideration of new development projects. These strategies include identification, protection, and reservation of existing or particularly suitable future accessways and recreational and visitor-serving facility development sites, and encouragement through preferential recognition of certain classes and types of development, such as for water-oriented recreation and lower-cost facilities, over more generic forms of development or more monetarily exclusive facilities.

As suggested to be modified, the *Recreational and Cultural Resources* element of the updated LUP would address issues related to public access, recreational opportunities, and visitor-serving

facilities. Policy areas of particular concern are those involving the provision of maximum public access to the coast, the mechanisms for providing such access, protecting access to areas of historic public use, and ensuring that private sites suitable to visitor-serving facilities are prioritized for such and are not otherwise developed with other uses, especially in areas and in situations where the availability of lower-cost facilities are limited. Suggested Modification Nos. 3 and 6 include changes to the visitor-serving facilities, public access, and recreational policies of the LUP as shown in the *Land Use and Community Development* and *Recreational and Cultural Resources* sections of Exhibit No. 1.

Changes in Suggested Modification Nos. 3 and 6 regarding public access, recreational opportunities, and visitor-serving facilities development include:

- Adding omitted Coastal Act policy language regarding preferences for lower-cost visitor-serving accommodations and public-accessible facilities, and reservation and prioritization of shoreline sites appropriate for recreational development.
- Clarifying and strengthening policy language to require the provision of public access where development would have significant adverse impacts on public access.
- Adding procedural details regarding the preferred implementation of public access mitigation.
- Rephrasing certain site-specific policies to clarify that limitations on the use of accessway development are a more appropriate form of mitigation for protecting environmentally sensitive sites and reducing hazardous risks than outright prohibitions on public access use.
- Adding policy clarifying that public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations.
- Adding a provision to trigger reassessment of the continued appropriateness of the development of new mixed condominium/hotel resort projects when the availability of existing lower-cost visitor-serving accommodations becomes more limited.
- Requiring that the majority of units within new timeshare resort hotel facilities be available for transient overnight accommodations.
- Setting specific consecutive time limitations on the occupancy by resort hotel timeshare units by their owners and family members, requiring the units to be made available for overnight and short-term accommodations for minimum periods of time annually.

The City's public access policies and inventory in the LUP have been updated to reflect current public access and recreation opportunities. In addition, several of the Coastal Act policies regarding the protection and provision of, and site prioritization for, public access and recreational opportunities and facilities have been appended into the *Recreational and Cultural Resources* section of the updated LUP. Furthermore, new policies and standards have been included to address three relatively recent coastal access and recreational issues: (1) the Legislature's formal recognition of the development of the California Coastal Trail as a statewide planning initiative; (2) the cumulative loss of lower-cost visitor-serving facilities over time; and (3) increasing requests for development of limited-use overnight visitor-serving accommodations.

California Coastal Trail: The City's currently certified LCP incorporates the overall Coastal Act policies that mandate the provision and protection of public access facilities and opportunities. However, since their drafting in 2003, the Legislature has adopted legislation calling for the ultimate development of a continuous California Coastal Trail (CCT) along the whole of the state's coastline. Once completed, the CCT will provide not only access laterally along the coast but will link both existing and future vertical access points leading from landward areas.

Therefore, to implement the Legislature's mandate, the LCP must be modified to incorporate provisions for development of the CCT segments through Crescent City. These suggested "other initiatives," as inserted into LUP *Coastal Zone Public Access* sub-section 5.D., provide for future development of the CCT and set design and siting parameters addressing maximized coastal ingress and trail interconnectivity while protecting sensitive resources, locating the trail along or as close to the immediate open shoreline where possible, provisions for interim alternative routes and closures, acquisition and management goals, and signage objectives and standards to be incorporated into future LCP access components.

Lower Cost Overnight Accommodations: Historically, the Commission has approved new hotel developments in immediate proximity to the coastline. However, new development in recent years has often consisted of exclusive, higher priced resort developments. In each of those actions, the Commission has secured public amenities, such as new public accessways, public parking or open space dedications to address the Coastal Act priorities for public access and visitor support facilities and offset impacts to these amenities. In addition, the Commission has required, as a condition of permit approval or in certifying local governments' coastal program amendments, that mitigation be required for the loss of land that was available for lower cost and visitor serving facilities (e.g., City of Redondo Beach Local Coastal Program (LCP) Amendment No. RDB-MAJ-2-08; City of Newport Beach LCP Amendment Nos. NPB-MAJ-1-07 and NPB-MAJ-1-06A; City of Huntington Beach LCP Amendment No. HNB-MAJ-2-06; San Diego Unified Port District Coastal Development Permit (CDP) Appeal No. A-6-PSD-08-004/101; City of Rancho Palos Verdes CDP Appeal No. A-5-RPV-02-324). The expectation of the Commission, based upon numerous precedents, is that developers of sites suitable for overnight accommodations will provide facilities which serve the public with a range of incomes. If development cannot provide for a range of affordability onsite, the Commission has required off-site mitigation such as payment of an in-lieu mitigation fee to fund construction of lower cost overnight accommodations (e.g. youth hostels, campgrounds, etc.)

In light of current trends in the market place and along the coast, the Commission is increasingly concerned with the challenge of providing lower-cost overnight accommodations consistent with the Coastal Act. Recent research at a workshop held by the Commission in 2006 concerning hotel-condominiums, showed that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower-cost. Although statewide demand for lower-cost accommodations in the coastal zone is difficult to quantify, there is no question that camping and hostel opportunities are in high demand, and that there is an on-going need to provide more lower-cost opportunities along California's coast. For example, the Santa Monica hostel occupancy rate was 96% in 2005, with the hostel being full more than half of the year. The

California Department of Parks and Recreation estimates that demand for camping has increased 13% between 2000 and 2005. Nine of the ten most popular campgrounds are along the coast.<sup>4</sup>

With the removal of low-cost overnight facilities, lodging opportunities for more budget-conscious visitors to the City's coastal areas will be increasingly more limited. As the trend continues to build first class/deluxe hotels and demolish low-cost hotels/motels, persons of low and moderate incomes will make up fewer of the guests staying in Crescent City. By forcing this economic group to lodge elsewhere, there will be a direct impact on public access to the beach and coastal recreational areas within the area. With the loss of low-cost lodging facilities, a large segment of the state's population will be excluded from overnight stays within this coastal area. Therefore, by protecting and providing low-cost lodging for the price sensitive visitor, a larger segment of the population will have a greater opportunity to enjoy access to the beach area through overnight stays along or near the coast. Furthermore, access to coastal recreational facilities, such as the beaches, harbor, piers, and other coastal points of interest, are also enhanced when there are overnight lodging facilities that serve a broader segment of the population.

In general, many low to moderately priced hotel and motel accommodations tend to be older structures that are becoming less and less economically viable. As more recycling occurs, the stock of low cost overnight accommodations tends to be reduced, since it is generally not economically feasible to replace these structures with accommodations that will maintain the same low rates. As a result, the Commission is typically presented with proposals for higher-cost accommodations than for low-cost ones. The loss of affordable overnight accommodations within the coastal zone has become an emerging issue for the Commission. If this development trend continues, the stock of affordable overnight accommodations will eventually be depleted.

In an effort to stem this tide, and to protect lower cost visitor-serving facilities, the Commission has imposed in-lieu mitigation fees when development proposes only high cost accommodations. By doing so, a method is provided to assure that some degree of lower cost overnight accommodations will be protected. The amendment request as submitted, does not provide for an in-lieu fee to be required to offset the loss of low-cost overnight accommodations, neither does it specify what situations the mitigation would be required, or denote a value to an in-lieu fee that would be appropriate to cover the cost of the construction of replacement low-cost overnight facilities. Therefore, the Commission finds that the proposed amendment to the LUP, as submitted, would not conform with Section 30213 of Chapter 3 of the Coastal Act unless specific provisions are included within the LCP to ensure that the inventory of lower-cost visitor accommodations are protected from their conversion to higher-cost facilities over time.

However, as contrasted with these more urban, beach resort destination cities, there are several extenuating circumstances applicable to Crescent City which suggest that the imposition of a compensatory in-lieu fee program for ensuring an on-going inventory of lower-cost visitor accommodations would not, at this time, be warranted:

- Given its rich natural setting, there is a large inventory of public and private low-cost campground, recreational vehicle park, and cabin based accommodations within or in close proximity to the coastal zone portions of the City.

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<sup>4</sup> Coastal Commission Condominium-Hotel Workshop, August 6, 2006 (<http://documents.coastal.ca.gov/reports/2006/8/W3-8-2006.pdf>).

- In terms of overall average percentage change over the period spanning 1992 through 2006, Crescent City (2.6%) ranks last place in tourism growth among the 58 California counties (4.3% state average).<sup>5</sup>
- At 49%, the occupancy rate for overnight accommodations in Crescent City is comparatively very low compared with those in other coastal counties and cities.
- On any given night, there are approximately 800 hotel, motel, and/or other short-stay overnight accommodation rooms available throughout the City of which, on average, roughly 400 rooms would typically be available for let. The average nightly rate for the majority of these short-stay accommodations (\$70.75 for the Eureka-Crescent City area) are well below the state nightly average of \$122.90.<sup>6</sup>

Accordingly, suggested modifications have been included in the *Coastal Zone Recreation* subsection 5.D reiterating relevant Coastal Act access and recreation policies, and identifying a mechanism for protecting existing lower-cost visitor-serving facilities to be implemented once Crescent City overnight accommodations reach an established hotel occupancy rate of 70%. Once the City's occupancy rate meets that threshold, further conversion of such facilities would be prohibited unless either the converted lower-cost facility is replaced with another facility offering the same or a greater number of lower cost visitor serving units, or an in lieu fee in an amount necessary to off-set the cost to replace the lower cost visitor serving units in Crescent City is imposed. To aid in assessing the City's average occupancy rate, the Commission includes within the language of the suggested modification reference to the California Travel and Tourism Commission's website: <http://www.visitcalifornia.com>. This website, under the heading "California Lodging Reports," provides a summary of the average annual occupancy rates for all California counties, as compiled by Smith Travel Research, whose data is widely used by numerous public and private convention/visitor/tourism organizations.

*Limited-Use Overnight Visitor Accommodations:* The LCP amendment request includes provisions for the development of limited-use overnight visitor accommodations, specifically, the development of new timeshare resort hotels in areas with a Visitor Serving Commercial (VSC) land use designation. These types of facilities provide a lower level of public accessibility than traditional hotels and motels, because a certain percentage of rooms can be privately owned for periods of time, thereby removing their availability to use as an overnight resource. Moreover, Section 30213 of the Coastal Act requires that lower cost visitor facilities be protected, encouraged, and, where feasible, provided. Limited-use overnight visitor accommodations, as a whole, cannot typically be considered lower cost. Generally, limited use overnight visitor accommodation facilities require that potential users purchase the right to long term, recurring use, which often requires significant initial investment, and periodic fees. Such monetary requirements are often beyond the means of a large segment of the general population and certainly exclude that portion of the population that is of the least means. Traditional hotels, motels and similar overnight accommodations, do not require a long term financial commitment in exchange for use of a unit.

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<sup>5</sup> California Travel Impacts by County, 1992-2006. Dean Runyan Associates, March 2008

<sup>6</sup> California Tourism – March 2008 Compared with March 2007, Smith Travel Research ©2008

The current submittal limits the percentage of hotel rooms devoted to limited use overnight visitor accommodations to fifty percent of all hotel rooms developed within a new hotel resort development. This percentage is significantly higher than previous Commission decisions (e.g., Cities of Redondo Beach, Oceanside and Huntington Beach Local Coastal Program (LCP) Amendment Nos. 2-08, 1-07 and 2-06, respectively) that have limited the amount of limited use overnight visitor accommodations within a proposed development to between ten and twenty-five percent. In order to be consistent with the applicable Chapter 3 policies of the Coastal Act the LUP amendment should reflect these restrictions placed on limited use overnight visitor accommodations.

However, the same local factors discussed in the preceding findings concerning the present ample supply of lower-cost visitor accommodations suggest that the proposed 50% limited use overnight visitor accommodations allowance for Crescent City would not, at this time, need to be further constrained. Therefore, with respect to the proposed 50 percent limited-use overnight visitor accommodations, the Commission finds that the proposed amendment to the LUP, as submitted, is consistent with the applicable Chapter 3 public access and recreation policies of the Coastal Act with certain modifications. These modifications, as inserted in *Private Recreational Facilities and Opportunities* policies sub-section 5.F., require that, in addition to reserving a minimum of 50% of the units for short-stay overnight accommodations by the general public, limitations be placed on the total and consecutive number of days the privately owned timeshare units may be occupied by each owner or member of their family, to ensure greater availability to the general public.

In conclusion, the Commission finds for the reasons discussed above that the proposed LUP amendment is inconsistent with the provisions of the Coastal Act for public coastal access, recreational opportunities, and the protection and development of coastal visitor-serving facilities and must be denied. However, if modified as suggested in Suggested Modification Nos. 3 and 6 to in part: (1) add specific provisions of the Coastal Act for protecting, reserving, and prioritizing coastal access, recreation, and visitor-serving facilities as LUP policies; (2) add new policies requiring monitoring of the availability of lower-cost overnight accommodations so that the diversity of coastal visitation opportunities is not cumulatively impacted; (3) add policies protecting specific access points through limitations on their use rather than full prohibitions; and (4) delete certain general commercial development types from the list of permissible uses within the visitor-serving commercial land use designation, the LUP would be consistent with the public access, recreation, and visitor-serving facilities provisions of the Coastal Act.

Therefore, the Commission imposes the changes included in Suggested Modification Nos. 3 and 6 relating to public access, recreation, and visitor-serving facilities. As modified, the Commission finds the proposed LUP public access provisions are consistent with the Coastal Act.

## **B. Water Quality**

### **1. Relevant Coastal Act Chapter 3 Provisions**

#### **Section 30230 Marine resources; maintenance**



*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

**Section 30231 Biological productivity; water quality**

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

2. **Synopsis of Currently-Certified Water Quality LUP Provisions**

The *Marine and Water Resources* chapter of the currently-certified LUP sets forth policies and standards for the protection coastal water quality chiefly within the *Water Resources* sub-chapter (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of this chapter is to establish guidance for the City’s development regulatory program with respect to identifying measures for the protection of water resources and aquatic-oriented biological habitat consistent with Sections 30230 and 30231, of the Coastal Act.

3. **Summary of Proposed Amendments**

The *Natural Resources / Conservation* element of the City’s proposed updated LUP addresses issues related to an assortment of marine, aquatic, and terrestrial biological resources, including the quality of coastal water. Policy areas of particular importance are those involving measures to protect coastal water quality, provisions for maximizing the productivity of aquatic-based resources, and policies relating to development of domestic water supplies.

4. **Summary of, and Rationale for, Suggested Modifications to Proposed Updated Water Quality Policies**

As modified, the water resources module of the *Natural Resources / Conservation* section of the LUP would address several specific issues related to water quality. Policy areas of particular concern are those involving the protection of the biological productivity and the quality of coastal waters through establishing comprehensive development standards and permitting review procedures. Suggested Modification No. 3 modifies the “Water Resources” subsection to revise proposed policies and include several new provisions addressing enhanced efforts to prevent and protect coastal water quality through the permit application and review processes. These new provisions include:

- Refining the structure and wording of the Water Resources polices to comport with PRC §§30230, and 30231, detailing various water quality best management practices to be utilized in the review and authorization of development projects.
- Adding policy coverage for minimizing the introduction of pollutants to coastal waters.
- Adding the specific provisions of Coastal Act Sections 30230 and 30231.
- Adding policies addressing the minimization of increases in stormwater runoff peak runoff rate by requiring:
  - All development: Minimizing increases in runoff to the extent feasible, and requisite demonstration of efforts to reduce projected peak runoff by 20% of the base 1985 10-year storm.
  - Developments of Special Water Quality Concern: Limiting post-development peak discharge rates so as not to exceed the pre-development rate, if increased discharge would result in increased potential for downstream erosion or other adverse habitat impacts.
- Adding construction-phase policies to require:
  - Construction-phase stormwater runoff plans for all development that requires a grading permit.
  - Eliminating and/or controlling discharges of sediment and other stormwater pollution from construction activities.
  - Minimizing construction site runoff and erosion,
  - Minimizing land disturbance and natural vegetation disturbance
- Adding post-construction policies to require:
  - A post-construction stormwater runoff plan for all development.
  - Emphasis on post-construction Site Design and Source Control BMPs.
- Adding BMP Guidance tables for selecting efficient BMPs for specific pollutants generated by given development types.
- Adding policies establishing categories of Developments of Special Water Quality Concern, based on development size, land use, impervious site coverage, or proximity to coastal waters. Categories of particular note include:
  - Developments that create or replace 10,000 ft<sup>2</sup> or more of impervious surface area
  - Developments that result in site coverage of 50% or more of the development site with impervious surfaces
  - Developments within 100 feet of the ocean or a coastal waterbody, that add or replace 2,500 ft<sup>2</sup> or more of impervious surface area
- Adding policies containing additional requirements for Developments of Special Water Quality Concern, including requirements for:
  - Hydrological studies to be prepared by a Certified Engineer.
  - Pre-selection of effective Treatment Control BMPs.
  - Inclusion of treatment control BMPs sized to meet the 85% storm design standard.
  - Maintaining pre-development peak runoff rate where necessary to protect against downstream erosion or other adverse habitat impacts.

As cited above, Coastal Act Sections 30230 and 30231 require the protection of the biological productivity and quality of coastal waters by, in part, minimizing adverse effects of wastewater

discharges and entrainment, controlling runoff, and maintaining natural vegetation. As proposed, the City's LUP includes numerous new policies in Sections 1 and 4 relating to stormwater runoff. Several of these policies identify pollution prevention strategies, such as minimizing landform alterations and impervious surfaces, preventing runoff from entering ground-disturbed sites, and retaining and directing flows into vegetated swales to be filtered. However, many other policies remain primarily focused on hydrologically managing the discharges rather than setting pollution prevention, elimination and treatment requirements. For example Policy 6.D.18 states that, "The City shall *discourage* direct runoff of pollutants and siltation into wetland areas from development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands." Similarly, Policy 4.E.1 states the City's intent to continue to encourage the use of natural stormwater drainage systems albeit "...in a manner that preserves and enhances natural features." These proposed policies are not strong enough, nor is the LUP adequately comprehensive in its scope of coverage of water quality protection measures, to ensure that the biological productivity and quality of coastal waters will be protected from adverse effects associated with development in the coastal zone as required by Coastal Act Sections 30230 and 30231. As submitted, the policies of the LUP are not sufficiently detailed to protect water quality in Crescent City's coastal zone and must be denied.

Development has the potential to impact water quality and increase storm drainage requirements in a number of ways. New development often results in the creation of impermeable surfaces, which increase runoff by limiting the amount of water able to seep into the ground. Some water uses associated with development, such as landscape irrigation, also increase runoff by adding to the amount of artificial water sources potentially leaving the site. Development can also alter natural drainage courses and drainage patterns potentially resulting in increased erosion and siltation. New development also increases the amount of pollutants potentially entering waterways. Typical sources of pollutants potentially entrained in runoff as a result of new development from point and non-point sources include: grease and oils from roads and pavement; pesticides and fertilizers from horticultural runoff; sediments from erosion; and various other pollutants in runoff from industrial, commercial, and residential areas. Increased development also increases demands on the limited supply of water, potentially leading to an increased concentration of pollution in water supplies. These impacts reduce the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health, inconsistent with Coastal Act Sections 30230 and 30231. Therefore, it is critical that the LUP establish a comprehensive framework of development standards, applicable to all phases of development, as well as detailed permit review and approval requirements.

The Commission shares responsibility for regulating nonpoint water pollution in the Coastal Zone of California with State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB have been co-leads in developing and implementing the January 2000 Plan for California's Nonpoint source Pollution Control Program (Plan), which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. Some of these management measures are best implemented at the local City

planning and permitting level, since they can be most cost effective during the design stage of development.

Commission staff worked with City staff during the development of the water quality policies included as part of the suggested modifications, which significantly expand and strengthen the City's water quality protection provisions. Specifically, the water quality portion of Suggested Modification Nos. 5 and 6 suggest the addition of new policies that address stormwater runoff flows and pollution, including requirements to minimize both construction-phase and post-construction impacts to water quality and coastal waters. The policies require eliminating the discharge of sediment and other stormwater pollution resulting from construction activities and minimizing construction site runoff and erosion, land disturbance, and natural vegetation removal.

Suggested Modification No. 6 also includes the addition of several policies that emphasize the incorporation of post-construction Site Design and Source Control Best Management Practices (BMPs), which may reduce the need for structural Treatment Control BMPs to protect water quality and coastal waters. The Site Design policies include requirements for minimizing impervious surfaces, infiltrating stormwater runoff, and preserving natural drainage systems, as feasible, and for the continued maintenance of all post-construction BMPs. The added policies further require Treatment Control BMPs where the City Engineer determines they are necessary, and enable the City to require additional BMPs if the installed BMPs are not effective.

The policies added as part of Suggested Modification No. 6 also establish a second tier of development identified as "Developments of Special Water Quality Concern," which includes nine specific categories of development that have greater potential for significant adverse impacts to coastal water quality due to the development size, type of land use, impervious site coverage, and/or proximity to coastal waters. Additional development standards are added for identified Developments of Special Water Quality Concern, including a hydrological study, use of effective Treatment Control BMPs sized to meet the 85% storm design standard, and that the post-development peak runoff rate does not exceed the pre-development rate where necessary, to protect against downstream erosion and other adverse habitat impacts.

As submitted, the policies of the LUP are not sufficiently detailed to protect water quality in Crescent City's coastal zone and must be denied. However, if modified by the changes and additions included as part of Suggested Modification Nos. 3, 5, and 6, the Commission finds that the proposed LUP, as modified, is consistent with Coastal Act Sections 30230 and 30231.

**C. Biological Resources and Environmentally Sensitive Habitat Areas (ESHA)**

1. Relevant Coastal Act Chapter 3 Provisions

***Section 30107.5 Environmentally sensitive area***

*"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

**Section 30230 Marine resources; maintenance**

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

**Section 30231 Biological productivity; water quality**

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients**

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
  - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
  - (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
  - (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
  - (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
  - (6) Restoration purposes.*
  - (7) Nature study, aquaculture, or similar resource dependent activities.*
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the*

wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study... if otherwise in accordance with this division...

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

**Section 30236 Water supply and flood control**

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

**Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

2. **Synopsis of Currently-Certified Biological Resources and ESHA LUP Provisions**

The *Environmentally Sensitive Habitat Areas / Marine and Water Resources* chapter of the currently-certified LUP sets forth policies and standards for a variety of aquatic-oriented biological resources within its "Marine Resources" and "Biological Resources (i.e., environmentally sensitive habitat areas) sub-chapters, together with the "Diking, Dredging, Filling, and Shoreline Structures" chapter, the latter primarily regarding conditional, permissible development in wetlands and open coastal waters (see "Currently-Certified Policies" of Table One, Column 1 of Exhibit No. 7). The emphasis of these chapter sections are to establish guidance for the City's development regulatory program with respect to identifying measures for the protection of biological sensitive resources and habitats consistent with Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act.

3. **Summary of Proposed Amendments**

The *Natural Resources / Conservation* element of the City's proposed updated LUP addresses issues related to an assortment of marine, aquatic, and terrestrial biological resources, including those meeting the Coastal Act definition of "environmentally sensitive habitat areas (ESHA). The section identifies measures to protect these environmentally sensitive areas and the quality of coastal water and land resources, including the conservation of soils, agricultural lands, timberlands, and mineral resources. Policy areas of particular importance are those involving the proper identification of areas containing sensitive habitat, the protection of ESHA by establishing adequate standards for development located within and adjacent to ESHA, measures to protect coastal water quality, provisions for maximizing the conservation and productivity of coastal agricultural lands, and policies relating to mineral extraction related development.

4. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Biological Resources and ESHA Policies

The suggested modifications to the LUP's *Natural Resources / Conservation* section propose numerous provisions bearing on a variety of significant coastal resources issues, including the protection of wetlands and estuaries, streams, and other non-wetland and non-riverine environmentally sensitive habitat areas (ESHA), and the quality of coastal waters as biological habitat. The proposed updated LUP would organize these policies by habitat type or development category. The suggested modifications involve reordering and consolidating these policies around whether they address the policy addresses development in or near wetland, estuary, or stream ESHAs, or one of the other environmentally sensitive habitat areas with differing use constraints and operational conditions. The suggested modification include the insertion of several new policies that address heretofore omitted coverage of Coastal Act Chapter 3 subjects, especially with respect to the protection of the dynamic nature of ESHA identification over time, and water quality best management practices. Primary suggested modifications to LUP elements address biological resources and environmentally sensitive habitat areas entail:

- Adding policy language addressing heretofore omitted key policies crucial to consistency with Coastal Act Sections 30240, 30233, and 30236 biological resources, environmentally sensitive areas, and water quality directives.
- Defining ESHA consistent with Coastal Act Section 30107.5 and describing the types of habitat that constitute ESHA.
- Restructuring the order of presentation of policies to that based on key Coastal Act Chapter 3 policies.
- Consolidating biological resource protection sub-sections into ESHA/non ESHA format.
- Clarifying that the determination of what constitutes ESHA is not limited by the categorical descriptions within the text of the LUP.
- Adding policies that enumerate permitted uses within ESHA and ESHA buffers consistent with the allowable use limitations of Coastal Act Sections 30240, 30233, and 30236.
- Expanding the criteria to be utilized when evaluating the adequacy of ESHA buffers.
- Deleting general biological resource protection policies that are superseded by more specific ESHA protection policies that apply in the City's coastal zone.

*Distinguishing Specific Policies for ESHAs from General Biological Resources Policies:* The Coastal Act requires environmentally sensitive habitat areas (ESHA) to be protected against significant disruption of habitat values and restricts development within ESHA to resource dependent uses. Development in areas adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade those areas and must be compatible with the continuance of those habitat and recreation areas. As proposed, the City's ESHA policies provide an important framework for the protection of ESHAs. However, the proposed policies are not organized in a format which clearly distinguishes which of the various types of biological resources are subject to the general ESHA protections of Coastal Act Section 30240, and which may be subject to other Coastal Act policies regarding specific types of ESHA or developments therein. Rather, these provisions are presented in the context of different habitat substrates, such as "marine resources," "onshore fisheries resources," and "wildlife habitat resources." Moreover, there is not sufficient detail and guidance provided in the various biological resource sub-sections with which to regulate permitting decisions regarding development within and adjacent to ESHA, inconsistent with the requirements of Section 30240.

As modified, the *Natural Resources / Conservation* element addresses issues related to environmentally sensitive habitat areas (ESHA). Policy areas of particular concern are those involving the identification of ESHA and ensuring that ESHA is protected against any significant disruption of habitat values by, in part, establishing limitations on allowable uses within and adjacent to ESHA. Suggested Modification No. 7 includes changes to the environmentally sensitive habitat policies of the LUP as shown in the *Natural Resources / Conservation* element of Exhibit No. 1.

*Types of ESHA:* The City of Crescent City proposed LUP update contains numerous protective and development policies for several types of "marine resources" and "biological resources," including offshore rocks and islands, rocky intertidal areas, wetlands, and riparian areas. However, the LUP amendment identifies only coastal wetlands and riparian vegetation as the only types of environmentally sensitive habitat areas (ESHA), for which the protections of Coastal Act 30240 would apply, notwithstanding that there are, or, there area likely to be either now or at some future time, other types of ESHA within the City which constitute ESHA, as defined by Section 30107.5 of the Coastal Act. To ensure that the LUP provides sufficient guidance for the identification and protection of of ESHA, Suggested Modification No. 7 includes the addition of policies that: (1) incorporate the Coastal Act definition of ESHA cited above; (2) includes offshore rocks and islands, intertidal areas, tidepools, estuaries, and rare, threatened, or endangered plants or plant communities in the list of examples of types of ESHA, and (4) emphasizes that the types of ESHA identified within the LUP text and maps are not all inclusive, either spatially or temporally, in that ESHAs may be found in unmapped locations, or new types of ESHA may become recognized as such and formally designated in the future.

*Assessment of ESHA Extent and Sensitivity to Impacts:* As proposed by the City, the updated LUP would retain much of the City's ESHA review procedures and policies from the existing certified LCP. As proposed, no further elaboration, either within the LUP or within the coastal development regulations of the IP would be provided to guide when and how technical evaluations, such as biological assessments or wetland delineations, would be required to provide a factual basis for concluding that a given development project, either as proposed or with the attachment of conditions could be found consistent with the Coastal Act mandated ESHA



protections. Suggested Modification No. 7 includes the addition of several policies to clarify that the determination of what constitutes ESHA is not limited by what is mapped or described within the LUP, but extends to any area not designated in land use constraint mapping or textually described that meets the definition of ESHA, and that such area shall be subject to the ESHA protection policies of the LCP. The added policies also identify other areas that are to be considered ESHA including, for example, areas that: (a) contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law; (b) contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations; and (c) contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

These policies incorporate the provisions of Coastal Act 30240(a) regarding development within ESHA. Suggested Modification No. 7 also adds wording to several of the policies to incorporate the requirements of Coastal Act Section 30240(b), which provides criteria for development adjacent to environmentally sensitive habitat areas including requirements that ESHA be protected against any significant disruption of habitat values.

Limitations on Uses and Development In or Near ESHAs: With regard to limitations on development within ESHA, Coastal Act Section 30240(a) requires uses within ESHA to be limited to uses dependent on the resources of the habitat area. The proposed LUP policies do not clarify what can be considered uses which are “dependent on” the resources of the habitat area and therefore permissible within the ESHA. Therefore, Suggested Modification No. 7 includes the addition of policies that specifically enumerates permitted uses within ESHA, including wetland ESHA, rivers and streams, and other types of ESHA. These allowable uses are consistent with the use limitations of Section 30233 and 30236 of the Coastal Act.

ESHA Buffers: Coastal Act Section 30240(b) requires that development adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade those areas and be compatible with the continuance of the habitat. To protect ESHA from adjacent developments, the practice has been to require stable buffer areas between the ESHA and the development. Generally, the Commission has considered 100 feet to be the standard buffer width to protect ESHA.

The City’s currently certified LUP ESHA buffer policy exclusively specifies that a 50-foot buffer is required to be established around the upland periphery of “all identified wetlands.” No specific buffer width is identified to be provided around riparian vegetation or other ESHA. The amended LUP proposes three policies which address buffer widths:

- 6.A.3. The City shall require a minimum 100-foot buffer zone around designated coastal wetlands. Buffer zones for wetlands shall be measured landward from the edge of the wetlands...
- 6.B.4. The City shall require that proposals to create new parcels have a minimum of a 100-foot setback from the edge of designated coastal

wetlands and a 50-foot setback from the centerline of riparian watercourse areas such as creeks and streams. All site improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) shall be outside the required protection area.

- 6.D.16. The City shall ensure that development in areas adjacent to environmentally-sensitive wetland habitat areas be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce impacts around wetlands between the development and the edge of the wetland shall be a buffer of 50 feet in width. A buffer of less than 50 feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than 50 feet shall be made in cooperation with the California Department of Fish and Game and the City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within 50-foot buffer areas.

As cited above, the proposed amended LUP sets three different standards for the areas around wetlands: (1) a 100-foot "buffer zone" under *Natural Resources / Conservation – Marine Resources* Policy 6.A.3; (2) 100-foot-wide and 50-foot-wide "setbacks" between wetlands and riparian corridors (measured from the stream centerline), respectively, on newly created parcels under *Natural Resources / Conservation – Water Resources* Policy 6.B.4; and (3) a 50-foot-wide "buffer" around wetlands which may be reduced to less than 50 feet under *Natural Resources / Conservation – Biological Resources* Policy 6.D.14. No definitions are provided that distinguish a "buffer" from either a "buffer zone" or a "setback." Thus, as proposed, the updated LUP would establish a series of contradictory standards as to what buffer or setback width would apply to a given situation.

Furthermore, the proposed amended LUP does not provide specific criteria to evaluate the adequacy of a buffer width, either in terms of the need to expand the buffer to greater than 50 (or 100) feet or to lessen the width to less than the specified width. While the proposed LUP amendment would provide for reducing buffers only when it could be "determined that a reduced width buffer would not result in adverse impacts to wetlands, based in part, on consultation with the California Department of Fish and Game, there are no specifics as to what factors are to be weighed in ascertaining the adequacy of any given proposed reduced width buffer.

Suggested Modification No. 7 makes several sets of changes to the City's proposed ESHA buffer policies, most notably establishing the requirement that a default 100-foot-wide buffer be initially applied around the periphery of all environmentally sensitive areas potentially affected by development, whether wetlands or otherwise. Suggested Modification No. 7 also contains provisions for reducing or expanding the width of the prescribed default 100-foot buffer width based on biological habitat and geophysical assessments taking into account: (1) the extent type, and sensitivity to disturbance of the ESHA, and/or other inter-connected sensitive resource areas;

(2) the intensity of the development and its potential direct and cumulative impacts on the adjacent ESHA; and (3) mitigation measures necessary to reduce any significant impacts to less than significant levels, such as the incorporation of vegetative screening, runoff interceptor berms, and other protective features into the reduced buffer.

As proposed, the submittal of biological reports is addressed very generally under Policy 6.D.11 (tentatively renumbered Policy 6.B.5.) in the LUP. The preparation and submittal of biological reports with applications for development located within or adjacent to ESHA is essential for informing development decisions to ensure the protection of ESHA consistent with the requirements of Coastal Act 30240. Therefore, as discussed further under Suggested Modification No. 24, a series of new coastal development permit application and review chapters are suggested to be added to the IP, one of which, Chapter 17.84C, contains a detailed list of required contents for biological reports.

*Consolidating Thematic Policies:* Lastly, Suggested Modification No. 7 includes the relocation, reiteration, or reclassification of numerous policies originally proposed in the *Natural Resources / Conservation* section either to other sections of the LUP more in keeping with their central theme, such as moving an erosion control policy to the water quality sub-section from under the “soils resources,” or policies with no direct bearing on the issuance of coastal development permits to the “Other Initiatives” heading. In addition, several policies have been revised to include more specific ESHA protection language more generally applicable to the City’s coastal zone consistent with the Coastal Act, and in keeping with the goal of developing a stand-alone coastal land use plan document.

Therefore, for all the reasons discussed above, the Commission finds that the proposed LUP amendment is inconsistent with Coastal Act Sections 30230, 30231, 30233, 30236, and 30240 in regards to proposed ESHA protection policies, and must be denied. However, if modified as suggested the LUP would be consistent with this suite of general and specific ESHA policies.

#### **D. Natural and Man-made Hazards**

##### **1. Relevant Coastal Act Chapter 3 Provisions**

###### **Section 30253 Minimization of adverse impacts**

*New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and*

*neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

**Section 30232 Oil and hazardous substance spills**

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

**Section 30250 Location; existing developed area ...**

*(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

2. **Synopsis of Currently-Certified Hazards LUP Provisions**

The *Diking, Dredging, Filling, and Shoreline Structures* and *Industrial Development and Energy Facilities* chapters of the currently-certified LUP set forth policies and standards for the avoidance of, and minimization of exposure to risks from, a variety of natural hazards (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). Although the emphases of these chapters are primarily to identify instances where development may occur in wetlands and along shorelines, and to address industrial land use within the City, these LUP sections also establish guidance for the City’s development regulatory program with respect to identifying measures for the protection of persons and property from risks associated with exposure to geologically instability, flooding, or fire hazards, hazardous materials releases and contamination, and dangerous industrial activities, consistent with Sections 30253, 30232, and 30250(b) of the Coastal Act.

3. **Summary of Proposed Amendments**

The *Health and Safety* element of the City’s proposed updated LUP addresses hazards including seismic, geologic, flooding, tsunami, and wildfire hazards. Policy areas of particular concern are those involving evaluating and locating development in areas of geologic hazard, establishing adequate bluff development setback requirements, establishing limitations on the construction of shoreline protection structures, and minimizing development in floodplain and tsunami run-up areas.

4. **Summary of, and Rationale for, Suggested Modifications to Proposed Updated Hazards Policies**

Suggested Modification No. 8 includes all changes to the proposed *Health and Safety* section as shown in the *Health and Safety* portion of Exhibit No. 1. Suggested modifications to the *Health and Safety* element of the updated LUP primarily entail:

- Adding the specific provisions of Coastal Act Section 30253.

- Clarifying proposed policy language consistent with Coastal Act Sections 30235 and 30253.
- Adding policies requiring that all blufftop and shoreline proximate development be sited and designed to: (1) avoid the need for a shoreline protective structure during the life of the development; (2) address relative exposure and include mitigation measures to reduce risks of property damage and loss of life from tsunami inundation, particularly as relate to permanent residential development; and (3) stipulating that the effects of projected rises in global sea level be considered in the preparation of geotechnical and engineering analyses and the related identification of site and design recommendations, and mitigation measures.
- Clarifying limitations on development allowable on bluff faces and within bluff retreat setbacks.
- Clarifying requirements for geologic studies for development located in or near areas subject to geologic hazards.
- Adding standards for siting and the design of certain classes of development in areas subject to tsunami impacts.

The proposed LUP addresses the review of development relative to geologic hazards in very general terms and does not provide adequate standards or a sufficient level of detail to ensure consistency with the requirements of Coastal Act Sections 30235 and 30253. For example, proposed Policies 6.A.15., 7.C.1., and 7.C.7. set requirements for the preparation of geologic studies for certain classes of critical/high intensity development along bluff tops, in areas prone to coastal erosion hazards, and on previously filled areas, respectively. As required by Section 30253, new development must assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The preparation of geologic reports is an essential requirement to inform the appropriate siting and design of development in or adjacent to geologic hazard areas to ensure consistency with these development standards.

Therefore, the changes included in Suggested Modification No. 8, in part, incorporate the development standards of Coastal Act Sections 30235 and 30253 and require in modified/new Policies 7.B.1. through 7.B.6. that applications for development located in or near areas subject to geologic hazard include a geologic/geotechnical study.

Furthermore, the LUP as proposed would utilize dated “zone of demonstration” protocols commonly used in the 1970s and 1980s, for determining when geologic stability analyses would be required in reviewing the siting of blufftop development, particular with respect to specific methodologies for how setbacks are to be established. Suggested Modification No. 4 includes the addition of new Policy 7.B.3. requiring that all development located on a blufftop be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life (consistent with the 100-year economic life suggested for the City’s IP – see Suggested Modification No. 24). Suggested Modification No. 8 also includes the addition of Policy 7.B.4. requiring that the siting and design of blufftop development take into account anticipated future changes in sea level.

Suggested Modification No. 8 further expands the breadth of policy coverage to address limitations on development that would intensify the risks of exposure of persons and property in blufftop and shoreline settings. New Policy 7.B.6 stipulates that land divisions, including subdivisions, lot splits, lot line adjustments, and conditional certificates of compliance which create new shoreline or blufftop lots, may not be permitted unless the land division can be shown to create lots which can be developed safe from geologic hazards and would not require a current or future bluff or shoreline protection structure. Moreover, no new lots may be created that could require shoreline protection or bluff stabilization structures at any time, consistent with the standards of Sections 30235 and 30253.

Suggested Modification No. 8 includes additional policy and program language to establish more comprehensive limitations and standards on certain classes of development, primarily residential structures, subject to tsunami hazards and to require provisions for approval of tsunami response and evacuation plans, demonstration of the feasibility of timely evacuation to safe high ground, and specific building siting and design standards for permanent residences created through land divisions, to ensure that development would minimize risks to life and property in areas of high tsunami hazard consistent with Coastal Act Section 30253.

#### Tsunami Inundation

In the past 60 years, from 1959 to 2009, the City of Crescent City has experienced three significant, damaging tsunamis — in 1960, 1964, and 2006. Eleven people were killed by the 1964 tsunami and there was significant property damage from all three events. When the next major earthquake on the Cascadia Subduction Zone occurs, a tsunami is likely to be generated and it is very likely that the area would experience a tsunami event similar to or larger than these recent historic events. Crescent City was one of the first communities in California to become a NOAA certified, TsunamiReady Community.

The Crescent City coastal planning area includes a number of oceanfront lots, either improved with or slated for residential development along its western shoreline. These as well as other river and lagoon shoreline areas, could be exposed to tsunami waves either from a locally generated tsunami or a far-field, nonlocally generated event. Despite the many public information, warning system, and emergency response coordination initiatives undertaken by the City toward securing “tsunami ready” status, the current LUP, initially certified in 1983 and last amended in 2009, only site-specific policies concerning this sub-category of geologic hazard have been adopted. Nor does the proposed updated LCP contain more than a passing reference to including the risks in geologic hazards assessments. These omissions are undoubtedly due in part to the fact that scientific reassessments of the maximum intensity of seismic events along the northern California coast and the potential height of tsunami waves did not begin to be released until the mid-1990s and were not widely distributed in public information campaigns until the last several years.

Most notable among this information are the evaluations of seismic and tsunami hazards that were prepared in the aftermath of the April 25-26, 1992 series of earthquakes that occurred in the Petrolia area of Humboldt City near Cape Mendocino. Of particular relevance is the National Oceanic and Atmospheric Administration’s (NOAA) 1994 release of its “Tsunami Inundation Model Study for Eureka and Crescent City, California” (NOAA Technical Memorandum ERL

PMEL-103; Bernard, E.N., C. Mader, G. Curtis, and K. Satake (1994)) (see Exhibit No. 14). Although intended primarily for emergency evacuation purposes, the NOAA study's wave runup data represent the most currently available information regarding tsunami inundation in the Crescent City area and provide a scientifically defensible zone of potential tsunami inundation for project planning purposes. In addition, the study currently serves as the basis for tsunami hazard area mapping and public educational materials subsequently developed and distributed by others for the Humboldt Bay and Crescent City areas.<sup>7</sup>

Using historical wave propagation and coastal flooding data collected from a variety of tsunami events across the Northern Pacific Ocean basin, this study presents the areas of inundation that could result from various possible tsunami events. A near-source 8.4 moment-magnitude (Mw-8.4) seismic event on the Cascadia Subduction Zone region was determined to be a credible source for generating a 10 meter (33 feet), 33.3-minute period incident wave in 50-meter water depth. Based on modeling of the tsunami's onshore propagation, all land below four meters elevation would be flooded, with inundation levels in the harbor reaching six meters in some locations. The area of inundation could extend inland 1.3 kilometers, or approximately one mile from the harbor and ocean shorelines.

As cited above, Coastal Act Section 30253 requires that risks to life and property in areas of high geologic and flood hazards be minimized. In addition, new development must assure stability and structural integrity from geologic instability or destruction of the site and its surroundings and not contribute significantly to erosion, or in any way contribute to the need for protective devices that would substantially alter landforms. In their present wording LUP Chapter 2 – *Safety and Noise* do not detail flooding from tsunami inundation in its coverage of applicable risk types to be minimized. As noted above, Crescent City waterfront lies partially within mapped tsunami wave run up inundation areas. By accommodating future residential and commercial development that is currently allowed at certain sites under the currently certified LCP, the proposed amendment would facilitate development exposing greater numbers of people to flood hazard risks.

#### Protection of Permanent Residences

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<sup>7</sup> The Commission notes that other scenario-based model tsunami inundation research has been conducted for the Crescent City area since the 1994 NOAA study, notably *Tsunami Inundation at Crescent City, California Generated by Earthquakes Along the Cascadia Subduction Zone*, Uslu, B., J. C. Borrero, L. A. Dengler, and C. E. Synolakis (2007), *Geophysical Research Letters*, Volume 34, L20601 (see Exhibit No. 15). The paper presented the results modeled from modeling six different near-source earthquakes on the San Juan de Fuca and Gorda CSZ plates, with and without combined offsets on the Little Salmon thrust fault. Using the City tide gauge as a comparative benchmark, located within the harbor inundation levels of 6 to 7 meters ( $\pm 20$ -23 feet) above mean sea level were projected at locations along the City's western oceanfront. The results of this study as well as other model-based and observational inundation and run-up data from both near- and distant-source seismic events have been compiled collaboratively by the California Emergency Management Agency (CalEMA), the California Geological Survey (CGS) and the University of Southern California's Tsunami Research Center, onto a new set of tsunami hazard maps. These new maps were released in mid-2010. See CGC inundation maps website page: ([http://www.consrv.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/Pages/Index.aspx](http://www.consrv.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Pages/Index.aspx))

Over the last half-decade in the aftermath of catastrophic natural disasters around the world (e.g., Hurricane Katrina, Indonesian Tsunami, Cyclone Nargis, the recent tsunami in Samoa), large-scale displacements of persons and homelessness resulting from flooding, especially in low-lying coastal areas, have come to be recognized by governing bodies and international aid agencies alike as a form of socio-economic disruption on a scale with that of pandemics, famines, and warfare. Such disturbances can significantly destabilize the security and well-being of whole populations and regions. Of particular consequence is the loss of one's personal home and residence. Generally representing the primary and most significant financial investment for most persons, and often a substantial portion of their intended retirement income from the return realized from its accrued equity, the loss of a personal residence, as contrasted with other, less substantially valued real property, such as a second home or timeshare vacation unit, can have profound negative impacts on its owners' livelihood as well as the whole community in terms of added social service costs. In addition, such homelessness can have profound psychological impacts on the resident-owners, in terms of an increased sense of physical vulnerability and social isolation which can hamper efforts to recover from their domestic crisis.

The proposed amendments to the LUP include no modifications to the LCP to address the recently acknowledged implications to public health and safety from the potentially extreme seismic and flooding hazards associated with the City's geologic setting, particularly with regard to exacerbating potential loss of primary domiciles.

To ensure that flood hazards associated with tsunami inundation are considered in the review of future development along shoreline areas under the LUP as amended in a manner consistent with Section 30253, the Commission includes within Suggested Modification No. 8 modified Policy 7.B.10. (renumbered as 7.C.2.) and new Policies 7.C.1., 7.C.3., and 7.C.4., which require: (1) the utilization of tsunami inundation mapping, as may be developed from time to time; (2) setting the floor elevation of all new permanent residences created through land divisions to design their floor heights to be one foot above predicted runup depths; (3) designing such permanent residential structural to have resilient designs to withstand wave-strike by tsunamis; and (4) the approval of tsunami safety and evacuation plans in the approval of new development within historic or mapped inundation areas.

Thus, as submitted, the LUP amendment would fail to protect life and property from the risk of flooding from tsunami wave run up in a manner inconsistent with the Coastal Act policies concerning geologic and flooding hazards and must be denied. The Commission finds, however, that if modified by Suggested Modification No. 8 to: (a) clarify that risks to both geologic and flooding hazards are to be minimized; (b) establish design standards affording protection to permanent residential units from tsunami inundation; and (c) require new development involving human-occupied structures in tsunami hazard areas to prepare and distribute or otherwise post constructive notice of risks of tsunamis and information relating to evacuation to safe ground, the LUP amendment would be consistent with Section 30253 of the Coastal Act in that risks to life and property in areas of high geologic and flooding hazard would be minimized and new development would not create or contribute to geologic-related instability or destruction in the coastal zone portions of the City.

#### Sea Level Rise



Sea level rise is an important consideration for the planning and design of projects in coastal settings. Such changes in sea level will exacerbate the frequency and intensity of wave energy received at shoreline sites, including both storm surge and tsunamis, resulting in accelerated coastal erosion and flooding in such locales. There are many useful records of historic sea level change, but little certainty about how these trends will change with possible large increases in atmospheric greenhouse gas emissions and air temperatures. Notwithstanding the controversy and uncertainties about future global or local sea levels, guidance on how to address sea level rise in planning and permitting process is evolving as new information on climate change and related oceanic responses become available.

The Commission, like many other permitting agencies, has undertaken past assessments of sea level rise effects using the principal of “uniformitarianism” as guidance — that natural processes such as erosion, deposition, and sea level changes occur at relatively uniform rates over time rather than in episodic or sudden catastrophic events. As a result, future ocean surface elevations have been extrapolated from current levels using historical rates of sea level rise measured over the last century. For much of the California coast, this equates to a rate of about eight inches per 100 years. Rates of up to one foot per century have typically been used to account for regional variation and to provide for some degree of uncertainty in the form of a safety factor. This rate of rise is then further adjusted upward or downward as needed depending upon other factors, such as localized subsidence or tectonic uplift. In the review of past development projects on Del Norte City coastline areas in the Crescent City area, the roughly 2.6 millimeters-per-year (mm/yr) rate of localized tectonic lift has been found to be exceeding that of projected sea level rise by approximately - 0.21 feet/century (-0.65 +/- 0.36 mm/yr), for the tide record spanning 1933 to 2006, resulting in a relative drop in local sea level.

Most climate models now project that the historic trends for sea level rise, or even a 50% increase over historic trends, will be at the very low end of possible future sea level rise by 2100. Satellite observations of global sea level have shown sea level changes since 1993 to be almost twice as large as the changes observed by tide gauge records over the past century. Recent observations from the polar regions show rapid loss of some large ice sheets and increases in the discharge of glacial melt. The 2007 Fourth Assessment Report by the Intergovernmental Panel on Climate Change (IPCC)<sup>8</sup> notes that sea level could rise by 7 to 23 inches from 1990 to 2100, provided there is no accelerated loss of ice from Greenland and West Antarctica. Sea level rise could be even higher if there is a rapid loss of ice in these two key regions.

The IPCC’s findings were based on a 2007 report prepared by Dr. Stefan Rahmstorf of the Potsdam Institute for Climate Impact Research (hereinafter “Rahmstorf Report”). This report has become the central reference point for much of recent sea level rise planning. The Rahmstorf Report projects that by 2100, sea level could be between 20 to 55 inches higher than 1990 levels.

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<sup>8</sup> The IPCC is a scientific intergovernmental body established by the World Meteorological Organization (WMO) and the United Nations Environmental Programme to provide the decisionmakers and others interested in climate change with an objective source of information about climate change; <http://www.ipcc.ch/ipccreports/assessments-reports.htm> 5 Independent Science Board, 2007. Sea Level Rise and Delta Planning, Letter Report from Jeffrey Mount to Michael Healey, September 6, 2007, CALFED Bay-Delta Program: [http://deltavision.ca.gov/BlueRibbonTaskForce/Sept2007/Handouts/Item\\_9.pdf](http://deltavision.ca.gov/BlueRibbonTaskForce/Sept2007/Handouts/Item_9.pdf)

The Rahmstorf Report developed a quasi-empirical relationship between historic temperature and sea level change. Using the temperature changes projected for the various IPCC scenarios, and assuming that the historic relationship between temperature and sea level would continue into the future, he projected that by 2100 sea level could be between 20 inches and 55 inches (0.5 to 1.4 meters) higher than the 1990 levels (for a rate of 0.18 to 0.5 inches/year). These projections for future sea level rise anticipate that the increase in sea level from 1990 to 2050 will be from about 8 inches to 17 inches (for a rate of 0.13 to 0.28 inches/year); from 1990 to 2075, the increase in sea level would be from about 13 inches to 31 inches (for a rate of 0.15 to 0.36 inches/year) and that the most rapid change in sea level will occur toward the end of the 21st century. Most recent sea level rise projections show the same trend as the projections by Rahmstorf — that as the time period increases the rate of rise increases and that the second half of the 21st century can be expected to have a more rapid rise in sea level than the first half.

Several recent studies have projected future sea level to rise as much as 4.6 feet from 1990 to 2100. For example, in California, the Independent Science Board (ISB) for the Delta Vision Plan has used the Rahmstorf Report projections in recommending that for projects in the San Francisco Delta, a rise of 0.8 to 1.3 feet by 2050 and 1.7 to 4.6 feet by 2100 be used for planning purposes. This report also recommends that major projects use the higher values to be conservative, and that some projects might even consider sea level projections beyond the year 2100 time period. The ISB also recommends “developing a system that can not only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or unforeseen circumstances that exceed design standards. Finally the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design.”

The Rahmstorf Report was also used in the California Climate Action Team's Climate Change Scenarios for estimating the likely changes range for sea level rise by 2100. Another recent draft report, prepared by Philip Williams and Associates and the Pacific Institute for the Ocean Protection Council, the California Energy Commission's Public Interest Energy Research (PIER) Climate Change Research Program, and other agencies also identifies impacts from rising sea level, especially as relate to areas vulnerable to future coastal erosion and flooding. This report used the Rahmstorf Report as the basis to examine the flooding consequences of both a 40-inch and a 55-inch centurial rise in sea level, and the erosion consequences of a 55-inch rise in sea level.

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing various state agencies to undertake various studies and assessments toward developing strategies and promulgating development review guidelines for addressing the effects of sea level rise and other climate change impacts along the California coastline.<sup>9</sup> Consistent with the executive order, the governing board of the Coastal Conservancy adopted interim sea level rise rates: (a) 16 inches (40 cm) by 2050; and (b) 55 inches (140 cm) by 2100 for use in reviewing the vulnerability of projects it funds. These rates are based on the PEIR climate scenarios. If adopted, these criteria would be utilized until the study being conducted by the National

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<sup>9</sup> Office of the Governor of the State of California, 2008. Executive Order S-13-08; <http://gov.ca.gov/index.php?/print-version/executive-order/11036/>

Academy of Sciences regarding sea level rise, requested by a consortium of state resource and coastal management agencies pursuant to the executive order, is completed.

Concurrently, in the Netherlands, where flooding and rising sea level have been national concerns for many years, the Dutch Cabinet-appointed Deltacommissie has recommended that all flood protection projects consider a regional sea level rise (including local subsidence) of 2.1 to 4.2 ft by 2100 and of 6.6 to 13 ft. by 2200.9 Again, the Rahmstorf Report was used by the Delta Committee as a basis in developing their findings and recommendations. Given the general convergence of agreement over the observed and measured geodetic changes world wide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise several feet higher than it is today, but is instead only questioning the time period over which this rise will occur. However, as the conditions causing sea level rise continue to change rapidly, prognostications of sea level rise are similarly in flux. As a result of this dynamism, anticipated amounts and rates of sea level rise used in project reviews today may be either lower or higher than those that will be utilized ten years from now. This degree of uncertainty will continue until sufficient feedback data inputs are obtained to allow for a clear trend to be discerned from what is now only a complex and highly variable set of model outputs. Accordingly, in the interest of moving forward from the debate over specific rates and amounts of rise to a point where the effects of sea level rise greater than those previously assumed in the past may be considered, one approach is to undertake a sensitivity analysis on the development project and site to ascertain the point when significant changes to project stability would result based on a series of sea level rise rates. The analysis would be structured to use a variety of sea level rise projections, ranging from the relatively gradual rates of rise indicated by the IPCC and Rahmstorf models, to scenarios involving far more rapid rates of sea level rise based upon accelerated glacial and polar sea and shelf inputs.

For example, for the most typical development projects along the coast (i.e., residential or commercial), consideration of a two to three foot rise in level rise over 100 years could be assumed to represent the minimum rate of change for design purposes. However, in the interest of investigating adaptive, flexible design options, sensitivity testing should also include assessing the consequences of sea level rise at three to five times greater rates, namely five to six feet per century, and even 10 to 20 feet per 100 years. The purpose of this exercise is to determine, if there is some “tipping point” at which a given design would rapidly become less stable, and to evaluate what would be the consequences of crossing such a threshold. This type of analysis would make the property owner aware of the limitations, if any, of the initial project design early in the planning process. Depending upon the design life of the development, the economic and technical feasibility of incorporating more protective features, and levels of risk acceptance, the project proponent could propose, or the permitting agency may require, that greater flexibility be provided in the design and siting of the development, or other mitigation be identified, to accommodate the higher rates of sea level rise.

The sensitivity analysis approach would allow accelerated rates of sea level rise to be considered in the analysis of projects. Such evaluations provide some flexibility with regard to the uncertainty concerning sea level rise, providing an approach to analyze project in the face of uncertainty that would not involve the imposition of mandatory design standards based upon future sea level elevations that may not actually be realized. Given the nonobligatory and

adaptive nature of this approach to hazards avoidance and minimization, as necessitated by such scientific uncertainty, it will remain important to include new information on sea level trends and climate change as iterative data is developed and vetted by the scientific community. Accordingly, any adopted design or siting standards that may be applied to development projects should be re-examined periodically to ensure the standard is consistent with current estimates in the literature before being reapplied to a subsequent project.

Regardless of its particular rate, over time elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion. Accordingly, rising sea level needs to be considered to assure that full consistency with Section 30253 can be attained in the review and approval of new development in shoreline areas.

The LUP as proposed to be amended contains no provisions for the consideration of sea level rise in the review of new development at shoreline proximate localities where instability and exposure to flooding risks could be intensified at higher ocean surface elevations. Without such provisions, the LUP as proposed for amendment would be inconsistent with the policies of Chapter 3 of the Coastal Act, specifically Section 30253 and must be denied. The Commission thus includes within Suggested Modification No. 8, new policy 7.A.3. to ensure that, to the greatest degree feasible given current scientific uncertainties relating to the variable projected rates of sea level rise, new projects in the City's coastal zone area will minimize risks to life and property in areas of high geologic and flooding hazard and not create or contribute to geologic-related instability or destruction by requiring that the effects of sea level rise be quantitatively considered in geologic and other engineering technical evaluations of new development.

If modified as suggested above, the proposed amendment could be found consistent with Coastal Act policies concerning the avoidance and minimization of geologic and flooding hazards.

The Commission finds that as modified, the proposed LUP is consistent with Coastal Act Section 30253.

#### **E. In-water, Shoreline, and Wetlands Development**

##### **1. Relevant Coastal Act Chapter 3 Provisions**

###### ***Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients***

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

- (2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) *Restoration purposes.*
- (7) *Nature study, aquaculture, or similar resource dependent activities.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*
- (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study... if otherwise in accordance with this division...*
- (d) *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

**Section 30235 Construction altering natural shoreline**

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

**Section 30236 Water supply and flood control**

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

2. **Synopsis of Currently-Certified In-water, Shoreline, and Wetland Development LUP Provisions**

The *Diking, Dredging, Filling, and Shoreline Structures* chapter of the currently-certified LUP contains policies and standards for authorizing certain provisional developments in coastal waters, along shorelines, and within wetlands (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of this chapter is to establish guidance for the City’s development of a regulatory program with respect to providing for certain classes of crucially necessary and/or highly desirable development within environmentally sensitive or coastal localities while identifying measures for the protection of coastal resources therein consistent with Sections 30233, 30235, and 30236 of the Coastal Act. These provisions enumerate specific development types or situations where such uses or structures may be permitted within wetlands and specify design and siting requirements, including but not limited to, demonstration of no less environmentally damaging feasible alternative for wetlands development and the inclusion of all feasible or best mitigation measures.

3. **Summary of Proposed Amendments**

The portions of the proposed updated LUP addressing conditional development in aquatic-dominant environments primarily: (1) convert currently certified LUP prefacing discussions into firm policies; (2) add specific provisions identifying certain highly productive ESHAs where supplemental review of development is to be undertaken; and (3) enumerate specific mitigation priorities.

4. **Summary of, and Rationale for, Suggested Modifications to Proposed Updated In-water, Shoreline, and Wetland Development Policies**

Notwithstanding the clarifications and supplemental coverage being added as part of the LUP update, the proposed list of specific uses for which development in wetlands, estuaries, open coastal waters, and in rivers, lakes, and streams may be authorized omitted certain details necessary for consistency with Section 30233 of the Coastal Act. In addition, several proposed policies contain wording which is inconsistent with Coastal Act Sections 30233, 30235, or 30236 and must be revised or struck. As shown in Exhibit 10, these suggested modifications:

- List out the seven classes of uses involving the filling, dredging, or diking of coastal waters, wetlands, estuaries, and lakes which may be authorized pursuant to Section 30233 and the three classes of uses for which channelization, damming, or other substantial alterations of rivers and streams may be undertaken pursuant to Section 30236.
- Clarify the expressly permissible developments or uses allowed within different types of environmentally sensitive habitat areas.
- Limit the instances when shoreline protective devices may be authorized to those instances where such devices are necessary to protect existing structures and coastal dependent uses.
- Require the design and siting of new development in shoreline proximate localities in a manner that precludes the need for shoreline protective devices.

Thus, the Commission finds that, as submitted, the provisions within the updated LUP regarding permissible development or uses within coastal waters, wetlands, and estuaries, along shorelines, and within rivers, lakes, streams do not fully conform with the Coastal Act policies 30233, 30235, and 30236, and, unless appropriately revised as indicated in the portions of Suggested Modification Nos. 3, 7, and 8 addressing development in certain ESHAs and in areas exposed to coastal erosion and other hazards, must be denied. If modified as suggested, the Commission finds the subject updated provisions would be consistent with the Coastal Act policies regarding conditional in-water, shoreline, and wetland development.

**F. Location of New Development**

1. Relevant Coastal Act Chapter 3 Provisions

***Section 30250 Location; existing developed area***

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

*(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

*(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

**Section 30252 Maintenance and enhancement of public access**

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

2. **Synopsis of Currently-Certified New Development LUP Provisions**

The currently-certified LUP contains several policies and standards regulating new development with respect to: (a) siting development within areas with existing community services and public utility capacities; and (b) maximizing resource use efficiency by reducing vehicular transit dependency through establishing a compact development pattern, are located throughout the LUP's *Public Works*, and *Land Use* chapters. These provisions appear in such a dispersed pattern throughout the LUP because they are organized thematically around infrastructure development policies directed toward "growth and development," and "economic development" (see "Currently-Certified Policies" of Table One, Column 1 of Exhibit No. 6). The emphasis of the policies and standards is to establish guidance for the City's development regulatory program with respect to: (a) authorizing development only when adequate public service have been demonstrated so that service over-commitments do not occur; (b) setting limits on the timing of annexations; and (c) fostering a compact community form that emphasized automotive dependency, consistent with Sections 30250 and 30252 of the Coastal Act.

3. **Summary of Proposed Amendments**

The *Land Use and Community Development* and *Public Services and Facilities* sections of the proposed updated LUP address aspects of the conditional approval of new development and the related extension of public services, primarily in the context of the managing the location of the "urban services boundary," which represents the delimited geographic extent to which centralized public services, such as domestic water supply and wastewater treatment facilities, are provided to development sites. In addition, several of the provisions within the currently certified LUP are reiterated, addressing such subjects as reducing vehicle miles traveled through supporting compact, mixed-use development, and establishing priorities for the extension of services to serve highly desired development, such as harbor uses and visitor-serving facilities.



It is noted that one of the proposed policies stipulates that development may only be approved only after the adequacy of services, including water, wastewater, and road infrastructural capacities, have been demonstrated.

4. Summary of, and Rationale for, Suggested Modifications to Proposed Updated New Development Policies

The suggested modifications to the updated and new *Growth and Development* policies (also suggested to be renamed to *Planned Growth and New Development*) are primarily required to ensure that certain key provisions of the Coastal Act are addressed in the LUP, especially the requirements of Section 30250 and 30252. These suggested modifications entail:

- Reiterating the requirements of Coastal Act Section 30250 as newly appended Policy 7.A.1.
- Restating the requirements of Coastal Act Section 30252 as newly appended Policy 7.A.9.

As presently proposed, the growth and development provisions within *Land Use and Community Development* and *Public Services and Facilities* sections of the updated LUP must be denied as the provisions would not be consistent with the applicable policies of Chapter 3 of the Coastal Act, insofar as the overarching provisions of Sections 30250 and 30252 would not be included. However, as modified by Suggested Modification Nos. 3 and 4 to insert new Policies 1.A.1. and 1.A.2., and to modify the proposed wording of Policy 1.D.4. (renumbered as Policy 1.B.8.) and other Section 1 and 3 provisions to include coverage of these Coastal Act directives, the proposed updated LUP would be consistent with the Location of New Development policies of the Coastal Act.

**G. Coastal-Dependent and Other Priority Uses<sup>10</sup>**

1. Relevant Coastal Act Chapter 3 Provisions

**Section 30222.5 Oceanfront lands; aquaculture facilities; priority**

*Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

**Section 30234 Commercial fishing and recreational boating facilities**

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<sup>10</sup> The findings of this sub-section relate to functionally coastal-dependent and coastal-related priority uses such as port and harbor and/or other shoreline situated industrial, commercial fishing, aquaculture, and energy production, processing, and receiving facilities. Refer to findings sub-section A, above, for a discussion of Coastal Act consistency for priority visitor-serving facilities proposed in the LUP update amendment.

*Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

**Section 30234.5 Economic, commercial, and recreational importance of fishing**

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

**Section 30255 Priority of coastal-dependent developments**

*Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

**Section 30260 Location or expansion**

*Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.*

2. **Synopsis of Currently-Certified Coastal-Dependent/Priority LUP Provisions**

The *Industrial Development and Energy Facilities* and *Land Use and Community Development* chapters of the currently-certified LUP set forth policies and standards addressing certain classes of priority development recognized in the Coastal Act, including coastal-dependent and coastal-related commercial-industrial, aquaculture, commercial fishing, and harbor-related uses. In addition, reservation of sites for certain forms of heavy industrial and energy production, processing, and storage uses are identified (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The chapter establishes policies with respect to the protection, reservation, and development of sites for uses which require location on, or adjacent to, the sea to be able to function at all, are related and dependent upon a coastal-dependent development or use, or are otherwise identified as highly-valued priority uses for siting at shoreline proximate localities, consistent with Section 30222.5, 30234, 30234.5, 30255, and 30260. It is noted that

the currently-certified LUP and the proposed updated LCP contain only one policy relating to reservation, protection, or development of sites for oils and gas tanker facilities, refineries, bulk terminal storage, or energy production facilities addressed by Coastal Act Sections 30261 through 30264, as Crescent City has not historically been, or is not anticipated to become more than an incidental site for such uses.

3. Summary of Proposed Amendments

The *Land Use and Community Development* and *Public Services and Facilities* sections of the proposed updated LUP address the reservation, protection, and authorization of sites for development of a variety of coastal-dependent and coastal-related priority uses, primarily in the context of the provisions for land and water areas within the unincorporated portions of Crescent City Harbor. Chief among these proposals are significant changes to the Harbor Related land use plan category, wherein the diversity of permissible uses within such designated area would be significantly expanded to include numerous development types which would not necessarily be dependent upon a harbor dependent use as is currently restricted under the certified HR description. The proposed harbor-independent uses entail restaurants and cafes, marine curio manufacture and sales, hotels and motels, visitor related services including retail sales shops, museums, residential uses as a secondary use at a density not to exceed 15 units per acre (including condominiums), recreational facilities, and recreational vehicle parks. In addition, several policies within the currently certified LUP are brought forward in revised form setting hierarchies between these various highly valued uses, and among other more generic uses, for the reservation and extension of limited-capacity public services, such that development of the more essential priority uses are not precluded (see “Proposed Amended Policies” of Table One, Column 2 of Exhibit No. 6).

4. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Coastal-Dependent/Priority Policies

Notwithstanding the revised and new policies within the updated LUP that more fully articulate the priorities for coastal-dependent and coastal-related land uses and limits the allowable uses within the harbor land use designations, certain fundamental provisions of the Coastal Act relating to these priority uses are not addressed or understated in the LUP, especially with respect to the requirements of Sections 30255 and 30260. These suggested modifications entail:

- Reiteration of the requirements of Coastal Act Sections 30222.5, 30234, 30234.5, 30255, and 30260 as new Policies 1.K.1. through 1.K.6.
- Applying the requirements of Coastal Act Section 30260 within the revised wording of Policy 1.K.9. (renumbered as 1.D.8.), as relates to appropriate location of coastal dependent industrial and energy facilities.
- Including coastal dependent and coastal related modifiers to the list of recognized principal and conditional uses within the Harbor Dependent and Harbor Related land use designation descriptions, respectively.
- Striking several of the land uses proposed to be added to the Harbor Related land use category description which have no functional dependency upon harbor dependent uses.

With respect to the last set of suggested modifications, the currently certified LUP restricts uses in the Harbor Related (HR) land use designated areas to those, “Commercial and recreational activities that are dependent in some way upon a harbor location.” The currently certified Coastal Zone Harbor Related (CZ-HR) zoning district standards identify a very limited number of specific principal permitted uses such as “commercial fishing berths,” “fish processing plants,” and “boat building and repair,” with a list of potential conditionally permitted uses, ranked in descending priority as: (1) “energy facilities, provided that such facilities have proper protection devices to prevent crude oil, gas, petroleum or other hazardous substances from being spilled or from contaminating areas beyond the project site;” (2) “recreational facilities, including but not limited to, recreational vehicle parks and buildings necessary to that operation;” (3) “restaurants;” and (4) “museums, specifically those dealing with coastal activities.”

The proposed amended LCP would significantly expand the range of qualified permissible uses to include numerous other types of uses which would not be limited to those “dependent in some way on a harbor location,” but those which are ...”not dependent upon immediate access to the harbor but benefit from a harbor location.” Among the list of new, principally permitted uses that could be developed under the amended designation are “marine curio manufacture and sales,” “hotels and motels,” and “visitor related services including retail sales shops.” Consideration could also be given for conditionally permitting several new uses, including “residential uses as a secondary use at a density not to exceed 15 units per acre (including condominiums),” “recreational facilities,” and “recreational vehicle parks.”

Coastal Act Section 30255 directs that, “Coastal-dependent developments shall have priority over other developments on or near the shoreline... When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.” In addition, Sections 32221, 30222.5, 30223, 30224, 30234, and 30234.5 identify numerous priority uses for which oceanfront and/or shoreline adjacent sites and adjoining nearby areas should be prioritized for development thereupon, including, public and private recreational uses and development, aquaculture, coastal recreational upland support uses, and recreational boating dry storage areas. Notably absent from this listing are tourist oriented products manufacturing and sales, short-term/overnight accommodations, and permanent residences.

Suggested Modification No. 3 would reassert the limitations on development in the Harbor Related land use and zoning designations to those primarily involving “coastal related” uses as defined by the Coastal Act, namely those uses which are “...dependent upon a (use which requires a site on, or adjacent to, the sea in order to be able to function at all).” Visitor-serving facilities, residential development, and general retail commercial uses would be struck from the lists of principally and conditionally permitted uses in the plan and zone category descriptions.

Although concerns have been raised that these suggested modifications would unduly restrict the development of non-harbor related uses on the affected lands in a manner that would prevent the City from effectively redeveloping its harbor area into a vibrant mix of uses, including those

related to adjacent harbor dependent uses and other more visitor-serving and highway commercial oriented uses, no information has been developed as to what the future demand for harbor related sites may be assuming changed conditions in commercial fishing and marine shipping, particularly if those sectors experience a resurgence in activity, associated with recovered fisheries, reinvigorated maritime shipping activity, or new entrepreneurial harbor-based investment, such as boat-building and aquaculture. Therefore, as Coastal Act Section 30255 together with Sections 32221, 30222.5, 30223, 30224, 30234, and 30234.5 clearly direct that, given the subject area's harbor-proximate location, development therein must be limited the types of uses which relate to and support adjoining harbor-dependent uses, and the proposed additional mix of residential and general commercial uses must be excluded until such time that specific economic development studies have been prepared to identify the amount of land needed to meet future project port activity levels and, if an excess land base is found to exist, the most desirable sites that should be retained for harbor related development.

Thus, as currently proposed, the policies within the updated LUP regarding priority coastal-dependent and coastal-related uses omit key provisions of the Coastal Act regarding these development types. As such, the LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. However, the Commission finds that with the changes to the wording of certain proposed policies within the *Land Use and Community Development* and *Public Services and Facilities* sections of the updated LUP, as set forth in Suggested Modification Nos. 3 and 5, the amendments to the LUP regarding priority coastal-dependent and coastal-related uses can be found consistent with Sections 30222.5, 30234.5, and 30255.

## **H. Public Works Facilities and Services**

### **1. Relevant Coastal Act Chapter 3 Provisions**

#### **Section 30114 Public works**

*“Public works” means the following:*

*(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.*

*(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.*

*(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.*

(d) *All community college facilities.*

**Section 30254 Public works facilities**

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

**Section 30254.5 Terms or conditions on sewage treatment plant development; prohibition**

*Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.*

**Section 30412 State Water Resources Control Board & Regional Water Quality Control Boards**

(a) *In addition to Section 13142.5 of the Water Code, this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.*

(b) *The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

*Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.*

(c) *Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment*

*work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:*

*(1) The siting and visual appearance of treatment works within the coastal zone.*

*(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.*

*(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.*

*The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.*

*(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.*

*(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.*

## **2. Synopsis of Currently-Certified Public Works Facilities and Services LUP Provisions**

The *Public Works* chapter of the currently-certified LUP sets forth policies and standards for timely and appropriate extension, provision, and planned capacities of community services and utilities, including domestic water supply and wastewater treatment infrastructure (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of these provisions is to establish guidance for the City’s development regulatory program to safeguard coastal resources from inappropriate patterns or intensities of growth facilitated or induced by unplanned for and/or uncoordinated expansion of public works facilities, consistent with Section 30254, 30254.5, and 30412.

## **3. Summary of Proposed Amendments**

As previously discussed in part in the interrelated findings for the certification of, and suggested modifications to, the proposed *Location of New Development* policies in sub-section F, above, the *Public Services and Facilities* and *Transportation and Circulation* sections of the updated LUP set forth numerous policies addressing the reservation for, and the extension and provision of, public services, including water supply, wastewater treatment, and road infrastructure, to support new development in specified locations. These LUP sections also contain policies

directed more at the public works facilities and infrastructure themselves, particularly as relates to limitations on such public works to capacities needed to serve anticipated planned-for growth such that growth inducement does not result from prematurely “over-building” the facilities.

4. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Public Works Facilities and Services Policies

Although the updated LUP addresses the need to conserve and limit extensions of public services and development of related infrastructure in cases of limited capacity or to areas beyond established service boundaries, the policies are largely silent with respect to the requirements of the Coastal Act to actively limit the capacity of public works facilities to that needed only to serve foreseeable planned development and the specific preemptions regarding certain forms of regulation of publicly owned wastewater treatment works, as set forth in Sections 30254, 30254.5, and 30412. To address these omissions, the Commission attaches the following suggested modifications:

- Appending a new Policy 4.A.1., addressing limitations on the capacities of regulated public utility facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 4.B.1., addressing limitations on the capacities of water supply and delivery public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 4.C.1., addressing limitations on the capacities of wastewater collection, treatment, and disposal public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.
- Appending a new Policy 4.D.1., addressing limitations on the capacities of stormwater and drainage collection, treatment, and conveyance public works facilities to serve development or uses planned for and permitted consistent with the provisions of the Coastal Land Use Plan.

As currently proposed, the policies within the updated LUP regarding public works services and facilities omit key provisions of the Coastal Act regarding these infrastructural types. As such, the LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. However, the Commission finds that with the changes to the wording of certain proposed policies within the *Public Services and Facilities* sections of the updated LUP, as set forth in Suggested Modification Nos. 8 and 9, the amendments to the LUP regarding public works facilities and services can be found consistent with Sections 30254, 30254.5, and 30412.

**I. Visual Resources**

1. Relevant Coastal Act Chapter 3 Provisions

*Section 30251 Scenic and visual qualities*



*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

2. Synopsis of Currently-Certified Visual Resources LUP Provisions

The *Recreational and Cultural Resources* chapter of the currently-certified LUP contains policies and standards for assuring that coastal visual resources are considered and protected in the authorization of new development (see “Currently-Certified Policies” of Table One, Column 1 of Exhibit No. 6). The emphasis of this chapter is to establish guidance for the City’s development regulatory program with respect to reviewing development as to its potential to obstruct views to and along the ocean and scenic areas, minimize landform alteration, and ensure visual compatibility with the character of the surrounding area, consistent with Section 30251 of the Coastal Act.

3. Summary of Proposed Amendments

The *Coastal Visual Resources* sub-section of the proposed updated LUP’s *Recreational and Cultural Resources* chapter addresses the protection of visual resources in the review of development. All four of the policies within the currently certified LUP are brought forward either verbatim or in revised form setting requirements for ensuring that visual resources are protected by siting and designing new development to avoid obstruction of views to and along the coast and scenic areas, significant alterations of landforms, or improvements disharmonious with the surrounding visual character (see “Proposed Amended Policies” of Table One, Column 2 of Exhibit No. 6). In addition, several new policies are proposed addressing restrictions on exterior lighting or outdoor advertising and signage aimed toward avoiding potential direct and cumulative impacts these improvements could have on visual resources in terms of light and glare, view obstruction, and area visual character.

4. Summary of, and Rationale for, Suggested Modifications to Proposed Updated Visual Resources Policies

As currently proposed, the policies within the *Recreational and Cultural Resources* section of the updated LUP, while setting detailed measures regarding the protection of visual resources, omit inclusion of some of the basic provisions within Coastal Act Section 30251, particularly as regards the mandate that visual resources be considered in the review and approval of new development. As such, since only an indirect inference can be drawn to such a requirement from the retained, revised and newly proposed policies, the LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. However, the Commission finds that

with certain revisions to the wording of the revised and new policies as set forth in Suggested Modification No. 6, the amendments to the LUP regarding the protection of visual resources can be found consistent with Section 30251.

**SM-9. *Appendix 1: Policy Document Glossary***

a. Synopsis of Currently-Certified Definitions

The currently-certified LUP contains no overall definitions chapter or appendix. However, certain definitions for selected terminology used in the LUP appear within the prefacing sections of each chapter.

b. Summary of Proposed Amendments

The proposed *Policy Document Glossary* appendix explains the meanings of the vocabulary of the LUP with the intent of facilitating its comprehension. Several of these terms are familiar in common usage, but have statutorially based, specific meanings which, within the context of determining the breadth and applicability of the LUP's policies and standards, warrant precise parsing. Other terms are technical in nature, for which their explanation is helpful to lay readers.

c. Summary of Suggested Modification No. 10: (Definitions)

Suggested Modification No. 9 proposes that several new terms be included in the definitions appendix. The inclusion of these additional definitions is being recommended to:

- Assure that the usage of certain statutorially defined Coastal Act terms are consistently defined in the LUP (i.e., “environmentally sensitive habitat area,” “wetland”).
- Introduce heretofore undefined new terminology relating to new policy initiatives (i.e., “maximum extent practicable”).

d. Discussion of Bases for Suggested Modifications

The *Policy Document Glossary* appendix to the LUP either omits, understates, or paraphrases certain key terms which, if applied as written in the interpretation and administration of the LUP's policies and standards, could result in actions being taken by the City inconsistent with the requirements of the Coastal Act regarding the protection of environmentally sensitive habitat areas, wetlands, water quality, and its programmatic requirements regarding the permitting of coastal development. Thus, to ensure that the policies of the LUP are applied consistent with Coastal Act Sections 30230, 30231, 30233, 30240, and the development controls provisions of Chapter 7, the Commission recommends the appending of several new terms within the Definitions appendix as set forth in Suggested Modification No. 9.

**SM-10: *LUP Maps***

a. Synopsis of Currently-Certified LUP Maps

The City of Crescent City's land use plan diagram consists of a large format 1:6,000 "Land Use" map indicating the general location and extent of the various land use designations, together with a delineation of the coastal zone and City's municipal boundaries. The spatial arrangement of these land use designations and the service boundary were reviewed for consistency with the text policies of the LUP and the Coastal Act and initially certified in 1983. As shown on Table IV-1, the land use plan maps have only been amended four times, in 1988 (Messel/Shah), 1990 (Hartwick/Peterson), 2000 (*Redwood Oceanfront Resort*) and in 2009 (*Coasta Norte*).

b. Summary of Proposed Map Amendments

The City proposes to replace the current LUP mapping with a land use map of 1:12,000 scale (see Exhibit No. 14). In addition, the City indicates that for day-to-day administration of its planning and zoning programs, scalable Geographic Information Systems (GIS) based mapping will be utilized in the preparation of graphic exhibits for public notices, staff reports, and public presentations.

The City is also proposing to change the land use designations over much of the area within the coastal zone. Many of these designation amendments are related to the changes in the land use category names (e.g., "Residential" becoming "Single Family"), while others are more extensive in their scope. Issues associated with those properties being redesignated in name only are addressed in the suggested revisions to the recognized permissible uses and development standards to the LUP's *Land Use and Community Development* section, Suggested Modification No. 3. The land use changes raising site-specific substantial issues of Coastal Act conformance can generally be described as located in six areas by dominant land use character: (1) Pebble Beach Drive Beach Residential; (2) Oceanfront Commercial; (3) Battery Point Recreational; (4) Beach Front Park / Mouth of Elk Creek Parklands; (5) Inner Harbor; and (6) "Little Mo-Peepe" ADCs Former McNamara-Peepe Mill Site and Log Pond General Commercial (see Exhibit No. 3).

Pebble Beach Drive Beach Residential

The Pebble Beach Drive Beach Residential land use redesignation involves one parcel, APN 118-020-06, a roughly  $\frac{1}{3}$ -acre parcel situated along the western side of Pebble Beach Drive between West Seventh and Eight Streets in the vicinity of the Brother Jonathon Memorial (see Exhibit No. 3, page 2). This lot, comprised primarily of steep, vegetated bluff face situated between the intertidal reach and small, narrow, flat areas adjoining the street frontage, is proposed to be reclassified from Open Space to Residential 2-6 Dwelling Units per Acre (SF 2-6). Although not discussed within the City's LCP amendment submittal, the land use reclassification is apparently being undertaken to resolve an inconsistency with the site's zoning designation, Coastal Zone Single Family (CZ-SF).

Oceanfront Commercial

The Oceanfront Commercial land use redesignation involves numerous changes to the area along the City's open ocean shoreline on A Street between West Third and the base of the B Street Pier (see Exhibit No. 3, page 3). These modifications entail:

- Changing the currently certified “Multiple Family” designation on the 1¼-acre *Coastal Norte Condominiums* (APN 118-020-34) site to “Visitor Local Commercial (CZVLC)”
- Changing the currently certified “Commercial” designation on the 1¾-acre *Redwood Oceanfront Resort* (Hampton Inns) site (APN 118-020-35) to “Visitor Local Commercial (CZVLC)”
- Changing the currently certified “Medical Related” designation over the seven-parcel, 1.85-acre area between A and B Streets from Front Street south to the northern half block of Battery Street (APNs 118-030-09 and -22 through -27) to “Visitor Local Commercial (CZVLC)”
- Changing the currently certified “Public Facility” designation over the five parcels between B, C, and Battery Streets west of Beach Front Park (APNs 118-030-12 through -16) to “Visitor Local Commercial (CZVLC)”

Battery Point Recreational

The Battery Point Park Recreational area land use redesignations (see Exhibit No. 3, page 4) entail:

- Changing the currently certified “Harbor Related” and “Open Space” designations over the southern half block of Battery Street between B and C Streets occupied by the Crescent City Regional Wastewater Treatment Plant (portion APN 118-030-11) to “Public facility (CZPF)”
- Changing the currently certified “Harbor Related” designation over the western side of B Street adjoining the Battery Point Lighthouse parking lot (portion APN 118-030-11) to “Open Space (CZOS)”
- Changing the currently certified “Open Space” designation over the area south of the northerly bend in Howe Drive to “Harbor Related (CZHR)”
- Changing the currently certified “Harbor Related” designation over intertidal waters between the outer harbor breakwater and the B Street Pier to “Open Space (CZOS)”

Beach Front Park / Mouth of Elk Creek Parklands

The Beach Front Park / Mouth of Elk Creek land use redesignations (see Exhibit No. 3, page 5) entail:

- Changing the currently certified “Open Space” designation over the site of the Crescent City Chamber of Commerce / Visitors Bureau building within Beach Front Park (portion APN 118-020-31) to Public Facility (CZPF)”
- Changing the currently undesignated intertidal waters within the Elk Creek estuary to “Open Space (CZOS)”

Inner Harbor

The Inner Harbor land use redesignations (see Exhibit No. 3, page 6) entail:

- Changing the current “Harbor Related” designation of the Shoreline RV Park and Campground to “Visitor Local Commercial (CZVLC)”
- Changing the current “Harbor Related” designation over the perimeter around the Shoreline RV Park and Campground to “Open Space (CZOS)”
- Changing the current “Harbor Related” designation over the 2.21-acre site of the former Pacific Choice Seafoods packing/ice plant (APN 118-380-22) to “Visitor Local Commercial (CZVLC)”
- Changing the current “Commercial” designation over the 2.21-acre site of the former Pacific Choice Seafoods packing/ice plant (APN 118-380-22) to “Visitor Local Commercial (CZVLC)”
- Changing the current “Commercial” designation over the 4.2-acre, seven parcel area along Highway 101 flanking the fish packing/ice plant Circle (APNs 118-380-14, -20, -23, -29, -30, -33, -34, & -36) to “Visitor Local Commercial (CZVLC)”

“Little Mo-Peepe” ADCs Former McNamara-Peepe Mill Site and Log Pond General Commercial

The “Little Mo-Peepe” ADCs Former McNamara-Peepe Mill Site and Log Pond General Commercial land use plan redesignations (see Exhibit No. 3, page 7) entails applying a “General Commercial (CZCG)” land use designation to the uncertified portions of this former forest products processing facility along the eastern boundary of the City. The designation would be applied over the whole of the approximately three-acre area, including both open water submerged/ emergent wetlands and adjoining riparian vegetation ESHAs as well as the transitional forest covered and razed paved and gravel surfaced portions of the milling facilities.

c. Discussion of Bases for Suggested Modifications:

The Commission finds that portions of all six of the redesignation sites are not consistent with the Coastal Act for a variety of reasons as discussed further below, and the redesignations must be modified to be found consistent with the Chapter 3 policies.

*Pebble Beach Drive Beach Residential:* As mentioned above, the Pebble Beach Drive Beach Residential redesignation entails changing the land use plan designation from Open Space to Residential Two to Six Dwelling Units per Acre (RS (2-6)), ostensibly to provide a consistent match to the parcel’s Residential Single Family Beach (CZ-R1B) zoning designation (proposed to be renamed to “Residential Low Density Beach District”). No additional information was provided as to the impetus for this change. The Commission finds that, given the site-specific conditions at the property, particularly its small size and steep, inarguably unstable bluff face

topography situated immediately adjacent to the open ocean, in the absence of additional information substantiating how development could be undertaken without: (a) significant exposure of persons and property to geologic instability and flooding hazards; (b) potential impacts to environmentally sensitive habitat along the bluff face and intertidal reached below the site; (c) the need for wetland fill in the intertidal area for residential use which is not one of the allowable uses for wetland fill under Section 30233; and (d) visual impacts to views to and along the shoreline and to the character of the surrounding area for major landform alteration and the construction of structures between public accessible vantage points and a substantially scenic coastline vista, conformance with Coastal Act Sections 30253, 30240, and 30251, respectively cannot be established. Accordingly, the proposed change in land use plan designation is inconsistent with the policies of Chapter 3 of the Coastal Act and must be denied. Consequently, Suggested Modification No. 10 includes the recommendation that the parcel's change from Open Space to CZ-R1B be denied and the Open Space land use designation be retained over the site.

*Oceanfront Commercial:* The Oceanfront Commercial Area is located along or in the vicinity of the City's western open ocean front between Hall's Bluff to the north and the Battery Point Lighthouse. The City is proposing a variety of land use category changes in this area, chief among these is the establishment of a new "Visitor Local Commercial (VLC)" land use designation (suggested to be substantially revised to "Visitor Serving Commercial (VSC)" under Suggested Modification No. 3) to replace the various Multiple Family," "Commercial," "Medical Related" designations in the currently certified LUP. Other redesignations involve designation of the block between "B" Street and unopened "C" Street, Front Street to Battery Street from "Public Facility" to "Visitor Local Commercial (CZVLC)." Since developing this proposal, the City has moved forward on conducting upgrades to its regional wastewater treatment plant, including the construction of water quality sampling laboratory on the site proposed for redesignation to VLC. While such facilities would be recognized under the proposed General Commercial (CZ-C2) zoning district designation, "public facilities" such as the water quality laboratory would be relegated to a conditional permitted use under the new VLC designations. Accordingly, to ensure that adequate area is available to continuing and possibly expanding the laboratory as might be needed as some future time, Suggested Modification No. 10 includes a provision that the southern half block area between Front, Battery, "B" and "C" Streets be retained in a "Public Facility (CZPF) land use designation.

*"Little Mo-Peepe" ADCs Former McNamara-Peepe Mill Site and Log Pond General Commercial:* The three-acre portion of the currently razed former mill site is situated along the western side of the City. The City has proposed that the uncertified area be reclassified to a "General Commercial (CZCG)" designation allowing for development of a variety of retail commercial and light industrial uses consistent with the designation for the adjoining non-coastal zone areas to the west.

Based upon a review of the U.S. Fish and Wildlife Service National Wetland Inventory's mapping, aerial photography of the area, and site visits conducted by Commission staff, the portions of the former McNamara-Peepe Mill Site within and along the easterly approximately 100 feet of this roughly 200-foot-deep area clearly comprise wetlands and riparian vegetation ESHAs. The remaining 100-foot westerly area is covered with transitional tree cover, with only small portions of the former razed mill site constituting cleared gravel filled or paved areas.

These areas functionally serve as non-development buffer areas for protecting the adjoining ESHAs to the east from the impacts of adjacent development. Therefore, the Commission finds that designation of the site as “General Commercial (CZGC)” would facilitate development of the site inconsistent with Coastal Act Section 30240 and the designation must be denied. Consequently, Suggested Modification No. 10 includes a recommendation that the three-acre portion comprising the former McNamara-Peepe Mill Site Log Pond ADC be designated with a Natural Resources land use designation to ensure that environmentally sensitive habitats and their necessary buffer area will not be developed with non-resource dependent or degrading uses that would adversely affect the ESHA resources of the site.

**SUGGESTED MODIFICATION – 11: *Reorganization***

a. Synopsis of Currently-Certified LUP Structure

The currently certified LUP provides general goals and policies governing development throughout those portions of the city within the coastal zone. The plan document follows a structure set out in the State’s *Local Coastal Program Manual*, and is based on “policy groups” drawn from the California Coastal Act (e.g., “Public Access,” Marine and Water Resources,” Visual Resources”). The plan contains ten policy group chapters and chapter-end appendices providing salient inventory tables, maps, or technical report entries associated with the foregoing policy text. In addition, the currently-certified LUP sets forth policies unique to five planning sub-areas and two biological resource special study areas.

b. Summary of Proposed LUP Structure

The proposed LCP update involves an entirely new Land Use Plan format. The document is structured in two parts, with the first part entailing an introductory discussion of the General Plan process and the organization and contents of the General Plan. This introduction chapter is followed by the second part of the document, commencing with a preface containing an explanation of the differences between “goals,” “policies,” and “programs,” and the symbology used to distinguish policies intended for application in the coastal zone, those intended solely for non-coastal portions of the City, and City-wide provisions not intended for the governance of coastal development permit authorizations. This preface is followed by a series of plan element “sections,” which include: (1) *Land Use and Community Development*; (2) *Housing*;<sup>11</sup> (3) *Transportation and Circulation*; (4) *Public Facilities and Services*; (5) *Recreational and Cultural Resources*; (6) *Natural Resources / Conservation*; and (7) *Health and Safety*. The LUP also includes a Glossary appendix.



c. Summary of, and Rationale for, Suggested Modification No. 12 (LUP Organization):



Suggested Modification No. 12 recommends that the proposed updated LUP be significantly reorganized as follows:



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<sup>11</sup> The Housing Element is not proposed to be a part of this LCP update.

**CITY OF CRESCENT CITY LCP AMENDMENT NO. CRC-MAJ-1-03 (LCP UPDATE)**  
**PAGE 88**

- Delete all “wave” () and “City Seal” () symbols from all Elements of the Coastal Land Use Plan.
- Number all policies and table entries in appropriate sequential order and correct all policy cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.
- List all policies that constitute the LCP in subsection 1 of the Coastal Land Use Plan Policy Document section of Part I – General Plan Summary chapter of the LUP following the numbering corrections as required by the preceding revision.
- Revise all descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added or revised through suggested modifications.
- Change all references to “General Plan” to “Coastal Land Use Plan” throughout the LUP and the Coastal Zoning and Coastal Subdivision titles.
- Publish the updated Coastal Land Use Plan incorporating all of the above suggested modifications under separate cover from that of the updated non-coastal Crescent City General Plan.

The thrust of these suggested changes, as well as to those recommended for the IP as described in Suggested Modification No. 31, is to reformat the LUP into an internally consistent document that can be administered independently of the City’s other general plan and land use regulatory provisions. As noted in the discussion within Section I of the Staff Recommendation Summary, the amendments to the General Plan (LUP) were submitted by the City for certification in a combined document format that would apply to both inland and coastal portions of the City. Certain policies throughout the General Plan elements or sections with a “wave” symbol () intended to distinguish those policies meant to apply solely in the coastal zone. In addition, as submitted, the General Plan contains policies applying in both the coastal zone and throughout the inland portions of the City as well, designated with “wave” and “crest” symbols ()

Following several discussions between Commission staff and City staff during the course of review of the LCP Amendment, tentative agreement was reached that developing a separate coastal general plan element (to be referred to as the “Coastal Land Use Plan”) to apply specifically to the geographic portion of the City located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The City would continue to apply the existing General Plan and the other portions of its Municipal Code to the geographic areas of the City that are outside the coastal zone. Given this decision to maintain separate General Plans and Land Use and Development Codes for portions of the City inside and outside of the coastal zone, Commission staff and City staff agreed to do away with the  symbols, and reorganized the coastal zone-specific of the updated General Plan into a separate document. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies contained within the Coastal Land Use Plan (LUP) and not just those denoted with a  symbol.



Moreover, separate coastal and non-coastal plan and development regulation titles would allow the City to amend portions of their code pertaining to inland development outside of the coastal zone without first seeking certification of the amendment as would be necessitated under a City-wide regulatory format.

Furthermore, there are some policies in the General Plan relating to the regulation of other aspects of land use and development not directly associated with coastal resources that are not intended as part of the LCP for consistency with the Coastal Act. These include the noise and emergency preparedness provisions of the Safety and Noise section, policies regarding federal park lands and integrated, inter-agency planning within the Land Use and Community Development section, provisions relating to the operation of various City functions, such as the courts, schools, libraries, and public safety agencies in the Public Facilities and Services section, and procedures for transportation management in the *Transportation and Circulation* section. Such policies do not govern the review and approval of coastal development permits, but remain in the documents because they constitute standards that apply to other required City approvals and processes, and their inclusion provide context, and in some cases inform the user of requirements other than coastal development permits, that may apply to land use decisions within the City. Commission staff and City staff worked together to identify these policy areas that are not intended to be part of the certified LCP. These policies are not intended to be part of the certified LCP and will be relocated to the “Other Initiatives” sub-section of the chapter under Suggested Modification No. 11, alongside other provisions not intended for governing the issuance of coastal development permits.

The Commission finds that the benefits of more clear and accurate administration of the policies and standards of the LUP that could be attained through formatting and publishing the land use plan as a discrete document separate from the inland general plan provisions. Accordingly, the Commission recommends Suggested Modification No. 11 in the interest of bringing the document into overall consistency with the policies of the Coastal Act from the perspective of increasing its ease of use and efficiency of administration.

**PART SEVEN: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the LCP or LCPA does conform with the provisions of CEQA including the requirement in CEQA section 21080.5(d)(2)(A) that the LCPA will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)).

The City of Crescent City's LCPA consists of a Land Use Plan amendment and an Implementation Plan Amendment. The Land Use Plan amendment as originally submitted raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Commission, therefore, has suggested modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

Further, the Commission finds that approval of the Implementation Program Amendment with the incorporation of the suggested modifications to implement the Land Use Plan would not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Therefore, the Commission finds that approval of the LCP amendment conforms to the applicable provisions of CEQA as there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

CRC-MAJ-1-03 (LCP UPDATE)

EXHIBIT NO. 1

PROPOSED AMENDED LAND USE PLAN (LUP) WITH SUGGESTED MODIFICATIONS



# CITY OF CRESCENT CITY GENERAL PLAN

## *LOCAL COASTAL PLAN EXTRACT POLICY DOCUMENT*

*Prepared by*

**J. LAURENCE MINTIER & ASSOCIATES  
JONES & STOKES ASSOCIATES  
STEPHEN LOWENS, P.E.  
CRESCENT CITY PLANNING DEPARTMENT**

**May 21, 2001**

<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO. CRC-MAJ-1-03 - CRESCENT CITY LCP AMENDMENT PROPOSED AMENDED GENERAL PLAN (LUP) WITH SUGGESTED MODIFICATIONS</b>

**CRESCENT CITY  
GENERAL PLAN ~~UPDATE~~**

***LOCAL COASTAL ~~PLAN EXTRACT~~ PROGRAM*  
*LAND USE PLAN POLICY DOCUMENT***

*Prepared by*

**J. LAURENCE MINTIER & ASSOCIATES  
JONES & STOKES ASSOCIATES  
STEPHEN LOWENS, P.E.  
CRESCENT CITY PLANNING DEPARTMENT**

**May 21, 2001**

INTRODUCTION



The Coastal Land Use Plan establishes policies for all land within the Coastal Zone portions of the City of Crescent City. Approximately one-tenth of the City of Crescent City is located within the Coastal Zone, including all of the lands lying within one block of the Pacific Ocean along Pebble Beach Drive, Taylor Street, Wendell Street, and “A” Street north of Front Street, areas between Front Street and the Crescent City Harbor, the lands on the west side of Highway 101 from Elk Creek to King Street, and Blocks 14, 15, 16, 17, 21, 30, and 31 of the Walton Dock Subdivision, as described in Coastal Act Section 30152 and generally depicted on the Land Use Plan Maps. The City administers a separate General Plan and various titles of the Municipal Code that govern development outside of the Coastal Zone.

This ~~General~~ Coastal Land Use Plan formalizes a long-term vision for the physical evolution of the portions of Crescent City within the California Coastal Zone and outlines policies, standards, and programs to guide day-to-day decisions concerning Crescent City’s development. Designed to meet State general plan and coastal planning requirements, the ~~General~~ Coastal Land Use Plan consists of two documents: this ~~General~~ Coastal Land Use *Plan Policy Document* and a *General Plan Background Report*. This *Policy Document* is divided into two parts. Part I is the ~~General~~ Coastal Land Use Plan Introduction and Summary, which provides background about the ~~General~~ Coastal Land Use Plan, describes Crescent City’s land use history, and reviews the plan’s major themes and proposals. This section is a summary only, and does not set official policy. The lengthier and more detailed Part II presents Crescent City’s formal ~~General~~ Coastal Land Use Plan policy statements in the form of goals, policies, standards, implementation programs, and quantified objectives, expressed in both text and diagrams.

**NATURE, CONTENT,  
AND PURPOSE OF THE  
GENERAL PLAN**

A general plan is a legal document that serves as a community's "blue print" or "constitution" for land use and development. State law requires that every city and county in California adopt a general plan that is comprehensive and long-term. The plans must outline proposals for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning (California Government Code Section 65300 et seq.).

General plans must be comprehensive both in their geographic coverage and in the range of subjects they cover. In the case of the Crescent City General Plan, the geographic coverage is the city's Planning Area, which encompasses incorporated territory and unincorporated territory that may directly or indirectly affect the city's future development.

General plans must be long-term in perspective. General plan time horizons vary, but typically range anywhere from 15 to 25 years into the future. In the case of the Crescent City General Plan Update, the City has established the time horizon as the year 2020.



Every general plan in California must address seven topics or "elements." The importance of each of the seven required topics will, of course, vary from community to community. Following are brief descriptions of what State law requires be addressed in each of the seven elements.



1. The Land Use Element designates the general distribution and intensity of all uses of the land in the community. This includes residential uses, commercial uses, industrial uses, public facilities, and open space, among others.
2. The Circulation Element identifies the general location and extent of existing and proposed major transportation facilities, including major roadways, rail and transit, and airports.
3. The Housing Element is a comprehensive assessment



of current and projected housing needs for all segments of the community and all economic groups that also embodies policies and programs for providing adequate housing.

4. The Conservation Element addresses the conservation; development; and use of natural resources including water, forests, soils, rivers, and mineral deposits.
5. Overlapping the conservation element, the Open Space Element details plans and measures for preserving open space for: protection of natural resources—such as wildlife habitat; the managed production of resources—such as agricultural and timber land; outdoor recreation—such as parks, trails, and scenic vistas; and public health and safety—such as areas subject to geologic hazards, tsunamis, flooding, and fires.
6. The Noise Element identifies and appraises noise problems and includes policies to protect the community from excessive noise.
7. The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

The general plan may also address other topics that the community feels are relevant to its development, such as scenic resources, historic preservation, and urban design.

For each locally-relevant mandated issue or optional issue addressed, the general plan must do the following:

- Describe the nature and significance of the issue in the community (Background Information)
- Set-out policy in text and maps for how the jurisdiction will respond to the issue (Policy)
- Outline specific programs for implementing policies (Implementation Programs)

The format and structure of the general plan is left to local discretion, but regardless of the format or issues addressed, all substantive parts of the plan must be consistent with one

another (i.e., internally consistent). For instance, the policies in the land use element must be consistent with those of the housing element and vice versa.

The California Coastal Act (Public Resources Code Section 30000 *et seq.*) requires each local government lying, in whole or in part, within the coastal zone to prepare a “local coastal program” for that portion of the coastal zone within its jurisdiction. Local Coastal Programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources. The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a “land use plan” (LUP) and an “implementation plan” (IP) setting forth measures to implement the plan (such as zoning ordinances). Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

After an LCP has been certified by the Coastal Commission, coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments. The Coastal Commission retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands, and the Commission also acts on appeals from certain local government coastal permit decisions. The Commission reviews and approves any amendments to previously certified Local Coastal Programs and previously approved coastal development permits.



The “land use plan” portion of an LCP is defined by Section 30108.5 of the California Coastal Act as “...the relevant portion of a local government's general plan, or local coastal element which is sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.” Unlike the seven thematic elements that a general plan must minimally comprise in one layout or another, there are no specific format requirements for land use plans provided they substantively address all of the coastal resource policies set forth in Chapter 3 of the Coastal Act (i.e, coastal access and recreation, protection of marine and land resources, hazards avoidance and risk minimization, visual resources, etc.)

The development regulations and other measures carrying out the policies of the Coastal Land Use Plan are referred to as the “Implementation Actions” or “Implementation Plan.” Coastal Act Section 30108.4 defines “implementation actions” as “...the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the [Coastal Act.]”

## PURPOSES OF THIS GENERAL PLAN

Updating Crescent City’s ~~General~~ Coastal Land Use Plan will serve several important purposes related to the way the City plans and how the community participates in the planning process. These purposes include the following:



- Establishing within City government the capacity to analyze local and regional conditions and needs in order to respond effectively to the problems and opportunities facing the Crescent City community;
- Identifying of Crescent City’s environmental, social, and economic goals;
- Recording the City government's policies and standards for the maintenance and improvement of existing development and the location and characteristics of future development;

- Providing Crescent City's citizens with information about their community and with opportunities to participate in the local planning and decision-making process;
- Improving the coordination of community development and environmental protection activities among the City, Del Norte County, and other regional, State, and Federal agencies; and
- Establishing a basis for subsequent planning efforts, such as preparation of specific plans, redevelopment plans, and special studies, to deal with unique problems or areas in the community.

**IMPLEMENTING THE  
GENERAL PLAN**

Carrying out the plan following its adoption requires a number of individual actions and outgoing programs involving virtually every City department, special district (i.e., Harbor District), non-profit organization, and many other public agencies and private organizations. The legal authority for these various actions and programs derive from two essential powers of local government: corporate and police powers. Using their "corporate power," local governments collect money through bonds, fees, assessments, and taxes, and spend it to provide services and facilities such as police and fire protection, streets, water systems, sewage disposal facilities, drainage facilities, and parks. Using their "police power," local governments regulate the use of private property through zoning, subdivision, and building regulations in order "to promote the health, safety, and welfare of the public." The general plan provides the formal framework for the exercise of these powers by local officials.

To ensure that the policies and proposals of the general plan are systematically implemented, State law since the early 1970s has increasingly insisted that the actions and decisions of local government concerning both its own projects and the private projects it approves are consistent with its adopted general plan. The courts have supported and furthered this trend through their interpretations of State law. Zoning must be consistent with the general plan. Local government approval of subdivisions must be consistent with the general plan. Local public works projects must be consistent with the

general plan. The same is true for development agreements, coastal zoning, redevelopment plans, specific plans, and many other plans and actions of cities and counties.

The policies of the Coastal Land Use Plan are administered primarily through the application of limitations upon and qualifications for development as set forth in the Crescent City Municipal Code. Prior to this LCP update, the regulations were formatted in both coastal zone-specific and county-wide provisions (i.e., building and grading permits, surface mining, subdivisions) and located under numerous different titles of the code. Due to problems in the past with certain of these codes not being submitted to the Coastal Commission for certification, either purposefully (an amendment to a city-wide provision was intended only for inland, non-coastal application) or otherwise, this dispersed format has been modified. This updated LCP includes a consolidation and recodification of all policies regulating development within the coastal zone portion of the county into one titles: Title 17.

**REVISING AND  
AMENDING THE  
GENERAL PLAN**

The general plan is a long-term document with a planning horizon of 15 to 25 years. To achieve its purposes, the plan must be flexible enough to respond to changing conditions and at the same time specific enough to provide predictability and consistency in guiding day-to-day land use and development decisions. Over the years, conditions and community needs change and new opportunities arise; the plan needs to keep up with these changes and new opportunities. Every year the Planning Commission should review the plan's implementation programs to assess the City's progress in carrying out the plan. Every five to ten years, the plan should be thoroughly reviewed and updated as necessary. From time to time, the City will be asked to consider proposals for specific amendments to the plan. The City will initiate some of these proposals itself, but most will be initiated by private property owners and developers. Most general plan amendments involve changes in land use designations for individual parcels.

State law Coastal Act section 30514(b) limits ~~general plan~~ local coastal program amendments to ~~four~~ three times per

year, but each amendment can include multiple changes. Like the adoption of the general plan itself, general amendments are subject to environmental review, public notice, and hearing requirements and must not create inconsistencies with other parts of the plan.

## **REGIONAL SETTING AND PLANNING AREA**



Crescent City is the northernmost incorporated city on the California Coast. The city, which covers approximately 1.4 square miles or 900 acres, is bounded by the ocean, broad beaches, coastal bluffs, the Crescent City Harbor, scattered forests, and rural residences. Crescent City is the most urbanized part of the Del Norte County and is the county's only incorporated city. Another incorporated portion of Crescent City is the Pelican Bay State Prison.

Figure 1 shows the city's location within the state and region. By law, the General Plan must cover all territory within the boundaries of the city as well as "any land outside its boundaries which, in the planning agency's judgment, bears relation to its planning." (Government Code Section 65300). ~~For purposes of the Crescent City General Plan, the Planning Area has been defined on the north by an east-west line coinciding with Blackwell Road and includes the area within the urban boundary north of Blackwell Road. The eastern boundary follows south along Elk Valley Road and then follows the Federal and State lands on the east (see Figure 2). Figure 2 shows the portion of the City situated within the California Coastal Zone.~~

## **CRESCENT CITY'S HISTORY**

Crescent City has experienced several changes through the years that have substantially affected the nature of planning in the city. The following paragraphs establish the historical framework for Crescent City's current economy and land use development.

**NATIVE AMERICAN  
SETTLEMENT**



Prior to the arrival of European settlers, two cultural groups occupied what is now Del Norte County: the Tolowa and the Yurok. Tolowa territory covered the northern part of the county, and Yurok the southern part. Although the Tolowa are not a federally recognized tribe, today they are among the residents of the Smith River Rancheria, located near the mouth of the Smith River.

**TRANSPORTATION AND  
EUROPEAN SETTLEMENT**



The first Europeans to see Del Norte County were most likely Spanish who had arrived by ship in the 17th and 18th centuries. The first American to explore the country overland was Jedediah Strong Smith, for whom the Smith River is named. In 1828, Smith and his party of trappers traded with Native Americans, came upon Lake Earl, and camped at Crescent City.



During the 1840s and 1850s, there were a number of sea explorations of Crescent Bay. The town of Crescent City was established in 1853 by J. F. Wendell, who was issued a land warrant for 230 acres.

The first “road” in Del Norte County, the Kelsey Trail from Crescent City to Yreka, was opened in 1855. In 1857, the Crescent City & Yreka Plank & Turnpike Company began construction on a road between Crescent City and Waldo, Oregon (Sailor’s Diggings); it was completed in 1860. The survey for the Klamath Road, from Crescent City to Eureka, began in 1887 and, in the summer of 1894, the road was completed. A narrow-gauge railroad was constructed from Crescent City to Smith River by the Hobbs-Wall company in 1890. In 1919, the first contract for the Redwood Highway was granted.

To facilitate the use of Crescent Bay as a harbor, the Battery Point Lighthouse was erected in 1856. It survived the 1964 tsunami and is currently open to the public.

Generally, the settlers in Crescent City and the rest of Del

Norte County were non-Native Americans from the east, although a fairly large influx of immigrants from China occurred between 1860 and 1880 (this population was virtually gone by 1900). Crescent City and Del Norte County have never been heavily populated, but the highest population numbers— relative to the overall population of California— probably occurred in the 1850s with the discovery of gold.

**MINING**



In 1848, Major Pierson B. Reading discovered gold on the Trinity River, and by 1850, northwestern California was teeming with miners. Shortly after, Crescent City was laid out in early 1853 and became a bustling shipping and trade center, catering to and supplying the miners. Gold discoveries in the immediate vicinity of Crescent City and on the south fork of the Smith River fueled the boom. During this period, residents and miners began requesting more transportation routes. Within a few years, however, a decline in the production of local mines and the opening of more promising gold fields elsewhere, drove all but a handful of miners from the area. By the late 1850s the boom was over.

**TIMBER**



The timber industry has historically played a large role in Crescent City's and Del Norte County's economy. This dates back to the 1850s, when the area experienced a boom in settlement as a result of lumbering activity that followed the mining industry and the need to supply lumber for mining and housing purposes, not just in the county, but throughout California's mining communities. Locally-produced lumber was shipped to Crescent City for reshipment to San Francisco. Rugged terrain and the lack of a good harbor made getting the timber to market difficult; thus, the timber business was not particularly profitable.



The northern California timber industry peaked in the post World War II years (1945 to 1950) as a result of strong housing and construction demand and an abundance of raw materials. Shortly after 1950, the number of mills began to drop as the industry transitioned from one based on harvesting old growth timber to one that relies on younger, smaller, less valuable second growth that is relatively more expensive to grow. Mill closures were also hastened by timber industry trends toward consolidation of operations, downsizing, and

increasing efficiency resulting from technological advancement.

The decline in Del Norte County's timber industry is illustrated by the volume of timber harvested, which dropped from 202,986 million board feet (mbf) in 1985 to 65,036 mbf in 1995, a 68.5 percent reduction. The result of this decline has been the closure of over 35 lumber mills; there are no longer any operating mills in Del Norte County. There are, however, over 146,000 acres of privately-held redwood and fir forestland capable of ongoing log production in the county.

### **FISHING AND CANNING**



Through its history, Crescent City has been home to a significant amount of commercial fishing and canning activity, and it continues to be. Over the years, commercial fishers have caught salmon, albacore, shrimp, crab, halibut, cod, and tuna in the coastal waters and rivers of Del Norte County. Salmon, sometimes referred to as "river silver," were caught around Point St. George as early as 1877.

Marine fishing, both commercial and sport, continues to be important to the Crescent City economy. In 1995, the annual commercial fish landing at the Crescent City harbor was valued at over \$11.6 million. Harbor-related sports fisheries also contributed significantly to fishery-related businesses and the tourist economy.

### **RECREATION AND TOURISM**

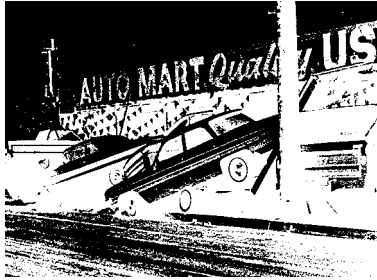


Today, one of the biggest industries in Crescent City and Del Norte County is tourism. Historic landmarks relating to early settlement in the Crescent City area are open to the public. Additionally, there are a number of public and commercial tourist attractions within Crescent City including Battery Point Lighthouse and Crescent City Marine Mammal Center.

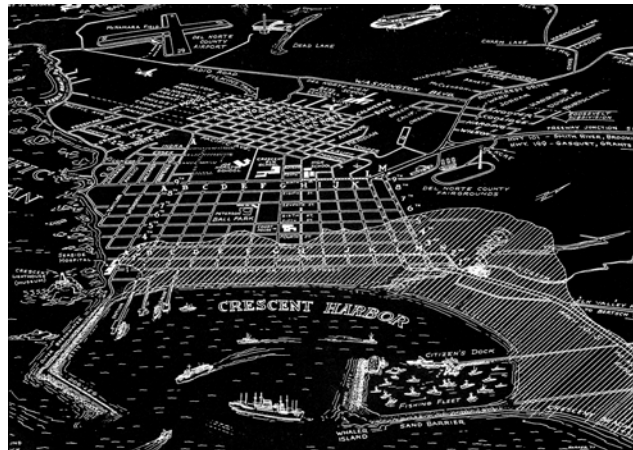
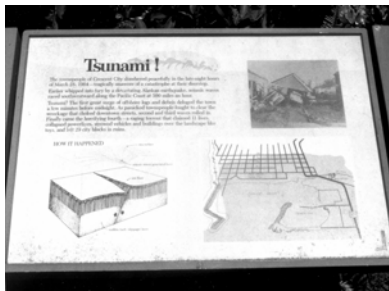
Many tourists in Crescent City come to see the rugged beauty of State and National Parks, which attracts many hikers and campers. Coastal beaches, coastal trails, harbors, and parks provide a variety of water activities. Other natural attractions in Del Norte County include Redwood National Park, Jedediah Smith Redwood State Park, Del Norte Coast Redwood State Park, Smith River National Recreation Area,

and the Lake Earl State Park and Wildlife Area. Commercial visitor attractions, a variety of accommodations, and visitor services are located in and adjacent to these recreation areas.

### **TSUNAMI OF 1964**



On the early hours of March 28, 1964, a giant tidal wave or tsunami generated by the Great Alaska Earthquake struck Crescent City. Tidal surges, as high as 20 feet, swept up logs from local beaches and crushed them against buildings as the wave swept through the city. Crescent City suffered considerable property damage and loss of life as a result of the tsunami. The devastation extended for approximately two miles along Crescent City harbor and coastline. There were over 11 fatalities, 29 city blocks in ruin or partial ruin, and 289 businesses and homes hit causing over \$16 million in damages. The Crescent City Harbor was left in a state of near total devastation. The 1964 tsunami exceeded a 100-year event at Crescent City and a 500-year event at some other California coastal sites.



Crescent City's combination of near-shore undersea topography, resonant characteristics of the surrounding shoreline, and exposed position on the coast, make the city particularly susceptible to tsunamis originating in the Pacific. Given the intense seismic activity in the Pacific Ocean, Crescent City will continue to be threatened by tsunamis.



## PELICAN BAY STATE PRISON



The opening of the Pelican Bay State Prison in December 1989 has been a major physical and economic impact on Crescent City. First, the prison brought an influx of prison staff (approximately 1,500 employees) who settled into the Crescent City area. Second, the prison increased traffic north of the city. Third, the prison has increased activity for many small businesses that provide goods and services to the prison. Such small service industries include medical transcription, psychological services, vehicle services, food services/food contracts, recreation contracts, and counseling contracts. Lastly, with the annexation of the prison in 1992, approximately 3,800 inmates were added to the group quarters population. This increase in population means the City gets additional State assistance for local services and improvements. See Figure 3 to see the prison's location relative to Crescent City.

## HOW THIS GENERAL PLAN WAS PREPARED



Crescent City concurrently initiated its General Plan and Local Coastal Program Update program in September 1997, when it retained a multi-disciplinary consulting team headed by J. Laurence Mintier & Associates. This update process was part of a joint effort by the City and Del Norte County to update their General Plans. The City and County conducted joint public meetings and coordinated land use and policy decision-making for the Crescent City area.

As the initial step in the update, the consultants collaborated with the City's Planning Department to reach out to the community to identify the important planning issues in the Crescent City Planning Area. This outreach consisted of a series of townhall meetings to discuss the City's General Plan and Coastal Land Use Plan Revision.

Following-up on these meetings, City Staff and the Consultants completed the first major report produced as part of the General Plan Update, the General Plan Background Report. That report describes existing conditions and trends in Crescent City. After completion of the Background Report, the next major step in the Update process was to identify key issues and options for the General Coastal Land Use Plan. The result was the Policy Issues Report, which presented the most critical policy issues to be addressed in the revised General Plan. These issues emerged from the General Plan Background Report and the input received at the townhall meetings and through public correspondence.

Following the simultaneous publication of the Background Report and the Policy Issues Report in May 1998, the City hosted another round of townhall meetings. During these meetings, City Staff and the Consultants explained various issues regarding these documents and provided the public with an opportunity to comment.

Based on the discussion at the October 1997 townhall meetings and the comments submitted to the City in response to the May 1998 townhall meetings, the Consultants and City staff began work on this Policy Document. This document embodies a reorganized, updated set of goals and policies from the City's ~~1976 General Plan and~~ 1984 Coastal Element, as well as numerous new policies responding to new City needs.

Between 1999 and 2001, the City completed the balance of the ~~General~~ Coastal Land Use Plan, including the Background Report, Policy Issues Report, Policy Document, and Environmental Impact Report.

## KEY CONCEPTS

The following summarize the key concepts that serve as the foundation for the Land Use Diagram and the goals, policies, and implementation measures which constitute the formal substance of the Plan.

### CONSOLIDATION CONTINUED BIFURCATION OF COASTAL AND NON-COASTAL PLANNING POLICY POLICIES



In 1984, the City adopted the Coastal Element of its General Plan as part of its Local Coastal Program certification. That action formally divided the City's comprehensive planning approach by establishing two sets of policies, one for the non-coastal and uncertified areas (the 1976 General Plan), and one for the areas within the Coastal Zone (see Figure 4) which were certified with the State Coastal Commission (the 1984 Local Coastal Plan). ~~This~~ In conjunction with the General Plan and Coastal Land Use Plan Policy Document updates, ~~and consolidates~~ the City's consultant recommended that the two sets of planning policies and programs into a single document, unifying policies that had been separated since 1984. ~~Therefore, this General Plan also supersedes the 1984 Local Coastal Plan. Those policies applicable only within the California Coastal Zone boundary within the City are identified by the wave symbol (☪). An extract of all policies and diagrams which are a part of the updated~~

~~Local Coastal Plan program has been prepared for certification by the California Coastal Commission. However, significant differences exist between state general plan law and the Coastal Act with respect to how policies are to be read and interpreted. For example, development projects are typically required to be found consistent *on balance* with an overall or comprehensive reading of the general plan's policies. In contrast, the Coastal Act requires that development projects in the coastal zone must be found to be consistent with *all* of the policies and standards of the local coastal program. Moreover, if consolidated as initially proposed, amendments to any land use designations or text provisions, initiated solely for development outside of the coastal zone would nonetheless require that the amendment be first certified by the Coastal Commission prior to the amendment becoming legally enacted. As a result, during its Coastal Act consistency review, the Coastal Commission concluded, and the County concurred, that such a consolidation would likely cause more confusion and difficulties in administration than keeping the two documents in separate volumes.~~

## ECONOMIC TRANSITION



Crescent City and Del Norte County are in transition from a resource production economy to a more diversified economy. Government, retail trade, and services have now become the largest employers in the county. Between 1993 and 1995, prior to initiation of this Plan revision, the Del Norte Economic Development Corporation and Chamber of Commerce 2020 Committee prepared economic reports for the community addressing future economic needs and goals. These reports supported the pursuit of diversified manufacturing, tourism, technology, telecommunication-based businesses, and small business development. This ~~General Coastal Land Use~~ Plan builds upon those reports by creating goals, policies, and implementation programs to assist the city in its transition.

## ADDRESSING POTENTIAL GROWTH

The city of Crescent City's population (excluding the prison population) has scarcely grown since 1990. As of 1996, the city had a total population of 4,653 (8,334 with the prison population). By the end of the General Plan timeframe (2020), the city is expected to grow to 7,484 persons (growing at the historical growth rate of 2.0 percent). This represents an



increase of 2,831 persons from the 1996 population. This increase would result in the demand for 1,089 new dwelling units, and new commercial, industrial, and public facility development. Under the same historical growth rate of 2.0 percent, Del Norte County's total population is expected to grow to approximately 42,000 persons and 16,000 dwelling units by the year 2020 (see Figure 5).



Since Crescent City has a very limited land supply, the majority of the growth must be accommodated by: 1) promoting infill of vacant and underutilized lots; 2) intensification or reuse of land; and 3) annexing county land. Crescent City will need to become a more compact city. Increased density will have several beneficial effects: 1) limit sprawl and thus reduce pressure for rural residential development; 2) create a more walkable community; 3) increase public transit opportunities; 4) reduce the cost of public services by limiting infrastructure expansion; 5) maintain the existing grid system of the city; and 6) minimize the impact of new development on the natural environment.

**VISITOR AND LOCAL  
SERVING COMMERCIAL**



This ~~General~~ Coastal Land Use Plan introduces a new land use designation called Visitor ~~and Local~~ Serving Commercial that promotes ~~both visitor-serving and regional~~ commercial development intended primarily to provide for coastal visitors' needs, particularly with regard to lodging accommodations, food, transportation support services, coastal-related recreational opportunities, and similar tourism-oriented retail establishments. This designation creates a new focus for the city taking advantage of the exposure of Highway 101 and the recreational amenities of Front Street. The traditional commercial focus on the central business district is replaced by a new focus on land along Highway 101 and Front Street to accommodate the tourists that frequent these locations (see Figure ~~6~~ 4). Along these routes will be a concentration of visitor-serving commercial uses such as quality lodging, dining, shopping, recreation, and entertainment which will create a focus or destination for tourists. ~~The designation is also designed to provide community commercial opportunities that tap into the regional market.~~



**~~BUSINESS-  
PROFESSIONAL  
DESIGNATION~~**

~~This General Plan introduces another land use designation called Business Professional. The intent of this designation is to serve as a transition between residential uses on the northwest side and commercial uses located along the Highway 101 couplet and Front Street and to attract and retain professional, administrative, government, business, and related uses (see Figure 7). Uses in this designation primarily include administrative, business, and professional offices.~~

**HIGHWAY 101 AND  
FRONT STREET**



For decades the City, Del Norte County, the Del Norte Local Transportation Commission, and Caltrans have considered the concept of a Highway 101 bypass of Crescent City. The 1976 Crescent City and Del Norte County General Plan proposed four alternative bypass routes that would create a bypass east of the highway's existing location. The bypass concept (but not a specific route) was adopted by Caltrans and was included in the Regional Transportation Plan. Due to the tremendous cost, environmental impacts, and because the bypass will likely draw business away from the central area of Crescent City, the City opposed the bypass concept.

Currently (October 2000), Caltrans is in the process of updating the Route Concept Plan for Highway 101. The Plan will likely meet the City's goals by improving and enhancing the existing route by reconfiguring traffic lanes to improve traffic flow which will ultimately create a regional center and visitor-serving environment. In addition, the City supports the improvement and enhancement of Front Street to make it more efficient, provide more parking, and make it a pedestrian-friendly environment.

**CITYWIDE  
PEDESTRIAN/BICYCLE  
TRAIL  
(Coastal Trail)**

Promoting opportunities for pedestrian and bicycle travel is an important feature of this General Coastal Land Use Plan. This plan seeks to expand Crescent City's bike route/trail system in several ways: 1) creating linkages among sidewalks, bike

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routes, and pedestrian and equestrian trails; 2) creating bicycle links from downtown to the coast; 3) creating a coastal trail from Point St. George to South Beach; and 4) creating better linkages to the Pacific Coast Bike Route (see Figure 8); and 5) creating a linkage from downtown to Redwood National and State Parks. **In addition, this coastal land use plan includes provisions for the routing and construction of the portion of the California Coastal Trail which passes through the City.** Building such a network of trails will not only enhance alternative modes of travel within the city, but also create additional leisure/recreational opportunities for tourists and residents.

**COMPATIBILITY WITH  
THE DEL NORTE  
COUNTY ~~GENERAL~~  
COASTAL LAND USE  
PLAN**



To minimize land use conflicts and to promote consistency in development standards, the City and Del Norte County have coordinated their ~~general~~ coastal land use plans. The goals, policies, and implementation measures of the two ~~General~~ Coastal Land Use Plans are as consistent as practical, given the difference in perspectives between the City and County concerning the future development of the Crescent City area. Additionally, all of the land use designations within this ~~General~~ Coastal Land Use Plan are consistent with those of the Del Norte County ~~General~~ Coastal Land Use Plan.

## PART II

### GOALS, POLICIES, AND PROGRAMS

Part II of this Policy Document contains explicit statements of goals, policies, standards, implementation programs, and quantified objectives that constitute the formal policy of Crescent City for land use, development, and environmental quality. Part II is divided into the following seven sections:

- Section 1: *Land Use / Community Development*
- Section 2: *Housing* **(not a part)**
- Section 3: *Transportation and Circulation*
- Section 4: Public Facilities and Services
- Section 5: *Recreational and Cultural Resources*
- Section 6: *Natural Resources/Conservation*
- Section 7: *Health & Safety*

Each section includes goal statements relating to different sub-issues or different aspects of the issue addressed in the section. Under each goal statement, there are policies which amplify the goal statement. Implementation programs at the end of each section describe briefly the proposed action, the City agencies or departments with primary responsibility for carrying out the program, and the time frame for accomplishing the program. Section 1 (*Land Use and Community Development*) also describes the designations appearing on the Land Use Diagram and outlines the legally-required standards of density and intensity for these land use designations. Section 3 (Transportation) describes the proposed circulation system, including a description of the street classification system.

The following statements define goals, policies, ~~standards~~, implementation programs, and ~~quantified objectives~~ other initiatives as they are used in this document:

**Goal:** The ultimate purpose of an effort stated in a way that is general in nature and immeasurable. A general, overall, aim or end toward which the County will direct its efforts. Goals are a general expression of community values and, therefore, are abstract in nature. Consequently, a goal is not quantifiable, time-dependent, or suggestive of specific actions for its achievement. Goals are not intended for governing the issuance or coastal development permits, or to serve as regulatory standards by which development projects or zoning amendments are to be assessed for their conformity and consistency, and are not a valid basis for appealing a permit action. Examples of goals include: “Maintain the rural atmosphere” or “Diversify the economic base of the County.”

**Policy:** A specific statement in text or diagram guiding action and implying clear commitment. A mandatory declaration of an obligation intended specifically to govern the approvability of permit applications. Policies bind the County’s actions and establish the standards of review for determining whether land use and development decisions, zoning changes or other County actions are consistent with the Coastal Land Use Plan. Approved



developmentr must be found consistent with all Land Use Plan policies. A development project’s demonstrated inconsistency with a Coastal Land Use Plan policy is the basis for denying a proposed development or appealing a permit action (see “Appeals” discussion, below). An example of a policy is: “Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.” Policies are enumerated within each section of the Coastal Land Use Plan under the heading “Policies.”

~~Standard: A specific, often quantified, guideline incorporated in a policy or implementation program, defining the relationship between two or more variables. Standards can often translate directly into regulatory controls.~~

Other Initiatives: Nonbinding and/or advisory statements of intent, encouragement, or pledges of support for specific endeavors, programs, or outcomes. Other Initiatives may set guidelines and priorities for City actions, but are not intended for permit governance or to serve as regulatory standards by which development projects or zoning amendments are to be assessed for conformity and consistency, and are not a valid basis for appealing a permit action.

**Implementation Program:** An action, procedure, program, standard, regulation, ordinance, or technique that carries out general coastal land use plan policy or the Coastal Act. Implementation programs ~~also specify primary responsibility for carrying out the action and a time frame for its accomplishment~~ carrying out the policies of this Coastal Land Use Plan consist of Title 17, Chapters 17.60 through 17.89 of the Crescent City Municipal Code.

~~Quantified Objective (Housing only): The number of housing units that the City expects to be constructed and the number of households the City expects will be assisted through Housing Element programs and based on general market conditions during the time frame of the element.~~

~~To interpret and understand the City's overall land use and development philosophy, users of this Policy Document should remember that the goals, policies, and programs articulated in Part II are as important, if not more so, than the Land Use Diagram. Accordingly, any review of development proposals must consider this Policy Document as a whole, rather than focusing solely on the Land Use Diagram or on particular policies and programs.~~

~~This Policy Document updates and consolidates the City's planning policies and programs into a single document, unifying policies that have been separate since 1984. Those policies which remain unique to the Coastal Zone have been identified by the wave symbol (☩). Those policies which are not part of the City's Local Coastal Plan have been identified by a crescent symbol (☾). All other policies apply citywide, including the Coastal Zone.~~

### Administering the Coastal Land Use Plan

All land use and development decisions in the Coastal Zone must be consistent with the Local Coastal Program (LCP). In authorizing coastal development permits after LCP certification, the County must make the finding that the development conforms to the certified LCP as well as all other findings required by Municipal Code Title 17 –Zoning, Chapters 17.60 through 17.89 (Coastal Zone Zoning Regulations).

The following general principles shall provide the framework for the administration and interpretation of the Coastal Land Use Plan:

- The policies of the Chapter 3 of the California Coastal Act (California Public Resources Code Sections 30210 through 30264) shall guide the interpretation of the Coastal Land Use Plan.
- Where policies within the Coastal Land Use Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.
- Prior to the issuance of any development permit required by this Plan, the City shall make the finding that the development meets the standards set forth in all applicable Coastal Land Use Plan policies and Implementation Program regulations.
- Prefacing textual discussion is intended as justification for the enumerated Coastal Land Use Plan policies and map designations. Therefore, the text shall be considered as the findings justifying the specified policies and Land Use Map designations.

### Appeals

In addition, with respect to the finality of the City’s delegated coastal development permitting actions, certain types of development, as well as development within certain geographic areas that are acted on by the City after certification of the LCP, are appealable to the Coastal Commission (PRC Section 30603). These include:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Developments approved by the local government not included with paragraphs (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development which constitutes a major public works project or a major energy facility (whether approved or denied by the local government).

The grounds for an appeal of an approval of a permit are limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies of the Coastal Act. In addition, the grounds for appealing of a denial of a permit for a major public works project or major energy facility, referenced in number (5) above, are limited to an allegation that the development conforms to the standards set forth in the certified Local Coastal Program and the public access policies of the Coastal Act. The Coastal Commission retains coastal development permitting jurisdiction on submerged lands, tidelands, and public trust lands (Public Resources Code Section 30519).

Amending the Coastal Land Use Plan, Implementation Programs, or Land Use or Zoning Maps

Amendments to any portion of the Local Coastal Program, whether textual or cartographic, are subject to the processes set forth in Chapters 17.81 –Coastal Zone Amendments and Rezoning. Any amendments to the certified LCP will require review and certification by the Coastal Commission prior to becoming effective.

## SECTION 1

### LAND USE AND COMMUNITY DEVELOPMENT

This section contains diagrams, designations, standards, goals, policies, and programs that set the basic framework to guide the type, location, intensity, and quality of future development and the protection of Crescent City's natural and built environment.

#### LAND USE DIAGRAM AND STANDARDS

The most familiar part of any general plan is the map, or land use diagram, showing the types and locations of development called for in the plan. In order to accurately interpret the development implications of the various designations shown on the diagram, the reader must understand the intent of and the standards for each designation. The following sub-sections first describe how the standards are expressed generally, then outline the standards for each of the designations shown on Crescent City's ~~General~~ Coastal Land Use Plan Land Use Diagram.

#### ~~PLANNING AREA~~

~~State planning law requires that the general plan cover all territory with the boundaries of the adopting city or county as well as "any land outside its boundary which in the planning agency's judgment bears relation to its planning" (Government Code Section 65300). To carry out this directive, most cities formally delineate a "planning area" boundary in their general plans. For the purposes of the Crescent City General Plan, the Planning Area is defined by an east-west line coinciding with Blackwell Road, following south along Elk Valley Road, and then following the Federal and State lands on the east. Figure 2 shows the boundary of the Planning Area.~~

#### ~~URBAN BOUNDARY~~

~~Within part of the Planning Area, the City and County have defined an urban boundary line that encompasses all land considered for future water and sewer service expansion and thus for future urban development and annexation (see Figure 2). Since it is costly to provide infrastructure in low density areas such as rural communities, extension of water and sewer service is generally prohibited outside this boundary by both jurisdictions. Since development within this boundary is subject to higher densities and intensities, the City and County can provide long-term service planning within this area.~~

#### ALLOWABLE USES AND DEVELOPMENT STANDARDS

Each of the designations shown on the Land Use Diagram provides for a unique range of allowable uses consistent with the intent of the designation. The uses specified in the following subsections for each designation are indicative, not inclusive, of the range of uses allowed in the designation. Zoning more precisely specifies the allowable uses for individual parcels,

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consistent with ~~General Coastal Land Use~~ Plan prescriptions. In addition to ~~the~~ these principal and conditionally permissible uses, the Zoning Ordinance typically authorizes similar and compatible uses, such as incidental or accessory uses (e.g., garage in a single family district, home occupations) and public and quasi-public uses (e.g., fire station or church in a single-family district). Generally one zoning district is used to implement a land use designation. Some areas may, however, be subject to transitional designations, such as a rural residential zone used within an urban boundary until community services can be provided. Table 1-1 provides a matrix indicating which zoning districts are considered consistent with the specified ~~General Coastal Land Use~~ Plan land use designations.

In some cases, uses are found which were legally established prior to the adoption of a land use designation or zoning and are not in conformance with uses permitted in such designations. These are known as “non-conforming uses.” Existing non-conforming uses may be continued, but may not be expanded.

State law requires that general plans, including land use plans prepared pursuant to the Coastal Act, include standards of population density and/or building intensity for all of the territory covered by the plan. To satisfy this requirement, this ~~General Coastal Land Use~~ Plan includes standards for each of the land use designations appearing on the Land Use Diagram. These standards are stated differently for residential and non-residential development (see Table 1-2).

<b>TABLE 1-1</b> <b>CRESCENT CITY <del>GENERAL PLAN</del> LOCAL COASTAL PROGRAM LAND USE/ZONING</b> <b>CONSISTENCY</b> <b><del>LCP EXTRACT</del></b>												
Land Use Designations	HD	HR	CZ-R1	CZ-R1B	CZ-C2	CZ-HS	CZ-0	CZ-NR	CZ-CW	CZ-M	CZ-MP	CZ-CM
Single Family Res.(2-6)			X	X								
Visitor <del>and Local</del> <u>Serving</u> Commercial					X	X			X			
General Commercial					X							
Public Facilities					X		X					
Harbor Related		X							X			
Harbor Dependent	X											
Open Space							X					
Natural Resources								X				

<b>TABLE 1-2</b> <b>CITY OF CRESCENT CITY <del>GENERAL PLAN</del> LOCAL COASTAL PROGRAM</b> <b>LAND USE AND ZONING DESIGNATIONS AND STANDARDS</b>						
Category	Land Use Designation	Label	Res. Density (DUs/Net Acre)	Max. FAR	Corresponding City Zoning	Corresponding County GP Designation
Residential	Single Family (2-6)	SF 2-6	2.1 to 6.0	--	R-1 ,R1-B	<u>UR</u>
Commercial	Visitor <del>and Local</del> <u>Serving</u> Commercial	<del>VLC</del> <u>YSC</u>	--	0.50	C-2, HS, CW	<u>YSC</u>
	General Commercial	GC	--	0.50	C-2	<u>GC</u>
Public	Public Facilities	PF	--	0.50	C-2. O	<u>PF</u>

TABLE 1-2						
CITY OF CRESCENT CITY <del>GENERAL PLAN</del> LOCAL COASTAL PROGRAM						
LAND USE AND ZONING DESIGNATIONS AND STANDARDS						
Category	Land Use Designation	Label	Res. Density (DUs/Net Acre)	Max. FAR	Corresponding City Zoning	Corresponding County GP Designation
Harbor	Harbor-Related	HR	--	0.55	HR, <del>CW</del>	<u>HR</u>
	Harbor Dependent	HD	--	0.50	HD	<u>HD</u>
Conservation and Open Space	Open Space	OS	--	--	O	<u>G</u>
	Natural Resources	NR	--	--	NR	<u>RCA</u>
*The maximum allowable total residential density is to be determined by multiplying the gross acreage by two.						

### Residential Uses

Standards of development density for residential uses are stated in terms of the allowable range of dwelling units per net acre. For purposes of determining maximum development ~~entitlements~~ **potential**, the total area of a particular parcel or lot is calculated. Where public roadways are involved, the total area is determined by subtracting the area dedicated as a public right-of-way; where private roads are involved, the right-of-way is not subtracted, so the total area is synonymous with the gross area. Where multiple designations are found on a property, the density of each designation is calculated individually.

The policies of this ~~General~~ **Coastal Land Use** Plan require that project design reflect and consider natural features, suitability of soils, availability of water, hazards, circulation, and the relationship of the project to surrounding uses. The actual density of residential development and intensity of commercial development, as well as lot patterns, will be determined by these and other factors. As a result, the maximum density specified by land use designations or zoning for a given parcel of land may not be realized. This ~~General~~ **Coastal Land Use** Plan also has provisions for clustering gross density on a project-wide basis, thus permitting overall density to be clustered into pockets of higher density development within the project that are balanced by areas of lower density, while not changing the overall designated density. This program provides for easier mitigation of environmental factors with minimal loss of development density.

In accordance with the ~~Coastal Housing Act~~ **California housing law**, local governments are required to encourage the provision of low and/or moderate income housing as a part of residential development projects within the Coastal Zone. Projects that include residential development must be reviewed for consistency with the requirements of the Act for low- and moderate-income housing. Also, the provision of bonus densities and/or other incentives as outlined in the Act as defined by the State housing regulations for low- and moderate-income housing shall be permitted, subject to review on a case-by-case basis. Where bonus densities are provided, environmental impacts shall either be determined to be insignificant or mitigated to less-than-significant level, and a program verifying that the bonus units will be occupied by low- and/or moderate-income households shall be approved.

~~Also Pursuant to California Government Code (Sec. 65915 et seq) and the Coastal Housing Act, the granting of a bonus in density for residential development that provides qualifying low and/or moderate income housing shall be permitted, subject to individual project review. As defined by State law, the additional density is to be calculated based on the maximum basic density identified by the Land Use Diagram. No change in the basic permitted density itself shall be necessary for the bonus, provided that the following findings are made:~~

- ~~1) The proposal is found to qualify for bonus units under State guidelines; and~~
- ~~2) A program for insuring continued use as low and/or moderate income units is included in any approval.~~

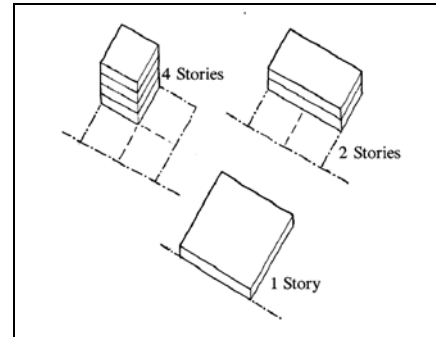
~~Where bonus units that have been approved and constructed are proposed to be converted to non-low or moderate income use, a General Plan amendment making the Land Use Diagram density and overall (original) project area density consistent with each other shall have been approved first before the conversion is permitted.~~

~~Under California Government Code (Sec 65852.1), the County also continues to consider use permits for second dwellings for seniors (“granny housing”) which, subject to public health and safety issues, shall be deemed a residential use consistent with the single family and multi-family designations of this Plan. Such units shall not be considered to exceed the allowable density for the lot upon which it is located.~~

Departing from the City’s past practices, this General Coastal Land Use Plan specifies residential development standards in terms of a range of dwelling units per acre. In the past, the City’s standards specified only a range of densities, from zero to the maximum potential number of units permitted per acre. The difference is that the updated standards also specify a minimum density for residential designations. The new approach responds to the City’s Housing Element (adopted in 1992), which includes a policy and a program calling for establishment of minimum residential densities to “limit underutilization of land and maximize development potential.” The specification of minimum densities also allows for more certainty with respect to the nature of future development and the overall development pattern. This certainty is critical to effective infrastructure planning and financing in urban areas (e.g., sizing of service lines and treatment facilities and establishing financing mechanisms and fee structures). The specification of minimum residential densities is also valuable to private property interests since it allows for a more definitive determination of the type of development likely to occur or be permitted in a particular area.

## Non-Residential Uses

This ~~General~~ Coastal Land Use Plan presents standards of building intensity for non-residential uses such as commercial and industrial development in terms of maximum floor-area ratios (FARs). A floor-area ratio is the ratio of the gross building square footage on a lot to the net square footage of the lot (or parcel). For example, on a lot with 10,000 net square feet of land area, an FAR of 1.00 will allow 10,000 square feet of gross square feet of building floor area to be built, regardless of the number of stories in the building (e.g., 5,000 square feet per floor on two floors or 10,000 square feet on one floor). On the same 10,000-square-foot lot, an FAR of 0.50 would allow 5,000 square feet of floor area, and an FAR of 0.25 would allow 2,500 square feet. The diagram to the right shows graphically how various building configurations representing an FAR of 1.00 could cover a lot.



The FAR standards presented in this report were developed based on consideration of factors such as sewage disposal methods, parking requirements, and building height needs or limitations. FAR standards can, in turn, assist in assessing such planning questions as potential traffic generation, or sewer and water line needs in areas not yet fully developed.

Some land use designations, ~~and~~ types of development, and locales may not be entirely compatible with the typical density or FAR approaches. These include commercial mobilehome parks and campgrounds, and resource land use designations such as timberland and agriculture. In the former case, special development conditions can be utilized setting a density ratio of spaces to acreage, rather than residential units per acre. Resources lands are generally focused upon resource production with minimum parcel sizes set for management purposes. Residential development can be viewed as accessory activity or as not necessary to the primary use and can be limited or prohibited. Structures associated with resource production activities, such as barns, storage, or milling buildings, are also typically secondary. Moreover, in areas with significant visual or other coastal resources, and/or special community character, FAR standards may need to be adjusted downward to ensure consistency with Coastal Act and LCP policies and standards the protection of views to and along the ocean and scenic areas, compatibility with the character of surrounding areas, and the protection of other coastal resources.

## **LAND USE DESIGNATIONS**

The Land Use Diagram of this ~~General~~ Coastal Land Use Plan, which follows page 1-26, uses 21 residential, commercial, industrial, and other land use designations to depict the types of land uses that will be allowed in the different geographic areas of Crescent City's Planning Area.

The following sections set forth the purpose of each designation appearing on the Land Use Diagram.

## **RESIDENTIAL**



### **Residential 2-6 (SF 2-6)**

This designation provides for low- to moderate-density residential development within the urban boundary. The principal permitted uses under this designation are single family dwellings with accessory buildings and home occupations. Residential densities range from two to six dwelling units per acre to a maximum of six dwellings per acre. Residential development may be undertaken at less than the specified minimum density however, these uses shall be designed so as to not preclude future development at higher, otherwise permissible densities. The City may grant conditional use permits for churches, second units, guest lodging, parking lots, small public facilities, large care homes as defined by the California Health and Safety Code, and small neighborhood commercial uses that are compatible with surrounding neighborhoods, such as owner/resident grocery shops.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

### **COMMERCIAL**

#### **General Commercial (GC)**

This designation provides for general commercial uses which provide the Crescent City Planning Area with goods, services, and jobs. The maximum floor area ratio (FAR) in this designation is 0.50. The principal permitted uses under this designation include, but are not limited to, commercial activities such as small retail stores and personal service shops; regional shopping and service centers; offices; food services; travel and transportation services such as motels and gas stations; entertainment centers; recreation facilities; and medical centers and services including convalescent homes. The City may grant conditional use permits for regional public facilities, assisted care facilities, secondhand stores, and nonprofit organizations. Residential uses as a secondary/mixed use at a density of 12 units per acre may also be considered. All heavy commercial uses shall be prohibited in the General Commercial designation.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

#### **Visitor ~~and Local~~ Serving Commercial (~~VLC~~ VSC)**

This With the non-coastal zone portions of the City's commercial corridors, the Visitor Local Commercial designation provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses. Within However, within the coastal zone, however, the full range of permissible uses which may be developed at more inland locales has been limited to ensure that visitor-serving uses will have priority over all other allowable uses. The Therefore, the

focus of ~~this~~ the Visitor Serving Commercial designation is on concentrating uses oriented toward tourism and, to the degree possible without conflicting with this primary goal, drawing trade from the entire facilitating visitation to the coastal areas of the Del Norte County area. The maximum FAR for buildings in this designation is 0.50. The principal permitted uses under the VLC designation include, but are not limited to, commercial activities such as ~~regional shopping and service centers including wholesale “club” stores and factory outlets; a full range of~~ retail uses including apparel stores, specialty shops, and durable goods, and home furnishings; travel and transportation services, such as motels/hotels and gas stations; restaurants; entertainment centers; and recreation facilities. Multiple-unit residential uses on upper floors as a secondary/mixed use at a density of 6 to 15 units per acre may be considered with a conditional use permit. Residential development may be undertaken at less than the specified minimum density however, these uses shall be designed so as to not preclude future development at higher, otherwise permissible densities. Other uses requiring a conditional use permit include, but are not limited to, new timeshare resort hotels, recreational vehicle parks, ~~mini-storage, medical offices,~~ and public facilities. Refer to Visitor Serving Commercial (VSC) Area policy sub-section 1.B. and coastal zoning regulations, for additional policies and standards regarding conversion of existing visitor-serving facilities and fractional ownership units within hotel resort facilities.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

## PUBLIC

### Public Facilities (PF)

This designation provides for facilities owned by City, County, State, or Federal agencies. This includes, but is not limited to, government offices and courts, public safety facilities (i.e., fire and police stations), hospitals, libraries, forest and recreation areas, parks, airports, solid waste facilities, correctional facilities, water tanks, wastewater treatment facilities, electrical substations, cemeteries, and schools. The maximum floor area ratio (FAR) in this designation development is 0.50.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

## HARBOR

### Harbor Related (HR)

The Harbor Related (HR) designation is intended primarily for public and private lands in which commercial and light industrial uses are not dependent upon immediate access to the harbor but

~~benefit from~~ are dependent upon a harbor dependent use and/or are intended to serve and support such coastal-dependent uses for which, for proximate location or functionality, require such a harbor waterfront location. The maximum floor area ratio (FAR) is 0.55. Permitted uses in this designations include ~~restaurants and cafes, marine curio manufacture and sales, hotels and motels, visitor related services including retail sales shops,~~ fishing support services such as net manufacturing and sales, welding and machine shops, boat brokerage offices and equipment storage yards. Consideration may be given for a conditional use permit for ~~museums, residential uses as a secondary use at a density not to exceed 15 units per acre (including condominiums), recreational facilities, recreational vehicle parks,~~ restaurants, cafes, small convenience stores, and other similar retail establishments designed to serve the need of harbor support area workers and occupants, public uses, bulk fuel storage facilities, energy facilities, and maintenance dredging and dredge spoils placement at approved sites.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

### Harbor Dependent (HD)

This designation is intended to provide for harbor dependent uses, which include harbor dependent commercial and harbor dependent recreational activities that must be dependent upon the activities or products generated by Crescent City Harbor. These activities include any function connected with the fishing process or handling and/or storing of equipment necessary to secure fish. Provision of scenic views for public enjoyment are also harbor dependent activities. These lands may be held by the harbor district or privately owned. These areas should be served by public water and sewer and public or harbor district roadways. The maximum floor area ratio (FAR) is 0.50. The principal permitted uses include boat basins, harbor district offices, Coast Guard stations and quarters, marine terminals and docking facilities, ice facilities, fisheries supplies and storage, net repair areas, maintenance dredging and dredge spoils at approved sites, seafood processing, fuel sales, parking areas and publicly owned support facilities. Consideration may be given for a conditional use permit for dredging and filling for Coastal Act-consistent new development, oil and fuel storage facilities, marine electronic shops, ~~and~~ restaurants, ~~and~~ cafes, small convenience stores, and other similar retail establishments designed to serve the need of harbor workers and occupants.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

### OPEN SPACE

#### Open Space (OS)

This designation is intended to set aside areas to be used for permanent open space to protect the health, safety, and welfare of the people and visitors of the Crescent City area and to provide spaces for the location and preservation of unusual natural features, historical and cultural sites, and areas that provide energy, water, and opportunities for passive, non-consumptive recreational activities. This designation is also intended to set aside areas to be used for wind or weather screens and for visual effect. Public property uses include, but are not limited to, parks and playgrounds, vista areas, general open spaces, beaches, wooded areas, drainage canals and channels, ~~airport aviation~~ flight path zones, and marinas. Private property uses include commercial recreation, farming, energy production, transmission corridors, ~~mineral production~~, water conservation, cemeteries, and marinas.

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

### Natural Resource (NR)

The Natural Resource (NR) designation provides for the protection, enhancement, and restoration of environmentally-sensitive habitat areas and for resource dependent uses consistent with the continuance of such uses. This designation applies to sensitive habitat areas including coastal sand dunes, coastal wetlands, and riparian corridors (i.e., Elk Creek). Due to the nature of the designation, its residential development density is zero. ~~However, subject to dedication of easement or ownership of undisturbed NR habitat as part of a development project, an incentive density may be granted for use in non-NR portions of the same parcel situated outside of appropriately wide buffer areas. The incentive shall not exceed the lowest density land use designation immediately adjacent to the habitat areas multiplied by the area of the habitat to be dedicated, divided by three. Dedication should be to a public or quasi-public agency at the time of development.~~

The allowable uses within designated NR shall be limited to:

1. Fish and wildlife management;
2. Nature study;
3. Wetland restoration;
4. Hunting and fishing including development of duck blinds and similar minor facilities;
5. Those recreational facilities included in a State Park and Recreation/Department of Fish and Game Master Plan submitted and approved as an amendment to the Local Coastal Program;
6. In all areas, the maintenance of flood drainage control and drainage channels;
7. In all areas, removal of windblown trees which threaten existing structures;
8. In riparian habitat areas the following uses are allowed:
  - a. Recreational trails;
  - b. Hunting and fishing;
  - c. Maintenance of existing flood control and drainage channels;
  - d. Wells within rural areas;
  - e. Road maintenance and repair of existing roads. New stream crossings shall be

limited when feasible to right angle crossings of streams and stream corridors.

No single-family residences or other structures shall be permitted within an NR area, ~~unless it would result in denial of substantially all reasonable use of the parcel of land.~~

(See coastal zoning regulations for further information regarding permit exempt development, application and review procedures, public hearing requirements and appeal provisions for principal and conditionally permissible uses.)

## DEVELOPMENT GOALS, POLICIES, AND PROGRAMS

The goals, policies, and programs of this section are organized according to the following categories, each of which relates to a key set of related issues pertaining to land use and development in Crescent City.

- \* 1.A. Planned Growth and New Development
- \* 1.B. The Visitor and Local Commercial (VLC) Area  
~~Tourism~~  
~~Maintenance and Safety~~
- \* 1.C. Economic Development
- \* 1.D. Community Design, ~~Visual Quality~~, and Appearance
- \* 1.E. Harbor Development  
~~Administration and Implementation~~

### 1.A. PLANNED GROWTH AND NEW DEVELOPMENT

Goal 1.A.1. To encourage the overall economic and social growth of the City while maintaining its position of importance in the county, ~~and~~ improving its overall aesthetic appeal, while protecting its invaluable costal resources and community character.

#### Policies

1.A.1. New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

1.A.2. The location and amount of new development shall maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads; (3) providing non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses such as high-

rise office buildings; and (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

1.A.3. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

1.A.4. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this coastal land use plan, they may nonetheless be permitted in accordance with this section if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

1.A.5. Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

1.A.6. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

1.A.7. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

1.A.8. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

1.A.9. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

1.A.10. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

1.A.11. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

1.A.12. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

~~1.A.2.~~ 1.A.13. The City shall encourage infill Infill development that makes efficient use of existing public infrastructure and is compatible with existing development shall be encouraged.

~~1.A.4. The City and County should cooperate closely in the development of the unincorporated area surrounding the city and should allow for appropriate uses contiguous to the city. [Moved to LAND USE AND COMMUNITY DEVELOPMENT – Other Initiatives]~~

~~1.A.5.~~ 1.A.14. The City should To avoid jeopardizing its own viability or ability to manage growth in and around the city, ~~by through overcommitting~~ the capacity of ~~its~~ the City's water and wastewater systems shall be closely monitored and no intend-to-serve commitments shall be made to development projects located outside of the city limits unless adequate reserve capacities exist to ensure that development of priority coastal uses would not be adversely impacted.

~~1.A.6. The City supports annexation as a positive means of city expansions but shall evaluate annexation proposals on a case by case basis. In reviewing these proposals, the City shall consider the questions listed in Table 1-3. The City shall support only those annexations that:~~

- ~~• Promote orderly development and redevelopment of land within the Urban Boundary;~~
  - ~~• Promote efficiency in service delivery;~~
  - ~~• Are broadly supported by affected residents and property owners;~~
  - ~~and~~
  - ~~• Are beneficial to the City.~~
-

<b>TABLE 1-3</b>	
<b>ANNEXATION CONSIDERATIONS</b>	
<b>1. Resident Support</b>	<b>What is the likelihood of gaining community support from property owners in the annexation area?</b>
<b>2. Development and/or Redevelopment Potential</b>	<b>Will the annexation add vacant developable land to the city or is there potential for significant redevelopment?</b>
<b>3. Strategic Importance</b>	<b>Will the annexation further city goals?</b>
<b>4. Proceptive Action</b>	<b>Would the annexation help prevent unwanted or incompatible development on the city's periphery?</b>
<b>5. Revenue Potential</b>	<b>What amount of revenue can be anticipated from property, sales, and other taxes; will the annexation result in a net revenue gain or a net loss to the city?</b>
<b>6. Cost of Providing Ongoing Municipal Services</b>	<b>What will it cost to provide police services, fire services, road maintenance, parks and recreation, sewer service, and water service; can the city bear the cost of providing these ongoing services in the annexed area?</b>
<b>7. Need for Upgrading Existing Infrastructure</b>	<b>To what degree do existing drainage systems, water delivery systems, sewer collection systems, streets and roads, and other infrastructure need to be brought up to city standards; can the city bear this cost?</b>
<b>8. Potential for Improved Service Delivery</b>	<b>Is there potential for improved service delivery in the annexed area and/or the city as a whole or will some services be reduced?</b>

[Moved to *LAND USE AND COMMUNITY DEVELOPMENT – Other Initiatives*]

~~1.A.7. Among urban commercial uses, the City shall ensure that coastal dependant, visitor serving uses have priority within the Coastal Zone. For those uses along the immediate shoreline, the City shall give priority to uses whose basic feasibility is dependent on a waterside location.☞~~ [Strike policy and replace with Commission-suggested Policies 1.A.1. – 1.A.14.: Insure consistency with PRC §§ 30212.5, 30213, 30220, 30221, 30222, 30222.5, 3-223. 30224, 30234, 30234.5, 30250, 30252, 30255, and 30260]

1.A.15. The existing single- and multi-family residential development along A Street between Third Street and Battery Street, constructed under the preceding certified LCP's Coastal Zone Residential Professional zoning district development standards certified prior to October 2010, are recognized as legal nonconforming uses for which the structures and uses may be maintained in perpetuity at their current forms and densities, irrespective of their redesignation to Visitor Serving Commercial and Commercial Waterfront plan and zoning designations.

**Implementation Programs**



~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

**Other Initiatives**

~~1.A.4.~~ ● The City and County should cooperate closely in the development of the unincorporated area surrounding the city and should allow for appropriate uses contiguous to the city. [Relocated from *LAND USE AND COMMUNITY DEVELOPMENT – Policies*]

~~1.A.6.~~ ● The City supports annexation as a positive means of city expansions but shall evaluate annexation proposals on a case-by-case basis. In reviewing these proposals, the City shall consider the questions listed in Table 1-3. The City shall support only those annexations that:

- Promote orderly development and redevelopment of land within the Urban Boundary;
- Promote efficiency in service delivery;
- Are broadly supported by affected residents and property owners; and
- Are beneficial to the City.

TABLE 1-3 ANNEXATION CONSIDERATIONS		
1.	Resident Support	What is the likelihood of gaining community support from property owners in the annexation area?
2.	Development and/or Redevelopment Potential	Will the annexation add vacant developable land to the city or is there potential for significant redevelopment?
3.	Strategic Importance	Will the annexation further city goals?
4.	Preemptive Action	Would the annexation help prevent unwanted or incompatible development on the city's periphery?
5.	Revenue Potential	What amount of revenue can be anticipated from property, sales, and other taxes; will the annexation result in a net revenue gain or a net loss to the city?
6.	Cost of Providing Ongoing Municipal Services	What will it cost to provide police services, fire services, road maintenance, parks and recreation, sewer service, and water service; can the city bear the cost of providing these ongoing services in the annexed area?
7.	Need for Upgrading Existing Infrastructure	To what degree do existing drainage systems, water delivery systems, sewer collection systems, streets and roads, and other infrastructure need to be brought up to city standards; can the city bear this cost?
8.	Potential for Improved Service Delivery	Is there potential for improved service delivery in the annexed area and/or the city as a whole or will some services be reduced?

[Relocated from *LAND USE AND COMMUNITY DEVELOPMENT – Policies*]

- ~~1.I.12.~~ ● The City further encourages the private development of visitor-serving facilities and supports private/public partnerships that build such facilities or that facilitate visitor activities. [Relocated from *ECONOMIC DEVELOPMENT – Policies*]

## 1.B. VISITOR AND LOCAL SERVING COMMERCIAL (VLC) (VSC) AREA

### General Goals

- Goal 1.B.1:** To create a compact, pedestrian-oriented, economically-robust ~~VLC~~ VSC area (see Figure 6) that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.
- ~~Goal 1.D~~ **1.B.2:** To expand and enhance the ~~VLC~~ VSC area, ~~Crescent City Harbor, and downtown~~ as a tourist destination. [Revised; relocated from *TOURISM – Goals*]

### Policies

- ~~1.I.1.~~ **1.B.1.** The ~~City shall maintain the area~~ areas designated as Visitor ~~and Local Serving~~ Commercial ~~VLC~~ VSC shall be maintained as the City's main ~~retail~~ visitor commercial activity center ~~of the city~~. [Revised; relocated from *ECONOMIC DEVELOPMENT – Policies*]
- ~~1.B.2.~~ ~~The City shall actively encourage, support, and provide incentives, Encouragement, support and incentives shall actively be provided, where feasible, for the types of development it prefers in the VLC area, including the following:~~
- ~~1. Mixed use projects;~~
  - ~~2. Regional anchor stores;~~
  - ~~3. Tourism related uses;~~
  - ~~4. Projects that reinforce viable existing uses; and~~
  - ~~5. Projects that reinforce the identity of the VLC area.~~ [Moved to *VISITOR SERVING COMMERCIAL – Other Initiatives*]
- 1.B.2.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- ~~1.B.3.~~ ~~The City shall work jointly with the Redevelopment Agency to promote the VLC area as the city's primary pedestrian, commercial, entertainment center, and gathering place for residents and tourists.~~ [Moved to *VISITOR SERVING COMMERCIAL – Other Initiatives*]

~~1.B.3. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.~~1.B.3. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

~~1.B.4. The City shall establish a better relationship of Beachfront Park to Downtown Third Street through improved signage and enhanced pedestrian access.~~ [Moved to VISITOR SERVING COMMERCIAL – Other Initiatives]

~~1.B.4.~~ 1.B.4. If and when average annual occupancy rates at Del Norte County visitor accommodations exceed 70%, removal or conversion of existing lower cost visitor serving accommodations shall be prohibited unless (1) the converted facility will be replaced with another facility offering the same or a greater number of lower cost visitor serving units, or (2) an in lieu fee in an amount necessary to off-set the cost to replace the lower cost visitor serving units in Del Norte County shall be imposed. Lower cost facilities shall be defined as any facility with room rates that are below 75% of the Statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% above the State wide average room rate. Statewide average room rates can be calculated by the Smith Travel Research website ([www.visitcalifornia.com](http://www.visitcalifornia.com)) or other analogous method used to arrive at an average statewide room rate value.

~~1.B.5. The City shall place uniquely styled (i.e., consistent with the Redwood theme) directional signs along Highway 101 at both the South and North entrances to the downtown area.~~ [Moved to VISITOR SERVING COMMERCIAL (VSC) AREA – Other Initiatives]

~~1.B.5~~ 1.B.5 The development of new time share hotel resort facilities in Visitor Serving Commercial may be authorized subject to the following standards:

- More than 50 percent of the units shall be open and available to the general public on a daily, year-round basis.
- Such guestrooms (units) shall not be rented to any individual, family, or group for more than 29 days per year or for more than 14 days between Memorial Day and Labor Day.
- The conversion of the authorized visitor-serving overnight units to limited use overnight visitor accommodation units (e.g., timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with restricted use arrangements shall be prohibited.

~~1.B.6. The City shall improve signage so as to direct more Highway 101 tourist traffic to turn west on Front Street at the Ess Curve.~~ [Moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Other Initiatives]

- ~~1.D.2. 1.B.6.~~ ~~The City shall actively encourage, support, and provide incentives, where feasible, for locating visitor-serving~~ Visitor-serving development, particularly hotels and bed and breakfast inns, shall be actively encouraged and supported, including the provision of incentives, where feasible, to be located in the area designated as Visitor ~~and Local Serving~~ Commercial (~~VLC~~) (VSC). [Relocated from *TOURISM – Policies*]
- ~~1.B.7.~~ ~~The City shall work jointly with the Redevelopment Agency to provide public parking facilities in the VLC area to accommodate tourist traffic.~~ [Moved to *VISITOR SERVING COMMERCIAL (VSC) AREA – Other Initiatives*]
- ~~1.I.2. 1.B.7.~~ High ~~The City should encourage high density residential~~ Residential development near the Central Business District and the shopping center should be encouraged in the downtown area and VLC area VSC areas at compatible densities and forms (e.g., on upper floors), may be authorized to provide a further source of support for commercial activity and to reduce local dependency upon the automobile if consistent with all other applicable policies of the certified LCP. [Relocated from *ECONOMIC DEVELOPMENT – Policies*]
- ~~1.B.9.~~ ~~The City shall place signs at key points in the city, especially along Highway 101, that clearly identify local amenities such as Battery Point Lighthouse, the pier, and Beachfront Park.~~ [Moved to *VISITOR SERVING COMMERCIAL (VSC) AREA – Other Initiatives*]
- ~~1.B.10.~~ ~~The City shall provide easily identified RV parking within sight of both Beachfront Park and the downtown area.~~ [Moved to *VISITOR SERVING COMMERCIAL (VSC) AREA – Other Initiatives*]
- ~~1.B.16.~~ ~~The City shall provide leadership and support for creating a performing arts complex and youth/community center within the VLC area.~~ [Moved to *VISITOR SERVING COMMERCIAL (VSC) AREA – Other Initiatives*]
- ~~1.D.4. 1.B.8.~~ ~~The City shall support improved~~ Improved pedestrian, bicycle, and transit facilities in the ~~VLC~~ VSC area ~~to provide~~ shall be provided in new development projects located therein to facilitate greater access and mobility for visitors/tourists. [Relocated from *TOURISM – Policies*]
- ~~1.J.7. 1.B.9.~~ ~~The City shall pursue streetscape~~ Streetscape improvements, such as public art, landscaping, and street enhancement, shall be encouraged in the ~~VLC~~ VSC area. [Relocated from *COMMUNITY DESIGN AND APPEARANCE – Policies*]

[See also Policy 1.A.7]

**Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]

**Other Initiatives**

~~1.B.2.~~ 1.B.2. ● The City shall actively encourage, support, and provide incentives, Encouragement, support and incentives shall actively be provided, where feasible, for the types of development it prefers in the ~~VLC~~ VSC area, including the following:

1. Mixed-use projects;
2. Regional anchor stores;
3. Tourism-related uses;
4. Projects that reinforce viable existing uses; and
5. Projects that reinforce the identity of the ~~VLC~~ VSC area. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.3.~~ 1.B.3. ● The City shall work jointly with the Redevelopment Agency to promote the ~~VLC~~ VSC area as the city’s primary pedestrian, commercial, entertainment center, and gathering place for residents and tourists. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.4.~~ 1.B.4. ● The City shall establish a better relationship of Beachfront Park to Downtown Third Street through improved signage and enhanced pedestrian access. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.5.~~ 1.B.5. ● The City shall place uniquely-styled (i.e., consistent with the Redwood theme) directional signs along Highway 101 at both the South and North entrances to the downtown area. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.6.~~ 1.B.6. ● The City shall improve signage so as to direct more Highway 101 tourist traffic to turn west on Front Street at the Ess Curve. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.7.~~ 1.B.7. ● The City shall work jointly with the Redevelopment Agency to provide public parking facilities in the ~~VLC~~ VSC area to accommodate tourist traffic. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.9.~~ 1.B.9. ● The City shall place signs at key points in the city, especially along Highway 101, that clearly identify local amenities such as Battery Point Lighthouse, the pier,

and Beachfront Park. [Relocated from VISITOR SERVING COMMERCIAL(VSC) AREA – Policies]

~~1.B.10.~~ ● The City shall provide easily identified RV parking within sight of both Beachfront Park and the downtown area. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.B.16.~~ ● The City shall provide leadership and support for creating a performing arts complex and youth/community center within the ~~VLC~~ VSC area. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

~~1.J.14.~~ ● The City shall encourage and assist in the development of murals to enliven blank walls in the areas designated Visitor ~~and Local Serving~~ Commercial (~~VLC~~) ~~and Business Professional (BP)~~ (VSC). The murals shall be consistent with the city's three central themes. [Relocated from VISITOR SERVING COMMERCIAL (VSC) AREA – Policies]

## TOURISM

~~Goal 1.D: To expand and enhance the VLC area, Crescent City Harbor, and downtown as a tourist destination.~~ [Revised; moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Goals and HARBOR DEVELOPMENT – Goals]

### Policies

~~1.D.2. The City shall actively encourage, support, and provide incentives, where feasible, for locating visitor serving development, particularly hotels and bed and breakfast inns, in the area designated as Visitor and Local Commercial (VLC).~~ [Revised; moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Policies]

~~1.D.4. The City shall support improved pedestrian, bicycle, and transit facilities in the VLC area to provide greater access and mobility for visitors/tourists.~~ [Revised; moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Policies]

### Implementation Programs

~~Existing programs are deemed sufficient.~~

## 1.C. ECONOMIC DEVELOPMENT

~~Goal 1.1~~ 1.C.1. To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, public safety, and service needs of Crescent City residents and to expand the economic base to better serve the needs of residents.

### Policies

~~1.I.1.~~ ~~The City shall maintain the area designated as Visitor and Local Commercial (VLC) as the main retail/visitor commercial activity center of the city.~~ [Revised; moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Policies]

~~1.I.2.~~ ~~The City should encourage high density residential development in the downtown area and VLC area to provide a further source of support for commercial activity and to reduce local dependency upon the automobile.~~ [Moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA –Policies]

~~1.I.5.~~ ~~The City should encourage development of a motel/hotel near southern side of the Cultural and Convention Center.~~ [Moved to ECONOMIC DEVELOPMENT – Other Initiatives]

~~1.I.7, 1.C.1.~~ ~~The City shall provide municipal~~ Municipal services shall be provided to commercial/industrial areas to encourage the retention, expansion, and development of new businesses that act as employment generators, provided, in cases of limited service capacity, the provision of such services does not adversely impact service to coastal-dependent, coastal-related development, or other priority coastal uses.

~~1.I.11, 1.C.2.~~ ~~The City shall provide opportunities for~~ Opportunities shall be provided for development of home businesses, such as home occupations (non-intensive, resident only businesses), residential and community care facilities (as defined in the California Health and Safety Code for residential use), and guest lodging (small bed-and-breakfasts accessory to residential use).

~~1.I.12.~~ ~~The City further encourages the private development of visitor serving facilities and supports private/public partnerships that build such facilities or that facilitate visitor activities.~~ [Revised; moved to GROWTH AND DEVELOPMENT – Other Initiatives]

### Implementation Programs

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]

Other Initiatives

- ~~1.I.5.~~ ● The City should encourage development of a motel/hotel near southern side of the Cultural and Convention Center. [Relocated from *ECONOMIC DEVELOPMENT – Policies*]

~~[See also Policy 1.A.7]~~

1.D. COMMUNITY DESIGN, VISUAL QUALITY, AND APPEARANCE

Goal ~~1.J.~~ 1.D.1. To maintain and enhance the quality of Crescent City’s built environment (i.e., historical buildings, major corridors, city entrances, landscape, and streetscape).

Policies

~~1.J.2.~~ ~~The City shall work jointly with the Redevelopment Agency to aggressively support facade improvements for buildings in the VLC area, including provision of incentives. Buildings along the Highway 101 couplet, Front Street, and 3rd Street should have the highest priority.~~ [Moved to *COMMUNITY DESIGN AND APPEARANCE – Other Initiatives*]

~~1.J.7.~~ ~~The City shall pursue streetscape Streetscape improvements, such as public art, landscaping, and street enhancement, shall be pursued in the VLC area.~~ [Revised; moved to *VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Policies*]

~~1.J.9.~~ ~~The City shall work jointly with the Redevelopment Agency to develop community gateway entry facilities.~~ [Moved to *COMMUNITY DESIGN AND APPEARANCE – Other Initiatives*]

~~1.J.10.~~ 1.D.1. The City’s major highway entrances ~~should~~ shall be developed as scenic corridors through the use of an architectural design theme, removal of overhead utilities, landscaping, and similar measures to improve the appearance of the approaches to the City.

~~1.J.12.~~ 1.D.2. ~~The City shall work jointly with the Redevelopment Agency to enhance the~~ The pedestrian environment shall be enhanced through streetscape elements such as attractive planter boxes, comfortable seating, attractive and functional lighting and street signs, and attractive trash receptacles.

~~1.J.13.~~ 1.D.3. ~~The City shall replace “freeway~~ “Freeway style” streetlights shall be replaced with more attractive “human scale” lights.

~~1.J.14.~~ ~~The City shall encourage and assist in the development of murals to enliven blank walls in the areas designated Visitor and Local Commercial (VLC) and~~



~~Business Professional (BP). The murals shall be consistent with the city's three central themes.~~ [Moved to VISITOR AND LOCAL COMMERCIAL (VLC) AREA – Other Initiatives]

~~5.E.5. 1.D.4. The City shall permit existing Existing~~ residential uses on the west side of Pebble Beach Drive shall be allowed to continue. ~~The City shall reserve publically-owned Publically-owned~~ parcels west of Pebble Beach Drive shall be reserved for use as open space, public access, and road maintenance and slope protection of Pebble Beach Drive. [Revised, relocated from COASTAL VISUAL RESOURCES – Policies]

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]

### **Other Initiatives**

~~1.J.2. ●~~ The City shall work jointly with the Redevelopment Agency to aggressively support facade improvements for buildings in the VLC area, including provision of incentives. Buildings along the Highway 101 couplet, Front Street, and 3rd Street should have the highest priority. [Relocated from COMMUNITY DESIGN AND APPEARANCE – Policies]

~~1.J.9. ●~~ The City shall work jointly with the Redevelopment Agency to develop community gateway entry facilities. [Relocated from COMMUNITY DESIGN AND APPEARANCE – Policies]

## **1.E. HARBOR DEVELOPMENT**

### **Goals**

Goal ~~1.K.~~ 1.E.1. To ensure optimum utilization of the Harbor's commercial tourism and recreational potential, while allowing for appropriate public and private uses, developing access as a Harbor, conserving the Harbor's open water, improving the Harbor's aesthetic appeal, and increasing its economic viability. ☺

Goal ~~1.D.~~ 1.E.2. To expand and enhance the ~~VLC area,~~ Crescent City Harbor, ~~and downtown~~ as a tourist destination. [Revised; relocated from TOURISM – Goals]

1.E.3. To establish policies for safe and appropriate development of compatible water-oriented mixed uses at harborside and oceanfront sites.

### **Harbor Development Policies**

~~1.K.1. The continuing development and expansion of the Harbor should seek to satisfy as reasonably as possible all commercial, recreational, and public demands. In planning for the limited area of the Harbor, the plan should consider reserving portions of the Harbor area and its expansion area in the following three categories:~~

- ~~1. Harbor Dependent: Those activities which would require immediate access to the Harbor waters;~~
- ~~2. Harbor Related: Activities which are dependent in some way upon a Harbor location; and~~
- ~~3. Harbor Consistent: Activities which would benefit from a Harbor location and would enhance the overall viability of the Harbor.~~ ☹  
[Struck as vertically inconsistent with PRC 30101, 30101.3, 30222, 30222.5, 30224, 30255; horizontally inconsistent with *LAND USE DESIGNATIONS* (HD, HR) provisions]

1.E.1. Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use.

1.E.2. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided by the Coastal Act, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

~~1.K.3. The City, County and Harbor District should continue to effectively plan and coordinate for the overall development of the Harbor and its adjacent land.~~ ☹ [Moved to *HARBOR DEVELOPMENT – Other Initiatives*]

1.E.3. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

1.E.4. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

1.E.5. ~~Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.~~

1.E.6. ~~Coastal-dependent, harbor based industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this Coastal Land Use Plan. However, where new or expanded tanker facilities and/or oil and gas development cannot feasibly be accommodated consistent with other policies of this land use plan, they may nonetheless be permitted in accordance with this section and Public Resources Code Sections 30261 and 30262 if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.~~

~~3.F.5. 1.E.7. The City, County, and Harbor District should reserve the remaining available Harbor frontage, Chamberlain Dock area and in the area between the boat basin and Shoreline Campground shall be reserved for harbor dependent related development. These sites could be used for temporary Temporary, readily removed, uses may be authorized as interim uses, if in conformity with all applicable LCP policies and standards, prior to actual development of harbor related uses.~~ ☞ [Revised, relocated from MARITIME TRANSPORTATION – Policies]

#### Harbor Safety and Design Policies

~~1.K.4. The City, County, and Harbor District should continue to petition appropriate Federal and State agencies to accelerate the study of littoral sand movement and its relationship to harbor sanding, beach sand replenishment, coastal bluff erosion (north of Battery Point), and suitable locations for ocean disposal.~~ ☞ [Moved to HARBOR DEVELOPMENT – Other Initiatives]

~~1.K.5. The City, County and Harbor District should apply for assistance in evaluation of the cost benefit ratio of an extension of the breakwater system in relationship not only to tonnage shipped from the harbor, but also in protecting the substantial investment in local, State, and Federal agencies.~~ ☞ [Moved to HARBOR DEVELOPMENT – Other Initiatives]

~~1.K.7. The City should build a Coast Guard Helicopter pad facility in the Harbor area for emergency use. In that this use would be infrequent and not~~

~~water dependent, the City shall consider the Harbor area east of Highway 101. ☞ [Moved to HARBOR DEVELOPMENT – Other Initiatives]~~

~~1.K.8. Since the wooden construction of Citizen’s Dock is expensive to maintain, and costly to insure, the City should consider studying the feasibility of replacing the wooden structure with aggregate. ☞ [Struck as extrajurisdictional: Citizen’s Dock is located outside of the municipal boundary.]~~

~~1.K.9. 1.E.8. The City shall locate energy Energy facilities, oil and gas development, tanker facilities, refineries, electric generating plants, and electric cogenerating projects shall be located within those areas designated as Harbor Related. ~~The City shall allow the development~~ Development of such ~~a facility~~ facilities shall be predicated upon the inclusion and approval of ~~the~~ proper protection devices to prevent crude oil, gas, petroleum, or other hazardous substances from being spilled, ~~or~~ from contaminating areas beyond the project site, and measures to respond to, contain, and clean up any accidental spills or releases.~~

~~Diking, Dredging, Filling, and Shoreline Structure Policies [Elevated, relocated to NATURAL RESOURCES / CONSERVATION as policy sub-section 6.D PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND COSTRUCTION OF SHORELINE STRUCTURES]~~

~~1.K.10. The City shall be supportive of any permitted Harbor dredging which will encourage harbor development. ☞ [Moved to HARBOR DEVELOPMENT – Other Initiatives]~~

~~1.K.11. The City shall limit the filling and dredging of coastal waters to those the following uses; that are consistent with Section 30233 of the California Coastal Act, and which directly enhance harbor dependent uses such as recreational or industrial programs. ☞ [Revised. relocated to PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND COSTRUCTION OF SHORELINE STRUCTURES – Policies]~~

~~1.K.12. The diking, dredging, and filling of the wetlands in Elk Creek and McNamara annexation within the Coastal Zone to those allowable uses identified within Section 30233 of the California Coastal Act. ☞ [Revised. relocated to PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND COSTRUCTION OF SHORELINE STRUCTURES – Policies]~~

~~1.K.13. The City shall, in conjunction with the Harbor District, County of Del Norte, Del Norte Hospital District, Coastal Commission staff, and the Department of Fish and Game, develop a sand management program for any dispersal of sand on existing fine grained sand beaches only. The plan shall include, but~~

~~not be limited to, the amount of sand to be placed yearly, months of the year when placement is possible, hours of operation, and the need for an annual sand budget. Any such program shall require a Local Coastal Plan amendment approved by the California Coast Commission.~~ ☞ [Revised, moved to *HARBOR DEVELOPMENT – Other Initiatives*]

~~1.K.14. The City's priority for use of any dredged sand is to be for the Battery Point Recreational Area development. The placement of sand in this area shall conform with any sand management program approved by the California Coastal Commission and the following restrictions:~~

- ~~1. The following uses for said sand are prohibited:
  - ~~• The development of a parking and picnic area.~~
  - ~~• The filling between Battery Point and the mainland.~~~~
- ~~2. If the recreational boating marina takes place, the placement of sand for a jetty shall be the least amount needed to provide for a single-wide roadway on top of the jetty.~~ ☞ [Revised, relocated to *PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND COSTRUCTION OF SHORELINE STRUCTURES – Policies*]

~~1.K.15. If the recreational boating marina takes place, the City shall ensure that the placement of sand for a jetty be the least amount needed to provide for a single wide roadway on top of the jetty.~~ ☞ [Revised, relocated to *PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND COSTRUCTION OF SHORELINE STRUCTURES – Policies*]

~~1.K.16. The City shall require that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.~~ ☞ [Revised; moved to *GEOLOGIC HAZARDS – GENERAL – Policy 7.A.1*]

~~1.K.17. The City shall approve revetments, breakwaters, groins, harbor channels, seawall, cliff retaining wall, and other such construction that alters natural shoreline processes when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. "Existing structure" means a structure in existence on March 14, 2001.~~ ☞ [Revised, relocated to *PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND COSTRUCTION OF SHORELINE STRUCTURES – Policies*]

~~1.K.18. The City shall include a condition in the approval of all new development on ocean fronting parcels that no shoreline protective structure shall be allowed in the future to protect the development from bluff erosion. Prior to the issuance of a coastal development permit for the development, a deed restriction acceptable to the Planning Director shall be recorded memorializing the prohibition on future shoreline protective structures. ☞~~  
[Revised; moved to *GEOLOGIC HAZARDS-GEOLOGIC – Policy 7.B.5*]

### ~~Implementation Programs~~

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

[See also Policies 6.B. \_\_, 6.B. \_\_, 6.B. \_\_, 6.B. \_\_, & 7.B.1]

### Other Initiatives

- ~~1.K.3.~~ ● The City, County and Harbor District should continue to effectively plan and coordinate for the overall development of the Harbor and its adjacent land. ☞
- ~~1.K.4.~~ ● The City, County, and Harbor District should continue to petition appropriate Federal and State agencies to accelerate the study of littoral sand movement and its relationship to harbor sanding, beach sand replenishment, coastal bluff erosion (north of Battery Point), and suitable locations for ocean disposal.
- ~~1.K.5.~~ ● The City, County and Harbor District should apply for assistance in evaluation of the cost-benefit ratio of an extension of the breakwater system in relationship not only to tonnage shipped from the harbor, but also in protecting the substantial investment in local, State, and Federal agencies. ☞
- ~~1.K.7.~~ ● The City should build a Coast Guard Helicopter pad facility in the Harbor area for emergency use. In that this use would be infrequent and not water dependent, the City shall consider the Harbor area east of Highway 101. ☞
- ~~1.K.10.~~ ● The City shall be supportive of any permitted Harbor dredging which will encourage harbor development.
- ~~1.K.13.~~ ● **The City shall, in conjunction with the Harbor District, County of Del Norte, ~~Del Norte Hospital District~~, Coastal Commission staff, and the Department of Fish and Game, and the U.S. Army Corps of Engineers, develop a sand management program for any dispersal of sand on existing fine-grained sand beaches only. The plan shall include, but not be limited to, the amount of sand to be placed yearly, months of the year when placement is possible, hours of operation, and the need for an annual sand budget. Any such program shall require a Local Coastal Plan amendment approved by the California Coast Commission. ☞**

~~ADMINISTRATION AND IMPLEMENTATION~~

~~Goal 1.L. To provide for the ongoing administration and implementation of the General Plan.~~

~~Policies~~

~~1.L.4 The City shall review and amend, as necessary, applicable ordinances and regulations to ensure consistency with the General Plan.~~

~~Implementation Programs~~

~~1.6 The City shall review and amend, as necessary, applicable ordinances and regulations referenced herein to ensure consistency with the General Plan. These shall include the following:~~

- ~~• Zoning Ordinance~~
- ~~• Subdivision Ordinance~~
- ~~• Development standards~~

~~Responsibility: Public Works Department  
Planning Department~~

~~Time Frame: FY 02; 03-04 as necessary~~

~~1.7 The City shall implement the provisions of this General Plan through its ongoing project review process.~~

~~Responsibility: Planning Commission  
City Council  
Planning Department~~

~~Time Frame: Ongoing [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~

## SECTION 3

### TRANSPORTATION AND CIRCULATION

This section outlines the City's goals, policies, and programs for the continued development and enhancement of Crescent City's transportation and circulation system. The section includes goals, policies, and programs addressing the following subjects:

- **3.A.** Street and Highway System;
- **3.B.** Public Transportation;
- **3.C.** Bicycle Transportation;
- **3.D.** Pedestrian Transportation;
- **3.E.** Air Transportation;
- **3.F.** Maritime Transportation; and
- **3.G.** Teletransportation.

#### ROADWAY FUNCTIONAL CLASSIFICATION SYSTEM

Roadways serve two necessary but conflicting, functions: mobility and property access. High and constant speeds, with few interruptions and limited conflicting traffic, are desirable for mobility. A functional classification system provides for specialization in meeting the access and mobility requirements of the development permitted under the General Plan. Local streets emphasize property access; freeways and arterials emphasize high mobility for through-traffic; and collectors attempt to achieve a balance between both functions.

An efficient transportation system is an important component of a strong and dynamic economy. Access control is the greatest single correlative to traffic safety and regional mobility. Good access management practices will ensure that the transportation system will continue to serve the needs of Crescent City by insuring safe, efficient, and convenient mobility.

#### ROADWAY NETWORK

##### Freeways

Freeways are facilities that exclusively have a traffic-carrying role. No access is provided to freeways except at designated interchanges. Freeways are designed to be high speed, high capacity facilities intended to move as many as 20,000 cars per lane per day. Currently, the only freeway in Crescent City is the portion of U.S. 101 north of Parkway Drive.

##### Arterials



Arterial streets are intended to serve moderate levels of through traffic, but they tend to provide some access to adjacent land uses as well. Particularly in the central portion of Crescent City on U.S. 101, the provision of access to the adjacent land is quite important. Arterial streets will typically have four to six lanes (total) for through traffic, and if the right-of-way permits, a separate median lane for left turn movements. Usually, median lanes are landscaped so that turns can only be made at intersections. However, the median may be striped to allow turns into and from driveways to be made from the median. Ideally, arterial streets will be designed to concentrate access points through the provision of common driveways or possibly by locating driveways on a cross-street where the opportunity exists. Arterial streets are usually designed so that the only interruption to through-traffic flow is due to the presence of traffic signals at key crossing locations.

<b>TABLE 3-1</b>	
<b>ROADWAY DESIGNATIONS</b>	
<b><u>City of Crescent City Planning Area</u></b>	
<b>ROADWAY CLASS</b>	<b>ROADWAY</b>
<b>Freeway</b>	Highway 101 (north of Parkway Drive <b><u>outside Coastal Zone portions of the City</u></b> )
<b>Arterials</b>	Elk Valley Road* (Highway 101 - Howland Hill Road) Front Street Highway 101 (south of Parkway Drive)
<b>Collectors</b>	2 <sup>nd</sup> Street (A Street to B Street) 5 <sup>th</sup> Street 9 <sup>th</sup> Street Howe Drive A Street (2 <sup>nd</sup> Street to Washington Blvd.) Pacific Avenue Pebble Beach Drive
*Upgrade of FHWA classification due to development <del>**New road — not FHWA-listed</del>	
Source: City of Crescent City, Department of Public Works, 1999; Del Norte County Community Development Department, 1999.	

Within the Crescent City **municipal** limits, U.S. 101 and Northcrest Drive function as arterial streets. Front Street is designed as an arterial street with four lanes plus a left-turn median lane; however, it does not carry the traffic volume typically associated with an arterial; it is shown as an arterial on Figure 3-1.

## **CRC-MAJ-1-03 (LCP UPDATE) PROPOSED LUP WITH SUGGESTED MODIFICATIONS**

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U.S. 101 has several cross-sections as it passes through the city. South of Anchor Way, it is a two-lane State Highway. From Anchor Way to just south of Elk Valley Road, a central two-way left turn median was added. Between a point south of Elk Valley Road and Front Street, U.S. 101 has two lanes in each direction plus the left-turn median. The highway becomes a one-way couplet between Front Street and 9th Street, with three lanes northbound on M Street and two lanes southbound on L Street. From there, the highway reverts to two through lanes in each direction plus the left turn median to Parkway Drive, where it becomes a freeway. Part of U.S. 101 between Northcrest Drive and 9th Street contains a third southbound lane; this converts to a right-turn lane at 9th Street.

Northcrest Drive includes two lanes in each direction plus a left-turn median lane throughout its length within the city limits. North of Old Mill Road in the unincorporated area, it reverts to a two-lane facility with a left-turn median in some locations.

**Collector Streets**

Collector streets connect the local street network with the arterial network, and they also provide access to adjoining properties. There is generally little driveway control imposed or needed on collectors. They are differentiated from arterials also in that there may be periodic four-way stop controls along their length. They differ from local streets in that most local streets are controlled by two-way stop signs at their intersection with collectors. Collector streets typically have one lane in each direction. In some isolated cases, left turn lanes may be created at key intersections with arterial streets.

Within the Crescent City limits, the following streets function as collectors: Pebble Beach Drive, A Street, H Street, Battery Street, Howe Drive, a short section of Elk Valley Road, 5th Street, and 9th Street

**Local Streets**

Local streets have the principal function to provide access to adjoining property. They are intended to be low volume and low speed facilities. Typically, they have one lane in each direction. In urban areas, the streets are generally wide enough to allow parking on both sides of the street. Local streets are usually controlled by stop signs at their intersections with arterials and collectors. Stop and/or yield control may also be present at the intersection of two local streets if conditions warrant. All streets in the area not designated as freeway, arterial or collectors are defined as local streets.

**BICYCLE ROUTE NETWORK**

The City of Crescent City established a bike route system that utilizes lightly used residential streets, other street sections with separate bike lanes, and sections of bike paths. The Del Norte County and Crescent City Bicycle Facilities Plan identifies a system of bikeway routes in the city and county. The Plan, which was originally adopted in 1987 and periodically updated, designates bikeway routes in the greater Crescent City area. Table 3-2 identifies routes in the Coastal Zone.

<b>TABLE 3-2</b>	
<b>EXISTING AND PROPOSED BICYCLE ROUTES</b>	
<b>City of Crescent City <del>Planning Area</del> Coastal Zone</b>	
<b>Bikeway</b>	<b>Class</b>
<del>K Street (9<sup>th</sup> to Front Street)</del>	<del>Class III</del>
<u>California Coastal Trail Harbor Trail Segment</u> (Howe Drive Path <u>across Elk Creek</u> to <del>101</del> <u>Citizen's Dock</u> via <del>Starfish</del> <u>Sunset Circle,</u> <u>Walton St. ROW</u> )	Class I and II
Front Street (A to N St)	Class I and III
A Street (Front Street to Lighthouse)	Class I and III

Pebble Beach Drive (Washington <u>Bldv.</u> to 9 <sup>th</sup> St)	Class I, II and III
<b><u>California Coastal Trail</u></b> Howe Drive/Lighthouse Path <b><u>Segment</u></b> (Lighthouse to Elk Creek <b><u>through Beach Front Park via Battery St and Howe Dr.</u></b> )	Class I
<b><u>California</u></b> Coastal Trail <b><u>Roadside Segment</u></b> (Pebble Beach Dr. / <b><u>Taylor St. / Fifth St. / Wendell St. / Third St. / A St. / Second St. / B St. / Front St. / A St.</u></b> to Lighthouse)	Class I, II and III
Elk Valley Road	Class II and III
<del>Pacific Ave (Pebble Beach to H St)</del>	<del>Class III</del>
<del>Magruder St. (Elk Valley Road to Kent Street)</del>	<del>Class I</del>
<del>Harbor x Trail (Rees/Towers from Magruder Harbor Trail)</del>	<del>Class I</del>
Source: Del Norte County and City of Crescent City Bike Plan, 1999; and City of Crescent City Planning Department, 1999.	

INSERT FIGURE 3-4

## **TRANSPORTATION SYSTEM IMPROVEMENT PROPOSALS**

### **FRONT STREET**

The Visitor and Local Commercial (VLC) designation also applies to Front Street. Similar to the improvements to Highway 101, the City has considered circulation modifications and enhancements to Front Street to support regional retail and visitor-serving uses.

#### **Objectives and Description of the Proposed Concept for Front Street**

Front Street in Crescent City between D and L Streets is 78-feet wide, and is currently striped to provide two lanes for through traffic in each direction as well as a median for left-turning traffic. This existing configuration provides significantly more capacity than is needed on this street, and significantly more than will be needed in the foreseeable future. The intent of the proposed concept is to make better use of the street for other functions.

There are periodic events in the Beachfront Park area and in the adjoining cultural institutions which require more parking than is available in the immediate vicinity. There is no general parking shortage most of the time, except for larger events where people must walk several blocks from available parking. One possible treatment for Front Street is to simply narrow the street, moving the south-side curb in, and turning the land into more park area. However, that is an expensive proposal, and there is no shortage of parkland in the vicinity.

The proposed concept is to increase the parking supply for Beachfront Park and the cultural institutions by creating angle parking on the south side of the street. The design provides for an island separating the angle parking from the single remaining eastbound through lane, so that potential safety problems inherent in angle parking are minimized. The concept provides for one lane in each direction for through traffic, retention of the median (in a different location) to serve left-turning traffic, as well as the provision of the angle parking. In addition, the north curb could be modified to incorporate the bulbing treatment proposed for L and M Streets; this portion of the concept would provide for enhanced streetscaping and would also reduce the width of the street for crossing pedestrians (see Figure 3-4).

Other than the bulbing option, this concept could be achieved by simply restriping the street with traditional striping materials. Alternatively, at additional cost, the left-turn median could be made permanent with concrete curbing, and landscaping could be added. The bulbing concept should be done by reconstructing the curblines and sidewalks.

### **GOALS, POLICIES, AND PROGRAMS**

The goals, policies, and programs of this section are organized according to the following categories, each of which relates to a key set of related issues pertaining to transportation and circulation in Crescent City.

- ◆ **3.A.** Street and Highway System
- ◆ **3.B.** Public Transportation

- ◆ 3.C. Bicycle Transportation
- ◆ 3.D. Pedestrian Transportation
- ◆ 3.E. Air Transportation
- ◆ 3.F. Maritime Transportation
- ◆ 3.G. Teletransportation

**3.A. STREET AND HIGHWAY SYSTEM**

**Goal 3.A.1.** To plan for the long-range planning and development of Highway 101 to ensure the safe and efficient movement of people and goods.

**State Highways Policies**

~~3.A.3. The City opposes the Caltrans’s bypass freeway/expressway concept for Highway 101. As an alternative, the City shall encourage Caltrans to improve Highway 101 through Crescent City by improving the existing roadway in its present alignment.~~ [Moved to *STREET AND HIGHWAY SYSTEM – Other Initiatives*]

**City Streets Policies**

3.A.9. The City ~~shall expand and maintain its~~ road system shall be expanded according to the classifications and designations shown in Tables 3-3, 3-4, and 3-5. Exactions for dedication of right-of-way or construction of roadway improvements may be required in the permitting of new development, where appropriate, based on a fair-share, pro rata basis.

TABLE 3-3 CITY ROADWAY CLASSIFICATIONS		
CLASSIFICATION	DESCRIPTION	COMMENTS
<b>Arterial Road</b>	A road in any area of the city that serves as part of the principal system for through traffic flow by connecting areas of traffic generation and providing for the distribution and collection of through traffic to and from state highway, collector, and local road systems. It may also serve abutting property.	Public road Typically 80' to 100' right-of-way
<b>Collector Road</b>	A road in any area that, because of its location in relation to other roads or other sources of traffic, carries or will carry traffic from local roads to the system of arterial roads or highways. Collector roads may include	Public road Typically 60' right-of-way

	the principal entrance roads of residential developments, roads for circulation of traffic within such developments, or provide access to abutting commercial, industrial, or multi-family areas.	
<b>Local Road</b>	A road that, because of its location in relation to other roads or other sources of traffic, carries or will carry traffic from areas of low traffic generation to collector or arterial roads. Local roads primarily serve as access to adjacent residential land.	Public road Typically 50-60' right-of-way

<b>TABLE 3-4</b>		
<b>LEVEL OF SERVICE DEFINITIONS FOR ROADWAY SEGMENTS</b>		
<b>Level</b>	<b>Extent of Delay</b>	<b>Operating Characteristics</b>
<b>A</b>	Insignificant Delays	Free flow. Drivers are virtually unaffected by other vehicles.
<b>B</b>	Minimal Delays	Stable flow. Drivers begin to feel restricted.
<b>C</b>	Acceptable Delays	Stable flow. Most drivers feel somewhat restricted.
<b>D</b>	Tolerable Delays	High-density, but stable, flow. Queues may develop but dissipate rapidly, without excessive delays.
<b>E</b>	Significant Delays	Volumes at or near capacity. Low speeds and difficult maneuvering. Queues of vehicles may form upstream.
<b>F</b>	Excessive Delay	Conditions at capacity, with extremely long delays. Queues and unstable stop-and-go operation.
Source: Highway Capacity Manual, Transportation Research Board, Special Report No. 209, 1985.		

TABLE 3-5 LEVEL OF SERVICE DEFINITIONS FOR FOR SIGNALIZED INTERSECTIONS			
LOS	SIGNALIZED INTERSECTIONS	Unsignalized Intersections	
	Average Delay per Vehicle (Seconds)	Reserve Capacity (pcph)*	Expected Delay to Minor Street Traffic
A	5.0	400	Little or no delay
B	5.1 to 15.0	300 to 399	Short traffic delays
C	15.1 to 25.0	200 to 299	Average traffic delays
D	25.1 to 40.0	100 to 199	Long traffic delays
E	40.1 to 60.0	0 to 99	Very Long traffic delays
F	>60.0**	--	Severe congestion/Intersection blocked

\*pcph = passenger cars per hour  
 \*\*60 seconds of stopped delay is considered to be unacceptable to the majority of drivers.

Source: Transportation Research Board, *Highway Capacity Manual*, Special Report 209, 1985.

~~3.A.18 The City shall continue its program of maintenance and minor improvements to the existing public roadway system in order to maintain its capacity. [Moved to STREET AND HIGHWAY SYSTEM – Other Initiatives]~~

~~3.A.21 The City and County should cooperate in improving the approaches to the City area by Highway 101. [Moved to STREET AND HIGHWAY SYSTEM – Other Initiatives]~~

~~3.A.23 The City shall investigate the possibility of making improvements to Front Street (between A and L Street) such as providing additional parking and constructing landscaped and concrete median strips (see Figure 3-4). [Moved to STREET AND HIGHWAY SYSTEM – Other Initiatives]~~

**Implementation Programs**

~~Existing programs are deemed sufficient. [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~



### Other Initiatives

- ~~3.A.3.~~ ● The City opposes the Caltrans's bypass freeway/expressway concept for Highway 101. As an alternative, the City shall encourage Caltrans to improve Highway 101 through Crescent City by improving the existing roadway in its present alignment.
- ~~3.A.18.~~ ● The City shall continue its program of maintenance and minor improvements to the existing public roadway system in order to maintain its capacity.
- ~~3.A.21.~~ ● The City and County should cooperate in improving the approaches to the City area by Highway 101.
- ~~3.A.23.~~ ● The City shall investigate the possibility of making improvements to Front Street (between A and L Street) such as providing additional parking and constructing landscaped and concrete median strips (see Figure 3-4).

### 3.B. PUBLIC TRANSPORTATION

**Goal 3.B.1** To develop and maintain a safe and efficient public transportation system that reduces congestion and provides viable alternative transportation in and through the Crescent City Planning Area.

#### **Policies**

~~3.B.6.~~ **3.B.1.** Where ~~appropriate, the City shall require~~ new development ~~to dedicate~~ would result in significant demand for increased public transit services, easements for, and ~~provide~~ provisions for development of, sheltered public stops for transit patrons shall be made a condition of the approval of such development.

#### ~~Implementation Programs~~

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within LUP *Part I Summary*]

### 3.C. BICYCLE TRANSPORTATION

**Goal 3.C.1** To encourage the use of the bicycle as an alternate, energy efficient mode of transportation within the city and to develop a system of bikeways and bicycle parking facilities which will safely and effectively serve those wishing to utilize bicycles for commute and recreational trips.

#### **Policies**

- 3.C.1. The ~~City shall promote the~~ linkage of sidewalks and walkways with bike and pedestrian trails leading to and through outdoor recreational areas such as parks and schools, as well as commercial areas, shall be integrated into new development.
- ~~3.C.2. The City shall promote the development of a comprehensive and safe system of recreational and commuter bicycle routes that provides connections between the city's major recreation, employment, and housing areas and between its existing and planned bikeways. [Moved to BICYCLE TRANSPORTATION – Other Initiatives]~~
- ~~3.C.3. The City shall work with State and local agencies to accommodate and promote the development of recreation/tour travel bicycle routes on Highway 101. [Moved to BICYCLE TRANSPORTATION – Other Initiatives]~~
- ~~3.C.9. The City should coordinate with the Harbor District and Coastal Commission to investigate the feasibility of extending a pedestrian/bicycle trail from Howe Drive to Citizen Dock Road. [Moved to BICYCLE TRANSPORTATION – Other Initiatives]~~
- 3.C.10. The ~~City shall continue to maintain the~~ Harbor-City bicycle route, one of segments of the California Coastal Trail network within the municipal bounds of Crescent City, represents one of the City's major coastal public amenities, providing access to numerous scenic ocean and harbor views, and recreational opportunities situated along the route. This bicycle route starts at Pebble Beach Drive in the City and follows Pebble Beach Drive and Taylor Street before merging onto Fifth Street. The route continues down Fifth Street then turns onto A Street. The bicycle route continues along A Street to Battery Drive. At Battery Drive the route enters Beachfront Park, ~~following~~ paralleling Howe Drive east ~~to Highway 101 along a multiple-use pathway.~~ The route then follows the northern bank of lower Elk Creek to a bridge crossing over the watercourse adjacent to Highway 101 South. The route then reverts to a streetside trail to from the northwestern end of Sunset Circle, to the southerly city limits at King Street. The route continues through the unincorporated Harbor area to South Beach. ~~The route has ocean views at the coastal access points and provides access to recreational opportunities along the route. The City shall only allow~~ Any relocation of the City portions of the route in conjunction with new development may only be authorized if relocation would be consistent with all relevant coastal policies.
- 3.C.11. ~~The City shall ensure that no~~ No development at the former Seaside Hospital site (APN 118-020-~~28~~ -35), including any recreational or visitor-serving commercial development, ~~obstructs~~ shall obstruct the routing of the Harbor-City Bicycle Path to cross over Fifth Street to A Street and continue on A Street to Battery Drive. New development may result in a detour of the route of the Harbor-City Bicycle Path from A Street between Second and Front Streets only if

the City, or the Commission on appeal, finds that it is infeasible to direct the bicycle route through the proposed development, consistent with all LCP standards and policies. ☞

[See also Policy 5.B.4.]

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations* Implementation Plan within LUP *Part I Summary*]

### **Other Initiatives**

- ~~3.C.2.~~ ● The City shall promote the development of a comprehensive and safe system of recreational and commuter bicycle routes that provides connections between the city's major recreation, employment, and housing areas and between its existing and planned bikeways.
- ~~3.C.3.~~ ● The City shall work with State and local agencies to accommodate and promote the development of recreation/tour travel bicycle routes on Highway 101.
- ~~3.C.9.~~ ● The City should coordinate with the Harbor District and Coastal Commission to investigate the feasibility of extending a pedestrian/bicycle trail from Howe Drive to Citizen Dock Road. ☞

### **3.D. PEDESTRIAN TRANSPORTATION**

Goal 3.D.1 To encourage and facilitate walking throughout the city.

#### **Policies**

- 3.D.1. ~~The City shall provide for the~~ The City shall provide for the extension of sidewalks, trails, and walking facilities shall be provided throughout the city limits to allow for convenient and safe pedestrian movement. Exactions for dedication of rights-of-way, easements, and/or construction of pedestrian improvements may be required in the permitting of new development, where appropriate, based on a fair-share pro rata basis.
- ~~3.D.4. The City shall work with Federal, State, and other local agencies to coordinate planning and development of interconnected multi-purpose trails.~~ [Moved to *PEDESTRIAN TRANSPORTATION – Other Initiatives*]
- ~~3.D.9. The City shall support the development of parking areas near access to hiking and equestrian trails.~~ [Moved to *PEDESTRIAN TRANSPORTATION – Other Initiatives*]

~~3.D.10. The City shall work jointly with the Redevelopment Agency to build a pedestrian bridge over Elk Creek. ☞ [Strike policy as outdated: A pedestrian crossing of Elk Creek has been constructed]~~

[See also Policy 5.B.4.]

### **Implementation Programs**

~~Existing programs are deemed sufficient. [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~

### **Other Initiatives**

~~3.D.4. ●~~ The City shall work with Federal, State, and other local agencies to coordinate planning and development of interconnected multi-purpose trails.

~~3.D.9. ●~~ The City shall support the development of parking areas near access to hiking and equestrian trails.

### **3.E. AIR TRANSPORTATION**

Goal 3.E.1 To promote the improvement and maintenance of general and commercial aviation facilities within the parameters of compatible surrounding land uses.

#### **Policies**

~~3.E.1. The City shall encourage the County to provide areas for commercial and recreational hangars for the storage of aircraft based at McNamara Field. ☞ [Moved to AIR TRANSPORTATION – Other Initiatives]~~

~~3.E.2 The City shall encourage the County to maintain navigational aids at McNamara Field to improve the reliability and safety of service. ☞ [Moved to AIR TRANSPORTATION – Other Initiatives]~~

~~3.E.3 The City shall encourage the County to reserve land around McNamara Field for airfield-dependent development. ☞ [Moved to AIR TRANSPORTATION – Other Initiatives]~~

~~3.E.4. The City shall encourage the County to ensure that land uses in the vicinity of McNamara Field's approach and takeoff zones is held to the lowest densities and development intensities possible. Height zoning shall be vigorously enforced. Encroachment into the horizontal or vertical zones is prohibited. ☞ [Moved to AIR TRANSPORTATION – Other Initiatives]~~

~~3.E.5. The City shall encourage the County to continue to maintain a list of improvements and construction projects to be accomplished at McNamara Field. ☞ [Moved to AIR TRANSPORTATION – Other Initiatives]~~

### **Implementation Programs**

~~Existing programs are deemed sufficient. [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~

### **Other Initiatives**

- ~~3.E.1. ●~~ The City shall encourage the County to provide areas for commercial and recreational hangars for the storage of aircraft based at McNamara Field. ☞
- ~~3.E.2. ●~~ The City shall encourage the County to maintain navigational aids at McNamara Field to improve the reliability and safety of service. ☞
- ~~3.E.3. ●~~ The City shall encourage the County to reserve land around McNamara Field for airfield-dependent development. ☞
- ~~3.E.4. ●~~ The City shall encourage the County to ensure that land uses in the vicinity of McNamara Field's approach and takeoff zones is held to the lowest densities and development intensities possible. Height zoning shall be vigorously enforced. Encroachment into the horizontal or vertical zones is prohibited. ☞
- ~~3.E.5. ●~~ The City shall encourage the County to continue to maintain a list of improvements and construction projects to be accomplished at McNamara Field. ☞

### **MARITIME TRANSPORTATION**

**Goal 3.F.** To promote the maintenance and improvement of the Crescent City Harbor facilities.

#### **Policies**

~~3.F.1. The City shall work with Del Norte County and the Harbor District to continue to support the maintenance and dredging at approved locations of the harbor to provide boat access for commercial and recreational boating. ☞ [Moved to MARITIME TRANSPORTATION – Other Initiatives]~~

~~3.F.2. The City, Harbor District, and County should continue to press the Army Corps of Engineers to fulfill their maintenance obligations for the proper harbor depth for passage of commercial vessels into the Harbor. ☞ [Moved to MARITIME TRANSPORTATION – Other Initiatives]~~

~~3.F.3. The City, County, and Harbor District should continue to strongly petition the Army Corps of Engineers to maintain the appropriate depths for barge shipment. The City harbor should not allow any development that would preclude resumption of barge shipping. ☞ [Moved to MARITIME TRANSPORTATION – Other Initiatives]~~

~~3.F.4. The City and County should improve access to the Harbor by cooperating with the Harbor District in extending Howe Drive across Elk Creek to the boat basin, or explore other alternatives as the need arises. ☞ [Revised PRC 30233 inconsistent wording, moved to MARITIME TRANSPORTATION – Other Initiatives]~~

~~3.F.5. The City, County, and Harbor District should reserve the remaining available Harbor frontage, Chamberlain Dock area and the area between the boat basin and Shoreline Campground for harbor dependent development. These sites could be used for temporary, readily removed, uses prior to actual development. ☞ [Revised, relocated to LAND USE AND COMMUNITY DEVELOPMENT – Policies]~~

~~3.F.6. If there is Harbor expansion east of Highway 101, which will increase cross traffic at Citizens' Dock Road and Highway 101, the City and Harbor District shall work with Caltrans to improve traffic control on Highway 101. ☞ [Moved to MARITIME TRANSPORTATION – Other Initiatives]~~

### **Implementation Programs**

~~Existing programs are deemed sufficient. [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~

### **Other Initiatives**

~~3.F.1. ● The City shall work with Del Norte County and the Harbor District to continue to support the maintenance and dredging at approved locations of the harbor to provide boat access for commercial and recreational boating. ☞~~

~~3.F.2. ● The City, Harbor District, and County should continue to press the Army Corps of Engineers to fulfill their maintenance obligations for the proper harbor depth for passage of commercial vessels into the Harbor. ☞~~

~~3.F.1. ● The City, County, and Harbor District should continue to strongly petition the Army Corps of Engineers to maintain the appropriate depths for barge shipment. The City harbor should not allow any development that would preclude resumption of barge shipping. ☞~~

~~3.F.1. ● The City and County should improve access to the Harbor by cooperating with the Harbor District in extending Howe Drive across Elk Creek to the boat~~

~~basin, or explore~~ exploring additional roadway connections and route configurations, and other alternatives as the need arises. ☞

~~3.F.1. •~~ If there is Harbor expansion east of Highway 101, which will increase cross-traffic at Citizens' Dock Road and Highway 101, the City and Harbor District shall work with Caltrans to improve traffic control on Highway 101. ☞

### 3.G. TELETRANSPORTATION

**Goal 3.G.1** To promote development of multimedia communications as a viable mode of transportation and commerce.

#### **Policies**

~~3.G.4. The City shall develop guidelines for the review and permitting of telecommunication facilities to address potential impacts to coastal resources, especially designated visual resources. The guidelines shall encourage tower co-location, and require visual simulations (e.g., photo simulations) as part of the permitting process. ☞~~ [Moved to *TELETRANSPORTATION – Other Initiatives*]

#### Other Initiatives

~~3.G.4. •~~ The City shall develop guidelines for the review and permitting of telecommunication facilities to address potential impacts to coastal resources, especially designated visual resources. The guidelines shall encourage tower co-location, and require visual simulations (e.g., photo simulations) as part of the permitting process. ☞

#### **Implementation Programs**

~~3.5 The City shall develop guidelines for the review and permitting of telecommunications facilities to address potential impacts to coastal resources, especially designated visual resources.~~

~~Responsibility: City Council  
Planning Department  
Public Works~~

~~Time Frame: FY 01-02~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

## SECTION 4

### PUBLIC FACILITIES AND SERVICES

This section contains goals, policies, and implementation programs that establish the framework for the provision of public facilities and services to meet the demand created by existing and future development in the Crescent City Planning Area. The goals and policies in this section are organized according to the following categories, each of which relates to a particular facility or service. They include:

- 4.A. General Public Facilities and Services;
- 4.B. Water Supply and Delivery;
- 4.C. Wastewater Treatment, Collection, and Disposal; and
- 4.D. Stormwater Drainage~~;~~

#### 4.A. GENERAL PUBLIC FACILITIES AND SERVICES


**Goal 4.A.1** To ensure the effective and efficient provision of public facilities and services for existing and new development.

#### Policies

**4.A.1. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this coastal land use plan. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this coastal land use plan. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.**

**4.A.1. 4.A.2. The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required shall be verified as part of the review process for coastal development permits. The City shall not approve No new development shall be authorized where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees or other means).**



- 4.A.3. Within the city limits, where existing or planned public works facilities can accommodate only a limited amount of new development within the Coastal Zone, the priority for public services within the Coastal Zone shall be:
- a. essential public services;
  - b. Basic industries vital to the economic health of the region, state, or nation, such as agriculture;
  - c. coastal dependent land uses;
  - ~~d. visitor-serving land uses;~~
  - ~~e. residential land uses;~~
  - ~~f. commercial recreation;~~
  - ~~g. d.~~ public recreation;
  - e. commercial recreation;
  - f. visitor-serving land uses; and
  - ~~h. g.~~ other uses. 

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

## **4.B. WATER SUPPLY AND DELIVERY**

**Goal 4.B.1** To ensure the availability of an adequate and safe water supply and the maintenance of high quality water for residents of and visitors to the Crescent City urban area.

### **Policies**

**4.B.1.** New or expanded domestic water supply facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this coastal land use plan. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this coastal land use plan. Where existing or planned public water supply facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

~~4.B.3.~~ **4.B.2.** ~~The City shall approve new~~ New development shall be approved only if an adequate water supply to serve such development ~~is demonstrated~~ and ~~require~~ meeting State water quality standards is demonstrated.

[Also see Policy 1.A.1.]

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

## **4.C. WASTEWATER TREATMENT, COLLECTION, AND DISPOSAL**

**Goal 4.C.** To ensure adequate wastewater collection, treatment, and disposal within the Urban Boundary.

### **Policies**

**4.C.1.** New or expanded wastewater treatment facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this coastal land use plan. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this coastal land use plan. Where existing or planned public wastewater treatment works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

~~**4.C.2.** The City shall work with the County to develop a Crescent City wastewater master plan based on the recommendations of the Community Wastewater Conveyance and Treatment Feasibility Study to reduce hydraulic and nutrient loading on the Crescent City Wastewater Treatment Plant. The master plan shall recommend either establishment of a regional wastewater treatment facility for the Crescent City urban area, establishing satellite wastewater treatment facilities, expanding the existing wastewater treatment plant, or a combination of two or more improvements. [Moved to WASTEWATER TREATMENT, COLLECTION, AND DISPOSAL – Other Initiatives.]~~

**4.C.2.** Notwithstanding any other provision of law, no term or condition shall be imposed on the development of any sewage treatment plant which is applicable to any future development if that development can be accommodated by that plant consistent with this coastal land use plan division. Nothing in this section modifies the provisions and requirements of Sections 30254.5 and 30412 of the Coastal Act.

~~**4.C.3.** The City shall work with the County to establish a regional wastewater treatment facility for the Crescent City urban area. If the~~

~~establishment of a regional plant is found to be infeasible, the City shall consider alternatives such as establishing satellite wastewater treatment facilities and expanding the existing wastewater treatment plant.~~ [Moved to WASTEWATER TREATMENT, COLLECTION, AND DISPOSAL – Other Initiatives.]

~~4.C.4. In order to assure that the City is preserving adequate capacity for Coastal Zone development, the City shall meet bi-annually with representatives of the County of Del Norte and the Harbor District to discuss future development plans and sewer services demands. ☞~~ [Moved to WASTEWATER TREATMENT, COLLECTION, AND DISPOSAL – Other Initiatives.]

[Also see Policy 1.A.1.]

### **Implementation Programs**

~~4.2 The City shall reserve funds to expand the capacity of its wastewater treatment system in order to develop additional operational capacity necessary for the full development of areas in and out of the Coastal Zone. The City shall prepare a summary report of its meetings with the County and Harbor Commission, and a copy of its Capital Improvement Budget. Said report shall describe the future development plans and method for providing sewer connections. Upon completion of the report, copies shall be available for public review and comment.~~

~~Responsibility: Public Works  
Planning Department~~

~~Time Frame: First two years~~ [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]

### Other Initiatives

~~4.C.2. ●~~ The City shall work with the County to develop a Crescent City wastewater master plan based on the recommendations of the Community Wastewater Conveyance and Treatment Feasibility Study to reduce hydraulic and nutrient loading on the Crescent City Wastewater Treatment Plant. The master plan shall recommend either establishment of a regional wastewater treatment facility for the Crescent City urban area, establishing satellite wastewater treatment facilities, expanding the existing wastewater treatment plant, or a combination of two or more improvements.

~~4.C.3. ●~~ The City shall work with the County to establish a regional wastewater treatment facility for the Crescent City urban area. If the establishment of a regional plant is found to be infeasible, the City shall consider alternatives such as establishing

satellite wastewater treatment facilities and expanding the existing wastewater treatment plant.

- ~~4.C.4.~~ 4.C.4. In order to assure that the City is preserving adequate capacity for Coastal Zone development, the City shall meet bi-annually with representatives of the County of Del Norte and the Harbor District to discuss future development plans and sewer services demands. ☞

#### 4.D. STORMWATER DRAINAGE

Goal ~~4.E.~~ 4.D.1. To preemptively infiltrate, detain, and retain onsite, and/or centrally collect, ~~and~~ convey, and treat, as necessary, stormwater in a manner that least inconveniences the public, reduces or prevents stormwater pollution and potential water-related damage, and protects the environment.

#### Policies

~~4.E.1.~~ 4.D.1. The ~~City shall encourage the~~ use of ~~natural stormwater drainage systems in a manner that preserves and enhances natural features~~ existing watercourses and detention basins may be authorized to convey stormwater if significant impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided.

~~4.E.3.~~ 4.D.2. ~~The City shall consider recreation opportunities~~ Potential recreational co-use and aesthetics shall be considered in the design of stormwater detention/retention and conveyance facilities.

~~4.E.6.~~ ~~Future drainage system requirements shall comply with applicable State and Federal pollutant discharge requirements.~~ [Moved to *STORMWATER DRAINAGE – Other Initiatives.*]

~~4.E.8.~~ 4.D.3. The ~~City shall permit the~~ joint use of City parks as drainage detention basins may be allowed in the authorization of new development consistent with all other Coastal Land Use Plan policies, and provided coastal recreational opportunities and public access are not significantly adversely impacted.

~~4.E.9.~~ 4.D.4. ~~The City shall require that best~~ Best management practices (BMPs) for controlling stormwater runoff and maintaining water quality shall be incorporated into ~~development~~ the design and operation of new development. All post-construction structural BMPs (or suites of BMPs) for new residential, commercial, ~~and~~ industrial, and public facilities development within the Coastal Zone shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, and/or the 85<sup>th</sup> percentile 1-hour storm event, with the incorporation of an appropriate safety factor for flow-based BMPs.

(See Also Section 6.C Water Resources - Policies)

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations* Implementation Plan within LUP *Part I Summary*]

### **Other Initiatives**

~~4.E.6.~~ • Future drainage system requirements shall comply with applicable State and Federal pollutant discharge requirements.

• The City shall develop a water quality checklist to be used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

• The City shall require markers or stenciling for all new storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

• The City shall develop a comprehensive implementing stormwater quality management ordinance which sets as minimum requirements in the approval of new development the following water quality best management practices:

1. Reducing erosion to the greatest extent practicable through onsite retention of sediment during and after construction by: (a) minimizing the potential sources of sediment from the outset; (b) controlling the amount of runoff onto and from the site, and its ability to carry sediment, by diverting incoming flows and impeding internally generated flows; and (c) retaining sediment on the project site through the use of sediment-capturing devices.
2. Minimizing runoff of entrained non-sediment pollution from construction sites (e.g., solvents, adhesives, preservatives, soluble building materials, vehicle lubricant and hydraulic fluids, concrete truck wash-out slurry, and litter) to the extent feasible.
3. Minimizing land disturbance during development construction phases to the extent feasible, including soil compaction associated with construction activities to retain the natural stormwater infiltration capacity of the soil.
4. Minimizing the disturbance of natural vegetation, including significant trees, native vegetation, and root structures, important for preventing erosion and sedimentation.

5. Prohibiting grading during the rainy season (i.e., November 1 to March 30), except in response to emergencies, and unless the review authority determines that soil conditions at the project site are suitable, adequate erosion and sedimentation control measures will be in place, and there is a low probability of significant precipitation occurring during the requested extended period for grading operations.
6. Stabilizing site soils promptly through the use of soil stabilization BMPs, including, but not limited to, re-vegetation on graded or disturbed areas as soon as feasible.
7. Limiting the application, generation, and migration of toxic substances, and ensuring their proper storage and disposal.
8. Applying nutrients and fertilizers at rates necessary to establish and maintain vegetation and landscaping without causing significant nutrient runoff to surface waters.

## SECTION 5 RECREATIONAL AND CULTURAL RESOURCES

This section outlines the City's goals, policies, and programs for the continued development and enhancement of Crescent City's rich recreational opportunities and cultural assets. The section includes goals, policies, and programs addressing the following subjects:

- 5.A. City Parks and Recreation;
- 5.B. Recreation Trails;
- 5.C. Coastal Zone Recreation;
- 5.D. Coastal Zone Access;
- 5.E. Coastal Visual Resources;
- 5.F. Private Recreational Facilities and Opportunities; and
- 5.G. Cultural Resources.

### 5.A. CITY PARKS AND RECREATION

**Goal 5.A.1.** To encourage the development and maintenance of existing and new parks and recreational facilities to serve the needs of present and future residents, employees, and visitors.

#### Policies

~~5.A.3. The City shall cooperate with other public agencies to ensure flexibility in the development of park areas and recreational services to respond to changing trends in recreation activities. [Moved to CITY PARKS AND RECREATION – Other Initiatives.]~~

~~5.A.4. The City shall ensure that park design is appropriate to the recreational needs and, where feasible, access capabilities of all residents of and visitors to Crescent City. [Moved to CITY PARKS AND RECREATION – Other Initiatives.]~~

~~5.A.5. The City shall encourage public recreational development that complements the natural features of the area, including the topography, waterways, vegetation, and soil characteristics. [Moved to CITY PARKS AND RECREATION – Other Initiatives.]~~

~~5.A.6. The City shall encourage public and private park and recreation agencies to acknowledge the natural resource values present at park sites~~

~~during the design of new facilities.~~ [Moved to CITY PARKS AND RECREATION – Other Initiatives.]

~~5.A.7. The City shall encourage compatible recreational use of riparian areas along streams and creeks where public access can be balanced with environmental values and private property rights.~~ [Moved to CITY PARKS AND RECREATION – Other Initiatives.]

~~5.A.9. The City shall work with the County to continue to support the protection and use of Battery Point and Point St. George Lighthouses as County parks.~~ [Moved to CITY PARKS AND RECREATION – Other Initiatives.]

~~5.A.10. The City shall work with the County in seeking funding to restore facilities at Pebble Beach in disrepair and to revegetate the damaged promontory for recreation use.~~ [Moved to CITY PARKS AND RECREATION – Other Initiatives.]

~~5.A.14. The City shall work jointly with the Redevelopment Agency to rehabilitate and improve existing athletic fields.~~ [Moved to CITY PARKS AND RECREATION – Other Initiatives.]

~~5.A.15. The City shall continue to maintain and enhance Beachfront Park so that it remains a focal point for community events and waterfront recreation.~~ [Moved to CITY PARKS AND RECREATION – Other Initiatives.]

~~5.A.16. 5.A.1.~~ The City shall maintain the recreation areas which the City owns as identified in Table 5-1 and illustrated in Figure 5-1 shall be maintained and remain open for public use.

TABLE 5-1			
RECREATIONAL AREAS			
City of Crescent City <del>Planning Area</del>			
Site #	Area Name	Responsible Agency/Owner	Features/Type of Use
<i>Recreation Areas within City Limits (Coastal Zone)</i>			
1	Shoreline Campground	City of Crescent City	Public access to coast, sandy beach area
2	Cultural Center	City of Crescent City	meeting center and museum
3	Swimming Pool	City of Crescent City	heated swimming pool, slide
4	Beachfront Park	City of Crescent City	small playground, picnic facilities, <u>sporting fields</u>
5	Howe Drive Bike Path	City of Crescent City	<del>complete view</del> <u>panoramic views</u> of the ocean, lateral access <del>of along</del> coastline
7	Brother Jonathan Park	City of Crescent City	Playground, baseball diamond with bleachers, restroom facilities, and parking
8	Battery Point Lighthouse	Del Norte County	Panoramic vistas, beach access, parking facilities
<del>* Areas outside the Urban Boundary.</del>			



TABLE 5-1			
RECREATIONAL AREAS			
City of Crescent City <del>Planning Area</del>			
Site #	Area Name	Responsible Agency/Owner	Features/Type of Use
<del>Source: Del Norte County General Plan Background Report, May 1998; Crescent City Local Coastal Plan 1986.</del>			

[Insert Figure 5-1]

**Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations* Implementation Plan within LUP *Part I Summary*]

**Other Initiatives**

- ~~5.A.3.~~ ● The City shall cooperate with other public agencies to ensure flexibility in the development of park areas and recreational services to respond to changing trends in recreation activities.
- ~~5.A.4.~~ ● The City shall ensure that park design is appropriate to the recreational needs and, where feasible, access capabilities of all residents of and visitors to Crescent City.
- ~~5.A.5.~~ ● The City shall encourage public recreational development that complements the natural features of the area, including the topography, waterways, vegetation, and soil characteristics.
- ~~5.A.6.~~ ● The City shall encourage public and private park and recreation agencies to acknowledge the natural resource values present at park sites during the design of new facilities.
- ~~5.A.7.~~ ● The City shall encourage compatible recreational use of riparian areas along streams and creeks where public access can be balanced with environmental values and private property rights.
- ~~5.A.9.~~ ● The City shall work with the County to continue to support the protection and use of Battery Point and Point St. George Lighthouses as County parks.
- ~~5.A.10.~~ ● The City shall work with the County in seeking funding to restore facilities at Pebble Beach in disrepair and to revegetate the damaged promontory for recreation use.
- ~~5.A.14.~~ ● The City shall work jointly with the Redevelopment Agency to rehabilitate and improve existing athletic fields.
- ~~5.A.15.~~ ● The City shall continue to maintain and enhance Beachfront Park so that it remains a focal point for community events and waterfront recreation.

## 5.B. RECREATIONAL TRAILS

**Goal 5.B.1.** To develop a system of interconnected hiking, riding, and bicycling trails and paths suitable for active recreation and transportation and circulation.

### Policies

~~5.B.1. The City shall work with the County, State, and Federal government to develop a countywide trail system designed to achieve the following objectives:~~

- ~~a. Provide safe, pleasant, and convenient travel by foot, horse, or bicycle;~~
- ~~b. Link residential areas, schools, community buildings, parks, and other community facilities. Whenever possible, trails should connect to a countywide trail system and regional trails;~~
- ~~c. Provide access to recreation areas, major waterways, and vista points; and~~
- ~~d. Provide for multiple uses (i.e., pedestrian, equestrian, bicycle). [Moved to RECREATIONAL TRAILS – Other Initiatives.]~~

~~5.B.4. The City shall work with the County to promote the development of a continuous, multi-use coastal trail (i.e., an equestrian, pedestrian, and bicycle trail) linking Point St. George to South Beach. ☞ [Moved to RECREATIONAL TRAILS – Other Initiatives.]~~

~~5.B.5. The City shall continue to coordinate connecting trails with Del Norte County, particularly in the Elk Creek, Harbor, and coastline areas through the development of a joint trails plan. ☞ [Moved to RECREATIONAL TRAILS – Other Initiatives.]~~

### Implementation Programs

~~Existing programs are deemed sufficient. [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~

### Other Initiatives

**5.B.1. ●** The City shall work with the County, State, and Federal government to develop a countywide trail system designed to achieve the following objectives:

- a. Provide safe, pleasant, and convenient travel by foot, horse, or bicycle;
- b. Link residential areas, schools, community buildings, parks, and other community facilities. Whenever possible, trails should connect to a countywide trail system and regional trails;
- c. Provide access to recreation areas, major waterways, and vista points; and
- d. Provide for multiple uses (i.e., pedestrian, equestrian, bicycle).

~~5.B.4.~~ ● The City shall work with the County to promote the development of a continuous, multi-use ~~coastal trail~~ California Coastal Trail system (i.e., an equestrian, pedestrian, and bicycle trail) linking Point St. George to South Beach. ☞

~~5.B.5.~~ ● The City shall continue to coordinate connecting trails with Del Norte County, particularly in the Elk Creek, Harbor, and coastline areas through the development of a joint trails plan. ☞

## 5.C. COASTAL ZONE RECREATION

Goal 5.C.1. To ~~provide full~~ maximize coastal recreation opportunities for the public while assuring the protection of important coastal resources and the rights of private property owners. ☞

### Policies

~~5.C.1.~~ ~~The City shall recommend the improvement and maintenance of the Battery Point Lighthouse as a museum available to the public.~~ ☞ [Moved to *COASTAL ZONE RECREATION – Other Initiatives.*]

5.C.1. In carrying out the requirement of this coastal land use plan, recreational opportunities shall be provided for all the people, to the maximum extent feasible, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

5.C.2. Lower cost recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

5.C.3. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

5.C.4. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

5.C.5. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

~~5.C.6.~~ Increased recreational boating use of coastal waters shall be encouraged by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

~~5.C.2.~~ ~~If the City pursues the Battery Point Recreation Area project, the City shall assure conformance of such development with the provisions of the sand management program and conditions as prescribed in the Diking, Dredging, and Filling element herein Policy 1.K.14 of this General Plan. ☞ [Revised, renumbered as COASTAL ZONE RECREATION Policy 5.C.13.]~~

~~5.C.3.~~ ~~The City shall encourage the continued maintenance of coastal recreation areas by both the private sector and public agencies. ☞ [Moved to COASTAL ZONE RECREATION – Other Initiatives.]~~

~~5.C.4.~~ 5.C.7. ~~The City shall ensure that new~~ New recreational development ~~is~~ shall be located and distributed throughout the Coastal Zone in a manner to prevent undue ~~social~~ coastal resource impacts, overuse, or overcrowding. ☞

~~5.C.5.~~ 5.C.8. ~~The City shall grant priority~~ Priority shall be granted to visitor-serving facilities that provide recreational opportunities to persons of low- and moderate-income over higher-cost visitor facilities. ☞

~~5.C.6.~~ 5.C.9. ~~The City shall protect the~~ rights of private property owners shall be protected in all provisions for public and private recreation facilities. ☞

~~5.C.7.~~ 5.C.10. ~~The City shall allow visitor-serving~~ Visitor-serving and commercial-recreational facilities on ocean-front parcels shall be permitted only when such development provides an increased opportunity for shoreline access and coastal recreation and enhances scenic and environmental values of the area. ☞

~~5.C.8.~~ 5.C.11. ~~The City shall ensure that fragile~~ Fragile coastal resources ~~are~~ shall be considered and protected to the ~~greatest possible~~ maximum extent feasible in the authorization of all new coastal recreational development. ☞

~~5.C.9.~~ 5.C.12. ~~The City should minimize recreational~~ Recreational use conflicts on coastal beaches shall be minimized through provisions separating incompatible activities by time and/or space. Outdoor recreation projects should preserve and enhance scenic and environmental values. ☞

~~5.C.10.~~ ~~The City shall encourage the continued maintenance of existing recreational boating facilities by private operators and public agencies. ☞ [Moved to COASTAL ZONE RECREATION – Other Initiatives.]~~

~~5.C.11. The City shall protect designated agricultural lands from inappropriate development including, but not limited to, recreational development. ☞ [Policy deleted: No portion within or bordering City's Coastal Zone jurisdictional area is in or designated for agricultural uses.]~~

~~5.C.12. The City supports the continued development of day use, trail, recreational boating, and related visitor-serving uses at the Crescent City Harbor and encourages the Harbor District to coordinate and participate with local and State agencies for the provision of connecting access trails and facilities. ☞ [Moved to COASTAL ZONE RECREATION – Other Initiatives.]~~

~~5.C.2, 5.C.13. If the City pursues Any future development of the Battery Point Recreation Area project, the City shall assure conformance of such development with shall be consistent with all policies relating to permissible dredging, diking, and filling of open coastal waters and wetlands, and the construction of shoreline structures, including the provisions of the sand management program and conditions as prescribed in the Diking, Dredging, and Filling element herein Policy ~~1.K.14~~ 6.D.5. of this ~~General~~ Coastal Land Use Plan. ☞~~

[Also see Policies 3.C.1., 3.C.11., 4.A.3., 6.A.2., 6.B.1., 6.B.12., 6.B.14., 6.D.1., 6.D.6., 7.A.2., and 7.B.7.]

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

### **Other Initiatives**


~~5.C.1. ●~~ The City shall recommend the improvement and maintenance of the Battery Point Lighthouse as a museum available to the public. ☞

~~5.C.3. ●~~ The City shall encourage the continued maintenance of coastal recreation areas by both the private sector and public agencies. ☞

~~5.C.10. ●~~ The City shall encourage the continued maintenance of existing recreational boating facilities by private operators and public agencies. ☞

~~5.C.12. ●~~ The City supports the continued development of day use, trail, recreational boating, and related visitor-serving uses at the Crescent City Harbor and encourages the Harbor District to coordinate and participate with local and State agencies for the provision of connecting access trails and facilities. ☞

**5.D. COASTAL ZONE ACCESS**

**Goal 5.D.1.** To provide the **full maximum** benefits of access to coastal recreation resources to all residents of and visitors to Crescent City. 

**Policies**

**5.D.1.** **For development located within the first public road and the sea, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.**

**5.D.2.** **Development located within the first public road and the sea shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.**

**5.D.3** **Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects as defined herein except where:**

- **It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or**
- **Adequate access exists nearby.**
- **Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.**

**5.D.4.** **Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**

**5.D.5.** **Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.**

**5.D.6.** **The public access policies of this plan shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:**

- **Topographic and geologic site characteristics.**
- **The capacity of the site to sustain use and at what level of intensity.**
- **The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural**

resources in the area and the proximity of the access area to adjacent residential uses.

- The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

The public access policies of this plan be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this plan or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

In carrying out the public access policies of this article, the City shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

5.D.7. A continuous trail system shall be developed throughout the City which will become a segment of the California Coastal Trail system.

~~5.D.1. 5.D.8.~~ The City recognizes the importance of access to and along shoreline. Therefore, all All City owned beachfront property, including its dry sand beaches, shall be maintained in a manner to protect all existing accessways. If, in the future, the City finds that existing public accessways and other access support facilities are inadequate to meet coastal access and recreational needs, ~~it shall encourage the development of~~ provision of additional accessways ~~consistent with the City's ability to pay maintenance costs and obtain adequate funding to develop said areas~~ and other access support facilities may be required of new development projects provided the development would increase the demand for such facilities. ☞

~~5.D.2. 5.D.9.~~ The City shall assure that the public can easily locate existing access points. These access points shall be visibly marked. This recommendation is particularly applicable to public access south of Elk Creek. ☞

~~5.D.3.~~ ~~The City shall maintain the coastal access points which the City owns as identified in Table 5-2 and illustrated in Figure 5-2.~~ ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]

~~5.D.4.~~ ~~The City shall work actively towards the attainment of maximum coastal access for the public, where it is consistent with public safety, property owner rights, and the protection of fragile coastal resources.~~ ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]



~~5.D.5. The City shall strive to protect the rights of private property owners in all considerations of public access. ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]~~

~~5.D.6. The City shall require funding assistance to improve and maintain existing access and to acquire and develop any new access and facility. ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]~~

~~5.D.7. 5.D.10. The City shall ensure that the design and construction by any public or private entity of shoreline access facilities (e.g., parking, trails, stairways, etc.) considers shall consider public safety potentials for vandalism and the protection of fragile coastal resources. ☞~~

~~5.D.8. The City will continue implementing its zoning ordinance to develop and maintain shoreline access facilities. ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]~~

TABLE 5-2			
ACCESS POINTS			
City of Crescent City <del>Planning Area</del>			
Site #	Area Name	Responsible Agency/Owner	Features/Type of Use
<i>Coastal Access within City Limits</i>			
1	Access at 3 <sup>rd</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking
2	Access at 4 <sup>th</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking, improved stairs, signs identifying points
3	Access at 5 <sup>th</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking, improved stairs, signs identifying points
4	Access at 6 <sup>th</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking, improved stairs, signs identifying points
5	Brother Jonathon Vista	City of Crescent City	scenic viewing, picnicing, and whale watching
6	Preston Island	City of Crescent City	beachcombing, fishing, picnicking; off-street parking available
7	Access at Battery	Del Norte County	restrooms, picnic facilities, low- tide access to

TABLE 5-2			
ACCESS POINTS			
City of Crescent City Planning Area			
Site #	Area Name	Responsible Agency/Owner	Features/Type of Use
	Point Lighthouse		lighthouse, fishing, beachcombing
8	Howe Drive / Beachfront Park	City of Crescent City	improved access points, beachcombing, scenic viewing, lateral access at Harbor
9	<del>Dutton</del> / <del>Crawford Dock</del> <u>Mouth of Elk Creek / Inner Harbor</u>	<del>Harbor District</del> <u>City of Crescent City</u>	<del>fish/crab buying station, harbor boat access</del> <u>improved access from Beach Front Park to Crescent City Harbor on bridge across lower Elk Creek and along path around perimeter of Shoreline RV Park to inner harbor beach strand</u>
10	B Street Pier	City of Crescent City	public recreation, scenic viewing

Source: Del Norte County General Plan Background Report, May 1998; Crescent City Local Coastal Plan, 1986.

~~5.D.9. 5.D.11.~~ 5.D.11. The City shall ensure that the New development along the immediate shoreline ~~provides~~ shall maximize public access to the shoreline except where:

a. The development would not significantly impact existing access facilities or generate demand for additional facilities;

~~a.~~ b. Findings are made consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety or that agriculture would be adversely affected;

~~b.~~ c. Access would have unavoidable adverse impacts on environmentally-sensitive habitat areas; or

~~c.~~ d. An existing vertical accessway, adequate to meet anticipated access needs, is located a quarter of a mile or less from the development;

~~d.~~ The parcel is too small to allow for an adequate vertical access corridor without passing within twenty five feet of a proposed dwelling; or

~~e.~~ Project site is too small for the proposed development and the access with improvement related to its use (i.e., parking). ☞

~~5.D.10. 5.D.12.~~ 5.D.12. The City shall discourage accessways Accessways to rocky beaches in areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, ~~will~~ would be degraded, shall be discouraged. ☞

~~5.D.11. 5.D.13.~~ 5.D.13. The City shall ensure that existing Existing lateral access shall be maintained by ~~seeking~~ requiring lateral access easements (inland of the mean high tide line to the first line of vegetation or to the crest of the paralleling bluff in areas of

coastal bluffs) ~~for the immediate shoreline~~ across the width of the project site. ☞

~~5.D.12. 5.D.14. The City shall issue no~~ No permit shall be issued for a project that obstructs lateral access on the immediate shoreline, inland of the mean tide line to the first line of vegetation, or the crest of the paralleling bluff. ~~The City will, however, grant~~ However, exceptions may be granted for the placement of navigational aids or shoreline protective devices to protect existing structures (i.e., main residence, commercial or industrial buildings, roadways, and public parking areas) in immediate danger of erosion and where no other feasible options (such as relocation or removal of the development) exist. If shoreline protection devices are approved, they shall be the minimum size necessary to protect the development and appropriate mitigation measures shall be required. ☞

~~5.D.13. The City shall seek funding for suitable, improved access points for use by the physically limited.~~ ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]

~~5.D.14. 5.D.15. The City shall prohibit opening of any required~~ Any accessway to required to be dedicated for public use shall not be opened for public use until a public agency, including the State, or a private association, agrees to accept responsibility for maintenance and liability of the accessway. ☞

~~5.D.15. 5.D.16. The City shall grant priority~~ Priority shall be granted to developments that provide access for the general public over a wide range of income levels, ages, and social groups over other private development. ☞

~~5.D.16. The City should place signs on Highway 101 indicating shoreline access.~~ ☞ [Moved to COASTAL ZONE ACCESS – Other Initiatives.]

5.D.17. ~~The City shall continue to restrict the~~ operation of motor vehicles on beaches within the city limits shall be restricted, except ~~that the City shall provide exceptions fro~~ (sic) for emergency operations of the Crescent City Police Department or other public authority. ☞

~~5.D.18. For any new development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor serving commercial development, the City, or the Commission on appeal, shall require an offer of dedication for public access to the City or other public or private association acceptable to the Executive Director of the California Coastal Commission, if the approving authority finds that the proposed development would create significant adverse individual or cumulative impacts on the public's demand for and use of public access facilities, and the offer of dedication would alleviate the impacts and be reasonably related to the impacts in nature and extent. Any offer of dedication for lateral public access along the beach shall~~

~~be located at the westerly portion of the property extending to the mean high tide line (the westerly property limit). Any offer of dedication for lateral public access along any portion of the blufftop shall allow for a lateral access trail to be constructed and maintained as public access and shall be located far enough inland from the top of the bluff to not require the construction of protective devices that could substantially alter natural landforms and bluffs and cliffs. Any offer of dedication for a vertical public access to the beach shall follow the Second Street public right of way, West of Front Street. The City may accept and shall not oppose any other agency, so approved by the Executive Director of the Coastal Commission, from accepting any offers of dedication.~~ ☞ [Strike policy: Development site has been vested for full build-out and subject accessway easement has been dedicated, accepted, and opened for public use.]

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

### **Other Initiatives**

~~5.D.3.~~ ● The City shall maintain the coastal access points which the City owns as identified in Table 5-2 and illustrated in Figure 5-2. ☞

~~5.D.4.~~ ● The City shall work actively towards the attainment of maximum coastal access for the public, where it is consistent with public safety, property owner rights, and the protection of fragile coastal resources. ☞

~~5.D.5.~~ ● The City shall strive to protect the rights of private property owners in all considerations of public access. ☞

~~5.D.6.~~ ● The City shall require funding assistance to improve and maintain existing access and to acquire and develop any new access and facility. ☞

~~5.D.8.~~ ● The City will continue implementing its zoning ordinance to develop and maintain shoreline access facilities.

~~5.D.13.~~ ● The City shall seek funding for suitable, improved access points for use by the physically limited. ☞

~~5.D.16.~~ ● The City should place signs on Highway 101 indicating shoreline access. ☞

● The City shall strive to complete the links in the California Coastal Trail (CCT) by participating and consulting with the National Park Service, the State Department of Parks & Recreation, the State Coastal Conservancy, the County of Del Norte, the Elk Valley Rancheria, other tribal governments,

and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the City of Crescent City California Coastal Trail (CCT) segment, including opening trails for vertical access as identified within the City's coastal access inventory. The CCT shall be identified and defined as a continuous, interconnected trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent unincorporated Coastal jurisdictions (Del Norte County). The CCT segment through the City's portion of the coastal zone shall be designed to foster appreciation and stewardship of the scenic and natural resources of the coast. The trail system is to be located on a variety of terrains, including the beach, footpaths, paved bicycle paths, and sometimes along the shoulder of the road. While primarily for pedestrians, the CCT also accommodates a variety of additional user groups, such as bicyclists, wheelchair users, equestrians, and others as opportunities allow.

Development parameters are as follows:

- The City shall take the lead responsibility and will consult with the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, the California Coastal Commission, and County of Del Norte, tribal governments, and other appropriate public and private entities and interested parties regarding designing, locating, finding, acquiring, and implementing the CCT.
- The CCT shall be a continuous lateral trail network traversing the length of the City's coastal zone and connecting with contiguous trail links in adjacent County jurisdictional areas.
- Existing segments of the CCT within the City's jurisdictional area include at least the following:
  - ❖ The *Preston Island Coastal Access Facility*.
  - ❖ The *Harbor-City Bike Path's* Class III roadside bikeway along *Pebble Beach Drive* from *West Ninth Street* on the north end to *West Sixth Street*, thence along *Taylor*, *West Fifth*, "A," *Second*, and "B" Streets to *Front Street*, thence westerly along *Front Street* to *A Street*, thence southerly along *A Street* to *Battery Street*, thence easterly along *Battery* and "C" Streets to the southern end at the *Harbor Trail – North Segment* at the western end of *Howe Drive*.
  - ❖ The vertical and lateral access trails around the perimeter of the *Redwood Oceanfront Resort* (Hampton Inn)

- ❖ The ramped trail from the parking lot at the foot of “A” Street to the Battery Point Lighthouse.
  - ❖ The Harbor Trail North Segment multi-use path / Class I separated bikeway from the western end of Howe Drive along the harbor side of Beach Front Park, and crossing lower Elk Creek to its terminus as the intersection of Sunset Circle and RV Park Road.
  - ❖ The Harbor Trail North Segment multi-use path / Class III roadside bikeway along Sunset Circle from RV Park Road to its intersection with Highway 101, Elk Valley Road, and Huston Street.
  - ❖ The pedestrian trail around the creek and harbor sides of the City-owned Shoreline Campground and RV Park.
  - ❖ The harbor beach strand areas between the B Street Pier and the mouth of Elk Creek, and from the Shoreline Campground and RV Park perimeter trail to the foot of King Street.
- The CCT shall consist of one or more parallel alignments, at least one strand shall be designated and implemented at achieve one or all of the following objectives:
- ❖ Provide a continuous walking and hiking trail as close to the ocean as possible.
  - ❖ Provide maximum access for a variety of non-motorized users by utilizing alternative trail segments where feasible.
  - ❖ Maximize connections to existing and proposed local trail systems.
  - ❖ Ensure that all segments of the trail have vertical access connections at reasonable intervals.
  - ❖ Maximize ocean views and scenic coastal vistas.
  - ❖ Provide an educational experience through interpretative facilities where feasible.

Specific siting and design standards shall include:

- The trail shall be sited and designed to be located along or as close to the shoreline where physically and aesthetically feasible. Where it is not feasible to locate the trail along the shoreline due to natural landforms or legally authorized development that prevents passage at all times, inland bypass trail segments located as close to the shoreline as possible should be utilized. Shoreline trail segments that may not be passable at all times shall provide inland alternative routes. Special attention shall be given to identifying any segments that may need to be incorporated into water-crossing structures and that necessarily must be placed within Caltrans right-of way.

- Where gaps are identified in the trail, interim segments shall be identified to ensure a continuous coastal trail. Interim segments shall be noted as such, with provisions that as opportunities arise, the trail shall be realigned for ideal siting. Interim trail segments shall meet as many of the CCT objectives and standards as possible.
- The CCT shall be designed and located to minimize impacts to environmentally sensitive habitat areas and prime agriculture lands to the maximum extent feasible. Where appropriate, trail access shall be limited to pass and repass. Where necessary to prevent disturbance to sensitive species, sections of the trail may be closed on a seasonal basis. Alternative trail segments shall be provided where feasible. For situations where impact avoidance is not feasible, appropriate mitigation measures shall be identified, including but not limited to use of boardwalks, reducing width of trails, converting edges of agricultural land to public trail use when the minimal amount of conversion is used, etc.
- The CCT shall be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible.
- The CCT shall be designed to avoid being located on roads with motorized vehicle traffic where feasible. In locations where it is not possible to avoid siting the trail along a roadway, the trail shall be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance or by physical barriers that do not obstruct, or detract from, the visual scenic character of their surroundings. In locations where the trail must cross a roadway, safe under- or over-crossings or other alternative at-grade crossings shall be considered in connection with appropriate directional and traffic warning signage.
- Trail easements shall be obtained by encouraging private donation of land, by public purchase, or by dedication of trail easements required pursuant to a development permit.
- The CCT alignment Study shall identify the appropriate management agency(s) to take responsibility for trail operation and maintenance.
- The trail shall provide adequate signage at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads and shall incorporate the State adopted CCT logo.

- The trail shall provide adequate safety signage, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments. Where appropriate signs shall be developed in coordination with Caltrans, Del Norte County Community Development Department – Roads Division, tribal entities, and/or any other applicable public agencies or nonprofit organizations.
- To maximize access to the CCT, adequate parking and trailhead facilities shall be provided.
- The final CCT map shall identify all finally planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed-restricted sections and sections subject to an offer-to-dedicate (OTD). Where property ownerships or other constrictions make final alignment selection unfeasible, a preferred corridor for the alignment shall be identified. The map shall be updated on a regular basis.
- The CCT preferred alignment corridor shall be identified on all applicable City trail maps contained in the LCP, including updated public access, recreational and public facilities inventories.
- Within one year of the completion of the CCT alignment Study, the LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City, including the final maps of the trails and corridor alignments.

## COASTAL VISUAL RESOURCES

Goal 5.E: ~~The City shall~~ To encourage the maintenance of the visual and scenic beauty of Crescent City.

### Policies

~~5.E.1. The City shall continue to provide for protection of designated scenic resources through such means as land use designation, zoning, design review, and sign control. ☞ [Moved to COASTAL VISUAL RESOURCES – Other Initiatives.]~~

~~5.E.15.~~ 5.E.1. The ~~City shall consider and protect the~~ scenic and visual qualities of coastal areas shall be considered and protected shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to: (a) protect views to and along the ocean and scenic coastal areas, including, but not limited to, the scenic resources identified in Table 5-3 and depicted on Figure 5-3; (b) to minimize the alteration of natural land forms; ; (c) to be



visually compatible with the character of surrounding areas, ~~and; and (d)~~ where feasible, to restore and enhance visual quality in visually degraded areas. New development in designated highly scenic areas shall be subordinate to the character of its setting. ~~Any future development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, shall provide for a substantial view corridor oriented from the vantage point of the vicinity of the intersection of Front and A Streets and directed toward the offshore rocky areas northwest of the site.~~ [Currently certified *VISUAL RESOURCES Policy 4* restored; proposed updated *COASTAL VISUAL RESOURCES Policy 5.E.15*. bifurcated into general and site specific policies: See Commission suggested modified, renumbered *COASTAL VISUAL RESOURCES Policy 5.E.9.*, below.]


~~5.E.2. The City shall encourage the continuation and infill of existing urban land use areas, where appropriate, in order to maintain views in those designated coastal scenic areas shown in Table 5-3 and shown on Figure 5-3.~~  
 [Moved to *COASTAL VISUAL RESOURCES – Other Initiatives.*]

Table 5-3: Scenic Resources Crescent City Urban Area

SITE	SITE NAME	VIEW LOCATION	EXISTING/COMPATIBLE SITE USES	KEY VIEWSHED CHARACTERISTICS
<b>COASTAL VISTA POINTS</b>				
<del>CV3</del> <u>CV1</u>	Brother Jonathan Vista	West side of Pebble Beach Drive	Public parking, picnicking, slope protection, recreational trail, safety rails and signs	ocean views, off-shore rock views, Battery Point Lighthouse view
<del>CV3</del> <u>CV2</u>	Battery Point	South of public parking lot	Public parking, public access, recreational trail, visitor facilities, breakwater, picnicking, safety rails and signs	ocean views; off-shore rock views; Harbor activities view; Battery Point Lighthouse, B St Pier, and breakwater views
<del>CV5</del> <u>CV3</u>	B St Pier	All directions	Public parking, pier uses, visitor facilities, safety rails and signs	ocean views, off-shore rock views Harbor activities view, Park/downtown views, Battery Pt Lighthouse views, breakwater views
<del>CV6</del> <u>CV4</u>	Elk Creek Bridge	Southwest of Highway 101	Highway and drainage uses, recreational trails and trail crossings, bank protection, visitor facilities, park uses, safety rails and signs	creek view, Harbor development/park uses views
<b>COASTAL SCENIC VIEW CORRIDORS</b>				
CSC1	Pebble Beach	West side of Pebble Beach Drive/Marhoffer Creek to 6 <sup>th</sup> Street	Public road, public parking, recreational trail, private residential development, public access improvements, beach and tidepool activities, slope protection, safety rails	ocean views, off-shore rock views

SITE	SITE NAME	VIEW LOCATION	EXISTING/COMPATIBLE SITE USES	KEY VIEWSHED CHARACTERISTICS
			and signs	
CSC2	Howe Drive / Beachfront Park	South Side of Howe Dr/ B St to Play St	Public road, public parking, recreational trail, picnicking, beach access, beach and harbor activities, slope protection, safety rails and signs	Harbor activities views, Redwood Parks views, Battery Point Lighthouse, B St Pier, breakwater views
CSC3	Anchor Way	South side of Anchor Way/ Hwy 101 to Whaler Rock	Public road, public parking, recreation trail, beach access, dredge spoils disposal, beach activities, breakwater protection, boat launching, visitor facilities, harbor activities	ocean views, Redwood Park views, visitor facilities/beach views, breakwater views
<b>COASTAL HISTORIC SCENIC RESOURCES</b>				
CH1	Battery Point Lighthouse	South end of A Street	Public parking, public access, visitor facilities, lighthouse activities, museum, residence	ocean views, off-shore rock views, harbor activities view, B St. Pier, breakwater views

Source: City of City Crescent Planning Department; Del Norte County Local Coastal Plan, 1986.

~~5.E.3. The City shall encourage proposed development within designated coastal scenic areas to be visually compatible with its key viewshed characteristics by reflecting the character of the existing and compatible land uses while conforming to the land use development standards, as set forth in the Land Use and Community Development section and the Zoning Ordinance. ☞ [Moved to COASTAL VISUAL RESOURCES – Other Initiatives.]~~

~~5.E.4. The City shall require new development in highly scenic coastal areas designated in the California Coastline Preservation and Recreation Plan (State Department of Parks and Recreation) to be subordinate to the character of its setting. ☞ [Policy struck as redundant with COASTAL VISUAL RESOURCES Policy 5.E.15., as renumbered 5.E.1.]~~

~~5.E.5. The City shall permit existing residential uses on the west side of Pebble Beach Drive to continue. The City shall reserve publically owned parcels west of Pebble Beach Drive for use as open space, public access, and road maintenance and slope protection of Pebble Beach Drive. ☞ [Revised, moved to LAND USE AND COMMUNITY DEVELOPMENT – COMMUNITY DESIGN AND APPEARANCE sub-section; renumbered as Policy 1.D.4.]~~

~~5.E.6.~~ 5.E.3. The City's major entrances at Highway 101 north, Highway 101 south, and Front Street shall be developed as scenic gateways through the use of architectural review, removal of overhead utilities, landscaping, and sign regulations. ☞

~~5.E.7, 5.E.4.~~ The As provided for in the coastal zone zoning regulations’ coastal zone signs and nonconforming use chapters, the City shall limit legal nonconforming ~~or~~ signs and abate unpermitted signs as well as signs advertising commercial or privately-owned businesses in ~~these areas zoned~~ Open Space zoning districts. ~~The City shall continue its sign amortization program and support participation in centralized logo signage programs.~~ [Revise and bifurcate policy into regulatory and advisory components, moving later to *COASTAL VISUAL RESOURCES – Other Initiatives*]

INSERT FIGURE 5-3

~~5.E.8.~~ ~~The City shall develop a roadway sign program which provides for specially marked scenic driving routes, which visitors can follow to visit coastal scenic areas in the Crescent City urban area, including the Harbor and Lighthouse to Lighthouse routes. Where feasible, these routes should link with any county scenic drive routes.~~ ☞ [Moved to *COASTAL VISUAL RESOURCES – Other Initiatives*]

~~5.E.9, 5.E.5.~~ ~~The City shall preserve those~~ Those structures that are identified as historically and architecturally significant shall be preserved unless proven that, (a) the structure is over 50% ~~unbuildable~~ unrepairable or, (b) adequate funding, either public or private, is unavailable to restore the structure. ☞

~~5.E.10.~~ ~~The City has identified the Battery Point Lighthouse as having historical significance. The City shall participate with other public and private agencies to preserve this structure provided that adequate public or private funding is available.~~ ☞ [Moved to *COASTAL VISUAL RESOURCES – Other Initiatives.*]

~~5.E.11.~~ ~~The City shall coordinate with the County in developing an underground utilities priority list, utilizing identified scenic or commercial areas, for use when funding for undergrounding is available.~~ [Moved to *COASTAL VISUAL RESOURCES – Other Initiatives*]

~~5.E.12, 5.E.6.~~ ~~The City shall require the placement of new~~ New or relocated utility lines shall be placed underground whenever feasible. When it is not feasible to place utility lines underground, the lines should be aligned and consolidated so that they do not interfere with scenic resources. ☞

~~5.E.13, 5.E.7.~~ ~~The City shall, whenever feasible, require all~~ All public facilities and new development shall be required, whenever feasible, to use low-energy shielded lights ~~so they are~~ with a downward directed ~~downward~~ cast for better efficiency and to minimize nighttime glare. ☞

~~5.E.14.~~ 5.E.8. ~~The City should require lights~~ Exterior lighting in the ~~Pt. St. George~~ and Pebble Beach area shall be required to be shielded ~~so they are~~ utilizing full cut-off fixtures and directed down and away from the ocean to minimize impact on off-reef and island habitats. ☞ [Revised, reiterated as renumbered *BIOLOGICAL RESOURCES – Policy 6.A.5.*]

~~5.E.15, 5.E.11.~~ 5.E.11. ~~The City shall consider and protect the scenic and visual qualities of coastal areas as a resource of public importance. Permitted development shall be sited and designated to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, were feasible, to restore and enhance visual quality in visually degraded areas. New development in designated highly scenic areas shall be subordinate to the character of its setting.~~ Any future development at the former Seaside Hospital site (APN ~~118-020-28~~ 118-020-35), including any recreational or visitor-serving commercial development, shall provide for a substantial view corridor oriented from the vantage point of the vicinity of the intersection of Front and A Streets and directed toward the offshore rocky areas northwest of the site. [General provision of policy struck as redundant with renumbered *COASTAL VISUAL RESOURCES Policy 5.E.1.*; site specific portion of policy revised to reflect current APN and renumbered.]

### **Implementation Programs**

~~5.3~~ ~~The City shall develop a roadway sign program which provides for specially marked scenic drive routes which visitors can follow to visit coastal scenic areas in the Crescent City urban area, including the Harbor and lighthouse to lighthouse routes.~~ ☞

~~Responsibility: Public Works~~  
~~Time Frame: FY 02-04~~

~~5.4~~ ~~The City shall develop a priority list for use in the undergrounding of existing utilities in scenic resource areas, gateway and scenic drive.~~

~~Responsibility: Public Works~~  
~~Time Frame: Ongoing~~ [Replace with universal cross-reference to *Local Coastal Program Zoning Enabling Ordinance* and other development regulation components of the Implementation Plan within *Part I – Summary*]

### **Other Initiatives**

~~5.E.1.~~ 5.E.1. ~~The City shall continue to provide for protection of designated scenic resources through such means as land use designation, zoning, design review, and sign control.~~ ☞

~~5.E.2.~~ The City shall encourage the continuation and infill of existing urban land use areas, where appropriate, in order to maintain views in those designated coastal scenic areas shown in Table 5-3 and shown on Figure 5-3. ☞

~~5.E.3.~~ The City shall encourage proposed development within designated coastal scenic areas to be visually compatible with its key viewshed characteristics by reflecting the character of the existing and compatible land uses while conforming to the land use development standards, as set forth in the Land Use and Community Development section and the Zoning Ordinance. ☞

• **The City shall continue its sign amortization program and support participation in centralized logo signage programs.** [Relocated from *COASTAL VISUAL RESOURCES – Policy 5.E.7.*]

~~5.E.8.~~ • The City shall develop a roadway sign program which provides for specially marked scenic driving routes, which visitors can follow to visit coastal scenic areas in the Crescent City urban area, including the Harbor and Lighthouse-to-Lighthouse routes. Where feasible, these routes should link with any county scenic drive routes. ☞ [Relocated from *COASTAL VISUAL RESOURCES – Policies*]

~~5.E.10.~~ • The City has identified the Battery Point Lighthouse as having historical significance. The City shall participate with other public and private agencies to preserve this structure provided that adequate public or private funding is available. ☞ [Relocated from *COASTAL VISUAL RESOURCES – Policies*]

~~5.E.11.~~ • The City shall coordinate with the County in developing an underground utilities priority list, utilizing identified scenic or commercial areas, for use when funding for undergrounding is available. [Relocated from *COASTAL VISUAL RESOURCES – Policies*]

~~8.H.5.~~ • The City shall develop guidelines for the review and permitting of telecommunication facilities to address potential impacts to coastal resources, especially designated visual resources. The guidelines shall encourage tower collocation and visual simulations (e.g., photo simulations) as part of the permitting process. ☞ (New) [Relocated from Part II, Section 8 *TELETRANSPORTATION – Implementation Programs*, revised, and elevated to non CDP-governing *Other Initiatives* status]

**5.F. PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES**

**Goal 5.F.1.:** To encourage development of private recreational facilities for public use to supplement public facilities and to provide for economic development opportunities.

### Policies

~~5.F.1. The City shall encourage development of private recreation facilities to reduce demands on public agencies. [Moved to PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Other Initiatives]~~

~~5.F.2. The City shall encourage private landowners to develop areas for fee-based recreational use. [Relocated from PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies]~~

~~5.F.3. The City shall encourage private recreational development that complements the natural features of the area, including the topography, waterways, vegetation, and soil characteristics. [Relocated from PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies]~~

~~5.F.4. The City encourages the maintenance of existing facilities and the development of commercial and public visitor activities and services. The commercial area along Highway 101 (near Crescent City Harbor/South Beach) is recognized for its historic visitor use and potential visitor use. [Relocated from PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies]~~

5.F.1. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

### ~~Implementation Programs~~

~~Existing programs are deemed sufficient. [Replace with universal cross-reference to Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary]~~

### Other Initiatives

5.F.1. ● The City shall encourage development of private recreation facilities for public use to reduce demands on public agencies. [Relocated from PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies]

5.F.2. ● The City shall encourage private landowners to develop areas for fee-based recreational use. [Relocated from PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies]

~~5.F.3.~~ ● The City shall encourage private recreational development that complements the natural features of the area, including the topography, waterways, vegetation, and soil characteristics. [Relocated from *PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies*]

~~5.F.4.~~ ● The City encourages the maintenance of existing facilities and the development of commercial and public visitor activities and services. The commercial area along Highway 101 (near Crescent City Harbor/South Beach) is recognized for its historic visitor use and potential visitor use. [Relocated from *PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES – Policies*]

## 5.G. CULTURAL RESOURCES

**Goal 5.G.1.:** To encourage identification, protection, and enhancement of Crescent City's important historical, archaeological, paleontological, and cultural sites and activities, and their contributing environment.

### Policies

5.G.1. ~~The City shall require appropriate~~ Appropriate surveys and site investigations ~~when needed as part of the initial environmental assessment for~~ shall be required as part of the application review of development projects when it has been determined that the development site or design has the potential to adversely impact archeological or paleontological resources, and/or as may be required in accordance with the California Environmental Quality Act (CEQA). Surveys and investigations shall be performed under the supervision of a professional archaeologist or other person qualified in the appropriate field approved by the City.

~~5.G.8.~~ 5.G.2. ~~The City shall require that discretionary~~ Discretionary development projects ~~are~~ shall be required to be designed to mitigate potential impacts to significant paleontological or cultural resources whenever possible. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.

~~5.G.9.~~ 5.G.3. ~~In cooperation with the State Historic Preservation Office, where~~ Where it is determined development would adversely affect archaeological or paleontological resources as identified by the State Historical Preservation Officer, the City shall require reasonable mitigation measures shall be required.

~~5.G.14.~~ ~~The City should work toward building a performing arts center in the central Crescent City area (i.e., the VLC area) in proximity other similar~~

~~facilities and to visitor services such as motels and restaurants.~~ [Moved to  
*CULTURAL RESOURCES – Other Initiatives.*]

#### ~~Implementation Programs~~

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to  
*Coastal Zone Zoning Regulations Implementation Plan within LUP Part I Summary*]

#### Other Initiatives

- ~~5.G.14.~~ ● The City should work toward building a performing arts center in the central Crescent City area (i.e., the VLC area) in proximity other similar facilities and to visitor services such as motels and restaurants.



## SECTION 6 NATURAL RESOURCES/CONSERVATION

This section contains goals, policies, and programs that set the basic framework for maintenance and enhancement of Crescent City's natural assets. These provisions are not categorically mutually exclusive of one another and should be read as a suite of policies (i.e., "marine resources" may also comprise "environmentally sensitive habitat area" and be subject to standards for "water resources.") The section includes goals, policies, and programs addressing the following subjects:

- 6.A. Marine Biological Resources generally and specifically;
- 6.B. Environmentally Sensitive Habitat Areas (ESHAs); and
- 6.C. Water Resources; and
- ~~Biological Resources;~~
- 6.D. Permissible Diking, Dredging, and Filling of Open Coastal Waters and Wetlands, and Construction of Shoreline Structures [Elevated to policy subsection, relocated from *HARBOR DEVELOPMENT – Policies*]

### A. MARINE BIOLOGICAL RESOURCES

**Goal 6.A.** To maintain and where possible enhance marine resources, coastal waters, and sensitive coastal habitats, thereby recognizing the economic and biologic significance of these resources.

#### General Policies

~~6.A.1. In the portion of Elk Creek corridor located in the Coastal Zone, the City shall permit vegetation removal only where necessary to maintain the free flow of the drainage sources. Vegetation removal shall not consist of construction of new channels or removal of established native trees or shrubs. ☹ [Deleted as redundant with HARBOR DEVELOPMENT – Dredging, Diking, Filling, and Shoreline Structures Policy 1.K.12. as renumbered to PERMISSIBLE DIKING, DREDGING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND CONSTRUCTION OF SHORELINE STRUCTURES Policy 6.D.4.]~~

~~6.A.5~~ 6.A.1. The ~~City shall enforce regulations which promote that all surface and subsurface waters be maintained at the highest level of quality to insure the safety of public health and the~~ biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health are maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and

entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. ☞

### Marine Resources Policies

~~6.A.2. The City shall protect those areas that are designated as environmentally sensitive so that these habitats and their resources are maintained and any development shall be consistent with adjacent areas and with Section 30240 et seq. of the California Coastal Act. ☞ [Revised, renumbered as ESHA – General Policy 6.B.1.]~~

~~6.A.4. 6.A.2. The City shall seek to maintain and where feasible enhance the existing quality of all marine Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.~~ ☞

~~6.A.3. The City shall require a minimum 100 foot buffer zone around designated coastal wetlands. Buffer zones for wetlands shall be measured landward from the edge of the wetlands. The only allowable uses within this buffer zone shall include the following:~~ ☞

- ~~3. Fish and wildlife management;~~
- ~~4. Wetland restoration;~~
- ~~5. Nature study, including minor facilities constructed by hand such as blinds, lookouts, and unimproved trails;~~
- ~~6. Hunting and fishing, including minor facilities constructed by hand such as blinds and unimproved trails;~~
- ~~7. Those recreational facilities included in a State Park and Recreation Department or Department of Fish and Game master plan submitted and approved by amendment to the Local Coastal Plan;~~
- ~~8. The maintenance of flood drainage control and drainage channels;~~
- ~~9. Removal of windblown trees which threaten existing structures; and~~
- ~~10. Diking or dredging in accordance with other land use plan policies and the Coastal Act, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures are provided. [Revised, renumbered as ESHA – Coastal Wetlands Policy 6.B.14.]~~

~~6.A.4. The City shall seek to maintain and where feasible enhance the existing quality of all marine resources. ☞ [Revised, renumbered as BIOLOGICAL RESOURCES – General Policy 6.A.2.]~~

~~6.A.5. The City shall enforce regulations which promote that all surface and subsurface waters be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters. ☞ [Revised, renumbered as BIOLOGICAL RESOURCES - General Policy 6.A.1.]~~

~~6.A.6. The City shall encourage community programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of coastal fisheries and other marine resources. ☞ [Moved to BIOLOGICAL RESOURCES – Other Initiatives]~~

~~6.A.7. The City shall require implementation of approved management measures specified for urban areas in the recently approved State Water Resource Control Board and California Coastal Commission's Nonpoint Source Pollution Control Program to minimize polluted runoff from construction activities and land use activities to ensure the safety of public health and the biological productivity of coastal waters. ☞ [Revised, renumbered as WATER RESOURCES – Policy 6.C.5.]~~

~~6.A.8. The City shall enforce regulations which promote that all subsurface water be maintained at a high level of quality to ensure the safety of public health. ☞ [Revised, renumbered as WATER RESOURCES – Policy 6.C.2.]~~

#### Offshore Rocks and Islands Policies

~~6.A.9. The City shall require that offshore rocks and islands, except for permitted navigational aides, be maintained in their existing state to insure the viability of the wildlife inhabiting or utilizing these sites. ☞ [Revised, renumbered as ESHA – Policy 6.B.10.]~~

~~5.E.14. 6.A.5 The City should require lights Exterior lighting fixtures in the Pt. St. George and Pebble Beach area ~~to~~ shall be shielded so they are directed down and away from the ocean to minimize impact on off-reef and island habitats. ☞ [Reiterated from Part II, Section 5 COASTAL VISUAL RESOURCES – Policies]~~

#### Intertidal Zone, Beaches, and Bluffs Policies

~~6.A.10. The City shall require that all tidepools and tidal flats be managed to maintain their present characteristics and shall encourage the application of~~

~~all feasible measures to mitigate uses that might prove harmful to the biota inhabiting these areas.~~ ☞ [Revised, renumbered as *ESHA – Policy 6.B.11.*]

~~6.A.11. The City shall encourage the California Department of Fish and Game to carefully monitor recreational activities at or near tidepools and tidal flats to insure the continued viability of these habitats.~~ ☞ [Moved to *ESHA – Other Initiatives*]

~~6.A.12. In order to discourage all but light recreational use of tidepool regions, the City shall ensure that shoreline access and recreational facilities are located so as to direct use towards the open, sandy beaches of the City.~~ ☞ [Revised, renumbered as *ESHA – Policy 6.B.12.*]

~~6.A.13. The City shall cooperate with the State to prohibit the collecting of all tidepool organisms with exceptions for scientific purposes on a permit basis.~~ ☞ [Moved to *ESHA – Other Initiatives*]

~~6.A.14. In order to ensure the continued productivity of intertidal areas, the City shall continue to work with the State to regulate vehicle access in the intertidal zone.~~ ☞ [Moved to *ESHA – Other Initiatives*]

~~6.A.15. The City shall require geologic studies for new construction within the area of demonstration on bluff tops to determine:~~

- ~~i. their suitability for development; and~~
- ~~ii. the necessary setbacks required to avoid hazards associated with bluff failure.~~

~~Note: The area of demonstration of stability includes the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 20 degree angle from horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater. The City may, however, designate a smaller area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The City may designate a larger area of demonstration or exclude development entirely in areas of known high instability.~~ ☞ [Policy deleted; replace with Commission suggested new *GEOLOGIC HAZARDS* Policies 7.B.1. – 7.B.4. and 7.B.6., and suggested modified Policy 1.K.18., renumbered as *GEOLOGIC HAZARDS* Policy 7.B.5.]

~~6.A.16. The City may permit the extraction of sand and gravel consistent with applicable marine resources, extraction, and habitat policies.~~ ☞ [Revised,

relocated to *PERMISSIBLE DREDGING, DIKINING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND CONSTRUCTION OF SHORELINE STRUCTURES – Policy 6.D.6.*]

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

### **Other Initiatives**

~~6.A.6.~~ ● The City shall encourage community programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of coastal fisheries and other marine resources.

~~6.D.2.~~ ● The City shall support the preservation or reestablishment of fisheries in the streams within the City, whenever possible.

## **B. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHAs)**

### **Goals**

~~Goal 6.D. 6.B.~~ To protect, restore, and enhance ~~wildlife~~ **environmentally sensitive** habitat **areas** that support fish and wildlife species throughout the Crescent City Planning Area.

### **Policies**

#### **General Policies**

~~6.A.2. 6.B.1.~~ ~~The City shall protect those areas that are designated as environmentally~~ **Environmentally** sensitive ~~so that these habitats and their resources are maintained and any development shall be consistent with adjacent habitat areas and with Section 30240 et seq. of the California Coastal Act~~ **shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.** ☺

~~6.D.10. 6.B.2.~~ The ~~City shall define the~~ following **are designated** as specific environmentally-sensitive habitat areas\*. **This list of habitats is not inclusive of all environmentally sensitive habitat areas as defined by Section 30107.5 of the Coastal Act, either as may be currently present within the City, or as might**

be identified as environmentally sensitive habitat areas at some future time. Any areas not specifically designated in the LCP as environmentally sensitive habitat areas that meet the definition of environmentally sensitive habitat areas in Section 30107.5 of the Coastal Act shall be accorded all the protection provided for environmentally sensitive habitat areas in the LCP.

Offshore Rocks and Islands – All of the generally exposed, solid land surfaces and rocks, of any size, seaward of the mean high tide line.

Intertidal Zone – That region of the coastline lying below the high tide mark and above the low tide mark. Specialized biologic communities occupying this zone include tidepools and tidal flats, defined further as follows:

Tidepool: A tidepool is a depression in the substrate of the intertidal zone where an accumulation of seawater occurs after the tide recedes. Typically a tidepool contains a wide variety of specially adapted plant and animal species.

Tidal Flat: A tidal flat is a sandy or muddy flatland within the intertidal zone subject to an alternating exposure to the tide's ebb and flow.

Coastal Estuary – A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted with fresh water runoff from the land.

**Coastal Wetland** - Lands within the coastal zone which may be covered periodically or permanently with shallow water such as saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens. Maintained roadside ditches of five feet or less in width and excavated in historic upland areas that have not been reclaimed or otherwise diked, drained, or altered from a preceding wetland condition, shall not be deemed to be a coastal wetland unless within an area directly subject to tidal influence; existing roadside ditches may be maintained and have improvements made which address safety concerns. Refer to the full definition of wetlands in the glossary for criteria for determining the type and extent of wetlands.

**Riparian Vegetation** - The plant cover normally found along water courses including rivers, streams, creeks and sloughs, usually characterized by dense growths of trees and shrubs.

Rare or Especially Valuable Animal Habitat – Any animal habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments, including, but not limited to:

- Any habitat area of an animal species designated as rare, threatened, or endangered under State or Federal law; and
- Any habitat area of an animal species designated as Fully Protected or Species of Special Concern under State law or regulations

Rare or Especially Valuable Plant Habitat – Any plant habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments, including, but not limited to:

- Any habitat area of a plant species designated as rare, threatened, or endangered under State or Federal law;
- Any habitat area of a plant species designated as Fully Protected or Species of Special Concern under State law or regulations; and
- Any habitat area of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

The City emphasizes that this list of habitats is not inclusive of all environmentally sensitive habitat areas as defined by Section 30107.5 of the Coastal Act, either as may be currently present within the City, or as might be recognized as ESHA at some future time. Any areas not designated, either categorically or on resource maps maintained by the City that meets the definition of ESHA shall be accorded all the protection provided for ESHA in the LCP.



6.B.3. Those wildlife habitats other than wetlands that also meet the definition of environmentally sensitive habitat areas (ESHAs) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, consistent with the requirements of Section 6, Subsection B, Environmentally Sensitive Habitat Areas (ESHAs). Diking, dredging, and filling of wetlands shall be consistent with Policy 6.D.1. and Section 30233 of the Coastal Act. Development entailing channelization, damming, or other substantial alterations of rivers and streams shall be consistent with Policy 6.D.4. and Section 30236 of the Coastal Act.

6.D.11. ~~6.B.4~~ The City shall maintain ~~To the maximum extent feasible, the existing set of Land Use Constraints~~ maps that identify the locations of specific environmentally-sensitive coastal wetlands and riparian habitat areas within the incorporated portion of the Crescent City Planning Area should be maintained and updated upon the receipt of new biological data. The Land Use Constraints Maps are not inclusive of all environmentally sensitive habitat

areas as defined by Section 30107.5 of the Coastal Act, either as may be currently present within the City, or as might be identified as environmentally sensitive habitat areas at some future time. Any area not specifically mapped as environmentally sensitive habitat areas that meets the definition of environmentally sensitive habitat areas in Section 30107.5 of the Coastal Act shall be accorded all the protection provided for environmentally sensitive habitat areas in the LCP.

¶

**6.B.5.**

Due to the scale of ~~such~~ maps, and the likelihood that other unmapped environmentally sensitive areas may be present in the area, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is ~~a dispute~~ uncertainty over the boundary or location of an environmentally sensitive habitats area, ~~the City may request~~ the applicant ~~to~~ shall provide the following information as determined to be necessary to establish the boundary or location of the ESHA:

- a. A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels, and tide gates;
- b. Vegetation map;
- c. Soils map; and
- d. A biologist's report, where necessary.

In addition, with respect to the appeal status of development within 100 feet of wetlands, determinations concerning the precise location of the boundary of the wetland area and appeal area shall be consistent with Title 14, Sections 13569 and 13577(b) of the California Code of Regulations.

~~6.D.16.~~

~~6.B.6. The City shall ensure that development~~ Development in areas adjacent to environmentally-sensitive wetland habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce impacts ~~around wetlands between the development and the edge of the wetland~~ to all types of ESHAs shall be the establishment of a spatial buffer between proposed development and the ESHA. The buffer shall be a minimum 50 100 feet in width. A buffer of less than ~~50~~ 100 feet may be utilized where it can be determined that there is no adverse impact on the ~~wetland~~ ESHA, based on biological habitat and geophysical assessments taking into account: (1) the extent type, and sensitivity to disturbance of the subject environmentally sensitive area and/or other inter-connected sensitive resource areas; (2) the intensity of the development and its potential direct and cumulative impacts on the adjacent ESHA; and (3) mitigation measures necessary to reduce any significant impacts to less than significant levels, such as the incorporation of vegetative screening, runoff interceptor berming, and other protective features into the reduced buffer. A determination that a reduced buffer meets the criteria and is appropriate will generally only be made in rare instances. A determination to utilize a



buffer area of less than ~~50~~ 100 feet shall be made in cooperation with the California Department of Fish and Game and the City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. ~~Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within 50-foot buffer areas.~~ ☹

~~6.B.4.~~ 6.B.7. The City shall require that proposals to create new parcels have a minimum of a 100-foot setback from the edge of ~~designated coastal wetlands and a 50-foot setback from the centerline of riparian watercourse areas such as creeks and streams~~ all environmentally sensitive habitat areas. All site improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) shall be constructed outside the required ~~protection~~ protected environmentally sensitive area and buffer setback.

6.B.8. Developments proposing landscaping, or required to incorporate landscaping into their site plans for purposes of mitigating adverse environmental impacts and/or conformance with planning and zoning provisions, which are located in proximity to ESHAs where such landscaping could affect the biological integrity of the adjacent ESHA, shall, to the greatest extent feasible utilize native species plantings derived for local stocks. The use of plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, as may be identified from time to time by the State of California, or listed as a "noxious weed" by the governments of the State of California or the United States, are prohibited and shall not be allowed to naturalize or persist in landscaped areas.

6.B.9. Exterior lighting fixtures of new development in the Elk Creek and Pebble Beach areas shall be shielded so they are directed down and away from coastal waters to minimize impact on aquatic habitats. [Revised, reiterated from *VISUAL RESOURCES* Policy 5.E.13.]

Offshore Rocks and Islands Policies

~~6.A.9.~~ 6.B.10. ~~The City shall require that offshore~~ Offshore rocks and islands, except for permitted navigational aides, shall be maintained in their existing state to insure the viability of the wildlife inhabiting or utilizing these sites.

Intertidal and Tidepools Policies

~~6.A.10.~~ 6.B.11. ~~The City shall require that all~~ All tidepools and tidal flats shall be managed to maintain their present characteristics and shall encourage the application of all feasible measures to mitigate uses that might prove harmful to the biota inhabiting these areas.

~~6.A.12.~~ **6.B.12.** In order to discourage all but light recreational use of tidepool regions, ~~the City shall ensure that~~ shoreline access and recreational facilities ~~are~~ **shall be** located so as to direct use towards the open, sandy beaches of the City.

### Coastal Wetlands Policies

~~6.D.14.~~ **6.B.13.** If it is determined that a designated sensitive habitat area **on or in proximity to a development site** is a wetland, ~~the City shall require that~~ a study **shall** be conducted of the area to define the precise boundary of the wetland. ~~City approval~~ **Authorization** of any development in this area shall await the ~~applicant's~~ completion of a site-specific study of the presence and location of wetlands. The study shall utilize the **field identification** criteria contained in the **1987 edition of the U.S. Army Corps of Engineers Wetlands Delineation Manual, and resulting delineated wetlands shall be categorized utilizing the U.S. Fish and Wildlife Service's "Classification of Wetlands and Deepwater Habitats of the United States" system of characterization.** ~~The City shall, on~~ **On** the basis of this study and, after consulting with the California Department of Fish and Game, **the California Coastal Commission,** and U.S. Army Corps of Engineers, ~~determine whether all or part a determination shall be made as to~~ **which portions** of the site **constitutes and its surroundings constitute** wetlands, ~~and will apply General Plan to which the~~ policies **and standards of the LCP shall be applied** accordingly. ☞

~~6.A.3.~~ **6.B.14.** ~~The City shall require a~~ **A** minimum 100-foot buffer zone **shall be required** around designated coastal wetlands. Buffer zones for wetlands shall be measured landward ~~from~~ **from** the **outer upland** edge of the wetlands. The only allowable uses within this buffer zone shall include the following:

1. Fish and wildlife management;
2. Wetland restoration;
3. Nature study, including minor facilities constructed by hand such as blinds, lookouts, and unimproved trails;
4. Hunting and fishing, including minor facilities constructed by hand such as blinds and unimproved trails;
5. Those recreational facilities included in a State Park and Recreation Department or Department of Fish and Game master plan submitted and approved by **Coastal Commission certification of an** amendment to the Local Coastal Plan;
6. The maintenance of flood drainage control and drainage channels;
7. Removal of windblown trees which threaten existing structures; and
8. Diking or dredging in accordance with other land use plan policies and the Coastal Act, **for the uses listed in Policy 6.D.10 below,** where there is no feasible less environmentally-damaging alternative, and where feasible mitigation measures are provided. ☞

~~6.D.18.~~ ~~6.B.15.~~ ~~The City shall discourage direct~~ Direct, untreated runoff of pollutants and siltation into wetland areas from development shall be prohibited. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands. ☞

~~6.D.19.~~ ~~6.B.16.~~ ~~The City shall require new~~ Otherwise permissible wetland development shall be required to avoid and/or mitigate wetland loss through any combination of the following, in descending order of desirability:

1. Avoidance of dredging, diking, filling, or other direct, indirect or cumulative impacts to wetland habitat; or
2. Where avoidance is not feasibly possible, minimization of impacts on the resource; ~~or~~ to levels of insignificance through the inclusion of all feasible mitigation measures; and
3. ~~Replacement, including use of a mitigation banking program~~ Compensatory replacement of the affected wetland at appropriate replacement ratios pursuant to an approved restoration and monitoring plan. ☞

~~6.D.20.~~ ~~6.B.17.~~ ~~In cases where the City requires~~ Compensatory replacement for a wetland loss, ~~the~~ shall achieve a level of replacement functionally and spatially equal to or greater to that of the wetland lost. Any replacement mitigation to be required with respect to any given project will shall be ~~determined~~ evaluated according to the following criteria:

1. On-site mitigation shall be preferred to off-site, ~~and~~ in-kind mitigation shall be preferred to out-of-kind, and mitigation that provides for the same function and values as that of the lost wetlands is favored over replacement wetlands with dissimilar functions and values; and
2. ~~Functional replacement~~ Replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; ~~and,~~
3. ~~Acreage replacement ratios may vary to compensate for functional temporal losses associated with the lag time for establishing the replacement wetland, and~~ depending on the relative functions and values of those wetlands being lost and those being supplied, ~~including compensation for temporal losses pursuant to an approved mitigation and monitoring plan.~~ ☞

### Riparian Area Vegetation Policies

~~6.D.21.~~ ~~6.B.18.~~ ~~The City shall ensure that~~ Development within riparian vegetation ESHA shall be maintained along streams/creeks, and other water courses for their qualities as wildlife habitat, stream buffer zones, and bank stabilization limited to the following uses:

- Resource Dependent Uses. Uses which by their inherent nature require location within an ESHA;
- Restoration projects where the primary purpose is restoration of the habitat;
- Invasive plant eradication projects if they are designed to protect and enhance habitat values; and
- Pipelines and utility lines installed beneath the ESHA using directional drilling techniques designed to avoid significant disruption of habitat values. ☞

6.B.19. Development in Riparian Vegetation ESHA Buffers shall be limited to the following uses:

- Uses allowed in the adjacent Riparian Vegetation ESHA pursuant to Policy 6.B.20;
- Uses allowed in the adjacent Coastal Wetlands ESHA pursuant to Policy 6.D.1;
- Buried pipelines and utility lines;
- Bridges; and
- Drainage and flood control facilities.

~~6.D.22. 6.B.20. The City shall require mitigation for development projects where segments~~  
Unavoidable impacts associated with modifications of stream habitat are unavoidably altered. Such impacts should for otherwise permissible channelization, damming, or other substantial alterations, shall be mitigated on-site with in-kind habitat replacement or elsewhere in the stream system through stream or riparian habitat restoration work pursuant to an approved restoration and monitoring plan. ☞

### Rare Plant Habitat Policies

6.B.23. As an initial screening tool, the California Natural Diversity Database, “RareFind” utility and other similar tabulated and mapping resources shall be used in the review of development proposals to assess the need for detailed biological assessments at proposed project sites.

6.B.24. Upon a finding that an otherwise LCP-conforming development at a project site containing rare plant ESHA cannot be feasible sited or designed to avoid the plants or their habitat, approval of the development shall be conditioned upon the permittee participating in a rare plant mitigation, management, and monitoring program with the California Department of Fish and Game and/or the U.S. Fish and Wildlife Service, as applicable to the affected species habitat.

### Implementation Measures

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within LUP *Part I Summary*]

### Other Initiatives

- ~~6.A.11.~~ ● The City shall encourage the California Department of Fish and Game to carefully monitor recreational activities at or near tidepools and tidal flats to insure the continued viability of these habitats. ☞
- ~~6.A.13.~~ ● The City shall cooperate with the State to prohibit the collecting of all tidepool organisms with exceptions for scientific purposes on a permit basis. ☞
- ~~6.A.14.~~ ● In order to ensure the continued productivity of intertidal areas, the City shall continue to work with the State to regulate vehicle access in the intertidal zone. ☞
- ~~6.D.1.~~ ● The City shall support preservation, restoration, and enhancement of the habitats of State or Federally listed rare, threatened, endangered, and/or other special status species.
- ~~6.D.3.~~ ● The City should recognize and encourage the various uses of wildlife and their habitat, including such activities as passive watching, scientific studies, educational purposes, and hunting and fishing.
- ~~6.D.4.~~ ● The City shall continue to consult with the California Department of Fish and Game for identification and protection of rare, threatened, and endangered plant species that may be adversely affected by public or private development projects.
- ~~6.D.24.~~ ● The City should provide for diversified recreational use of fish and wildlife while providing preservation of their habitat.
- ~~6.D.25.~~ ● The City should seek funding to reestablish riparian vegetation in selected stream corridors.

### C. WATER RESOURCES

Goal ~~6.B.~~ 6.C.1. To protect and enhance the natural qualities of Crescent City's streams, creeks, and groundwater, and the aquatic resources therein, and to ensure sufficient water supplies of good quality for all beneficial uses.

#### Policies

~~6.B.1.~~ 6.C.1 The City shall ~~maintain, and where feasible, enhance the existing water quality for public health and safety and biological productivity~~ ensure that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine

organisms and for the protection of human health are maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

~~6.B.2. The City shall follow all existing and future Federal and State water quality standards.~~ [Moved to *WATER RESOURCES – Other Initiatives.*]

~~6.B.3. The City shall encourage community programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of fisheries and other water resources.~~ [Moved to *WATER RESOURCES – Other Initiatives.*]

~~6.B.4. The City shall require that proposals to create new parcels have a minimum of a 100-foot setback from the edge of designated coastal wetlands and a 50-foot setback from the centerline of riparian watercourse areas such as creeks and streams. All site improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) shall be outside the required protection area.~~ [Revised, renumbered as *ESHA – Policy 6.B.7.*]

~~6.A.8. 6.C.2. The City shall enforce regulations which promote that all~~ All subsurface water shall be maintained at a high level of quality to ensure the safety of public health.

~~6.C.3. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes), to the maximum extent practicable as defined herein.~~

~~6.C.4. Development shall be designed and managed to minimize increases in stormwater runoff volume and rate, to the maximum extent practicable, to avoid adverse impacts to coastal waters.~~

~~6.A.7. 6.C.5. The City shall require implementation~~ Implementation of approved management measures specified for urban areas ~~in the recently approved~~ by the State Water Resource Control Board and California Coastal Commission's Nonpoint Source Pollution Control Program to minimize polluted runoff from construction activities and land use activities shall be required of all new development to ensure the safety of public health and the biological productivity of coastal waters. [Revised, relocated from *MARINE RESOURCES – Policies.*]

~~6.D.26. 6.C.6. The City shall continue to require the use~~ Use of feasible and practical best management practices (BMPs) to protect streams and other coastal waters from the adverse effects of construction activities, ~~and~~ urban runoff, and ~~to encourage~~

~~the use of BMPs for~~ agricultural activities shall be required as part of the authorization of new development. [Revised, relocated from *BIOLOGICAL RESOURCES – Policies.*]

6.C.7. Long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate shall be incorporated in the project design of developments in the following order of priority:

i. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site’s natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

ii. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

iii. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

Site Design BMPs may reduce a development’s need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development shall incorporate effective post-construction Site Design and Source Control BMPs, to minimize adverse impacts to water quality and coastal waters resulting from the development to the maximum extent practicable.

If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policies 6.C.1, through 6.C.4., development shall also incorporate post-construction Treatment Control BMPs. Developments of Water Quality Concern (see Policy 6.C.10.) are presumed to require Treatment Control BMPs. Treatment Control BMPs may include, but are not limited to, biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inlet filters, wet vaults, or hydrodynamic separator systems.

**6.C.8. Development projects shall incorporate Low Impact Development (LID) techniques in order to minimize development impacts of stormwater to coastal waters, qualitatively and quantitatively, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques include, but are not limited to, the following:**

**a. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.**

**b. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).**

**c. Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.**

**d. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain or enhance, where appropriate and feasible, on-site stormwater infiltration capacity.**

**e. To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that**



stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

6.C.9. All development that requires a coastal grading/development permit shall submit a plan to control post-construction stormwater runoff flows, and maintain or improve water quality (“Post-Construction Stormwater Plan”). This plan shall specify Site Design, Source Control, and if necessary, Treatment Control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction.

6.C.10. Developments of Water Quality Concern, defined as those types and classes of development that have the potential for adverse coastal water quality impacts due to the development size, type of land use, impervious site coverage, or proximity to coastal waters, shall be subject to additional requirements for design and implementation of post-construction treatment control BMPs in order to minimize stormwater pollution and protect coastal waters.

Developments of Water Quality Concern include the following:

- a. Development of housing consisting of ten or more dwelling units.
- b. Any development where 75% or more of the parcel will be impervious surface area.
- c. Any development that results in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
- d. Development of parking lots with 5,000 square feet or more of impervious surface area, that may contribute to stormwater runoff.
- e. New street, road, and highway facilities having 5,000 square feet or more of impervious surface area.
- f. Industrial park, commercial strip mall, or restaurant development with 5,000 square feet or more of impervious surface area.
- g. Development of commercial or industrial outdoor storage areas of 5,000 or more square feet, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.
- h. Development of vehicle service facilities (including retail gasoline outlets, commercial car washes, and vehicle repair facilities).
- i. All hillside development that will occur on slopes greater than 12 percent, located in areas with erodible soils.
- j. Development of heavy industrial sites.

- k. All development that will occur within 125 feet of the ocean or coastal waters (including estuaries, wetlands, rivers, streams, and lakes), or that will discharge runoff directly to the ocean or coastal waters, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area. “Discharge directly” is defined as runoff that flows from the development to the ocean or to coastal waters that is not first combined with flows from any other adjacent areas.
- l. Any other development determined by the Review Authority to be a Development of Water Quality Concern.

6.C.11. Land divisions, including subdivisions, lot splits, and lot line adjustments involving lots containing or within proximity to ESHA for which protective buffers are required, may only be approved if the resulting parcels contain adequate space to place all improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) outside of areas required for watercourse and/or other ESHA buffer protection.

6.C.12. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

(See Also Section 4.E Stormwater Drainage policies)

### **Implementation Programs**

~~Existing programs are deemed sufficient.~~ [Replace with universal cross-reference to *Coastal Zone Zoning Regulations Implementation Plan* within *LUP Part I Summary*]

### **Other Initiatives**

~~6.B.2.~~ ● The City shall follow all existing and future Federal and State water quality standards.

~~6.B.3.~~ ● The City shall encourage community programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of fisheries and other water resources.

● The City shall promote both the protection and restoration of water quality and coastal waters. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increases in runoff volume and rate, generation of non-stormwater runoff, and alteration of physical, chemical, or biological features of the landscape.

- The City shall encourage public outreach and education about the water quality impacts of development. The City shall coordinate with other agencies in the watershed area, as feasible, to develop public education programs on urban runoff issues and the appropriate roles of individuals, businesses, and government in the implementation of BMPs for pollution prevention.
- The City shall ensure that municipal maintenance activities and other public projects not requiring a Coastal Development Permit also integrate appropriate BMPs to protect water quality and coastal waters.
- The City reserves the right to inspect and evaluate the effectiveness of installed construction-phase BMPs, and to require that additional BMPs be implemented if the installed BMPs are not effective in minimizing impacts to water quality and coastal waters.

~~BIOLOGICAL RESOURCES~~ [Moved, replaces *MARINE RESOURCES* sub-section heading]

~~Goal 6.D. To protect, restore, and enhance wildlife habitat that support fish and wildlife species throughout the Crescent City Planning Area.~~ [Revised, renumbered as *ESHA – Goal 6.B.*]

#### **Policies**

~~6.D.1. The City shall support preservation, restoration, and enhancement of the habitats of State or Federally listed rare, threatened, endangered, and/or other special status species.~~ [Renumbered as *ESHA – General Policy 6.B.5.*]

~~6.D.2. The City shall support the preservation or reestablishment of fisheries in the streams within the City, whenever possible.~~ [Moved to *BIOLOGICAL RESOURCES – Other Initiatives*]

~~6.D.3. The City should recognize and encourage the various uses of wildlife and their habitat, including such activities as passive watching, scientific studies, educational purposes, and hunting and fishing.~~ [Moved to *ESHA – Other Initiatives*]

~~6.D.3. The City shall continue to consult with the California Department of Fish and Game for identification and protection of rare, threatened, and endangered plant species that may be adversely affected by public or private development projects.~~ [Moved to *ESHA – Other Initiatives*]

~~6.D.5. The City shall require that new development avoid, as much as possible, ecologically fragile areas (e.g., areas of rare or endangered species~~

~~of plants).~~ [Policy deleted: Redundant with *BIOLOGICAL RESOURCES* Policy 6.A.2., as modified and renumbered as *ESHA – GENERAL* Policy 6.B.1.]

~~Environmentally Sensitive Habitat Areas Policies~~ [Elevated to *ESHA 6.B* sub-section heading]

~~6.D.10. The City shall define the following as specific environmentally sensitive habitat areas:~~

~~Coastal Wetland – Lands within the coastal zone which may be covered periodically or permanently with shallow water such as saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens.~~

~~Riparian Vegetation – The plant cover normally found along water courses including rivers, streams, creeks and sloughs, usually characterized by dense growths of trees and shrubs.~~ ☞ [Revised, renumbered as *ESHA Policy 6.B.2.*]

~~6.D.11. The City shall maintain maps that identify the locations of specific environmentally sensitive coastal wetlands and riparian habitat areas within the incorporated portion of the Crescent City Planning Area. Due to the scale of such maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the City may request the applicant to provide the following information:~~

- ~~a. A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels, and tide gates;~~
- ~~b. Vegetation map;~~
- ~~c. Soils map; and~~
- ~~d. A biologist's report, where necessary.~~ ☞ [Revised, renumbered as *ESHA – General Policy 6.B.4. and 6.B.5.*]

~~Coastal Wetlands Policies~~ [Moved to *ESHA Policies* sub-heading 4]

~~6.D.14. If it is determined that a designated sensitive habitat area is a wetland, the City shall require that a study be conducted of the area to define the precise boundary of the wetland. City approval of any development in this area shall await the applicant's completion of a site specific study of the presence and location of wetlands. The study shall utilize the criteria contained in the U.S. Army Corps of Engineers Wetlands Delineation Manual. The City shall, on the basis of this study and after consulting with~~

~~the California Department of Fish and Game and U.S. Army Corps of Engineers, determine whether all or part of the site constitutes wetlands, and will apply General Plan policies accordingly. ☞ [Revised, renumbered as ESHA – Coastal Wetlands Policy 6.B.13.]~~

~~6.D.15. The City shall permit the diking, filling, or dredging of wetlands in accordance with other applicable provisions of this General Plan where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects. Within the coastal zone, such projects shall be limited to those identified in Section 30233 of the Coastal Act. ☞ [Delete policy as redundant with HARBOR DEVELOPMENT – Diking, Dredging, Filling and Shoreline Structures Policy 1.K.11 as renumbered PERMISSIBLE DREDGING, DIKING, AND FILLING OF COASTAL WATERS AND WETLANDS, AND CONSTRUCTION OF SHORELINE STRUCTURES Policy 6.D.1.]~~

~~6.D.16. The City shall ensure that development in areas adjacent to environmentally sensitive wetland habitat areas be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce impacts around wetlands between the development and the edge of the wetland shall be a buffer of 50 feet in width. A buffer of less than 50 feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than 50 feet shall be made in cooperation with the California Department of Fish and Game and the City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within 50-foot buffer areas. ☞ [Revised, renumbered as ESHA – General Policy 6.B.6.]~~

~~6.D.17. The City shall require that dredging and spoils disposal be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment (as determined by compliance with 404 permit requirements) should be used for such purposes to appropriate beaches or into suitable longshore current systems. ☞ [Revised, relocated to PERMISSIBLE DREDGING, DIKING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND CONSTRUCTION OF SHORELINE STRUCTURES – Policy 6.D.2.]~~

~~6.D.18. The City shall discourage direct runoff of pollutants and siltation into wetland areas from development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the~~

~~value or function of wetlands.~~ ☞ [Revised, renumbered as *ESHA – Coastal Wetlands Policy 6.B.15.*]

~~6.D.19. The City shall require new development to mitigate wetland loss through any combination of the following, in descending order of desirability:~~

- ~~1. Avoidance of wetland habitat;~~
- ~~2. Where avoidance is not possible, minimization of impacts on the resource; or~~
- ~~3. Replacement, including use of a mitigation banking program.~~ ☞ [Revised, renumbered as *ESHA – Coastal Wetlands Policy 6.B.16.*]

~~6.D.20. In cases where the City requires replacement for a wetland loss, the level of replacement will be determined according to the following criteria:~~

- ~~1. On site mitigation shall be preferred to off site, and in-kind mitigation shall be preferred to out-of-kind;~~
- ~~2. Functional replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; and~~
- ~~3. Acreage replacement ratios may vary depending on the relative functions and values of those wetlands being lost and those being supplied, including compensation for temporal losses.~~ ☞ [Revised. Renumbered as *ESHA – Coastal Wetlands Policy 6.B.17.*]

~~Riparian Area Policies~~ [Revised, moved to *ESHA Policies* sub-heading 5]

~~6.D.21. The City shall ensure that riparian vegetation be maintained along streams/creeks, and other water courses for their qualities as wildlife habitat, stream buffer zones, and bank stabilization.~~ ☞ [Revised, renumbered as *ESHA – Riparian Vegetation Policy 6.B.18.*]

~~6.D.22. The City shall require mitigation for development projects where segments of stream habitat are unavoidably altered. Such impacts should be mitigated on site with in-kind habitat replacement or elsewhere in the stream system through stream or riparian habitat restoration work.~~ ☞ [Revised, renumbered as *ESHA – Riparian Vegetation Policy 6.B.20.*]

~~6.D.23. The City shall require development projects proposing to encroach into a creek corridor or creek setback to do one or more of the following, in descending order of desirability:~~

- ~~a. Avoid the disturbance of riparian vegetation;~~
- ~~b. Replace riparian vegetation (on site, in-kind);~~
- ~~e. Restore another section of creek (in-kind); and/or~~

- d. ~~Participate in a mitigation banking program.~~ ☞ [Deleted: Type and location of specific mitigation measures or compensatory replacement habitat areas should be determined based upon site-specific analyses]

~~6.D.24. The City should provide for diversified recreational use of fish and wildlife while providing preservation of their habitat.~~ ☞ [Moved to *ESHA – Other Initiatives*]

~~6.D.25. The City should seek funding to reestablish riparian vegetation in selected stream corridors.~~ ☞ [Moved to *ESHA – Other Initiatives*]

~~6.D.26. The City shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff and to encourage the use of BMPs for agricultural activities.~~ ☞ [See also Policy 4.E.9.] [Revised, renumbered as *WATER RESOURCES – Policy 6.C.6.*]

### ~~Implementation Programs~~

~~Existing programs are deemed sufficient.~~

## 6.D PERMISSIBLE DIKING, DREDGING, AND FILLING OF OPEN COASTAL WATERS AND WETLANDS, AND CONSTRUCTION OF SHORELINE STRUCTURES

### Goals

6.D.1. To establish provisions for limited, Coastal Act-consistent development within certain specified types of Environmentally Sensitive Habitat Areas.

### Policies

~~1.K.11.~~ 6.D.1. The City shall limit the diking, filling, and or dredging of open coastal waters, to those uses that are consistent with Section 30233 of the California Coastal Act and which directly enhance harbor dependent uses such as recreational or industrial programs, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this coastal land use plan, only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

- Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- Restoration purposes.
- Nature study, aquaculture, or similar resource dependent activities.

The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policies 6.B.1. through 6.B.24.

~~6.D.17.~~ 6.D.2. ~~The City shall require that dredging~~ Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment (as determined by ~~compliance with 404 permit requirements~~ appropriate bio-chemical contaminant and physical material properties screening assessments) ~~should~~ shall be used for such purposes to appropriate beaches or into suitable longshore current systems.

~~1.K.17.~~ 6.D.3. ~~The City shall approve revetments,~~ Revetments, breakwaters, groins, harbor channels, ~~seawall~~ seawalls, cliff retaining ~~wall~~ walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. “Existing structure” means a structure in existence on March 14, 2001. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

~~1.K.12.~~ 6.D.4. ~~The City shall restrict the diking, dredging and filling of the wetlands in Channelizations, dams, or other substantial alterations of rivers and streams, including those within Elk Creek and the McNamara annexation, within the Coastal Zone to those allowable uses identified within Section 30233 of the California Coastal Act~~ shall incorporate the best mitigation measures feasible, and be limited to: (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public



safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Policies 6.B.1. through 6.B.24.

~~1.K.14. 6.D.5.~~ The ~~City's priority for use~~ reuse of any dredged sand ~~is to be for the Battery Point Recreational Area development. The placement of sand in this area~~ shall conform with any sand management program certified and approved by the California Coastal Commission and subject to the following ~~restrictions~~ considerations:

1. ~~The following uses for said sand are prohibited:~~
  - ~~• The development of a parking and picnic area.~~
  - ~~• The filling between Battery Point and the mainland. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.~~
2. If the recreational boating marine takes place, the placement of sand for a jetty shall be the least amount needed to provide for a single-wide roadway on top of the jetty. To facilitate the continued delivery of sediments of appropriate physical (greater than 80 percent sand content) and chemical (not containing elevated levels of hazardous substances) composition to the littoral zone, whenever feasible, the material removed from erosion and flood control facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects.
3. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

~~1.K.15. 6.D.6.~~ If the Any new recreational boating marina takes place, development proposed in the vicinity of the B Street Pier the City shall ensure that the placement of sand for a jetty be the least amount needed to provide for a single-wide roadway on top of the jetty.

~~6.A.16. 6.D.7.~~ The ~~City may permit the~~ extraction of sand and gravel ~~consistent with applicable marine resources, extraction, and habitat policies~~ may only be permitted if located outside of environmentally sensitive areas, if all feasible mitigation measures are provided, and where there is no less environmentally damaging feasible alternative.

## SECTION 7 HEALTH & SAFETY

This section contains the goals, policies, and programs that set the basic framework for the protection of public health and safety related to natural and man-made safety hazards. This section includes goals, policies, and programs addressing the following subjects:

- 7.A. Seismic Hazards in General;
- 7.B. Geologic Hazards; and
- 7.C. Flooding Hazards

### 7.A. GENERAL

#### Goals

Goal 7.A.1. To establish provisions for the investigation of the potential for new development to expose persons and property to injuries and damages associated with geologic, flood, and wildfire hazards.

#### Policies

~~1.K.16.~~ 7.A.1. The City shall require that new New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [Revised, relocated from *LAND USE AND COMMUNITY DEVELOPMENT – HARBOR DIKING, DREDGING, FILLING, AND SHORELINE STRUCTURES* sub-section.]

7.A.2. Proposed development shall be evaluated based on site-specific hazard information and the environmental hazards identified in this element and in other current information sources, including but not limited to, FEMA Flood Insurance Rate Maps, California Geological Survey Geohazard Maps, U.S. Geological Survey (USGS) Assessment of Sandy Beaches, USGS Assessment of Rocky Shorelines, California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps, and U.S. Army Corps of Engineers, California Emergency Management Agency Tsunami Run-up maps, and the Pacific Institute's Coastal Erosion and Flooding Maps. Low intensity/occupancy uses (such as open space, easy to evacuate recreational facilities including campgrounds and recreational vehicle parks) shall be preferred in hazard areas when feasible.

7.A.3. The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, from three to six feet per century. The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazards analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, projects shall assume a minimum sea level rise rate of 3 feet per century and critical infrastructure shall assume 4.5 feet per century; greater sea level rise rates shall be used if development is expected to have an economic life greater than 100 years, if development has few options for adaptation to sea level higher than the design minimum, or if the best available and most recent scientific information supports a higher design level.

~~7.C.7.~~ 7.A.4. ~~The City shall require that any~~ Any construction contemplated on filled areas shall be preceded by an analysis of the fill and its capabilities ~~or~~ and limitations.

## 7.B. SEISMIC GEOLOGIC HAZARDS

### Goals

Goal 7.B.1. To minimize the loss of life, injury, and property damage due to seismic hazards.

### Policies

~~7.B.1.~~ ~~Since no active or potentially active earthquake faults have been identified within Crescent City Planning Area, the provisions of the Alquist-Priolo Special Studies Zone are not applicable.~~ [Policy deleted: The statement though factually correct provides no guidance with respect to location, type, and/or intensity of development. Moreover, there is no guarantee that A-PSSZ requirements won't apply at some future time in Crescent City.]

7.B.1. All ocean front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding, and beach and bluff erosion hazards, and avoid the need for a shoreline protective structure at any time during the life of the development.

7.B.2. Applications for development located in or near an area subject to geologic hazards, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. Such study shall be prepared consistent with the requirements of Coastal Zoning Code.

7.B.3. Blufftop Setback. All development located on a blufftop shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life. Stability shall be defined as maintaining a minimum factor of safety against sliding of 1.5 (static) or 1.1 (pseudostatic). This requirement shall apply to the principal structure and accessory or ancillary structures. Slope stability analyses and erosion rate estimates shall be performed by a qualified Certified Engineering Geologist (CEG), Registered Civil Engineers (RCE), Geotechnical Engineer (GE) or a group of the aforementioned specialists approved by the City, with expertise appropriate to the site and anticipated hazard conditions.

7.B.4. Siting and design of new blufftop development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100-year economic life of the structure, taking into consideration the 100-year storm event and storm surge.

~~1.K.18.~~ 7.B.5. The City shall include a condition on approval of all new New development on ocean fronting parcels shall only be approved with conditions requiring that no shoreline protective structure ~~shall~~ be allowed to be constructed in the future to protect the development from bluff erosion. Prior to the issuance of a coastal development permit for the development, a deed restriction acceptable to the Planning Director shall be recorded memorializing the prohibition on future shoreline protective structures. [Revised, relocated from *HARBOR DEVELOPMENT – Policies*]

7.B.6. Land divisions, including subdivisions, lot splits, lot line adjustments, and conditional certificates of compliance that create new shoreline or blufftop lots, shall not be permitted unless the land division can be shown to create lots which can be developed safe from geologic hazard and without requiring

**a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time.**

~~7.B.9. The City should require all public and private schools within the City to undergo periodic inspections and upgrading, when necessary, to ensure conformity to current Field Act Standards. [Moved to GEOLOGIC HAZARDS – Other Initiatives.]~~

~~7.B.10. The City shall require that construction contemplated in low lying coastal areas, those in the zone of possible run-up, be designed in accordance with recommendations stated in the report entitled, *Protection of Crescent City, California From Tsunami Waves*. [Revised, moved to FLOODING HAZARDS – Policies.]~~

~~7.C.6. 7.B.7. The City, in conjunction with other governmental agencies, when Where feasible, ~~should utilize~~ lands subject to severe geologic hazards shall be utilized for low intensity park and recreational activities or open space.~~

### Other Initiatives

~~7.B.9. ●~~ The City should require all public and private schools within the City to undergo periodic inspections and upgrading, when necessary, to ensure conformity to current Field Act Standards.

~~7.C.3. ●~~ The City shall petition appropriate Federal and State agencies to aid in a study of coastal bluff erosion and its impact on the Crescent City Harbor. The study should include:

- the source of harbor deposition material, specifically the impact of beach erosion north of Battery Point;
- the impact harbor deposition has on beach sand replenishment south of Crescent City Harbor;
- the impact of harbor dredging practices on the former hospital site west of Front and A St.;
- the impact of harbor dredging on potential tsunamis hazard;
- the direct and indirect costs of harbor dredging to the City; and
- the economic benefit of harbor dredging to the City.

Additionally, the City should request of the U.S. Army Corps of Engineers a more detailed study of the critical coastline erosion areas in and adjacent to Crescent City, to ascertain the feasibility of installing seawalls, as recommended by the Corps.

### Implementation Programs

~~Existing programs are deemed sufficient.~~

## 7.C. GEOLOGIC FLOODING HAZARDS

Goal 7.C. To minimize the loss of life, injury, and property damage due to ~~geological~~ flooding hazards.

### Policies

~~7.C.1. Any development proposed adjacent to a coastline erosion area should be preceded by:~~

- ~~• an assessment of the rates of coastal retreat;~~
- ~~• in the case of bluffs, a detailed examination of underlying geology by a registered geologist or engineering geologist; and~~
- ~~• an analysis of the potential for tsunami run-up.~~

~~The results of the assessment of coastal retreat and geologic analysis shall be utilized to identify the setback or special construction measures required to insure that the proposed development will not require the use of shoreline protection over the full economic life of the proposed development (i.e. 75-100 years).~~ ☞ [Policy deleted and replaced with Commission suggested *GEOLOGIC HAZARDS* Policies 7.B.1. – 7.B.4. and 7.B.6., and suggested modified Policy 1.K.18., renumbered as Policy 7.B.5.]

~~7.C.2. In lieu of the above, the City may establish specific area setbacks of sufficient distance to mitigate potential coastal erosion hazards.~~ ☞ [Policy deleted and replaced with Commission suggested *GEOLOGIC HAZARDS* Policies 7.B.1. – 7.B.4. and 7.B.6., and suggested modified Policy 1.K.18., renumbered as Policy 7.B.5.]

~~7.B.10. 7.C.1. The City shall require that construction contemplated~~ New development proposed for construction in low-lying coastal areas, those in the zone of possible run-up, be designed in accordance with recommendations ~~stated in the report entitled, *Protection of Crescent City, California From Tsunami Waves* developed from the investigations conducted pursuant to Policies 7.A.2. and 7.A.3.~~ [Revised, relocated from *GEOLOGIC HAZARDS – Policies*.]

~~7.C.3. The City shall petition appropriate Federal and State agencies to aid in a study of coastal bluff erosion and its impact on the Crescent City Harbor. The study should include:~~

- ~~• the source of harbor deposition material, specifically the impact of beach erosion north of Battery Point;~~
- ~~• the impact harbor deposition has on beach sand replenishment south of Crescent City Harbor;~~

- ~~• the impact of harbor dredging practices on the former hospital site west of Front and A St.;~~
- ~~• the impact of harbor dredging on potential tsunamis hazard;~~
- ~~• the direct and indirect costs of harbor dredging to the City; and~~
- ~~• the economic benefit of harbor dredging to the City.~~

~~Additionally, the City should request of the U.S. Army Corps of Engineers a more detailed study of the critical coastline erosion areas in and adjacent to Crescent City, to ascertain the feasibility of installing seawalls, as recommended by the Corps.~~ ☞ *[[Moved to GEOLOGIC HAZARDS – Other Initiatives.]*

7.C.2. New residential subdivisions situated within historic and modeled tsunami inundation hazard areas, such as depicted on the tsunami hazard maps described in 7.C.1. above, shall be designed and sited such that the finished floor elevation of all new permanent residential units are constructed with one foot of freeboard above the maximum credible runup elevation as depicted on the most recent government prepared tsunami hazards maps, or as developed by local agency modeling, whichever elevation is greater, taking into account sea level rise rates of 3 to 6 feet per century. For tsunami resilient design purposes, a minimum sea level rise rate of 3 feet per century shall be used when combined with a maximum credible tsunami condition. Additionally, all such structures containing permanent residential units shall be designed to withstand the hydrostatic and hydrodynamic loads and effects of buoyancy associated with inundation by storm surge and tsunami waves up to and including the tsunami runup depicted on the tsunami hazard maps, without experiencing a catastrophic structural failure. For purposes of administering this policy, “permanent residential units” comprise residential units intended for occupancy as the principal domicile of their owners, and do not include timeshare condominiums, visitor-serving overnight facilities, or other transient accommodations.

7.C.3. All new development entailing the construction of structures intended for human occupancy, situated within historic, modeled, or mapped tsunami inundation hazard areas, shall be required to prepare and secure approval of a tsunami safety plan. The safety plan shall be prepared in coordination with the Del Norte County Department of Emergency Services, Sheriff’s Office, and City or Tribal public safety agencies, and shall contain information relaying the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experience seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation. The safety plan information shall be conspicuously posted or copies of the information provided to all occupants. No new residential land divisions shall be approved unless it be demonstrated that either: (a) timely evacuation to safe

higher ground, as depicted on adopted tsunami hazard maps, can feasibly be achieved before the predicted time of arrival of tsunami inundation at the project site; or (b) the development is designed to incorporate structural resiliency and modeled inundation freeboard features to allow for occupants to vertically evacuate and “shelter-in-place” on upper floors or roof areas.

~~7.C.6. The City, in conjunction with other governmental agencies, when feasible, should utilize lands subject to severe geologic hazards for low intensity park and recreational activities or open space. [Revised, renumbered as GEOLOGIC HAZARDS – Policy 7.B.7.]~~

~~7.C.7. The City shall require that any construction contemplated on filled areas be preceded by an analysis of the fill and its capabilities or limitations. [Revised, renumbered as HEALTH AND SAFETY - GENERAL Policy 7.B.7.]~~

#### ~~Implementation Programs~~

~~Existing programs are deemed sufficient.~~



## APPENDIX A

### POLICY DOCUMENT GLOSSARY

**Annex, v.** - To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

**Aquaculture** - ~~The culture and husbandry~~ That form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic organisms in marine, brackish, and fresh water, including, but not limited to: fish, shellfish, mollusks, crustaceans, kelp, and algae. Aquaculture ~~shall not~~ does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes. Neither does aquaculture mean the culture and husbandry of commercially utilized inland crops, including, but not limited to: rice, watercress, and beansprouts.

**Archaeological** - Relating to the material remains of past human life, culture, or activities.

**Biological Productivity** - Biological productivity generally refers to the amount of organic material produced per unit time.

**Building** - Any structure used or intended for supporting or sheltering any use or occupancy.

**California Environmental Quality Act (CEQA)** - A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

**Caltrans** - California Department of Transportation.

**City** - City with a capital "C" generally refers to the City of Crescent City government or administration. City with a lower case "c" generally refers to the geographical area of the city, both incorporated and unincorporated territory (*e.g.*, the city bikeway system).

**Coastal-Dependent Development – Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.**

**Coastal Highly Scenic Areas** - Coastal highly scenic areas are those coastal areas designated in the California Coastline Preservation and Recreation Plan prepared by the Department of

Parks and Recreation or similar settings consisting of both natural habitat and ocean vistas.

**Coastal-Related Development** - Any use that is dependent on a coastal-dependent development or use.

**Coastal Scenic Areas** - Coastal scenic areas are these locally designated coastal vista points, coastal scenic view corridors, and coastal historic scenic resources described in Table 5-3. The specific key viewshed characteristics of which are identified therein and consist of one or more of the following criteria:

1. Broad views of special natural interest to the general public (e.g., Pacific Ocean, off-shore rocks, seacliffs, territorial views of State or National parks);
4. Broad views of distinctive scenes resulting from unique contrasts or diversity between land use and/or landscape patterns (e.g., harbor activities and ocean, urban development and landscape); and
5. Views of special cultural features (e.g., historical structures, significant public works structures, unique maritime settings).

**Coastal View Corridor** - A coastal view corridor is an extended coastal area along which a pedestrian or vehicle traveler may view scenic resources as described in Table 5-3 and shown in Figure 5-3.

**Coastal Vista Point** - A coastal vista point is a specific coastal location where scenic resources may be viewed from a stationary setting, as described in Table 5-3 and shown on Figure 5-3.

**Coastal Zone, California** - That area of the county under the jurisdiction of the California Coastal Act as set forth by Public Resources Code Section 30103 and as delineated by the Local Coastal Program prepared pursuant to the Act.

**Collector** - Relatively-low-speed, street that provides circulation within and between neighborhoods. Collectors usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network.

**Compatible** - Capable of existing together without conflict or ill effects.

**Conservation** - The management of natural resources to prevent waste, destruction, or neglect.

**Consistent** - Free from variation or contradiction. Programs in the General Plan are to be consistent, not contradictory or preferential. State law requires consistency between a general plan and implementation measures such as the zoning ordinance.

**County** - County with a capital "C" generally refers to the government or administration of a county, in the case of the Crescent City General Plan, Del Norte County. County with a

lower case "c" generally refers to the geographical area of the county (*e.g.*, the unincorporated county).

**Density, Residential** - The number of permanent residential dwelling units per “net” acre of land.

**Developable Acres, Net** - The portion of a site that can be used for density calculations. For instance, public or private road rights-of-way are not included in the net developable acreage of a site.

**Developable Land** - Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

**Developed** - Developed with a structure that is a principal or conditional use permitted under a parcel’s land use designation.

**Development** - On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practices Act of 1973.

**Dredge Spoils** - Solid material, such as sand, silt, clay, or rock deposited municipal discharges , that is removed from the bottom of a water body to improve navigation.

**Dredge, v** - To remove mud or silt from the bottom of a water body using a large machine or implement.

**Duplex** - A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

**Dwelling Unit** - A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

**Encourage, v.** - To stimulate or foster a particular condition through direct or indirect action by the private sector or government agencies.

**Endangered Species** - A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.

**Energy Facility** - Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**Enhance, v.** - To improve existing conditions by increasing the quantity or quality of beneficial uses or features.

**Environmental Impact Report (EIR)** - A report that assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action.

**Environmentally Sensitive Habitat Area (ESHA) – Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities or developments.**

**Estuary** - A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

**Expressway** - A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

**Feasible** - Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fill** - Earth or other substance of material, including piling, placed for the purpose of erecting structures thereon.

**Floor Area Ratio (FAR)** - The gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to two places. For example, on a site with 10,000 net sq. ft. of land area, a Floor Area Ratio of 1.00 will allow a maximum of 10,000 gross sq. ft. of building floor area to be built. On the same site, an FAR of 1.50 would allow 15,000 sq. ft. of floor area; an FAR of 2.00 would allow 20,000 sq. ft.; and an FAR of 0.50 would allow only 5,000 sq. ft.

**Freeway** - A high-speed, high-capacity, limited-access transportation facility serving regional and countywide travel. Freeways generally are used for long trips between major land use generators.

**Geological** - Pertaining to rock or solid matter.

**Geologic Hazards** - Include the following:

1. Seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soil maps indicating materials particularly prone to shaking or liquefaction, and in local and regional seismic safety plans;
2. Tsunami runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies, and other known areas of tsunami risk;
3. Landslide hazard areas delineated on slope stability maps and in local and regional geologic or safety plans;
4. Beach areas subject to erosion; and,
5. Other geologic hazards such as expansive soils and subsidence areas.

**Goal** -The ultimate purpose of an effort stated in a way that is general in nature and immeasurable.

**Harbor District** - A special district, governed by the Harbor commission , with jurisdiction over the Crescent City Harbor.

**Home Occupation** - The conduct of business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

**Household** - All those persons--related or unrelated--who occupy a single housing unit.

**Housing Unit** - The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a manufactured home, a mobile home, a cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. It also is a dwelling that cannot be moved without substantial damage or unreasonable cost.

**Implementation Program** - An action, procedures, program, or technique that carries out general plan policy. Implementation programs also specify primary responsibility for carrying out the action and a time frame for its accomplishment.

**Infill Development** - Development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

**Infrastructure** - Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

**Lateral Access** - A recorded dedication or easement granting to the public the right to pass and repass over dedicator's real property generally along the shoreline from the mean high tide line or the crest of the parallel bluff. Lateral accessways should be used for public pass and repass and passive recreational use, unless specified otherwise.

**Levee** - A bank constructed to control or confine flood waters.

**Level of Service (LOS)** - A scale that measures the amount of traffic a roadway may be capable of handling on a roadway or at the intersection of roadways. Levels range from A to F, with A representing the highest level of service.

**Local Agency Formation Commission (LAFCo)** - The countywide commission that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. LAFCo is empowered to approve, disapprove, or conditionally approve such proposals.

**Local Transportation Commission** - The Del Norte County Local Transportation Commission is designated as the Regional Transportation Agency and is responsible for producing major transportation documents such as the Regional Transportation Plan, Bicycle Facilities Plan, and Comprehensive Transit Service Plan.

**Maximum Extent Practicable (MEP)** - **is the standard for implementation of storm water management programs to reduce pollutants in storm water based on Clean Water Act § 402(p)(3)(B)(iii), to wit, "...controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."** Also, see **California Water Resources Control Board Order WQ 2000-11, page 20 and *Defenders of Wildlife v. Browner*, 191 F.3d 1159 (9<sup>th</sup> Cir. 1999).**

**Minimize, v.** - To reduce or lessen, but not necessarily to eliminate.

**Mitigate, v.** - To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**Mixed-use** - Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

**Multiple Family Building** - A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

**Neighborhood Park** - City- or County-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

**Parcel** - A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**Peak Hour/Peak Period** - For any given roadway, a daily period during which traffic volume is highest, usually occurring in the morning and evening commute periods.

**Person** - Any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

**Planning Area** - The Planning Area is the land area addressed by the General Plan.

**Policy** -A specific statement in text or diagram guiding action and implying clear commitment.

**Public and Quasi-Public Facilities** - Institutional, academic, governmental and community service uses, either publicly owned or operated by non-profit organizations.

**Public Works -**

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
3. All publicly financed recreational facilities and any development by a special district.
4. All community college facilities.

**Rare or Endangered Species** - A species of animal or plant listed in: Sections 670.2 or 670.5, Title 14, California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

**Reclamation** - The reuse of resources, usually those present in solid wastes or sewage.

**Residential, Multiple Family** - Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

**Residential, Single-family** - A single dwelling unit on a building site.

**Right-of-way** - A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

**Riparian Vegetation** - Vegetation commonly occurring adjacent to stream and river banks characterized by dense growth of trees and shrubs such as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

**River or Stream** - A natural watercourse as designated by a solid line or dash and three dots symbol shown on the United States Geological Survey map most recently published, or any well-defined channel with distinguishable bed and bank that shows evidence of

having contained flowing water as indicated by scourer deposit of rock, sand gravel, soil, or debris.

**Sea** - The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

**Second Unit** - A Self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called "Granny Flat."

**Seismic** - Caused by or subject to earthquakes or earth vibrations.

**Streetscape** - Streetscape refers to the built and natural elements along a road or street. These elements generally include street furniture (i.e., benches), landscaping, water features (i.e., drinking fountains), bus shelters/canopies, kiosks, lighting features, railing/fencing, walls, and litter bins.

**On-site Sewage Treatment/Disposal Systems** - A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. On-site (septic) systems are often used for individual-home waste disposal where an urban sewer system is not available.

**Shall** - That which is obligatory or necessary.

**Should** - Signifies a directive to be honored if at all feasible.

**Single-family Dwelling, Attached** - A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit.

**Single-family Dwelling, Detached** - A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use.

**Site** - A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street. A lot.

**Slope** - Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

**Soil** - The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.



**Solid Waste** - Any unwanted or discarded material that is not a liquid or gas. Includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood, but does not include sewage and hazardous materials.

**Special District** - Any public agency other than a local government formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

**Sphere of Influence** - The probable ultimate physical boundaries and service area of a local agency (City or district) as determined by the Local Agency Formation Commission (LAFCo) of the County.

**Standard** -A specific, often quantified guideline, incorporated in a policy or implementation program, defining the relationship between two or more variables. Standards can often translate directly into regulatory controls.

**Stream Transition Line** - That line closest to a stream where riparian vegetation is permanently established.

**Streets, Local** - Local streets not shown on the Circulation Plan, Map, or Diagram, whose primary intended purpose is to provide access to fronting properties.

**Structure** - Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Subdivision** - The division of a tract of land into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

**Subsidence** - The gradual settling or sinking of an area with little or no horizontal motion.

**Support Facilities** - Those facilities that provide ease of public use and maintenance of coastal accessways. Such facilities include signs, lighting, benches, trash receptacles, public telephones, restrooms, showers, bike security racks, public transit loading and unloading areas, parking areas, trail improvements, and fencing.

**Tsunami** - A large ocean wave generated by an earthquake in or near the ocean.

**Undevelopable** - Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants and a liability to the City are designated as "undevelopable" by the City.

**Urban Boundary** - The urban boundary serves as the limit for which urban services such as sewer and water hookups may be extended.

**Use** - The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the Zoning Ordinance and General Plan land use designations.

**Vacant** - Lands or buildings that are not actively used for any purpose.

**Vertical Access** - A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicating's real property from a public road to the mean high tide line. Vertical accessways should be used for pass and repass and passive recreational use, unless specified otherwise.

~~VLC VSC, the~~ - The ~~VLC VSC~~, which is an abbreviation for the land use designation Visitor ~~and Local Serving~~ Commercial, refers to the geographic area that starts at ~~Wilson Road, the intersection of Front Street with L Street (southbound couplet of Highway 101, and~~ runs south along Highway 101 between ~~K and L Streets the highway and Sunset Circle to Houston Road King Street, the five block portion of the Walton Docks Subdivision abutting on either the east side of the highway or Thompson Street, and extends out westward from Highway 101 to A Street between~~ together with a separate area along the western and southern sides of Front and ~~3rd~~ A Streets, ~~respectively, between Third Street on the north, Battery Point Lighthouse Park on the south and C Street on the east.~~ This area serves as the focus for ~~regional retail and~~ visitor-serving commercial activities ~~and serves as for~~ the "heart" of the ~~downtown~~ Crescent City area.

**Visitor-Serving Facilities** - Public or private developments that provide accommodations, food and services, including hotels, motels, campgrounds, restaurants, and commercial-recreation developments such as shopping, eating, and amusement areas for tourists.

**Watercourse** - Natural or once natural flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

**Watersheds** - Regions or areas drained by a network of surface or subsurface watercourses and have the potential for impacts on coastal streams, wetlands, estuaries, and groundwater basins through runoff and percolation.

**Wetland** - Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly

developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this definition, the upland limit of a wetland shall be defined as co-terminus with either: (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. For the purposes of this definition, the term “wetlands” shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

**Zoning** - The division of a city or county by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the General Plan.

CRC-MAJ-1-03 (LCP UPDATE)

EXHIBIT NO. 2

PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED MODIFICATIONS

[NOTE: The City's proposed textual changes to the currently-certified IP are shown in single-underline (text to be added) and ~~single-strikethrough~~ (text to be deleted), with staff's recommended suggested modifications shown in **bold double-underline** and ~~bold double-strikethrough~~, respectively.]

Chapter ~~12.34~~ 17.87

PUBLIC TREES

Sections:

- ~~12.34.010~~ **17.87.010 Purpose**
- ~~12.34.020~~ **17.87.020 Definitions**
- ~~12.34.030~~ **17.87.030 Landmark Trees**
- ~~12.34.040~~ **17.87.040 Other City trees and landscaping**

~~12.34.010~~ **17.87.010 Purpose.**

The purpose of this chapter is to provide for and protect those trees within the city limits which are located on public lands and identified by the City Council as public trees. The City of Crescent City contains species of trees of great beauty and of historic or cultural significance to the community which are located on public lands. Additionally, the City has chosen to place additional trees on public lands for the benefit of all residents and visitors and promotion of the community in genera. It is in the public interest and for the public welfare that the City establishes a program which provides for the designation and preservation of public trees in order to maintain the heritage and character of the City of Crescent City as well as preserve the beauty of the community. In doing so it is also the intent of the City to provide for and protect public facilities which also serve the community which may be impacted by such trees. (Ord. \_\_\_\_\_ (part), 200 ).

~~12.34.020~~ **17.87.020 Definitions.**

- A. Street tree. is a tree placed by the City in a specially constructed tree planting well within street right of way areas, typically adjacent to the public walkway and/or street curb.
- B. Community memorial tree. is a tree which is planted on public land, with the permission of the public agency which is the landowner, as a community memorial to a person, persons, and/or event and which is marked at the planting site with a plaque, sign

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or other identification as a memorial. Memorial plaques shall conform with the standards of Chapter 17.74 Signs.

C. Public agency, is the City of Crescent City, County of Del Norte, any federal or state agency, or local district (such as the school district or harbor district) which owns property within the city limits. (Ord. \_\_\_\_\_ (part), 200 ).

**12.34.030 17.87.030 Landmark Trees.**

A. Designation Criteria. A tree or group of trees shall be designated as a Landmark by action of the City Council based upon findings that the designated tree(s) meet the following criteria:

1. The tree is located upon land owned by a public agency, and
2. The tree is a species of such height, girth, form or beauty, either individually or as a group, as to be significant or unique in the community,  
or
3. The tree is of historic importance to the community, or
4. The tree has been placed and marked as a Community Memorial tree.

B. Designated Species. Those trees which have been designated by the City as a species of such height, girth, form and beauty as to be significant and unique in the community include:

1. Any Monterey Cypress (Cupressus macrocarpa) tree located within the City which are owned by a public agency.

C. Placement, removal or disturbance of Landmark Trees.

1. When a species of tree designated herein as a Landmark Tree is planted upon lands within the city limits owned by a public agency it shall be considered a Landmark Tree one year after its planting and be subject to the requirements of this Chapter.
2. Trees planted with the permission of the public agency landowner as a Community Memorial Tree shall be considered Landmark Trees.
3. Community Memorial Trees shall be placed upon City property only with the approval of the City Council. Those individual trees approved by the City for placement on city lands in memory of an individual without a community memorial identification shall not be considered landmark Trees unless they are of a designated species.
4. New Landmark Trees should be planted in locations so that, at maturity, their drip line does not encroach upon existing hard surface improvements such as sidewalks or parking lots.
5. Where preexisting paving, concrete or subsurface improvements are adjacent to a Landmark Tree, repair, replacement and/or upgrade of the improvements may be undertaken, however care shall be taken to preserve the tree substructure as much as feasible.
6. Where a Landmark Tree is proposed for removal by the public agency which owns it, replacement shall be provided as follows:

- a. When removed because it is found that the Landmark Tree is a hazard or is dying, one tree of the same species shall be planted in the same vicinity as the removed tree within 30 days of the removal.
  - b. When removed for the purpose of establishment, expansion or maintenance of a public facility, two trees of the same species shall be planted in the same vicinity as the removed tree within 30 days of completion of construction.
7. It shall be unlawful for any person to break, injure, deface, mutilate, kill, destroy or caused to be removed any tree designated as a Landmark Tree, except where a dually appointed representative of the public agency owning such a tree is acting to manage the tree in an acceptable horticultural manner. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.34.040~~ 17.87.040 Other City trees and landscaping.**

- A. It shall be unlawful for any person to break, injure, deface, mutilate kill, destroy or cause to be removed any Street Tree or other tree or vegetation placed by the City as landscaping on public lands, except where a dually appointed representative of the City is acting to manage the tree in an acceptable horticultural manner.
- B. The City Public Works Department shall be responsible for placement, inspection, maintenance, removal, and replacement of Street Trees and other trees or vegetation planted on City lands or within City right-of-ways or easements as public landscaping.
- C. Any persons who intends to plant a tree upon City lands or within City right-of-ways or easements shall apply to the Public Works Department for a permit to do so. The application shall explain what is to be done, the number, kind and location of the trees, and how the tree will be cared for, including any improvements proposed such as irrigation. The Public Works Department may approve or deny any such permit. (Ord. \_\_\_\_\_ (part), 200 ).

**CHAPTER ~~12.36~~ 17.88**

**STORM WATER QUALITY MANAGEMENT**

**Sections:**

- ~~12.36.010~~ 17.88.010 Title.**
- ~~12.36.020~~ 17.88.020 Purpose and intent.**
- ~~12.36.030~~ 17.88.030 Definitions.**
- ~~12.36.040~~ 17.88.040 Applicability.**
- ~~12.36.045~~ 17.88.045 Exclusions.**
- ~~12.36.050~~ 17.88.050 Responsibility for administration.**
- ~~12.36.060~~ 17.88.060 Regulatory consistency.**
- ~~12.36.070~~ 17.88.070 Ultimate responsibility of discharger.**
- ~~12.36.080~~ 17.88.080 Prohibition of illegal discharges.**

- ~~12.36.090~~ 17.88.090 **Prohibition of illicit connections.**
- ~~12.36.100~~ 17.88.100 **Waste disposal prohibitions.**
- ~~12.36.110~~ 17.88.110 **Discharges in violation of industrial or construction activity  
NPDES storm water discharge permit**
- ~~12.36.120~~ 17.88.120 **Requirement to prevent control and reduce storm water  
pollutants.**
- ~~12.36.130~~ 17.88.130 **Requirement to eliminate illegal discharges.**
- ~~12.36.140~~ 17.88.140 **Requirement to eliminate or secure approval for illicit  
connections.**
- ~~12.36.150~~ 17.88.150 **Watercourse protection.**
- ~~12.36.160~~ 17.88.160 **Requirement to remediate.**
- ~~12.36.170~~ 17.88.170 **Requirement to monitor and analyze.**
- ~~12.36.180~~ 17.88.180 **Notification of spills.**
- ~~12.36.190~~ 17.88.190 **Authority to inspect.**
- ~~12.36.200~~ 17.88.200 **Authority to sample, establish sampling devices, and test.**
- ~~12.36.210~~ 17.88.210 **Notice of violation.**
- ~~12.36.220~~ 17.88.220 **Appeal.**
- ~~12.36.230~~ 17.88.230 **Abatement by City.**
- ~~12.36.240~~ 17.88.240 **Charging cost of abatement/liens.**
- ~~12.36.250~~ 17.88.250 **Urgency abatement.**
- ~~12.36.260~~ 17.88.260 **Violations.**
- ~~12.36.270~~ 17.88.270 **Compensatory action.**
- ~~12.36.280~~ 17.88.280 **Violations deemed a public nuisance.**
- ~~12.36.290~~ 17.88.290 **Acts potentially resulting in a violation of the federal Clean  
Water Act and/or California Porter-Cologne Act.**
- ~~12.36.300~~ 17.88.300 **Drainage facilities requirements – general provisions.**
- ~~12.36.310~~ 17.88.310 **Stormwater runoff management requirements.**

~~12.36.010~~ 17.88.010 **Title.**

This Chapter shall be known as the “Storm Water Quality Management Ordinance” of the City of Crescent City and may be so cited. (Ord. \_\_\_\_\_ (part), 200 ).

~~12.36.020~~ 17.88.020 **Purpose and intent.**

The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Ord. \_\_\_\_\_ (part), 200 ).

~~12.36.030~~ 17.88.030 **Definitions.**

EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED MODIFICATIONS

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The terms used in this Chapter shall have the following meanings:

A. Best Management practices: Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to:

1. Treatment facilities to remove pollutants from storm water
2. Operating and maintenance procedures;
3. Facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage;
4. Erosion and sediment control practices;
5. The prohibition of specific activities and practices; and
6. Such procedures, facilities, design standards and such other provisions as the City Council determines ~~by Resolution as~~ appropriate for the control of pollutants.

B. City: The City of Crescent City.

C. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

D. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

E. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

F. Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 12.36.080 of this chapter.

G. Illicit Connections: An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited, to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

H. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14)

I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits: General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act



EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED  
MODIFICATIONS

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The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

J. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

K. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to:

1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations;
5. Floatables;
6. Pesticides, herbicides, and fertilizers;
7. Hazardous substances and wastes;
8. Sewage, fecal coliform and pathogens;
9. Dissolved and particulate metals;
10. Animal wastes;
11. Wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and
12. Noxious or offensive matter of any kind.

L. Pollution: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

M. Porter-Cologne Act: The Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).

N. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

O. Storm Drain System: Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

P. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

Q. Waters of the United States: Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.040~~ 17.88.040 Applicability.**

This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Crescent City. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.045~~ 17.88.045 Exclusions.**

**A. Except where a clear identifiable drainage problem exists, as determined by the Public Works Director, the following types of development projects are excluded from the storm water runoff provisions of this policy:**

- 1. A single family home on an existing single family zoned lot,**
- 2. Additions and alterations to existing development where the total impervious area (roofs, pavement, etc.) added does not exceed 5000 square feet,**

**B. The following types of projects are excluded from the storm water quality provisions of this policy:**

- 1. A single family home on an existing single family zoned lot,**
- 2. Multi-family developments, including subdivisions and apartments, of 4 units or less,**
- 3. New commercial and industrial developments requiring less than 25 parking spaces, where the total building area is 10,000 square feet or less, and the total lot area is less than 30,000 square feet,**
- 4. Additions and alterations to existing developments where the total value of the addition or alteration is less than 25% of the assessed value, provided the addition or alteration does not exceed the limitations above.**

**~~12.36.050~~ 17.88.050 Responsibility for administration.**

The Public Works Director of the City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.060~~ 17.88.060 Regulatory consistency.**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations, (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.070~~ 17.88.070 Ultimate responsibility of discharger.**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. Therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Chapter shall

not create liability on the part of the City of Crescent City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. \_\_\_\_\_ (part), 200 ).

**12.36.080 17.88.080 Prohibition of illegal discharges.**

No person shall discharge or cause to be discharged into the City storm drain system or into any watercourse any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the US. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance:

1. Potable water line flushing;
2. Uncontaminated pumped groundwater and other discharges from potable water sources;
3. Landscape irrigation and lawn watering;
4. Diverted stream flows;
5. Rising groundwater;
6. Groundwater infiltration to the storm drain system;
7. Uncontaminated foundation and footing drains;
8. Uncontaminated water from crawl space pumps;
9. Air conditioning condensation;
10. Uncontaminated non-industrial roof drains;
11. Springs;
12. Individual residential and occasional non-commercial car washing;
13. Flows from riparian habitats and wetlands;
14. Dechlorinated swimming pool discharges;
15. Street wash waters; and
16. Flows from fire fighting.

B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

C. With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.090~~ 17.88.090 Prohibition of illicit connections.**

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. \_\_\_\_ (part), 200 ).

**~~12.36.100~~ 17.88.100 Waste disposal prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition. (Ord. \_\_\_\_ (part), 200 ).

**~~12.36.110~~ 17.88.110 Discharges in violation of industrial or construction activity NPDES storm water discharge permit**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause. (Ord. \_\_\_\_ (part), 200 ).

**~~12.36.120~~ 17.88.120 Requirement to prevent control and reduce storm water pollutants.**

A. Authorization to Adopt and Impose Best Management Practices. The City Council may adopt, ~~by Resolution,~~ requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where Best Management Practices requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements. The Public Works Director shall maintain a record for public use of all Best Management Practices adopted by ~~Resolution of~~ the City Council.

B. New Development. The City Council shall adopt ~~by Resolution,~~ requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from all applicable new development

projects, ~~as determined by Resolution,~~ as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building related permit to be issued relative to such development. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits.

C. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.130~~ 17.88.130 Requirement to eliminate illegal discharges.**

The Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.140~~ 17.88.140 Requirement to eliminate or secure approval for illicit connections.**

A. The Public Works Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter.

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.150~~ 17.88.150 Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or

adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. (Ord. \_\_\_\_\_ (part), 200\_).

**~~12.36.160~~ 17.88.160 Requirement to remediate.**

Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of sections 12.36.210 through 12.36.240 herein. (Ord. \_\_\_\_\_ (part), 200\_).

**~~12.36.170~~ 17.88.170 Requirement to monitor and analyze.**

The Public Works Director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter. (Ord. \_\_\_\_\_ (part), 200\_).

**~~12.36.180~~ 17.88.180 Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911) and the City Department of Public Works. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. \_\_\_\_\_ (part), 200\_).

**12.36.190 17.88.190 Authority to inspect.**

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. \_\_\_\_\_ (part), 200 ).

**12.36.200 17.88.200 Authority to sample, establish sampling devices, and test.**

During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Ord. \_\_\_\_\_ (part), 200 ).

**12.36.210 17.88.210 Notice of violation.**

Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- E. The implementation or maintenance of source control or treatment practices.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director and the expense thereof shall be charged to the violator pursuant to Section 12.36.230 below. (Ord. \_\_\_\_\_ (part), 200 ).

**12.36.220 17.88.220 Appeal.**

Notwithstanding the provisions of Section 12.36.250, any person receiving a Notice of Violation under Section 12.36.210 may appeal the determination of the Public Works Director to the City Council. The notice of appeal must be received by the City Clerk within 7 calendar days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within 15 calendar days from the date of City's receipt of the notice of appeal. The decision of the City Council shall be final.

**~~12.36.230~~ 17.88.230 Abatement by City.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 12.36.220 within 10 days of the decision of the City Council upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above. (Ord. \_\_\_\_\_ (part), 200\_).

**~~12.36.240~~ 17.88.240 Charging cost of abatement/liens.**

Within 30 days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be ~~set forth by resolution and shall be~~ final.

If the amount due is not paid within 10 days of the decision of the City Council or the expiration of the time in which to file an appeal under this Chapter, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the ~~resolution~~ **special assessment** shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. \_\_\_\_\_ (part), 200\_).

**~~12.36.250~~ 17.88.250 Urgency abatement.**

The Public Works Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or



responsible party. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this Chapter. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.260~~ 17.88.260 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.270~~ 17.88.270 Compensatory action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Public Works Director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.280~~ 17.88.280 Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City. (Ord. \_\_\_\_\_ (part), 200 ).

**~~12.36.290~~ 17.88.290 Acts potentially resulting in a violation of the federal Clean Water Act and/or California Porter-Cologne Act.**

Any person who violated any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability. (Ord. \_\_\_\_\_ (part), 200 ).

**17.88.300 Drainage facilities requirements - general provisions.**

**A. Drainage structures, including storm drains, drop inlets, detention basins, etc., shall be installed by the developer, at his expense, where necessary to comply with the provisions herein and as additionally may be determined by the City Engineer. A California registered Civil Engineer shall design any such structures. The design shall be reviewed and approved by the City Engineer.**

**B. Drainage facilities shall be designed to prevent flooding of public and private property and shall not substantially degrade water quality.**

C. Drainage facilities and structures shall be constructed in accordance with Crescent City standard plans or as approved by the City Engineer.

17.88.310 Stormwater runoff management requirements.

A. General provisions. Drainage facilities for all applicable development projects shall be designed using the methodology described in sub-sections B through D, or other methods of hydrology as approved by the City Engineer.

B. Drainage conveyance volumetric thresholds. The runoff from all development projects shall be conveyed to the final point of disposal without flooding for the following conditions:

1. "10-year storm", as a minimum, for any and all facilities,
2. "100-year storm" for any building floor,
3. "25-year storm" for minor streets and underground storm drains therein,
4. "100-year storm" for major streets and underground storm drains therein.

C. Use of public streets. Public streets may be used to convey runoff up to the "25-year storm" with the water surface below the top of curb. Any additional runoff shall be conveyed by means of an underground storm drain system.

D. Facility standards.

1. Drop inlets (catch basins) shall be located where determined by the City Engineer. Drop inlets shall be a standard CalTrans design.
2. Cross gutters or "valley gutters" may only be used at intersections where the traffic is stopped and if approved by the City Engineer.
3. Storm drains shall be 12 inch minimum diameter and shall be of a material approved by the City Engineer. The minimum grade (slope) and maximum length of storm drains shall be as follows:

<u>Diameter</u>	<u>Min. Grade</u>	<u>Max. Length</u>
<u>12 inch</u>	<u>0.005 ft/ft</u>	<u>200 feet</u>
<u>15 inch</u>	<u>0.005 ft/ft</u>	<u>300 feet</u>
<u>18 inch</u>	<u>0.003 ft/ft</u>	<u>500 feet</u>
<u>24 inch</u>	<u>0.002 ft/ft</u>	<u>unlimited</u>

4. Storm drain pipe shall be of adequate structural strength to support fill and wheel loads. Where possible storm drains shall have a minimum of 30 inches of cover from the top of the pipe to the finished grade above.

5. Storm drain systems shall have access by means of drop inlets and/or manholes spaced at intervals not to exceed 500 feet.

E. Stormwater quality.

All applicable projects shall treat storm water runoff to reduce suspended solids. The treatment shall be equal to that obtainable by the detention of the 24-hour design storm runoff. In addition to the requisite analyses, site design, and treatment methods to be incorporated into specific development project types

identified in chapter 17.84B, the design storm for treatment facilities shall be the “85<sup>th</sup> percentile 24-hour storm” for volume based designs and the “85<sup>th</sup> percentile one-hour storm” for flow based designs. Surface water runoff shall be determined using the “Rational Method” with runoff coefficients and rainfall intensities as set forth below.

1. The runoff formula shall be:

$Q = CiA$  where Q = flow (cubic feet/second)

C = runoff coefficient (dimensionless)

I = rainfall intensity (inches/hour)

2. The following shall be used as the runoff coefficient (C) in the design of drainage facilities and structures:

a. For impervious areas (roofs, pavement, etc): 1.00

b. For pervious areas: 0.40

c. The rainfall intensity for a “10-year storm” shall be determined from the following formula:  $\log I = 0.83 - 0.46(\log t)$ , where t = the time of concentration

d. The “25-year storm” is 29 percent larger than the “10-year storm” and the “100-year storm” is 61 percent larger than the “10-year storm.”

e. The time of concentration shall be determined by assuming that overland runoff travels at 1 foot/second on pervious surfaces and 2 feet/second on impervious surfaces. The runoff travel rate for flow in streets, storm drains, and other drainage structures shall be as determined by calculation.

f. For design of water quality related structures the “85<sup>th</sup> percentile 24-hour storm” shall be 1.1 inches and the “85<sup>th</sup> percentile one-hour storm” shall be 0.2 inches.

## Chapter ~~17.59~~ 17.89

### BED AND BREAKFAST ESTABLISHMENTS

#### Sections:

~~17.59.010~~ 17.89.010 Purpose.

~~17.59.020~~ 17.89.020 Definitions.

~~17.59.030~~ 17.89.030 Allowable locations.

~~17.59.040~~ 17.89.040 Use permit.

~~17.59.050~~ 17.89.050 Architectural review.

~~17.59.060~~ 17.89.060 Business license.

~~17.59.070~~ 17.89.070 Size of establishment.

~~17.59.080~~ 17.89.080 Parking.

~~17.59.090~~ 17.89.090 Signs.

~~17.59.100~~ 17.89.100 Historic structures.

~~17.59.110~~ 17.89.110 Safety requirements.

CRC-MAJ-1-03 (LCP UPDATE)  
EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED  
MODIFICATIONS

PAGE 17

**~~17.59.120~~ 17.89.120 Meals.**

**~~17.59.130~~ 17.89.130 Owner or innkeeper on premises.**

**~~17.59.140~~ 17.89.140 Noise.**

**~~17.59.010~~ 17.89.010 Purpose.**

The purpose of this chapter is to provide for the control and regulation of bed and breakfast establishments in keeping with the safety, convenience and welfare of the general public, and for the following more specific reasons:

A. To assist in allowing these sorts of visitor-serving uses, which benefit the local economy by encouraging destination tourism;

B. To protect the residential character of the various zoning districts where bed and breakfast establishments are allowed;

C. To ensure a fair process by which the location and operation of such establishments may be in the best interest of the entire community. (Ord. \_\_\_\_\_ (part), 200 ).

**~~17.59.020~~ 17.89.020 Definitions.**

For the purpose of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section.

A. “Bed and breakfast” means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests.

B. “Guest home or rest home” means a building or any portion thereof used for the housing of ambulatory well and able persons where lodging is provided for compensation.

C. “Guest room” means a room which is designed and/or used by one or more guests for sleeping purposes, but hi which no provision is made for cooking.

D. “Home occupations” means a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling, and is carried on with the normal equipment customarily found in a dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building.

E. “Lodginghouse or roominghouse” means a building having no more than five guest rooms with a maximum occupancy of two persons per room, and where such lodging is provided for compensation. (Ord. \_\_\_\_\_ (part), 200 ).

**~~17.59.030~~ 17.89.030 Allowable locations.**

Bed and breakfast establishments shall be allowed in all zones except ~~O and~~ CZ-O. (Ord. \_\_\_\_\_ (part), 200 ), (Ord. \_\_\_\_\_ (part), 200 ).

**~~17.59.040~~ 17.89.040 Use permit.**

Guest homes and bed and breakfast establishments must obtain a conditional use permit from the planning commission for their operation. The conditional use permit process requires a public hearing, allowing neighbors and/or other concerned citizens to voice their concerns about the proposed operations. In residential zones, the focus of the use permit process is on the commercial operation occurring in a residential zone. In commercial zones, the focus is on the required residential use by the on-site owner or manager in a commercial zone. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.050 17.89.050 Architectural review.**

Bed and breakfast establishments in ~~the R3, RP, CZ-RP and~~ all commercial zones are required to go through an architectural review. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.060 17.89.060 Business license.**

A. A business license must be obtained by the proprietor through the city finance department before guests may be accommodated.

B. Bed and breakfast establishments shall be subject to the transient occupancy tax as required under Title 3 of this code. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.070 17.89.070 Size of establishment.**

A. A maximum of three guest rooms shall be permitted in the ~~R1,~~ CZ-R1 and CZ-R1B zones.

B. A maximum of five guest rooms shall be permitted in the ~~R2 and~~ CZ-R2 zones.

~~C. The maximum number of guest rooms for bed and breakfast establishments shall be determined on a case-by-case basis during the use permit process for the R-3, RP and CZ-RP zones.~~

~~D. Bed and breakfast establishments in the commercial zones shall be treated the same as hotels, motels and inns. (Ord. \_\_\_\_\_ (part), 200 ).~~

**17.59.080 17.89.080 Parking.**

A. One off-street parking space per guest room shall be required in addition to the two covered off-street spaces required for the residential use.

B. The owner or manager's required residential use of a bed and breakfast establishment in a multi-family zone shall be treated as a single-family residence, and two covered off-street parking spaces shall be required for the on-site residence in addition to the one off-street parking space for each guest room.

C. Parking requirements shall be the same as for hotels and motels in commercial zones. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.090 17.89.090 Signs.**

A. In residential zones signs shall be no larger than the two-square-foot nameplates allowed for single-family residences, and shall be made of non-plastic material.

B. Bed and breakfast signs in residential zones shall not be lighted at night.

C. In commercial zones, signs for bed and breakfast establishments shall conform to the sign requirements for that zone.

D. A sign permit shall be required for bed and breakfast signs in commercial zones. Nameplate signs of two square feet or less in residential zones shall conform to the requirements for such signs, and shall not require a permit. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.100 17.89.100 Historic structures.**

Any modifications, additions or remodels made to duly recognized historic structures being used or intended to be used as a bed and breakfast establishment shall go through the architectural review process. The purpose of the review shall be to ensure that all work done on the structure of the grounds be in keeping with the historic significance of the building, and shall reasonably conform to the original plan and appearance of the site. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.110 17.89.110 Safety requirements.**

A. Smoke detectors and fire exit maps shall be required in all guest rooms.

B. Fire extinguishers shall be required to be kept on the premises at all times. The extinguishers must be kept in good working order.

C. The buildings and guest rooms must pass a fire inspection before the issuance of a business license, and once a year thereafter.

D. The kitchen shall conform to the requirements for bed and breakfast operations set forth by the county health department.

E. Kitchens, kitchenettes or other provision for the preparation of meals shall not be permitted in any guest room. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.120 17.89.120 Meals.**

A. Breakfast shall be the only meal served, and may only be provided to registered guests.

B. A food service permit must be obtained from the county health department before any meals are served. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.130 17.89.130 Owner or innkeeper on premises.**

A. The owner or manager of the bed and breakfast establishment must reside on the premises as their primary place of residence.

B. The on-site owner or manager shall be responsible for ensuring that all the requirements of these regulations are met, and that the operation is conducted without unduly interfering with a surrounding residential neighborhood. (Ord. \_\_\_\_\_ (part), 200 ).

**17.59.140 17.89.140 Noise.**

A. In order to protect the residential character of a neighborhood, and to ensure the enjoyment of the other guests, no loud noises or loud parties shall be permitted after ten p.m. or before eight a.m. in residential zones. For the purpose of this regulation, loud noises shall mean noise above sixty decibels discernible at nearby residences after the specified hours. The on-site owner or manager shall be responsible for enforcing this regulation.

B. In commercial zones with no nearby residential uses, the issue of maintaining quiet during the evening hours shall be at the discretion of the on-site owner or manager. (Ord. \_\_\_\_\_ (part), 200 ).

## Chapter 17.61

### COASTAL ZONE DEFINITIONS

**Sections:**

<b>17.61.005</b>	<b>Scope.</b>
<b>17.61.010</b>	<b>Accessory building.</b>
<b>17.61.015</b>	<b>Accessory living quarters.</b>
<b>17.61.020</b>	<b>Accessory use.</b>
<b>17.61.025</b>	<b>Advertising sign.</b>
<b>17.61.030</b>	<b>Advertising structure.</b>
<b>17.61.031</b>	<b>Aggrieved person.</b>
<b>17.61.040</b>	<b>Alley.</b>
<b>17.61.045</b>	<b>Apartment.</b>
<b>17.61.050</b>	<b>Apartment house.</b>
<b>17.61.055</b>	<b>Area, building.</b>
<b>17.61.070</b>	<b>Basement or cellar.</b>
<b>17.61.075</b>	<b>Block.</b>
<b><u>17.61.077</u></b>	<b><u>Bluff line or edge.</u></b>
<b>17.61.080</b>	<b>Boardinghouse.</b>
<b>17.61.085</b>	<b>Building.</b>
<b>17.61.090</b>	<b>Building height.</b>
<b>17.61.095</b>	<b>Building, main.</b>
<b>17.61.100</b>	<b>Building site.</b>
<b><u>17.61.103</u></b>	<b><u>Care Facility, Residential.</u></b>
<b>17.61.105</b>	<b>Carport.</b>
<b>17.61.115</b>	<b>Centerline.</b>
<b>17.61.116</b>	<b>Coastal development permit.</b>
<b>17.61.117</b>	<b>Coastal zone.</b>
<b>17.61.120</b>	<b>Common open space.</b>
<b><u>17.61.122</u></b>	<b><u>Commission.</u></b>
<b><u>17.61.124</u></b>	<b><u>Commission, Coastal.</u></b>

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17.61.125	Community-use facility or center.
<u>17.61.127</u>	<u>Council.</u>
17.61.130	Court.
<u>17.61.132</u>	<u>Department.</u>
<del>17.61.134</del> <u>135</u>	<u>Development.</u>
<u>17.61.137</u>	<u>Director.</u>
17.61.140	District.
17.61.145	Dormitory.
17.61.150	Drive-ins.
17.61.155	Dwelling, multiple.
17.61.160	Dwelling, one-family.
17.61.165	Dwelling, two-family.
17.61.170	Dwelling, group.
17.61.175	Dwelling unit.
<u>17.61.175.5</u>	<u>Emergency.</u>
17.61.176	Energy facility, major.
17.61.178	Environmentally sensitive habitat area.
17.61.180	Essential service.
<u>17.61.183</u>	<u>Executive Director.</u>
17.61.185	Family.
17.61.187	Fill.
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17.61.195	Frontage.
17.61.200	Front wall.
17.61.205	Garage, private.
17.61.210	Garage, public.
17.61.215	Garage, storage.
17.61.220	Grade.
17.61.230	Guestroom.
17.61.231	Harbor-related.
17.61.235	Home occupation.
17.61.240	Hospital, sanitarium, nursing or convalescent homes.
17.61.245	Hotel.
<u>17.61.247</u>	<u>Hotel, residential.</u>
<u>17.61.250</u>	<u>Hotel, residential.</u>
17.61.265	Kitchen.
17.61.275	Landowner.
17.61.276	Land use plan.
17.61.280	Loading space.
17.61.281	Local coastal plan.
17.61.285	Lodginghouse or roominghouse.
17.61.290	Lot.
17.61.295	Lot area.
17.61.300	Lot, corner.
17.61.305	Lot, interior.



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- 17.61.310** Lot, key.
- 17.61.315** Lot line, front.
- 17.61.320** Lot line, rear.
- 17.61.325** Lot line, side.
- 17.61.330** Lot of record.
- 17.61.335** Lot, reversed corner.
- 17.61.340** Lot, through.
- 17.61.345** Lot width.
- 17.61.350** Marina.
- 17.61.365** Motel.
- 17.61.375** Natural production use.
- 17.61.380** Nonconforming building.
- 17.61.385** Nonconforming lot.
- 17.61.390** Nonconforming use.
- 17.61.400** Parking area, public.
- 17.61.405** Parking space, automobile.
- 17.61.410** Patio, covered.
- 17.61.415** Place.
- 17.61.425** Public works, major.
- 17.61.430** Schools, elementary, middle, junior high or high.
- 17.61.435** Sea.
- 17.61.440** Service station.
- 17.61.445** Setback.
- 17.61.450** Sign.
- 17.61.455** Sign area.
- 17.61.460** Street.
- 17.61.465** Streetline.
- 17.61.470** Structural alteration.
- 17.61.475** Structure.
- 17.61.480** Townhouse or row house.
- 17.61.490** Use.
- 17.61.495** Yard.
- 17.61.500** Yard, front.
- 17.61.505** Yard, rear.
- 17.61.510** Yard, side.
- 17.61.511** Wetlands.
  
- 17.61.005** Scope.

“Lot” includes the word “plot”; “building” includes the word “structure;” “occupied” includes the words “arranged or designed for” or “intended to be occupied;” “planning commission” means the planning commission of the city. (Ord. 587 (part), 1983).

- 17.61.010** Accessory building.

“Accessory building” means the building or the part of the building, the use of which is subordinate or incidental to that of the main building on the lot. Construction of said structure may only commence upon the completion of construction of certain portions of the main building as prescribed in Sections 17.64.040, 17.65.040, and 17.66.040. (Ord. 587 (part), 1983).

**17.61.015 Accessory living quarters.**

“Accessory living quarters” means the living quarters within an accessory building for the sole use of persons employed on the premises, having no kitchen or cooking facilities and not rented or used as a separate dwelling. (Ord. 587 (part), 1983).

**17.61.020 Accessory use.**

“Accessory use” means a use incidental and subordinate to the principal use of a lot or building located upon the same lot. (Ord. 587 (part), 1983).

**17.61.025 Advertising sign.**

“Advertising sign” means any sign used primarily for advertising purposes. (Ord. 587 (part), 1983).

**17.61.030 Advertising structure.**

“Advertising structure” means any structure of any kind or character erected or maintained for advertising purposes upon which any advertising sign may be placed, including advertising statuary. (Ord. 587 (part), 1983).

**17.61.031 Aggrieved person.**

“Aggrieved person” means any person who, in person or through a representative, appeared and spoke at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the city in writing of the nature of his or her concerns or who, for good cause, was unable to do either. (Ord. 587 (part), 1983).

**17.61.040 Alley.**

“Alley” means a public way, not exceeding twenty feet in width for the use of pedestrians and/or vehicles which affords only a secondary means of access to the abutting property. (Ord. 587 (part), 1983).

**17.61.045 Apartment.**

“Apartment” means a room, or suite of rooms, which is intended or designed to be occupied by one family for living, kitchen cooking, and sleeping purposes as a dwelling unit. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983)

**17.61.050 Apartment house.**

For the definition of “apartment house,” see “dwelling, multiple,” Section 17.61.155. (Ord. 587 (part), 1983).

**17.61.055 Area, building.**

“Building area” means the aggregate of the maximum horizontal cross-section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than four feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than four feet, balconies and terraces. (Ord. 587 (part), 1983).

**17.61.070 Basement or cellar.**

“Basement” or “cellar” means a story partly or wholly underground, and having more than one-half of its height below the average level of the adjoining ground. A basement, when designed for dwelling or occupied by business or manufacturing, shall be considered a story. (Ord. 587 (part), 1983).

**17.61.075 Block.**

“Block” means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersection of intercepting streets and railroad right-of-way, waterway or natural barrier or unsubdivided acreage. (Ord. 587 (part), 1983).

**17.61.077 Bluff line or edge.**

**“Bluff line” or “bluff edge” means the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland**

**facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations. (Ord. 20 - § , 20 )**

**17.61.080 Boardinghouse.**

“Boardinghouse” means a building in which there is not more than one dining room and meals are provided by the week or month. (Ord. 587 (part), 1983).

**17.61.085 Building.**

“Building” means any structure built for the occupancy, shelter or enclosure of person, animal, chattels or personal property of any kind. (Ord. 587 (part), 1983).

**17.61.090 Building height.**

“Building height” means the vertical distance from the average ground level of the site to the highest point of structure. (Ord. 587 (part), 1983).

**17.61.095 Building, main.**

“Main building” means a building in which is conducted the principal use of the lot upon which it is situated. In any residential district any dwelling shall be deemed to be the main building on the lot. (Ord. 587 (part), 1983).

**17.61.100 Building site.**

“Building site” means a lot or lots under one ownership or control, or such land area as may be required herein for building purposes. (Ord 587 (part), 1983).

**17.61.103 Care Facility, Residential.**

“Residential Care Facility” means a facility for habilitative, congregate, foster, group home or daycare uses as a health care, community care or recovery care use.( Ord. \_\_\_\_\_ (part), 200 ).

**17.61.105 Carport.**

“Carport” means a permanent roofed structure used or intended to be used for automobile shelter and storage. (Ord. 587 (part), 1983).

**17.61.115 Centerline.**

“Centerline” means the right-of-way centerline of a street as established by the city engineer, by the county surveyor, by the State Division of Highways, or subdivision map

or if such centerline has not been established, the planning commission shall designate the centerline. (Ord. 587 (part), 1983).

**17.61.116 Coastal development permit.**

“Coastal development permit” means the permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. (Ord. 587 (part), 1983).

**17.61.117 Coastal zone.**

“Coastal zone” means that land and water area of the state from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limits of jurisdiction, including all offshore islands, and extending inland generally one thousand yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less; and in developed urban areas the zone generally extends inland less than one thousand yards. (Ord. 587 (part), 1983).

**17.61.120 Common open space.**

“Common open space” means a parcel or parcels of land, water, or land and water included in a planned unit development and designed and intended for the use of all residents thereof. Common open space may contain complimentary recreational structures and improvements designed and intended for the benefit and enjoyment of the residents of the planned unit development. (Ord. 587 (part), 1983).

**17.61.122 Commission.**

“Commission” means the Planning Commission of the City of Crescent City.

**17.61.124 Commission, Coastal.**

**“Coastal Commission” means the California Coastal Commission.**

**17.61.125 Community-use facility or center.**

“Community-use facility or center” means a multipurpose building, group of buildings or area which is owned and operated by a public agency or nonprofit organization, open to the public and designed to accommodate public gatherings or meetings for the purposes of recreational, educational or cultural endeavors. Single-purpose offices or agencies operated by nonprofit organizations such as, but not limited to, the Red Cross, United Crusade, Family Service Agency, Blood Bank, etc., shall not constitute a community-use facility or center. (Ord. 587 (part), 1983).

**17.61.127 Council.**

**“Council” means the City Council of the City of Crescent City California.**

**17.61.130 Court.**

“Court” means an open area other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings. (Ord. 587 (part), 1983).

**17.61.132 Department.**

**“Department” means the City of Crescent City Department of Planning.**

**17.61.~~131~~ 135 Development.**

“Development” means, on land, in or under water, the placement or erection of any solid material or structure, discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto, **including limitations on time of use or increases in use fees or parking fees, which affect the intensity of use;** construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations, which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (Ord. 587 (part), 1983).

**17.61.137 Director.**

**“Director” means the Director of the City of Crescent Planning Department.**

**17.61.140 District.**

“District” means a portion of the territory of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of these regulations. (Ord. 587 (part), 1983).

**17.61.145 Dormitory.**

“Dormitory” means a ~~room~~ place where one or more rooms are provided in a non-profit institutional setting, to be occupied for sleeping purposes by more than two persons not

members of the same family and where independent cooking facilities are not provided.  
(Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.150 Drive-ins.**

“Drive-ins” means any premises with off-street parking facilities thereon, upon which premises are located restaurants, eating or food establishments from which establishments prepared food or drink, capable of being consumed by patrons or customers in automobiles on the premises. (Ord. 587 (part), 1983).

**17.61.155 Dwelling, multiple.**

“Multiple dwelling” means a building with three or more dwelling units designed to be occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, or courts, apartment hotels and flats, but not including motels.

**17.61.160 Dwelling, one-family.**

“One-family dwelling” means a detached building which is a dwelling unit designed to be occupied by one family exclusively. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.165 Dwelling, two-family.**

“Two-family dwelling” means a building with two dwelling units designed to be occupied by two families exclusively, living independently of each other. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.170 Dwelling, group.**

“Group dwelling” means a group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard, court or place in common, including bungalow courts and apartment courts, but not including motels. (Ord. 587 (part), 1983).

**17.61.175 Dwelling unit.**

“Dwelling unit” means a building or portion thereof used and/or designed for occupancy by one family for living or sleeping purposes and having one kitchen and one separate toilet facility. (Ord. 587 (part), 1983).

**17.61.175.5 Emergency.**

**“Emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. (Ord. 20 - § , 20 )**

**17.61.176 Energy facility, major.**

“Major energy facility” means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase based upon the Engineering News Record Construction Cost Index). (Ord. 587 (part), 1983).

**17.61.178 Environmentally sensitive habitat area.**

“Environmentally sensitive habitat area” means any area in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 587 (part), 1983).

**17.61.180 Essential service.**

“Essential service” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. (Ord. 587 (part), 1983).

**17.61.183 Executive Director.**

**“Executive Director” meaning the executive director of the California Coastal Commission. (Ord. 20 - § , 20 )**

**17.61.185 Family.**

“Family” means a household of one or more persons related by common ancestry or marriage, of a group of not more than five persons (excluding servants) not related by blood or marriage, occupying a premises and living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house in a dwelling unit. (Ord. \_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.187 Fill.**



“Fill” means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (Ord. 587 (part), 1983).

**17.61.190 Fraternity or sorority house.**

“Fraternity house” or “sorority house” means a dwelling maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning. (Ord. 587 (part), 1983).

**17.61.195 Frontage.**

“Frontage” means the property abutting on one side of a street between two streets intersecting it (crossing or terminating) measured along the street line. (Ord. 587 (part), 1983).

**17.61.200 Front wall.**

“Front wall” means the wall of a building or other structure nearest to the street upon which the building faces, excluding cornices, canopies, eaves or any other architectural embellishments extending up to, but not in excess of, thirty inches beyond said front wall. (Ord. 587 (part), 1983).

**17.61.205 Garage, private.**

“Private garage” means an accessory building or portion of the main building designed and/or used for the shelter or storage of vehicles by the occupants of the main building. (Ord. 587 (part), 1983).

**17.61.210 Garage, public.**

“Public garage” means any building, other than a private or storage garage, used for the storage, care or repair of motor vehicles or where the vehicles are kept for hire or sale. (Ord. 587 (part), 1983).

**17.61.215 Garage, storage.**

“Storage garage” means any building other than a public or private garage used exclusively for the storage of motor vehicles. (Ord. 587 (part), 1983).

**17.61.220 Grade.**

“Grade” means the elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevation of the sidewalk at the center of such exterior wall or walls shall be taken as the grade. (Ord. 587 (part), 1983).

**17.61.225 Guest home or rest home.**

“Guest home” or “rest home” means a building or any portion thereof used for the housing of ambulatory or aged persons where lodging is provided for compensation. (Ord. 587 (part), 1983).

**17.61.230 Guestroom.**

“Guest room” means a room designed and/or used by one or more guests for sleeping purposes, but in which no provision is made for cooking. (Ord. 587 (part), 1983).

**17.61.231 Harbor-related.**

“Harbor-related” means that area and use which is primarily dependent upon immediate access to the harbor to function effectively; however, it may also include those uses which do not have to depend upon the coast or harbor to function. (Ord. 587 (part), 1983).

**17.61.235 Home occupation.**

The purpose of Home Occupation is to provide Crescent City residents with the opportunity to have a combined living and working environment, thereby providing an affordable lifestyle and an incentive to remain in Crescent City. It is intended to implement the applicable provisions of the general plan and to promote compatible living and working conditions within a safe and health environment on property zoned residential. It is also the intent of a Home Occupation use to ensure that resident’s live/work projects are compatible with surrounding land uses, are designed to avoid potential land use conflicts and negative impacts to both live/work occupants and occupants of neighboring properties, and to ensure that the project density will be no greater than the density otherwise allowed in the underlying zone.

“Home occupation” means a use shall mean an activity customarily carried on conducted entirely within in a residential dwelling by a resident thereof person residing in the dwelling unit, which use is merely clearly a secondary and incidental to the residential use of the dwelling and is carried on with the normal equipment customarily found in a such dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building as a residence. The use must not change the residential character of the dwelling or area and shall meet the following conditions:

- a. The use shall not generate vehicular traffic in excess of that normally associated with the residential use.
- b. There shall be no exterior indication of the home occupation except an unlighted sign that conforms to sign restrictions applicable to the zone in which the Home Occupation is located. Any outside storage of materials, products, equipment or vehicles other than the personal transport vehicle(s) of the resident business owner(s) is prohibited.

- c. No noise, odor, dust fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties shall be created.
- d. No persons other than residents in the home shall be employed in the conduct of the home occupation.
- e. Living and working spaces shall not be rented or sold separately.
- f. In addition, the home Occupation use at the location shall not significantly:
  - 1. Cause an adverse affect to the health, safety or welfare of persons residing or working in the surrounding area;
  - 2. Impair the use and enjoyment of surrounding property in the vicinity of the site. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.240 Hospital, sanitarium, nursing or convalescent homes.**

“Hospital,” “sanitarium,” “nursing home,” or “convalescent home” means “Hospital, sanitarium, nursing or convalescent homes” mean a building or any portion thereof used or designed for the housing of sick, mentally ill, injured, convalescent or infirm persons for the purpose of medical treatment; provided, that this definition shall not include rooms in any one-family, two-family, or three-family dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.245 Hotel.**

“Hotel” means a building containing six or more ~~sleeping rooms~~ guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for thirty days or less, and no provision is made for ~~cooking~~ kitchen facilities in any individual room or suite, but excluding hospitals and buildings where ~~persons~~ human beings are housed and detained under legal restraint. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.247 Hotel, residential**

“Residential hotel” means a building containing six or more guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for the purpose of occupancy longer than thirty days. and no provision is made for kitchen facilities in any individual room or suite. (Ord. \_\_\_\_\_ (part), 200 )

**17.61.265 Kitchen.**

“Kitchen” means any room, all or any part of which is designed or used for cooking and preparation of food. The use of a portable microwave oven or mini-refrigerator appliance utilizing 110 volt plugs for the purpose of incidental wet-bar or snack bar purpose without a food storage, cook stove or preparation/clean-up area shall not constitute a kitchen. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.275 Landowner.**

“Landowner” means the legal or beneficial owner or owners of all of the land included in or proposed to be included in any individual parcel of land. (Ord. 587 (part), 1983).

**17.61.276 Land use plan.**

“Land use plan” means the city's local coastal element of the general plan which is detailed to indicate kinds, locations, and intensity of land uses, and the applicable resource protection and development policies. (Ord. 587 (part), 1983).

**17.61.280 Loading space.**

“Loading space” means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 587 (part), 1983).

**17.61.281 Local coastal plan.**

“Local coastal plan” consists of the land use plan, zoning ordinances, zoning district maps, and implementing actions, which when all taken together meet the requirements of the Coastal Act of 1976. (Ord. 587 (part), 1983).

**17.61.285 Lodging or roominghouse.**

~~“Lodginghouse” or “rooming house”~~ “Lodging or roominghouse” means a building having no more than five guest rooms with a maximum occupancy of two persons per room, ~~and where such~~ lodging is provided for compensation. For time periods of one month or longer. Communal meals may or may not be provided in a single dining facility however no guestroom shall have separate kitchen facilities. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.290 Lot.**

“Lot” means land occupied or available to be occupied by a use, building or a unit group of buildings, accessory buildings or uses, together with such yards, open spaces, lot width and area as required by this title, and having its principal frontage upon a street. (Ord. 587 (part), 1983).

**17.61.295 Lot area.**

“Lot area” means the total horizontal area included within lot lines of a lot. (Ord. 587 (part), 1983).

**17.61.300 Lot, corner.**

“Corner lot” means land situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. 587 (part), 1983).

**17.61.305 Lot, interior.**

“Interior lot” means a lot other than a corner lot. (Ord. 587 (part), 1983).

**17.61.310 Lot, key.**

“Key lot” means the first interior lot to the rear of a reversed corner lot, the front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts. (Ord. 587 (part), 1983).

**17.61.315 Lot line, front.**

“Front lot line” means a line on an interior lot separating the lot from a street or place; either side of a corner lot or reversed corner lot which faces a street may be designated and used as the front of the lot. (Ord. 587 (part), 1983).

**17.61.320 Lot line, rear.**

“Rear lot line” means a line which is opposite and most distant from the front lot line, and, in case of an irregular, triangular or goreshaped lot, a line within a lot ten feet in length, parallel to and at the maximum distance from the front lot line. (Ord. 587 (part), 1983).

**17.61.325 Lot line, side.**

“Side lot line” means any lot lines other than the front or rear lot lines. (Ord. 587 (part), 1983).

**17.61.330 Lot of record.**

“Lot of record” means land held in separate ownership as shown on the records of the County Recorder at the time of the passage of this title. (Ord. 587 (part), 1983).

**17.61.335 Lot, reversed corner.**

“Reversed corner lot” means a corner lot which rears upon the side of another lot, whether or not across an alley. (Ord. 587 (part), 1983).

**17.61.340 Lot, through.**

“Through lot” means a lot having frontage on two parallel or approximately parallel streets. (Ord. 587 (part), 1983).

**17.61.345 Lot width.**

“Lot width” means the average horizontal distance between side lot lines measured at right angles to the lot depth. (Ord. 587 (part), 1983).

**17.61.350 Marina.**

“Marina” means a recreational use consisting of a small harbor or boat basin providing dockage, supplies and services, including but not limited to office space for management, sale of boats, marina supplies and incidental refreshments and marine insurance for a small pleasure craft. Nothing in this chapter shall be construed as to prohibit the dry-land storage of small craft, trailers or appurtenances required for the operation of such craft but does not include the major repair and overhaul of such crafts. (Ord. 587 (part), 1983).

**17.61.353 Mixed use development.**

“Mixed use” development means development upon one property which consists of both residential and non-residential commercial business, retail, office, or service uses. (Ord. \_\_\_\_ (part), 200\_).

**17.61.355 Mobile home.**

“Mobile home” means a vehicle designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including trailer coaches, house trailers, and self-propelled vehicles used for human habitation. (Ord. 587 (part), 1983).

**17.61.365 Motel.**

“Motel” means a building or group of two or more detached, ~~or semidetached~~ semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of automobile travelers visiting 30 days or less; including groups designated as auto cabins, motor courts, motels and similar designations. Where apartments are provided they shall constitute less than 50% of the total number of rooms and apartments in the facility. (Ord. \_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.61.375 Natural production use.**

“Natural production use” means any of the following uses: Agriculture, mining production, storage or distribution of water supplies, forestry cutting and splitting of wood, extraction of minerals, and other natural materials. (Ord. 587 (part), 1983).

**17.61.380 Nonconforming building.**

“Nonconforming building” means a building or portion thereof lawfully existing at the date of passage of the ordinance establishing the district in which such building is located, and which does not conform to the use regulation of the district, or which does not conform to all the height or area regulations required in said district. (Ord. 587 (part), 1983).

**17.61.385 Nonconforming lot.**

“Nonconforming lot” means a lot which does not conform to the area and width regulations of the district in which it is located or which does not conform to the subdivision regulations. (Ord. 587 (part), 1983).

**17.61.390 Nonconforming use.**

“Nonconforming use” means a use which occupied a building or land at the date of passage of the ordinance establishing the district in which such building or land is located, and which does not conform to the use regulation of the said district. (Ord. 587 (part), 1983).

**17.61.395 Nursery, day.**

“Day nursery” means a use wherein day care is afforded children under the age of six years. (Ord. 587 (part), 1983).

**17.61.400 Parking area, public.**

“Public parking area” means an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Ord. 587 (part), 1983).

**17.61.405 Parking space, automobile.**

“Automobile parking space” means space within a public or private parking area of a building for the temporary parking or storage of one automobile. (Ord. 587 (part), 1983).

**17.61.410 Patio, covered.**

“Covered patio” means an area which is covered partially or completely by a solid or open roof which is supported by upright support, columns, pillars, posts or walls. (Ord. 587 (part), 1983).

**17.61.415 Place.**

“Place” means an open occupied space, other than a street, permanently reserved as the principal means of access to abutting property including courts of access. (Ord. 587 (part), 1983).

**17.61.420 Planned unit development.**

“Planned unit development” means an area of land controlled by a landowner, which is, has been, or is proposed to be developed as a single entity for a number of dwelling units, the plan for which need not conform in lot size, bulk or type of dwelling, number of structures per lot, height or yard regulations established for the affected district or districts by any other chapters of this title. Such development will be permitted only after a planned unit permit is secured. (Ord. 587 (part), 1983).

**17.61.425 Public works, major.**

“Major public works” means projects valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index) which include the following:

- A. All production, storage, transmission and recovery facilities for water, sewerage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities;
- B. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley wires, and other related facilities;
- C. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district;
- D. All community college facilities. (Ord. 587 (part), 1983).

**17.61.430 Schools, elementary, middle, junior high or high.**

“Elementary school,” “middle school,” “junior high school” or “high school” means public or private facilities devoted primarily to academic instruction, excluding trade schools, vocational schools and business schools. (Ord. 587 (part), 1983).

**17.61.435 Sea.**

**"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. (Ord. 20 - § , 20 )**

**17.61.440 Service station.**



“Service station” means any building, structure, premises or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repairs. (Ord. 587 (part), 1983).

**17.61.445 Setback.**

“Setback” means the minimum horizontal distance from the building to the property line as prescribed by this title. (Ord. 587 (part), 1983).

**17.61.450 Sign.**

“Sign” means any words, letters, figures, numerals, emblems, designs or other marks shown on any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. (Ord. 587 (part), 1983).

**17.61.455 Sign area.**

“Sign area” is determined as follows:

A. Where the lettered or illustrative material of a sign is placed upon a sign board or other part of a sign structure, whether framed or un-framed, and having a continuous or essentially continuous surface or face (whether flat, curved, spherical, cylindrical, angulated or otherwise), the sign area is the area of the surface or face of the board or sign structure upon which it is placed. Building walls shall not be considered to be sign structures for the purposes of this subsection.

B. Where the lettered or illustrative material comprising a sign is not placed in the manner described in subsection A of this section, the sign area is the area which would be encompassed within a frame extending two inches beyond the outermost boundaries of the lettered or illustrative material. This subsection shall be used for, but shall not be limited to, determining the sign area of signs painted or otherwise placed directly upon building walls. (Ord. 587 (part), 1983).

**17.61.460 Street.**

“Street” means a public thoroughfare dedicated as such or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. (Ord. 587 (part), 1983).

**17.61.465 Streetline.**

“Streetline” means the boundary line between a street and abutting property. (Ord. 587 (part), 1983).

**17.61.470 Structural alteration.**

“Structural alteration” means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders. (Ord. 587 (part), 1983).

**17.61.475 Structure.**

“Structure” means anything constructed or erected, the use of which requires location on or under the ground or attached to something having a permanent location on the ground, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line, and excepting awnings, benches, statuary, fish ponds, or any similar objects. (Ord. 587 (part), 1983).

**17.61.480 Townhouse or row house.**

“Townhouse” or “row house” means one of a group of no less than four attached dwelling units where each dwelling unit is located on a separate lot. (Ord. 587 (part), 1983).

**17.61.490 Use.**

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Uses described within this title are more specifically defined in the latest edition of the Standard Industrial Classification Manual. (Ord. 587 (part), 1983).

**17.61.495 Yard.**

“Yard” means an open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided in this title. (Ord. 587 (part), 1983).

**17.61.500 Yard, front.**

“Front yard” means an area extending across the front of the lot between the side lot lines, the depth of which is the minimum horizontal distance from the front line of the lot to the nearest line of the main building. (Ord. 587 (part), 1983).

**17.61.505 Yard, rear.**

“Rear yard” means an area extending across the full width of the lot between the main building and the rear lot line; depth of the required rear yard to be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line. (Ord. 587 (part), 1983).

**17.61.510 Yard, side.**

“Side yard” means an area between a main building and the side lot line, extending from the front yard, or front lot line to the rear yard; width of the required side yard to be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building. (Ord. 587 (part), 1983).

**17.61.511 Wetlands.**

“Wetlands” means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, open or closed brackish water marshes, freshwater marshes, swamps, mudflats and fens. Wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this definition, the upland limit of a wetland shall be defined as co-terminus with either: (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. For the purposes of this definition, the term “wetlands” shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. (Ord. 20 \_\_ (part), 20 \_\_ ; Ord. 587 (part), 1983).

**Chapter 17.64**

**CZ-R-1 COASTAL ZONE**

**SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT**

**Sections:**

**17.64.010 Purpose.**

**17.64.020 Uses permitted Principal Permitted Use.**

**17.64.030** ~~Height and area regulations~~ Uses permitted subject to a use permit.

**17.64.040** ~~Building placement~~ Property development standards.

17.64.050 ~~General provisions~~ Building placement.

**17.64.060** General provisions.

**17.64.010 Purpose.**

A. The purpose of the CZ-R1 district is to provide living areas within the coastal zone where development is limited to low-density concentrations of single-family dwellings and where regulations are designed to: promote and encourage a suitable environment for family life; provide space for community facilities needed to compliment urban residential areas; provide for the safety, health and general welfare of its inhabitants; and implement the local coastal plan of the city.

~~The only permitted uses for any building or land, or any building to be erected or structurally altered in the CZ-R1 district are described in Section 17.64.020, unless otherwise provided in these regulations.~~

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.64.020** ~~Uses permitted~~ **Principal Permitted Use.**

~~Uses~~ The principal permitted use in the CZ-R-1 district include is a single family residential use which includes:

A ~~One-family dwellings occupied by not more than one family and not more than two boarders or roomers dwelling;~~

B. ~~Foster homes, limited to those licensed by the state or county, and accommodation not more than six guests~~ Accessory buildings;

C. ~~Day nurseries accommodating a maximum of five children in number~~ Home Occupations; and

D. ~~Accessory buildings;~~ Residential Care Facilities serving six or fewer clients.

E. ~~Any of the following uses provided a use permit is secured~~ Where a one-family dwelling exists, a second one-family dwelling may be established where all of the following criteria are met:

1a. ~~Churches~~ The lot size provides for second unit density under the General Plan in that it is twice that of the minimum lot area per dwelling unit set forth in Section 17.64.040; and

2b. ~~Guest homes for six or less guests~~ Separate water and sewer connections are available and provided to the units; and

3c. ~~Home occupations~~ The Property Development Standards of Section 17.640.040 are met; and

4d. ~~Parking lots;~~ One off-street parking space is provided for each bedroom of the second unit in addition to the minimum two spaces required for the first dwelling by Chapter 17.76.

5. ~~Public utility substations.~~ (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

17.64.030 ~~Height and area regulations~~ Uses permitted subject to a use permit.

~~In the coastal zone R-1 district, the height of buildings and the maximum dimensions of yards and lots shall be as follows~~ The following uses may be permitted subject to the granting of a conditional use permit:

- A. ~~Height. Maximum building height shall be thirty five feet.~~ Churches and religious institutions and parochial and private schools;
- B. ~~Area and Yards.~~
1. ~~Front Yard. Twenty feet;~~
  2. ~~Side Yard. Minimum five feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one half the required front yard of the lots abutting the rear of such reversed corner lots;~~
  3. ~~Rear Yard. Minimum twenty feet;~~
  4. ~~Lot Area. Minimum six thousand square feet unless previously legally subdivided or a planning commission approved lot split or parcel map;~~
  5. ~~Lot Area Per Dwelling Unit. Same as lot area;~~
  6. ~~Lot Coverage. Maximum for all buildings, accessory buildings, structures and covered patios, not greater than fifty percent.~~ Bed and Breakfast Establishments subject to the provisions of Chapter ~~17.59~~ **17.89**;
- C. ~~Parking lots;~~
- D. ~~Publicly owned buildings and structures (such as schools and public utility substations)~~ except as noted in section 17.02.050;
- E. Small neighborhood commercial uses, such as owner/resident grocery shops, that do not detract from the primary intended residential character of the district and are compatible with surrounding neighborhoods, (Ord. \_\_\_\_\_ (part), 200 ; **Ord. 587 (part), 1983**).

17.64.040 ~~Building placement~~ Property development standards.

~~Building placement requirements for the CZ-R1 district shall be as follows~~ The following property development standards shall apply to all land and structures in the CZ-R-1 zone:

- A. ~~Any building, accessory building, structure or covered patio shall not occupy any portion of a required front, side or rear yard except as herein provided.~~ Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than thirty five (35) feet when measured from the finished or natural grade, whichever is more restrictive.
- B. ~~Coverage of the rear yard by accessory buildings, structures or covered patios shall be limited to fifty percent of the required yard area.~~ Area and Yards.
1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet.
  2. Side yard: The side yard width shall be a not less than five (5) feet for interior and corner lots. Reverse corner lots on the street side shall have a

side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots.

~~3. Rear yards: Each lot shall maintain a rear yard of not less than twenty (20) feet.~~

~~4. ~~Lot~~ Minimum lot area: Each lot shall have a minimum of six thousand (6000) square feet, unless the lot was previously legally subdivided;~~

~~5. Maximum lot area: A maximum of twenty-one thousand, seven hundred, eighty (21,780) square feet;~~

~~6. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot.~~

~~7. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off street parking and covered patios shall not exceed fifty percent.~~

~~C. Accessory buildings, structures, or covered patios may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met, and a five foot passage from one side yard to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, construction on accessory buildings may only be started after the main building on the lot has been roofed and has the siding constructed.~~

~~D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.~~

~~E. The main building may project into the required rear yard with the following restrictions:~~

~~1. The portion of the main building which projects into the required rear yard shall maintain the same side yard as required for the main building not in the required rear yard;~~

~~2. The main building shall not be located closer than ten feet to the rear property line; and 3. The area covered by the main building in the rear yard shall be counted as part of the permitted rear yard coverage.~~

~~F. On corner lots or reverse corner lots no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.~~

~~G. On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty five feet of the street side property line shall be set back five feet from the rear property line.~~

~~H. Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).~~

17.64.050 ~~General provisions~~ **Building placement.**

General provisions for the CZ-R1 district shall be as follows:

~~A. — Parking. A minimum of two covered off-street spaces. See Chapter 17.76 for complete regulations and standards for required off-street parking. No building, accessory building, structure or covered patio shall occupy any portion of a required front, side or rear yard except as herein provided.~~

~~B. Fencing. See Chapter 17.75 for complete fencing regulations. Coverage of the rear yard by accessory buildings or covered patios shall be limited to fifty percent of the required rear yard area. In addition, no portion of the main building shall extend into the rear yard twenty-foot setback.~~

~~C. Signs. Maximum sign of two square feet bearing only the name of occupant. Signs for the sale or lease of the property shall be limited to twelve square feet and illuminated only by reflected light and so erected that the light source is not visible from outside the premises. See Chapter 17.74 for signs permitted other than provided for in this chapter. Accessory buildings, structures for covered patios, may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met and a five foot passage from one side yard, to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, that construction on accessory buildings may only be started after the main building on the lot has been roofed and has had the siding constructed.~~

~~D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.~~

~~E. On corner lots or reverse corner lots no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.~~

~~F. On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty-five feet of the street side property line shall be set back five feet from the rear property line.~~

~~G. Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line.~~

~~H. — Where a lot size is twice the minimum lot area the location of all new structures upon the lot shall be such to facilitate future subdivision of the lot to provide for the maximum dwelling unit potential. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).~~

17.64.060 General provisions.

General provisions for the R-1 district shall be as follows:

A. Parking. Such off-street parking as may required under the provisions of Chapter 17.76 of the Crescent City Municipal Code, from time to time amended or supplanted.

B. Fencing. Such fencing as may be permitted under the provisions of Chapter 17.75 of the Crescent City Municipal Code, from time to time amended or supplanted.

~~C. Signs. Such signs as may be permitted under the provisions of Chapter 17.74 of the Crescent City Municipal Code, from time to time amended or supplanted. (Ord. \_\_\_\_\_ (part), 200 \_\_\_\_\_).~~

## Chapter 17.65

### **CZ- R-1B COASTAL ZONE SINGLE FAMILY LOW-DENSITY RESIDENTIAL–BEACH DISTRICT**

#### Sections:

- 17.65.010 Purpose.**
- 17.65.020 Uses Principal Permitted Use.**
- 17.65.030 ~~Height and area regulations~~ Uses permitted subject to a use permit.**
- 17.65.040 ~~Building placement~~ Property development standards.**
- 17.65.050 ~~General provisions~~ Building placement.**
- 17.65.060 General provisions.**

#### **17.65.010 Purpose.**

~~A. The purpose of the CZ-R1B district is to supplement to the single family low density residential district for those areas which lie along a shoreline and consist exclusively within the coastal zone where regulations are designed to provide greater open space and visibility, while still permitting equal opportunities for developers of residential properties property similar to others within the community. The purpose of this chapter is to increase the restrictions placed on CZ R1 property for the purpose of providing greater open space and visibility, while still permitting equal opportunities for developers of residential property similar to others within the community.~~

~~B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. \_\_\_\_\_ (part), 200 \_\_\_\_\_; Ord. 667 § 4 (part), 1994; Ord. 587 (part), 1983).~~

#### **17.65.020 ~~Uses permitted~~ Principal Permitted Use.**

~~Uses permitted~~ The principal permitted use in the CZ-R-1B district ~~include~~ is a single family residential use which includes:

- A. One-family ~~dwellings~~ dwelling;
- B. Accessory buildings;
- C. Any of the following uses, provided a use permit is secured:
  - 1. ~~Bed and breakfast establishments.~~ Home Occupations; and
- D. Residential Care Facilities serving up to six clients. (Ord. \_\_\_\_\_ (part), 200 \_\_\_\_\_; Ord. 667 § 4 (part), 1994; Ord. 587 (part), 1983).



17.65.030 **Height and area regulations** Uses permitted subject to a use permit.

~~In the CZ-R1B district the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~

- ~~A. Height. Maximum building height shall be twenty-five feet.~~
- ~~B. Areas and Yards.~~
- ~~1. Front Yard. Twenty feet;~~
  - ~~2. Side Yard. Minimum ten feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one half of the required front yard of the lots abutting the rear of such reversed corner lots;~~
  - ~~3. Rear Yard. Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required;~~
  - ~~4. Lot Area. A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand square feet, unless the lot was previously legally subdivided;~~
  - ~~5. Lot Area Per Dwelling Unit. Same as lot area;~~
  - ~~6. Lot Coverage. Maximum for all buildings, accessory building structures and covered patios, not greater than fifty percent.~~

The following uses may be permitted subject to the granting of a conditional use permit:

- A. Bed and Breakfast Establishments subject to the provisions of Chapter ~~17.59~~ 17.89;
- B. A second one-family dwelling where the lot size is twice that of the minimum lot area per dwelling unit and lot coverage limitations are not exceeded;
- C. Publicly owned buildings and structures (such as schools and public utility substations);
- D. Small neighborhood commercial uses, such as owner/resident grocery shops, that do not detract from the primary intended residential character of the district and are compatible with surrounding neighborhoods. (Ord. (part), 20 ; Ord. (part), 200 ; Ord. 587 (part), 1983).

17.65.040 **Building placement** Property development standards.

~~All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement (see Section 17.64.040).~~

The following property development standards shall apply to all land and structures in the CZ-R-1B zone:

- A. Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than twenty-five (25) feet when measured from the finished or natural grade, whichever is more restrictive.
- B. Area and Yards.
1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet.
  2. Side yard: The side yard width shall be a not less than ten (10) feet for interior and corner lots. Reverse corner lots on the street side shall have a

- side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots.
3. Rear yards Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required;
  4. **Lot Minimum** area: A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand (6000) square feet, unless the lot was previously legally subdivided;
  - 5. Maximum lot area: A maximum of twenty-one thousand, seven hundred, eighty (21,780) square feet;**
  56. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot.
  67. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent. (Ord. \_\_\_\_ (part), 200 ; Ord. 587 (part), 1983)

**17.65.050 General provisions Building placement.**

General provisions for the CZ R1B district shall be as follows:

- ~~A. — Parking. A minimum of two covered off-street parking spaces for single-family residences.
  - ~~1. Bed and breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking.~~~~
- ~~B. — Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one half feet in height.~~
- ~~C. — Signs.
  - ~~1. — Maximum nameplate sign of two square feet bearing only the name of the occupant.~~
  - ~~2. — Signs for bed and breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a nonplastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night.~~
  - ~~3. — Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code. See Chapter 17.74 for signs permitted other than provided for in this chapter.~~~~

~~D. Bed and Breakfast Establishments. See Chapter 17.59 for further regulations governing bed and breakfast establishments.~~

All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement (Ord. \_\_\_\_\_ (part), 200 \_\_\_\_; Ord. 667 § 4 (part), 1994; Ord. 587 (part), 1983).

**17.65.060 General provisions.**

General provisions for the R-~~1B~~ district shall be as follows:

A. Parking. A minimum of two covered off-street parking spaces for single-family residences.

1. Bed-and-breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single-family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking.

B. Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one-half feet in height.

C. Signs.

1. Maximum nameplate sign of two square feet bearing only the name of the occupant.
2. Signs for bed-and-breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a non-plastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night.
3. Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code. See Chapter 17.74 for signs permitted other than provided for in this chapter.

D. Bed and Breakfast Establishments. See Chapter ~~17.59~~ 17.89 for further regulations governing bed and breakfast establishments. (Ord. \_\_\_\_\_ (part), 200 \_\_\_\_).

**Chapter 17.68**

**CZ-C2 COASTAL ZONE GENERAL COMMERCIAL DISTRICT**

**Sections:**

- 17.68.010 Purpose**
- 17.68.020 Uses Principal Permitted Use.**
- 17.68.025 Uses permitted subject to a use permit.**
- 17.68.030 ~~Height and area regulations~~ Property development standards.**
- 17.68.040 Building placement**

- 17.68.050**      **General requirements**
- 17.68.060**      **Site plan and architectural review**
- 17.68.070**      **General regulations**

**17.68.010**      **Purpose.**

The coastal zone general commercial district is intended to serve as the public utilities area of the city within the coastal zone. The only permitted uses for any building, or land, or any building to be erected or structurally altered in this district are described in Section 17.68.020, unless otherwise provided in these regulations. (Ord. 587 (part), 1983).

**17.68.020**      **Uses Principal permitted use.**

Uses The principal permitted use in the CZ-C2 ~~district~~ include coastal zone general commercial district is public utilities use which includes:

1. ~~Congeneration energy facilities~~ A. ~~Wastewater~~ **In Public Facility planned areas, wastewater** treatment facilities.
2. ~~Wastewater treatment facilities.~~ B. ~~Co-generation~~ **In Public Facility planned areas, public or private co-generation** energy facilities. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part) 1983).

**17.68.025**      **Uses permitted subject to a use permit.**

The following uses may be permitted subject to the granting of a conditional use permit:

- A. **In Public Facility planned areas, regional public facilities.**
- B. **In General Commercial planned areas, assisted care facilities, secondhand stores, nonprofit organizations' professional offices and service centers, indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales, and residential uses on upper floors as a mixed use to the primary general commercial use.**
- C. **In Visitor Serving Commercial and General Commercial planned areas, residential uses on upper floors as a mixed use to the primary visitor-serving or general commercial use, respectively, at a density not exceeding twelve (12) dwelling units per acre. (Ord. \_\_\_\_\_ (part), 200 )**

**17.68.030**      **~~Height and area regulations~~ Property development standards.**

- A. Height. The maximum building height shall be forty-five feet.
- B. Yards and areas.
  1. Front Yard. None required except where adjacent properties abutting upon the CZ-C2 use are in a zone of greater requirements, then the front yard shall conform to the more restrictive zone:

2. Side Yard. None required, except where the side yard of the CZ-C2 use abuts upon the side yard of a residential or a CZ-RP use, and the side yard shall be five feet;
3. Rear Yards. Maximum ten feet
4. Lot Area. No minimum
5. Lot Coverage. ~~No maximum~~ **Maximum fifty percent (50%) of lot area.** (Ord. \_\_\_\_\_ (part), 200 ; Ord. \_\_\_\_\_ (part), 200 ; Ord. 632 Exh. A(part), 1989; Ord. 587 (part), 1983).

**17368.040 Building placement.**

Whenever property classified for a CZ-C2 use is separated from adjacent residential property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required. (Ord. 587 (part), 1983).

**17.68.050 General requirements.**

General requirements for the CZ-C2 district shall be a follows:

- A. Parking. See Chapter 17.76 for parking requirements.
- B. Fencing. See Chapter 17.75 for fencing requirements.
- C. Signs. See Chapter 17.74 for sign requirements. (Ord. 587 (part), 1983).

**17.68.060 Site plan and architectural review.**

All uses permitted in the CZ-C2 district shall be subject to, and approval of, a site plan and architectural review. Procedures for such submittal and approval are in Chapter 17.79. (Ord. 587 (part), 1983).

**17.68.070 General regulations**

General regulations for the CZ-C2 district shall be as follows:

- A. All uses permitted in this district shall be conducted wholly within enclosed facilities except parking lots. Material storage shall be confined behind a six-foot solid wall or fence.
- B. Accessory uses shall be permitted only to the extent necessary to the limited uses permitted under this chapter.
- C. The uses and operational products in this section shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (Ord. 587 (part), 1983).

**Chapter 17.69**

**CZ-HS COASTAL ZONE HIGHWAY SERVICE DISTRICT**

**Sections:**

- 17.69.010** ~~Purpose and intent.~~
- 17.69.020** Principal Permitted Uses Use.
- 17.69.025** Uses permitted subject to a Use Permit.
- 17.69.027** Uses prohibited.
- 17.69.030** ~~Height and area regulations~~ Property development standards.
- 17.69.040** ~~Building placement.~~
- 17.69.050** ~~General requirements.~~
- 17.69.060** ~~General regulations.~~
- 17.69.070** ~~Site plan~~ Plan and architectural Architectural review.

17.69.010 Purpose and intent.

A. ~~The coastal zone highway service district is intended primarily for application to areas along the major highway entrances entrance to the city providing City adjacent to the harbor to provide a transition between harbor services and conveniences to patrons visitors traveling the highway. The uses generally are of a personal service or recreational in nature and are limited in function. It is intended that these service centers be of this area be developed to the highest quality to make an a positive impression upon those visiting the community, while providing for transitional businesses and convenient services to the traveller and the tourist to the district traveler.~~

B. ~~No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).~~

**17.69.020** Principal Permitted Uses Use.

A. ~~Permitted uses in the CZ-HS district, ranked by priority include:~~

- ~~1. All recreational uses;~~
- ~~2. Local transit and interurban highway passenger transportation;~~
- ~~3. Motels and hotels;~~
- ~~4. Restaurants and drinking places;~~
- ~~5. Retail, limited to the following uses:~~
  - ~~a. Drug stores,~~
  - ~~b. Food stores,~~
  - ~~c. Liquor stores,~~
  - ~~d. Gift shops;~~
- ~~6. Service stations;~~
- ~~7. Drive in restaurants.~~

B. ~~Uses permitted in the CZ-HS district with use permit include:~~

- ~~1. Automobile repair garages;~~
- ~~2. Business services;~~

3. ~~Laundromats;~~
4. ~~Parking lots;~~
5. ~~Personal services;~~
6. ~~Residences for owners or managers of permitted uses and uses permitted with use permit.~~

The principal permitted use in the CZ-HS coastal zone highway service district is a highway services use which includes:

- A. Visitor-serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places (including drive-thru services), grocery shops, liquor stores, or indoor specialty shops such as gifts, art, antiques, pawn or collectibles;
- B. Transportation services such as gas stations, auto repair or public transportation stops;
- C. ~~Indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales.~~ Aquaria;
- D. One residential unit for the owner or manager of an existing on-site permitted use; and
- E. Visitor oriented public recreation facilities such as public parks, trails, rest areas and parking lots. (Ord. \_\_\_\_\_ (part, 200 ; Ord. 587 (part), 1983).

**A.69.25 Uses permitted subject to a Use Permit**

The following uses may be permitted subject to the granting of a conditional use permit:

- A. New timeshare resort hotels which provide at least one recreational facility (pool, court, playground, picnic area, trail, etc) to which the general public has access.
- B. Recreational Vehicle Parks, not including mobilehome or manufactured home spaces, excepting one unit for a manager.
- C. Fishing and visitor service support activities which are indoors such as ice manufacturing, fish processing, equipment and boat services, or interior storage facilities.
- D. Car, boat or other vehicle washing facilities.
- E. Public utility pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts. (Ord. \_\_\_\_\_ (part), 200 ).

**17.69.027 Uses prohibited.**

The following uses are prohibited in the CZ-HS district:

- A. Truck and heavy equipment repair shops.
- B. Any manufacturing use not specifically defined herein.
- C. Outdoor recreation or entertainment facilities which generate excessive noise, dust or glare.
- D. Communication and television towers. (Ord. \_\_\_\_\_ (part), 200 ).

**17.69.030 ~~Height and area regulations~~ Property development standards.**

In the HS district the height of buildings and the maximum dimensions of yards and lots shall be as follows:

- A. Height. Maximum building height shall be thirty-five feet.
- B. Yards and Areas.
  1. Front Yard. A minimum of a thirty-five foot setback for all structures; ~~Front~~ front yards may be used for off-street parking ~~in compliance~~ complying with the parking section of this ~~code~~ title;
  2. Side Yards. None required ~~except where the side yard of a CZ HS use abuts the side yard of a residential or a CZ RP use, then the side yard shall be five feet;~~ for interior lot lines. The street side of corner and reverse corner lots shall have a side yard equal to one-half the required front yard.
  3. Rear Yards. Minimum five feet.
  4. Lot Area. No minimum;
  5. Lot Coverage. ~~No maximum~~ Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are on the ground floor (existing or new) shall be counted, however residential units above the ground floor shall not be counted in the square footage. (Ord. \_\_\_\_\_ (part, 200 ; Ord. 587 (part), 1983).

**17.69.040 Building placement.**

~~Whenever property classified for CZ HS use is separated from adjacent residential property of CZ RP property by a permanent open space or parking area of no less than twenty five feet in width, the required side yard setback shall not be required. (Ord. 587 (part), 1983). Repealed. (Ord. \_\_\_\_\_ (part), 200 ).~~

**17.69.050 General requirements.**

~~General requirements for the CZ HS district shall be as follows:~~

- A. Parking. See Chapter 17.76 for parking requirements.
- B. Fencing. See Chapter 17.75 for fencing requirements.
- C. Signs. See Chapter 17.74 for sign requirements. (Ord. \_\_\_\_\_ (part, 200 ; Ord. 587 (part), 1983).

**17.69.060 General regulations.**

~~General regulations for the CZ HS district shall be as follows:~~

- A. All uses shall be conducted wholly within a building except for such uses as gasoline service stations and other enterprises customarily conducted in the open. Outdoor uses shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Material and equipment storage and automobiles awaiting service overnight or longer shall be confined behind a six-foot solid wall or fence.
- B. There shall be no display of goods outside of the structure except for those uses customarily conducted in the open.



C. Accessory uses shall be permitted only to the extent necessary to the limited uses permitted under this ~~chapter~~ part.

D. ~~Where~~ For new development, where required, the front yard setback and the side yards and rear yards shall be landscaped by an area of no less than five feet in width along property lines and along street frontages, except for entrances and exit driveways. Said landscaped areas shall be planted and well maintained in good condition.

E. All exterior lighting shall be shielded and directed downward on the property to prevent upward glare and glare at adjacent properties.

F. The above highway service uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment. (Ord. \_\_\_\_\_ (part, 200 ; Ord. 587 (part), 1983).

**17.69.070 Site plan and architectural review.**

All uses permitted in the HS district shall be subject to approval of a site plan and architectural review. Procedures for such submittal and approval ~~are described in~~ will be found under Chapter 17.79. (Ord. \_\_\_\_\_ (part, 200 ; Ord. 587 (part), 1983).

**Chapter 17.70**

**HARBOR-RELATED DISTRICT  
CZ-HR COASTAL ZONE**

**Sections:**

**17.70.010 Purpose and application.**

**17.70.020 ~~Permitted uses~~ Principal permitted use.**

**17.70.030 ~~Height and area requirements~~ Uses permitted subject to a Use Permit.**

**17.70.040 ~~General provisions~~ Property development standards.**

**17.70.050 General Requirements.**

**17.70.060 Site Plan and Architectural Review.**

**17.70.010 Purpose.**

A. The CZ-HR coastal zone harbor related district is intended ~~primarily for those areas adjacent to the Crescent City Harbor that are not zoned open space. This district is intended primarily for uses that are dependent upon immediate access to the harbor, it is also intended for those uses which do not have to depend upon the coast or harbor to function effectively.~~ to provide for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location.

B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.70.020 Permitted uses Principal permitted use.**

A. ~~Permitted uses in the CZ-HR district include:~~

- ~~1. Commercial fishing berths;~~
- ~~2. Fish processing plants;~~
- ~~3. Boat building and repair.~~

B. ~~Permitted uses in the CZ-HR district with a use permit, ranked by priority, include:~~

- ~~1. Energy facilities, provided that such facilities have proper protection devices to prevent crude oil, gas, petroleum or other hazardous substances from being spilled or from contaminating areas beyond the project site;~~
- ~~2. Recreational facilities, including but not limited to, recreational vehicle parks and buildings necessary to that operation;~~
- ~~3. Restaurants;~~
- ~~4. Museums, specifically those dealing with coastal activities.~~

The principal permitted use in the CZ-HR coastal zone harbor related district is the harbor related use which includes:

A. ~~Visitor serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places with a harbor theme (but not including drive thru services), specialty retail shops including marine curio manufacture and sales, recreational~~ **Recreational** facilities such as trails, beach access and picnic areas

B. Fishing support services such as boat brokerage offices, net manufacturing, repair and sales, welding and machine repair shops for marine products, boat or vehicle washing facilities, and marine equipment storage. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.70.030 ~~Height and area requirements~~ Uses permitted subject to a Use Permit.**

~~In the CZ-HR district, no minimum or maximum dimensions of yards, lot or heights are established, except as required by the planning commission.~~

The following uses may be permitted subject to the granting of a conditional use permit:

A. Museums.

~~B. Indoor or outdoor recreational facilities such as arcades, theatres or ball courts.~~

~~C. Recreational Vehicle Parks including one residential unit for a resident manager.~~

~~D. Residential uses, up to 15 units per acre density, when located above the ground floor as a secondary use.~~

~~E. B. Small public facilities such as public utility substations.~~

~~F. C. Fuel sales and bulk fuel storage.~~

~~G. D. Maintenance dredging and dredge spoils placement at approved sites.~~

E. **Commercial uses incidental to the principal harbor related uses, including small convenience stores, restaurants, and cafes intended primarily to support harbor support workers and occupants.** (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part),

**17.70.040 ~~General provisions~~ Property development standards.**

~~A. Parking. Parking shall be required as established by the parking regulations in Chapter 17.76.~~

~~B. Signs. Signs required for the direction of traffic shall be considered as part of the use permit procedures in the issuing of such use permits. No off site signs or advertising structures other than identification and information for the public shall be permitted.~~

The following property development standards shall apply to all land and structures in the CZ-HR coastal zone harbor dependent district.

A. Height. The Maximum building height shall be thirty-five (35) feet except that hotels and mixed-use residential/commercial structures may be permitted a higher height not to exceed fifty (50) feet.

B. Yard and Areas

1. Front Yard. None required except that:

A. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HR zone shall conform to the minimum requirements of the more restrictive zone.

B. Where the site is located at a street corner sight distance clearance requirements shall be met.

2. Side Yard. None required.

3. Rear Yard. None required.

4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking.

5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty- five percent (55%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are above the ground floor shall not be counted in the square footage. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.70.050 General Requirements.**

A. Parking. Parking shall be required as established by the parking regulations in Chapter 17.76.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements. (Ord. \_\_\_\_\_ (part), 200 ).

**Chapter 17.70A**

**CZ-HD COASTAL ZONE HARBOR DEPENDENT DISTRICT**

CRC-MAJ-1-03 (LCP UPDATE)  
EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED  
MODIFICATIONS

PAGE 57

**Sections:**

**17.70A.100 Purpose**

**17.70A.020 Principal permitted use.**

**17.70A.030 Uses permitted subject to a Use Permit**

**17.70A.035 Uses prohibited**

**17.70A.040 Property development standards**

**17.70A.050 General Requirements**

**17.70A.060 Site Plan and Architectural Review**

**17.70A.010 Purpose**

A. The CZ-HD coastal zone harbor dependent district is intended to provide areas for harbor dependent uses, which include harbor dependent commercial and harbor dependent recreational activities that must be dependent upon the activities at or products generated by the Crescent City harbor.

B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. \_\_\_\_ (part), 200 ).

**17.70A.020 Principal permitted use.**

The principal permitted use in the ~~CZ-CW~~ CZ-HD coastal zone harbor dependent district is harbor dependent use which includes:

A. Publicly owned support facilities such as: boat basins, docking and launching facilities, marine terminals, dredge spoils storage areas, net drying facilities, harbor district offices, Coast Guard stations and quarters, and public parking lots;

B. Commercial and recreational Fisheries activities and support activities including: fishing and fish farming, storage, supplies including retail fuel sales, seafood processing, ice facilities, buyers facilities and fisherman's organization facilities;

C. Public viewing and recreation areas including: beach access, parking, walkways and boardwalks, plazas and related recreation equipment rental. (Ord. \_\_\_\_ (part), 200 ).

**17.70A.030 Uses permitted subject to a Use Permit.**

The following uses may be permitted subject to the granting of a conditional use permit.

A. Dredging and/or filling for new development.

B. Bulk oil and fuel storage.

C. Marine electronic repair shops.

D. ~~Restaurants~~ Commercial uses incidental to the principal harbor dependent uses, including small convenience stores, restaurants, and cafes ~~oriented towards harbor products and activities~~ intended primarily to support harbor workers and occupants. (Ord. \_\_\_\_ (part), 200 ).

**17.70A.035 Uses prohibited**

The following uses are prohibited in the CZ-HD district.

- A. Commercial activities not dependent upon the fishing process other than as identified above.
- B. Truck and heavy equipment repair shops.
- C. Communication and television towers other than that secondary to a permitted use. (Ord. \_\_\_\_ (part), 200\_).

#### **17.70A.040 Property development standards**

The following property development standards shall apply to all land and structures in the CZ-HD coastal zone harbor dependent district.

- A. Height. The Maximum building height shall be 50 feet.
- B. Yard and Areas
  - 1. Front Yard. None required except that:
    - a. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HD zone shall conform to the minimum requirements of the more restrictive zone.
    - b. Where the site is located at a street corner sight distance clearance requirements shall be met.
  - 2. Side Yard. None required.
  - 3. Rear Yard. None required.
  - 4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking for any non-public (e.g., commercial) uses.
  - 5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot or leaseholding. (Ord. \_\_\_\_ (part), 200 ).

#### **17.70A.050 General Requirements.**

- A. Parking. See Chapter 17.76 for parking requirements.
- B. Fencing. See Chapter 17.75 for fencing requirements.
- C. Signs. See Chapter 17.74 for sign requirements. (Ord. \_\_\_\_ (part), 200 ).

#### **17.70A.060. Site plan and architectural review.**

All uses permitted in the CZ-HD district, except those requiring a use permit, shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79. (Ord. \_\_\_\_ (part), 200\_).

### **Chapter 17.73**

**CZ-CW COASTAL ZONE WATERFRONT COMMERCIAL DISTRICT**

**Sections:**

- 17.73.010 Purpose and intent.**  
**17.73.020 Uses Principal permitted use.**  
**17.73.030 Uses ~~permitted subject to a use permit~~ Conditional uses.**  
**17.73.035 Uses prohibited.**  
**17.23.040 ~~Height and area regulations~~ Property development standards.**  
**17.23.050 Building placement.**  
**17.23.060 General requirements.**  
**17.23.070 Site plan and architectural review.**  
**17.23.080 General regulations.**

**17.73.010 Purpose and intent.**

A. ~~The CZ-CW coastal zone waterfront commercial district is intended primarily to provide for the area at the west end of Front Street, within the coastal zone, for providing visitor serving and recreational uses, destination services and accommodations, and to encourage upgrading of specific sites that will benefit the local economy and create establishments catering to tourists a mixture of shop, service, recreation and accommodation uses for visitors uses in the Battery Point area adjacent to Beachfront Park and Crescent City's harbor.~~

B. ~~No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. 686, 2000); Ord. 697, 2003).~~

**17.73.020 Uses Principal permitted use.**

~~The following uses shall be permitted~~ principal permitted use in the CZ-CW coastal zone waterfront commercial district is visitor serving commercial use, which includes:

A. ~~Hotels~~ Visitor facilities such as: hotels and motels, indoor and outdoor eating and drinking places (but not including drive- thru services);

B. ~~Visitor serving facilities, including restaurants (but not including drive-in establishments), bars and taverns, and other establishments that offer retail sales and services to visitors~~ ~~Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries;~~

~~C.~~ Visitor services located inside a building such as: Automatic Teller Machines, laundries, beauty services and spas, and photo processing;

~~CD, C.~~ Entertainment and recreational facilities such as: theatres, sports activities including equipment rentals and sales or public coastal access;

D. ~~Interpretive exhibits oriented to adjacent marine resources; and~~

E. ~~Retail trade, including specialty shops. (Ord. 686, 2000); Ord. 697, 2003).~~ (Ord. (part), 20 ; Ord. 686, 2000); Ord. 697, 2003).

**17.73.030 ~~Uses permitted subject to a use permit~~ Conditional uses.**

The following uses ~~shall~~ may be permitted ~~in the CZ-CW coastal zone waterfront commercial district upon~~ subject to the granting of a conditional use permit. The applicant shall demonstrate and the city shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities:

- A. Accessory Outdoor accessory uses and structures located on the same site as a permitted use such as storage, but not including recreation facilities included as part of a hotel/motel such as swimming pools;
- B. New timeshare resort hotels, which provide at least one recreational facility.
- C. Conference centers or meeting halls when separate from a hotel or restaurant facility.
- ~~BD.~~ Private parking facilities, including fee parking facilities; not required by code for another use.
- E. Bed and Breakfast.
- F. Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries. ¶
- G. Residential uses, up to 15 units per acre density when located above the ground floor as a secondary use.
- ~~G. H.~~ Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts. (Ord. 686, 2000); Ord. 697, 2003).

**17.73.035 Uses prohibited.**

The following uses are prohibited in the CZ-CW district:

- A. Truck and heavy equipment repair shops;
- B. Any manufacturing use not specifically defined herein.
- C. Communication and television towers. (Ord. 686, 2000); Ord. 697, 2003).

**17.73.040 ~~Height and area regulations~~ Property development standards.**

~~In~~ The following property development standards shall apply to all land and structure in the CZ-CW coastal zone waterfront commercial district the height of buildings and the maximum dimension of buildings shall be as follows:

- A. Height. The maximum building height shall be thirty-five feet.
- B. Yard and Areas.
  - 1. Front Yard. None required except that where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-CW zone shall conform to the minimum requirements of the more restrictive zone;

2. Side Yard. None required except that where the side yard of the CW use abuts upon the side or rear yard of a residential ~~or RP use~~, and zone the side yard shall be five feet;
3. Rear Yard. Minimum of ten feet;
4. Lot Area. No minimum;
5. ~~Lot Coverage. The maximum floor area ratio (sic) is .50 of the project site.~~ Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units, which are above the ground floor, shall not be counted in the square footage. (Ord. 686, 2000; Ord. 689, 2001; Ord. 697, 2003).

**17.73.050 Building placement.**

Whenever property classified for a CZ-CW use is separated from adjacent ~~residential~~ residentially zoned property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required. (Ord. 686, 2000); Ord. 697, 2003).

**17.73.060 General requirements.**

- A. Parking. See Chapter 17.76 for parking requirements.
- B. Fencing. See Chapter 17.75 for fencing requirements.
- C. Signs. See Chapter 17.74 for sign requirements. (Ord. 686, 2000).

**17.73.070 Site plan and architectural review.**

All uses permitted in the CZ-CW district except those requiring a use permit shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79. (Ord. 686, 2000); Ord. 697, 2003).

**17.73.080 General regulations.**

~~All uses shall comply with the regulations prescribed.~~

- A. ~~In a CZ-CW district all businesses, services, and processes shall be conducted entirely within a completely enclosed building, except for off street parking and loading areas, recreational uses, outdoor dining areas, and utility substations and equipment installations.~~ Those outdoor uses, which are permitted, shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Material Outside storage and refuse containers shall be confined behind a six-foot solid wall or fence.
- B. ~~No use shall be permitted, and no process, equipment or material shall be employed which is found by the planning commission to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare,~~



~~unsightliness, of heavy truck traffic or to involve any hazard of fire or explosion.~~ There shall be no manufacture compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where such completed products are sold at retail on the premises.

C. Accessory uses shall be permitted only to the extent necessary to the ~~limited~~ uses permitted under this part.

D. The display of goods outside of the structure may be placed in the covered area of a porch or on a public sidewalk only when placed in a manner as to retain a minimum six- (6) foot passable walkway.

E. The above waterfront commercial uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment. (Ord. 686, 2000); Ord. 697, 2003).

## Chapter 17.79

### SITE PLAN AND ARCHITECTURAL REVIEW

#### Sections:

- 17.79.010 Purposes and application.
- 17.79.020 Review committee.
- 17.79.030 Procedures.
- 17.79.035 Review standards.
- 17.79.040 Review, referral and action.
- 17.79.050 Appeals to the planning commission.
- 17.79.060 Appeals to the city council.
- 17.79.070 Development requirements and improvements.
- 17.79.080 Building permits and occupation.
- 17.79.090 Lapse of site plan or architectural design approval.
- 17.79.100 Site plan approval to run with the land.

#### 17.79.010 Purposes and application.

A. The purposes of a site plan and architectural review are to permit the city to evaluate site plans and designs of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties and coastal visual resources, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, to protect views to and along the coast and scenic areas, to minimize the alteration of natural landforms, and to ensure that development is compatible with the character of its surroundings, and subordinate to the character of its setting in designated "highly scenic areas;" to avoid monotonous and otherwise non-aesthetic development injurious to the overall community; to provide a vehicle to encourage full development of streets servicing the properties, and to assure full installation of all public utilities necessary to serve such properties.

B. Site plan review and architectural review provisions of this title shall apply to all permitted uses in the ~~CZ-RP~~, CZ-C2, CZ-HS, CZ-CW, CZ-O, CZ-NR and CZ-HS, and the CZ-HD districts and shall be required of all uses subject to use permit. **Site plan and architectural review does not substitute for or obviate the requirements for securing a coastal development permit consistent with all LCP requirements. (Ord. \_\_\_\_\_ (part), 2009; Ord. 697 (part), 2003; Ord. 587 (part), 1983).**

**17.79.020 Review committee.**

A. The planning commission may establish a committee for such purposes consisting of the director of public works, the city planner, and ~~one~~ two members of the planning commission. The members of the planning commission should be well-versed in the city's general plan and enabling legislation. The committee may invite individuals of known expertise from within the community to assist in making such evaluations necessary to make comments and recommendations on site plans and architectural renderings submitted for consideration.

B. In the event that a member of the committee is required to review drawings of a project in which one of its members or its advisors has a business or professional interest, it shall seek the advice of a disinterested party. The committee will stand as established, and from time to time as conditions warrant, the planning commission may make such changes within such personnel as it deems fit. (**Ord. 697 (part), 2003**; Ord. 587 (part), 1983).

**17.79.030 Procedures.**

A. The applicant shall submit an application on a form provided by the director of public works, together with three copies of such site plans or elevations of buildings on which a review committee report is required. The site plan shall be drawn to a scale which shall equally indicate the full dimensions and information necessary for the committee to make an evaluation of the request. Architectural drawings shall be of such scale and contain such information to permit the committee to make a full evaluation of the outside appearance, color, texture of materials, and appurtenances necessary for the development of the structure.

B. Scale drawings of all signs which will be included within the subject property shall also be submitted concurrently with the site plan and architectural plans of any proposed project.

**C. The visual resources impact analysis required by Section 17.84E.030 shall be provided for all development proposed on sites visible from publicly accessible vantage points including, but not limited to, streets and highways, trails, parklands, and coastal waters for which views to and along the coast and scenic areas may be potentially impacted.**

**D.** The review committee may require additional information if necessary to carry out the purposes of this chapter and/or may authorize the omission of any or all drawings required by this section if they are not necessary. (**Ord. \_\_\_\_\_ (part), 2009**; Ord. 587 (part), 1983).

**17.79.035 Review standards.**

**A. The committee shall review the application as to consistency with the applicable zoning, resource protection, parking and Landscaping, fencing, signage, street, sidewalk and public services requirements as set forth by this Municipal Code including, but not limited to, Chapter 17.84F, Coastal Resource Protection – Visual Resources.**

**B. Where the City Council has adopted a development plan and/or development standards for a specifically defined neighborhood within the City the application shall also be reviewed for consistency with the criteria of such plan or standards.**

**C. Where a structure(s) 45 years or older is proposed for remodel or demolition a review of the potential for impact upon a site listed on the National Historical Register or a site of local historical significance shall be made and considered in the architectural review decision. It is the goal of the City General Plan to encourage property owners and other land managers to preserve or rehabilitate important historical and cultural sites rather than destroying them.**

**D. In such case that a waiver, variance or special permit review is required review of the project shall not be completed until final action upon the waiver, variance or special permit is taken by the Planning Commission or City Council. (Ord. (part), 20 ; Ord. 697 (part), 2003).**

17.79.040 Review, referral and action.

A. Within fifteen days after the submission of drawings and applications for review by this committee the committee shall meet to review the project and. Subsequent to the meeting it shall render a written report recommending approval, approval with conditions or disapproval. Action by the committee shall be final unless the applicant seeks redress from the action of the committee by making appeals as set forth in this chapter.

B. If Except as time requires to meet Section 17.79.035 C or D above, if no action is taken by the committee thirty days after receipt of all drawings and applications it shall be deemed accepted and building permits may then be issued which are in compliance with the drawings submitted for review. If modifications are requested by the committee the time periods established shall not be resumed until revisions to the drawings as requested are resubmitted for consideration.

C. Approved plans, together with such conditions, and signed by the planning director shall be dated and mailed to the applicant and one copy placed in the files of the planning commission. **(Ord 697 (part), 2003; Ord. 587 (part), 1983).**

**17.79.050 Appeals to the planning commission.**

A. Within ten days following the date of a decision of the review committee on any site plan or architectural review application, the decision may be appealed to the planning commission by the applicant or any other interested party. An appeal shall be made on a form prescribed by the planning commission, and shall be filed with the secretary of said commission. The appeal shall state specifically where it is claimed that there was an error

or abusive discretion by the committee and wherein its decision was not supported by evidence in the record.

B. Following the receipt of such an appeal application, the planning commission at its next regular meeting shall set a date of hearing at which time the applicant may make his presentation and shall at that time present to the commission the site drawings and structural renderings and all other data which was presented to the committee, together with his arguments on said appeal. Should the planning commission find favor with the appeal, the commission shall order the secretary of the commission to sign the documents and date such documents and submit a copy to the applicant and one copy to the records of the planning commission.

C. Should the decision of the planning commission be unfavorable to the applicant, the applicant may appeal such decision to the city council. (Ord. 587 (part), 1983).

**17.79.060 Appeals to the city council.**

A. Should an application for a site plan and architectural review meet with the disapproval of the planning commission or upon any of the modifications as decided by the commission, he may file with the city council a request for consideration by the city council. Such a request shall be on forms prescribed by the city council and the city council shall set a date of hearing upon such receipt.

B. At the public hearing set for such an appeal, the city council shall be provided with all of the material, recommendations and data reviewed by the planning commission and they shall at such a hearing, either affirm, deny, or amend the recommendations of the planning commission. The city council shall, in setting their public hearing, follow the procedures prescribed as set forth in Chapter 17.82. (Ord. 587 (part), 1983).

**17.79.070 Development requirements and improvements.**

Consideration of approval of a site plan or architectural review shall include the requirements for the dedication of additional rights-of-way for ingress/egress and view corridors, the improvement of all public rights-of-way, the installation of underground utilities, and the provision of water, sewage, and drainage facilities, and applicable restrictions on exterior building materials, illumination, and landscaping as set forth in section 17.84F.050. (Ord \_\_\_\_\_ (part), 2009; Ord. 587 (part), 1983).

**17.79.080 Building permits and occupation.**

A. Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the review committee, the planning commission, or the city council.

B. Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter. (Ord. 587 (part), 1983).

**17.79.090 Lapse of site plan or architectural design approval.**

A. A site plan or architectural design approval shall lapse and shall become void one year following the date on which approval by the committee, planning commission or city council became effective unless prior to the expiration of one year a building permit is issued by the building official, and the construction is commenced and diligently pursued toward completion on the site or structures which were the subject of the site plan or architectural design approval.

B. Approval may be extended for an additional period for periods of one year upon written application to the planning commission before expiration of the first approval. (Ord. 587 (part), 1983).

**17.79.100 Site plan approval to run with the land.**

A site plan or architectural design approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon the change of ownership of the site which was the subject of the site plan or architectural design approval, subject to the provisions of 17.79.090. (Ord 697 (part), 2003; Ord. 587 (part), 1983).

**Chapter 17.83**

**COASTAL ZONE TRANSITIONAL ZONING AND SPECIAL ZONING USES**

**Sections:**

**17.83.010 ~~General provisions~~ Senior second units.**

**17.83.020 ~~Zoning Division of lots~~ Reasonable housing accommodation for persons with disabilities.**

**17.83.030 ~~Use regulations Exceptions and amplifications~~ Incentives for affordable housing.**

~~**17.83.040 Small wind energy systems.**~~

**17.83.050 Installation of manufactured homes on individual lots.**

**17.83.060 Mobilehome Parks in residential areas.**

**17.83.010 ~~General provisions~~ Senior second units.**

~~A. Extension of Transitional Uses. The transitional uses shall not extend more than fifty feet from the boundary of the less restricting zoning district adjoining.~~

~~B. Height and Area Regulations. All height, area and other regulations pertaining to lots in the several districts in which such transitional uses are permitted shall remain in full force and effect.~~

~~C.~~ Off-street Parking Regulations. Off-street parking for a transitional use shall be required as set forth in Chapter 17.76.

A. A coastal development permit for a second residential unit for seniors may be administratively authorized without a discretionary hearing provided:

1. The parcel on which the second unit would be sited is twice the minimum lot size of the zoning district in which it is located; and
2. The development of the second unit would be consistent with all policies and standards of the certified LCP, including but not limited to:
  - a. The second unit would not obstruct public access to and along the coast, or public trails.
  - b. The second unit would not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and would be compatible with the character of the area.
  - c. All development associated with the second unit would provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.
  - d. The means of accommodating the second unit: (1) would not have an adverse effect on coastal resources (2) would ensure adequate services will be provided to serve the proposed development; and (3) would not displace Coastal Act priority uses. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priority uses, the second unit shall be denied.

B. Where an ~~R-1~~ CZ-R1 designated parcel does not qualify for a second dwelling unit pursuant to ~~Section 17.10.020e~~ due to a lack of possessing twice the minimum lot size, a use permit for a temporary second dwelling use with kitchen facilities within an existing residence, or as part of a structural addition to an existing residence, in a zone restricting residential use to a one-family unit, may be considered by the Planning Commission as a use permit for seniors in any legally existing single-family residence subject to all of the following:

- ~~A.~~ 1. The senior second dwelling unit use shall be used for the sole occupancy of one to two specifically named adult persons who are sixty-two years of age or over.
- ~~B.~~ 2. The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet.
- ~~C.~~ 3. The habitable floor area of the second dwelling use shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exist outside. For purposes of this section, habitable floor areas shall include interior hallways.
- ~~D.~~ 4. Any structural additions or alterations shall comply with all building, zoning, health and fire code requirements.

- ~~E.~~ 5. Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.
- ~~F.~~ 6. When the specified occupant(s) of the senior second dwelling use no longer reside in the unit or no longer qualifies for the use permitted under these provisions, the kitchen facilities shall be removed, the area integrated into the primary unit, and the area no longer used for second dwelling purposes.
7. **The development of the second unit would be consistent with all policies and standards of the certified LCP, including but not limited to:**
- a. **The second unit would not obstruct public access to and along the coast, or public trails.**
  - b. **The second unit would not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and would be compatible with the character of the area.**
  - c. **All development associated with the second unit would provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.**
  - d. **The means of accommodating the second unit: (1) would not have an adverse effect on coastal resources (2) would ensure adequate services will be provided to serve the proposed development; and (3) would not displace Coastal Act priority uses. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priority uses, the second unit shall be denied.**

The use permit shall be subject to annual review and verification of compliance by the planning department or planning commission. A use permit renewal fee, in an amount determined by the City Council, may be charged. **Nothing in this section substitutes for or obviates the requirement to obtain a coastal development permit pursuant to Chapter 17.84.** (Ord. \_\_\_\_\_ (part), 200 ; Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.83.020 ~~Zoning Division of lots~~ Reasonable housing accommodation for persons with disabilities.**

~~Where a district boundary line, as established in this chapter or as shown on the official zoning map, divides a lot which was in single ownership and of record at the time of passing of the ordinance from which this chapter derives, the use thereon and the other district requirements applying to the most restrictive portion of such lot under this chapter shall be considered as extending to the entire lot; provided, that the more restricted portion of such lot is entirely within one hundred twenty feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.~~

It is the policy of the City to provide fair access to housing for persons with disabilities, including providing reasonable accommodation in the application of its zoning laws pursuant to federal and state law. This Title provides for residential care facilities as set

forth by California Health and Safety Codes within specified residential and commercial districts. Where a request for accommodation beyond these provisions is made the following shall apply:

A. Application for Accommodation. A request for reasonable accommodation may be made by submittal of an application to the City Planning Department. Certain factors provide the factual information necessary to develop a balance between the City's interest and the need for housing. Consideration of these factors will vary depending on whether the request is being made in a Residential or Commercial zoning district, and they can only include the physical impacts of the proposed use, not the type of residents. The factors to be considered for reasonable accommodation include the following:

1. Special needs created by the disability
2. Potential benefit that can be accomplished by the requested accommodation.
3. Potential impact of the request on surrounding uses.
4. Potential hazardous impact of surrounding environment upon the requested accommodation.
5. Physical attributes of the property and structures.
6. Alternative accommodations which may provide an equivalent level of benefit.
7. In the case of a determination involving a single family dwelling, whether the household would be considered a single family dwelling if it were not using special services which are required because of the disabilities of the residents.
8. Whether the requested accommodation would impose an undue financial or administrative burden on the City.
9. Whether the requested accommodation would require a fundamental alteration in the nature of a City program.

B. City Programs. The following have been identified as city programs which should be considered with respect to requests for reasonable accommodation:

1. Health and Safety. The City is charged with ensuring the health and safety standards which are embodied in the Housing Code, Fire Code, Building Codes (including plumbing, mechanical and electrical), and the National Flood Insurance Program. The following are minimum health and safety standards which are not subject to variance.
  - a. Occupancy Standards. The most current California Building Code and Model Building Code (as adopted by the State of California) which have been adopted by the City prescribe the maximum number of persons per sleeping area which shall be applied.
  - b. Exiting. The most current California Building Code and Model Building Code which have been adopted by the City prescribe exiting requirements.
  - c. FEMA- Flood Insurance Program. The City is subject to potential flood, coastal erosion and tsunami damage. A request is located within an area designated as Zone A, B or V15 of the most current Flood Insurance Rate Map, prepared by the Federal Emergency



Management Agency, shall be subject to the requirements of the city's Flood Damage Prevention Ordinance (Chapter 15.32 Municipal Code).

- d. Building permits. Building permits will be required for new construction and changes to existing structures as prescribed by the most recently adopted California Building Code, Uniform Building Code and Americans with Disabilities Act.
2. Residential zoning district. The City recognizes the importance of sustaining and enhancing the livability of existing neighborhoods throughout the community. The City encourages a variety and mix of housing types to provide adequate choices for housing to all persons and recognizes the need to conserve the existing housing stock and preserve the environment and livability of existing residential neighborhoods. The City will therefore review requests with particular consideration given to the following issues:
    - a. Residential Character. If the accommodation is requested in a residential zoning district, then it is reasonable to require that the house retain a residential character. This means that its interior and exterior design should be consistent with the style of residential structures around it. In order to promote a cohesive living environment, homes should contain sufficient common areas for the number of residents: including, at a minimum, a kitchen, dining area and living room large enough to serve the residents, and, in the case of larger residences, congregating or recreational rooms and adequate bathrooms.
    - b. Parking. Recognizing that the parking demand for persons with disabilities is often less than for a similarly situated non-disabled household, the following factors should be considered in reviewing an accommodation request:
      - Nature of the disability, with respect to the ability to or likelihood to drive.
      - Proximity to public transit.
      - Number of non-driving persons.
      - Development of an alternate parking plan or resident transportation program.
- In general, residential uses in one-family dwellings, which involve staff who also live at the premises, should meet the following guidelines:
- i. One off-street parking space for the first six (6) client beds, and
  - ii. One off-street parking space for every four (4) client beds (or portion thereof) above the first six, and
  - iii. One off-street parking space for each employee or staff member.

C. Notices and Hearings.

1. Within thirty (30) days of the application, a Notice of Accommodation Decision is to be issued by the Planning Director and mailed to the applicant, adjacent property owners and any party who has requested notice of such determinations in writing. Adjacent is defined as those properties which share property lines with the proposed location or are directly across the street from the property for which reasonable accommodation is being requested.
2. Within ten (10) working days of the Notice of Accommodation Decision being mailed, any person may make a written appeal of the Directors decision to the Planning Commission. The appeal must state the grounds for the appeal and remedy requested. If no request is received, then the decision of the Director will be final.
3. If appeal is received a public hearing shall be scheduled at the next reasonable available Planning Commission meeting. The decision of the Planning Commission is final. (Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).

**17.83.030 ~~Use regulations—Exceptions and amplifications~~ Incentives for affordable housing.**

~~The use regulations in this chapter shall be subject to the following exceptions and amplifications referred to in this chapter as transitional uses, which shall be permitted in addition to the other uses specified in this title on lots where the sidelines of such lots abut upon lots in districts of lesser restrictions. The conditions under which such uses are permitted being as hereinafter set forth. Transitional uses shall be permitted as follows:~~

~~A. — CZ R1 and CZ R1B Single family Districts. In CZ R1 and CZ R1B districts, a two family dwelling unit on a lot where the sideline of such lot abuts upon a lot in an apartment, commercial or industrial district;~~

~~B. — CZ R2 Two family Districts. In CZ R2 districts a multiple dwelling or dwelling group having accommodations for no more than four families on a lot where the sideline of such lot abuts upon a lot in an apartment, commercial or industrial district.~~

The City wishes to provide a balance in housing types for all households in the community. Pursuant to Section 65915 et.seq. of the California Government Code, **and consistent with the California Coastal Act**, the City will consider developers proposals to provide housing for very low and low income households by the provision of a density bonus for housing developments when issues of providing such housing in an affordable manner arise. Such bonus shall be made subject to the following provisions:

A. Qualification. In order to qualify for a density bonus, a project must be a low or very low income or senior citizen housing project developed in compliance with the Section 65915 et seq. For a low income project, at least twenty percent (20%) of the units shall be low income affordable, for very low income projects not less than ten percent (10%) shall be very low income affordable, and for senior citizen projects not less than fifty percent (50%) of the units shall be restricted to senior citizens.

B. Limitation. Density bonuses shall not exceed twenty-five percent (25%) of the maximum density permitted by the applicable General Plan land use designation for the

subject property. For example, where the maximum allowable density based upon a land use designation is twelve (12) units per acre, the density bonus shall not exceed three (3) units per acre, yielding a total allowable density, with the bonus, of fifteen (15) units per acre. The final project unit total would then be calculated based upon the project property size.

C. Application. An application for a density bonus shall be made in conjunction with the other required applications for the development, **including those for coastal development permits**, and shall be subject to the same procedures required by those applications.

D. Affordability Cost Analysis. The developer shall include in the application for density bonus a cost analysis of the proposed project, with and without density bonus, demonstrating the cost per dwelling unit and projecting sales and/or rental costs for residents. The City shall include in its review of the application a written finding as to the need for incentive or development standards waiver for the provision of affordable housing as set forth in Section 50052.2 of the Health and Safety Code. The City may deny the request if affordable housing can be provided without the requested incentives.

E. Maintenance of affordable units. In exchange for the density bonus, the developer shall guarantee the units will be maintained for very low and low income households for thirty years. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Council. The document shall be recorded with the Del Norte County Recorder prior to the issuance of a building permit. The applicant shall comply with Crescent City Housing Authority procedures for the physical maintenance of the units.

F. Development Standards.

1. All residential projects granted a density bonus shall conform to the development standards applicable, except those standards regulating density or as waived under **this section ~~17.48.050 (E)~~**.
2. Where a proposed project is to be phased in its construction the number bonus units shall either be proportionately allocated between the phases or provided in the last phase of construction.
3. **Any housing development granted a density bonus including those approved pursuant to Government Code Section 65915, shall be consistent with all certified Local Coastal Program policies and development standards.**

G. Waiver of Development Standards. If the applicant can demonstrate that the increased density cannot physically be accommodated on the site then the following development standards shall be waived during site plan review to accommodate the increase density. The waiver in the standards shall follow the priority order hereby established and the applicant shall demonstrate that the increased density cannot be accommodated with each sequential waiver before the waiver of the next standard is allowed. Only one standard shall be waived unless it is shown that each individual standard waiver will not physically accommodate the proposed density. A complete site plan and floor plan shall be provided to demonstrate the physical noncompliance. Priority order for waiver is:

1. A higher percentage of compact parking;

2. Reduction in distance between buildings, subject to compliance with safety codes;
3. Reduction in rear yard setbacks;
4. One additional floor of building height above the zoning district standard;
5. Reduction in side yard setbacks;
6. Reduction in number of required parking spaces (but not less than one space per unit);
7. Reduction in front yard setbacks; and
8. Reduction in parking lot landscaping standards.

**H. Nothing in this section substitutes for or obviates the requirement to obtain a coastal development permit pursuant to Chapter 17.84.**

**I. Notwithstanding the demonstration of qualifications for a density bonus and/or a waiver of development standards set forth above, in reviewing a proposed density bonus and/or any related waiver of development standards, the City shall identify all feasible means of accommodating the density bonus and/or complying with the subject development standards, taking into consideration the effects of such means on coastal resources. The City shall only grant a density bonus and/or related development standards waiver if the City determines that the means of accommodating the additional density bonus and/or constructing the project under the waived development standards as proposed by the applicant would not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the density bonus and/or constructing the project under the waived development standards as proposed by the applicant would have an adverse effect on coastal resources, the City shall not grant the density bonus and/or waiver to development standards. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas. (Ord. \_\_\_\_\_ (part), 200 ; Ord. \_\_\_\_\_ (part), 200 ; Ord. 587 (part), 1983).**

**~~17.83.040 Small wind energy systems:~~**

**~~Pursuant to Section 65892.13 of the California Government Code the City shall issue a use permit for the placement of small wind energy systems subject compliance with the following criteria:~~**

**~~A. The size of the parcel upon which the system is located is at least one (1) net acre in size.~~**

**~~B. Tower height shall be limited to:~~**

**~~1. For project parcels between one (1) and five(5) acres in size – 65 ft in overall height.~~**

**~~2. For project parcel larger than five (5) acres – 80 ft overall height.~~**

**~~C. No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire setback requirements pursuant to Section 4920 of the Public Resources Code.~~**

~~D. The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short term events such as utility outages and severe wind storms.~~

~~E. The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commissions' Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.~~

~~F. The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code and California Building Standards Code (as adopted by the City) and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC Wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.~~

~~G. The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1 commencing with Section 21001 of Division 9 of the Public Utilities Code).~~

~~H. The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.~~

~~I. Unless the applicant indicates that the project will not connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer owner electricity generator.~~

~~J. A small wind energy system shall not be allowed on a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.~~

~~K. No small wind energy system shall be placed so that it is visible from any Coastal Scenic Resource area designated by Table 5-3 of the adopted and certified Crescent City General Plan.~~

~~L. This section shall be inoperative on July 1, 2005, and as of January 1, 2006 is repealed, unless the California legislature enacts a statute effective on or before January 1, 2006 which deletes or extends said date as applicable to Section 65892.13 of the California Government Code, (Reserved, Ord. \_\_\_\_\_ (part), 200 ; Ord. \_\_\_\_\_ (part), 200 ).~~

**17.83.050 Installation of manufactured homes on individual lots.**

The installation of a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act on individual lots in an area zoned for one-family residential units (R-1) in lieu of a home placed by conventional construction is permitted if in compliance with the following requirements:

EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED MODIFICATIONS

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A. The manufactured home shall be subject to the same development standards to which a conventional single family residential dwelling on the same lot would be subject including but not limited to, building setback standards, side and rear yard requirements, standards for enclosure and access, vehicle parking and any applicable aesthetic requirements, an minimum square footage requirements.

B. Pursuant to Section 65852.3 of California Government Code, the manufactured homes installed pursuant to this section shall conform to the following:

1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code.
2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile.
4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding.
5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.

C. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site.

**D. Nothing in this section substitutes for or obviates the requirement to obtain a coastal development permit pursuant to Chapter 17.84. (Ord. \_\_\_\_\_ (part), 200 ; Ord. \_\_\_\_\_ (part), 200 ).**

**17.83.060 Mobilehome Parks in residential areas.**

Subject to the issuance of a use permit, mobilehome parks, as defined in Section 18214 of the Health and Safety Code, are permitted on all land designated by the General Plan and zoned as residential, provided that:

A. Project density, including existing or non-mobilehome park residential development, does not exceed that designated to the parcel by the land General Plan use designation for the subject parcel;

B. Project development shall meet the adopted mobilehome park development standards;

C. Setbacks from the exterior property boundaries of the project shall be observed;

D. Parking shall be as for one-family dwellings;

E. No recreational vehicle occupancy shall be permitted; and

F. Mobilehome park dwelling units shall conform to the following standards:

1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code.

2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile.
4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding.
5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.
6. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site.

**G. Nothing in this section substitutes for or obviates the requirement to obtain a coastal development permit pursuant to Chapter 17.84. (Ord. \_\_\_\_\_ (part), 200\_\_).**

## Chapter 17.84

### COASTAL ZONE COASTAL DEVELOPMENT PERMITS AND APPEALS

#### Sections:

- 17.84.010 Purpose.**
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- 17.84.013 Coastal development permit exemptions.**
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- 17.84.036 Coastal development permit application; processing criteria; standard of review; application fee; adoption of guidelines.**
- 17.84.037 Completion of decision; notice of final local action; finality of city action.**

**17.84.040 Appeals.**

**17.84.010 Purpose.**

The purpose of this chapter is to establish procedures for those areas, types of development, and activities within the coastal zone that require a coastal development permit as prescribed in the Coastal Act of 1976, and to establish procedures for making application for such permit, reviewing applications, providing notice of such development proposals, conducting public hearings for consideration of the permit request, and to provide recourse if an appellant is aggrieved by any order, requirement, permit, decision or determination made by the planning director, planning commission, and/or the city council in the administration or enforcement of these regulations. (Ord. \_\_\_\_\_ (part), 200 \_\_\_\_\_; Ord. 587 (part), 1983).

**17.84.012 Coastal development permit required for development.**

Except as provided in Section 17.84.014 of this chapter, any applicant wishing to undertake a “development,” as defined in Section 17.61.131, in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the approving authority, provided that the minimum requirements as specified herein are assured. (Ord. 20 \_\_\_\_\_ § \_\_\_\_\_, 20 \_\_\_\_\_)

**17.84.013 Coastal development permit exemptions.**

Notwithstanding any other provision of the Coastal Act, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which: (1) involve a risk of adverse environmental effect; (2) adversely affect public access; or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.



(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the Coastal Commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the California Coastal Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to or along, the coast. Those categories of exemption, which may be requested to be granted by local governments pursuant to Title 14, California Code of Regulations, sections 13240-13249, are described in Orders of Categorical Exclusion adopted by the California Coastal Commission.

(f) The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to Title 17, Crescent City Municipal Code; provided, however, that where necessary, reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources may be required as a part of the Title 17 entitlement(s).

(g) The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be re-placed were beyond the control of its owner. As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision. Conversions of visitor-serving accommodations, whether in part or wholly, to a condominium, time-share project, estate, or use shall require a coastal development permit.

**17.84.014 Limitations on coastal development permit exemptions.**

**A. Notwithstanding the exemptions contained in Section 30610 of the Coastal Act and Section 17.84.013 above, a local coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:**

**1. Improvements to existing single-family residences, specifically: (a) all fixtures and other structures directly attached to a residence; (b) structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and (c) landscaping on the lot; where the development involves a risk of adverse environmental effect. The following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:**

**a. Improvements to a single-family structure if the structure or improvement is located: (1) on a beach; (2) in a wetland; (3) seaward of the mean high tide line; (4) in an environmentally sensitive habitat area; (5) in an area designated as highly scenic in a certified land use plan; or (6) within 50 feet of the edge of a coastal bluff;**

**b. Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;**

**c. On property not included in Section 17.84.014.A.1a. above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission or Regional Commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Section 17.84.014.A.1, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks;**

**d. Improvements to a single-family structure, or accessory structure, which requires a building permit, within either: (1) an open space zone district, (2) a natural resources zoning district, or (3) within an area appealable to the California Coastal Commission pursuant to this chapter;**

**e. Improvement to a single-family structure or accessory structure, which requires a building permit, within a coastal zone**

district where the improvements are not otherwise excepted by the zoning standards of the district;

f. Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;

g. Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit;

h. The expansion or construction of any septic systems or domestic water wells;

2. Improvements to any structure other than a single-family residence or a public works facility, entailing the structure itself as well as: (a) all fixtures and other structures directly attached to the structure; and (b) landscaping on the lot where the improvements (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this title, a coastal development permit shall be required. The following classes of development require a coastal development permit because they involve one or more of the above listed effects:

a. Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;

b. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;

c. On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Section 17.84.014.A.2, and/or increase in height by more than 10 percent of an existing structure;

- d. Improvements to structures, which require a building permit, within either resource conservation area zone district, a coastal (hazard) zone district or within an area appealable to the California Coastal Commission pursuant to this chapter;
- e. Improvements to a structure within a coastal zone district where the improvements are not other-wise excepted by the standards of the district;
- f. Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;
- g. Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit;
- h. The expansion or construction of any septic systems or domestic water wells;
- i. Any improvement to structure which changes the intensity of the use of the structure;
- j. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.
- 3. Maintenance dredging of more that 100,000 cubic yards of material within a twelve (12) month period of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
- 4. Repair or maintenance activities that result in an addition to, or enlargement or expansion of, the object of such repair, or certain extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, they shall require that a permit be obtained under this chapter.
  - a. The following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin or similar shoreline work that involves:
    - i. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat

area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

ii. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

iii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;

iv. The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind; or

v. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal waters or streams.

b. Repair and maintenance activities described in the Commission's September 5, 1978 document which have a risk of substantial adverse impact on public access, ESHA, public views or wetlands.

c. Unless destroyed by natural disaster, the replacement of fifty percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

d. Notwithstanding the above provisions, the executive director of the coastal commission shall have the discretion to exempt from this section ongoing routine re-pair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways.

e. Pursuant to this section, the planning commission may issue a permit for on-going maintenance activities for a term in excess of the one-year term provided by this title. (Ord. 20 - § , 20 )

17.84.015 Temporary events.

**A. Except as provided in sub-sections B and C, below, the planning director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:**

- 1. Are held between Memorial Day weekend and Labor Day; and**
- 2. Occupy all or a portion of a sandy beach area; and**
- 3. Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).**

**B. Only temporary events meeting all of the above criteria shall require coastal development permit review, however, the Planning director may also exclude from permit requirements temporary events meeting all of the above criteria when:**

- 1. The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or**
- 2. The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or**
- 3. The event is less than one day in duration; or**
- 4. The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.**

**C. Planning director discretion to require a permit. The planning director may determine that a temporary event shall be subject to coastal development permit review, even if the criteria in Section A are not met. If the planning director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:**

- 1. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time.**
- 2. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in chapter 17.61.**
- 3. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;**
- 4. The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.**

**D. Effect on other permit requirements. Exemption from coastal development permit requirements is not to be construed as exemption from permits and/ or entitlements required by the city. Where a building permit, use permit, variance, land subdivision, etc., is required by the city for development which is exempt under**

the provisions of subsection A of this section, the entitlement shall be processed pursuant to the city regulations for non-coastal zone areas.

E. Record of Permit Exemption. The planning director shall maintain a record of all those developments within the coastal zone that have been authorized as being exempt from the requirement for a coastal development permit pursuant to this chapter. This record shall be available for review by members of the public and mailed to the North Coast District Office of the California Coastal Commission. The record of exemption shall include the name of the applicant, the location of the project, and a brief description of the project. (Ord. 20 - § , 20 ), Ord. 86-04 (part), 1986; Ord. 83-03 (part))

17.84.016 Emergency permits.

It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 17 can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to the general requirements of this chapter, they shall comply with the requirements of Title 17 to the maximum extent feasible.

A. Applications in cases of emergencies shall be made to the planning director by letter if time allows, and by telephone or in person if time does not allow.

B. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency;
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

C. The planning director shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

D. 1. The planning director shall provide public notice of the proposed emergency action with the extent and type of notice determined on the basis of the nature of the emergency itself. Notice shall also be provided to the Executive Director of the California Coastal Commission.

2. The planning director may grant an emergency permit upon reasonable terms and conditions, including an expiration date, if he finds that:

- a. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits;

b. Public comment on the proposed emergency action has been reviewed if time allows;

c. The work proposed would be consistent with the requirements of the certified Local Coastal Program.

3. The planning director shall report in writing to each meeting of the planning commission the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.

All emergency permits issued after the mailing for the meeting shall be briefly described by the planning director at the meeting and the written report shall be distributed prior to the next succeeding meeting.

4. Within ten calendar days of request for an emergency permit the owner/applicant shall submit an application for any required local entitlement pursuant to Section 17.84.020. Where findings are made that the action is not in conformity with the long-term policies of the Coastal Land Use Plan, the application shall be denied and the emergency permit revoked. Such revocation shall specify the type of abatement action required, if any, and a time limit for compliance shall be specified. (Ord. 20 - § , 20 ), Ord. 83-03 (part)).

**17.84.020 Application Processing and Review Procedures.**

A. When a proposed development, as defined herein, is located in the coastal zone a coastal development permit shall be required in addition to any other approval or permit required in these regulations.

B. Procedures for ~~obtaining~~ applying for a coastal development permit are ~~specified in Section 17.84.030.~~ as follows:

1. Application contents. Each application for a permit, amendment, or other matter pertaining to this Title shall be filed with the planning director on an application form approved by the city council together with required fees and/or deposits, and all other information and materials required by the city's list of required application contents, as identified in the community development department handout for the specific type of application. Applicants are encouraged to contact the department before submitting an application to verify which materials are necessary for application filing.

2. Identification of interested persons; submission of envelopes, posting of site. For applications filed pursuant to this chapter, the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as



provided in this section. The applicant shall provide the commission with a list of:

- a. The addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed;
  - b. The addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll; and,
  - c. The names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s). This list shall be part of the public record maintained by the department for the application.
3. The applicant shall also provide the department with stamped envelopes for all addresses on the list prepared pursuant to subsection 1.a through 1.c above. Separate stamped envelopes shall be addressed to "owner," "occupant," or the name of the interested person, as applicable. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The director shall provide an appropriate stamp for the use of applicants in the commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The director may waive this requirement for addresses identified under subsection 1.a and 1.b above and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to these regulations.
  4. If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of this section. The additional set of stamped, addressed envelopes shall be submitted within ten days of the commission's or council's decision to postpone or continue the hearing.
  5. At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The department shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the director shall refuse to file the application.

6. The planning commission or council may revoke a permit if it determines that the permit was granted without proper notice having been given.
- C. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner. With the director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.
- D. Rejection of application. If the director determines that an application cannot lawfully be approved by the city (e.g., a request for use that could not be granted in the absence of a preceding a coastal land use plan or coastal zoning text or map amendment, or a concurrent tentative subdivision map approval; or a use permit application proposing a use that is not allowable in the subject zoning district, etc.), the director shall not accept the application for processing.
- E. Fee schedule. In addition to the fees imposed pursuant to section 17.61.030, the council shall establish a schedule of fees for the processing of the applications required intended to allow recovery of all costs incurred by the city in processing permit applications to the maximum extent allowed by the law.
- E. Review for completeness. The director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The director's determination of completeness shall be based on the city's list of required application contents (see Chapters 17.84A through 17.84G - "Coastal development permit application contents" sub-sections), and any additional written instructions provided to the applicant in any pre-application conference, and/or during the initial application review period.
- G. Notification of applicant. As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the director's letter, shall be provided.
- H. Appeal of determination. Where the director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the director is not required, the applicant may appeal the director's determination in compliance with section 17.84.040.
- I. Environmental information. Prior to an application having been accepted as complete for filing, the director may request the applicant to submit additional information needed for the environmental review of the project in compliance with Chapters 17.84A through 17.84G.
- J. Referral of application. At the discretion of the director, or where otherwise required by this title or state or federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.
- K. Staff evaluation. The director shall review all discretionary applications filed in compliance with this title to determine whether they comply and are consistent with the provisions of this title, other applicable provisions of the city code, the coastal land use plan, and any applicable specific plan.

**L. Staff report. The director shall provide a written recommendation to the commission and/or council (as applicable) as to whether the application should be approved, approved subject to conditions, or disapproved.**

~~C. M.~~ **Finding. A coastal development permit may be granted if the facts presented are such that the development is in conformity with the certified coastal element of the general plan. Each coastal development permit issued for any development as indicated on the coastal appeals area map shall include a specific ~~finding that~~ factually-based findings, as further set forth in section 17.84.033 and in Chapters 17.84A through 17.84G, sub-sections .040 – Supplemental Findings, substantiating how such development ~~is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act~~ does so conform. (Ord. 20 - § , 20 ; Ord. 587 (part), 1983).**

**17.84.025 Determination of Applicable Notice and Hearing Procedures.**

**The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the planning director at the time the application for development within the coastal zone is submitted. This determination shall be made with reference to the city's certified local coastal program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the local coastal program. Where an applicant, interested person, or the city has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:**

**(a) The planning director shall make his or her determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.**

**(b) If the determination of the planning director, or the planning commission and/or the city council on appeal, is challenged by the applicant or an interested person, or if the city wishes to have a Commission determination as to the appropriate designation, the city shall notify the Commission by telephone of the dispute/question and shall request an executive director's opinion;**

**(c) The executive director shall, within two (2) working days of the city's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable;**

**(d) Where, after the executive director's investigation, the executive director's determination is not in accordance with the city's determination, the coastal commission shall hold a hearing for purposes of determining the appropriate designation for the area. The coastal commission shall schedule the hearing on the determination for the next coastal commission meeting (in the appropriate geographic region of the state) following the local government request. (Ord. (part), 20 ).**

**17.84.030 Procedures and notice for appealable developments.**

~~Unless a development is categorically excluded from the requirement to obtain a coastal development permit, a public hearing shall be held for all appealable developments as defined in Section 17.84.040 and within the coastal zone.~~

**A. Appealable development. The following classes of development permits may be appealed to the council and/or the Coastal Commission:**

- 1. Development approved by the city located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.**
- 2. Development approved by the city not included within subsection A.1. of this section that are located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff.**
- 3. Development approved by the city not included within sub-section A.1 or A.2. of this section that are located in a sensitive coastal resource area.**
- 4. Any development approved or denied by the city which constitutes a major public works project of a major energy facility.**

~~**B.**~~ **B.** Scheduling. Public hearings of the city council or the planning commission shall be subject to the rules regarding the placing of matters on its agenda.

~~**C.**~~ **C.** Notice of Hearings.

1. General Procedures. Notice of the public hearing on an application for a use permit, zoning amendment, or coastal development permit shall be given by:
  - a. Publication once in a newspaper of general circulation printed and published in the city at least ten days prior to the hearing;
  - b. Notice to all property owners and residents within three hundred feet of the exterior boundaries of the parcel on which the development is proposed, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the county assessor. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;
  - c. Notice to each applicant;
  - d. Notice to Coastal Commission;
  - e. Notice to all persons requesting notifications;
  - f. Notices and such other means as the planning commission or city council may deem advisable.
2. Contents of Public Notice. In addition to the above, all notices sent shall include:
  - a. Time, place, and purpose of the public hearings;

- b. A statement as to whether the development is in the coastal zone;
  - c. The date of filing the application and the name of the applicant;
  - d. The number assigned to the application;
  - e. A description of the development and its proposed location;
  - f. A brief description of the hearing procedures including a statement explaining the right to appear and be heard;
  - g. A statement specifying the length of time that public comments will be accepted prior to the city council decision;
  - h. The system for local and Coastal Commission appeals, including any local fees required; and
  - i. The place where copies of the proposed plans may be reviewed.
3. Procedure to Notify One Thousand or More Owners. In the event that the number of owners to whom notice would be sent in subsection (B)(1) is greater than one thousand, notice shall be given at least ten days prior to the hearing by the following procedures by placing a display advertisement of at least one-fourth page in a newspaper of general circulation. Such advertisement shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

**4. Notice of local government action when hearing continued. If a decision on a development permit is continued by the planning commission or city council to a time which is neither: (1) previously stated in the notice provided pursuant to section 17.84.031.A; nor (2) announced at the hearing as being continued to a time certain, the city shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in section 17.84.031.A.**

**C. D.** Hearing Procedure and Decision.

1. General Procedures. Hearings shall be held, and decisions rendered, by the planning commission or city council, whichever is appropriate, in accordance with the provisions of each type of case as specified in Section ~~17.84.020~~ **17.84.032.**

2. Time Limits.

- a. ~~Not later than thirty calendar days after the city has received an application for a development project, the city shall determine in writing whether the application is complete. If such written determination is not made within thirty days after receipt of the application, the application shall be deemed complete. If the application is determined not to be complete the city shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.~~

- b. ~~The city shall approve or disapprove a development project within one year from the date on which an application requesting approval~~

~~has been received and accepted as complete by the city within the applicable time limits specified in California Government Code section 65950 through 65952.~~

c. i. In the event that the city fails to act to approve or disapprove a development project within the time limits required above, ~~such failure to act shall be deemed approval of the development project.~~

~~ii. Failure of an applicant to submit complete or adequate information may constitute grounds for disapproving a development project.~~

~~iii. If the city fails to act on a development project within the time limits required above, the applicant claiming a right to proceed shall notify in writing the city, and the Coastal Commission of the claim that the development has been approved by operation of law.~~

~~iv. When the city determines that the time limits established above have expired, the city shall, within seven calendar days of such determination, notify all persons and agencies specified in subsections (B)(1)(a-d) of this section that the development project has been approved by operation of law. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of said notice in the Coastal Commission office.~~

~~d. The time limits established above may be extended once for a period not to exceed ninety days upon consent of the city and the applicant the applicant may pursue the applicant or his or her representative may seek remedy to resolve the undecided permit request as set forth in California Government Code section 65956.~~

~~D.~~ E. Effective Date.

1. Within seven calendar days of the ~~city's~~ city completing its action on a coastal development permit, as defined in Section 17.84.037, the planning director shall transmit a notice of final action containing the information enumerated in section 17.84.037 to the Coastal Commission informing them of such action. The effective date of a coastal development permit shall be ten working days after receipt of the notice of the permit decision by the executive director of the Coastal Commission ~~and when all local rights of appeal have been exhausted.~~

2. For use permits, the decision of the review authority shall become effective ten days following the filing of the notice of the appropriate review authority's decision, unless an appeal has been filed.

~~3. The effective date for zoning amendments shall be the date of effective certification by the state's Coastal Commission.~~

~~E.~~ F. Waiver of Fee for Appeal to City Council. Any concerned individual who cannot afford the cost of any appeal fee for an appeal to the city council may request the council to waive said fee. The city council may elect to waive such fee and apply to the state's Coastal Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process. Further, should the city council not elect to waive the appeal fee,

the appellant may appeal directly to the state's Coastal Commission. (Ord. 587 (part), 1983). (Ord. \_\_\_\_\_, (20\_\_)); Ord. 587 (part), 1983).

~~17.84.035~~ **17.84.031** Procedures and notices for non-appealable developments.

A. The notice requirements for ~~non-appealable~~ developments where a public hearing is ~~already~~ required ~~at the planning commission under this title, but which are not appealable pursuant to section 17.84.030.A, and which are not categorically excluded,~~ are as follows. At least ten days prior to a hearing the planning director shall do the following:

1. Notice shall be published in a newspaper of general circulation or if there is none, posted in at least three public places in the local jurisdiction;
2. Notice by first class mail to any person who has filed a written request for such notices;
3. Notice by first class mail to property owners within three hundred feet of the proposed development;
4. Notice by first class mail to non-property owner residents residing within one hundred feet of the proposed development;
5. Notice by first class mail to the California Coastal Commission.

All such notices shall contain a statement that the proposed development is within the city's coastal zone.

B. The notice requirements for ~~non-appealable~~ developments which are not appealable pursuant to section 17.84.030.A, and which are not categorically excluded and where a public hearing is not required ~~is~~ are as follows:

1. Within ten calendar days of accepting an application for a non-appealable coastal development permit, or coastal use permit or variance, or at least seven calendar days prior to the planning director's decision on the application, the planning director shall provide notice by first class mail of the pending approval of the development. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the city's coastal zone, to all property owners and residents within one hundred feet of the perimeter of the parcel on which the development is proposed, and to the California Coastal Commission. The notice shall contain the following information:

- ~~1.~~ a. A statement that the proposed development is within the city's coastal zone;
- ~~2.~~ b. The date of filing of the application and the name of the applicant;
- ~~3.~~ c. The number assigned to the application;
- ~~4.~~ d. A description of the proposed development and its proposed location;
- ~~5.~~ e. The date the application will be considered by the city's planning director;
- ~~6.~~ f. The city's general procedure concerning the submission of written or oral comments prior to the planning director's decision; and

- ~~7~~ **g.** A statement that a public comment period of sufficient time to permit submission of comments by mail will be held prior to the planning director's decision. (Ord. 20 - § , 20 ; Ord. 587 (part), 1983).

**17.84.032 Hearings.**

**A. Public hearing on appealable developments. At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 17.84.031.A. The public hearing may be conducted in accordance with existing city procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.**

**B. Second residential units which meet the criteria specified in section 17.83.010.A do not require a public hearing pursuant to Government Code section 65852.2.**

**C. New permit applications which are, in the opinion of the planning director, de minimis with respect to the purposes and objectives of the adopted Local Coastal Program and which do not involve appealable development, may be scheduled for one public planning commission hearing during which all such items will be taken up as a single matter, which shall be known as the consent calendar, pursuant to the following criteria:**

- 1. Applications shall be processed pursuant to applicable regulations including any preparation of staff reports and the recommendation of findings and/or conditions. Where an item is approved as a part of the consent calendar, any such recommendations shall also be deemed approved.**
- 2. The public shall have the right to present any testimony or evidence regarding any item on the consent calendar. Any person may request that a consent calendar item be removed and heard as a separate item subject to their submittal of a brief statement of reasons for the request. The Commission shall, upon a majority vote in favor of the request, set a continued hearing time for the subject item.**
- 3. For the purposes of this section a proposed development is de minimis if it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the City's certified local coastal program.**

**D. All permit applications involving appealable development and other permit applications not so determined to be de minimis shall be heard as a separate hearing item.**

**(Ord. (part), 20 ).**



**17.84.033 Required findings.**

**Approval of any coastal development permit shall be based upon specific factual findings supporting the conclusion that: (1) the proposed development, without or without conditions, is consistent with the policies and standards of the City's certified local coastal program, and, for development located within the first public road and the sea the access and recreation policies of Chapter 3 of the Coastal Act; and (2) there are no other feasible mitigation measures or alternatives that would lessen any significant adverse effects of the development or the environment. (Ord. 20 - § , 20 )**

**17.84.034 Permit conditions.**

**Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this title. (Ord. 20 - § , 20 )**

**17.84.035 Procedures for open space easements and public access documents.**

**All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:**

**A. The executive director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.**

- 1. Upon completion of permit review by the city and prior to the issuance of the permit, the city shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;**
- 2. The executive director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;**
- 3. The city may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the local government within that time period;**
- 4. If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or**

**B. The city may request the Coastal Commission to delegate the authority to process the recordation of the necessary legal documents to the city. The Coastal Commission shall delegate said authority provided the city identifies the department of the local government or public agency or private association that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval**

of coastal development permits. Upon completion of the recordation of the documents, the city shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the executive director of the Coastal Commission. (Ord. 20 - § , 20 )

17.84.036 Consolidated coastal development permit applications.

(a) Notwithstanding Public Resources Section 30519, the coastal commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied.

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the coastal commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 of the California Coastal Act (commencing with Public Resources Code Section 30200), with the appropriate local coastal program used as guidance.

(c) The application fee for consolidated coastal development permit shall be determined by reference to the coastal commission's permit fee schedule. (Ord. 20 - § , 20 )

17.84.037 Completion of decision; notice of final local action; finality of city action.

A. Completion of city action. The city's decision on an application for a development shall not be deemed complete until: (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and (2) when all local rights of appeal have been exhausted as defined in section 17.84.040.B.2.

B. Notice of final local action. Within seven (7) calendar days of the city completing its review and meeting the requirements of section 17.84.032, the city shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

C. Failure to act-notice.

1. Notification by applicant. If a local government has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the city and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
2. Notification by city. If the city determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the local government shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to section 17.84.040.B or 17.84.040.C. This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

D. A local government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:

1. an appeal is filed in accordance with section 17.84.040; or
2. the notice of final local government action does not meet the requirements of sub-section B;

When either of these circumstances occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

#### **17.84.040 Appeals.**

In the case of any coastal development permit, use permit or ~~zoning amendment~~ **variance**, and in the case of any order, requirement, decision or other determination made by the planning director, the procedures for appeals shall be described in this section.

A. Administrative Actions Appealable. Any person aggrieved by any determination, interpretation, decision, decree, judgment, or similar action taken by the planning director under the provisions of the coastal zone zoning ordinance, may appeal such action to the planning commission.

B. Planning Commission Action Appealable. Action, or appellate determinations of the planning commission, may be appealed to the city council. Alternately, if the city imposes a fee to appeal an action of the planning commission on a coastal development permit to the city council, the planning commission's approval of a coastal development permit for development other than a major public works project or major energy facility, or the approval or denial of a coastal development

**permit for a major public works project or a major energy facility, the action may be appealed directly to the coastal commission.**

C. City Council Action Appealable. Approved actions, or approved appellate determinations of the city council, may be appealed to the Coastal Commission under the following circumstances:

1. Eligible Appellants. An appeal may be filed by an applicant, any aggrieved person, as defined herein, or any two members of the Coastal Commission.
2. Exhaustion of Appeals. An appellant other than any coastal commissioners who have appealed, shall exhaust all local appeals before becoming eligible to appeal to the Coastal Commission, except if one of the following conditions prevail:
  - a. The local government or jurisdiction requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the local coastal program.
  - b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.
  - c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of these regulations.
  - d. The local government jurisdiction charges a fee for the filing or processing of appeals, in which case the local government may elect to waive the appeal fee and apply to the Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process. **Any such waiver of appeal fees shall be granted prior to the transmittal of the notice of final local action to the coastal commission.**
3. ~~Appealable Areas. The appealable areas shall be those areas as shown on the post-LCP certification permit and jurisdiction map as approved by the state's Coastal Commission.~~
4. ~~Appealable Developments. Appealable developments shall be the following developments which occur within the coastal zone as designated on the post-LCP certification permit and jurisdiction map as approved by state's Coastal Commission:
  - a. ~~Developments approved by the city which are between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;~~
  - b. ~~Developments approved by the city which are not included within paragraph (a) of this subsection located on tidelands, submerged lands, public trust lands, within one hundred feet~~~~

~~of any wetland, estuary, stream, or within three hundred feet of the top of any seaward face of any coastal bluff.~~

~~e. Any development which constitutes a major public works project or a major energy facility.~~

~~5. Grounds for Appeal.~~

a. The grounds for an appeal ~~pursuant to paragraph (a) of subsection (4) to the types of development enumerated in section 17.84.030.A,~~ shall be limited to one or more of the following allegations:

i. ~~The For~~ development ~~fails to provide adequate physical access or public or private commercial use or interferes with such uses~~ approved by the city located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, the development does not conform to the certified local coastal program and/or the access and recreation policies of Chapter 3 of the Coastal Act;

ii. ~~The For~~ development ~~fails to protect public views from any public road or from a recreation area to and along the coast~~ approved by the city not included within subsection i. of this section that are located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff, the development does not conform to the certified local coastal program;

iii. ~~The For~~ development ~~is not compatible with established physical scale of the area~~ approved by the city not included within sub-section i. or ii. of this section that are located in a sensitive coastal resource area, the development does not conform to the certified local coastal program;

~~iv. The For~~ development ~~may significantly alter existing natural landforms~~ approved or denied by the city which constitutes a major public works project of a major energy facility, the development does not conform to the certified local coastal program;

~~v. The development does not comply with shoreline erosion and geological setback requirements.~~

b. ~~The grounds for an appeal pursuant to paragraph (b) or (c) of subsection (4) shall be limited to an allegation that the development does not conform to the certified local coastal program.~~

~~e.~~ ~~Any actions described in subsection (4)~~ The appealable approval or denial of the development shall become final after the tenth working day, unless an appeal in writing is filed within that time.

D. ~~Determination of Exclusions and~~ Appeal Procedures.

~~1. The determination as to whether the development is excluded from a coastal development permit or is appealable or non-appealable to the Coastal Commission shall be made by the planning director at the time application for development is noticed.~~

~~2. The decision of the planning director as to whether or not the item is excluded from a coastal development permit or is appealable to the Coastal Commission may be challenged by the applicant or an interested person to the executive director of the state's Coastal Commission. Such challenge shall be made prior to the hearing on the matter.~~

~~3.~~ Filing Requirements for appeals to City appellate bodies. Appeals shall be addressed to the appellate body, on a prescribed form and shall state the basis of the appeal. Appeals shall be filed with the city within ten days following the date of the action from which an appeal is taken. Appeals shall be accompanied by a filing fee or a request to waive such fee. City Planning commission or city council actions that may be appealed to the Coastal Commission shall be filed with the Coastal Commission and the appeal period shall run for ten working days after receipt by the Coastal Commission of the city's final action.

~~4.~~ 2. Stay of Proceedings. An action of the planning commission so appealed from shall not become effective unless and until approved by the city council in accordance with this section.

~~5.~~ 3. Notice of Hearings. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Section 17.84.030 and shall conform to the manner in which the original notice was given and the original hearings were conducted.

~~6.~~ 4. Time Limitation and Vote. The planning commission shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed in its office. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of said commission. The city council shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the authorized membership of said council.

~~7.~~ 5. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

- ~~§ 6.~~ Exhaustion of Remedy. All rights of appeal are exhausted when the proceedings set forth herein have been consummated.
- ~~¶ 7.~~ Conditions and Findings. The appellate body may impose or prescribe conditions in its resolution that are in its opinion necessary to serve the objectives of this chapter. The appellate body shall make a written determination of its decision together with its findings in support of the decision. (Ord. \_\_\_\_ (part), 20 \_\_; Ord. 587 (part), 1983).

### Chapter 17.84A

## COASTAL RESOURCE PROTECTION PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES

### Sections:

- 17.84A.010 Purpose.
- 17.84A.020 Applicability.
- 17.84A.030 Definitions.
- 17.84A.040 General provisions.
- 17.84A.050 Access location — Requirements.
- 17.84A.060 Access design standards.
- 17.84A.070 Protection of historic public use.
- 17.84A.080 Access title and guarantee.
- 17.84A.090 Required findings and supporting analysis for public access dedications.
- 17.84A.100 Review of recorded access documents.
- 17.84A.110 Coastal development permit application contents.
- 17.84A.120 Development standards.

### 17.84A.010 Purpose

This chapter provides requirements for the protection, dedication, improvement, and operation of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this chapter in compliance with the California Coastal Act. In addition this chapter sets standards for the review, protection, and prioritization of shoreline and nearshore sites in or suitable for coastal recreational uses. (Ord. 20 - § , 20 )

### 17.84A.020 Applicability.

The provisions of this Chapter apply to all development and proposed land uses located within the Coastal Zone. Certain sections of this chapter (i.e., access dedications) apply only to areas between the sea and the first public road paralleling the sea as defined in Chapter 17.61. (Ord. 20 - § , 20 )

**17.84A.030 Definitions**

**A. Definitions of terms used in this chapter**

- 1. Development. “Development” means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes; kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.**
- 2. New Development. For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this Section, “new development” includes “development” as defined above except for the following:**
  - a. Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, is sited in the same location on the affected property as the destroyed structure and does not extend the replacement structure seaward on a sandy beach or beach fronting bluff lot. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure be replaced were beyond the control of the owners**
  - b. Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not block or impede public access, that the**



reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beach fronting bluff lot and that the reconstructed residence does not include or necessitate a shoreline protective device.

c. Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, which do not result in a seaward encroachment by the structure and which do not include or necessitate a new or enlarged shoreline protective device.

d. Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610(d) and California Code of Regulations Section 13252, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

e. Reconstruction and/or repair of a seawall, revetment, retaining wall or other shoreline protective device: The reconstruction or repair of any shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to public access or other shoreline resources than those of the existing structure.

3. Sea. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

B. Types of public access.

1. Vertical access: Provides public access from the first public road, trail, or public use area nearest the sea to the publicly owned shoreline, tidelands, or established lateral access perpendicular to the shore.

2. Lateral access: Provides for public access and use along or parallel to the shoreline.

3. Blufftop access: Provides access and coastal viewing along blufftops that run parallel to the shoreline, and in some cases provide the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.

4. Trail access: Provides public access (i.e. hiking, biking, and equestrian) along a coastal or mountain recreational path, including to and along canyons, rivers, streams, wetlands, lagoons, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland trails or recreational facilities to the shoreline.
  5. Recreational access: Provides public access to coastal recreational resources through means other than those listed above, including but not limited to, parking facilities, viewing platforms, and blufftop parks.
- C. Character of accessway use
1. "Pass and repass" refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 17.84A.090 of this chapter establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.
  2. Passive recreational use refers to those recreational activities typically associated with coastal open space that generally are non-structured and require minimal or no developed facilities or improvements to land. Such activities include, but are not limited to, walking, biking, jogging, hiking, dog walking, bird watching, tide-pooling, beach combing, informal sports activities such as Frisbee or ball throwing and kite-flying, nature viewing, and picnicking. Passive recreation includes ancillary facilities necessary to support visitor access to the coastal open space, including but not limited to parking lots, interpretive signage, visitor kiosks, restrooms, etc. Passive recreation activities do not include activities such as: playgrounds, community gardens, ball-fields, skate parks, etc.
  3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized. (Ord. 20 - § , 20 )

17.84A.040 General provisions.

A. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

B. Access requirements. Proposed development and new land uses located between the ocean the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral

access along the beach, shoreline and blufftops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety, or the protection of fragile coastal resources;
2. Adequate access exists within ¼-mile of the site;
3. Access at the site would be inconsistent with the policies of the coastal land use plan other than those requiring access; or
4. Requiring or providing the access would be inconsistent with federal or state law.

D. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. Dedication. Shall occur before issuance of construction permits and before the start of any construction activity not requiring a permit.
2. Construction of improvements: Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.
3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with to this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity. (Ord. 20 - § , 20 )

#### 17.84A.050. Access location — Requirements

Vertical, lateral, and/or blufftop access shall be required by the review authority in compliance with this Chapter, in the locations specified by the Open Space, Conservation, and Parks Element of the Coastal General Plan.

A. Access required. As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in 1 - 4 of this section, except as provided in Section 17.84A.030 of this chapter, a 25-foot-wide vertical easement and/or a lateral easement extending along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation, for one or more of the types of access identified in Section 17.84A.030(B) of this chapter shall be required and shall be supported by findings required by Section 17.84A.090 of this chapter; provided that no such condition of approval shall be imposed if the analysis required by Section 17.84A.090 of this chapter establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access

burdens identified. For any project where such mitigation is required, the preferred implementation shall be through a recorded grant of easement to the City, other government agency, or to a designated private nonprofit association acceptable to the City and the Executive Director of the Coastal Commission, who is willing to accept the easement and willing to open, operate, and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City, other government agency, nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.

1. New Development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.
2. New development between the nearest public roadway and the sea.
3. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
4. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

B. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources;
2. Adequate access exists within ¼-mile feet of the site;
3. Access at the site would be inconsistent with policies of the Coastal Land Use Plan other than those requiring access;
4. Requiring or providing the access would be inconsistent with Federal or State law. (Ord. 20 - § , 20 )

#### 17.84A.060 Access design standards

The standards of this section are intended to provide guidance to the review authority in determining the appropriate design of accessways to be required by coastal development permit conditions of approval, in compliance with this chapter.

**A. Design objectives. The following are general guidelines as to the size and nature of all public access facilities in the City.**

- 1. Design and siting. Accessways and trails should be sited and designed:**
  - a. To minimize alteration of natural landforms, conform to the existing contours of the land, and to subordinate to the character of their setting;**
  - b. To prevent unwarranted hazards to the land and public safety;**
  - c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and**
  - d. To prevent damage to sensitive coastal resource areas.**
- 2. Correction of existing damage/alternative routes. Where appropriate, coastal accessways should be designed to correct damage resulting from past and existing use. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.**
- 3. Accessway specifications.**
  - a. Width. Each public access easement offered for dedication for public use shall be a minimum of 25 feet wide for vertical easements and extending along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation, for lateral easements. The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:**
    - i) Adverse impacts on sensitive environmental areas;**
    - ii) Encroachment closer than 20 feet to an existing residence;**
    - and/or**
    - iii) Hazardous topographic conditions.**
  - b. Slope. The preferred slope gradient for the walking surface of an accessway is zero to 20 percent, and in no case should exceed 70 percent.**
  - c. Overhead clearance. The minimum overhead clearance for an accessway shall be seven feet.**
- 4. Access for disabled persons. Wherever possible, wheelchair access to the ocean shall be provided. Ramps should have dimensions and gradients consistent with current ADA requirements.**
- 5. Residential privacy. The design and placement of access trails should provide for the privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing and a landscape buffer.**
- 6. Parking. Where access sites are required, parking should be provided where feasible. Where handicapped beach access is provided, one out of five parking spaces should be provided for disabled persons. These spaces should be marked clearly for handicapped use only.**
- 7. Signs. Directional signing advising the public of vertical, lateral, and blufftop accessways and parking should be placed in prominent locations along access routes, at appropriate places in the downtown and at major visitor destinations. Signs designating handicapped access points and parking should be conspicuous. Potential hazards**

along accessways such as steep cliffs, steps or slopes should be signed, and fenced when necessary.

**B. Standards for application of access conditions. The public access required pursuant to Section 17.84A.050(A) of this chapter shall conform to the following standards and requirements, as applicable to the type of access facility.**

**1. Vertical access. A vertical accessway shall comply with the following standards, in addition to the other applicable requirements of this Section.**

**a. Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050(A) of this chapter shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified local coastal program for future vertical access, or (2) located in a site for which the City has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the City of Crescent City Local Coastal Program.**

**b. A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050(A) of this chapter shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 17.84A.090(B) of this chapter.**

**c. Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in Section 17.84A.080(D) of this chapter. The vertical access easement shall be a minimum of 25-feet-wide, and extending along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation for the lateral easement, wherever feasible. If a residential structure is proposed, the accessway should be sited along the border or side property line of the project site or away from existing or proposed development and should not be sited closer than 10 feet to the structure wherever feasible. Exceptions to siting a vertical accessway along a border or side property line or not closer than 10 feet to a structure may be required where topographical, physical or other constraints exist on the site.**

**2. Lateral access. A lateral accessway shall comply with the following standards, in addition to the other applicable requirements of this section.**

**a. Minimum requirements. A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section**

17.84A.050(A) of this chapter shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable). Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 17.84A.090.B of this chapter. Lateral access shall be legally described as required in Section 17.84A.080.D. The requirements of this section shall apply for blufftop access or trail access, as applicable.

3. Blufftop access.

a. Minimum requirements. A condition to require public access to or along a blufftop as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050.A of this chapter shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.

b. The blufftop access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 17.84A.090(B) of this chapter.

c. Each blufftop accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland or [greater or lesser] as determined to be necessary for public safety or geologic stability. However, wherever feasible, the accessway should not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the 100-year life expectancy of the improvements plus an added geologic stability factor of 1.5.

d. The accessway shall be legally described as required in Section 17.84A.080.D of this chapter, the following manner: "Such easement shall be a minimum of 25 feet wide located along the blufftop as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."

4. Trail access.

**a. Minimum requirements. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 17.84A.050.A. of this chapter shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 17.84A.090.B of this chapter.**

**The trail access shall be legally described as required by Section 17.84A.080.D of this chapter.**

**5. Recreational access**

**a. Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section 17.84A.050.A of this chapter shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Section 17.84A.060.B.1-.5 of this chapter as applicable. The accessway shall be legally described as required in Section 17.84A.080.D of this chapter. (Ord. 20 - § , 20 )**

**17.84A.070 Protection of historic public use**

**A. Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:**

- 1. The public must have used the land for a period of five years or more as if it were public land.**
- 2. Without asking for or receiving permission from the owner.**
- 3. With the actual or presumed knowledge of the owner.**
- 4. Without significant objection or bona fide attempts by the owner to prevent or halt the use.**
- 5. The use must be substantial, rather than minimal.**

**B. Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:**

- 1. Substantial evidence does not warrant the conclusion that public prescriptive rights exist.**
- 2. There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights.**



3. There is substantial evidence of the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.
4. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.
5. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring siting development away from the area used by the public protects the rights of the public.

C. Siting and design requirements

1. Development shall be sited and designed in a manner that does not interfere with or diminish any public right of access which may exist based on the potential public rights based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the accessway or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required in accordance with Section 17.84A.080 of this chapter. Gates, guardhouses, barriers or other structures designed to regulate, restrict, or inhibit public access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.
2. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. The following language shall be added to the access condition in a permit with possible prescriptive rights: "Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement." (Ord. 20 - § , 20 )

17.84A.080 Access title and guarantee.

Where public coastal accessways are required by this Chapter, approval of a coastal development permit for new development shall require guarantee of the access through deed restriction, or dedication of right-of-way or easement. Before the approval of a coastal development permit, the method and form of the access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for

public access. The method of access guarantee shall be chosen according to the following criteria:

A. Deed restriction. Shall be used only where an owner, association or corporation agrees to assume responsibility for the operation and maintenance of, and liability for, the public access area, subject to approval by the director.

B. Grant of fee interest or easement: Shall be used when a public agency or private organization approved by the Director is willing to assume ownership, operation, maintenance, and liability for the access.

C. Offer of dedication. Shall be used when no public agency or private organization is willing to accept fee interest or easement for accessway operation, maintenance, and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

D. Legal description of an accessway — Recordation.

1. An access dedication (offer to dedicate or grant of easement) required pursuant to Section 17.84A.050.A of this chapter shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows:

a. For lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as stringline or dripline. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation;

b. For blufftop access or trail access: extending inland from the daily bluff edge or along the alignment of a recreational trail;

c. For vertical access: extending from the public road to the mean high tide line (or daily bluff edge). A privacy buffer provided pursuant to Section 17.84A.080(E) shall be described as applicable.

2. Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and record a document in a form and content acceptable to the Coastal Commission (or the City authorized pursuant to Title 14 Cal. Code of Regulations Section 13574(b)), consistent with provisions of Section 17.84A.050.A of this chapter, irrevocably offering to dedicate (or grant an easement) to a public agency or private nonprofit association approved by the Coastal Commission, an easement for a specific type of access as described in Section 17.84A.050.B and a specific character of use as described in Section 17.84A.030.C of this chapter, as applicable to the particular condition.

3. The recorded document shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.
4. The recorded document shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or the City authorized by the Commission pursuant to Title 14 California Code of Regulations Section 13574(b)] determines may affect the interest being conveyed. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

E. Privacy buffers.

1. Minimum requirements. Separation between a public accessway and adjacent residential use may be provided when necessary to protect the landowner's privacy or security as well as the public's right to use of the accessway. Any such buffer shall be provided within the development area and not with the accessway easement. Access should not be sited closer to any residential structure than the distance specified in the certified LUP, or where there is no distance specified, no closer than 10 feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation.

F. Implementation.

1. For any project where a public access easement is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.
2. For all grants of easement to the City, required as a condition of approval of a coastal development permit, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and maintaining the accessway. If the City is unable to open, operate, and maintain the accessway, the City shall have the right to transfer the easement to a nonprofit association acceptable to

the Executive Director of the Coastal Commission that is willing to accept, maintain and operate the accessway.

3. In the case of an Offer to Dedicate or where the City transfers the easement to a private nonprofit association, an accessway shall not be required to be opened to public use until a public agency or private nonprofit association approved in accordance with Section 17.84A.080.D of this chapter agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction. New offers to dedicate public beach or trail access easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.
4. Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) shall be as wide as necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.
5. Any government agency may accept an offer to dedicate or grant of an easement if the agency is willing to operate and maintain the easement. For all grants of an easement or offers to dedicate that are required as conditions of coastal development permits approved by the City, the Executive Director of the Coastal Commission has the authority to approve a private non-profit association that seeks to accept the offer or the grant of easement. In order for the Executive Director to approve any private non-profit association, the non-profit association must submit a plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate or grant the easement.
6. The appropriate agency or organization to accept and develop trail dedication offers or grants of easement resulting from City issued CDPs shall be determined through coordination, where applicable, with the National Park Service, State Department of Parks and Recreation, State Coastal Conservancy, Del Norte County, and nonprofit land trusts or associations. Public agencies and private nonprofit associations which may be appropriate to accept offers to dedicate include, but shall not be limited to, the State Coastal Conservancy, State Department of Parks and Recreation, State Lands Commission, the City of Crescent City, County of Del Norte, special districts empowered with recreational facilities management authority, private land trusts and conservancies chartered to accept easements or fee interest dedications in the County of Del Norte, and other nongovernmental organizations.

7. Grants of public access easements or offers to dedicate shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within five (5) years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private nonprofit association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. A coastal development permit that includes a grant of easement or offer to dedicate for public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private nonprofit association that requests such transfer, if the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.
  8. Facilities to complement public access to and along the shoreline and trails shall be permitted where feasible and appropriate. This may include parking areas, restrooms, picnic tables, or other improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessway or trail OTD or grant of easement or as a precondition to the opening or construction of the accessway or trail. Where there is an existing, but unaccepted and/or unopened public access OTD, easement, or deed restriction for lateral, vertical, bluff or trail access or related support facilities, necessary access improvements shall be permitted to be constructed, opened and operated for the intended public use.
  9. Any accessway which the managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private nonprofit association that agrees to open and maintain the accessway in a condition suitable for public use.
  10. All public access mitigation conditions or terms required by a CDP shall include, as a compliance component, a requirement that the permittee submit a detailed and surveyed map, drawn to scale, locating any proposed or required easements or deed restricted areas.
- G. Timing of access implementation. The type and extent of access to be dedicated, and/or opened, constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.
1. Dedication. Dedication shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. Construction of improvements. Construction of improvements shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

H. Title information. As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development and prior to the recording of the document providing the accessway, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 17.84A.080.D of this chapter determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement. (Ord. 20 - § , 20 )

17.84A.090 Required findings and supporting analysis for public access dedications.

A. Required overall findings. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 17.84A.090.B of this chapter and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 17.84A.090.B of this chapter. The type of affected public access and recreation opportunities shall be clearly described.

2. An analysis based on applicable factors identified in Section 17.84A.090.B of this chapter of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.

3. A description of the legitimate governmental interest furthered by any access condition required.

4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.

B. Required Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the City shall

evaluate and document in written findings the factors identified in subsections (1) through (5), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.

1. Project effects on demand for access and recreation including:

a. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development;

b. Analysis of the project's effects upon existing public access and recreation opportunities;

c. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout;

d. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public;

e. Analysis of the contribution of the project's cumulative effects to any such projected increase;

f. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas;

g. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

2. Shoreline processes including:

a. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site;

b. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development, such as sea level rise;

c. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the

beach; and any other factors which characterize or affect beaches in the vicinity;

d. Analysis of the effect of any identified changes of the project -- alone or in combination with other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.

3. Historic public use including:

a. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal);

b. Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made;

c. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts;

d. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

3. Physical obstructions including:

a. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

4. Other adverse impacts on access and recreation including:

a. Description of the development's physical proximity and relationship to the shoreline and any public recreation area;

b. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation;

c. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

C. Required findings for public access exceptions. Any determination that one of the exceptions of Section 17.84A.050.C of this chapter applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

1. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable.

2. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that



agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.

3. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land. (Ord. 20 - § , 20 )

17.84A.100 Review of recorded access documents.

A. Standards and procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.
  - a. Upon completion of permit review by the City and prior to the issuance of the permit, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
  - b. The Executive Director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;
  - c. The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period;
  - d. If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director; or
2. If the City requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City identifies the City department that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits subject to the following: Upon completion of the recordation of the documents the City shall

forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Commission. (Ord. 20 - § , 20 )

**17.84A.110 Coastal development permit application contents.**

In addition to permit and application submittal requirements established elsewhere in this title, new development pursuant to Section 17.84A.030.A.2 of this chapter shall be subject to the following additional permit and/or application requirements:

A. All applications for new development located along the shoreline or fronting a beach shall include the submittal of a review and/or determination in writing from the State Lands Commission that addresses the proposed project relative to its location or proximity to, or impact upon, the boundary between public tidelands and private property. Any application for development on or along the shoreline filed without such determination shall be determined to be incomplete for filing.

B. Coastal development permit application filing requirements shall include the submittal of mapped documentation identifying the location of any existing recorded shoreline or inland trail OTDs, deed restrictions, or easements on the subject parcel(s). (Ord. 20 - § , 20 )

**17.84A.120 Development standards.**

A. Any existing accessway which the City owns, operates, maintains, or is otherwise responsible for shall not be closed, abandoned, or rendered unusable by the public without first obtaining a coastal development permit unless determined to be necessary for public safety.

B. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a coastal development permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game and U.S. Fish and Wildlife. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.

C. No signs shall be posted on a beachfront or on public beach unless authorized by a coastal development permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral or vertical access easement areas is restricted shall not be permitted. Temporary signs posted by a public agency for environmental or public safety purposes may be authorized by the emergency permit provisions of Section 17.84.016 of this title.

D. Improvements and/or opening of accessways already in public ownership or that are accepted pursuant to an offer to dedicate required by a coastal development

permit shall be permitted regardless of the distance from the nearest available vertical accessway. (Ord. 20 - § , 20 ).

### Chapter 17.84B

## CALIFORNIA COASTAL ZONE RESOURCE PROTECTION PROCEDURES WATER QUALITY

### Sections:

- 17.84B.010 Purpose.
- 17.84B.020 Applicability.
- 17.84B.030 Coastal development permit application contents.
- 17.84B.040 Supplementary findings.
- 17.84B.050 Development standards.

### 17.84B.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of the quality of coastal waters by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20 )

### 17.84B.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development or uses proposed on sites that entails construction, grading, or other activities that involve ground disturbance, increases in impervious surface areas, or alterations in the direction, volume, or flow rate of surface or groundwater hydrology. (Ord. 20 - § , 20 )

### 17.84B.030 Coastal development permit application contents.

In addition to the information required by section 17.84.020 for coastal development permit applications, the applicant shall provide the following supplemental information:

A. Construction pollution control plan. A construction-phase erosion, sedimentation, and polluted runoff control plan (“construction pollution control plan”) shall specify interim best management practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials, to the maximum extent practicable. The construction pollution control plan shall demonstrate that:

- (1) During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not limited to, soil stabilization measures), and shall eliminate the

- discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris), to the extent feasible.
- (2) Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.
  - (3) Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.
  - (4) Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.
  - (5) Grading operations shall not be conducted during the rainy season (from October 1 to April 15), except in response to emergencies, unless the County determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension, (not to exceed one week at a time), and adequate erosion and sedimentation control measures will be in place during all grading operations.
  - (6) The construction pollution control plan shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:
  - (a) Controls to be implemented on the amount and timing of grading.
  - (b) BMPs to be implemented for staging, storage, and disposal of excavated materials.
  - (c) Design specifications for structural treatment control BMPs, such as sedimentation basins.
  - (d) Re-vegetation or landscaping plans for graded or disturbed areas.
  - (e) Other soil stabilization BMPs to be implemented.
  - (f) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.
  - (g) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (including but not limited to paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.
  - (h) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.
  - (i) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.

(j) A site plan showing the location of all temporary erosion control measures.

(k) A schedule for installation and removal of the temporary erosion control measures.

B. Post-Construction Stormwater Plan. A plan to control post-construction stormwater runoff flows, and maintain or improve water quality (“post-construction stormwater plan”) shall specify site design, source control, and if necessary, treatment control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction. The post-construction stormwater plan shall demonstrate that:

(1) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.

(2) Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.

(3) Runoff from the project shall not increase sedimentation in receiving waters.

(4) On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.

(5) Permanent runoff/drainage control improvements, such as subsurface drainage interception, energy dissipaters, recovery/reuse cisterns, detention/retention impoundments, etc. shall be installed, as needed, at the point of discharge.

(6) In the application and initial planning process, the applicant shall submit a preliminary post-construction stormwater plan, and prior to issuance of a building permit the applicant shall submit a final post-construction stormwater plan for approval by the County. The plan shall include, at a minimum, the following components:

(a) Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.

(b) Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).

(c) Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).

(d) Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly connected impervious areas, to increase infiltration of runoff.

(e) Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.

(f) A site plan showing the location of all permanent erosion control measures.

(g) A schedule for installation and maintenance of the permanent erosion control measures.

(h) A schedule for installation and maintenance of the sediment and debris filtration, grease and/or sediment trap, etc., as warranted for the type of development and site.

(i) A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

C. Site design using low impact development techniques. The post-construction stormwater plan shall demonstrate the preferential consideration of low impact development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques to consider include, but are not limited to, the following:

- (1) Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.
- (2) Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).
- (3) Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.
- (4) Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain, or enhance where appropriate and feasible, on-site stormwater infiltration capacity.
- (5) To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving

blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

D. Water quality and hydrology plan for developments of water quality concern. In addition to the information to be provided in the post-construction stormwater plan, applicants for “developments of water quality concern,” shall submit a water quality and hydrology plan and be subject to the additional requirements listed below.

- (1) “Developments of water quality concern” include the following:
  - (a) Housing developments of five or more dwelling units, including but not limited to residential subdivisions.
  - (b) Hillside developments on slopes greater than 20 percent, located in areas with highly erodible soil.
  - (c) Developments that result in the creation, addition, or replacement of one acre or more of impervious surface area.
  - (d) Parking lots with 10,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
  - (e) Vehicle service facilities, including retail gasoline outlets, commercial car washes, and vehicle repair facilities, with 10,000 square feet or more of impervious surface area.
  - (f) Industrial parks, commercial strip malls, or restaurants with 10,000 square feet or more of impervious surface area.
  - (g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the County based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.
  - (h) Heavy industrial developments.
  - (i) Streets, roads, highways, and freeway construction of 10,000 square feet or more of impervious surface area, but not including stand-alone pedestrian pathways, trails, and off-street bicycle lanes.
  - (j) All developments entailing the creation, addition, or replacement of 5,000 square feet or more of impervious surface area, located within 200 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody (i.e., outflow from the drainage conveyance system is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.)
- (2) Additional Requirements for developments of water quality concern:
  - (a) Water quality and hydrology plan. The applicant for a development of water quality concern shall be required to submit a water quality & hydrology plan (WQHP), prepared by a California licensed civil engineer or landscape architect, which supplements the post-construction stormwater plan. The WQHP shall include

calculations, per County standards, that estimate increases in pollutant loads and changes in stormwater runoff hydrology (i.e., volume and flow rate) resulting from the proposed development, and shall specify the BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts. The WQHP shall also include operation and maintenance plans for post-construction treatment control BMPs. In the application and initial planning process, the applicant shall be required to submit for approval a preliminary WQHP, and prior to issuance of a building permit the applicant shall submit a final WQHP for approval by the County Engineer.

(b) Selection of structural treatment control BMPs. If the County determines that the combination of site design and source control BMPs is not sufficient to protect water quality and coastal waters, a structural treatment control BMP (or suite of BMPs) shall also be required. developments of water quality concern are presumed to require treatment control BMPs to meet the requirements of the coastal land use plan and state and federal water quality laws, unless the water quality & hydrology plan demonstrates otherwise.

The water quality & hydrology plan for a development of water quality concern shall describe the selection of treatment controls BMPs. Applicants shall first consider the treatment control BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

(c) 85th percentile design standard for treatment control BMPs. For post-construction treatment of stormwater runoff in developments of water quality concern, treatment control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

(d) Maintain pre-development hydrograph. In developments of water quality concern where changes in stormwater runoff hydrology (i.e., volume and flow rate) may result in increased potential for streambank erosion, downstream flooding, or other adverse habitat impacts, hydrologic control measures (e.g., stormwater infiltration, detention, harvest and re-use, and landscape evapotranspiration) shall be implemented in order to ensure that the pre- and post-project runoff hydrographs match within 10% for a two-year return frequency storm.

(5) Content. The water quality and hydrology plan shall contain the following:



- (a) Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts.
- (b) All of the information required in sub-section A for the post-construction stormwater plan.
- (c) Pre-development stormwater runoff hydrology (i.e., volume and flow rate) from the site.
- (d) Expected post-development stormwater runoff hydrology (i.e., volume and flow rate) from the site, with all proposed non-structural and structural BMPs in place.
- (e) Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells.
- (f) A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.
- (g) Appropriate structural post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.
- (h) A long-term plan and schedule for the monitoring and maintenance of all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

E. Best management practices (BMPs); selection and incorporation.

- (1) All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:

- i. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
  - ii. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
  - iii. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.
- (2) The selection of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development and specific to a climate similar to Del Norte County's. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs. Additional guidance on BMPs is available from the state water resources and water quality boards, the U.S. Environmental Protection Agency, regional entities such as the Bay Area Stormwater Management Agencies Association's (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection," and/or as may be developed from time to time with technological advances in water quality treatment.
- (3) Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 17.84B-1 through -3, below, or equivalent tables which list pollutants of concern and appropriate BMPs for each type of development or land use. (Ord. 20 - § , 20 )

**In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses having potential impacts to the quality of coastal waters:**

**A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 17.84B.050, as applicable. (Ord. 20 - § , 20 )**

**17.84B.050 Development standards.**

**A. Development shall be undertaken in accordance with the approved erosion and stormwater control final plans and/or water quality management plan. Any proposed changes to the approved final plans shall be reported to the director. No changes to the approved final plans shall occur without an amendment to the coastal development permit, or equivalent, unless the director determines that no amendment is legally required. (Ord. 20 - § , 20 )**

Table 17.84B-1: Pollutants Generated by Development Category

<i>Development Categories</i>	<i>Pollutants generated by various development categories include, but are not limited to:</i>								
	<u>Sediments</u>	<u>Nutrients</u>	<u>Heavy Metals</u>	<u>Organic Compounds</u>	<u>Trash &amp; Debris</u>	<u>Oxygen Demanding Substances</u>	<u>Oil &amp; Grease</u>	<u>Bacteria &amp; Viruses</u>	<u>Pesticides</u>
<u>Detached Residential Developments</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Attached Residential Developments</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>P<sup>(1)</sup></u>	<u>P<sup>(2)</sup></u>	<u>P</u>	<u>X</u>
<u>Commercial Developments &gt;100,000 ft<sup>2</sup></u>	<u>P<sup>(1)</sup></u>	<u>P<sup>(1)</sup></u>		<u>P<sup>(2)</sup></u>	<u>X</u>	<u>P<sup>(5)</sup></u>	<u>X</u>	<u>P<sup>(3)</sup></u>	<u>P<sup>(5)</sup></u>
<u>Automotive Service Facilities</u>			<u>X</u>	<u>X<sup>(4)(5)</sup></u>	<u>X</u>		<u>X</u>		
<u>Retail Gasoline Outlets</u>			<u>X</u>	<u>X<sup>(4)(5)</sup></u>	<u>X</u>		<u>X</u>		
<u>Restaurants</u>					<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Hillside Developments</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>
<u>Parking Lots</u>	<u>P<sup>(1)</sup></u>	<u>P<sup>(1)</sup></u>	<u>X</u>		<u>X</u>	<u>P<sup>(1)</sup></u>	<u>X</u>		<u>P<sup>(1)</sup></u>
<u>Streets, Highways &amp; Freeways</u>	<u>X</u>	<u>P<sup>(1)</sup></u>	<u>X</u>	<u>X<sup>(4)</sup></u>	<u>X</u>	<u>P<sup>(5)</sup></u>	<u>X</u>		

EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED MODIFICATIONS

X = anticipated P = potential

(1) A potential pollutant if landscaping exists on-site  
 (2) A potential pollutant if the project includes uncovered parking areas  
 (3) A potential pollutant if land use involves food or animal waste products  
 (4) Including petroleum hydrocarbons  
 (5) Including solvents

*Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.*

**Table 17.84C-2: Areas for Site Design and Source Control BMP Implementation by Development**

**Category**

<u>Development Categories</u>	<u>Specific areas for implementation of Site Design and Source Control BMPs include, but are not limited to:</u>													
	<u>Private Roads</u>	<u>Residential Driveways &amp; Guest Parking</u>	<u>Loading/Unloading Dock Areas</u>	<u>Repair/Maintenance Bays</u>	<u>Vehicle Wash Areas</u>	<u>Outdoor Processing Areas</u>	<u>Equipment Wash Areas</u>	<u>Parking Areas</u>	<u>Roadways</u>	<u>Fueling Areas</u>	<u>Hillside Landscaping</u>	<u>Outdoor Material Storage Areas</u>	<u>Trash Storage Areas</u>	<u>Pools and Spas</u>
<u>Detached Residential Developments</u>	<u>R</u>	<u>R</u>									<u>R</u>			<u>R</u>
<u>Attached Residential Developments</u>	<u>R</u>												<u>R</u>	<u>R</u>
<u>Commercial Developments &gt;100,000 ft<sup>2</sup></u>			<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>						<u>R</u>	<u>R</u>	
<u>Automotive Service Facilities</u>			<u>R</u>	<u>R</u>	<u>R</u>		<u>R</u>			<u>R</u>		<u>R</u>	<u>R</u>	
<u>Retail Gasoline Outlets</u>			<u>R</u>	<u>R</u>	<u>R</u>		<u>R</u>			<u>R</u>		<u>R</u>	<u>R</u>	
<u>Restaurants</u>			<u>R</u>				<u>R</u>					<u>R</u>	<u>R</u>	
<u>Hillside Developments</u>	<u>R</u>										<u>R</u>			
<u>Parking Lots</u>								<u>R</u>					<u>R</u>	
<u>Streets, Highways &amp; Freeways</u>									<u>R</u>					

R = Required to minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs.

*Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.*

Table 3. Treatment Control BMP Efficiency for Pollutants of Concern<sup>(1)</sup>

<u>Pollutants of Concern</u>	<i>Efficiency of Treatment Control BMP categories for removal of pollutants of concern include, but are not limited to:</i>						
	<u>Biofilters</u>	<u>Detention Basins</u>	<u>Infiltration Basins<sup>(2)</sup></u>	<u>Wet Ponds or Wetlands</u>	<u>Drainage Inserts</u>	<u>Filtration</u>	<u>Hydrodynamic Separator Systems<sup>(3)</sup></u>
<u>Sediment</u>	<u>M</u>	<u>H</u>	<u>H</u>	<u>H</u>	<u>L</u>	<u>H</u>	<u>M</u>
<u>Nutrients</u>	<u>L</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Heavy Metals</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>H</u>	<u>L</u>	<u>H</u>	<u>L</u>
<u>Organic Compounds</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Trash &amp; Debris</u>	<u>L</u>	<u>H</u>	<u>U</u>	<u>U</u>	<u>M</u>	<u>H</u>	<u>M</u>
<u>Oxygen Demanding Substances</u>	<u>L</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Bacteria</u>	<u>U</u>	<u>U</u>	<u>H</u>	<u>U</u>	<u>L</u>	<u>M</u>	<u>L</u>
<u>Oil &amp; Grease</u>	<u>M</u>	<u>M</u>	<u>U</u>	<u>U</u>	<u>L</u>	<u>H</u>	<u>L</u>
<u>Pesticides</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>L</u>	<u>U</u>	<u>L</u>

L = Low removal efficiency for this pollutant  
M = Medium removal efficiency for this pollutant  
H = High removal efficiency for this pollutant  
U = Unknown removal efficiency for this pollutant

(1) The County is encouraged to periodically assess the performance characteristics of these BMPs to update this table.  
 (2) Includes trenches and permeable pavement  
 (3) Also known as hydrodynamic devices and baffle boxes

Sources: Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993), National Stormwater Best Management Practices Database (2001), and Guide for BMP Selection in Urban Developed Areas (2001).

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

**Chapter 17.84C**

**CALIFORNIA COASTAL ZONE RESOURCE PROTECTION PROCEDURES**  
**BIOLOGICAL RESOURCES**

**Sections:**

- 17.84C.010 Purpose.**
- 17.84C.020 Applicability.**
- 17.84C.030 Coastal development permit application contents.**
- 17.84C.050 Supplementary findings.**
- 17.84C.060 Development standards.**

**17.84C.010 Purpose.**

**This chapter implements applicable provisions of the local coastal program for ensuring the protection of environmentally sensitive resource areas and other biological resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act and the coastal land use plan. (Ord. 20 - § , 20 )**

**17.84C.020 Applicability.**

**The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites that include, are immediately adjacent to, or are within an environmentally sensitive habitat area (ESHA), defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 20 - § , 20 )**

**17.84C.030 Coastal development permit application contents.**

**Applications for development projects requiring the securement of a coastal development permit, either independently or in conjunction with an application for a use permit or variance shall include the following as applicable to the development type or setting:**

**A. Biological resources report. A permit application for development on a site that is subject to this chapter shall include a biological resources report that complies with the following requirements:**

**1. Qualifications of preparer. The report shall be prepared by individuals approved by the city with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the director upon receipt of a resume demonstrating an individual's special capabilities. The director's decision to accept or deny a consulting biologist shall be final.**

**2. Report contents. A biological resources report shall include, but not be limited to:**

**a. A study identifying biological resources existing on the site, and if available, the historical extent of the resources, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a review of functional relationships, their potential for restoration, and present and potential adverse physical and biological impacts on the ecosystem;**

**b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "List 1B" or "List 2" by the California Native Plant Society, that are present or have the potential to occur on the project site;**

- c. Photographs of the site;**
- d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;**
- e. A site map depicting the location of biological resources, both current and historical, consisting of the following elements:**

  - i. Topographic Base Map. The base map shall be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400). Contour intervals shall be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map shall show the following information:**

    - a. Benchmark and survey data used to locate the project, the lines or highest tidal action, mean high tide, or other reference points applicable to the particular project;**
    - b. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands;**
    - b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;**
    - c. Location, elevation, and dimensions of any levees, dikes or flood-control channels;**
    - d. Location, size, dimensions, and invert elevation of any culverts or tide gates; and**
    - e. Existing development (structures, agricultural areas, etc.);**
  - ii. Inundation Map. For intertidal wetlands, an inundation map showing the inland extent of extreme higher high water. For nontidal wetlands, the map shall indicate permanent or seasonal patterns of inundation, including sources, in a year of normal rainfall.**
  - iii. Vegetation Map. Location and names of dominant plant species (e.g., *Salicornia virginica*) and vegetation associations (e.g., saltmarsh).**
  - iv. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics;**
  - f. An analysis of the potential impacts of the proposed development on the identified habitat or species;**
  - g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;**
  - h. Project alternatives, including project modifications and off-site options designed to avoid and minimize impacts to identified habitat or species;**

i. A buffer adequacy analysis consistent with the requirements of section 17.84C.060.B, sub-section 1 through 7, where an ESHA buffer of less than 100 feet (100') is proposed.

j. An evaluation of the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Proposed mitigation measures shall meet the following standards:

i. They are specific, implementable, and, wherever feasible, quantifiable;

ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;

iii. They are incorporated into a mitigation monitoring program; and

iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

k. An analysis of potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.

l. Recommendations for conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.

In addition to compliance with this section, all development within or adjacent to coastal wetland ESHA, shall comply with sections 17.84C.030.B, D and E, as applicable. All development within or adjacent to rivers and streams coastal wetlands and/or riparian vegetation ESHA, shall comply with section 17.84C.030.C. B. Wetland delineation report for wetland ESHA. Where the biological study required by Section 17.84C.030.A above indicates the presence or potential for wetland species or indicators, the applicant shall additionally submit a delineation of all wetland areas on the project site.

Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulations. A preponderance of hydric soils, a preponderance of wetland indicator species, or the persistent presence of surface or near-surface (rooting zone) hydrology, shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of



vegetation polygons and wetland polygons identified by the biologist doing the delineation.

C. Stream channel analysis. In addition to the biological report required by Section 17.84C.060.A, each permit application for a project that is situated in or within one-hundred feet (100') of rivers and streams coastal wetlands and/or riparian vegetation ESHAs shall include a site-specific stream channel analysis prepared by a hydrologist, civil engineer, or other qualified professional approved by the City to identify the precise boundary/top of bank of the subject watercourse. The director may waive this requirement if it is determined that the project, because of its size, location, or design will have no impact on the watercourse, or that sufficient information already exists and further analysis is not necessary. A required stream channel analysis shall include all hydro-geomorphic information and materials required by the department. The "top of bank" shall mean the upper elevation of land, having a slope not exceeding ten percent (10%), which confines the channel waters flowing in the watercourse in their normal winter flow.

D. Sediment dredging. For projects involving the dredging and disposal of sediment materials, each permit applications shall include a dredged materials management plan consisting of the following items:

1. The purpose of the dredging;
2. The existing and proposed depths;
3. The volume (cubic yards) and area (acres or square feet) to be dredged;
4. Location of the dredging site(s) (e.g., estuaries, open coastal waters or streams);
5. The location of proposed spoils disposal;
6. A textural grain size analysis of the spoils; and
7. A chemical assay of the dredge spoils for the presence of contaminants.

E. Filling and/or diking projects. For projects involving the placement of fill or the construction of diking, each permit applications shall provide the following information:

1. The type of fill or diking material to be used, including pilings or other structures;
2. The proposed location for the placement of the fill or diking;
3. The quantity or volume of materials to be placed and the surface area to be covered;
4. A description of any proposed use of the fill or diked areas; and
5. If the project is adjacent to a wetland or wetland buffer and may cause mud waves, a report shall be prepared by a qualified geotechnical engineer which explains ways to prevent or mitigate the problem;

F. Wetland management plan. Proposed wetland restoration and/or enhancement projects, either as mitigation for an accompanying development project or to be undertaken independently of a development project, shall include a wetlands management plan prepared by a qualified wetlands expert. The wetlands

management plan shall include all of the following, and any additional information deemed necessary by the review authority:

1. Goals and objectives. These shall include a description of the functional relationship of the existing and proposed wetland areas, such as habitat area, type, topography and soil characteristics, water flow patterns and water levels, and upland buffers. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.
2. Site plans. Site plans of the restoration or mitigation area shall identify the location and size of wetland areas to be preserved, restored, or created, and shall include the following:
  - a. Grading plan. Topography at one-foot intervals, along with any grading, excavation and/or fill plan. Submit footprints of all improvements indicating heights of all structures as well as access routes for maintenance and monitoring and all uses/structures within 200 feet of the property.
  - b. Drainage plan. Water flow and drainage patterns along with any estimated volume exchange rates.
  - c. Planting plan. The location of flora and fauna habitat areas and types, and any planting plans.
3. Proposed techniques and standards. The application shall include, as applicable, the following wetland preservation, restoration, and creation techniques and standards, indicating processes, practices and criteria used in identifying the wetlands and the adjoining upland buffers:
  - a. Watershed area and hydrology, water sources, water depths, water-control structures, water-quality watershed area and hydrology parameters, including treatment of urban runoff and water-level maintenance practices needed to achieve the necessary ambient water conditions and characteristics along with a stormwater management plan which identifies potential pollutants and ensures that runoff is substantially free of debris, pollutants and silt. Stormwater runoff management systems may include treatment swales, retention ponds, and other natural treatment systems. Treatment wetlands shall not be considered as habitat mitigation, but may address water quality functions of the impacted wetlands;
  - b. Planting plans which identify target wildlife species and specify native plant species obtained from local source genetic stocks whenever available, quantities, locations, size, space, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and, plant protection measures;
  - c. Site preparation grading elevations and specifications for, if needed, soil amendments, removal of unsuitable fill, and weed control;

- d. Measures for minimizing impacts to the wetland during grading and construction, and for minimizing disturbances to wildlife habitat;
- e. Vector management, demonstrating ecological vector control; and
- f. Identification of disposal area for any excavated or dredged material;
- 4. Implementation and monitoring plan. The wetland management plan shall include an implementation and monitoring plan, which shall provide:
  - a. Specific criteria and identification of process and responsibility for evaluating whether or not the goals of the Wetland Management Plan are being achieved at various stages in the development. Specifications for irrigation as needed, removal of exotic and nuisance vegetation, and maintenance;
  - b. Responsibility schedule and reporting requirements for monitoring the hydrology, vegetation, and wildlife of the wetland with a specified monitoring time frame (five years minimum for brackish or tidal marshes, and 10 years for freshwater and seasonal wetlands);
  - c. Procedures for the correction of deficiencies or problems in the Plan discovered after implementation, such as any needed plant substitutions, or modifications to site hydrology;
  - d. Identification of methods to ensure that the wetland will be protected in perpetuity; and
  - e. A schedule for grading, planting, and long-term maintenance.
- 5. Cost estimate. A cost estimate for implementing, monitoring, and maintaining the wetland. Performance security may be required to ensure proper installation, monitoring, and maintenance of the wetland.
- 6. Management plan. A management plan that addresses the long term fiscal, administrative, and technical requirements to successfully execute and maintain the wetland restoration and enhancement project. The plan shall identify the project funding source and assign responsibilities for the long-term maintenance of the wetland, and the management of the necessary ongoing activities.
- F. Mitigation monitoring program. When filling, dredging, and/or diking wetlands for a permissible use cannot be avoided and there is a potential loss of existing wetland habitat or value, or the development project entails restoration and enhancement activities, a mitigation monitoring program must be submitted with the coastal development permit application that, when implemented, will result in the replacement of all lost wetland functions and habitat, where feasible. A mitigation monitoring plan can take several forms, although restoration is the most common form submitted to the City. The City shall administer the mitigation monitoring program; preparation and administration of the plan shall be paid for by the project applicant. A bond or other method acceptable to the City shall be established to guarantee successful completion of the mitigation project. The mitigation monitoring program shall, at a minimum:
  - 1. Establish clearly stated goals and objectives that provide for the establishment of functions and values at least equal to those occurring

at the impact site. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.

2. Provide adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area. For a restoration plan to be deemed acceptable, it must include evidence or other conclusive information that:
  - a. The site can be purchased prior to commencement of the development project and dedicated to a public agency or otherwise permanently restricted in use to "open space;"
  - b. The site is located in an area no longer functioning in a manner beneficial to wetland species, such as a formerly productive wetland or estuary that is now biologically unproductive dry land;
  - c. The site can be restored to "equal or greater biological productivity" (Coastal Act Section 30607.1) than the area lost, with the same type and variety of plant and animal species. That is, the mitigation wetland would replace the functions and values existing at the impacted wetland; and
  - d. The site is located in the same region e.g., preferably within the same water body or watershed as the wetland impacted through development;
3. Provide documentation that the project will continue to function as a viable restored wetland site over the long-term.
4. Provide sufficient technical detail on the restoration design. This should include, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the restoration base map, and maintenance techniques.
5. Require independent monitoring of the site at least five years after completion of the mitigation project. The intent is to continue monitoring until the project has successfully met the stated goals and objectives, therefore the monitoring plan should specifically monitor the measurable success features of the project and adaptive management, approved by the City, should be employed in the event that success features are not achieved. A brief report with photographic evidence of the site should be submitted to the department on an annual basis. For larger projects where new wetlands are created, extended monitoring will be required.
6. Require annual survey for plants and animals of special concern throughout the various habitats of the mitigation area. The surveys should permit a determination of species composition and abundance for species of special concern and indicator species for each major ecological strata. The presence/absence of terrestrial and aquatic

- organisms (especially aquatic insects) that are not species of special concern should be identified, as appropriate. Timing of the surveys should be considered, since the abundance of many plant and animal species often varies with season. Surveys sufficient to characterize the mitigation site should also be completed prior to any enhancement or restoration activities.
7. Monitor hydrology. For tidal wetlands include mapping, photographing, and/or measuring areas and associated depths of the areas inundated at high and low tide, tidal prism, and water velocity. For non-tidal wetlands, include mapping, photographing, and/or measuring areas and associated depths of the areas of permanent and seasonal saturation, inundation, and flowing waters.
  8. Monitor water quality. Carry out repetitive sampling, as appropriate, of various chemical and physical constituents such as salinity, pH, nutrient concentration, dissolved oxygen, temperature, and turbidity throughout the year. The sampling pattern may vary throughout the year and may include more intensive sampling over several tidal cycles to determine short-term salinity patterns;
  9. Monitor for evidence of tidal wetland inundation to determine if the depth or area of the tideland area changes in response to tidal influx/retreat;
  10. Utilize adaptive management for the ongoing identification and correction of problems as they arise. With City approval, the project proponent, qualified biologist or other monitor should adopt an adaptive management corrective approach to problems that arise as conditions warrant; and
  11. Provide timely analysis and production of annual reports. These reports will be distributed to the City, the California Coastal Commission and other interested parties. The final monitoring report, submitted upon completion of the monitoring program, should analyze all monitoring data and present different management options. (Ord. 20 - § , 20 )

17.84C.050 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by these coastal zone zoning regulations, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or adjacent to ESHA:

A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 17.84C.060, as applicable.

B. Development within non-wetland ESHA. The development or use is:

1. Dependent on the resources within and/or supported by the ESHA;  
and

2. The environmentally sensitive habitat shall be protected against any significant disruption of habitat values.

C. Development within coastal wetland ESHA other than rivers and streams.

1. The development or use is:

a. For one or more of the following permissible uses:

i. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

ii. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

iii. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

iv. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

v. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

vi. Restoration purposes.

vii. Nature study, aquaculture, or similar resource dependent activities;

b. No feasible less environmentally damaging alternative exists;

c. Feasible mitigation measures have been provided to minimize adverse environmental effects; and

d. The functional capacity of the wetland is maintained or enhanced.

D. Development within rivers and streams coastal wetland ESHA.

1. The development or use:

a. Is for one or more of the following permissible uses:

i. Necessary water supply projects.

ii. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.

iii. Developments where the primary function is the improvement of fish and wildlife habitat.

b. Incorporates the best mitigation measures feasible.

E. Development adjacent to ESHA. The development or use is:

1. Sited and designed to prevent impacts which would significantly degrade those adjacent environmentally sensitive areas and buffers; and

2. Shall be compatible with the continuance of those habitat areas and buffers. (Ord. 20 - § , 20 )

17.84C.060 Development standards.

**A. Siting and design. The development or use shall be sited and designed consistent with the mitigation measures and recommendations of the approved biological resources report.**

**B. Buffer areas. New development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of one-hundred feet (100'), unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and the City, that one-hundred feet (100') is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The following criteria shall be utilized to review the adequacy of reduced-width buffer areas:**

- 1. Biological significance of adjacent lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.**
- 2. Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or others with similar expertise:**
  - a. Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;**
  - b. An assessment of the short-term and long-term adaptability of various species to human disturbance; and**
  - c. An assessment of the impact and activity levels of the proposed development on the resource.**
- 3. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage,**

runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.

4. Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
5. Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.
6. Lot configuration and location of existing development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.
7. Type and scale of development proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

Required buffer areas as determined by an approved biological report prepared pursuant to section 17.84C.030A, or as authorized to be reduced to less than 100 feet in width, shall be measured from the following points as applicable:

- The low-tide extent periphery of off-shore rocks and intertidal ESHA.
- The mean high tide line for intertidal zone ESHA.
- The perimeter of the sand dune/permanently established terrestrial vegetation interface for sand dune ESHA.
- The upland edge of a wetland for a wetland ESHA.
- The outer edge of the canopy of streamside vegetation for riparian vegetation ESHA, or from the top of stream bank where no riparian vegetation exists.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA.

C. Compensatory mitigation. Where any dike and/or fill development is permitted in conformity with these coastal zone zoning regulations, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity; provided however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface area (including any litigation and/or restoration costs) shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation



measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration of the project site will be accomplished in the shortest feasible time.

D. Where dredging is permitted in conformity with these coastal zone zoning regulations, mitigation measures must at least include the planning and implementation of dredging and spoils disposal which avoids significant disruption of wetlands habitat and/or water circulation, consideration of limitations upon timing of the operation, type of operation, quality of dredge material removed and location of the spoil site, and, where feasible, the transportation of dredge spoils suitable of beach replenishment to appropriate beaches or into suitable longshore current systems.

E. Where diking, filling, or dredging are permitted in conformity with these coastal zone zoning regulations, the development must maintain or enhance the functional capacity of the existing sensitive habitat area. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:

1. That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;
2. That the project does not harm or destroy a species or habitat that is rare or endangered;
3. That the project does not eliminate a species or habitat that is essential to the natural biological functioning of the wetland or estuary;
4. That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

F. Where development is permitted within a stream or river the following requirements must be met:

1. All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects. Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. A development which does not significantly disrupt the habitat value of a particular river or stream is one which maintains or enhances the functional capacity of that river or stream. Roads and bridges necessary to cross streams and rivers may be permitted if there is no feasible less environmentally damaging alternative and if feasible mitigation measures have been provided to minimize adverse environmental effects.
2. Flood-control projects shall be subject to both of the following conditions:

a. The project must be necessary for public safety or to protect existing development;

b. There must be no other feasible method for protecting existing development in the floodplain.

3. Boating facilities constructed in streams are subject to the same requirements as boating facilities constructed elsewhere.

G. ESHA restoration and enhancement. All ESHA restoration and enhancement work, whether required as mitigation to offset impacts of development or proposed independent of a development project, shall be conducted in conformance with the approved mitigation management plan and monitoring program.

H. Vegetation removal. Existing native vegetation shall not be removed within an ESHA unless authorized through coastal permit approval to accommodate approved construction. Vegetation removal limited to tree branch lopping, shrub pruning, and the mowing of grasses and forbs within thirty feet (30') to reduce fire and other hazards may be approved by the director without a coastal development permit. After construction, unpaved areas shall be replanted to provide for the reestablishment of a one-hundred percent (100%) vegetation cover within two (2) years. At five years, the site should support the same habitat as that removed. Plant species that would provide bank stability and habitat enhancement should be used where applicable. Remedial actions (e.g., planting of native species and removal of invasive horticultural species) should be implemented as necessary to ensure that the site will consist of at least seventy-five percent (75%) native species at the end of five (5) years.

I. Landscaping. A landscaping plan shall be submitted to the City for approval prior to construction for any site where development will disturb existing or potential native plant habitat. The plan shall provide for vegetation restoration in compliance with subsection A above. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development. Invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) pose a threat to indigenous plant communities. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a "noxious weed" by the governments of the State of California or the United States shall be approved as part of any proposed landscaping.

J. Fencing. Fencing within or adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the visual and biological character of the habitat.

K. Resource protection during construction. Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or endangered plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or

for the storage of machinery or materials. Inspections for compliance shall occur during construction.

L. Herbicide use. The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the City, and shall be accomplished in a manner that will fully protect adjacent native vegetation and coastal water quality.

M. Rodenticide use. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used. (Ord. 20 - § , 20 ).

### Chapter 17.84D

## CALIFORNIA COASTAL ZONE RESOURCE PROTECTION PROCEDURES PROTECTION OF SOIL RESOURCES

### Sections:

17.84D.010 Purpose.

17.84D.020 Applicability.

17.84D.030 Coastal development permit application contents.

17.84D.040 Supplementary findings.

17.84D.050 Development standards.

### 17.84D.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of soil resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20 )

### 17.84D.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development as follows:

A. Soil Resources. The policies and standards of sub-sections 17.84D.030.A, 17.84D.040.A, and 17.84D.050.A, relating to the protection and conservation of soil resources, shall apply to all developments and uses which involve grading, excavation, filling, or other significant ground disturbances. (Ord. 20 - § , 20 )

### 17.84D.030 Coastal development permit application contents.

A. Grading. Permit applications shall be filed with the department on a city-approved application form, together with all fees, plans, maps, reports, and other information prepared as required by the coastal grading permit application preparation and contents instruction list provided by the department. The plans

and reports submitted with the application shall include, but not be limited to, the following, where required by the county engineer.

1. A grading plan;
2. A drainage plan with hydrology and hydraulic calculations;
3. A geotechnical investigation prepared pursuant to section 17.84G.030, where the potential for seismically induced soil liquefaction and soil instability is present. When the following conditions are discovered during the course of an investigation, the geotechnical report shall address the potential for liquefaction:
  - a. Shallow groundwater, 50 feet or less; and
  - b. Unconsolidated sandy alluvium. The report shall identify measures to mitigate the liquefaction and soil instability hazards associated with the proposed development;
4. A runoff mitigation plan (see section 17.84B.030 (pre- and post-construction stormwater runoff plan requirements));
5. Any special reports (e.g., compaction, geotechnical, soils, etc.) required by the city engineer.

The preparation of grading permit applications shall also comply with the provisions of Title 15 (Buildings and Construction) of the municipal code. (Ord. 20 - § , 20 )

#### 17.84D.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses involving the disturbance of soil resources:

A. General. All development conforms to the development standards set forth in Section 17.84D.050. (Ord. 20 - § , 20 )

#### 17.84D.050 Development standards.

Development of all structural improvements and uses involving the disturbance of soils shall be subject to the following standards:

- a. The siting and design of all buildings shall limit grading, excavations, and filling to that minimally necessary to feasibly construct the improvements.
- b. The siting and design of roads and driveways shall be the minimum width and length necessary to avoid unnecessary cut and fill, particularly by conforming to natural landforms.
- c. Unless deemed unsuitable by a licensed landscape architect or civil engineer, "O" and "A" horizon topsoil materials shall be scraped, appropriately stockpiled, and reused in site landscaping. (Ord. 20 - § , 20 )

**CALIFORNIA COASTAL ZONE RESOURCE PROTECTION PROCEDURES**  
**VISUAL RESOURCES**

**Sections:**

<b><u>17.84F.010</u></b>	<b><u>Purpose.</u></b>
<b><u>17.84F.020</u></b>	<b><u>Applicability.</u></b>
<b><u>17.84F.030</u></b>	<b><u>Coastal development permit application contents.</u></b>
<b><u>17.84F.040</u></b>	<b><u>Supplementary findings.</u></b>
<b><u>17.84F.050</u></b>	<b><u>Development standards.</u></b>

**17.84F.010 Purpose.**

**This chapter implements applicable provisions of the local coastal program for ensuring the protection of coastal visual resource areas by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20 )**

**17.84F.020 Applicability.**

**The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites visible from publicly accessible vantages, including but not limited to streets and highways, trails, or parklands, for which views to and along the ocean and scenic coastal areas may potentially be impacted. (Ord. 20 - § , 20 )**

**17.84F.030 Coastal development permit application contents.**

**A. Visual resources impact analysis. A permit application for development on a site that is subject to this chapter shall include a visual resources impact analysis that complies with the following requirements:**

**1. Report contents. A visual resources impact analysis shall include, but not be limited to:**

**a. A narrative describing the coastal scenic resources visible through the project site from publicly-accessible vantage points, including expanses of open ocean, bay, harbor, river or other waterbody vistas, beach and shoreline areas, off-shore rocks and islands, and noteworthy terrestrial landforms and vegetated areas;**

**b. An survey of the heights, bulks, and architectural styles of structural improvements in surrounding areas. The study area should be adequately sized to fully characterize the project locality;**

**c. Photographs of the site;**

**d. Drawn-to-scale plan view and elevational cross-sectional site plans, illustrating the location and dimensions of structural improvements, quantification of any associated grading and excavation work, and the location and type of proposed landscaping;**

e. A schedule of exterior building materials, describing the types and colors of siding, cladding, roofing, window, and lighting elements; and

f. An evaluation of potential impacts to coastal scenic views and visual resources, including:

i. The degree to which existing views to and along the coast from public-accessible vantages, both across the project site and from other public areas such as parklands, beaches, and seaward areas, will be obstructed and/or altered by the new development or use;

ii. An assessment of the relative compatibility of the proposed project structural improvements with similar development in the surrounding area, comparing and contrasting, building heights, square-footages, floor-area, lot coverage, and, where discernable, architectural design continuity;

B. Story poles. At the discretion of the director, as determined to be necessary for assessing the proposed development's visual resource ramifications, the applicant may be required to erect story poles as part of the permit review process. (Ord. 20 - § , 20 )

17.84F.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development situated within publicly-accessible coastal viewsheds:

A. The development or use has been designed and sited to:

1. Protect views to and along the ocean and scenic coastal areas;
2. Minimize landform alteration;
3. Be visually compatible with the character of surrounding areas; and
4. Restore and enhance visual quality in visually degraded areas, where feasible.

B. Development within designated highly scenic areas:

In addition to the supplementary findings set forth in sub-section A, development or use situated within a highly scenic area, as identified within the coastal land use plan, shall:

1. Be subordinate to the character of the setting. (Ord. 20 - § , 20 )

17.84F.050 Development standards.

The following development standards shall be applied in the approval of new development on sites between the first public road and the sea where the building site would be visible from publicly-accessible vantages:

A. Exterior building materials. Use of the following exterior building materials shall be prohibited:

- Mirrored or reflective-coated glazing
- Intense, brightly-hued roofing or siding materials

B. Exterior lighting. Exterior lighting shall be limited to low-wattage illumination necessary to provide for safe nighttime transit and/or visual site security. Lighting

shall employ siting and design features, such as cut-off shielding, recessed fixtures, and low-rise stanchions, and be downcast to minimize glare and prevent light from being directed off of the project property.

C. Landscaping. The installation of landscaping shall be appropriately limited by species and location to assure that, at maturity, the installed vegetation will not significantly obstruct pre-project coastal views across the project property. (Ord. 20 - § , 20 ).

### Chapter 17.84G

## CALIFORNIA COASTAL ZONE RESOURCE PROTECTION PROCEDURES NATURAL AND MAN-MADE HAZARDS AVOIDANCE

### Sections:

17.84G.010 Purpose.

17.84G.020 Applicability.

17.84G.030 Coastal development permit application contents.

17.84G.040 Supplementary findings.

17.84G.050 Development standards.

### 17.84G.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the avoidance and minimization of risks associated exposure to natural and man-made hazards, including geologic, flooding, wildfire, and toxic materials, by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20 )

### 17.84G.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites that contain or are within proximity to hazardous areas, could be exposed to natural and man-made hazards, or whose construction or presence may: (a) expose persons and property to geologic, flooding, and wildfire hazards; (b) create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs; and/or (c) potentially result in spillage of crude oil, gas, petroleum products, or hazardous substances, or exposure thereto. Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the city's coastal land use plan, coastal zone zoning regulations, or other city-adopted plan, resolution or ordinance not included in the certified local coastal plan or its implementing provisions, and it is not possible for the development to comply with both the City of Crescent City LCP and other plan,

resolution or ordinance, the policies, standards or provisions contained herein shall take precedence. (Ord. 20 - § , 20 )

17.84G.030 Coastal development permit application contents.

- A. 1. Geologic Hazards. All proposed new development located in or near an area subject to geologic hazards shall be required to submit a geologic/soils/geotechnical study report prepared by a Certified Engineering Geologist, Geotechnical Engineer, or registered engineer qualified in hydrology and soil mechanics, as appropriate for the intended structural improvements, that identifies any geologic hazards affecting the proposed development site and any necessary mitigation measures. The geologic/soils/geotechnical report shall include a statement by the consulting professionals that the project site is suitable for the proposed development, that the development will be safe from geologic hazard, and that the development will in no way contribute to instability on or off the subject site. Such reports shall be subject to the review and approval of the department staff, and may include peer-review by a similarly-licensed professional.
2. Geology report. Applications for blufftop and shoreline development located in or near an area subject to geologic hazards, including but not limited to, areas of geologic hazard shown on the “National Seismic Hazards Maps” and/or the “Geology and Geomorphic Features Related to Landsliding” and “the North Coast Watersheds Mapping” series prepared for Del Norte County by the U.S. Geological Survey and California Geological Survey, respectively, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard.
3. Preparation and contents of geology report. A required geology report shall be prepared one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions, and shall be submitted with the planning permit application for the proposed development. The report shall consider, describe, and analyze the following:
- a. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
- b. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport;



c. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults;

d. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

e. Impact of construction activity on the stability of the site and adjacent area;

f. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like);

g. Potential erodibility of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

h. Effects of marine erosion on the coastal bluffs;

i. Potential effects of seismic forces resulting from a maximum credible earthquake;

j. Any other factors that might affect slope or bluff stability;

k. Whether the proposed project will be subject to or contribute to significant geologic instability throughout the 100-year life span of the project;

l. Effects of future sea level rise on the development;

m. Slope stability and bluff erosion rate determination performed as outlined in Sections B.2 and B.3 below; and

n. An alternatives analysis of, and mitigation measures for, all potential impacts.

In addition to all applicable information required by subsection 3a- 3n above, all applications for new shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering. These reports shall address and analyze the effects of said development in relation to the following:

o. The profile of the beach;

p. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;

q. The availability of public access to the beach;

r. The area of the project site subject to design wave run-up, based on design conditions;

s. Foundation design requirements;

t. The long-term effects of proposed development on sand supply;

u. The Federal Emergency Management Agency Flood Insurance Rate Map (FEMA-FIRM) Base Flood Elevation and other mapped areas (A,B, or V zones);

v. Future projections in sea level rise; and

w. Project alternatives designed to avoid or minimize impacts to public access.

B. Blufftop and shoreline development hazards. A coastal development permit application for development with 300 feet of a bluff line or edge as defined shall include the following supplemental information and analyses:

1. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers of dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers.

2. Slope stability analysis. For the purpose of this section, quantitative slope stability analyses shall be undertaken as follows:

a. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.

b. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined.

c. The effects of earthquakes on slope stability (seismic stability) shall be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of at least 0.15g, and shall be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California."

d. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength parameters shall be supported by direct shear tests, triaxial shear test, or literature references.

e. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.

f. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for each orientation shall be supported by

reference to pertinent direct shear tests, triaxial shear test, or literature.

g. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices.

h. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references.

i. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California." when selecting shear strength parameters.

3. Bluff retreat rate. For the purpose of this chapter, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, and 1997-1998. The expected bluff retreat rate over the expected life of the development shall be based in part on the historic bluff retreat rate, but shall also include consideration of the effects of continued historic rates of sea level rise, potential accelerated sea level rise, increase in significant wave

heights, and increase in storm intensity and frequency, as is expected under most scenarios of the Intergovernmental Panel on Climate Change or as anticipated in studies prepared for California coastal areas pursuant to Executive Order S-13-08.

4. Erosion control plan. Erosion control plan. All coastal development permit applications for development on blufftop and shoreline parcels shall include a site specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not create nor contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible. The plan shall identify drainage and erosion control features to ensure that surficial erosion or ground saturation will not that incorporate structural and non-structural stormwater runoff and water quality best management practices (BMPs) to control the volume, velocity, flow direction, and pollutant load of stormwater runoff from new development, including construction, grading, and landscaping, and bioswale treatment and/or other facilities designed to accommodate the 85<sup>th</sup> percentile one-hour rainfall event for volumetric-based systems and the 85<sup>th</sup> percentile 24-hour precipitation event for flow-based facilities.

C. New Beachfront Development and Shoreline Structures. In addition to all applicable information required by sub-sections A and B above, all applications for new beachfront development or shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a registered civil engineer with expertise in coastal processes. These reports shall address and analyze the effects of said development in relation to the following:

1. The profile of the beach;
2. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
3. The FEMA Base Flood Elevation and other mapped areas (A,B, or V zones);
4. Future projections in sea level rise;
5. The area of the project site subject to design wave run-up (normally the 100-year wave event), based on design beach and water level conditions (normally taken to be an eroded, winter profile beach, high tide and the future erosion and sea level rise conditions appropriate for the project life;
6. Foundation design requirements;
7. The long-term effects of proposed development on sand supply; and
8. Project alternatives designed to avoid or minimize impacts to beach and public access.

D. Sea Level Rise Analysis. Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall

take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable.

E. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers-of-dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers. The application shall also identify all available beach access within one-half miles upcoast or downcoast of the proposed development site.

F. Floodplain development. A coastal development permit application for development within an identified floodplain in the coastal zone, including but not limited to those areas shown on FEMA-FIRM community panel series 0615C 0214E, 0615C 0218E, 06015C 0327E, and 0615C 0331E, shall include the following supplemental information and analyses:

1. Site plans and elevations depicting the height of the base flood elevation relative to the floor height of the structures; and
2. Copies of any flood elevation certificates, flood-proofing certificates, or other as-built verifications of floodplain management conformance prepared for the structures.

G. Tsunami runup and inundation. A coastal development permit application for development within an identified tsunami runup and/or inundation area, including but not limited to those areas depicted on the latest government-prepared tsunami hazard maps, shall include the following supplemental information and analyses:

1. A analysis of the vulnerability of any proposed structural improvements to instability or damage associated with tsunami inundation up to and including wave heights resulting from a near-source maximum credible Cascadia subduction zone seismic event. The analysis shall take into consideration local uplift or subsidence, and a three- to six-foot rise in sea level over one hundred years, a minimum of 4.5 feet of sea level rise over 100 years for critical facilities, and greater sea level rise rates if development is expected to have a long economic life, the proposed development has few options for

adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level. The analysis shall address potential damage and instability from incoming and out-flow waters, including wave strike and foundation scour. The analysis shall identify design and siting mitigation measures to feasibly reduce potential exposure of persons and property to flooding and instability risks;

2. A tsunami safety plan containing information as to the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experiencing seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation.

H. Wildfire hazards. A coastal development permit application for development within an identified wildfire hazard areas, including but not limited to those areas depicted on the latest adopted fire hazard severity maps, shall include the following supplemental information and analyses:

1. A fire safe compliance plan, illustrating how the development would conform to the state and local agency emergency vehicle access, street signage, fuel modification, defensible space, fire-fighting water supply, and building code standards applicable to the class of development.

I. Hazardous materials. A coastal development permit application for commercial and/or industrial development proposing the use, storage, or transportation of hazardous materials subject to state and federal regulation, shall include the following supplemental information and analyses:

1. An accidental spill/release response and cleanup plan, detailing training and logistics for prompt response to, containment of, and clean up of, any accidentally released or spilled hazardous materials. The plan will include an inventory of spill/release containment and clean-up materials and equipment to be stockpiled at the project site, responsible parties for initiating a response activity and provisions for notification of responsible agencies, as appropriate, including but not limited to the county department of public health, county sheriff's office, police and fire departments, and state and federal oil spill responders. (Ord. 20 - § , 20 )

17.84G.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or in proximity to hazardous areas:

A. General. The development meets all development standards of section 17.84G.050.

B. Development or uses in to geologic, flooding, and wildfire hazard areas. The development or use has been designed and sited to:

1. Minimize risks to life and property;

2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

C. Commercial or industrial development involving the use, storage, or transport of hazardous materials. The development or use has been designed and sited such that protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided and that effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. (Ord. 20 - § , 20 )

17.84G.050 Development standards.

Development in areas subject to natural or man-made hazards shall only be authorized subject to the following conditions:

A. Geologic hazard areas.

1. All recommendations of the consulting Certified Engineering Geologist, Geotechnical Engineer, and registered engineer(s) and/or the department staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans must be reviewed and approved for compliance with geologic recommendations by the consulting registered engineer(s) and the department staff; and
2. Final plans approved by the consulting professionals and the department staff shall be in substantial conformance with the plans approved by the final City decision making body relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the City which may be required by the project consultants or department staff shall require an amendment to the permit or a new coastal development permit.

B. Blufftop and shoreline sites.

1. The development is sited such that it will remain safe from coastal erosion and slope instability for the full span of its economic life (usually 100 years);
2. The erosion control plan is implemented as part of the approved development;
3. Provisions are included in the authorization should slope instability and/or bluff retreat occur at locations or rates other than anticipated, the permittee is required to seek a permit amendment for relocation of the structure or to authorize other stabilizing actions once the blufftop edge or area of instability encroach within ten feet of the structure; and
4. Rights to future construction of a sea wall, cliff retaining wall, or other protective devices that would substantially alter natural

landforms along bluffs and cliffs are waived by recorded deed restriction.

C. Floodplains and other flood-prone sites.

1. The development has been conditioned to meet all requirements of the flood damage prevention chapter 21.45; and
2. Maintenance projects involving the removal of materials from erosion control and flood control facilities constructed on watercourses are required, where feasible, to be placed at appropriate points on the shoreline such that the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters are not impeded, and the continued delivery of these sediments to the littoral zone is facilitated. Such placement shall be done in accordance with feasible mitigation measures to minimize adverse environmental effects, taking into consideration physical and chemical properties of the removed materials, the method of placement, time of year of placement, and sensitivity of the placement area and receiving waters.

D. New permanent residential development created through land divisions located within mapped or modeled tsunami hazard areas.

1. Have floor elevations one-foot above the height of tsunami runup originating from the maximum credible near-source seismic event on the Cascadia Subduction Zone, as depicted on the latest government-prepared tsunami hazard maps or local modeling, taking into consideration local uplift and subsidence, and a three-foot rise in sea level over a 100 year period; and
2. The building has been designed to withstand the hydrodynamic, hydrostatic, and buoyancy forces associated with wave strike and back-flow, including the effects on foundation scour, without experiencing catastrophic

E. Wildfire hazards.

1. The development or use has been conditioned to be constructed or operated consistent with applicable fire safe standards for the local- or state-responsibility area in which it is located, provided that that all feasible protective measures are included such that impacts to coastal resources are minimized. Examples of these measures include, but are not limited to, siting and designing the development or use so that fuel modification clearing and access improvements in and in proximity to environmentally sensitive habitat areas and geologically unstable areas are minimized.

F. Hazardous materials.

1. The development or use has been conditioned to be constructed and/or operated consistent with an approved spill prevention, response, and clean-up plan. (Ord. 20 - § , 20 ).



**Chapter 17.85**

**VARIANCES**

**Sections:**

- 17.85.010 Purpose.**
- 17.85.020 Application—Notice and hearing.**
- 17.85.030 Appeal.**
- 17.85.040 Council action—Granting or denial.**
- 17.85.050 Copies of resolution for applicant and commission.**

**17.85.010 Purpose.**

The sole purpose of any variance shall be to prevent discrimination or undue hardship when special circumstances exist which deprives such property of privileges enjoyed by other property in the same zoning classification and vicinity because of literal interpretation and enforcement of the provisions of this title. The planning commission shall have the authority, as an administrative act, subject to the provision of this section to grant a variance with respect to fences, walls, hedges, screening, landscaping, side yards, front or rear yards, site area, floor area, height of structures or distance between structures. Such variances from the provisions of this code shall be in harmony with its general purpose and intent so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done. No variance shall be granted which would have the effect of granting a special privilege not shared by any other property in the same vicinity and zoning classification. No variance may be granted by the planning commission or the city council on appeal, all of the following shall be found:

- A. That there are exceptional and extraordinary circumstances applicable to the property involved. The variance shall be limited to that necessary to correct the discrimination or undue hardship;
- B. That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;
- C. That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located;
- E. The granting of such variances in the coastal zone is consistent with and implements the certified LCP, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources, and the variance implements the purposes of the zone adopted in implementing the LCP;
- F. That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above;
- G. That the planning commission in reviewing such requests and hearing the evidence finds that conditions of subsections (A) through (F) of this section have been met.

Variances shall be granted solely for deviations from the physical development standards of the development site's zoning district (i.e., building height, minimum lot area except for land divisions and lot line adjustments, front, side and rear yard areas, special yards and distances between buildings). Variances shall not be granted for deviation from the requirements for buffer around environmentally sensitive habitat area or for development setbacks from geologically unstable areas, or from any other provisions relating to the protection of coastal resources. Nothing in this chapter substitutes for or obviates the need to secure a coastal development permit pursuant to chapter 17.84, (Ord. \_\_\_\_\_ (part), 20\_\_ ; Ord. 611 Ex. A (part), 1987).

**17.85.020 Application—Notice and hearing.**

Upon filing of a written application for a variance by a property owner or by a lessee with the consent of the owner, the planning commission shall give seven days notice to the residents and owners of all properties which are immediately adjacent and opposite from the property in question. Such notice shall give intent to consider at a public hearing the granting of the variance. Upon filing of an application for variance the planning director shall give notice by mail of the time, place and purpose thereof to the applicant as well as to the public in general. Within twenty days following the termination of the public hearing on a variance the planning commission shall announce its findings by formal report, and such report shall recite among other things the facts and reasons which, in its opinion, made the granting or denial of the variance necessary to carry out the provisions and general purpose of these regulations, and shall order that the variance be granted or denied, and if such report orders that the variance be granted it shall also recite such conditions and limitations as it may impose. The formal report of the planning commission announcing its findings and orders after a hearing on and application for variance shall become a permanent record in the files of the planning commission. No later than ten days following the rendering of a decision ordering that a variance be granted or denied a copy of the report shall be mailed to the applicant, any other person requesting such report, and to the California Coastal Commission. (Ord. 611 Ex. A (part), 1987).

**17.85.030 Appeal.**

The order of the planning commission in granting or denying a variance shall become final and effective ten days after the rendering of its report granting or denying the variance unless within such ten-day period an appeal in writing is filed with the city by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such limit shall stay the effective date of the order of the planning commission until such time as the council has acted on the appeal. (Ord. 611 Ex. A (part), 1987).

**17.85.040 Council action—Granting or denial.**

A. Upon request of a written appeal filed with the council as provided in this chapter, the planning commission shall transmit to the council the planning commission's complete record of the case. The city council shall, within a period not to exceed forty days following receipt of the written appeal, conduct a duly advertised public hearing, public notice of which shall be given as provided in Section 17.81.040 of this title, and in addition provide written notice to individuals requesting such notices as well as to the California Coastal Commission.

B. The council shall announce its findings and decision by formal resolution not more than forty days following the termination of proceedings of the hearing. Such resolution shall recite among other things the facts and reasons which, in the opinion of the council, make the granting or denial of the variance necessary to carry out the general purpose of this chapter and shall order that the variance be granted or denied or modified subject to such conditions or limitations that it may impose. (Ord. 611 Ex. A (part), 1987).

**17.85.050 Copies of resolution for applicant and commission.**

Not later than ten days following the adoption of a resolution ordering that a variance be granted or denied, a copy of such resolution shall be mailed to the applicant, any other parties requesting notice of the action, and to the California Coastal Commission, and one copy shall be attached to the Planning Commission's file on the case and such file returned to the planning commission for permanent filing. (Ord. 611 Ex. A (part), 1987).

**Chapter 17.86**

**COASTAL ZONE WATERFRONT DEVELOPMENT**

**Sections:**

**17.86.010 Purpose of regulations.**

**17.86.020 ~~Detailed site plan~~ Building on City owned beachfront lands.**

**17.86.030 ~~Preliminary plans Objectives, standards and conditions generally~~ Public Access.**

**17.86.040 ~~Leases generally.~~**

**17.86.050 ~~Lease approval.~~**

**17.86.010 Purpose of regulations.**

The regulations set forth in this chapter are enacted to limit the development of the beachfront or waterfront area of ~~the city~~ owned lands to recreational and public purposes and to provide for public access to local beaches on adjacent lands. (Ord. 697 (part), 2003; Ord. 587 (part), 1983).

**17.86.020** ~~Detailed site plan~~ **Building on City owned beachfront lands.**

Proposals for building on City owned beachfront lands shall be subject to the following review and standards:

A. Detailed site plan. All applicants or prospective lessees or developers shall provide a detailed site plan acceptable to the city planning commission prior to city council review of the proposal.

B. Preliminary plans—Objectives, standards and conditions generally. Prior to application for a **coastal development, conditional use, or building permit** in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions:

1. Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor-related purposes.
2. The city shall reserve such rights-of-way for street and utility purposes as deemed necessary or appropriate.
3. The general character of development shall be in keeping with **that of the visual resources of surrounding area and reflect** the highest standards of architectural design represented in the city area. Natural materials such as wood, timber or rock materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste.
4. The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessibility, landscaping and other features of each proposed development, **and impose design and siting restrictions as necessary** to ensure that all developments of the city beachfront: ~~shall be carefully designed and in good taste~~
  - a. **protect views to and along the ocean and scenic coastal areas;**
  - b. **minimize the alteration of natural land forms;**
  - c. **are visually compatible with the character of surrounding areas;**
  - d. **restore and enhance visual quality in visually degraded areas, where feasible; and**
  - e. **in areas determined to be highly scenic, are subordinate to the character of its setting.**
5. Off-street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off-street parking. All off-street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials.

C. Leases generally. The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site.

D. Lease approval. All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney. (Ord. \_\_\_\_\_ (part), 20\_\_\_\_; Ord. 697 (part), 2003; Ord. 587 (part), 1983).

**17.86.030 ~~Preliminary plans~~ Objectives, standards and conditions generally Public Access.**

~~Prior to application for a building permit in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions:~~

~~A. Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor related purposes.~~

~~B. The city shall reserve such rights of way for street and utility purposes as deemed necessary or appropriate.~~

~~C. The general character of development shall be in keeping with the highest standards of architectural design represented in the city area. Wood and timber materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste.~~

~~D. The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessibility, landscaping and other features of each proposed development, to ensure that all developments of the city beachfront shall be carefully designed and in good taste.~~

~~E. Off street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off street parking. All off street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials.~~

As set forth by the California Coastal Act new development along the immediate shoreline shall provide public access to and along the shoreline as outlined in **Chapter 17.84A and in** the following **standards provisions.**

A. For the purposes of this section “new development” does not include:

1. Replacement of any structure destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location o the affected property as the destroyed structure. (As used in this subdivision, “natural disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.)
2. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

3. Improvements to any structure which do not change the intensity of its use, which do not increase either the height, or bulk of the structure by more than ten percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure. (As used in this subdivision, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.)
  4. Any repair or maintenance activity which does not result in an addition to, or enlargement of maintenance activities; unless such activity will have an adverse impact on internal public access to the beach.
- B. Lateral Access. New development along the immediate shoreline shall provide lateral access by access easements along the shoreline, inland of the mean high tide to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs. No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide to the first line of vegetation, or the crest of the paralleling bluff. Exceptions to this requirement would be:
1. For the placement of navigational aids or shoreline protective devices to protect existing public structures;
  2. Where access is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; or
  3. Where adequate access already exists.
- C. Vertical Access. Development along the immediate shoreline shall provide public access by access easements from the nearest public roadway to the shoreline. Priority for vertical access shall be restricted to that for sandy beach areas. Accessways to rock beaches will not be required for areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded. Other exceptions to this requirement would be:
1. Where access would have unavoidable adverse impacts on environmentally sensitive habitat areas;
  2. An existing vertical accessway, adequate to meet anticipated access needs, is located one-quarter mile or less from the development;
  3. Where the parcel is too small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or
  4. Where the project site is too small for the proposed development and the access with improvements related to its use (i.e., parking).
- D. Design and Use.
1. Access proposals which provide access for the general public over a wide range of income levels, ages, and social groups shall have priority over other private development accessways.
  2. The lateral access required shall be limited to passive recreational uses unless another type of use is specified as a condition of the development permit.
  3. The vertical access required shall be limited to the right of pass and repass unless additional uses are specified as a condition of development. If possible, the accessway should be sited along the border of the development and shall extend from the road (or boundary line closest to

the road) to the shoreline. Adequate provision for maintenance and safety access shall also be made.

E. Dedication of Public Access

1. Prior to the issuance of a permit for development which requires coastal public access the applicant shall be required to record legal documents for the provision of access to the City, on behalf of the public, by easement.
2. As a condition to the issuance of the permit, the applicant shall be required to furnish a CLTA title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use easement elsewhere in the vicinity.
3. Copies of the document to be recorded, title report, current deed and permit shall be forwarded to the Coastal Commission within ten days after submission of all of the documents to the City. The City may make minor revisions to the documents to assure that the public right of access to and/or along the shoreline are protected and capable of being implemented. The Coastal Commission shall review the documents and notify the City and the applicant of any recommended revisions. If notification of inadequacy has not been received within 42 days, the City may issue record the documents and issue the permit. If revisions are recommended by the Commission, the permit shall not be issued until the discrepancies have been resolved.

F. Improvements

1. Any commercial, industrial, recreational, or residential project of more than 4 units which is subject to the provision of access shall be required to provide access improvements commensurate with the project size and access demand. Such improvements shall be outlined in the conditions of the project permit.
2. Design and construction of access improvements shall consider maintenance, safety, potential vandalism and protection of fragile coastal resources.
3. Upon completion and acceptance of access improvement construction such improvements shall be dedicated to the City for public use. (Ord. 697 (part), 2003; Ord. 587 (part), 1983).

**~~17.86.040 — Leases generally.~~**

~~The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site. (Repealed, Ord. 697 (part), 2003; Ord. 587 (part), 1983).~~

**~~17.86.050 — Lease approval.~~**

CRC-MAJ-1-03 (LCP UPDATE)

EXHIBIT 2: PROPOSED AMENDED ZONING CODE (IP) WITH SUGGESTED  
MODIFICATIONS

PAGE 165

~~All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney. (Repealed, Ord. 697 (part), 2003; Ord. 587 (part), 1983).~~

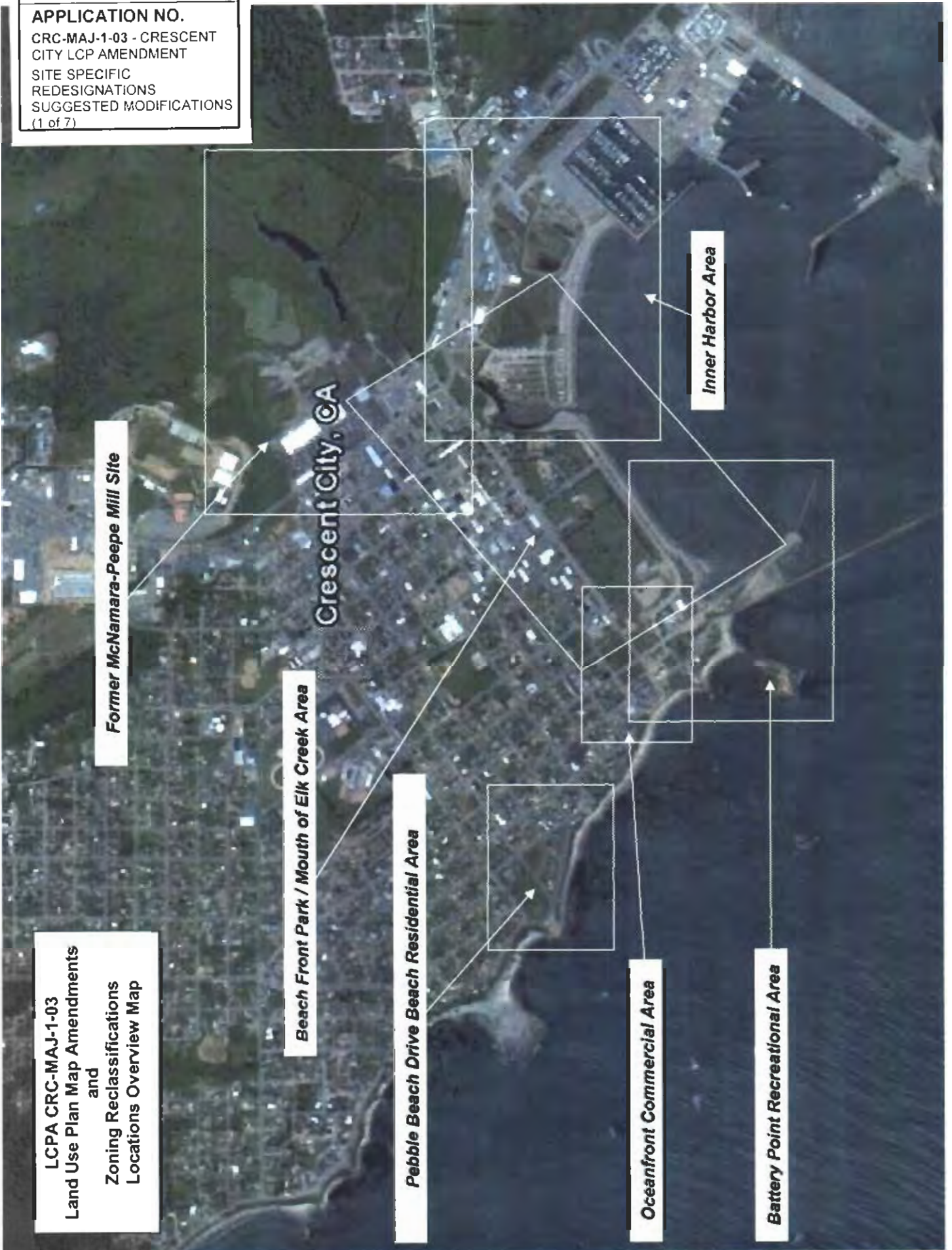


**EXHIBIT NO. 3**

**APPLICATION NO.**

CRC-MAJ-1-03 - CRESCENT  
CITY LCP AMENDMENT

SITE SPECIFIC  
REDESIGNATIONS  
SUGGESTED MODIFICATIONS  
(1 of 7)



**Former McNamara-Peepe Mill Site**

**Beach Front Park / Mouth of Elk Creek Area**

**Pebble Beach Drive Beach Residential Area**

**Oceanfront Commercial Area**

**Battery Point Recreational Area**

**Inner Harbor Area**

**Crescent City, CA**

**LCPA CRC-MAJ-1-03  
Land Use Plan Map Amendments  
and  
Zoning Reclassifications  
Locations Overview Map**





**SUGGESTED  
MODIFICATION:**  
Deny reclassification to  
Residential 2-6 du/ac,  
retain current Open Space  
designation

O (pen Space) | CZ-R-1-B  
to  
(Residential) S (ingle) F (amily) 2-6 d.u./ac. | CZ-R-1-B

**Pebble Beach Drive Area  
Land Use Plan Amendment  
(APN 118-200-06 - Grinnell)**

2097





**SUGGESTED MODIFICATION:**  
Retain PF land use designation over WWTP WQ Laboratory Site

**P(ublic) F(acility) | CZ-C2**  
to  
**V(istor) L(ocal) C(ommercial) | CZ-C2**

See Beach Front Park / Mouth of Elk Creek Area Land Use Plan and Zoning Amendments Map For this area

**M(edical) R(elated) | CZ-RP**  
to  
**V(istor) L(ocal) C(ommercial) | CZ-CW**

**M(multiple) F(amily) | CZ-RP**  
to  
**V(istor) L(ocal) C(ommercial) | CZ-CW**

**C(ommercial) | CZ-CW**  
to  
**V(istor) L(ocal) C(ommercial) | CZ-CW**

**M(edical) R(elated) | CZ-O**  
to  
**V(istor) L(ocal) C(ommercial) | CZ-CW**

**Oceanfront Area**  
Land Use Plan and Zoning Amendments  
(APNs 118-020-34, -35, 118-030-09, -12 through -16, and -22 through 27)

See Battery Point Harbor Related Land Use Plan and Zoning Amendments Map for this area

3 of 7



497



See Beach Front Park / Mouth of Elk Creek Area Land Use Plan and Zoning Amendments Map for this area

O(pen Space) | CZ-O  
to  
P(ublic) F(acility) | CZ-C2

O(pen Space) | CZ-O  
to  
H(arbor) R(elated) | CZ-HR

H(arbor) R(elated) | CZ-HR  
to  
O(pen Space) | CZ-O

H(arbor) R(elated) | CZ-HR  
to  
P(ublic) F(acility) | CZ-C2

See Oceanfront Area Land Use Plan and Zoning Amendments Map for this Area

H(arbor) R(elated) | CZ-HR  
to  
O(pen Space) | CZ-O

HR | CZ-HR  
(No Changes Proposed)

- SUGGESTED MODIFICATIONS**
1. Deny reclassification of Open Space designated area to Harbor Related plan and zone designations.
  2. Apply hatching pattern over areas in Commission's retain CDP Trust Lands jurisdiction proposed for reclassification to Open Space with notation explaining limited applicability of designations.

Battery Point Recreation Area Land Use Plan and Zoning Amendments (APNs 118-02031, 118-030-05, -11, -17)





P(ublic) F(acility) | CZ-C2  
to  
O(pen Space) | CZ-O

O(pen Space) | CZ-O  
to  
P(ublic) F(acility) | CZ-O

See Battery Point Harbor Related  
Land Use Plan and Zoning Amendment Map  
for this area

See Inner Harbor Area  
Land Use Plan and Zoning Amendments Map  
for this area

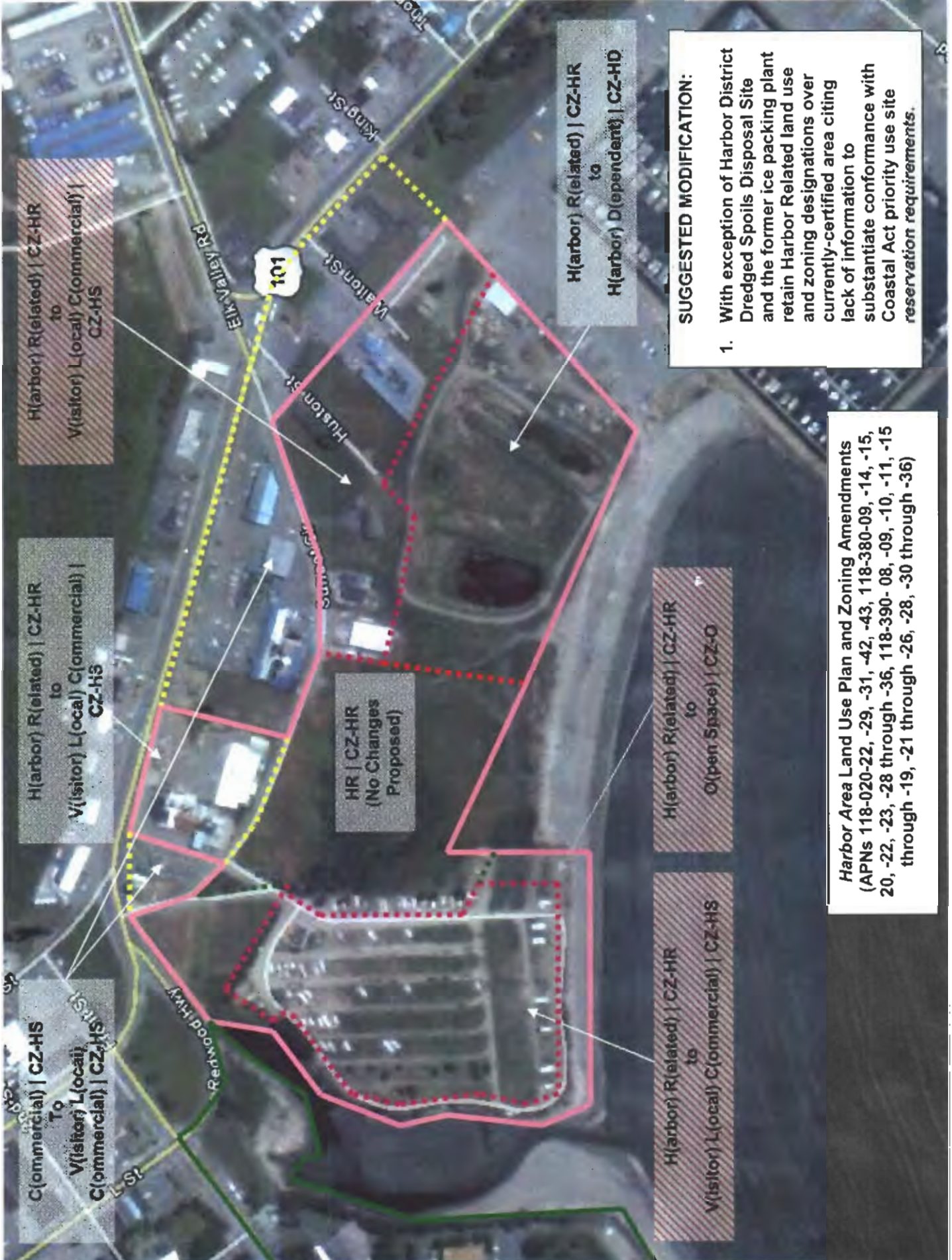
Undesignated  
to  
O(pen Space) | CZ-O

**SUGGESTED MODIFICATION:**  
3. Apply hatching pattern over areas in Commission's retain CDP Trust Lands jurisdiction to Open Space with notation explaining limited applicability of designations.

**Beach Front Park / Mouth of Elk Creek Area**  
Land Use Plan and Zoning Amendments  
(APNs 118-020-31, 118-030-22, -24, and -25)

Flat Rock





H(arbor) R(elated) | CZ-HR  
to  
V(ision) L(ocal) C(ommercial) |  
CZ-HS

H(arbor) R(elated) | CZ-HR  
to  
V(ision) L(ocal) C(ommercial) |  
CZ-HS

C(ommercial) | CZ-HS  
to  
V(ision) L(ocal) C(ommercial) |  
CZ-HS

HR | CZ-HR  
(No Changes  
Proposed)

H(arbor) R(elated) | CZ-HR  
to  
H(arbor) D(ependent) | CZ-HD

H(arbor) R(elated) | CZ-HR  
to  
O(pen Space) | CZ-O

H(arbor) R(elated) | CZ-HR  
to  
V(ision) L(ocal) C(ommercial) | CZ-HS

**SUGGESTED MODIFICATION:**

1. With exception of Harbor District Dredged Spoils Disposal Site and the former ice packing plant retain Harbor Related land use and zoning designations over currently-certified area citing lack of information to substantiate conformance with Coastal Act priority use site reservation requirements.

**Harbor Area Land Use Plan and Zoning Amendments**  
(APNs 118-020-22, -29, -31, -42, -43, 118-380-09, -14, -15, 20, -22, -23, -28 through -36, 118-390-08, -09, -10, -11, -15 through -19, -21 through -26, -28, -30 through -36)

591



Uncertified  
to  
C(ommercial) G(eneral) CZ-CG

**SUGGESTED MODIFICATION:**

1. Retain uncertified status over area citing lack of information to substantiate conformance of proposed General Commercial with Coastal Act and LCP ESHA protection policies and standards.

Elk Creek

COASTAL ZONE BOUNDARY

OUT IN

"Little Mo-Peepe" Area of Deferred Certification  
Land Use Plan and Zoning Amendments  
(APN 118-100-19 & -22, and 118-020-33)

101

7097



# **CITY OF CRESCENT CITY GENERAL PLAN**

## ***LOCAL COASTAL PLAN EXTRACT POLICY DOCUMENT***

*Prepared by*

**J. LAURENCE MINTIER & ASSOCIATES  
JONES & STOKES ASSOCIATES  
STEPHEN LOWENS, P.E.  
CRESCENT CITY PLANNING DEPARTMENT**

**May 21, 2001**

**EXHIBIT NO. 4**

**APPLICATION NO.**

CRC-MAJ-1-03  
CRESCENT CITY LCP  
AMENDMENT

PROPOSED AMENDED  
GENERAL PLAN (LUP)



## **CITY OF CRESCENT CITY GENERAL PLAN**

### ***LOCAL COASTAL PLAN EXTRACT***

In 1984, the City adopted the Coastal Element of its General Plan as part of its Local Coastal Program certification. That action formally divided the City's comprehensive planning approach by establishing two sets of policies, one for the non-coastal and uncertified areas (the 1976 General Plan), and one for the areas within the Coastal Zone which was certified by the State Coastal Commission (the 1984 Local Coastal Plan).

In the late 1990's the City undertook a comprehensive update of its General Plan which was adopted by the City Council on May 21, 2001. The document included a Background Report, Program EIR and Policy Document and related map diagrams. Subsequently the City undertook an update of its General Plan Implementation Ordinances including Zoning.

The adopted Plan contained not only an updated Plan for the incorporated City but also included an updated Local Coastal Plan and Pre-Annexation Plan for the greater Crescent City urban area.

The Plan Policy Document updated and consolidated all of the City's planning policies and programs into a single document, unifying policies that had been separated since 1984. Therefore, it is the intent of the General Plan to supersede the 1984 Local Coastal Plan.

This document presents an extract of those policies within the General Plan which would be applicable within the California Coastal Zone area of the incorporated City. Those policies applicable only within the California Coastal Zone boundary within the City are identified by the wave symbol (☞). This extract of all policies and diagrams which are a part of the proposed updated Local Coastal Plan program has been prepared for certification review by the California Coastal Commission.

City of Crescent City  
May 2003



# GENERAL PLAN CREDITS



May 21, 2001

## CITY OF CRESCENT CITY

### CITY COUNCIL

C. Ray Smith, Mayor  
Jack Burlake  
Herb Kolodner  
Glenn Gary  
Mickey Youngblood

### Former Members

Mike Scavuzzo  
Kenneth Hollinsead  
George Mayer

### PLANNING COMMISSION

Joanne Wheeler, Chairperson  
Frances Clark  
Nick Gargaetas  
Albert Shearer  
Barbara Tanner

### CITY STAFF

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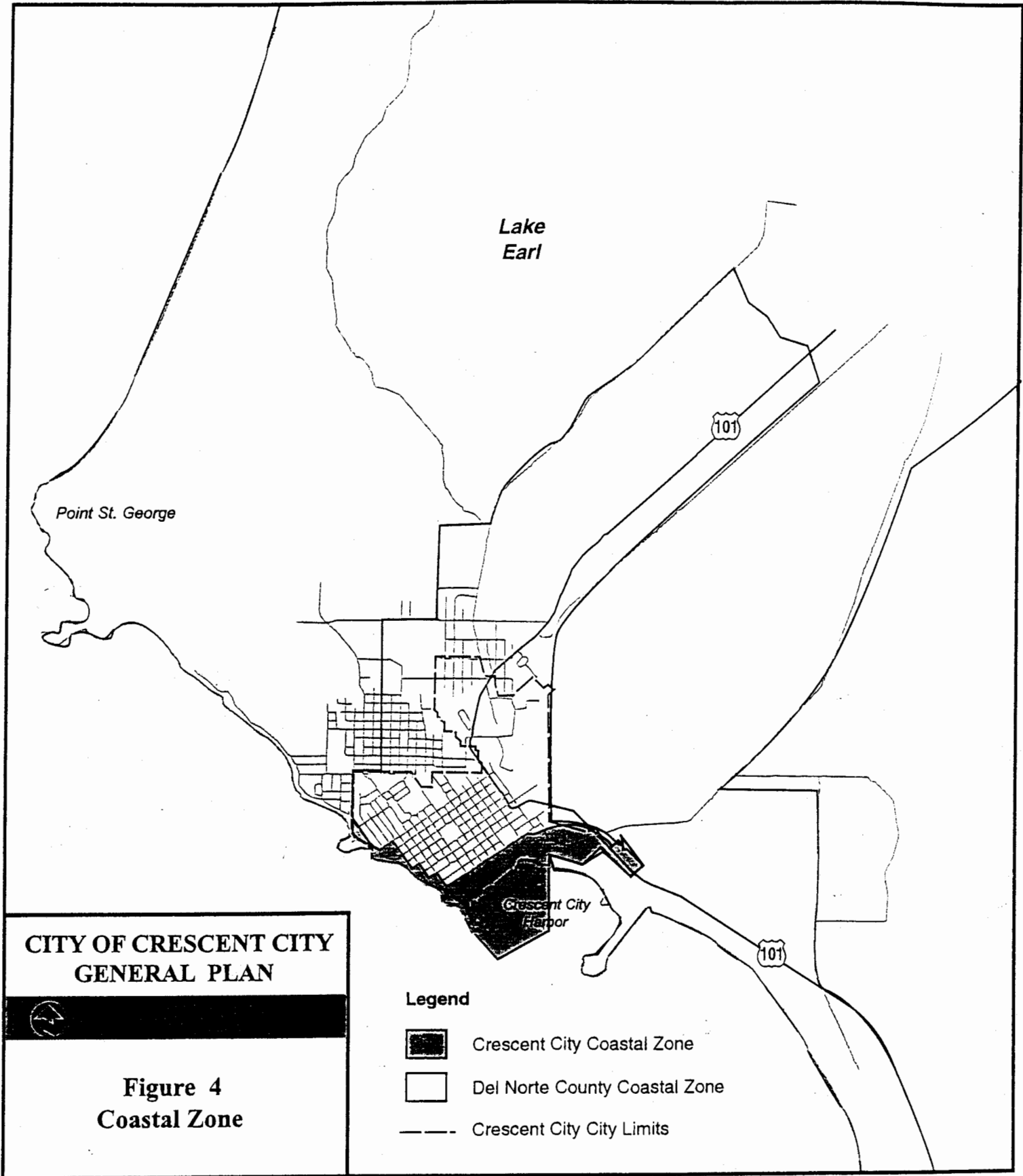
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### STEPHEN LOWENS, P.E.

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



**CITY OF CRESCENT CITY  
GENERAL PLAN**



**Figure 4  
Coastal Zone**

**Legend**

-  Crescent City Coastal Zone
-  Del Norte County Coastal Zone
-  Crescent City Limits

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**PART I**  
**General Plan**  
**Local Coastal Plan**  
**Introduction and Summary**

## INTRODUCTION



## NATURE, CONTENT, AND PURPOSE OF THE GENERAL PLAN

This General Plan formalizes a long-term vision for the physical evolution of Crescent City and outlines policies, standards, and programs to guide day-to-day decisions concerning Crescent City's development. Designed to meet State general plan and coastal planning requirements, the General Plan consists of two documents: this *General Plan Policy Document* and a *General Plan Background Report*. This *Policy Document* is divided into two parts. Part I is the General Plan Introduction and Summary, which provides background about the General Plan, describes Crescent City's land use history, and reviews the plan's major themes and proposals. This section is a summary only, and does not set official policy. The lengthier and more detailed Part II presents Crescent City's formal General Plan policy statements in the form of goals, policies, standards, implementation programs, and quantified objectives, expressed in both text and diagrams.

A general plan is a legal document that serves as a community's "blue print" or "constitution" for land use and development. State law requires that every city and county in California adopt a general plan that is comprehensive and long-term. The plans must outline proposals for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning (California Government Code Section 65300 et seq.).

General plans must be comprehensive both in their geographic coverage and in the range of subjects they cover. In the case of the Crescent City General Plan, the geographic coverage is the city's Planning Area, which encompasses incorporated territory and unincorporated territory that may directly or indirectly affect the city's future development.

General plans must be long-term in perspective. General plan time horizons vary, but typically range anywhere from 15 to 25 years into the future. In the case of the Crescent City General Plan Update, the City has established the time horizon as the year 2020.

Every general plan in California must address seven topics or "elements." The importance of each of the seven required topics will, of course, vary from community to community. Following are brief





descriptions of what State law requires be addressed in each of the seven elements.

1. The Land Use Element designates the general distribution and intensity of all uses of the land in the community. This includes residential uses, commercial uses, industrial uses, public facilities, and open space, among others.
2. The Circulation Element identifies the general location and extent of existing and proposed major transportation facilities, including major roadways, rail and transit, and airports.
3. The Housing Element is a comprehensive assessment of current and projected housing needs for all segments of the community and all economic groups that also embodies policies and programs for providing adequate housing.
4. The Conservation Element addresses the conservation; development; and use of natural resources including water, forests, soils, rivers, and mineral deposits.
5. Overlapping the conservation element, the Open Space Element details plans and measures for preserving open space for: protection of natural resources—such as wildlife habitat; the managed production of resources—such as agricultural and timber land; outdoor recreation—such as parks, trails, and scenic vistas; and public health and safety—such as areas subject to geologic hazards, tsunamis, flooding, and fires.
6. The Noise Element identifies and appraises noise problems and includes policies to protect the community from excessive noise.
7. The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

The general plan may also address other topics that the community feels are relevant to its development, such as scenic resources, historic preservation, and urban design.

For each locally-relevant mandated issue or optional issue addressed, the general plan must do the following:

- Describe the nature and significance of the issue in the community (Background Information)
- Set-out policy in text and maps for how the jurisdiction will respond to the issue (Policy)

- Outline specific programs for implementing policies (Implementation Programs)

The format and structure of the general plan is left to local discretion, but regardless of the format or issues addressed, all substantive parts of the plan must be consistent with one another (i.e., internally consistent). For instance, the policies in the land use element must be consistent with those of the housing element and vice versa.

## PURPOSES OF THIS GENERAL PLAN



Updating Crescent City's General Plan will serve several important purposes related to the way the City plans and how the community participates in the planning process. These purposes include the following:

- Establishing within City government the capacity to analyze local and regional conditions and needs in order to respond effectively to the problems and opportunities facing the Crescent City community;
- Identifying of Crescent City's environmental, social, and economic goals;
- Recording the City government's policies and standards for the maintenance and improvement of existing development and the location and characteristics of future development;
- Providing Crescent City's citizens with information about their community and with opportunities to participate in the local planning and decision-making process;
- Improving the coordination of community development and environmental protection activities among the City, Del Norte County, and other regional, State, and Federal agencies; and
- Establishing a basis for subsequent planning efforts, such as preparation of specific plans, redevelopment plans, and special studies, to deal with unique problems or areas in the community.

## IMPLEMENTING THE GENERAL PLAN

Carrying out the plan following its adoption requires a number of individual actions and outgoing programs involving virtually every City department, special district (i.e., Harbor District), non-profit organization, and many other public agencies and private organizations. The legal authority for these various actions and programs derive from two essential powers of local government: corporate and police powers. Using their "corporate power," local governments collect money through bonds, fees, assessments, and taxes, and spend it to provide services and facilities such as police and fire protection, streets, water

systems, sewage disposal facilities, drainage facilities, and parks. Using their “police power,” local governments regulate the use of private property through zoning, subdivision, and building regulations in order “to promote the health, safety, and welfare of the public.” The general plan provides the formal framework for the exercise of these powers by local officials.

To ensure that the policies and proposals of the general plan are systematically implemented, State law since the early 1970s has increasingly insisted that the actions and decisions of local government concerning both its own projects and the private projects it approves are consistent with its adopted general plan. The courts have supported and furthered this trend through their interpretations of State law. Zoning must be consistent with the general plan. Local government approval of subdivisions must be consistent with the general plan. Local public works projects must be consistent with the general plan. The same is true for development agreements, coastal zoning, redevelopment plans, specific plans, and many other plans and actions of cities and counties.

## **R**EVISING AND AMENDING THE GENERAL PLAN

The general plan is a long-term document with a planning horizon of 15 to 25 years. To achieve its purposes, the plan must be flexible enough to respond to changing conditions and at the same time specific enough to provide predictability and consistency in guiding day-to-day land use and development decisions. Over the years, conditions and community needs change and new opportunities arise; the plan needs to keep up with these changes and new opportunities. Every year the Planning Commission should review the plan’s implementation programs to assess the City’s progress in carrying out the plan. Every five to ten years, the plan should be thoroughly reviewed and updated as necessary. From time to time, the City will be asked to consider proposals for specific amendments to the plan. The City will initiate some of these proposals itself, but most will be initiated by private property owners and developers. Most general plan amendments involve changes in land use designations for individual parcels.

State law limits general plan amendments to four times per year, but each amendment can include multiple changes. Like the adoption of the general plan itself, general amendments are subject to environmental review, public notice, and hearing requirements and must not create inconsistencies with other parts of the plan.

## **REGIONAL SETTING AND PLANNING AREA**

Crescent City is the northernmost incorporated city on the California Coast. The city, which covers approximately 1.4 square miles or 900 acres, is bounded by the ocean, broad beaches, coastal bluffs, the Crescent City Harbor, scattered forests, and rural residences. Crescent



City is the most urbanized part of the Del Norte County and is the county's only incorporated city. Another incorporated portion of Crescent City is the Pelican Bay State Prison.

Figure 1 shows the city's location within the state and region. By law, the General Plan must cover all territory within the boundaries of the city as well as "any land outside its boundaries which, in the planning agency's judgment, bears relation to its planning." (Government Code Section 65300). For purposes of the Crescent City General Plan, the Planning Area has been defined on the north by an east- west line coinciding with Blackwell Road and includes the area within the urban boundary north of Blackwell Road. The eastern boundary follows south along Elk Valley Road and then follows the Federal and State lands on the east (see Figure 2).

## CRESCENT CITY'S HISTORY

Crescent City has experienced several changes through the years that have substantially affected the nature of planning in the city. The following paragraphs establish the historical framework for Crescent City's current economy and land use development.

### NATIVE AMERICAN SETTLEMENT

Prior to the arrival of European settlers, two cultural groups occupied what is now Del Norte County: the Tolowa and the Yurok. Tolowa territory covered the northern part of the county, and Yurok the southern part. Although the Tolowa are not a federally recognized tribe, today they are among the residents of the Smith River Rancheria, located near the mouth of the Smith River.



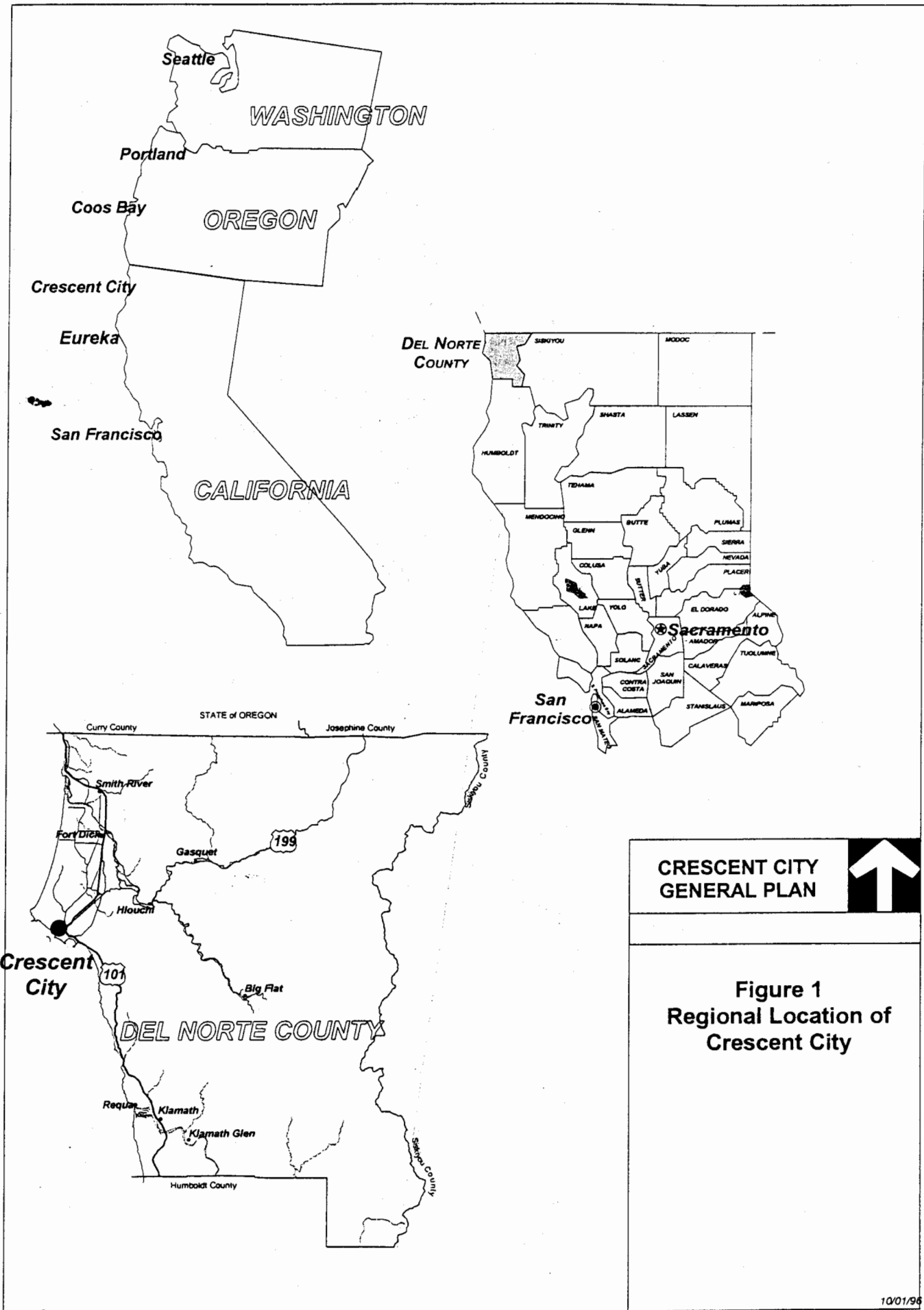
### TRANSPORTATION AND EUROPEAN SETTLEMENT

The first Europeans to see Del Norte County were most likely Spanish who had arrived by ship in the 17th and 18th centuries. The first American to explore the country overland was Jedediah Strong Smith, for whom the Smith River is named. In 1828, Smith and his party of trappers traded with Native Americans, came upon Lake Earl, and camped at Crescent City.



During the 1840s and 1850s, there were a number of sea explorations of Crescent Bay. The town of Crescent City was established in 1853 by J. F. Wendell, who was issued a land warrant for 230 acres.

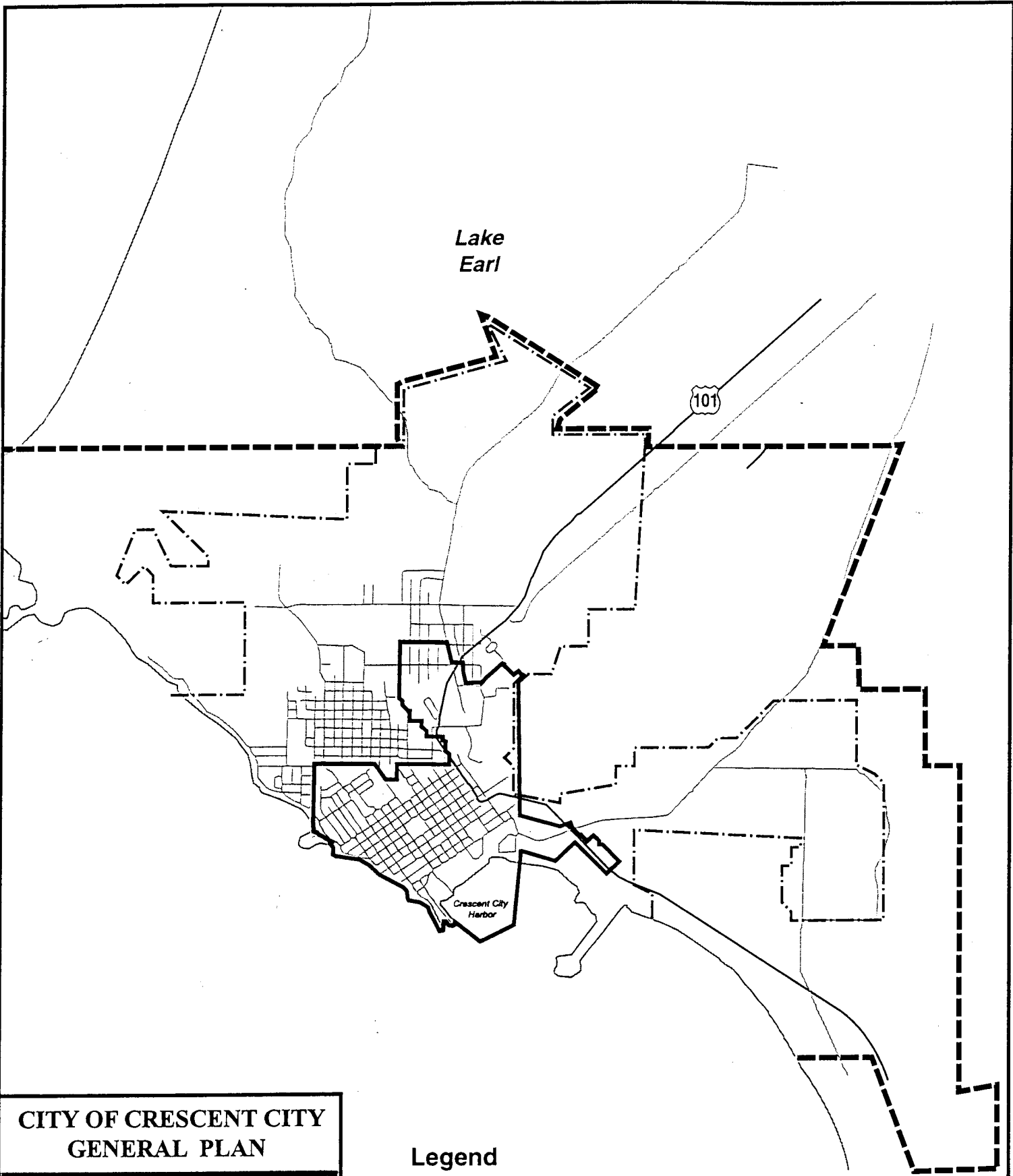
The first "road" in Del Norte County, the Kelsey Trail from Crescent City to Yreka, was opened in 1855. In 1857, the Crescent City & Yreka



**CRESCENT CITY  
GENERAL PLAN**



**Figure 1  
Regional Location of  
Crescent City**



**CITY OF CRESCENT CITY  
GENERAL PLAN**

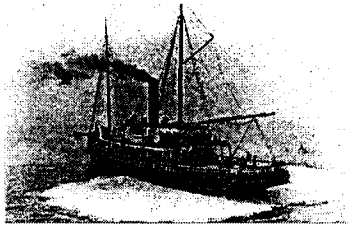


**Figure 2  
Planning Area**

**Legend**

- Crescent City Urban Boundary
- Crescent City City Limits
- Crescent City Planning Area



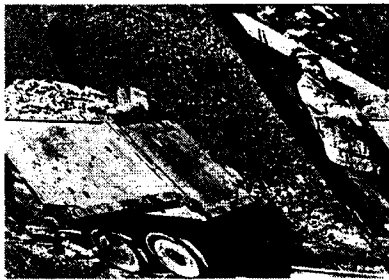


Plank & Turnpike Company began construction on a road between Crescent City and Waldo, Oregon (Sailor's Diggings); it was completed in 1860. The survey for the Klamath Road, from Crescent City to Eureka, began in 1887 and, in the summer of 1894, the road was completed. A narrow-gauge railroad was constructed from Crescent City to Smith River by the Hobbs-Wall company in 1890. In 1919, the first contract for the Redwood Highway was granted.

To facilitate the use of Crescent Bay as a harbor, the Battery Point Lighthouse was erected in 1856. It survived the 1964 tsunami and is currently open to the public.

Generally, the settlers in Crescent City and the rest of Del Norte County were non-Native Americans from the east, although a fairly large influx of immigrants from China occurred between 1860 and 1880 (this population was virtually gone by 1900). Crescent City and Del Norte County have never been heavily populated, but the highest population numbers—relative to the overall population of California—probably occurred in the 1850s with the discovery of gold.

## MINING



In 1848, Major Pierson B. Reading discovered gold on the Trinity River, and by 1850, northwestern California was teeming with miners. Shortly after, Crescent City was laid out in early 1853 and became a bustling shipping and trade center, catering to and supplying the miners. Gold discoveries in the immediate vicinity of Crescent City and on the south fork of the Smith River fueled the boom. During this period, residents and miners began requesting more transportation routes. Within a few years, however, a decline in the production of local mines and the opening of more promising gold fields elsewhere, drove all but a handful of miners from the area. By the late 1850s the boom was over.

## TIMBER



The timber industry has historically played a large role in Crescent City's and Del Norte County's economy. This dates back to the 1850s, when the area experienced a boom in settlement as a result of lumbering activity that followed the mining industry and the need to supply lumber for mining and housing purposes, not just in the county, but throughout California's mining communities. Locally-produced lumber was shipped to Crescent City for reshipment to San Francisco. Rugged terrain and the lack of a good harbor made getting the timber to market difficult; thus, the timber business was not particularly profitable.

The northern California timber industry peaked in the post World War II years (1945 to 1950) as a result of strong housing and construction demand and an abundance of raw materials. Shortly after 1950, the number of mills began to drop as the industry transitioned from one



based on harvesting old growth timber to one that relies on younger, smaller, less valuable second growth that is relatively more expensive to grow. Mill closures were also hastened by timber industry trends toward consolidation of operations, downsizing, and increasing efficiency resulting from technological advancement.

The decline in Del Norte County's timber industry is illustrated by the volume of timber harvested, which dropped from 202,986 million board feet (mbf) in 1985 to 65,036 mbf in 1995, a 68.5 percent reduction. The result of this decline has been the closure of over 35 lumber mills; there are no longer any operating mills in Del Norte County. There are, however, over 146,000 acres of privately-held redwood and fir forestland capable of ongoing log production in the county.

### FISHING AND CANNING



Through its history, Crescent City has been home to a significant amount of commercial fishing and canning activity, and it continues to be. Over the years, commercial fishers have caught salmon, albacore, shrimp, crab, halibut, cod, and tuna in the coastal waters and rivers of Del Norte County. Salmon, sometimes referred to as "river silver," were caught around Point St. George as early as 1877.

Marine fishing, both commercial and sport, continues to be important to the Crescent City economy. In 1995, the annual commercial fish landing at the Crescent City harbor was valued at over \$11.6 million. Harbor-related sports fisheries also contributed significantly to fishery-related businesses and the tourist economy.

### RECREATION AND TOURISM

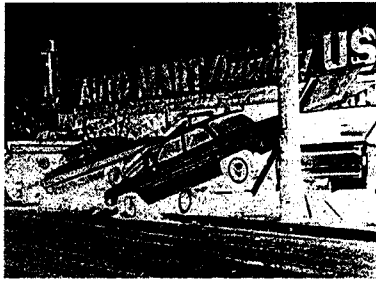


Today, one of the biggest industries in Crescent City and Del Norte County is tourism. Historic landmarks relating to early settlement in the Crescent City area are open to the public. Additionally, there are a number of public and commercial tourist attractions within Crescent City including Battery Point Lighthouse and Crescent City Marine Mammal Center.

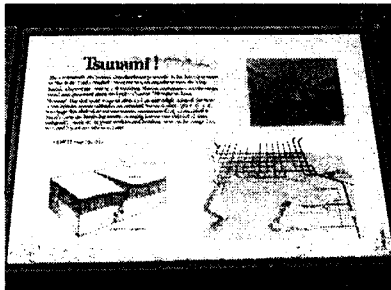
Many tourists in Crescent City come to see the rugged beauty of State and National Parks, which attracts many hikers and campers. Coastal beaches, coastal trails, harbors, and parks provide a variety of water activities. Other natural attractions in Del Norte County include Redwood National Park, Jedediah Smith Redwood State Park, Del Norte Coast Redwood State Park, Smith River National Recreation Area, and the Lake Earl State Park and Wildlife Area. Commercial visitor attractions, a variety of accommodations, and visitor services are located in and adjacent to these recreation areas.



### TSUNAMI OF 1964



On the early hours of March 28, 1964, a giant tidal wave or tsunami generated by the Great Alaska Earthquake struck Crescent City. Tidal surges, as high as 20 feet, swept up logs from local beaches and crushed them against buildings as the wave swept through the city. Crescent City suffered considerable property damage and loss of life as a result of the tsunami. The devastation extended for approximately two miles along Crescent City harbor and coastline. There were over 11 fatalities, 29 city blocks in ruin or partial ruin, and 289 businesses and homes hit causing over \$16 million in damages. The Crescent City Harbor was left in a state of near total devastation. The 1964 tsunami exceeded a 100-year event at Crescent City and a 500-year event at some other California coastal sites.



Crescent City's combination of near-shore undersea topography, resonant characteristics of the surrounding shoreline, and exposed position on the coast, make the city particularly susceptible to tsunamis originating in the Pacific. Given the intense seismic activity in the Pacific Ocean, Crescent City will continue to be threatened by tsunamis.

### PELICAN BAY STATE PRISON



The opening of the Pelican Bay State Prison in December 1989 has been a major physical and economic impact on Crescent City. First, the prison brought an influx of prison staff (approximately 1,500 employees) who settled into the Crescent City area. Second, the prison increased traffic north of the city. Third, the prison has increased activity for many small businesses that provide goods and services to the prison. Such small service industries include medical transcription, psychological services, vehicle services, food services/food contracts, recreation contracts, and counseling contracts. Lastly, with the annexation of the prison in 1992, approximately 3,800 inmates were added to the group quarters population. This increase in population means the City gets additional State assistance for local services and improvements. See Figure 3 to see the prison's location relative to Crescent City.

## HOW THIS GENERAL PLAN WAS PREPARED



Crescent City initiated its General Plan Update program in September 1997, when it retained a multi-disciplinary consulting team headed by J. Laurence Mintier & Associates. This update process was part of a joint effort by the City and Del Norte County to update their General Plans. The City and County conducted joint public meetings and coordinated land use and policy decision-making for the Crescent City area.

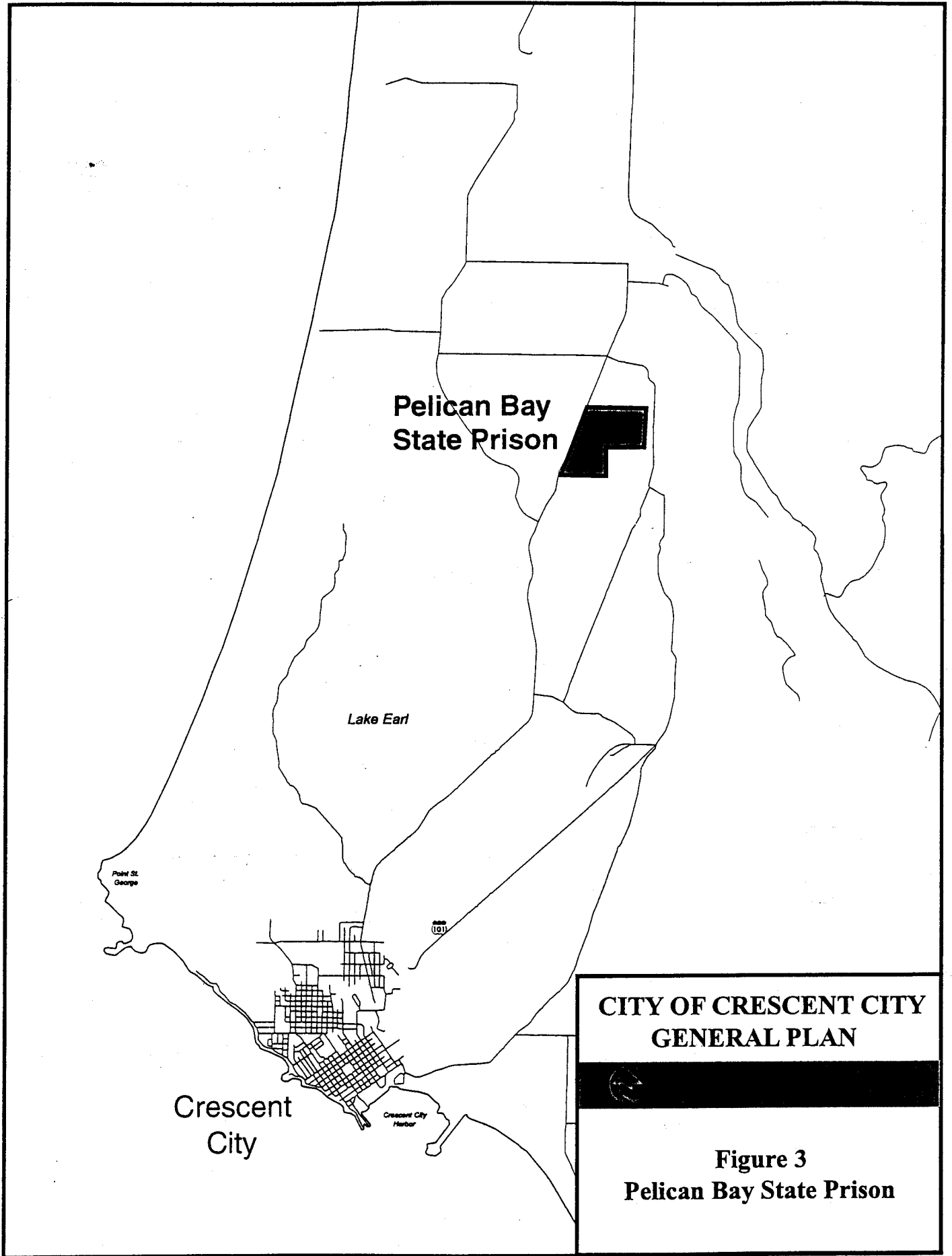
As the initial step in the update, the consultants collaborated with the City's Planning Department to reach out to the community to identify the important planning issues in the Crescent City Planning Area. This outreach consisted of a series of townhall meetings to discuss the City's General Plan Revision.

Following-up on these meetings, City Staff and the Consultants completed the first major report produced as part of the General Plan Update, the General Plan Background Report. That report describes existing conditions and trends in Crescent City. After completion of the Background Report, the next major step in the Update process was to identify key issues and options for the General Plan. The result was the Policy Issues Report, which presented the most critical policy issues to be addressed in the revised General Plan. These issues emerged from the General Plan Background Report and the input received at the townhall meetings and through public correspondence.

Following the simultaneous publication of the Background Report and the Policy Issues Report in May 1998, the City hosted another round of townhall meetings. During these meetings, City Staff and the Consultants explained various issues regarding these documents and provided the public with an opportunity to comment.

Based on the discussion at the October 1997 townhall meetings and the comments submitted to the City in response to the May 1998 townhall meetings, the Consultants and City staff began work on this Policy Document. This document embodies a reorganized, updated set of goals and policies from the City's 1976 General Plan and 1984 Coastal Element, as well as numerous new policies responding to new City needs.

Between 1999 and 2001, the City completed the balance of the General Plan, including the Background Report, Policy Issues Report, Policy Document, and Environmental Impact Report.



**Pelican Bay  
State Prison**

Lake Earl

Point St.  
George

Highway  
101

Crescent  
City

Crescent City  
Harbor

**CITY OF CRESCENT CITY  
GENERAL PLAN**

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**Figure 3  
Pelican Bay State Prison**

# KEY CONCEPTS

## CONSOLIDATION OF COASTAL AND NON-COASTAL PLANNING POLICY



The following summarize the key concepts that serve as the foundation for the Land Use Diagram and the goals, policies, and implementation measures which constitute the formal substance of the Plan.

In 1984, the City adopted the Coastal Element of its General Plan as part of its Local Coastal Program certification. That action formally divided the City's comprehensive planning approach by establishing two sets of policies, one for the non-coastal and uncertified areas (the 1976 General Plan), and one for the areas within the Coastal Zone (see Figure 4) which were certified with the State Coastal Commission (the 1984 Local Coastal Plan). This Policy Document updates and consolidates the City's planning policies and programs into a single document, unifying policies that had been separated since 1984. Therefore, this General Plan also supersedes the 1984 Local Coastal Plan. Those policies applicable only within the California Coastal Zone boundary within the City are identified by the wave symbol (☪). An extract of all policies and diagrams which are a part of the updated Local Coastal Plan program has been prepared for certification by the California Coastal Commission.

## ECONOMIC TRANSITION



Crescent City and Del Norte County are in transition from a resource production economy to a more diversified economy. Government, retail trade, and services have now become the largest employers in the county.

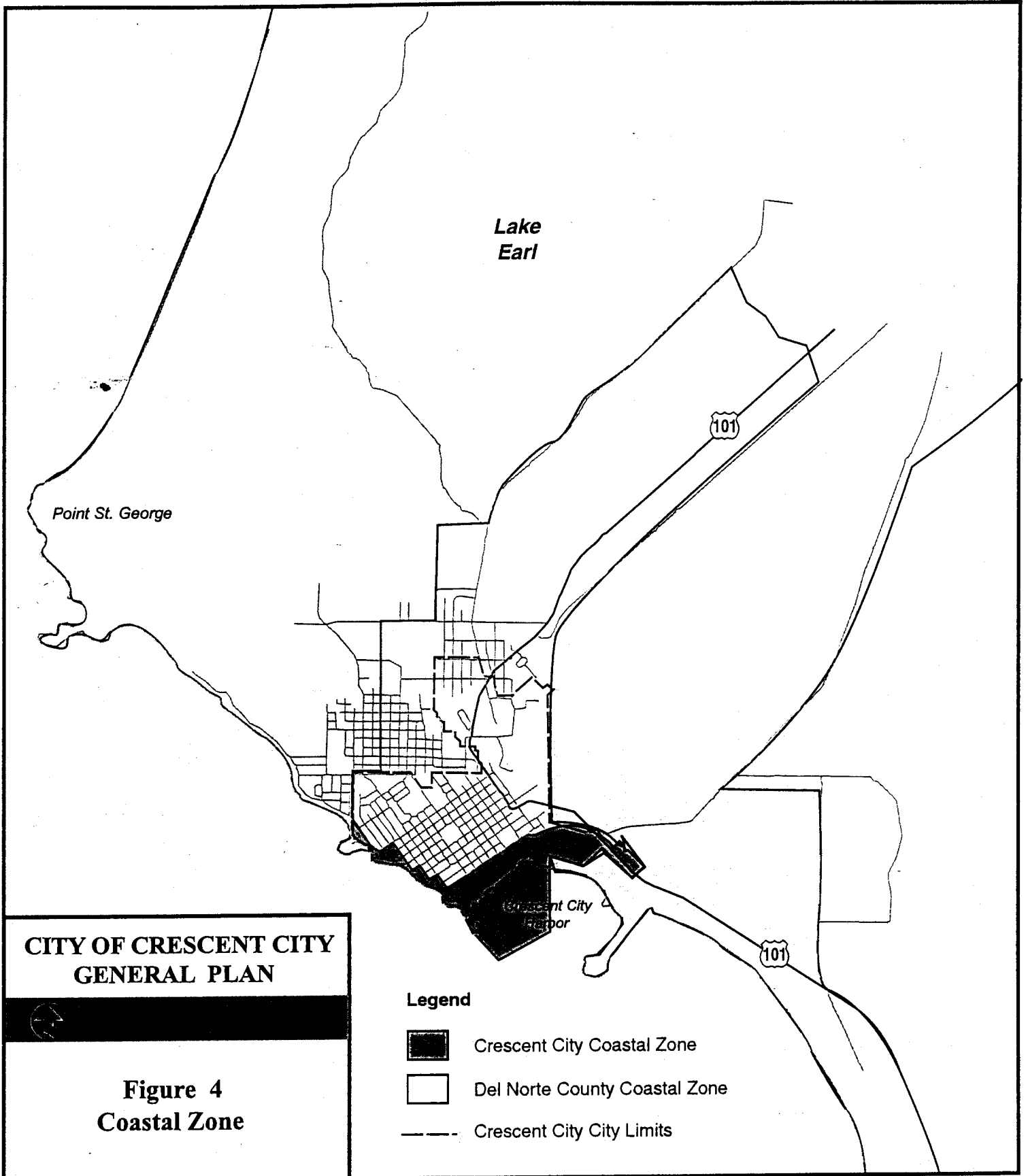
Between 1993 and 1995, prior to initiation of this Plan revision, the Del Norte Economic Development Corporation and Chamber of Commerce 2020 Committee prepared economic reports for the community addressing future economic needs and goals. These reports supported the pursuit of diversified manufacturing, tourism, technology, telecommunication-based businesses, and small business development.

This General Plan builds upon those reports by creating goals, policies, and implementation programs to assist the city in its transition.

## ADDRESSING POTENTIAL GROWTH






The city of Crescent City's population (excluding the prison population) has scarcely grown since 1990. As of 1996, the city had a total population of 4,653 (8,334 with the prison population). By the end of the General Plan timeframe (2020), the city is expected to grow to 7,484 persons (growing at the historical growth rate of 2.0 percent). This represents an increase of 2,831 persons from the 1996 population. This increase would result in the demand for 1,089 new dwelling units, and new commercial, industrial, and public facility development. Under the same historical growth rate of 2.0 percent, Del Norte County's total population is expected to grow to approximately 42,000 persons and 16,000 dwelling units by the year 2020 (see Figure 5).

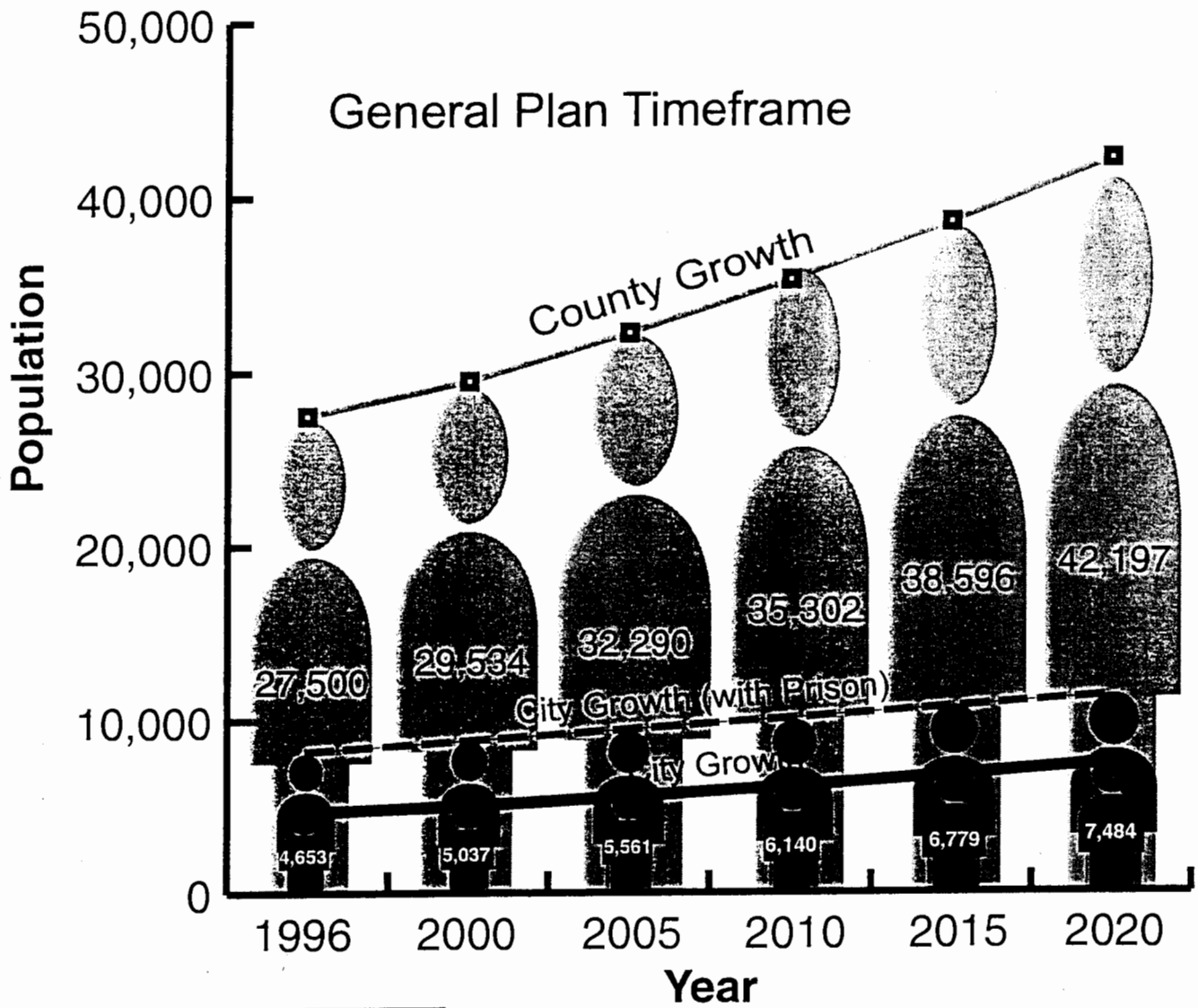


**CITY OF CRESCENT CITY  
GENERAL PLAN**

**Figure 4  
Coastal Zone**

**Legend**




-  Crescent City Coastal Zone
-  Del Norte County Coastal Zone
-  Crescent City City Limits



**CITY OF CRESCENT CITY  
GENERAL PLAN**



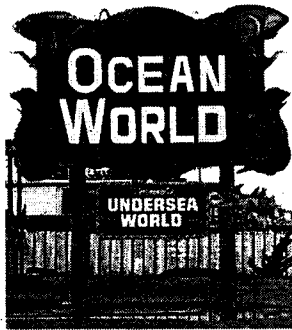
**Figure 5  
Projected Population Growth**

-  —■— 2.00% Crescent City (Historical)
-  —■— 2.00% Del Norte County
-  - - - (+3,900) Crescent City with Prison

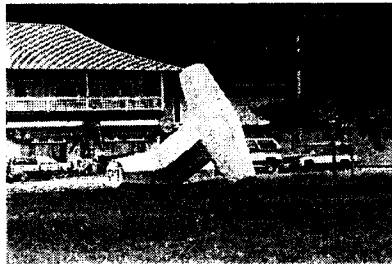


Since Crescent City has a very limited land supply, the majority of the growth must be accommodated by: 1) promoting infill of vacant and underutilized lots; 2) intensification or reuse of land; and 3) annexing county land. Crescent City will need to become a more compact city. Increased density will have several beneficial effects: 1) limit sprawl and thus reduce pressure for rural residential development; 2) create a more walkable community; 3) increase public transit opportunities; 4) reduce the cost of public services by limiting infrastructure expansion; 5) maintain the existing grid system of the city; and 6) minimize the impact of new development on the natural environment.

**VISITOR AND LOCAL COMMERCIAL**

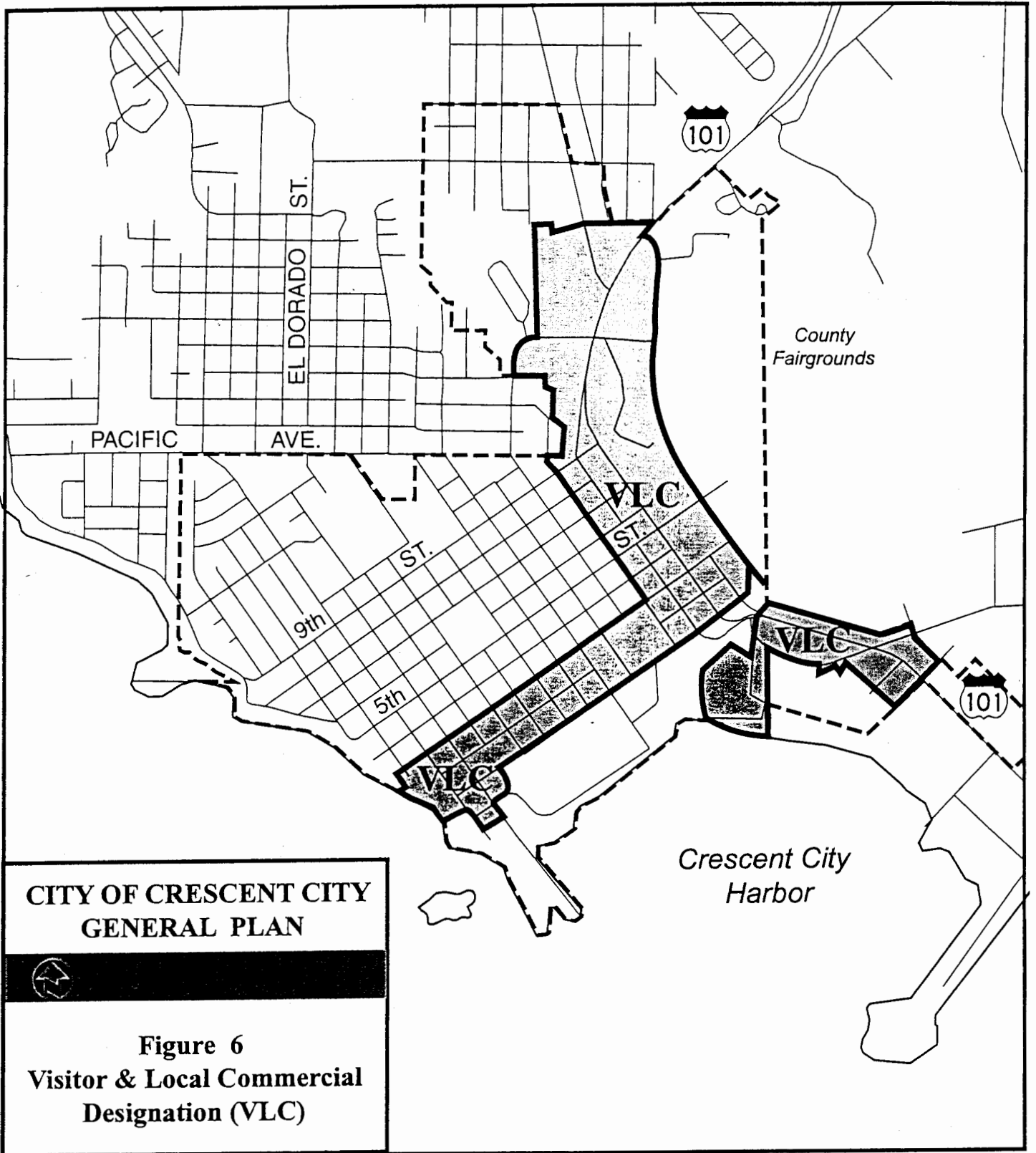


This General Plan introduces a new land use designation called Visitor and Local Commercial that promotes both visitor-serving and regional commercial development. This designation creates a new focus for the city taking advantage of the exposure of Highway 101 and the recreational amenities of Front Street. The traditional commercial focus on the central business district is replaced by a new focus on land along Highway 101 and Front Street to accommodate the tourists that frequent these locations (see Figure 6). Along these routes will be a concentration of visitor-serving commercial uses such as quality lodging, dining, shopping, recreation, and entertainment which will create a focus or destination for tourists. The designation is also designed to provide community commercial opportunities that tap into the regional market.

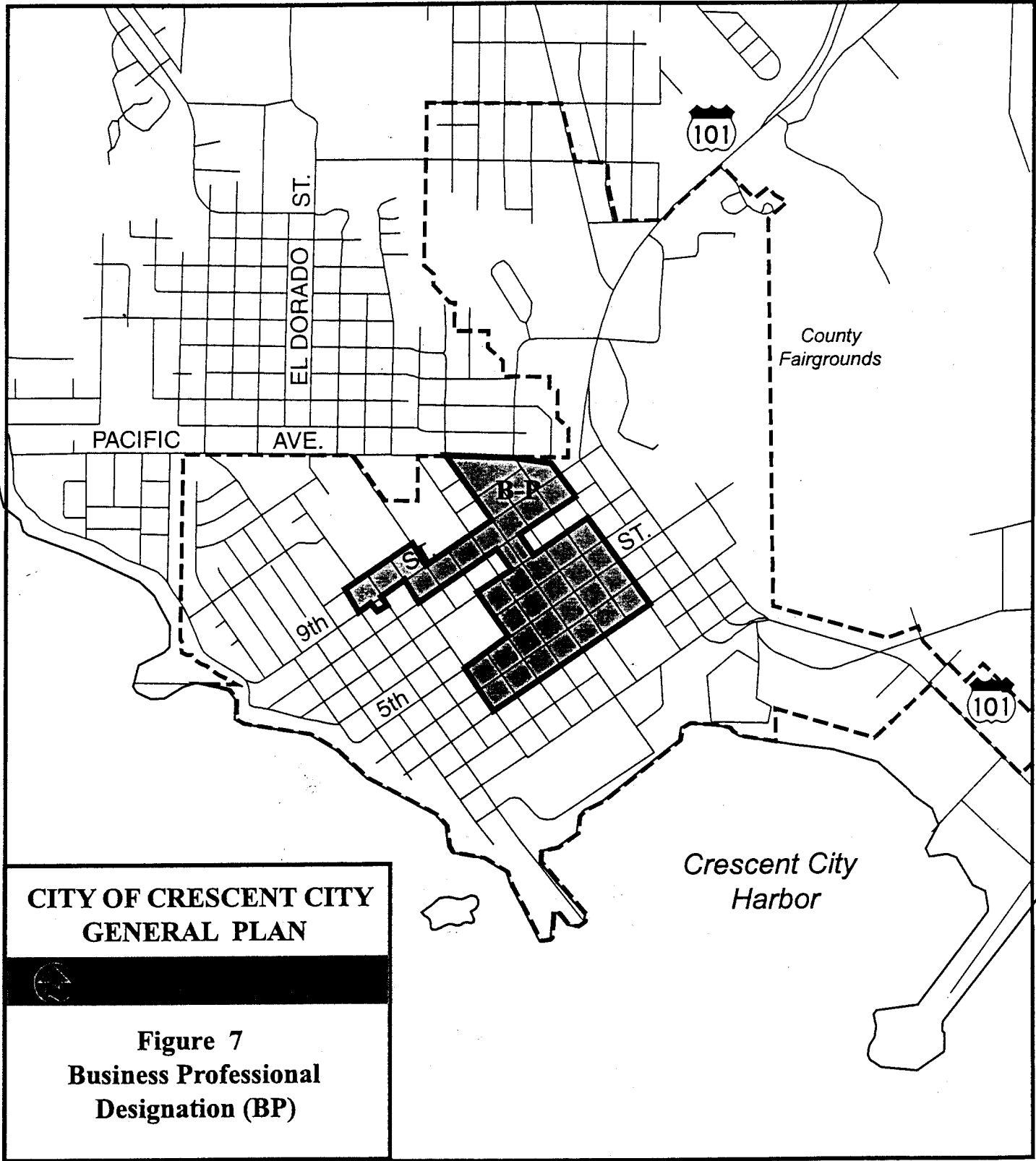


**BUSINESS- PROFESSIONAL DESIGNATION**

This General Plan introduces another land use designation called Business-Professional. The intent of this designation is to serve as a transition between residential uses on the northwest side and commercial uses located along the Highway 101 couplet and Front Street and to attract and retain professional, administrative, government, business, and related uses (see Figure 7). Uses in this designation primarily include administrative, business, and professional offices.







**CITY OF CRESCENT CITY  
GENERAL PLAN**

**Figure 7  
Business Professional  
Designation (BP)**

**HIGHWAY 101 AND FRONT STREET**



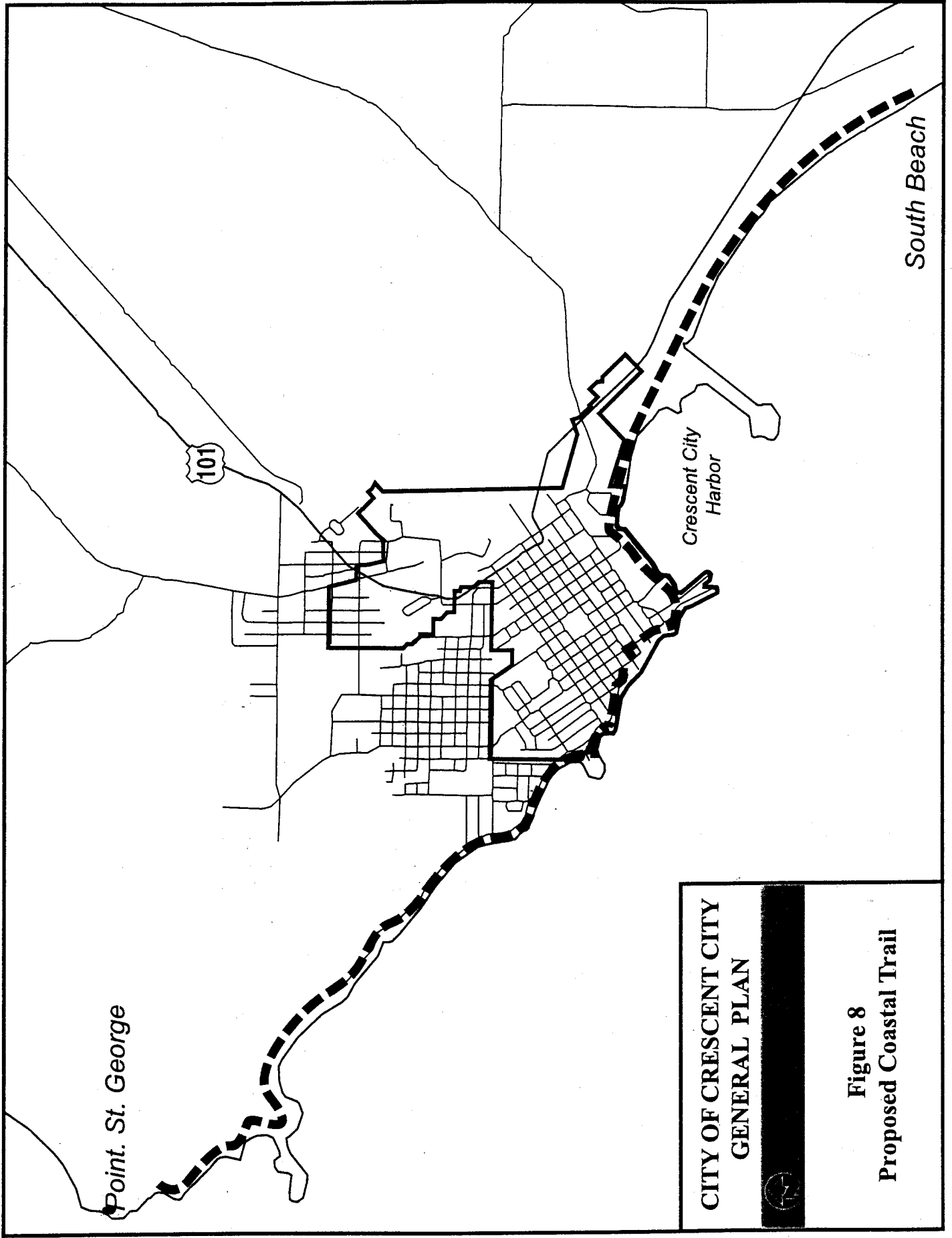
For decades the City, Del Norte County, the Del Norte Local Transportation Commission, and Caltrans have considered the concept of a Highway 101 bypass of Crescent City. The 1976 Crescent City and Del Norte County General Plan proposed four alternative bypass routes that would create a bypass east of the highway's existing location. The bypass concept (but not a specific route) was adopted by Caltrans and was included in the Regional Transportation Plan. Due to the tremendous cost, environmental impacts, and because the bypass will likely draw business away from the central area of Crescent City, the City opposed the bypass concept.

Currently (October 2000), Caltrans is in the process of updating the Route Concept Plan for Highway 101. The Plan will likely meet the City's goals by improving and enhancing the existing route by reconfiguring traffic lanes to improve traffic flow which will ultimately create a regional center and visitor-serving environment. In addition, the City supports the improvement and enhancement of Front Street to make it more efficient, provide more parking, and make it a pedestrian-friendly environment.

**CITYWIDE PEDESTRIAN/BICYCLE TRAIL (Coastal Trail)**



Promoting opportunities for pedestrian and bicycle travel is an important feature of this General Plan. This plan seeks to expand Crescent City's bike route/trail system in several ways: 1) creating linkages among sidewalks, bike routes, and pedestrian and equestrian trails; 2) creating bicycle links from downtown to the coast; 3) creating a coastal trail from Point St. George to South Beach; and 4) creating better linkages to the Pacific Coast Bike Route (see Figure 8); and 5) creating a linkage from downtown to Redwood National and State Parks. Building such a network of trails will not only enhance alternative modes of travel within the city, but also create additional leisure/recreational opportunities for tourists and residents.



Point. St. George

101

Crescent City Harbor

South Beach

CITY OF CRESCENT CITY  
GENERAL PLAN



Figure 8  
Proposed Coastal Trail

**COMPATIBILITY WITH THE  
DEL NORTE COUNTY  
GENERAL PLAN**



To minimize land use conflicts and to promote consistency in development standards, the City and Del Norte County have coordinated their general plans. The goals, policies, and implementation measures of the two General Plans are as consistent as practical, given the difference in perspectives between the City and County concerning the future development of the Crescent City area. Additionally, all the land use designations within this General Plan are consistent with those of the Del Norte County General Plan.

**PART II**  
**Goals, Policies, and Programs**

# SECTION 1

## LAND USE AND COMMUNITY DEVELOPMENT

This section contains diagrams, designations, standards, goals, policies, and programs that set the basic framework to guide the type, location, intensity, and quality of future development and the protection of Crescent City's natural and built environment.

### LAND USE DIAGRAM AND STANDARDS

The most familiar part of any general plan is the map, or land use diagram, showing the types and locations of development called for in the plan. In order to accurately interpret the development implications of the various designations shown on the diagram, the reader must understand the intent of and the standards for each designation. The following sub-sections first describe how the standards are expressed generally, then outline the standards for each of the designations shown on Crescent City's General Plan Land Use Diagram.

#### PLANNING AREA

State planning law requires that the general plan cover all territory with the boundaries of the adopting city or county as well as "any land outside its boundary which in the planning agency's judgement bears relation to its planning" (Government Code Section 65300). To carry out this directive, most cities formally delineate a "planning area" boundary in their general plans. For the purposes of the Crescent City General Plan, the Planning Area is defined by an east west line coinciding with Blackwell Road, following south along Elk Valley Road, and then following the Federal and State lands on the east. Figure 2 shows the boundary of the Planning Area.

#### URBAN BOUNDARY

Within part of the Planning Area, the City and County have defined an urban boundary line that encompasses all land considered for future water and sewer service expansion and thus for future urban development and annexation (see Figure 2). Since it is costly to provide infrastructure in low density areas such as rural communities, extension of water and sewer service is generally prohibited outside this boundary by both jurisdictions. Since development within this boundary is subject to higher densities and intensities, the City and County can provide long-term service planning within this area.

#### ALLOWABLE USES AND DEVELOPMENT STANDARDS

Each of the designations shown on the Land Use Diagram provides for a unique range of allowable uses consistent with the intent of the designation. The uses specified in the following subsections for each designation are indicative, not inclusive, of the range of uses allowed in the designation. Zoning more precisely specifies the allowable uses for individual parcels, consistent with General Plan prescriptions. In addition to the principal uses, the Zoning Ordinance typically authorizes similar and compatible uses, such as

incidental or accessory uses (e.g., garage in a single family district) and public and quasi-public uses (e.g., fire station or church in a single-family district). Generally one zoning district is used to implement a land use designation. Some areas may, however, be subject to transitional designations, such as a rural residential zone used within an urban boundary until community services can be provided. Table 1-1 provides a matrix indicating which zoning districts are considered consistent with the specified General Plan land use designations.

In some cases, uses are found which were legally established prior to the adoption of a land use designation or zoning and are not in conformance with uses permitted in such designations. These are known as “non-conforming uses.” Existing non-conforming uses may be continued, but may not be expanded.

State law requires that general plans include standards of population density and/or building intensity for all of the territory covered by the plan. To satisfy this requirement, this General Plan includes standards for each of the land use designations appearing on the Land Use Diagram. These standards are stated differently for residential and non-residential development (see Table 1-2).

**TABLE 1-1**

**CRESCENT CITY GENERAL PLAN LAND USE/ZONING CONSISTENCY  
LCP EXTRACT**

Land Use Designations	HD	HR	CZ-R1	CZ-R1B	CZ-C2	CZ-HS	CZ-0	CZ-NR	CZ-CW	CZ-M	CZ-MP	CZ-CM
Single Family Res.(2-6)			X	X								
Visitor and Local Commercial					X	X			X			
General Commercial					X							
Public Facilities					X		X					
Harbor Related		X							X			
Harbor Dependent	X											
Open Space							X					
Natural Resources								X				

**TABLE 1-2**

**CITY OF CRESCENT CITY GENERAL PLAN  
LAND USE DESIGNATIONS AND STANDARDS**

Category	Land Use Designation	Label	Res. Density (DUs/Net Acre)	Max. FAR	Corresponding City Zoning	Corresponding County GP Designation
Residential	Single Family (2-6)	SF 2-6	2.1 to 6.0	--	R-1 ,R1-B	UR
Commercial	Visitor and Local Commercial	VLC	--	0.50	C-2, HS, CW	VSC-
	General Commercial	GC	--	0.50	C-2	GC
Public	Public Facilities	PF	--	0.50	C-2. O	PF
Harbor	Harbor-Related	HR	--	0.55	HR, CW	HR
	Harbor Dependent	HD	--	0.50	HD	HD
Conservation and Open Space	Open Space	OS	--	--	O	G
	Natural Resources	NR	--	--	NR	RCA

\*The maximum allowable total residential density is to be determined by multiplying the gross acreage by two.

## Residential Uses

Standards of development density for residential uses are stated in terms of the allowable range of dwelling units per net acre. For purposes of determining maximum development entitlements, the total area of a particular parcel or lot is calculated. Where public roadways are involved, the total area is determined by subtracting the area dedicated as a public right-of-way; where private roads are involved, the right-of-way is not subtracted, so the total area is synonymous with the gross area. Where multiple designations are found on a property, the density of each designation is calculated individually.

The policies of this General Plan require that project design reflect and consider natural features, suitability of soils, availability of water, hazards, circulation, and the relationship of the project to surrounding uses. The actual density of residential development and intensity of commercial development, as well as lot patterns, will be determined by these and other factors. As a result, the maximum density specified by land use designations or zoning for a given parcel of land may not be realized. This General Plan also has provisions for clustering gross density on a project-wide basis, thus permitting overall density to be clustered into pockets of higher density development within the project that are balanced by areas of lower density, while not changing the overall designated density. This program provides for easier mitigation of environmental factors with minimal loss of development density.

In accordance with the Coastal Housing Act, local governments are required to encourage the provision of low and/or moderate income housing as a part of residential development projects within the Coastal Zone. Projects that include residential development must be reviewed for consistency with the requirements of the Act for low- and moderate-income housing. Also, the provision of bonus densities and/or other incentives as outlined in the Act as defined by the State housing regulations for low- and moderate-income housing shall be permitted, subject to review on a case-by-case basis. Where bonus densities are provided, environmental impacts shall either be determined to be insignificant or mitigated to less-than-significant level, and a program verifying that the bonus units will be occupied by low- and/or moderate-income households shall be approved.

Also Pursuant to California Government Code (Sec. 65915 et seq) and the Coastal Housing Act, the granting of a bonus in density for residential development that provides qualifying low- and/or moderate- income housing shall be permitted, subject to individual project review. As defined by State law, the additional density is to be calculated based on the maximum basic density identified by the Land Use Diagram. No change in the basic permitted density itself shall be necessary for the bonus, provided that the following findings are made:

- 1) The proposal is found to qualify for bonus units under State guidelines; and
- 2) A program for insuring continued use as low and/or moderate income units is included in any approval.

Where bonus units that have been approved and constructed are proposed to be converted to non-low- or moderate-income use, a General Plan amendment making the Land Use Diagram density and overall (original) project area density consistent with each other shall have been approved first before the conversion is permitted.

Under California Government Code (Sec 65852.1), the City also continues to consider use permits for second dwellings for seniors ("granny housing") which, subject to public health and safety issues, shall be deemed a residential use consistent with the single family and multifamily designations of this Plan. Such units shall not be considered to exceed the allowable density for the lot upon which it is located.

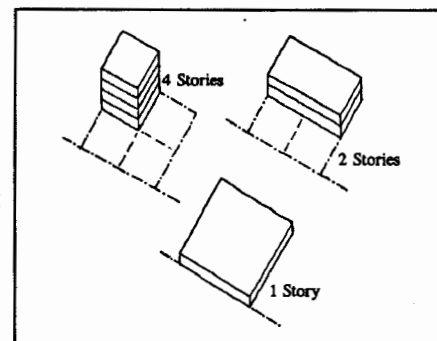


Departing from the City's past practices, this General Plan specifies residential development standards in terms of a range of dwelling units per acre. In the past, the City's standards specified only the maximum number of units permitted per acre. The difference is that the updated standards also specify a minimum density for residential designations. The new approach responds to the City's Housing Element (adopted in 1992), which includes a policy and a program calling for establishment of minimum residential densities to "limit underutilization of land and maximize development potential." The specification of minimum densities also allows for more certainty with respect to the nature of future development and the overall development pattern.

This certainty is critical to effective infrastructure planning and financing in urban areas (e.g., sizing of service lines and treatment facilities and establishing financing mechanisms and fee structures). The specification of minimum residential densities is also valuable to private property interests since it allows for a more definitive determination of the type of development likely to occur or be permitted in a particular area.

### Non-Residential Uses

This General Plan presents standards of building intensity for non-residential uses such as commercial and industrial development in terms of maximum floor-area ratios (FARs). A floor-area ratio is the ratio of the gross building square footage on a lot to the net square footage of the lot (or parcel). For example, on a lot with 10,000 net square feet of land area, an FAR of 1.00 will allow 10,000 square feet of gross square feet of building floor area to be built, regardless of the number of stories in the building (e.g., 5,000 square feet per floor on two floors or 10,000 square feet on one floor). On the same 10,000-square-foot lot, an FAR of 0.50 would allow 5,000 square feet of floor area, and an FAR of 0.25 would allow 2,500 square feet. The diagram



to the right shows graphically how various building configurations representing an FAR of 1.00 could cover a lot.

The FAR standards presented in this report were developed based on consideration of factors such as sewage disposal methods, parking requirements, and building height needs or limitations. FAR standards can, in turn, assist in assessing such planning questions as potential traffic generation, or sewer and water line needs in areas not yet fully developed.

Some land use designations and types of development may not be entirely compatible with the typical density or FAR approaches. These include commercial mobilehome parks and campgrounds, and resource land use designations such as timberland and agriculture. In the former case, special development conditions can be utilized setting a density ratio of spaces to acreage, rather than residential units per acre. Resource lands are generally focused upon resource production with minimum parcel sizes set for management purposes. Residential development can be viewed as accessory activity or as not necessary to the primary use and can be limited or prohibited. Structures associated with resource production activities, such as barns, storage, or milling buildings, are also typically secondary.

## LAND USE DESIGNATIONS

The Land Use Diagram of this General Plan, which follows page 1-26, uses 21 residential, commercial, industrial, and other land use designations to depict the types of land uses that will be allowed in the different geographic areas of Crescent City's Planning Area.

The following sections set forth the purpose of each designation appearing on the Land Use Diagram.

## **RESIDENTIAL**

### **Residential 2-6 (SF 2-6)**

This designation provides for low to moderate residential development within the urban boundary. The principal permitted uses under this designation are single family dwellings with accessory buildings and home occupations. Residential densities range from two to six dwelling units per acre. The City may grant conditional use permits for churches, second units, guest lodging, parking lots, small public facilities, large care homes as defined by the California Health and Safety Code, and small neighborhood commercial uses that are compatible with surrounding neighborhoods, such as owner/resident grocery shops.

## **COMMERCIAL**

### **General Commercial (GC)**

This designation provides for general commercial uses which provide the Crescent City Planning Area with goods, services, and jobs. The maximum floor area ratio (FAR) in this designation is 0.50. The principal permitted uses under this designation include, but are not limited to, commercial activities such as small retail stores and personal service shops; regional shopping and service centers; offices; food services; travel and transportation services such as motels and gas stations; entertainment centers; recreation facilities; and medical centers and services including convalescent homes. The City may grant conditional use permits for regional public facilities, assisted care facilities, secondhand stores, and nonprofit organizations. Residential uses as a secondary/mixed use at a density of 12 units per acre may also be considered. All heavy commercial uses shall be prohibited in the General Commercial designation.

### **Visitor and Local Commercial (VLC)**

This designation provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses. Within the coastal zone, however, visitor-serving uses will have priority over all other allowable uses. The focus of this designation is on concentrating uses oriented toward tourism and drawing trade from the entire Del Norte County area. The maximum FAR for buildings in this designation is 0.50. The principal permitted uses under the VLC designation include, but are not limited to, commercial activities such as regional shopping and service centers including wholesale "club" stores and factory outlets; a full range of retail uses including apparel stores, specialty shops, durable goods, and home furnishings; travel and transportation services such as motels/hotels and gas stations; restaurants; entertainment centers; banks; savings and loans, and recreation facilities. Multiple-unit residential uses as a secondary/mixed use at a density of 6 to 15 units per acre may be considered with a conditional use permit. Other uses requiring a conditional use permit include, but are not limited to, new timeshare resort hotels, recreational vehicle parks, mini-storage, medical offices, and public facilities.

## **PUBLIC**

### **Public Facilities (PF)**

This designation provides for facilities owned by City, County, State, or Federal agencies. This includes, but is not limited to, government offices and courts, public safety facilities (i.e., fire and police stations), hospitals, libraries, forest and recreation areas, parks, airports, solid waste facilities, correctional facilities, water tanks, wastewater treatment facilities, electrical substations, cemeteries, and schools. The maximum floor area ratio (FAR) in this designation development is 0.50.

## **HARBOR**

### **Harbor Related (HR) ☞**

The Harbor Related (HR) designation is intended primarily for public and private lands in which commercial and light industrial uses are not dependent upon immediate access to the harbor but benefit from a harbor location. The maximum floor area ratio (FAR) is 0.55. Permitted uses in this designations include restaurants and cafes, marine curio manufacture and sales, hotels and motels, visitor related services including retail sales shops, fishing support services such as net manufacturing and sales, welding and machine shops, boat brokerage offices and equipment storage yards. Consideration may be given for a conditional use permit for museums, residential uses as a secondary use at a density not to exceed 15 units per acre (including condominiums), recreational facilities, recreational vehicle parks, public uses, bulk fuel storage facilities, energy facilities, and maintenance dredging and dredge spoils placement at approved sites.

### **Harbor Dependent (HD) ☞**

This designation is intended to provide for harbor dependent uses, which include harbor dependent commercial and harbor dependent recreational activities that must be dependent upon the activities or products generated by Crescent City Harbor. These activities include any function connected with the fishing process or handling and/or storing of equipment necessary to secure fish. Provision of scenic views for public enjoyment are also harbor dependent activities. These lands may be held by the harbor district or privately owned. These areas should be served by public water and sewer and public or harbor district roadways. The maximum floor area ratio (FAR) is 0.50. The principal permitted uses include boat basins, harbor district offices, Coast Guard stations and quarters, marine terminals and docking facilities, ice facilities, fisheries supplies and storage, net repair areas, maintenance dredging and dredge spoils at approved sites, seafood processing, fuel sales, parking areas and publically owned support facilities. Consideration may be given for a conditional use permit for dredging and filling for new development, oil and fuel storage facilities, marine electronic shops and restaurants and cafes.

## **OPEN SPACE**

### **Open Space (OS)**

This designation is intended to set aside areas to be used for permanent open space to protect the health, safety, and welfare of the people and visitors of the Crescent City area and to provide spaces for the location and preservation of unusual natural features, historical and cultural sites, and areas that provide energy, water, and recreational activities. This designation is also intended to set aside areas to be used for wind or weather screens and for visual effect. Public property uses include, but are not limited to, parks and playgrounds, vista

areas, general open spaces, beaches, wooded areas, drainage canals and channels, airport flight path zones, and marinas. Private property uses include commercial recreation, farming, energy production, transmission corridors, mineral production, water conservation, cemeteries, and marinas.

### **Natural Resource (NR)**

The Natural Resource (NR) designation provides for the protection, enhancement, and restoration of environmentally-sensitive habitat areas and for resource dependent uses consistent with the continuance of such uses. This designation applies to sensitive habitat areas including coastal sand dunes, coastal wetlands, and riparian corridors (i.e., Elk Creek). Due to the nature of the designation, its density is zero. However, subject to dedication of easement or ownership of undisturbed NR habitat as part of a development project, an incentive density may be granted for use in non-NR portions of the same parcel. The incentive shall not exceed the lowest density land use designation immediately adjacent to the habitat areas multiplied by the area of the habitat to be dedicated, divided by three. Dedication should be to a public or quasi-public agency at the time of development.

The allowable uses within designated NR shall be limited to:

1. Fish and wildlife management;
2. Nature study;
3. Wetland restoration;
4. Hunting and fishing including development of duck blinds and similar minor facilities;
5. Those recreational facilities included in a State Park and Recreation/Department of Fish and Game Master Plan submitted and approved as an amendment to the Local Coastal Program;
6. In all areas, the maintenance of flood drainage control and drainage channels;
7. In all areas, removal of windblown trees which threaten existing structures;
8. In riparian habitat areas the following uses are allowed:
  - a. Recreational trails;
  - b. Hunting and fishing;
  - c. Maintenance of existing flood control and drainage channels;
  - d. Wells within rural areas;
  - e. Road maintenance and repair of existing roads. New stream crossings shall be limited when feasible to right angle crossings of streams and stream corridors.

No single-family residences or other structures shall be permitted within an NR area, unless it would result in denial of substantially all reasonable use of the parcel of land.

## **DEVELOPMENT GOALS, POLICIES, AND PROGRAMS**

The goals, policies, and programs of this section are organized according to the following categories, each of which relates to a key set of related issues pertaining to land use and development in Crescent City.

- Growth and Development
- The Visitor and Local Commercial (VLC) Area
- Tourism
- Maintenance and Safety
- Economic Development
- Community Design, Visual Quality, and Appearance
- Harbor Development
- Administration and Implementation

**GROWTH AND DEVELOPMENT**

**Goal 1.A.** To encourage the overall economic and social growth of the City while maintaining its position of importance in the county and improving its overall aesthetic appeal.

**Policies**

1.A.2. The City shall encourage infill development that makes efficient use of existing public infrastructure and is compatible with existing development.

1.A.4. The City and County should cooperate closely in the development of the unincorporated area surrounding the city and should allow for appropriate uses contiguous to the city.

1.A.5. The City should avoid jeopardizing its own viability or ability to manage growth in and around the city by through overcommitting the capacity of its systems outside of the city limits.

1.A.6. The City supports annexation as a positive means of city expansions but shall evaluate annexation proposals on a case-by-case basis. In reviewing these proposals, the City shall consider the questions listed in Table 1-3. The City shall support only those annexations that:

- Promote orderly development and redevelopment of land within the Urban Boundary;
- Promote efficiency in service delivery;
- Are broadly supported by affected residents and property owners; and
- Are beneficial to the City.

<b>TABLE 1-3</b>	
<b>ANNEXATION CONSIDERATIONS</b>	
<b>1. Resident Support</b>	What is the likelihood of gaining community support from property owners in the annexation area?
<b>2. Development and/or Redevelopment Potential</b>	Will the annexation add vacant developable land to the city or is there potential for significant redevelopment?
<b>3. Strategic Importance</b>	Will the annexation further city goals?
<b>4. Preemptive Action</b>	Would the annexation help prevent unwanted or incompatible development on the city's periphery?
<b>5. Revenue Potential</b>	What amount of revenue can be anticipated from property, sales, and other taxes; will the annexation result in a net revenue gain or a net loss to the city?
<b>6. Cost of Providing Ongoing Municipal Services</b>	What will it cost to provide police services, fire services, road maintenance, parks and recreation, sewer service, and water service; can the city bear the cost of providing these ongoing services in the annexed area?
<b>7. Need for Upgrading Existing Infrastructure</b>	To what degree do existing drainage systems, water delivery systems, sewer collection systems, streets and roads, and other infrastructure need to be brought up to city standards; can the city bear this cost?
<b>8. Potential for Improved Service Delivery</b>	Is there potential for improved service delivery in the annexed area and/or the city as a whole or will some services be reduced?

- 1.A.7. Among urban commercial uses, the City shall ensure that coastal dependant, visitor-serving uses have priority within the Coastal Zone. For those uses along the immediate shoreline, the City shall give priority to uses whose basic feasibility is dependent on a waterside location. ☞

### **Implementation Programs**

Existing programs are deemed sufficient.

## **VISITOR AND LOCAL COMMERCIAL (VLC) AREA**

### **General**

**Goal 1.B:** To create a compact, pedestrian-oriented, economically-robust VLC area (see Figure 6) that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.

### **Policies**

1.B.2. The City shall actively encourage, support, and provide incentives, where feasible, for the types of development it prefers in the VLC area, including the following:

1. Mixed-use projects;
2. Regional anchor stores;
3. Tourism-related uses;
4. Projects that reinforce viable existing uses; and
5. Projects that reinforce the identity of the VLC area.

1.B.3. The City shall work jointly with the Redevelopment Agency to promote the VLC area as the city's primary pedestrian, commercial, entertainment center, and gathering place for residents and tourists.

1.B.4. The City shall establish a better relationship of Beachfront Park to Downtown Third Street through improved signage and enhanced pedestrian access.

1.B.5. The City shall place uniquely-styled (i.e., consistent with the Redwood theme) directional signs along Highway 101 at both the South and North entrances to the downtown area.

1.B.6. The City shall improve signage so as to direct more Highway 101 tourist traffic to turn west on Front Street at the Ess Curve.

1.B.7. The City shall work jointly with the Redevelopment Agency to provide public parking facilities in the VLC area to accommodate tourist traffic.

1.B.9. The City shall place signs at key points in the city, especially along Highway 101, that clearly identify local amenities such as Battery Point Lighthouse, the pier, and Beachfront Park.

1.B.10. The City shall provide easily identified RV parking within sight of both Beachfront Park and the downtown area.

1.B.16. The City shall provide leadership and support for creating a performing arts complex and youth/community center within the VLC area.

[See also Policy 1.A.7]

### **Implementation Program**

Existing programs are deemed sufficient.

## **TOURISM**

**Goal 1.D:** To expand and enhance the VLC area, Crescent City Harbor, and downtown as a tourist destination.

### **Policies**

1.D.2. The City shall actively encourage, support, and provide incentives, where feasible, for locating visitor-serving development, particularly hotels and bed and breakfast inns, in the area designated as Visitor and Local Commercial (VLC).

1.D.4. The City shall support improved pedestrian, bicycle, and transit facilities in the VLC area to provide greater access and mobility for visitors/tourists.

### **Implementation Programs**

Existing programs are deemed sufficient.

## **ECONOMIC DEVELOPMENT**

**Goal 1.I.** To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, public safety, and service needs of Crescent City residents and to expand the economic base to better serve the needs of residents.

### **Policies**

1.I.1. The City shall maintain the area designated as Visitor and Local Commercial (VLC) as the main retail/visitor commercial activity center of the city.

1.I.2. The City should encourage high density residential development in the downtown area and VLC area to provide a further source of support for commercial activity and to reduce local dependency upon the automobile.

1.I.5. The City should encourage development of a motel/hotel near southern side of the Cultural and Convention Center.

1.I.7. The City shall provide municipal services to commercial/industrial areas to encourage the retention, expansion, and development of new businesses that act as employment generators.

- 1.I.11. The City shall provide opportunities for home businesses such as home occupations (non-intensive, resident only businesses), residential and community care facilities (as defined in the California Health and Safety Code for residential use), and guest lodging (small bed-and-breakfasts accessory to residential use).
- 1.I.12. The City further encourages the private development of visitor-serving facilities and supports private/public partnerships that build such facilities or that facilitate visitor activities.

[See also Policy 1.A.7]

#### **Implementation Programs**

Existing programs are deemed sufficient.

### **COMMUNITY DESIGN, VISUAL QUALITY, AND APPEARANCE**

**Goal 1.J.** To maintain and enhance the quality of Crescent City's built environment (i.e., historical buildings, major corridors, city entrances, landscape, and streetscape).

#### **Policies**

- 1.J.2. The City shall work jointly with the Redevelopment Agency to aggressively support facade improvements for buildings in the VLC area, including provision of incentives. Buildings along the Highway 101 couplet, Front Street, and 3<sup>rd</sup> Street should have the highest priority.
- 1.J.7. The City shall pursue streetscape improvements, such as public art, landscaping, and street enhancement, in the VLC area.
- 1.J.9. The City shall work jointly with the Redevelopment Agency to develop community gateway entry facilities.
- 1.J.10. The City's major highway entrances should be developed as scenic corridors through the use of an architectural design theme, removal of overhead utilities, landscaping, and similar measures to improve the appearance of the approaches to the City.
- 1.J.12. The City shall work jointly with the Redevelopment Agency to enhance the pedestrian environment through streetscape elements such as attractive planter boxes, comfortable seating, attractive and functional lighting and street signs, and attractive trash receptacles.
- 1.J.13. The City shall replace "freeway style" streetlights with more attractive "human scale" lights.
- 1.J.14. The City shall encourage and assist in the development of murals to enliven blank walls in the areas designated Visitor and Local Commercial (VLC) and Business Professional (BP). The murals shall be consistent with the city's three central themes.

#### **Implementation Programs**

Existing programs are deemed sufficient.



## HARBOR DEVELOPMENT

**Goal 1.K.** To ensure optimum utilization of the Harbor's commercial tourism and recreational potential, while allowing for appropriate public and private uses, developing access as a Harbor, conserving the Harbor's open water, improving the Harbor's aesthetic appeal, and increasing its economic viability. ☞

### Harbor Development Policies

1.K.1. The continuing development and expansion of the Harbor should seek to satisfy as reasonably as possible all commercial, recreational, and public demands. In planning for the limited area of the Harbor, the plan should consider reserving portions of the Harbor area and its expansion area in the following three categories:

1. Harbor Dependent: Those activities which would require immediate access to the Harbor waters;
2. Harbor Related: Activities which are dependent in some way upon a Harbor location; and
3. Harbor Consistent: Activities which would benefit from a Harbor location and would enhance the overall viability of the Harbor. ☞

1.K.3. The City, County and Harbor District should continue to effectively plan and coordinate for the overall development of the Harbor and its adjacent land. ☞

### Harbor Safety and Design Policies

1.K.4. The City, County, and Harbor District should continue to petition appropriate Federal and State agencies to accelerate the study of littoral sand movement and its relationship to harbor sanding, beach sand replenishment, coastal bluff erosion (north of Battery Point), and suitable locations for ocean disposal. ☞

1.K.5. The City, County and Harbor District should apply for assistance in evaluation of the cost-benefit ratio of an extension of the breakwater system in relationship not only to tonnage shipped from the harbor, but also in protecting the substantial investment in local, State, and Federal agencies. ☞

1.K.7. The City should build a Coast Guard Helicopter pad facility in the Harbor area for emergency use. In that this use would be infrequent and not water dependent, the City shall consider the Harbor area east of Highway 101. ☞

1.K.8. Since the wooden construction of Citizen's Dock is expensive to maintain and costly to insure, the City should consider studying the feasibility of replacing the wooden structure with aggregate fill. ☞

1.K.9. The City shall locate energy facilities, oil and gas development, tanker facilities, refineries, electric generating plants, and electric cogenerating projects within those areas designated as Harbor Related. The City shall allow the development of such a facility upon the inclusion and approval of the proper protection devices to prevent crude oil, gas, petroleum, or other hazardous substances from being spilled, or from contaminating areas beyond the project site. ☞

**Diking, Dredging, Filling, and Shoreline Structure Policies**

- 1.K.10. The City shall be supportive of any permitted Harbor dredging which will encourage harbor development. ☞
- 1.K.11. The City shall limit the filling and dredging of coastal waters to those uses that are consistent with Section 30233 of the California Coastal Act, and which directly enhance harbor dependent uses such as recreational or industrial programs. ☞
- 1.K.12. The City shall restrict the diking, dredging, and filling of the wetlands in Elk Creek and McNamara annexation within the Coastal Zone to those allowable uses identified within Section 30233 of the California Coastal Act. ☞
- 1.K.13. The City shall, in conjunction with the Harbor District, County of Del Norte, Del Norte Hospital District, Coastal Commission staff, and the Department of Fish and Game, develop a sand management program for any dispersal of sand on existing fine-grained sand beaches only. The plan shall include, but not be limited to, the amount of sand to be placed yearly, months of the year when placement is possible, hours of operation, and the need for an annual sand budget. Any such program shall require a Local Coastal Plan amendment approved by the California Coast Commission. ☞
- 1.K.14. The City's priority for use of any dredged sand is to be for the Battery Point Recreational Area development. The placement of sand in this area shall conform with any sand management program approved by the California Coastal Commission and the following restrictions:
- 1) The following uses for said sand are prohibited:
    - The development of a parking and picnic area.
    - The filling between Battery Point and the mainland.
  - 2) If the recreational boating marina takes place, the placement of sand for a jetty shall be the least amount needed to provide for a single-wide roadway on top of the jetty. ☞
- 1.K.15. If the recreational boating marina takes place, the City shall ensure that the placement of sand for a jetty be the least amount needed to provide for a single-wide roadway on top of the jetty. ☞
- 1.K.16. The City shall require that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ☞
- 1.K.17. The City shall approve revetments, breakwaters, groins, harbor channels, seawall, cliff retaining wall, and other such construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. "Existing structure" means a structure in existence on March 14, 2001. ☞

1.K.18. The City shall include a condition in the approval of all new development on ocean fronting parcels that no shoreline protective structure shall be allowed in the future to protect the development from bluff erosion. Prior to the issuance of a coastal development permit for the development, a deed restriction acceptable to the Planning Director shall be recorded memorializing the prohibition on future shoreline protective structures.

### **Implementation Programs**

Existing programs are deemed sufficient.

## **ADMINISTRATION AND IMPLEMENTATION**

**Goal 1.L.** To provide for the ongoing administration and implementation of the General Plan.

### **Policies**

1.L.4 The City shall review and amend, as necessary, applicable ordinances and regulations to ensure consistency with the General Plan.

### **Implementation Programs**

1.6 The City shall review and amend, as necessary, applicable ordinances and regulations referenced herein to ensure consistency with the General Plan. These shall include the following:

- Zoning Ordinance
- Subdivision Ordinance
- Development standards

Responsibility: Public Works Department  
Planning Department

Time Frame: FY 02; 03-04 as necessary

1.7 The City shall implement the provisions of this General Plan through its ongoing project review process.

Responsibility: Planning Commission  
City Council  
Planning Department

Time Frame: Ongoing

## **SECTION 2**

### **HOUSING**

**(NOT PART OF THIS DOCUMENT/UPDATE)**

## SECTION 3

# TRANSPORTATION AND CIRCULATION

This section outlines the City's goals, policies, and programs for the continued development and enhancement of Crescent City's transportation and circulation system. The section includes goals, policies, and programs addressing the following subjects:

- Street and Highway System;
- Public Transportation;
- Bicycle Transportation;
- Pedestrian Transportation;
- Air Transportation;
- Maritime Transportation; and
- Teletransportation.

### ROADWAY FUNCTIONAL CLASSIFICATION SYSTEM

Roadways serve two necessary but conflicting, functions: mobility and property access. High and constant speeds, with few interruptions and limited conflicting traffic, are desirable for mobility. A functional classification system provides for specialization in meeting the access and mobility requirements of the development permitted under the General Plan. Local streets emphasize property access; freeways and arterials emphasize high mobility for through-traffic; and collectors attempt to achieve a balance between both functions.

An efficient transportation system is an important component of a strong and dynamic economy. Access control is the greatest single correlative to traffic safety and regional mobility. Good access management practices will ensure that the transportation system will continue to serve the needs of Crescent City by insuring safe, efficient, and convenient mobility.

### ROADWAY NETWORK

#### Freeways

Freeways are facilities that exclusively have a traffic-carrying role. No access is provided to freeways except at designated interchanges. Freeways are designed to be high speed, high capacity facilities intended to move as many as 20,000 cars per lane per day. Currently, the only freeway in Crescent City is the portion of U.S. 101 north of Parkway Drive.

#### Arterials

Arterial streets are intended to serve moderate levels of through traffic, but they tend to provide some access to adjacent land uses as well. Particularly in the central portion of Crescent City on U.S. 101, the provision of

access to the adjacent land is quite important. Arterial streets will typically have four to six lanes (total) for through traffic, and if the right-of-way permits, a separate median lane for left turn movements. Usually, median lanes are landscaped so that turns can only be made at intersections. However, the median may be striped to allow turns into and from driveways to be made from the median. Ideally, arterial streets will be designed to concentrate access points through the provision of common driveways or possibly by locating driveways on a cross-street where the opportunity exists. Arterial streets are usually designed so that the only interruption to through-traffic flow is due to the presence of traffic signals at key crossing locations.

<b>TABLE 3-1</b>	
<b>ROADWAY DESIGNATIONS</b>	
<b>Crescent City Planning Area</b>	
<b>ROADWAY CLASS</b>	<b>ROADWAY</b>
<b>Freeway</b>	Highway 101 (north of Parkway Drive)
<b>Arterials</b>	Elk Valley Road* (Highway 101 - Howland Hill Road) Front Street Highway 101 (south of Parkway Drive)
<b>Collectors</b>	2 <sup>nd</sup> Street (A Street to B Street) 5 <sup>th</sup> Street 9 <sup>th</sup> Street Howe Drive A Street (2 <sup>nd</sup> Street to Washington Blvd.) Pacific Avenue Pebble Beach Drive
*Upgrade of FHwA classification due to development **New road—not Fhwa-listed	
Source: City of Crescent City, Department of Public Works, 1999; Del Norte County Community Development Department, 1999.	

Within the Crescent City limits, U.S. 101 and Northcrest Drive function as arterial streets. Front Street is designed as an arterial street with four lanes plus a left-turn median lane; however, it does not carry the traffic volume typically associated with an arterial; it is shown as an arterial on Figure 3-1.

U.S. 101 has several cross-sections as it passes through the city. South of Anchor Way, it is a two-lane State Highway. From Anchor Way to just south of Elk Valley Road, a central two-way left turn median was added. Between a point south of Elk Valley Road and Front Street, U.S. 101 has two lanes in each direction plus the left-turn median. The highway becomes a one-way couplet between Front Street and 9th Street, with three lanes northbound on M Street and two lanes southbound on L Street. From there, the highway reverts to two through lanes in each direction plus the left turn median to Parkway Drive, where it becomes a freeway. Part of U.S. 101 between Northcrest Drive and 9th Street contains a third southbound lane; this converts to a right-turn lane at 9th Street.

Northcrest Drive includes two lanes in each direction plus a left-turn median lane throughout its length within the city limits. North of Old Mill Road in the unincorporated area, it reverts to a two-lane facility with a left-turn median in some locations.

**Collector Streets**

Collector streets connect the local street network with the arterial network, and they also provide access to adjoining properties. There is generally little driveway control imposed or needed on collectors. They are differentiated from arterials also in that there may be periodic four-way stop controls along their length. They differ from local streets in that most local streets are controlled by two-way stop signs at their intersection with collectors. Collector streets typically have one lane in each direction. In some isolated cases, left turn lanes may be created at key intersections with arterial streets.

Within the Crescent City limits, the following streets function as collectors: Pebble Beach Drive, A Street, H Street, Battery Street, Howe Drive, a short section of Elk Valley Road, 5th Street, and 9th Street

**Local Streets**

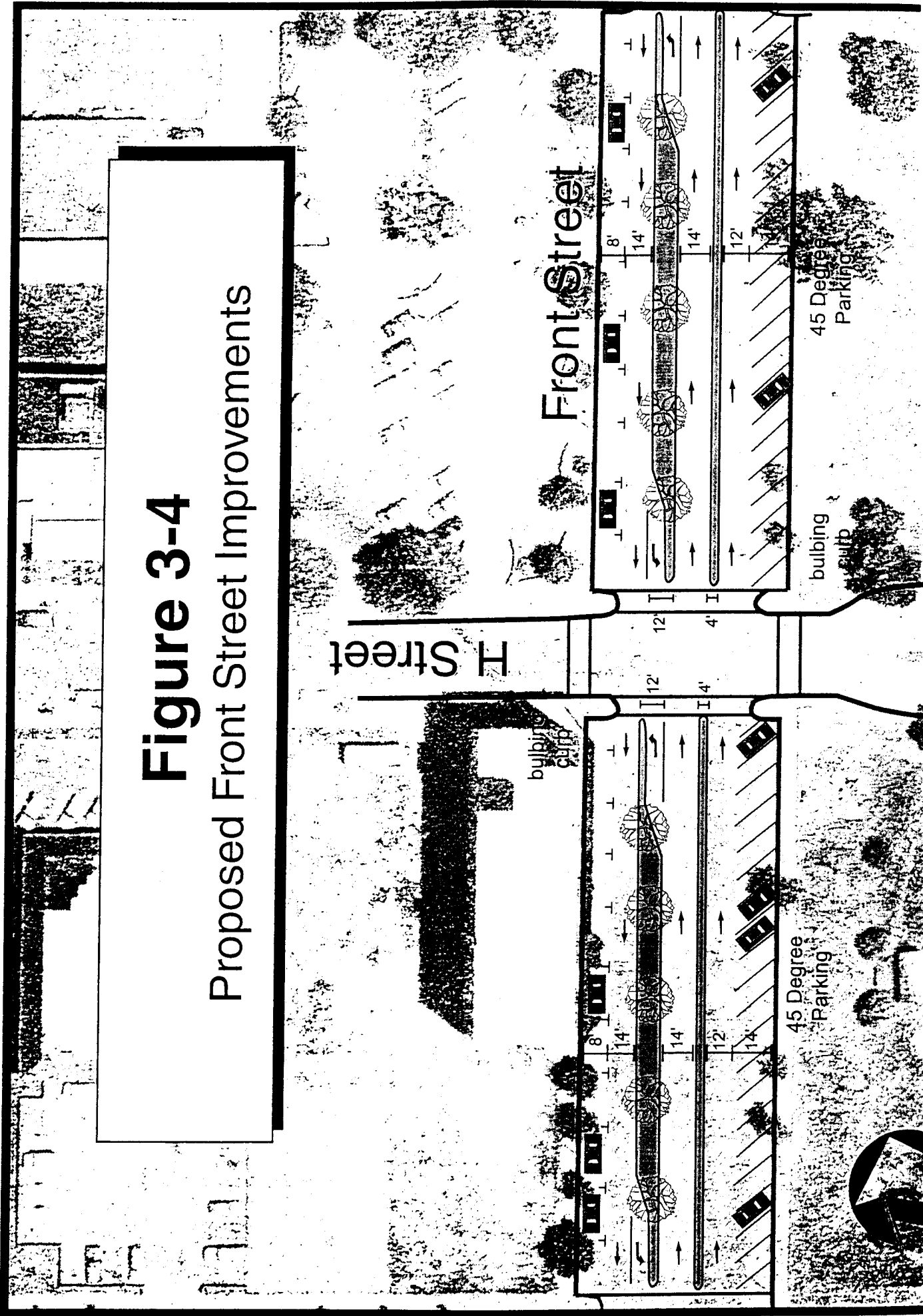
Local streets have the principal function to provide access to adjoining property. They are intended to be low volume and low speed facilities. Typically, they have one lane in each direction. In urban areas, the streets are generally wide enough to allow parking on both sides of the street. Local streets are usually controlled by stop signs at their intersections with arterials and collectors. Stop and/or yield control may also be present at the intersection of two local streets if conditions warrant. All streets in the area not designated as freeway, arterial or collectors are defined as local streets.

**BICYCLE ROUTE NETWORK**

The City of Crescent City established a bike route system that utilizes lightly used residential streets, other street sections with separate bike lanes, and sections of bike paths. The Del Norte County and Crescent City Bicycle Facilities Plan identifies a system of bikeway routes in the city and county. The Plan, which was originally adopted in 1987 and periodically updated, designates bikeway routes in the greater Crescent City area. Table 3-2 identifies routes in the Coastal Zone.

<b>TABLE 3-2</b>	
<b>EXISTING AND PROPOSED BICYCLE ROUTES</b>	
<b>City of Crescent City Planning Area</b>	
<b>Bikeway</b>	<b>Class</b>
K Street (9 <sup>th</sup> to Front Street)	Class III
Harbor Trail (Howe Drive Path to 101 via Starfish)	Class I and II
Front Street (A to N St)	Class I and III
A Street (Front Street to Lighthouse)	Class I and III
Pebble Beach Drive (Washington to 9 <sup>th</sup> St)	Class I, II and III
Howe Drive/Lighthouse Path (Lighthouse to Elk Creek)	Class I
Coastal Trail (Pebble Beach Dr. to Lighthouse)	Class I, II and III
Elk Valley Road	Class II and III
Pacific Ave (Pebble Beach to H St)	Class III
Magruder St. (Elk Valley Road to Kent Street)	Class I
Harbor x Trail (Rees/Towers from Magruder – Harbor Trail)	Class I
Source: Del Norte County and City of Crescent City Bike Plan, 1999; and City of Crescent City Planning Department, 1999.	

**Figure 3-4**  
Proposed Front Street Improvements





## TRANSPORTATION SYSTEM IMPROVEMENT PROPOSALS

### FRONT STREET

The Visitor and Local Commercial (VLC) designation also applies to Front Street. Similar to the improvements to Highway 101, the City has considered circulation modifications and enhancements to Front Street to support regional retail and visitor-serving uses.

#### Objectives and Description of the Proposed Concept for Front Street

Front Street in Crescent City between D and L Streets is 78-feet wide, and is currently striped to provide two lanes for through traffic in each direction as well as a median for left-turning traffic. This existing configuration provides significantly more capacity than is needed on this street, and significantly more than will be needed in the foreseeable future. The intent of the proposed concept is to make better use of the street for other functions.

There are periodic events in the Beachfront Park area and in the adjoining cultural institutions which require more parking than is available in the immediate vicinity. There is no general parking shortage most of the time, except for larger events where people must walk several blocks from available parking. One possible treatment for Front Street is to simply narrow the street, moving the south-side curb in, and turning the land into more park area. However, that is an expensive proposal, and there is no shortage of parkland in the vicinity.

The proposed concept is to increase the parking supply for Beachfront Park and the cultural institutions by creating angle parking on the south side of the street. The design provides for an island separating the angle parking from the single remaining eastbound through lane, so that potential safety problems inherent in angle parking are minimized. The concept provides for one lane in each direction for through traffic, retention of the median (in a different location) to serve left-turning traffic, as well as the provision of the angle parking.

In addition, the north curb could be modified to incorporate the bulbing treatment proposed for L and M Streets; this portion of the concept would provide for enhanced streetscaping and would also reduce the width of the street for crossing pedestrians (see Figure 3-4).

Other than the bulbing option, this concept could be achieved by simply restriping the street with traditional striping materials. Alternatively, at additional cost, the left-turn median could be made permanent with concrete curbing, and landscaping could be added. The bulbing concept should be done by reconstructing the curblines and sidewalks.

## GOALS, POLICIES, AND PROGRAMS

The goals, policies, and programs of this section are organized according to the following categories, each of which relates to a key set of related issues pertaining to transportation and circulation in Crescent City.

- Street and Highway System
- Public Transportation
- Bicycle Transportation
- Pedestrian Transportation
- Air Transportation
- Maritime Transportation
- Teletransportation

**STREET AND HIGHWAY SYSTEM**

**Goal 3.A.** To plan for the long-range planning and development of Highway 101 to ensure the safe and efficient movement of people and goods.

**State Highways Policies**

3.A.3. The City opposes the Caltran’s bypass freeway/expressway concept for Highway 101. As an alternative, the City shall encourage Caltrans to improve Highway 101 through Crescent City by improving the existing roadway in its present alignment.

**City Streets Policies**

3.A.9 The City shall expand and maintain its road system according to the classifications and designations shown in Tables 3-3, 3-4, and 3-5.

TABLE 3-3		
CITY ROADWAY CLASSIFICATIONS		
CLASSIFICATION	DESCRIPTION	COMMENTS
<b>Arterial Road</b>	A road in any area of the city that serves as part of the principal system for through traffic flow by connecting areas of traffic generation and providing for the distribution and collection of through traffic to and from state highway, collector, and local road systems. It may also serve abutting property.	Public road Typically 80' to 100' right-of-way
<b>Collector Road</b>	A road in any area that, because of its location in relation to other roads or other sources of traffic, carries or will carry traffic from local roads to the system of arterial roads or highways. Collector roads may include the principal entrance roads of residential developments, roads for circulation of traffic within such developments, or provide access to abutting commercial, industrial, or multi-family areas.	Public road Typically 60' right-of-way
<b>Local Road</b>	A road that, because of its location in relation to other roads or other sources of traffic, carries or will carry traffic from areas of low traffic generation to collector or arterial roads. Local roads primarily serve as access to adjacent residential land.	Public road Typically 50-60' right-of-way

**TABLE 3-4**

**LEVEL OF SERVICE DEFINITIONS FOR ROADWAY SEGMENTS**

Level	Extent of Delay	Operating Characteristics
A	Insignificant Delays	Free flow. Drivers are virtually unaffected by other vehicles.
B	Minimal Delays	Stable flow. Drivers begin to feel restricted.
C	Acceptable Delays	Stable flow. Most drivers feel somewhat restricted.
D	Tolerable Delays	High-density, but stable, flow. Queues may develop but dissipate rapidly, without excessive delays.
E	Significant Delays	Volumes at or near capacity. Low speeds and difficult maneuvering. Queues of vehicles may form upstream.
F	Excessive Delay	Conditions at capacity, with extremely long delays. Queues and unstable stop-and-go operation.

Source: Highway Capacity Manual, Transportation Research Board, Special Report No. 209, 1985.

**TABLE 3-5**

**LEVEL OF SERVICE DEFINITIONS FOR SIGNALIZED INTERSECTIONS**

LOS	SIGNALIZED INTERSECTIONS	Unsignalized Intersections	
	Average Delay per Vehicle (Seconds)	Reserve Capacity (pcph)*	Expected Delay to Minor Street Traffic
A	□5.0	□400	Little or no delay
B	5.1 to 15.0	300 to 399	Short traffic delays
C	15.1 to 25.0	200 to 299	Average traffic delays
D	25.1 to 40.0	100 to 199	Long traffic delays
E	40.1 to 60.0	0 to 99	Very Long traffic delays
F	>60.0**	--	Severe congestion/Intersection blocked

\*pcph = passenger cars per hour  
 \*\*60 seconds of stopped delay is considered to be unacceptable to the majority of drivers.

Source: Transportation Research Board, *Highway Capacity Manual*, Special Report 209, 1985.

- 3.A.18 The City shall continue its program of maintenance and minor improvements to the existing public roadway system in order to maintain its capacity.
- 3.A.21 The City and County should cooperate in improving the approaches to the City area by Highway 101.
- 3.A.23 The City shall investigate the possibility of making improvements to Front Street (between A and L Street) such as providing additional parking and constructing landscaped and concrete median strips (see Figure 3-4).

### **PUBLIC TRANSPORTATION**

**Goal 3.B.** To develop and maintain a safe and efficient public transportation system that reduces congestion and provides viable alternative transportation in and through the Crescent City Planning Area.

#### **Policies**

- 3.B.6. Where appropriate, the City shall require new development to dedicate easements for and provide sheltered public stops for transit patrons.

#### **Implementation Programs**

Existing programs are deemed sufficient.

### **BICYCLE TRANSPORTATION**

**Goal 3.C.** To encourage the use of the bicycle as an alternate, energy efficient mode of transportation within the city and to develop a system of bikeways and bicycle parking facilities which will safely and effectively serve those wishing to utilize bicycles for commute and recreational trips.

#### **Policies**

- 3.C.1. The City shall promote the linkage of sidewalks and walkways with bike and pedestrian trails leading to and through outdoor recreational areas such as parks and schools, as well as commercial areas.
- 3.C.2. The City shall promote the development of a comprehensive and safe system of recreational and commuter bicycle routes that provides connections between the city's major recreation, employment, and housing areas and between its existing and planned bikeways.
- 3.C.3. The City shall work with State and local agencies to accommodate and promote the development of recreation/tour travel bicycle routes on Highway 101.
- 3.C.9. The City should coordinate with the Harbor District and Coastal Commission to investigate the feasibility of extending a pedestrian/bicycle trail from Howe Drive to Citizen Dock Road.☺☺

- 3.C.10. The City shall continue to maintain the Harbor-City bicycle route. This bicycle route starts at Pebble Beach Drive in the City and follows Pebble Beach Drive and Taylor Street before merging onto Fifth Street. The route continues down Fifth Street then turns onto A Street. The bicycle route continues along A Street to Battery Drive. At Battery Drive the route enters Beachfront Park, following Howe Drive east to Highway 101. The route then follows Highway 101 South to Sunset Circle, to the southerly city limits. The route continues through the Harbor area to South Beach. The route has ocean views at the coastal access points and provides access to recreational opportunities along the route. The City shall only allow relocation of the route in conjunction with new development if relocation would be consistent with all relevant coastal policies. ☞
- 3.C.11. The City shall ensure that no development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, obstructs the routing of the Harbor-City Bicycle Route to cross over Fifth Street to A Street and continue on A Street to Battery Drive. New development may result in a detour of the route of the Harbor-City Bicycle Route from A Street between Second and Front Streets only if the City, or the Commission on appeal, finds that it is infeasible to direct the bicycle route through the proposed development, consistent with all LCP standards and policies. ☞

[See also Policy 5.B.4.]

#### **Implementation Programs**

Existing programs are deemed sufficient.

### **PEDESTRIAN TRANSPORTATION**

Goal 3.D. To encourage and facilitate walking throughout the city.

#### **Policies**

- 3.D.1 The City shall provide for the extension of sidewalks, trails, and walking facilities throughout the city limits to allow for convenient and safe pedestrian movement.
- 3.D.4. The City shall work with Federal, State, and other local agencies to coordinate planning and development of interconnected multi-purpose trails.
- 3.D.9. The City shall support the development of parking areas near access to hiking and equestrian trails.
- 3.D.10. The City shall work jointly with the Redevelopment Agency to build a pedestrian bridge over Elk Creek. ☞

[See also Policy 5.B.4.]

#### **Implementation Programs**

Existing programs are deemed sufficient.

## AIR TRANSPORTATION

**Goal 3.E.** To promote the improvement and maintenance of general and commercial aviation facilities within the parameters of compatible surrounding land uses.

### Policies

- 3.E.1. The City shall encourage the County to provide areas for commercial and recreational hangars for the storage of aircraft based at McNamara Field. ☞
- 3.E.2. The City shall encourage the County to maintain navigational aids at McNamara Field to improve the reliability and safety of service. ☞
- 3.E.3. The City shall encourage the County to reserve land around McNamara Field for airfield-dependent development. ☞
- 3.E.4. The City shall encourage the County to ensure that land uses in the vicinity of McNamara Field's approach and takeoff zones is held to the lowest densities and development intensities possible. Height zoning shall be vigorously enforced. Encroachment into the horizontal or vertical zones is prohibited. ☞
- 3.E.5. The City shall encourage the County to continue to maintain a list of improvements and construction projects to be accomplished at McNamara Field. ☞

### Implementation Programs

Existing programs are deemed sufficient.

## MARITIME TRANSPORTATION

**Goal 3.F.** To promote the maintenance and improvement of the Crescent City Harbor facilities.

### Policies

- 3.F.1. The City shall work with Del Norte County and the Harbor District to continue to support the maintenance and dredging at approved locations of the harbor to provide boat access for commercial and recreational boating. ☞
- 3.F.2. The City, Harbor District, and County should continue to press the Army Corps of Engineers to fulfill their maintenance obligations for the proper harbor depth for passage of commercial vessels into the Harbor. ☞
- 3.F.3. The City, County, and Harbor District should continue to strongly petition the Army Corps of Engineers to maintain the appropriate depths for barge shipment. The City harbor should not allow any development that would preclude resumption of barge shipping. ☞
- 3.F.4. The City and County should improve access to the Harbor by cooperating with the Harbor District in extending Howe Drive across Elk Creek to the boat basin, or explore other alternatives as the need arises. ☞

- 3.F.5. The City, County, and Harbor District should reserve the remaining available Harbor frontage, Chamberlain Dock area and the area between the boat basin and Shoreline Campground for harbor dependent development. These sites could be used for temporary, readily removed, uses prior to actual development. ☞
- 3.F.6. If there is Harbor expansion east of Highway 101, which will increase cross-traffic at Citizens' Dock Road and Highway 101, the City and Harbor District shall work with Caltrans to improve traffic control on Highway 101. ☞

**Implementation Programs**

Existing programs are deemed sufficient.

**TELETRANSPORTATION**

**Goal 3.G.** To promote development of multimedia communications as a viable mode of transportation and commerce.

**Policies**

- 3.G.4. The City shall develop guidelines for the review and permitting of telecommunication facilities to address potential impacts to coastal resources, especially designated visual resources. The guidelines shall encourage tower co-location, and require visual simulations (e.g., photo simulations) as part of the permitting process. ☞

**Implementation Programs**

3.5 The City shall develop guidelines for the review and permitting of telecommunications facilities to address potential impacts to coastal resources, especially designated visual resources.

Responsibility: City Council  
Planning Department  
Public Works  
Time Frame: FY 01-02

## SECTION 4

# PUBLIC FACILITIES AND SERVICES

This section contains goals, policies, and implementation programs that establish the framework for the provision of public facilities and services to meet the demand created by existing and future development in the Crescent City Planning Area. The goals and policies in this section are organized according to the following categories, each of which relates to a particular facility or service. They include:

- General Public Facilities and Services;
- Water Supply and Delivery;
- Wastewater Treatment, Collection, and Disposal;
- Stormwater Drainage;


### GENERAL PUBLIC FACILITIES AND SERVICES

**Goal 4.A.** To ensure the effective and efficient provision of public facilities and services for existing and new development.

#### Policies

4.A.1 The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees or other means).

4.A.3. Within the city limits, where existing or planned public works facilities can accommodate only a limited amount of new development within the Coastal Zone, the priority for public services within the Coastal Zone shall be:

- a) essential public services;
- b) Basic industries vital to the economic health of the region, state, or nation;
- c) coastal dependent land uses;
- d) visitor-serving land uses;
- e) residential land uses;
- f) commercial recreation;
- g) public recreation; and
- h) other uses. 

#### Implementation Programs

Existing programs are deemed sufficient.



**WATER SUPPLY AND DELIVERY**

**Goal 4.B.** To ensure the availability of an adequate and safe water supply and the maintenance of high quality water for residents of and visitors to the Crescent City urban area.

**Policies**

4.B.3. The City shall approve new development only if an adequate water supply to serve such development is demonstrated and require that water supplies serving new develop meet State water quality standards.

**Implementation Programs**

Existing programs are deemed sufficient.

**WASTEWATER TREATMENT, COLLECTION, AND DISPOSAL**

**Goal 4.C.** To ensure adequate wastewater collection, treatment, and disposal within the Urban Boundary.

**Policies**

4.C.2. The City shall work with the County to develop a Crescent City wastewater master plan based on the recommendations of the Community Wastewater Conveyance and Treatment Feasibility Study to reduce hydraulic and nutrient loading on the Crescent City Wastewater Treatment Plant. The master plan shall recommend either establishment of a regional wastewater treatment facility for the Crescent City urban area, establishing satellite wastewater treatment facilities, expanding the existing wastewater treatment plant, or a combination of two or more improvements.

4.C.3. The City shall work with the County to establish a regional wastewater treatment facility for the Crescent City urban area. If the establishment of a regional plant is found to be infeasible, the City shall consider alternatives such as establishing satellite wastewater treatment facilities and expanding the existing wastewater treatment plant.

4.C.4. In order to assure that the City is preserving adequate capacity for Coastal Zone development, the City shall meet bi-annually with representatives of the County of Del Norte and the Harbor District to discuss future development plans and sewer services demands. ☞

**Implementation Programs**

4.2 The City shall reserve funds to expand the capacity of its wastewater treatment system in order to develop additional operational capacity necessary for the full development of areas in and out of the Coastal Zone. The City shall prepare a summary report of its meetings with the County and Harbor Commission, and a copy of its Capital Improvement Budget. Said report shall describe the future development plans and method for providing sewer connections. Upon completion of the report, copies shall be available for public review and comment.

- Responsibility: Public Works  
Planning Department
- Time Frame: First two years

## STORMWATER DRAINAGE

**Goal 4.E.** To collect and convey stormwater in a manner that least inconveniences the public, reduces or prevents potential water-related damage, and protects the environment.

### Policies

- 4.E.1. The City shall encourage the use of natural stormwater drainage systems in a manner that preserves and enhances natural features.
- 4.E.3. The City shall consider recreation opportunities and aesthetics in the design of stormwater detention/retention and conveyance facilities.
- 4.E.6. Future drainage system requirements shall comply with applicable State and Federal pollutant discharge requirements.
- 4.E.8. The City shall permit the joint use of City parks as drainage detention basins.
- 4.E.9. The City shall require that best management practices (BMPs) for controlling stormwater runoff and maintaining water quality be incorporated into development design and operation. All post-construction structural BMPs (or suites of BMPs) for new residential, commercial, and industrial development within the Coastal Zone shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, and/or the 85<sup>th</sup> percentile 1-hour storm event for flow-based BMPs. ☺

### Implementation Programs

Existing programs are deemed sufficient.

# SECTION 5

## RECREATIONAL AND CULTURAL RESOURCES

This section outlines the City's goals, policies, and programs for the continued development and enhancement of Crescent City's rich recreational opportunities and cultural assets. The section includes goals, policies, and programs addressing the following subjects:

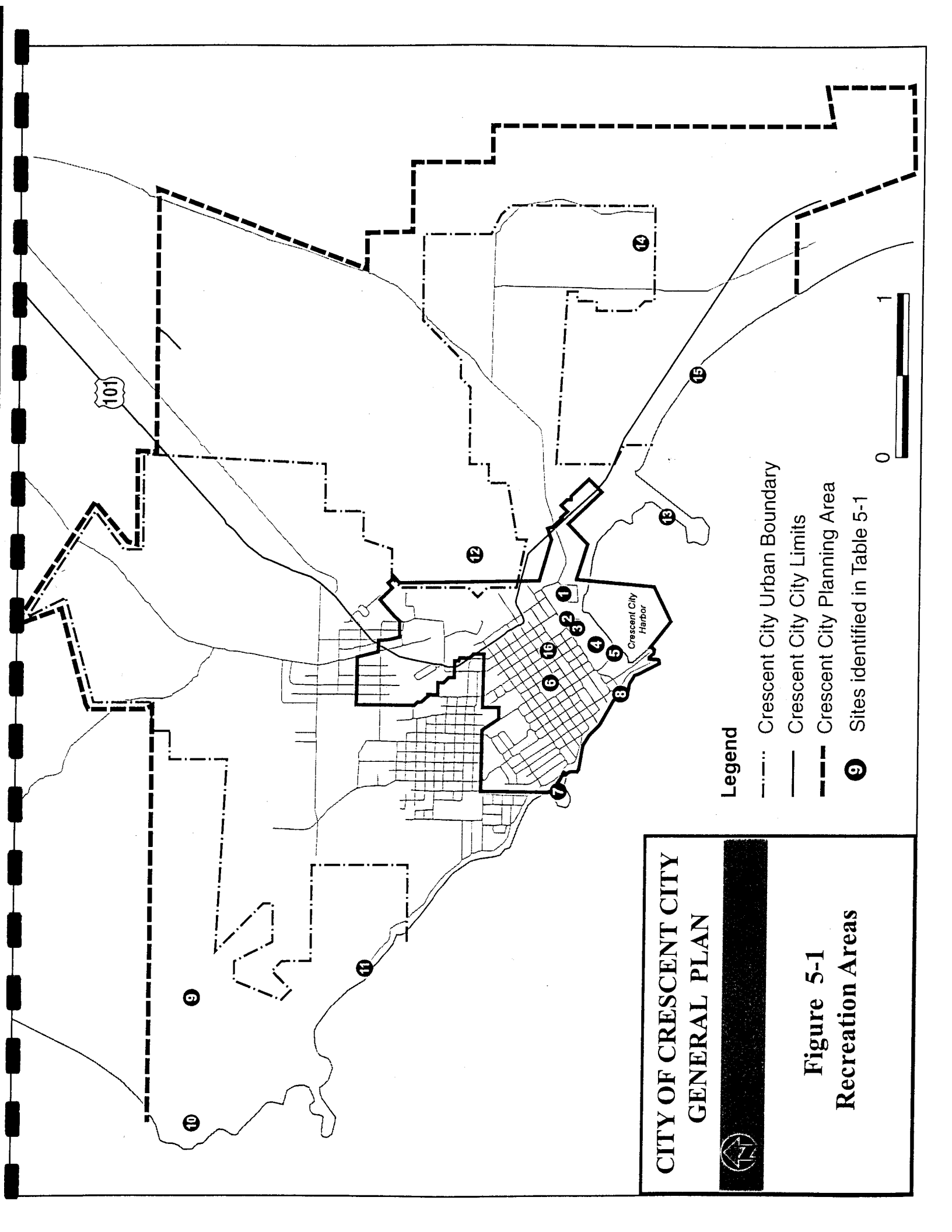
- City Parks and Recreation;
- Recreation Trails;
- Coastal Zone Recreation;
- Coastal Zone Access;
- Coastal Visual Resources;
- Private Recreational Facilities and Opportunities; and
- Cultural Resources.

### CITY PARKS AND RECREATION

**Goal 5.A.** To encourage the development and maintenance of existing and new parks and recreational facilities to serve the needs of present and future residents, employees, and visitors.

#### Policies

- 5.A.3. The City shall cooperate with other public agencies to ensure flexibility in the development of park areas and recreational services to respond to changing trends in recreation activities.
- 5.A.4. The City shall ensure that park design is appropriate to the recreational needs and, where feasible, access capabilities of all residents of and visitors to Crescent City.
- 5.A.5. The City shall encourage public recreational development that complements the natural features of the area, including the topography, waterways, vegetation, and soil characteristics.
- 5.A.6. The City shall encourage public and private park and recreation agencies to acknowledge the natural resource values present at park sites during the design of new facilities.
- 5.A.7. The City shall encourage compatible recreational use of riparian areas along streams and creeks where public access can be balanced with environmental values and private property rights.
- 5.A.9. The City shall work with the County to continue to support the protection and use of Battery Point and Point St. George Lighthouses as County parks.
- 5.A.10. The City shall work with the County in seeking funding to restore facilities at Pebble Beach in disrepair and to revegetate the damaged promontory for recreation use.



**CITY OF CRESCENT CITY  
GENERAL PLAN**

**Figure 5-1  
Recreation Areas**

- 5.A.14. The City shall work jointly with the Redevelopment Agency to rehabilitate and improve existing athletic fields.
- 5.A.15. The City shall continue to maintain and enhance Beachfront Park so that it remains a focal point for community events and waterfront recreation.
- 5.A.16. The City shall maintain the recreation areas which the City owns as identified in Table 5-1 and illustrated in Figure 5-1.

**Implementation Programs**

Existing programs are deemed sufficient.

<b>TABLE 5-1</b>			
<b>RECREATION AREAS</b>			
<b>City of Crescent City Planning Area</b>			
Site #	Area Name	Responsible Agency/Owner	Features/Type of Use
<i>Recreation Areas within City Limits (Coastal Zone)</i>			
1	Shoreline Campground	City of Crescent City	public access to coast, sandy beach area
2	Cultural Center	City of Crescent City	meeting center and museum
3	Swimming Pool	City of Crescent City	heated swimming pool, slide
4	Beachfront Park	City of Crescent City	small playground, picnic facilities
5	Howe Drive Bike Path	City of Crescent City	complete view of the ocean, lateral access of coastline
7	Brother Jonathan Park	City of Crescent City	playground, baseball diamond with bleachers, restroom facilities, and parking
8	Battery Point Lighthouse	Del Norte County	panoramic vistas, beach access, parking facilities
*Areas outside the urban boundary. Source: Del Norte County General Plan Background Report, May 1998; Crescent City Local Coastal Plan, 1986.			

**RECREATIONAL TRAILS**

**Goal 5.B.** To develop a system of interconnected hiking, riding, and bicycling trails and paths suitable for active recreation and transportation and circulation.

**Policies**

- 5.B.1. The City shall work with the County, State, and Federal government to develop a countywide trail system designed to achieve the following objectives:
  - a. Provide safe, pleasant, and convenient travel by foot, horse, or bicycle;
  - b. Link residential areas, schools, community buildings, parks, and other community facilities. Whenever possible, trails should connect to a countywide trail system and regional trails;
  - c. Provide access to recreation areas, major waterways, and vista points; and
  - d. Provide for multiple uses (i.e., pedestrian, equestrian, bicycle).

- 5.B.4. The City shall work with the County to promote the development of a continuous, multi-use coastal trail (i.e., an equestrian, pedestrian, and bicycle trail) linking Point St. George to South Beach. ☞
- 5.B.5. The City shall continue to coordinate connecting trails with Del Norte County, particularly in the Elk Creek, Harbor, and coastline areas through the development of a joint trails plan. ☞

### Implementation Programs

Existing programs deemed sufficient.

### COASTAL ZONE RECREATION

Goal 5.C. To provide full coastal recreation opportunities for the public while assuring the protection of important coastal resources and the rights of private property owners. ☞

### Policies

- 5.C.1. The City shall recommend the improvement and maintenance of the Battery Point Lighthouse as a museum available to the public. ☞
- 5.C.2. If the City pursues the Battery Point Recreation Area project, the City shall assure conformance of such development with the provisions of the sand management program and conditions prescribed in Policy I.K.14 of this General Plan. ☞
- 5.C.3. The City shall encourage the continued maintenance of coastal recreation areas by both the private sector and public agencies. ☞
- 5.C.4. The City shall ensure that new recreational development is located and distributed throughout the Coastal Zone in a manner to prevent undue social impacts, overuse, or overcrowding. ☞
- 5.C.5. The City shall grant priority to visitor-serving facilities that provide recreational opportunities to persons of low- and moderate-income over higher-cost visitor facilities. ☞
- 5.C.6. The City shall protect the rights of private property owners in all provisions for public and private recreation facilities. ☞
- 5.C.7. The City shall allow visitor-serving and commercial-recreational facilities on ocean-front parcels only when such development provides an increased opportunity for shoreline access and coastal recreation and enhances scenic and environmental values of the area. ☞
- 5.C.8. The City shall ensure that fragile coastal resources are considered and protected to the greatest possible extent in all new coastal recreational development. ☞
- 5.C.9. The City should minimize recreational use conflicts on coastal beaches through provisions separating incompatible activities by time and/or space. Outdoor recreation projects should preserve and enhance scenic and environmental values. ☞
- 5.C.10. The City shall encourage the continued maintenance of existing recreational boating facilities by private operators and public agencies. ☞
- 5.C.11. The City shall protect designated agricultural lands from inappropriate development including, but not limited to, recreational development. ☞

- 5.C.12. The City supports the continued development of day use, trail, recreational boating, and related visitor-serving uses at the Crescent City Harbor and encourages the Harbor District to coordinate and participate with local and State agencies for the provision of connecting access trails and facilities. ☞

### Implementation Programs

Existing programs are deemed sufficient.

### COASTAL ZONE ACCESS

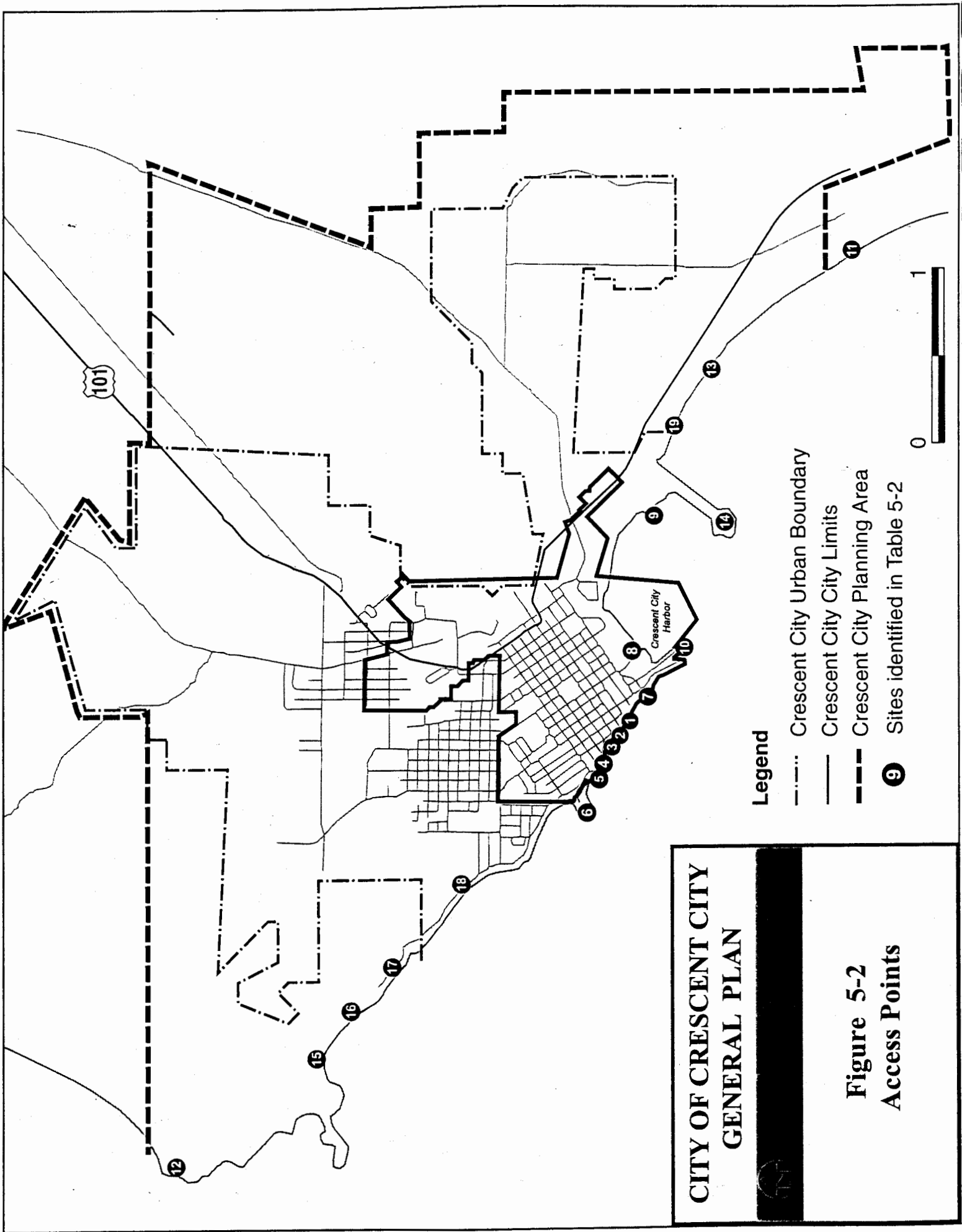
Goal 5.D. To provide the full benefits of access to coastal recreation resources to all residents of and visitors to Crescent City. ☞

### Policies

- 5.D.1. The City recognizes the importance of access to and along the shoreline. Therefore, all City- owned beachfront property, including its dry sand beaches, shall be maintained in a manner to protect all existing accessways. If, in the future, the City finds that existing public accessways are inadequate to meet recreational needs, it shall encourage the development of additional accessways consistent with the City’s ability to pay maintenance costs and obtain adequate funding to develop said areas. ☞
- 5.D.2. The City shall assure that the public can easily locate existing access points. These access points shall be visibly marked. This recommendation is particularly applicable to public access south of Elk Creek. ☞
- 5.D.3. The City shall maintain the coastal access points which the City owns as identified in Table 5-2 and illustrated in Figure 5-2. ☞
- 5.D.4. The City shall work actively towards the attainment of maximum coastal access for the public, where it is consistent with public safety, property owner rights, and the protection of fragile coastal resources. ☞
- 5.D.5. The City shall strive to protect the rights of private property owners in all considerations of public access. ☞
- 5.D.6. The City shall require funding assistance to improve and maintain existing access and to acquire and develop any new access and facility. ☞
- 5.D.7. The City shall ensure that the design and construction by any public entity of shoreline access facilities (e.g., parking, trails, stairways, etc.) considers public safety potentials for vandalism and the protection of fragile coastal resources. ☞
- 5.D.8. The City will continue implementing its zoning ordinance to develop and maintain shoreline access facilities. ☞

<b>TABLE 5-2</b>			
<b>ACCESS POINTS</b>			
<b>City of Crescent City Planning Area</b>			
Site #	Area Name	Responsible Agency/Owner	Features/Type of Use
<i>Coastal Access within City Limits</i>			
1	Access at 3 <sup>rd</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking
2	Access at 4 <sup>th</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking, improved stairs, signs identifying points
3	Access at 5 <sup>th</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking, improved stairs, signs identifying points
4	Access at 6 <sup>th</sup> Street	City of Crescent City	lateral access, beachcombing, scenic viewing, investigation of tidal pools, whale watching, on-street parking, improved stairs, signs identifying points
5	Brother Jonathon Vista	City of Crescent City	scenic viewing, picnicing, and whale watching
6	Preston Island	City of Crescent City	beachcombing, fishing, picnicking; off-street parking available
7	Access at Battery Point Lighthouse	Del Norte County	restrooms, picnic facilities, low- tide access to lighthouse, fishing, beachcombing
8	Howe Drive/Beachfront Park	City of Crescent City	improved access points, beachcombing, scenic viewing, lateral access at Harbor
9	Dutton/Crawford Dock	Harbor District	fish/crab buying station, harbor boat access
10	B Street Pier	City of Crescent City	public recreation, scenic viewing
Source: Del Norte County General Plan Background Report, May 1998; Crescent City Local Coastal Plan, 1986.			





**Legend**

- - - Crescent City Urban Boundary
- Crescent City City Limits
- - - Crescent City Planning Area
- ⑨ Sites identified in Table 5-2



**CITY OF CRESCENT CITY  
GENERAL PLAN**

**Figure 5-2  
Access Points**

- 5.D.9. The City shall ensure that the development along the immediate shoreline provides public access to the shoreline except where:
- a. Findings are made consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety or that agriculture would be adversely affected;
  - b. Access would have unavoidable adverse impacts on environmentally-sensitive habitat areas;
  - c. An existing vertical accessway, adequate to meet anticipated access needs, is located a quarter of a mile or less from the development;
  - d. The parcel is too small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or
  - e. Project site is too small for the proposed development and the access with improvement related to its use (i.e., parking). ☞
- 5.D.10. The City shall discourage accessways to rocky beaches in areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded. ☞
- 5.D.11. The City shall ensure that existing lateral access be maintained by seeking lateral access easements (inland of the mean high tide line to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs) for the immediate shoreline. ☞
- 5.D.12. The City shall issue no permit for a project that obstructs lateral access on the immediate shoreline, inland of the mean tide line to the first line of vegetation, or the crest of the paralleling bluff. The City will, however, grant exceptions for the placement of navigational aids or shoreline protective devices to protect existing structures (i.e., main residence, commercial or industrial buildings, roadways, and public parking areas). ☞
- 5.D.13. The City shall seek funding for suitable, improved access points for use by the physically limited. ☞
- 5.D.14. The City shall prohibit opening of any required accessway to public use until a public agency, including the State, or a private association agrees to accept responsibility for maintenance and liability of the accessway. ☞
- 5.D.15. The City shall grant priority to developments that provide access for the general public over a wide range of income levels, ages, and social groups over other private development. ☞
- 5.D.16. The City should place signs on Highway 101 indicating shoreline access. ☞
- 5.D.17. The City shall continue to restrict the operation of motor vehicles on beaches within the city limits except that the City shall provide exceptions for emergency operations of the Crescent City Police Department or other public authority. ☞
- 5.D.18. For any new development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor serving commercial development, the City, or the Commission on appeal, shall require an offer of dedication for public access to the City or other public or private association acceptable to the Executive Director of the California Coastal Commission, if the approving authority finds that the proposed development would create significant adverse individual or cumulative impacts on the public's demand for and use of public access facilities, and the offer of dedication would alleviate the impacts and be reasonably related to the impacts in nature and extent. Any offer of dedication for lateral public access along the beach shall be located at the westerly portion of the property extending to the mean high tide line (the westerly property limit). Any offer of dedication for lateral public access along any portion of the blufftop shall allow for a lateral access trail to be constructed and maintained as public access and shall be located far enough inland from the top of the

bluff to not require the construction of protective devices that could substantially alter natural landforms and bluffs and cliffs. Any offer of dedication for a vertical public access to the beach shall follow the Second Street public right-of-way, West of Front Street. The City may accept and shall not oppose any other agency, so approved by the Executive Director of the Coastal Commission, from accepting any offers of dedication. ☞

**Implementation Programs**

Existing programs are deemed sufficient.

**COASTAL VISUAL RESOURCES**

**Goal 5.E:** The City shall encourage the maintenance of the visual and scenic beauty of Crescent City.

**Policies**

5.E.1 The City shall continue to provide for protection of designated scenic resources through such means as land use designation, zoning, design review, and sign control. ☞

5.E.2 The City shall encourage the continuation and infill of existing urban land use areas, where appropriate, in order to maintain views in those designated coastal scenic areas shown in Table 5-3 and shown on Figure 5-3. ☞

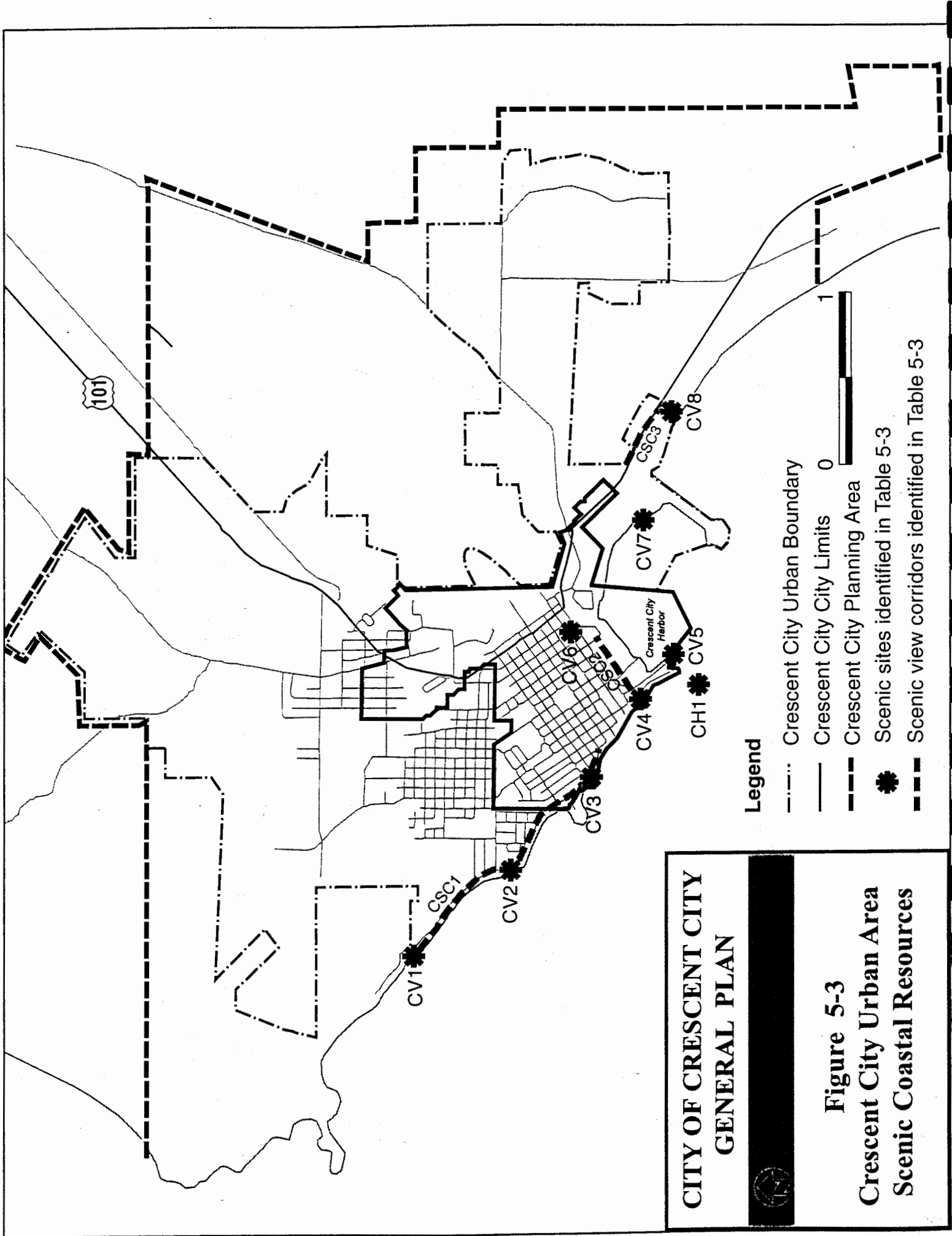
<p align="center"><b>TABLE 5-3 SCENIC RESOURCES CRESCENT CITY URBAN AREA</b></p>				
Site	Site Name	View Location	Existing/Compatible Site Uses	Key Viewshed Characteristics
<b>COASTAL VISTA POINTS</b>				
CV3	Brother Jonathan Vista	West side of Pebble Beach Drive	Public parking, picnicking, slope protection, recreational trail, safety rails and signs	ocean views, off-shore rock views, Battery Point Lighthouse view
CV3	Battery Point	South of public parking lot	Public parking, public access, recreational trail, visitor facilities, breakwater, picnicking, safety rails and signs	ocean views; off-shore rock views; Harbor activities view; Battery Point Lighthouse, B St Pier, and breakwater views
CV5	B St Pier	All directions	Public parking, pier uses, visitor facilities, safety rails and signs	ocean views, off-shore rock views Harbor activities view, Park/downtown views, Battery Pt Lighthouse views, breakwater views
CV6	Elk Creek Bridge	Southwest of Highway 101	Highway and drainage uses, recreational trails and trail crossings, bank protection, visitor facilities, park uses, safety rails and signs	creek view, Harbor development/park uses views
<b>COASTAL SCENIC VIEW CORRIDORS</b>				
CSC1	Pebble Beach	West side of Pebble Beach Drive/Marhoffer	Public road, public parking, recreational trail, private residential development, public	ocean views, off-shore rock views

**TABLE 5-3  
SCENIC RESOURCES  
CRESCENT CITY URBAN AREA**

Site	Site Name	View Location	Existing/Compatible Site Uses	Key Viewshed Characteristics
		Creek to 6 <sup>th</sup> Street	access improvements, beach and tidepool activities, slope protection, safety rails and signs	
CSC2	Howe Drive/ Beachfront Park	South Side of Howe Dr/ B St to Play St	Public road, public parking, recreational trail, picnicking, beach access, beach and harbor activities, slope protection, safety rails and signs	Harbor activities views, Redwood Parks views, Battery Point Lighthouse, B St Pier, breakwater views
CSC3	Anchor Way	South side of Anchor Way/ Hwy 101 to Whaler Rock	Public road, public parking, recreation trail, beach access, dredge spoils disposal, beach activities, breakwater protection, boat launching, visitor facilities, harbor activities	ocean views, Redwood Park views, visitor facilities/beach views, breakwater views
<b>COASTAL HISTORIC SCENIC RESOURCES</b>				
CH1	Battery Point Lighthouse	South end of A Street	Public parking, public access, visitor facilities, lighthouse activities, museum, residence	ocean views, off-shore rock views, harbor activities view, B St. Pier, breakwater views

Source: City of City Crescent Planning Department; Del Norte County Local Coastal Plan, 1986.

- 5.E.3 The City shall encourage proposed development within designated coastal scenic areas to be visually compatible with its key viewshed characteristics by reflecting the character of the existing and compatible land uses while conforming to the land use development standards, as set forth in the Land Use and Community Development section and the Zoning Ordinance.. ☞
- 5.E.4 The City shall require new development in highly scenic coastal areas designated in the California Coastline Preservation and Recreation Plan (State Department of Parks and Recreation) to be subordinate to the character of its setting. ☞
- 5.E.5 The City shall permit existing residential uses on the west side of Pebble Beach Drive to continue. The City shall reserve publically-owned parcels west of Pebble Beach Drive for use as open space, public access, and road maintenance and slope protection of Pebble Beach Drive. ☞
- 5.E.6 The City's major entrances at Highway 101 north, Highway 101 south, and Front Street shall be developed as scenic gateways through the use of architectural review, removal of overhead utilities, landscaping, and sign regulations.
- 5.E.7 The City shall limit nonconforming or unpermitted signs as well as signs advertising commercial or privately-owned businesses in these areas zoned Open Space. The City shall continue its sign amortization program and support participation in centralized logo signage programs.



**CITY OF CRESCENT CITY  
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**Figure 5-3  
Crescent City Urban Area  
Scenic Coastal Resources**

**Legend**

- · - · - Crescent City Urban Boundary
- Crescent City City Limits 0 1
- - - Crescent City Planning Area
- ★ Scenic sites identified in Table 5-3
- - - Scenic view corridors identified in Table 5-3

- 5.E.8. The City shall develop a roadway sign program which provides for specially marked scenic driving routes, which visitors can follow to visit coastal scenic areas in the Crescent City urban area, including the Harbor and Lighthouse-to-Lighthouse routes. Where feasible, these routes should link with any county scenic drive routes. ☞
- 5.E.9. The City shall preserve those structures that are historically and architecturally significant unless proven that (a) the structure is over 50 percent unrepairable or, (b) adequate funding, either public or private, is unavailable to restore the structure.
- 5.E.10. The City has identified the Battery Point Lighthouse as having historical significance. The City shall participate with other public and private agencies to preserve this structure provided that adequate public or private funding is available. ☞
- 5.E.11. The City shall coordinate with the County in developing an underground utilities priority list, utilizing identified scenic or commercial areas, for use when funding for undergrounding is available.
- 5.E.12. The City shall require the placement of new or relocated utility lines underground whenever feasible. When it is not feasible to place utility lines underground, the lines should be aligned so that they do not interfere with scenic resources.
- 5.E.13. The City shall, whenever feasible, require all public facilities and new development to use low-energy shielded lights so they are directed downward for better efficiency and to minimize nighttime glare.
- 5.E.14. The City should require lights in the Pt. St. George and Pebble Beach area to be shielded so they are directed down and away from the ocean to minimize impact on off-reef and island habitats. ☞
- 5.E.15. The City shall consider and protect the scenic and visual qualities of coastal areas as a resource of public importance. Permitted development shall be sited and designated to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in designated highly scenic areas shall be subordinate to the character of its setting. Any future development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, shall provide for a substantial view corridor oriented from the vantage point of the vicinity of the intersection of Front and A Streets and directed toward the offshore rocky areas northwest of the site.

### Implementation Programs

- 5.3 The City shall develop a roadway sign program which provides for specially marked scenic drive routes which visitors can follow to visit coastal scenic areas in the Crescent City urban area, including the Harbor and lighthouse-to-lighthouse routes. ☞

Responsibility: Public Works  
Time Frame: FY 02-04

- 5.4 The City shall develop a priority list for use in the undergrounding of existing utilities in scenic resource areas, gateway and scenic drive.

Responsibility: Public Works  
Time Frame: Ongoing

## **PRIVATE RECREATIONAL FACILITIES AND OPPORTUNITIES**

**Goal 5.F:** To encourage development of private recreational facilities to supplement public facilities and to provide for economic development opportunities.

### **Policies**

- 5.F.1 The City shall encourage development of private recreation facilities to reduce demands on public agencies.
- 5.F.2. The City shall encourage private landowners to develop areas for fee-based recreational use.
- 5.F.3. The City shall encourage private recreational development that complements the natural features of the area, including the topography, waterways, vegetation, and soil characteristics.
- 5.F.4. The City encourages the maintenance of existing facilities and the development of commercial and public visitor activities and services. The commercial area along Highway 101 (near Crescent City Harbor/South Beach) is recognized for its historic visitor use and potential visitor use.

### **Implementation Programs**

Existing programs are deemed sufficient.

## **CULTURAL RESOURCES**

**Goal 5.G:** To encourage identification, protection, and enhancement of Crescent City's important historical, archaeological, paleontological, and cultural sites and activities, and their contributing environment.

### **Policies**

- 5.G.1. The City shall require appropriate surveys and site investigations when needed as part of the initial environmental assessment for development projects in accordance with the California Environmental Quality Act (CEQA). Surveys and investigations shall be performed under the supervision of a professional archaeologist or other person qualified in the appropriate field approved by the City.
- 5.G.8. The City shall require that discretionary development projects are designed to mitigate potential impacts to significant paleontological or cultural resources whenever possible. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.
- 5.G.9. In cooperation with the State Historic Preservation Office, where it is determined development would adversely affect archaeological resources, the City shall require reasonable mitigation measures.
- 5.G.14. The City should work toward building a performing arts center in the central Crescent City area (i.e., the VLC area) in proximity other similar facilities and to visitor services such as motels and restaurants.

### **Implementation Programs**

Existing policies are deemed sufficient.

# SECTION 6

## NATURAL RESOURCES/CONSERVATION

This section contains goals, policies, and programs that set the basic framework for maintenance and enhancement of Crescent City's natural assets. The section includes goals, policies, and programs addressing the following subjects:

- Marine Resources;
- Water Resources;
- Biological Resources;

### MARINE RESOURCES

**Goal 6.A.** To maintain and where possible enhance marine resources, coastal waters, and sensitive coastal habitats, thereby recognizing the economic and biologic significance of these resources.

#### Policies

- 6.A.1. In the portion of Elk Creek corridor located in the Coastal Zone, the City shall permit vegetation removal only where necessary to maintain the free flow of the drainage sources. Vegetation removal shall not consist of construction of new drainage channels or removal of established native trees or shrubs. ☞
- 6.A.2. The City shall protect those areas that are designated as environmentally sensitive so that these habitats and their resources are maintained, and any development shall be consistent with adjacent areas and with Section 30240 et seq of the California Coastal Act. ☞
- 6.A.3. The City shall require a minimum 100-foot buffer zone around designated coastal wetlands. Buffer zones for wetlands shall be measured landward from the edge of the wetlands. The only allowable uses within this buffer zone shall include the following: ☞
1. Fish and wildlife management;
  2. Wetland restoration;
  3. Nature study, including minor facilities constructed by hand such as blinds, lookouts, and unimproved trails;
  4. Hunting and fishing, including minor facilities constructed by hand such as blinds and unimproved trails;
  5. Those recreational facilities included in a State Park and Recreation Department or Department of Fish and Game master plan submitted and approved by amendment to the Local Coastal Plan;
  6. The maintenance of flood drainage control and drainage channels;
  7. Removal of windblown trees which threaten existing structures; and



8. Diking or dredging in accordance with other land use plan policies and the Coastal Act, where there is no feasible less environmentally-damaging alternative and where feasible mitigation measures are provided.
- 6.A.4. The City shall seek to maintain and where feasible enhance the existing quality of all marine resources. ☞
- 6.A.5. The City shall enforce regulations which promote that all surface and subsurface waters be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters. ☞
- 6.A.6. The City shall encourage community programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of coastal fisheries and other marine resources. ☞
- 6.A.7. The City shall require implementation of approved management measures specified for urban areas in the recently approved State Water Resource Control Board and California Coastal Commission's Nonpoint Source Pollution Control Program to minimize polluted runoff from construction activities and land use activities to ensure the safety of public health and the biological productivity of coastal waters. ☞
- 6.A.8. The City shall enforce regulations which promote that all subsurface water be maintained at a high level of quality to ensure the safety of public health. ☞

#### **Offshore Rocks and Islands Policies**

- 6.A.9. The City shall require that offshore rocks and islands, except for permitted navigational aides, be maintained in their existing state to insure the viability of the wildlife inhabiting or utilizing these sites. ☞

#### **Intertidal Zone, Beaches, and Bluffs Policies**

- 6.A.10. The City shall require that all tidepools and tidal flats be managed to maintain their present characteristics and shall encourage the application of all feasible measures to mitigate uses that might prove harmful to the biota inhabiting these areas. ☞
- 6.A.11. The City shall encourage the California Department of Fish and Game to carefully monitor recreational activities at or near tidepools and tidal flats to insure the continued viability of these habitats. ☞
- 6.A.12. In order to discourage all but light recreational use of tidepool regions, the City shall ensure that shoreline access and recreational facilities are located so as to direct use towards the open, sandy beaches of the City. ☞
- 6.A.13. The City shall cooperate with the State to prohibit the collecting of all tidepool organisms with exceptions for scientific purposes on a permit basis. ☞
- 6.A.14. In order to ensure the continued productivity of intertidal areas, the City shall continue to work with the State to regulate vehicle access in the intertidal zone. ☞
- 6.A.15. The City shall require geologic studies for new construction within the area of demonstration on bluff tops to determine:

- i. their suitability for development; and
- ii. the necessary setbacks required to avoid hazards associated with bluff failure.

Note: The area of demonstration of stability includes the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 20 degree angle from horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater. The City may, however, designate a smaller area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The City may designate a larger area of demonstration or exclude development entirely in areas of known high instability. ☞

- 6.A.16. The City may permit the extraction of sand and gravel consistent with applicable marine resources, extraction, and habitat policies. ☞

### **Implementation Programs**

Existing programs are deemed sufficient.

## **WATER RESOURCES**

Goal 6.B. To protect and enhance the natural qualities of Crescent City's streams, creeks, and groundwater and to ensure sufficient water supplies of good quality for all beneficial uses.

### **Policies**

- 6.B.1. The City shall maintain, and where feasible, enhance the existing water quality for public health and safety and biological productivity.
- 6.B.2. The City shall follow all existing and future Federal and State water quality standards.
- 6.B.3. The City shall encourage community programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of fisheries and other water resources.
- 6.B.4. The City shall require that proposals to create new parcels have a minimum of a 100-foot setback from the edge of designated coastal wetlands and a 50-foot setback from the centerline of riparian watercourse areas such as creeks and streams. All site improvements (e.g., buildings, sewage disposal where applicable, and appurtenant structures) shall be outside the required protection area. ☞

(See Also 4.E)

### **Implementation Programs**

Existing programs are deemed sufficient.

## **BIOLOGICAL RESOURCES**

Goal 6.D. To protect, restore, and enhance wildlife habitat that support fish and wildlife species throughout the Crescent City Planning Area.

### **Policies**

- 6.D.1. The City shall support preservation, restoration, and enhancement of the habitats of State or Federally listed rare, threatened, endangered, and/or other special status species.
- 6.D.2. The City shall support the preservation or reestablishment of fisheries in the streams within the City, whenever possible.
- 6.D.3. The City should recognize and encourage the various uses of wildlife and their habitat, including such activities as passive watching, scientific studies, educational purposes, and hunting and fishing.
- 6.D.4. The City shall continue to consult with the California Department of Fish and Game for identification and protection of rare, threatened, and endangered plant species that may be adversely affected by public or private development projects.
- 6.D.5. The City shall require that new development avoid, as much as possible, ecologically-fragile areas (e.g., areas of rare or endangered species of plants).

### **Environmentally-Sensitive Habitat Areas Policies**

- 6.D.10. The City shall define the following as specific environmentally-sensitive habitat areas:

**Coastal Wetland** - Lands within the coastal zone which may be covered periodically or permanently with shallow water such as saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens. ☞

**Riparian Vegetation** - The plant cover normally found along water courses including rivers, streams, creeks and sloughs, usually characterized by dense growths of trees and shrubs.

- 6.D.11. The City shall maintain maps that identify the locations of specific environmentally-sensitive coastal wetlands and riparian habitat areas within the incorporated portion of the Crescent City Planning Area. Due to the scale of such maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the City may request the applicant to provide the following information:
  - a. A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels, and tide gates;
  - b. Vegetation map;
  - c. Soils map; and
  - 4. A biologist's report, where necessary. ☞

### **Coastal Wetlands Policies**

- 6.D.14. If it is determined that a designated sensitive habitat area is a wetland, the City shall require that a study be conducted of the area to define the precise boundary of the wetland. City approval of any development in this area shall await the applicant's completion of a site-specific study of the presence and location of wetlands. The study shall utilize the criteria contained in the U.S. Army Corps of Engineers Wetlands Delineation Manual. The City shall, on the basis of this study and after consulting with the California Department of Fish and Game and U.S. Army Corps of Engineers, determine whether all or part of the site constitutes wetlands, and will apply General Plan policies accordingly. ☞
- 6.D.15. The City shall permit the diking, filling, or dredging of wetlands in accordance with other applicable

provisions of this General Plan where there is no feasible less environmentally- damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects. Within the coastal zone, such projects shall be limited to those identified in Section 30233 of the Coastal Act. ☞

- 6.D.16. The City shall ensure that development in areas adjacent to environmentally-sensitive wetland habitat areas be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce impacts around wetlands between the development and the edge of the wetland shall be a buffer of 50 feet in width. A buffer of less than 50 feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than 50 feet shall be made in cooperation with the California Department of Fish and Game and the City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within 50-foot buffer areas. ☞
- 6.D.17. The City shall require that dredging and spoils disposal be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment (as determined by compliance with 404 permit requirements) should be used for such purposes to appropriate beaches or into suitable longshore current systems. ☞
- 6.D.18. The City shall discourage direct runoff of pollutants and siltation into wetland areas from development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands. ☞
- 6.D.19. The City shall require new development to mitigate wetland loss through any combination of the following, in descending order of desirability:
1. Avoidance of wetland habitat;
  2. Where avoidance is not possible, minimization of impacts on the resource; or
  3. Replacement, including use of a mitigation banking program. ☞
- 6.D.20. In cases where the City requires replacement for a wetland loss, the level of replacement will be determined according to the following criteria:
1. On-site mitigation shall be preferred to off-site, and in-kind mitigation shall be preferred to out-of-kind;
  2. Functional replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; and
  3. Acreage replacement ratios may vary depending on the relative functions and values of those wetlands being lost and those being supplied, including compensation for temporal losses. ☞

### **Riparian Area Policies**

- 6.D.21. The City shall ensure that riparian vegetation be maintained along streams/creeks, and other water courses for their qualities as wildlife habitat, stream buffer zones, and bank stabilization. ☞
- 6.D.22. The City shall require mitigation for development projects where segments of stream habitat are unavoidably altered. Such impacts should be mitigated on-site with in-kind habitat replacement or elsewhere in the stream system through stream or riparian habitat restoration work. ☞

- 6.D.23. The City shall require development projects proposing to encroach into a creek corridor or creek setback to do one or more of the following, in descending order of desirability:
- a. Avoid the disturbance of riparian vegetation;
  - b. Replace riparian vegetation (on-site, in-kind);
  - c. Restore another section of creek (in-kind); and/or
  - d. Participate in a mitigation banking program. ☞
- 6.D.24. The City should provide for diversified recreational use of fish and wildlife while providing preservation of their habitat. ☞
- 6.D.25. The City should seek funding to reestablish riparian vegetation in selected stream corridors. ☞
- 6.D.26. The City shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff and to encourage the use of BMPs for agricultural activities. ☞ [See also Policy 4.E.9.]

### **Implementation Programs**

Existing programs are deemed sufficient.

# SECTION 7

## HEALTH & SAFETY

This section contains the goals, policies, and programs that set the basic framework for the protection of public health and safety related to natural and man-made safety hazards. This section includes goals, policies, and programs addressing the following subjects:

- Seismic Hazards;
- Geologic Hazards;

### SEISMIC HAZARDS

**Goal 7.B.** To minimize the loss of life, injury, and property damage due to seismic hazards.

#### Policies

- 7.B.1. Since no active or potentially active earthquake faults have been identified within Crescent City Planning Area, the provisions of the Alquist-Priolo Special Studies Zone are not applicable.
- 7.B.9. The City should require all public and private schools within the City to undergo periodic inspections and upgrading, when necessary, to ensure conformity to current Field Act Standards.
- 7.B.10. The City shall require that construction contemplated in low-lying coastal areas, those in the zone of possible run-up, be designed in accordance with recommendations stated in the report entitled, *Protection of Crescent City, California From Tsunami Waves*.

### Implementation Programs

Existing programs are deemed sufficient.

### GEOLOGIC HAZARDS

**Goal 7.C.** To minimize the loss of life, injury, and property damage due to geological hazards.

#### Policies

- 7.C.1. Any development proposed adjacent to a coastline erosion area should be preceded by:
- an assessment of the rates of coastal retreat;
  - in the case of bluffs, a detailed examination of underlying geology by a registered geologist or engineering geologist; and
  - an analysis of the potential for tsunami run-up.

The results of the assessment of coastal retreat and geologic analysis shall be utilized to identify the setback or special construction measures required to insure that the proposed development will not require the use of shoreline protection over the full economic life of the proposed development (i.e. 75-100 years). ☞

7.C.2. In lieu of the above, the City may establish specific area setbacks of sufficient distance to mitigate potential coastal erosion hazards. ☞

7.C.3. The City shall petition appropriate Federal and State agencies to aid in a study of coastal bluff erosion and its impact on the Crescent City Harbor. The study should include:

- the source of harbor deposition material, specifically the impact of beach erosion north of Battery Point;
- the impact harbor deposition has on beach sand replenishment south of Crescent City Harbor;
- the impact of harbor dredging practices on the former hospital site west of Front and A St.;
- the impact of harbor dredging on potential tsunamis hazard;
- the direct and indirect costs of harbor dredging to the City; and
- the economic benefit of harbor dredging to the City.

Additionally, the City should request of the U.S. Army Corps of Engineers a more detailed study of the critical coastline erosion areas in and adjacent to Crescent City, to ascertain the feasibility of installing seawalls, as recommended by the Corps. ☞

7.C.6. The City, in conjunction with other governmental agencies, when feasible, should utilize lands subject to severe geologic hazards for low intensity park and recreational activities or open space.

7.C.7. The City shall require that any construction contemplated on filled areas be preceded by an analysis of the fill and its capabilities or limitations.

### **Implementation Programs**

Existing programs are deemed sufficient.

## APPENDIX A

# POLICY DOCUMENT GLOSSARY

**Annex, v.** - To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

**Aquaculture** - The culture and husbandry of aquatic organisms, including, but not limited to: fish, shellfish, mollusks, crustaceans, kelp, and algae. Aquaculture shall not mean the culture and husbandry of commercially utilized inland crops, including, but not limited to: rice, watercress, and beansprouts.

**Archaeological** - Relating to the material remains of past human life, culture, or activities.

**Biological Productivity** - Biological productivity generally refers to the amount of organic material produced per unit time.

**Building** - Any structure used or intended for supporting or sheltering any use or occupancy.

**California Environmental Quality Act (CEQA)** - A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

**Caltrans** - California Department of Transportation.

**City** - City with a capital "C" generally refers to the City of Crescent City government or administration. City with a lower case "c" generally refers to the geographical area of the city, both incorporated and unincorporated territory (e.g., the city bikeway system).

**Coastal Highly Scenic Areas** - Coastal highly scenic areas are those coastal areas designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation or similar settings consisting of both natural habitat and ocean vistas.

**Coastal-Related Development** - Any use that is dependent on a coastal-dependent development or use.

**Coastal Scenic Areas** - Coastal scenic areas are these locally designated coastal vista points, coastal scenic view corridors, and coastal historic scenic resources described in Table 5-3. The specific key viewshed characteristics of which are identified therein and consist of one or more of the following criteria:

1. Broad views of special natural interest to the general public (e.g., Pacific Ocean, off-shore rocks, seacliffs, territorial views of State or National parks);
2. Broad views of distinctive scenes resulting from unique contrasts or diversity between land use and/or landscape patterns (e.g., harbor activities and ocean, urban development and landscape); and
3. Views of special cultural features (e.g., historical structures, significant public works structures,



unique maritime settings).

**Coastal View Corridor** - A coastal view corridor is an extended coastal area along which a pedestrian or vehicle traveler may view scenic resources as described in Table 5-3 and shown in Figure 5-3.

**Coastal Vista Point** - A coastal vista point is a specific coastal location where scenic resources may be viewed from a stationary setting, as described in Table 5-3 and shown on Figure 5-3.

**Coastal Zone, California** - That area of the county under the jurisdiction of the California Coastal Act as set forth by Public Resources Code Section 30103 and as delineated by the Local Coastal Program prepared pursuant to the Act.

**Collector** - Relatively-low-speed, street that provides circulation within and between neighborhoods. Collectors usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network.

**Compatible** - Capable of existing together without conflict or ill effects.

**Conservation** - The management of natural resources to prevent waste, destruction, or neglect.

**Consistent** - Free from variation or contradiction. Programs in the General Plan are to be consistent, not contradictory or preferential. State law requires consistency between a general plan and implementation measures such as the zoning ordinance.

**County** - County with a capital "C" generally refers to the government or administration of a county, in the case of the Crescent City General Plan, Del Norte County. County with a lower case "c" generally refers to the geographical area of the county (e.g., the unincorporated county).

**Density, Residential** - The number of permanent residential dwelling units per "net" acre of land.

**Developable Acres, Net** - The portion of a site that can be used for density calculations. For instance, public or private road rights-of-way are not included in the net developable acreage of a site.

**Developable Land** - Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

**Developed** - Developed with a structure that is a principal or conditional use permitted under a parcel's land use designation.

**Development** - On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practices Act of 1973.

**Dredge Spoils** - Solid material, such as sand, silt, clay, or rock deposited municipal discharges, that is removed from the bottom of a water body to improve navigation.

**Dredge, v** - To remove mud or silt from the bottom of a water body using a large machine or implement.

**Duplex** - A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

**Dwelling Unit** - A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

**Encourage, v.** - To stimulate or foster a particular condition through direct or indirect action by the private sector or government agencies.

**Endangered Species** - A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.

**Energy Facility** - Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**Enhance, v.** - To improve existing conditions by increasing the quantity or quality of beneficial uses or features.

**Environmental Impact Report (EIR)** - A report that assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action.

**Estuary** - A coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

**Expressway** - A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

**Feasible** - Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fill** - Earth or other substance of material, including piling, placed for the purpose of erecting structures thereon.

**Floor Area Ratio (FAR)** - The gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to two places. For example, on a site with 10,000 net sq. ft. of land area, a Floor Area Ratio of 1.00 will allow a maximum of 10,000 gross sq. ft. of building floor area to be built. On the same site, an FAR of 1.50 would allow 15,000 sq. ft. of floor area; an FAR of 2.00 would allow 20,000 sq. ft.; and an FAR of 0.50 would allow only 5,000 sq. ft.

**Freeway** - A high-speed, high-capacity, limited-access transportation facility serving regional and countywide travel. Freeways generally are used for long trips between major land use generators.

**Geological** - Pertaining to rock or solid matter.

**Geologic Hazards** - Include the following:

1. Seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soil maps

- indicating materials particularly prone to shaking or liquefaction, and in local and regional seismic safety plans; 2. Tsunami runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies, and other known areas of tsunami risk;
3. Landslide hazard areas delineated on slope stability maps and in local and regional geologic or safety plans;
  4. Beach areas subject to erosion; and,
  5. Other geologic hazards such as expansive soils and subsidence areas.

**Goal** - The ultimate purpose of an effort stated in a way that is general in nature and immeasurable.

**Harbor District** - A special district, governed by the Harbor commission, with jurisdiction over the Crescent City Harbor.

**Home Occupation** - The conduct of business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

**Household** - All those persons--related or unrelated--who occupy a single housing unit.

**Housing Unit** - The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a manufactured home, a mobile home, a cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. It also is a dwelling that cannot be moved without substantial damage or unreasonable cost.

**Implementation Program** - An action, procedures, program, or technique that carries out general plan policy. Implementation programs also specify primary responsibility for carrying out the action and a time frame for its accomplishment.

**Infill Development** - Development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

**Infrastructure** - Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

**Lateral Access** - A recorded dedication or easement granting to the public the right to pass and repass over dedicatory's real property generally along the shoreline from the mean high tide line or the crest of the parallel bluff. Lateral accessways should be used for public pass and repass and passive recreational use, unless specified otherwise.

**Levee** - A bank constructed to control or confine flood waters.

**Level of Service (LOS)** - A scale that measures the amount of traffic a roadway may be capable of handling on a roadway or at the intersection of roadways. Levels range from A to F, with A representing the highest level of service.

**Local Agency Formation Commission (LAFCo)** - The countywide commission that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. LAFCo is empowered to approve, disapprove, or conditionally approve such proposals.

**Local Transportation Commission** - The Del Norte County Local Transportation Commission is designated as the Regional Transportation Agency and is responsible for producing major transportation documents such as the Regional Transportation Plan, Bicycle Facilities Plan, and Comprehensive Transit Service Plan.

**Minimize, v.** - To reduce or lessen, but not necessarily to eliminate.

**Mitigate, v.** - To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**Mixed-use** - Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

**Multiple Family Building** - A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

**Neighborhood Park** - City- or County-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

**Parcel** - A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**Peak Hour/Peak Period** - For any given roadway, a daily period during which traffic volume is highest, usually occurring in the morning and evening commute periods.

**Person** - Any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

**Planning Area** - The Planning Area is the land area addressed by the General Plan.

**Policy** - A specific statement in text or diagram guiding action and implying clear commitment.

**Public and Quasi-Public Facilities** - Institutional, academic, governmental and community service uses, either publicly owned or operated by non-profit organizations.

**Public Works** -

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
3. All publicly financed recreational facilities and any development by a special district.
4. All community college facilities.

**Rare or Endangered Species** - A species of animal or plant listed in: Sections 670.2 or 670.5, Title 14, California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

**Reclamation** - The reuse of resources, usually those present in solid wastes or sewage.

**Residential, Multiple Family** - Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

**Residential, Single-family** - A single dwelling unit on a building site.

**Right-of-way** - A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

**Riparian Vegetation** - Vegetation commonly occurring adjacent to stream and river banks characterized by dense growth of trees and shrubs such as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

**River or Stream** - A natural watercourse as designated by a solid line or dash and three dots symbol shown on the United States Geological Survey map most recently published, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scourer deposit of rock, sand gravel, soil, or debris.

**Sea** - The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

**Second Unit** - A Self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called "Granny Flat."

**Seismic** - Caused by or subject to earthquakes or earth vibrations.

**Streetscape** - Streetscape refers to the built and natural elements along a road or street. These elements generally include street furniture (i.e., benches), landscaping, water features (i.e., drinking fountains), bus shelters/canopies, kiosks, lighting features, railing/fencing, walls, and litter bins.

**On-site Sewage Treatment/Disposal Systems** - A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. On-site (septic) systems are often used for individual-home waste disposal where an urban sewer system is not available.

**Shall** - That which is obligatory or necessary.

**Should** - Signifies a directive to be honored if at all feasible.

**Single-family Dwelling, Attached** - A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit.

**Single-family Dwelling, Detached** - A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use.

**Site** - A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street. A lot.

**Slope** - Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

**Soil** - The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.

**Solid Waste** - Any unwanted or discarded material that is not a liquid or gas. Includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood, but does not include sewage and hazardous materials.

**Special District** - Any public agency other than a local government formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

**Sphere of Influence** - The probable ultimate physical boundaries and service area of a local agency (City or district) as determined by the Local Agency Formation Commission (LAFCo) of the County.

**Standard** - A specific, often quantified guideline, incorporated in a policy or implementation program, defining the relationship between two or more variables. Standards can often translate directly into regulatory controls.

**Stream Transition Line** - That line closest to a stream where riparian vegetation is permanently established.

**Streets, Local** - Local streets not shown on the Circulation Plan, Map, or Diagram, whose primary intended purpose is to provide access to fronting properties.

**Structure** - Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Subdivision** - The division of a tract of land into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

**Subsidence** - The gradual settling or sinking of an area with little or no horizontal motion.

**Support Facilities** - Those facilities that provide ease of public use and maintenance of coastal accessways. Such facilities include signs, lighting, benches, trash receptacles, public telephones, restrooms, showers, bike security racks, public transit loading and unloading areas, parking areas, trail improvements, and fencing.

**Tsunami** - A large ocean wave generated by an earthquake in or near the ocean.

**Undevelopable** - Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants and a liability to the City are designated as "undevelopable" by the City.

**Urban Boundary** - The urban boundary serves as the limit for which urban services such as sewer and water hookups may be extended.

**Use** - The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the Zoning Ordinance

and General Plan land use designations.

**Vacant** - Lands or buildings that are not actively used for any purpose.

**Vertical Access** - A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicator's real property from a public road to the mean high tide line. Vertical accessways should be used for pass and repass and passive recreational use, unless specified otherwise.

**VLC, the** - The VLC, which is an abbreviation for the land use designation Visitor and Local Commercial, refers to the geographic area that starts at Wilson Road, runs south along Highway 101 between K and L Streets to Houston Road, and extends out westward from Highway 101 to A Street between Front and 3rd Streets. This area serves as the focus for regional retail and visitor-serving commercial activities and serves as the "heart" of the downtown Crescent City area.

**Visitor-Serving Facilities** - Public or private developments that provide accommodations, food and services, including hotels, motels, campgrounds, restaurants, and commercial-recreation developments such as shopping, eating, and amusement areas for tourists.

**Watercourse** - Natural or once natural flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

**Watersheds** - Regions or areas drained by a network of surface or subsurface watercourses and have the potential for impacts on coastal streams, wetlands, estuaries, and groundwater basins through runoff and percolation.

**Wetland** - Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

**Zoning** - The division of a city or county by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the General Plan.