

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833
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F4a

DATE: October 19, 2011

TO: Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

SUBJECT: **CITY OF CRESCENT CITY LCP AMENDMENT NO. CRC-MAJ-1-03 (LCP UPDATE):** Concurrence with the Executive Director’s determination that the action of the City of Crescent City accepting the Commission’s certification of LCP Amendment No. CRC-MAJ-1-03 is legally adequate. (For Commission review at the meeting of November 4, 2011 in Oceanside)

A. BACKGROUND:

The Commission acted on City of Crescent City LCP Amendment No. CRC-MAJ-1-03 on October 14, 2010. The proposed amendment as submitted extensively amended both the City’s Land Use Plan (LUP) text and maps and corresponding Implementation Program (IP) text and maps to comprehensively update the LCP for the first time in 25 years. Although many of the currently-certified policies and standards were included in the updated, reformatted LUP, or with minor revisions not affecting their scope or bearing, the updated LUP contained 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 was created to designate areas intended for development of a mix of visitor-serving and general commercial uses. In addition, the proposed LUP amendment diversified 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 included a number of other site specific land use classification changes.

The City also adopted amendments to its currently certified coastal zoning ordinance, 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 the IP. The updates were intended 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. In addition, various changes were made to the principal and conditional permissible uses to

better match those of the amended LUP land use designations they implement. Further changes were made to the zoning districts' prescriptive development standards to bring them into a standardized format. The amendments to the IP also included a comprehensive update to the regulations within the sign ordinance. Furthermore, the LCP update added four sections 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.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with 31 suggested modifications. The suggested modifications included, among other changes:

- 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, ESHA, 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 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, 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, including flooding risks from sea level rise and tsunami runup.

- Retention of previously certified Harbor Related land use designations over many parcels adjoining Crescent City Harbor area proposed for commercial land use designations to protect priority coastal dependent and coastal related industrial uses associated with the harbor.
- 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.

B. EFFECTIVE CERTIFICATION:

On February 22, 2011, the City of Crescent City Council held a public hearing and adopted Resolution No. 2011-006 acknowledging receipt of the Commission’s resolution of certification, accepted and agreed to the Coastal Commission’s modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City’s Local Coastal Program (see Attachment No. B). At the same hearing, the City of Crescent City Council adopted Ordinance No. 760 which amended pertinent sections of the Coastal Zone Zoning Regulations portion of the Implementation Program to comport with the Coastal Commission’s modifications (see Attachment No. C).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Crescent City’s actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of City of Crescent City LCP Amendment No. CRC-MAJ-1-03 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Crescent City to accept the Commission’s certification of Crescent City LCP Amendment No. CRC-MAJ-1-03 to adopt the necessary changes to the City’s Land Use Plan and Implementation Program are legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

Attachments:

1. Draft Notification of Effective Certification Letter
2. Resolution No. 2011-06
3. Ordinance No. 760

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November __, 2011

Eric Taylor, Associate Planner
Planning Department
City of Crescent City
377 J Street
Crescent City, CA 95531

RE: Effective Certification of City of Crescent City LCP Amendment No. CRC-MAJ-1-03 (LCP Update)

Dear Mr. Taylor:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors' Resolution No. 2011-006 and Ordinance No. 760 for effective certification of the City of Crescent City LCP Amendment No. DNC-MAJ-1-03 (LCP Update).

The City's resolution indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification and that the City agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the City's resolution fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of November 4, 2011 in Oceanside. Commission approval and the amendment process are now complete. If you have any questions, please contact James R. Baskin in our Eureka office at (707) 445-7833 or jbaskin@coastal.ca.gov.

Sincerely,

ROBERT S. MERRILL
District Manager

CL:RSM:JRB/jrb:lt

**ATTACHMENT 1
DRAFT NOTIFICATION OF EFFECTIVE
CERTIFICATION LETTER**

RESOLUTION NO. 2011-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY
ACKNOWLEDGING RECEIPT AND ACCEPTING THE PROPOSED
MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT NO. CRC-MAJ-
1-03 (LCP UPDATE) AS PROVISIONALLY APPROVED BY THE CALIFORNIA
COASTAL COMMISSION.**

WHEREAS, the City of Crescent City Planning Commission and City Council conducted numerous hearings associated with an update to its Local Coastal Program; and,

WHEREAS, on June 2, 2003 the City Council adopted Resolution No. 2003-11 submitting to the Californian Coastal Commission proposed amendments to its Local Coastal Program General Plan/Land Use Plan and Implementation Elements for those areas located in the Coastal Zone within the City of Crescent City; and,

WHEREAS, on October 14, 2010, the California Coastal Commission determined that the City's proposed amendments to the Land Use Plan and Implementation Plan as submitted were not consistent with the policies of Chapter 3 of the California Coastal Act; and,

WHEREAS, on October 14, 2010, consistent with the policies of Chapter 3 of the California Coastal Act, the California Coastal Commission certified the LCP Amendment with suggested modifications to the Land Use Plan and Implementation Plan as described in the Coastal Commission staff report dated September 30, 2010; and,

WHEREAS, the City Council acknowledges that the modifications required by the Coastal Commission to the Land Use Plan are consistent with the Chapter 3 policies of the Coastal Act and the Modifications required by the Coastal Commission to the Implementation Plan conform with and adequately carry out the Land Use Plan as modified; and,

WHEREAS, the City Council, in its evaluation of the Coastal Commission modifications, has considered whether to accept and agree to the modifications, and agree to take whatever action is necessary to implement the modifications, and further agree to issue coastal development permits subject to these modifications and the approved Local Coastal Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Crescent City as follows:

1. The City Council has accepted and reviewed the Coastal Commission staff report dated September 30, 2010, and hereby acknowledges receipt of the Coastal Commission's Resolutions and Suggested Modifications to the Local Coastal Plan and Implementation Plan.
2. The City Council hereby agrees to issue coastal development permits subject to these modifications and the approved Local Coastal Program.

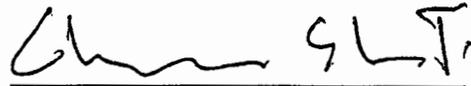
ATTACHMENT 2

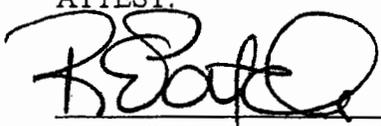
RESOLUTION NO. 2011-06

3. The City Council hereby adopts the Findings of Approval, as described in the Coastal Commission staff report dated September 30, 2010, and hereby acknowledges that the modifications required by the Coastal Commission are consistent with the General Plan, and that the modifications will bring the project into conformance with the State Coastal Act.
4. The City Council hereby certifies and adopts the suggested modifications to the General Plan/Zoning Ordinance as they relate to lands within the coastal zone portions of the City, and directs the City Planning Department staff to forward this resolution to the Coastal Commission.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Crescent City on the 22nd day of February 2011, by the following vote:

AYES: Council Members Enea, Mayor Pro Tem Murray, and Mayor Slert
NOES: Council Member Schellong
ABSENT: None
ABSTAIN: Council Member Westfall


Charles Slert, Mayor

ATTEST:

By: Robin Patch, City Clerk

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, DEL NORTE COUNTY, STATE OF CALIFORNIA, ADOPTING ZONING CODE AMENDMENT 11-01 TO MAKE VARIOUS CHANGES TO THE CITY'S MUNICIPAL CODE AS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AND AGREED TO BY THE CITY COUNCIL IN CONJUNCTION WITH CERTIFICATION OF THE LOCAL COASTAL PROGRAM AMENDMENT NO. CRC-MAJ-1-03 (LCP UPDATE) AS PROVISIONALLY APPROVED BY THE CALIFORNIA COASTAL COMMISSION, AND FURTHERMORE, FINDING THE APPROVAL OF ZONING CODE AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 21080.9 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE COASTAL COMMISSION HAS FOUND THAT APPROVAL OF THE LCP WITH THE INCORPORATION OF SUGGESTED MODIFICATIONS WOULD NOT RESULT IN SIGNIFICANT ENVIRONMENTAL IMPACTS PURSUANT TO CEQA.

WHEREAS, the City of Crescent City has enacted procedural regulations as part of the adopted Zoning Code; and

WHEREAS, a Notice of Public Hearing was posted and published in the newspaper on January 28, 2011 and February 11, 2011; and

WHEREAS, a duly noticed public hearing was held before the City Council on February 22, 2011 to hear public testimony and consider the proposal; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA HEREBY ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the information included in the Zoning Code, staff report for the public hearing, and public testimony prior to taking action on the proposed Zoning Code Amendment. This information is on file and available at the Planning Department at the City Hall of the City of Crescent City.

Section 3. The City Council finds and determines that the adoption of said Zoning Code Amendment is exempt from the California Environmental Quality Act pursuant to Section 21080.9 of the California Environmental Quality Act and the City Council determinations reflect the independent judgment of the City Council.

Section 4. The City Council hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in Sections 65850 through 65863.13 of the California Government Code.

ATTACHMENT 3

ORDINANCE NO. 760

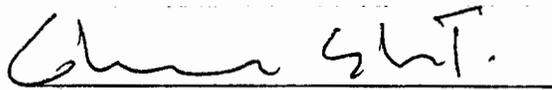
Section 5. The City Council of the City of Crescent City hereby finds that Zoning Code Amendment 11-01 is consistent with the General Plan, would not be detrimental to the health, safety, welfare, or public interest, and is internally consistent by not conflicting with the purposes, regulations, and required findings of the Zoning Code.

Section 6. The City Council of the City of Crescent City hereby adopts Ordinance No. 760, adopting Zoning Code Amendment 11-01, making changes required by the California Coastal Commission as described in the Coastal Commission staff report dated October 20, 2010; and agreed to by the City Council in conjunction with the certification of the Local Coastal Program Amendment No. CRC-MAJ-1-03 (LCP Update).

Section 7. If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 8. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its final passage.

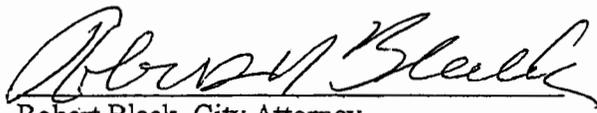
PASSED, APPROVED AND ADOPTED this 18th day of April 2011.


Charles Slert, Mayor

ATTEST:


Robin Patch
City Clerk

APPROVED AS TO FORM:


Robert Black, City Attorney

I, Robin Patch, City Clerk of the City of Crescent City, California, do hereby certify that the foregoing Ordinance No. 760 was duly introduced for first reading on the 21st day of March 2011 and adopted at a regular meeting of the City Council of the City of Crescent City on this 18th day of April 2011, by the following vote, to-wit:

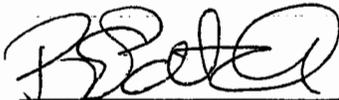
AYES: Council Members Westfall, Enea, Murray, and Mayor Slert

NOES: Council Member Schellong

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Crescent City on this 18th day of April, 2011.



Robin Patch
City Clerk

SEAL