

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

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VOICE (707) 445-7833

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RECORD PACKET COPY

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April 27, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director – North Coast District
Robert S. Merrill, District Manager – North Coast District
Jim Baskin, Coastal Program Analyst – North Coast District

SUBJECT: **CITY OF CRESCENT CITY LCP AMENDMENT NO. CRC-MAJ-1-00 (DEL NORTE HEALTHCARE DISTRICT) CERTIFICATION REVIEW:**
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-1-00 is legally adequate. For Commission review at the meeting of May 11, 2001 in Monterey)

A. BACKGROUND:

The Commission acted on Crescent City LCP Amendment No. CRC-MAJ-1-00 on April 12, 2001. The proposed amendment updates policies within the City of Crescent City Land Use Plan (LUP) and establishes a new zoning district within the City's Implementation Program (IP).

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with nine suggested modifications. The suggested modifications included: (1) strengthening the wording of LUP Chapter 1 - "Coastal Access" Policy #2 to provide for acceptance of offers of dedication for access facilities associated with new development in a specified location if demand for public access would be affected; (2) clarifying the existing alignment of the Harbor-City Bicycle Path and establish for provisional re-alignment if consistent with other LCP policies within the recreational facilities inventory of LUP Chapter 2 - "Recreation and Visitor Serving Facilities;" (3) adding a new LUP Chapter 2 - "Recreation and Visitor Serving Facilities" Policy #5 to require retention of the existing alignment of the Harbor-City Bicycle Path in the design of new development unless demonstrated to be infeasible; (4) making substantial changes in the revised General Conditions discussion and Policies 3-6 of LUP Chapter 5 - "Diking, Dredging, Filling and Shoreline Structures" to more precisely reflect Coastal Act policies regarding assuring geologic stability in new development, provisions for diking, dredging, and filling of coastal waters, and limitations on construction of shoreline protective structures; (5) modifying proposed LUP Chapter 7 - "Public Works" Policy #2 to include a numerical treatment standard for required water quality treatment best management

practices; (6) adding a new Policy # in LUP Chapter 3 – “Coastal Visual Resources and Special Communities” addressing visual resources protection at a specified oceanfront location within the City; (7) identifying “recreational and visitor-serving facilities” within the list of principally permitted uses in the LUP’s description of the “Commercial” land use designation; (8) striking a provision for an exception to the height limit without required findings from Section 17.73.020A of the Coastal Zone Zoning Regulations of the City’s IP; and (9) adding a new Policy #7 within LUP Chapter 5 – “Diking, Dredging, Filling, and Shoreline Structures” requiring that the approval of new oceanfront development within the City include a condition requiring the recordation of a deed restriction prohibiting the construction of future shoreline protective structures.

B. EFFECTIVE CERTIFICATION:

On April 16, 2001, the City Council held a public hearing and adopted Resolution No. 2001-04 and Ordinance No. 689 which acknowledges 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 Land Use Plan and Implementation Program (see Attachment Nos. B and C).

As provided in Sections 13544 and 13544.5 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 Crescent City LCP Amendment No. CRC-MAJ-1-00 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 action of the City of Crescent City accepting the Commission’s certification of Crescent City LCP Amendment No. CRC-MAJ-1-00 is legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

CALIFORNIA COASTAL COMMISSION

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May __, 2001

David M. Wells, City Manager
City of Crescent City
377 J Street
Crescent City, CA 95531

**SUBJECT: Effective Certification of the City of Crescent City's Local Coastal Program
Amendment No. CRC-MAJ-1-00 (Del Norte Healthcare District)**

Dear Mr. Wells:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 2001-04 and Ordinance No. 689 for effective certification of Crescent City LCP Amendment No. CRC-MAJ-1-00. The City's resolution and ordinance indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification with suggested modifications and that the City agrees to issue permits in conformance with the modified Land Use Plan and Implementation Program.

The Executive Director has found that the City's resolution and ordinance fulfills the requirements of Section 13544.5(a) of the California Code of Regulations. In accordance with Sections 13544(b) and 13544.5(b) of the regulations, the Director has determined that the City's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of May 11, 2001 in Monterey. Commission approval and the amendment process area now complete. If you have any questions, please contact Jim Baskin in our Eureka office.

Sincerely,

STEVEN F. SCHOLL
Deputy Director

ATTACHMENT A



377 J STREET CRESCENT CITY, CALIFORNIA 95531-4025

Administration/Finance: 707-464-7483

Public Works/Planning: 707-464-9506

Utilities: 707-464-6517

FAX: 707-465-4405

STATE OF CALIFORNIA)
COUNTY OF DEL NORTE) § 40814
CITY OF CRESCENT CITY)

I, L. Dianne Nickerson, City Clerk of the City of Crescent City, State of California, do hereby certify that this is a true and correct copy of

Resolution No. 2001 – 04

A Resolution of the City Council of the City of Crescent City Acknowledging State Coastal Commission Certification, with Modifications, of Certain Land Use Policy and Map Amendments Pertaining to the Del Norte Healthcare District Properties at Front and A Streets

which is on file in the Office of the City Clerk, City of Crescent City, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Crescent City this 16th day of April 2001.

A handwritten signature in cursive script that reads "L. Dianne Nickerson". The signature is written in dark ink and is positioned above a horizontal line.

L. DIANNE NICKERSON
CITY CLERK
CITY OF CRESCENT CITY, CALIFORNIA

ATTACHMENT B

RESOLUTION NO. 2001- 04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY
ACKNOWLEDGING STATE COASTAL COMMISSION CERTIFICATION, WITH
MODIFICATIONS, OF CERTAIN LAND USE POLICY AND MAP
AMENDMENTS PERTAINING TO THE DEL NORTE HEALTHCARE DISTRICT
PROPERTIES AT FRONT AND A STREETS**

WHEREAS, the City Council has received a recommendation from the Planning Commission to approve an amendment to the Zoning Code to include an ordinance establishing a Coastal Zone Commercial Waterfront (CZ-CW) zoning district classification; and

WHEREAS, the City Council has held the required public hearing regarding an ordinance to amend the Zoning Code; and

WHEREAS, the City Council determines that the public health, safety, and general welfare warrant such an amendment to the City's Zoning Code and that such an amendment is consistent with applicable land use policies in the coastal element of the general plan; and

WHEREAS, on November 6, 2000, the City Council of the City of Crescent City, adopted certain amendments to the Crescent City Local Coastal Program Land Use Plan by Resolution Nos. 2000-40 and 2000-41 as well as by Ordinance No. 686;

WHEREAS, Ordinance No. 686, adopted on November 6, 2000, by the City Council of the City of Crescent City, added Chapter 73 to Title 17 of the Crescent City Municipal Code entitled CZ-CW Coastal Zone Waterfront Commercial District;

WHEREAS, on March 14, 2001, the California Coastal Commission adopted certain resolutions and required modifications to the Crescent City Local Coastal Program Land Use Plan Amendment No. CRC-MAJ-1-00;

WHEREAS, on March 19, 2001, at a noticed public hearing, the City Council of the City of Crescent City evaluated the suggested modifications by the California Coastal Commission aforesaid;

WHEREAS, the City Council has determined that the amendments aforesaid will not have a negative effect on the environment and has no potential adverse effect on wildlife resources and have previously adopted a Negative Declaration for same; and

WHEREAS, the City Council intends to carry out the Local Coastal Plan in a manner fully consistent with the California Coastal Act; and

WHEREAS, this amendment will take effect automatically upon Coastal Commission approval.

BE IT FURTHER RESOLVED that the City Council hereby accepts the overall action of the Coastal Commission of March 14, 2001 and agrees to issue coastal development permits subject to the City's certified Local Coastal Program and that the Council hereby directs the City Manager to forward this resolution to the Coastal Commission consistent with the Commission's Resolutions and Suggested Modifications of March 14, 2001.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Crescent City hereby approves and adopts the following amendments to the Crescent City Land Use Plan:

Policy 2 of Chapter 1 — "Public Access" of the City of Crescent City Land Use Plan is hereby modified as follows:

"2. 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 of 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."

The description of the Harbor-City Bicycle Path contained in LUP Chapter 2 of the Land Use Plan — "Recreation and Visitor Serving Facilities" at page 14 is hereby modified as follows:

"5. HARBOR-CITY BICYCLE PATH. The Bicycle Path starts at Pebble Beach Drive in the City and follows Pebble Beach Drive and Taylor Street before merging onto Fifth Street. The pathway continues down Fifth Street then turns to onto A Street. The bicycle path continues to along A Street to Battery Drive At Battery Drive the Bike Path enters Beachfront Park, following Howe Drive east to Highway 101. The Bike Path then follows Highway 101 South to Sunset Circle, to the southerly City Limits. The Bike Path continues through the Harbor area to South Beach. The Path has ocean views at the coastal access points and provides access to recreational opportunities along the route. Relocation of the route of the Harbor-City Bicycle Path may only be allowed in conjunction with new development if relocation would be consistent with all relevant LCP policies, including but not limited to Recreation and Visitor Serving Facilities Policy No. 5."

A new Policy No. 5 shall be appended to Chapter 2 of the Land Us Plan-- "Recreation and Visitor Serving Facilities," as follows:

"5. No development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, 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 route the bicycle path through the proposed development, consistent with all LCP standards and policies."

The General Conditions discussion and Policies 1-4 of Chapter 5 — "Diking, Dredging, Filling and Shoreline Structures" of the City of Crescent City Land Use Plan shall be modified as follows:

"General Conditions

The major concerns of the Coastal Act with regards to diking, dredging, and filling, is that it be limited to eight specified uses, that it be the least environmentally damaging feasible alternative, and that all feasible mitigation measures are included. In addition, the Coastal Act requires 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. Furthermore, the Coastal Act requires the approval of revetments, breakwaters, groins, harbor channels, seawalls,

cliff retaining walls, and other such construction that alters natural shoreline processes only when they are 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.

The major areas of concern regarding dredging, diking, and filling in Crescent City are located in the Harbor and in the wetland areas of Elk Creek. The major area in which shoreline protection and/or bluff-top setbacks may be necessary is the area from Battery Point northward to Pebble Beach. Of this area only Battery Point to just north of Preston Island are within the City limits. Shoreline protective devices may be necessary when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger of erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply. However, new development shall not in any way require the construction of protective devices that could substantially alter natural landforms along bluffs and cliffs. A registered geologist (RG) or Certified Engineering Geologist (CEG), registered in the State of California must evaluate the magnitude of the problem on a site-specific basis. To evaluate the seriousness of a potential problem, the professional must understand coastal processes and underlying physical factors such as storms, tides, waves, and wind.

The high winds occurring during storms produce a surge by pushing water toward the shore, causing local sea level to rise temporarily above normal levels along the nearshore area along the coast. These high winds also produce high waves which, on the top of above-normal water levels, produce destructive forces at the shoreline.

South of Point St. George, the coastline is rocky and consists of precipitous bluffs and numerous offshore pinnacles with several pocket beaches. Mineralogy and shape characteristics of sediment of the pocket beaches between Point St. George and Battery Point indicate that beach sediments in these locations originated between these two points. North of the Crescent City harbor, Littoral currents transport sediments from north, to south from the mouth of the Smith River toward Point St. George where this pattern is disrupted and bedrock dominates the coastal land forms. As result of the seaward projecting bedrock, sand being transported south by longshore drift is diverted offshore to deep water where it is lost. consequently, only coarse-grained, small pocket beaches are found from Point St. George to Battery Point. Apparently only small quantities of sand move southward around the Point.

Although various documents provide estimates of the erosion rates along this stretch of coast, the actual data base is sparse and open to various interpretations. In the absence of conclusive information on which to accurately base long-range bluff and beach retreat rates, prudent measures are necessary in order to ensure that an adequate setback is provided for all shoreline development. Geotechnical assessments for projects along the City's oceanfront shall specifically take into account that long range bluff and beach retreat rates are based on inconclusive and sparse data. As warranted, the reports shall also identify other measures to ensure the long-term 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.

The Coastal Act, Section 30233(b) allows for the disposal of beach material into appropriate areas as long as wildlife values are not significantly disrupted. Past beach nourishment experiments by the U.S. Army Corps of Engineers have confirmed that the locally available dredge spoils (from the harbor) are too fine-grained to remain on the high-energy beaches along the Crescent City bluff, and that it is prohibitively expensive to haul coarse-grained sand in from offsite sources. An appropriate evaluation may substantiate that placing uncontaminated, compatible grain-sized sand or other dredge spoil materials on South Beach and/or the sand beaches on Pebble Beach north of Preston Island will not have any significant adverse impacts on coastal resources. Placing sand on the rocky beaches between Battery Point and Preston Island is inappropriate and will cause adverse impacts to tide pool organisms and other marine species.

Section 30233 of the Coastal Act requires that feasible mitigation measures be provided to minimize the significant adverse environmental effects of any proposed fill project. The general Coastal Commission policy on the filling of wetlands has been to require that replacement wetlands be provided at a ratio sufficient to offset both the direct loss of the existing wetlands being filled and the temporary decrease in biological productivity associated with new replacement wetlands being established. Th regard to the wetland areas in Elk Creek and the size of the City, it would be impossible to replace wetlands at a ratio sufficient to provide equal or greater biological productivity, either onsite or offsite. The only alternative then, appears to be that no filling of the area be done. The Coastal Act specifically states that no diking, dredging or filling be done that will not enhance the functional capacity of the wetlands, and it further states that any alteration shall be limited to specified uses, such as incidental public service purposes or restorative measures.

The problem then becomes sand accretion in the Harbor. The accretion occurs in a west-to-east pattern, with the greatest volumes of sand accumulating at the western edge of the Harbor, near Dutton's Dock. The Harbor District has a continuing dredging operation in the Harbor to deal with this problem. However, it continues to be one of the major mitigating factors in the Harbor development. This problem has been identified in many studies over the years.

The continued dredging of the Harbor is the only possible way to help mitigate the sand accretion problem. Currently, the sand is being disposed of on Harbor lands, but other sites are available for disposal and will be needed if the expansion of the Harbor is to proceed. The amount of sand that will be dredged and the depths that need to be maintained will require additional disposal sites other than those in the Harbor. There are two sites within Crescent City where sand disposal could be accomplished. The first area is City-owned property near Elk Creek, including the water area and the area in front of Shoreline Campgrounds (although that area is directly in front of the west-to-east pattern of movement).

The other alternatives for disposal would be to truck the dredged material to up-land sites, or to store and stock-pile the dredged material on City property and sell it to contractors for fill, or to dispose of it at an ocean disposal site.

The city hereby adopts the following modifications to Chapter Five of the policies entitled "Recommendations."

RECOMMENDATIONS:

1. 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.
2. 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.
3. 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.

4. 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.
5. The City of Crescent City shall, in conjunction with the Harbor District, County of Del Norte, Del Norte Hospital District, Coastal Commission staff, and the Dept. of Fish & 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, amount of sand to be placed yearly, months of the year when placement is possible, hours of operation and the need for annual sand budget. Any such program shall require a LCP amendment approved by the California Coastal Commission.
6. The City's priority for use of any dredged sands 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:
 - (a) The development of a parking and picnic area.
 - (b) The filling between Battery Point and the mainland.

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."

Policy 2 of Chapter 7 — "Public Works" of the City of Crescent City Land Use Plan is hereby modified as follows:

"2. 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 development, including but not limited to, recreational or visitor-serving commercial development within Coastal Zone - Commercial Waterfront zoning districts, shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs."

Policy No. 4 is hereby appended to Chapter 3 of the Land Use Plan—"Coastal Visual Resources and Special Communities," reading as follows:

4. 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 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.

The description of the "Commercial" land use designation as found on page 60 of the currently certified Land Use Plan is hereby modified as follows:

"Commercial: Allows the limited use of commercial activities subject to the following recommendations:


- [1] No heavy commercial uses shall be allowed in the coastal zone;
- [2] Highway oriented services should be located along Highway 101;
- [3] The principal commercial uses shall be recreational and visitor-serving facilities, co-generation energy facilities, and waste water production."

Policy No. 7 is hereby appended to Chapter 5 of the Land Use Plan — "Diking, Dredging, Filling and Shoreline Structures" of the City of Crescent City Land Use Plan, as follows:

"7. 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."

The above and foregoing Resolution was introduced by Councilmember Youngblood, was seconded by Councilmember Kolodner and passed and adopted at a regular meeting of the City Council of the City of Crescent City held on the 2nd day of April, 2001, by the following polled vote:

AYES: Councilmembers Youngblood, Kolodner, Gary, Burlake
and Mayor Smith
NOES: None
ABSENT: None
ABSTAIN: None


C. RAY SMITH, MAYOR

ATTEST:


L. Dianne Nickerson, City Clerk



377 J STREET CRESCENT CITY, CALIFORNIA 95531-4025

Administration/Finance: 707-464-7483

Public Works/Planning: 707-464-9506

Utilities: 707-464-6517

FAX: 707-465-4405

STATE OF CALIFORNIA)
COUNTY OF DEL NORTE) § 40814
CITY OF CRESCENT CITY)

I, L. Dianne Nickerson, City Clerk of the City of Crescent City, State of California, do hereby certify that this is a true and correct copy of

Ordinance No. 689

Amending Section 17.73.040A (Height Limitations) of the Coastal Zone Zoning Regulations

which is on file in the Office of the City Clerk, City of Crescent City, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Crescent City this 16th day of April 2001.

L. DIANNE NICKERSON
CITY CLERK
CITY OF CRESCENT CITY, CALIFORNIA

ORDINANCE NO. 689

AMENDING SECTION 17.73.040A (HEIGHT LIMITATIONS) OF THE
COASTAL ZONE ZONING REGULATIONS

WHEREAS, Section 17.81.010 of the Crescent City Municipal Code allows for the amendment by ordinance of the Zoning Code; and

WHEREAS, the City Council has received a recommendation from the Planning Commission to approve an amendment to the Zoning Code to include an ordinance establishing a Coastal Zone Waterfront Commercial (CZ-CW) zoning district classification; and

WHEREAS, the City Council has held the required public hearing regarding an ordinance to amend the Zoning Code; and

WHEREAS, the City Council has determined that the amendment aforesaid will not have a negative effect on the environment and has no potential adverse effect on wildlife resources and has previously adopted a Negative Declaration for the project; and

WHEREAS, the City Council determines that the public health, safety, and general welfare warrant such an amendment to the City's Zoning Code and that such an amendment is consistent with applicable land use policies in the coastal element of the general plan; and

WHEREAS, on November 6, 2000, the City Council of the City of Crescent City, adopted certain amendments to the Crescent City Local Coastal Program Land Use Plan by Resolution Nos. 2000-40 and 2000-41 as well as by Ordinance 686; and

WHEREAS, Ordinance No. 686, adopted on November 6, 2000, by the City Council of the City of Crescent City, added Chapter 73 to Title 17 of the Crescent City Municipal Code entitled CZ-CW Coastal Zone Waterfront Commercial District; and

WHEREAS, on March 14, 2001 the California Coastal Commission adopted a series of resolutions that mandated modifications to Section 17.73.040A of Title 17 of the Crescent City Municipal Code entitled CZ-CW Coastal Zone Waterfront Commercial District; and

WHEREAS, on March 19, 2001, at a noticed public hearing, the City Council of the City of Crescent City evaluated the Coastal Commission's modifications and public input was received; and

WHEREAS, the City Council has determined that the amendments aforesaid will not have a negative effect on the environment and has no potential adverse effect on wildlife resources and have previously adopted a Negative Declaration for same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AS FOLLOWS:

SECTION ONE. Classification. This ordinance is considered to be of a general and permanent nature and as such is classified as a code ordinance.

SECTION TWO. Severability Clause. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION THREE. Effective Date. This ordinance shall become effective immediately upon approval of the California Coastal Commission or on the 31st day following its final passage and adopted, whichever is later.

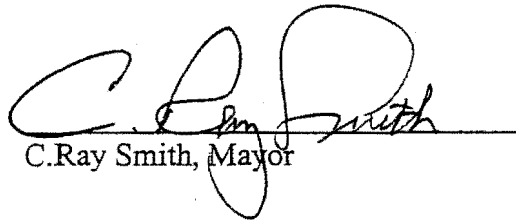
SECTION FOUR. Repealer Clause. This ordinance repeals section 17.73.040A of the Crescent City Municipal Code and supplants the section referred to in Section Five below.

SECTION FIVE. Adoption Clause. Section 17.73.040A of the Coastal Zone Zoning Regulations is adopted and reads as follows:

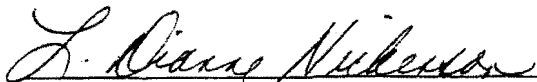
17.73.040A. Height. The maximum building height shall be thirty-five feet.

PASSED AND ADOPTED by the City Council of the City of Crescent City on this 16th day of April, 2001, by the following polled vote:

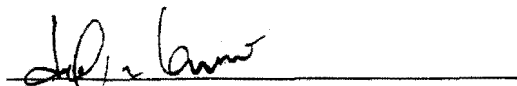
AYES: Councilmembers Kolodner, Youngblood, Gary and Mayor Smith
NOES: Councilmember Burlake
ABSTAIN: None
ABSENT: None


C. Ray Smith, Mayor

ATTEST:


L. Dianne Nickerson, City Clerk

APPROVED AS TO FORM:


John F. Henion, City Attorney