

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833
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Th9a

DATE: January 21, 2010

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, 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-1-09 (COASTA NORTE):** 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-1-09 is legally adequate. (For Commission review at the meeting of February 11, 2010 in Oceanside)

A. BACKGROUND:

The Commission acted on City of Crescent City LCP Amendment No. CRC-MAJ-1-09 on June 12, 2009. The proposed amendment as submitted would have amended the City's Land Use Plan (LUP) text and maps and corresponding Implementation Program (IP) text and maps to accommodate the development of the residential condominium at the site of the former Del Norte Community Health Center, located at the intersection of Second and "A" Streets. As submitted, Crescent City's LCP Amendment No. CRC-MAJ-1-09 consisted of: (1) proposed revisions to the text of the Coastal Element of the City's General Plan (LUP) providing specific policies intended to guide the types and densities of multi-family residential land uses and concurrent compatible visitor-serving facilities within the City's planning area to allow common wall residential development at greater than six units per acre and compatible visitor-serving uses in a manner that creates a transition from adjoining single-family residential uses to commercially designated property; (2) an associated change to the text of the Coastal Zone Zoning Regulations (CZZR) Residential-Professional zoning district standards to modify the lot-area-per-dwelling requirements; (3) an amendment to the land use plan map to redesignate a 1.24-acre parcel currently identified for medical-related professional office and duplex residential development to instead provide for multi-family and non-conflicting visitor-serving facility development; and (4) an amendment to the zoning map to redesignate the subject 1.24-acre parcel to Residential-Professional zoning.

The amendment as submitted affects the Coasta Norte project site (APN 118-020-34), all properties presently designated Multi-Family land use designation or Coastal Zone Residential Professional Zoning District (APN 118-030-09, APN 118-030-24, APN 118-030-25, APN 118-030-24, APN 118-030-25, APN 118-030-26, and APN 118-030-27), and any other lands within the coastal zone portions of the City which may be designated MF or CZ-RP at some time in the future as certified by the Commission.

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) identifying flooding as a hazard for which risks of exposure of persons and property thereto are to be avoided and/or minimized; (2) requiring that all new permanent residential units have their floor elevations set one foot above modeled tsunami inundation depths and that the buildings incorporate design features to prevent catastrophic failures due to tsunami wave strike or back scour; (3) requiring all new structures intended for human occupancy to prepare and submit for the Executive Director's approval a tsunami safety plan; (4) requiring the consideration of the best available, most recent scientific information with regard to sea level rise in the preparation of technical analyses; (5) renumbering policies for sequential consistency; (6) conditionally requiring the dedication of certain site-specific access and access support facilities; (7) requiring the provision of a site-specific view corridor in the approval of development at a specific site; (8) revisions to clarify the types of development allowed within the Multi Family land use designation; and (9) various revisions to the IP definitions and Residential-Professional zoning district standards to provide for the development of high-density condominium residential projects.

B. EFFECTIVE CERTIFICATION:

On October 19, 2009, the City of Crescent City Council held a public hearing and adopted Resolution No. 2009-038 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 Implementation Program (see Attachment No. B).

On December 7, 2009, the City of Crescent City Council held a public hearing and adopted Ordinance No. 749 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-1-09 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-1-09 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. 2009-38
3. Ordinance No. 749

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February __, 2010

Rod Butler, 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-1-09 (Coasta Norte)**

Dear Mr. Butler:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 2009-38 for effective certification of Crescent City LCP Amendment No. CRC-MAJ-1-09. The City's resolution 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 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 November 4, 2009 in Long Beach. Commission approval and the amendment process area now complete. If you have any questions, please contact James Baskin in our Eureka office.

Sincerely,

ROBERT S. MERRIL
North Coast District Manager

PMD/RSM:jb/lt

ATTACHMENT 1

RESOLUTION NO. 2009 - 38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY RESCINDING RESOLUTION NO. 2009-35 AND ACCEPTING THE NINE PROPOSED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT NO. LCPA 08-01 REGARDING THE COASTA NORTE CONDOMINIUM/TIMESHARE PROJECT, PERMISSIBLE USES WITHIN MULTI-FAMILY LAND USE DESIGNATED AREAS, AND DEVELOPMENT STANDARDS FOR THE COASTAL ZONE RESIDENTIAL PROFESSIONAL ZONING DISTRICT (CZ-RP) AS PROVISIONALLY APPROVED BY THE CALIFORNIA COASTAL COMMISSION.

WHEREAS, the Planning Commission approved Local Coastal Program Amendment No. LCPA 08-01 on November 13, 2008 to accommodate the development of residential condominiums at the northwest corner of 2nd and A Streets; and,

WHEREAS, the City Council upheld the Planning Commission's approval on January 12, 2009; and,

WHEREAS, the California Coastal Commission determined on June 12, 2009 that the amendments to the Land Use Plan were not consistent with the policies of Chapter 3 of the California Coastal Act; and,

WHEREAS, the California Coastal Commission determined on June 12, 2009 that the amendments to the Implementation Plan were not in conformance with and would not be adequate to carry out the policies of the Land Use Plan as amended; and,

WHEREAS, at the California Coastal Commission meeting of June 12, 2009, the Commission certified the LCP Amendment if modified as suggested by the Commission to include nine modifications were made to Land Use Plan and Implementation Plan; 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 Commission to the Implementation Plan conform with and adequately carry out the Land Use Plan and modified, and that the modifications will bring the Coasta Norte project into conformance with the amended Local Coastal Program; and,

WHEREAS, the City understands, based on conversations and correspondence with California Coastal Commission staff, that these modifications will only apply to the Coasta Norte project site (APN 118-020-34), to all properties presently designated Multi-Family land use designation or Coastal Zone Residential Professional Zoning District (APN 118-030-09, APN 118-030-24, APN 118-030-25, APN 118-030-26, and APN 118-030-27), and any other lands within the coastal zone portions of the City which may be designated MF or CZ-RP at some time in the future, and any similar citywide

recommendations will be addressed as part of the ongoing Local Coastal Plan Program Update; and,

WHEREAS, the City Council, in its evaluation of the nine 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.

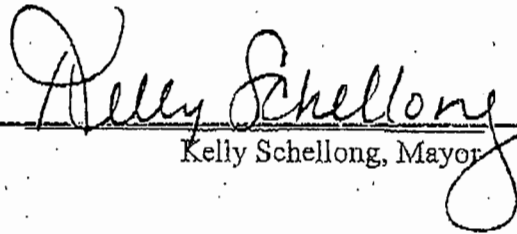
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Crescent City as follows:

1. The City Council hereby rescinds Resolution No. 2009-35.
2. The City Council has accepted and reviewed the staff report, dated June 12, 2009, and hereby acknowledges receipt of the Coastal Commission's Resolutions and Suggested Modifications to the Coasta Norte project site (APN 118-020-34), to all properties presently designated Multi-Family land use designation or Coastal Zone Residential Professional Zoning District (~~APN 118-030-09, APN 118-030-24, APN 118-030-25, APN 118-030-26, and APN 118-030-27~~), and any other lands within the coastal zone portions of the City which may be designated MF or CZ-RP) as some time in the future, as adopted by the Coastal Commission.
3. The City Council hereby accepts and agrees to the Coastal Commission's modifications as they pertain to the Coasta Norte project site (APN 118-020-34), site, to all properties presently designated Multi-Family land use designation or Coastal Zone Residential Professional Zoning District (APN 118-030-09, APN 118-030-24, APN 118-030-25, APN 118-030-26, and APN 118-030-27), and any other lands within the coastal zone portions of the City which may be designated MF or CZ-RP) at some time in the future, and further agrees to issue coastal development permits subject to these modifications and the approved Local Coastal Program.
4. The City Council hereby adopts the Findings of Approval, as described in the staff report dated June 12, 2009, and hereby acknowledges that the modifications required by the Coastal Commission for the Coasta Norte project site (APN 118-020-34), site, to all properties presently designated Multi-Family land use designation or Coastal Zone Residential Professional Zoning District (APN 118-030-09, APN 118-030-24, APN 118-030-25, APN 118-030-26, and APN 118-030-27), and any other lands within the coastal zone portions of the City which may be designated MF or CZ-RP) at some time in the future, are consistent with the General Plan, and that the modifications will bring the project into conformance with the State Coastal Act.
5. The City Council hereby certifies and adopts the nine modifications to the General Plan/Zoning Ordinance as they relate to the Coasta Norte project site

(APN 118-020-34), to all properties presently designated Multi-Family land use designation or Coastal Zone Residential Professional Zoning District (APN 118-030-09, APN 118-030-24, APN 118-030-25, APN 118-030-26, and APN 118-030-27), and any other lands within the coastal zone portions of the City which may be designated MF or CZ-RP) at some time in the future, and directs the City Planner to forward this resolution to the coastal Commission.

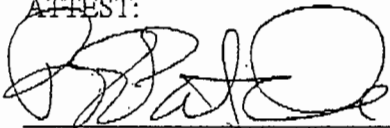
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Crescent City on the 19th day of October 2009, by the following vote:

AYES: Council Member Burns, Westfall, Murray, and Slerf
NOES: Mayor Schellong
ABSENT: none
RECUSED: none



Kelly Schellong, Mayor

ATTEST:



By: Robin Patch, Deputy City Clerk
Rod Butler, City Clerk

ORDINANCE NO. 749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, DEL NORTE COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF ZONING CODE AMENDMENT 09-02 EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15265 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, AND ADOPTING ZONING CODE AMENDMENT 09-02 TO MAKE VARIOUS CHANGES AS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AND AGREED TO BY THE CITY COUNCIL IN CONJUNCTION WITH THE COASTA NORTE CONDOMINIUM PROJECT. THESE CHANGES WOULD APPLY TO ALL PARCELS WITHIN THE COASTAL ZONE CURRENTLY DESIGNATED AS MULTIPLE FAMILY RESIDENTIAL AND/OR RESIDENTIAL PROFESSIONAL AND ANY THAT MAY BECOME DESIGNATED AS SUCH IN THE FUTURE.

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 October 31, 2009; and

WHEREAS, a duly noticed public hearing was held before the Planning Commission on November 12, 2009, to hear public testimony and consider the proposal; and

WHEREAS, the Planning Commission voted to recommend the proposed changes to the City Council; and

WHEREAS, a duly noticed public hearing was held before the City Council on November 16, 2009, 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 Zoning Code Amendment 09-02 is exempt from the California Environmental Quality Act pursuant to Section 15265 of the California Environmental Quality Act Guidelines and the City Council determinations reflect the independent judgment of the City Council.

ATTACHMENT 3

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.

Section 5. The City Council of the City of Crescent City hereby finds that Zoning Code Amendment 09-02 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. 749, adopting Zoning Code Amendment 09-02, making various changes as required by the California coastal commission and agreed to by the City Council in conjunction with the Coasta Norte condominium project, attached hereto as Exhibit A and incorporated herein.

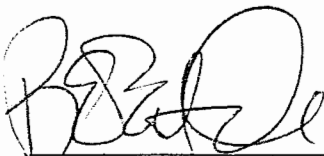
Section 7. If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

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.

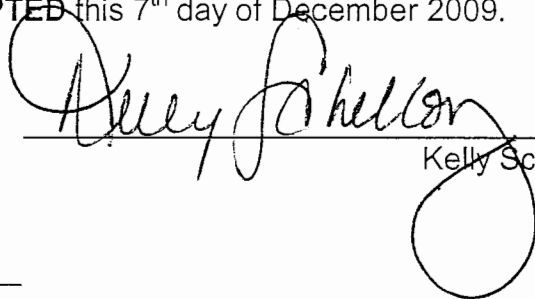
Attachments

Exhibit A: Proposed modifications to Chapters 17.61.290, 17.61.295, 17.61.480, 17.61.483, 17.61.487, and 17.67.020

PASSED, APPROVED AND ADOPTED this 7th day of December 2009.



Robin Patch
Deputy City Clerk



Kelly Schellong
Mayor

APPROVED AS TO FORM:

Robert Black, City Attorney

I, Robin Patch, Deputy City Clerk of the City of Crescent City, California, do hereby certify that the foregoing Ordinance No. 749 was duly introduced for first reading on the 16th day of November 2009 and regularly adopted at a regular meeting of the City Council of the City of Crescent City on this 7th day of December 2009, by the following vote, to-wit:

AYES: Council Members Burns, Murray, and Slert

NOES: Mayor Schellong

ABSENT: none

ABSTAIN: Council Member Westfall

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Crescent City on this 7th day of December 2009.



Robin Patch
Deputy City Clerk

SEAL

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. **For the definition of "unit", see Section 17.61.483.**

17.61.295 Lot Area

"Lot area" means the total horizontal area included within lot lines of a lot. **For the definition of "unit area", see Section 17.61.487.**

17.61.480 Townhouse or row house

"Townhouse" or "row house" means one of a group of no less than four attached dwelling units, **held in either fee simple title or in common interest ownership, such as with condominium projects, community apartment projects, stock cooperatives, or other forms of common interest housing developments**, where each dwelling unit is located on a separate lot **or within an exclusive use residential unit, with or without collectively owned portions of the project structures and/or common open space areas.**

17.61.483 Unit

"Unit" means the spatial portion of a townhouse, row house, condominium, project, apartment collective, or stock cooperative intended for exclusive and individual use by its owner or owners, separate and apart from commonly owned portions of the structure(s) or project site(s).

17.61.487 Unit area

"Unit area" means the physical three-dimensional interior area of a unit within townhouse, row house, condominium, project, apartment collective, or stock cooperative, as bounded by its walls, floor, and ceiling.

17.67.020 Uses permitted.

Uses permitted in the CZ-RP district include:

- A. Business and professional offices such as doctors, dentists, lawyers, accountants, and other professional offices;

- B. One-family dwellings, occupied by not more than one family and not more than two boarders or roomers;
- C. Two-family dwellings;
- D. Multiple family dwellings;
- E. Accessory buildings;
- F. Day nurseries accommodating not more than five children in number;
- G. Foster homes limited to those licensed by the state or county, and accommodating not more than six guests;
- H. Motels and hotels, except for associated sales of food or drink;
- I. Private clubs;
- J. Roominghouses;
- K. Townhouses, ~~(row houses)~~ **rowhouses, condominium projects, cooperative, apartments, stock cooperatives, and other attached, common interest housing developments;**
- L. Real estate and insurance offices;
- M. Any of the following uses provided a use permit is secured:
 - 1. Churches,
 - 2. Day nurseries,
 - 3. Dormitories for schools and colleges,
 - 4. Guest homes,
 - 5. Homes for the aged,
 - 6. Home occupations,

7. Nonprofit organizations devoted to charitable, philanthropic or social purposes. Such uses shall not engage in the processing, repairing, refinishing, treatment, fabrication, manufacture or sale of materials or objects except that the sale of new works of art created or produced on the premises from raw materials by the patrons or members of nonprofit organizations may be permitted, if it is incidental and accessory to the principal use of the property,
8. Orphanages,
9. Parking lots,
10. Public utility substations.