

CALIFORNIA COASTAL COMMISSION

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W11a

LCP-1-DNC-21-0053-1

(CRESCENT CITY HARBOR PLAN UPDATE)

March 08, 2023

EXHIBITS

Exhibit 1 – Location Maps

Exhibit 2 – Map of Commission Permitting Jurisdiction

Exhibit 3 – Mapped Flood and Tsunami Hazard Areas

Exhibit 4 – County Resolution of Adoption and Transmittal of LCP Amendment

Exhibit 5 – Adopted LUP

Exhibit 6 – County Ordinance of Adoption of IP Amendment

**Exhibit 7 – Policies from the Certified LUP that Apply to Proposed Harbor LUP
(Countywide Hazard Policies)**

Exhibit 8 – Map of Existing and Proposed Zoning Designations

Exhibit 9 – Comparison of Existing and Proposed Land Use Policies

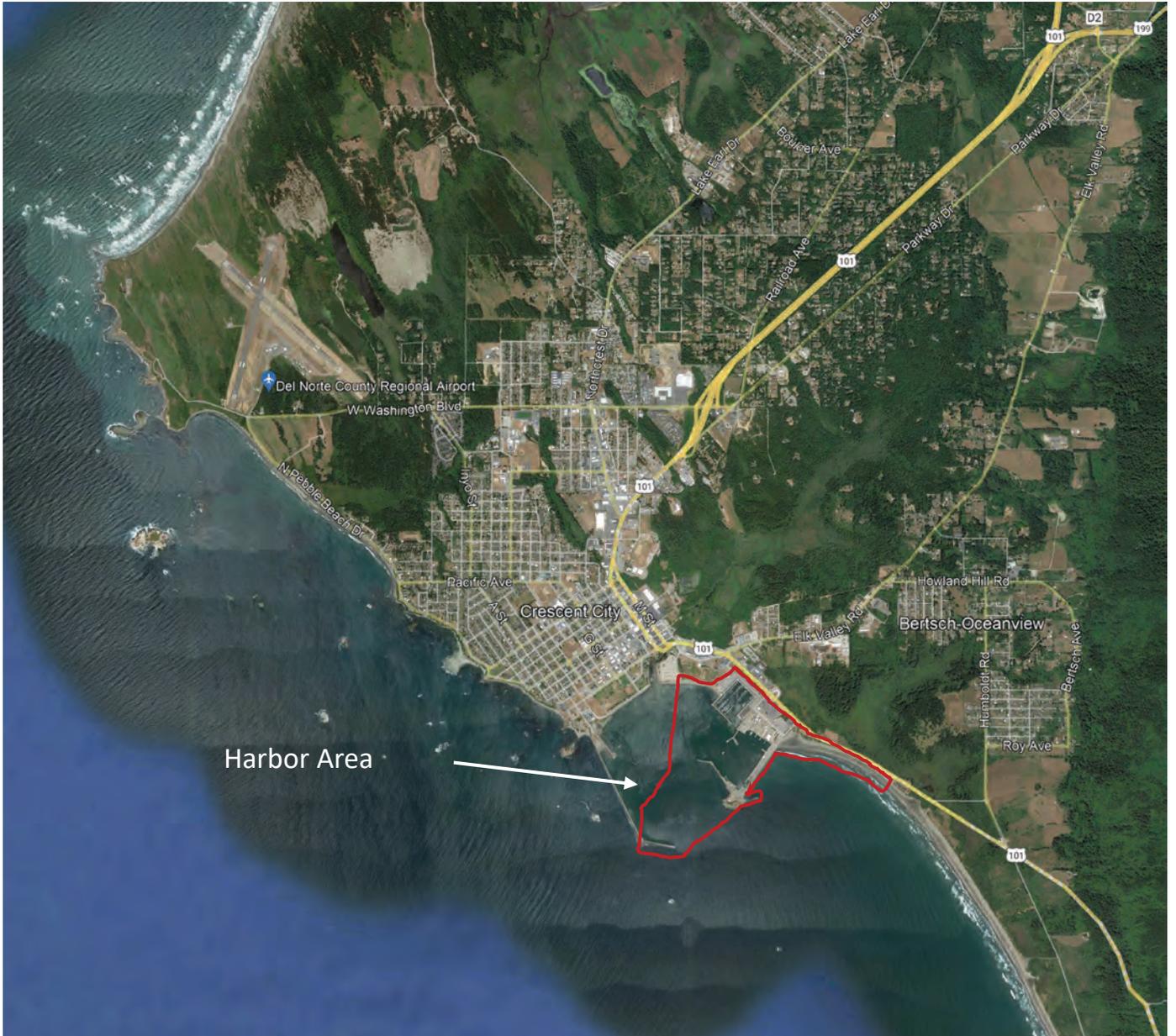
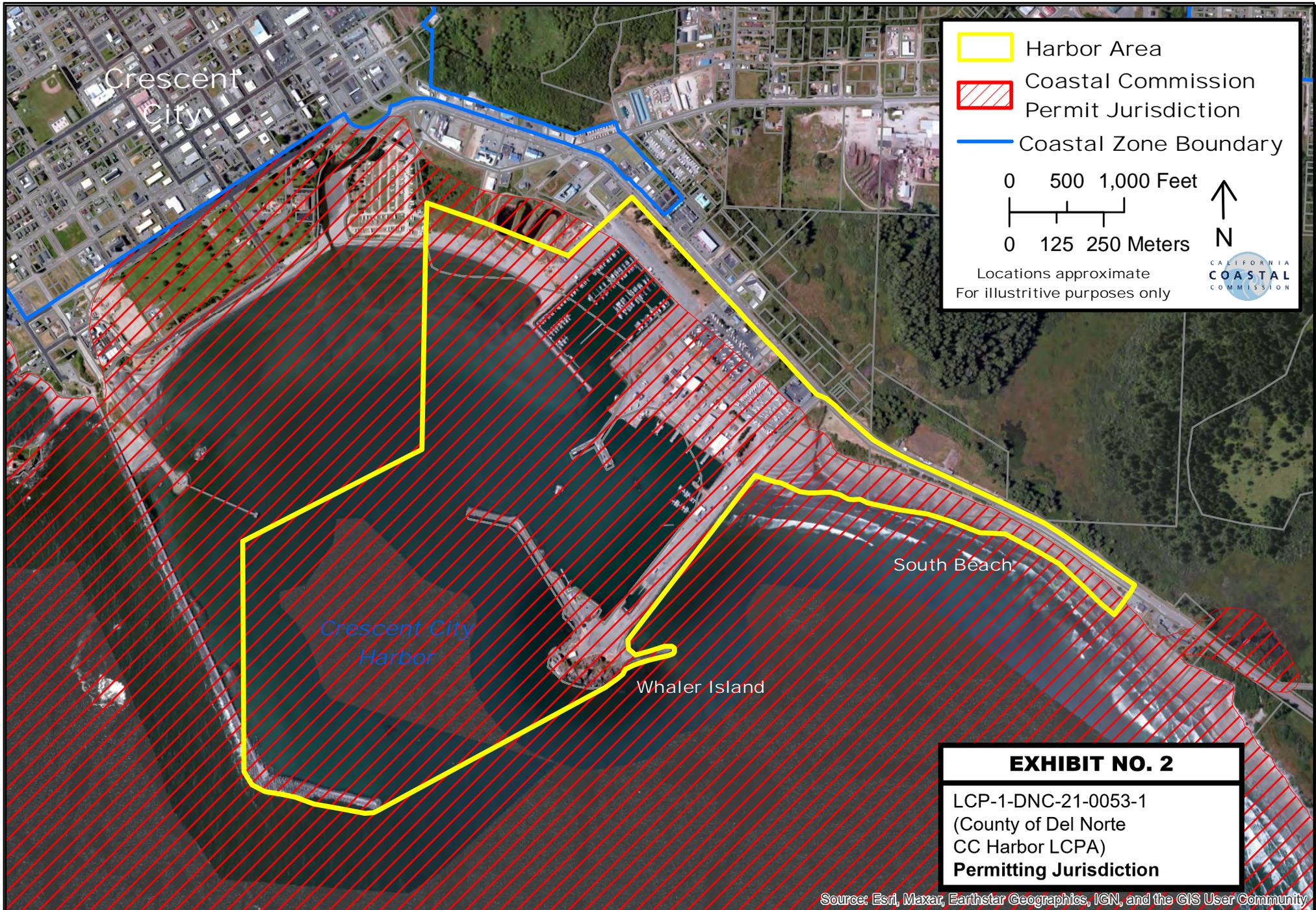


EXHIBIT NO. 1
LCP-1-DNC-21-0053-1
(County of Del Norte
CC Harbor LCPA)
Map of LCP Planning Areas

Crescent City Harbor Coastal Land Use Plan Area



Crescent City Harbor Coastal Land Use Plan Area



- Harbor Area
- Coastal Commission Permit Jurisdiction
- Coastal Zone Boundary

0 500 1,000 Feet
0 125 250 Meters

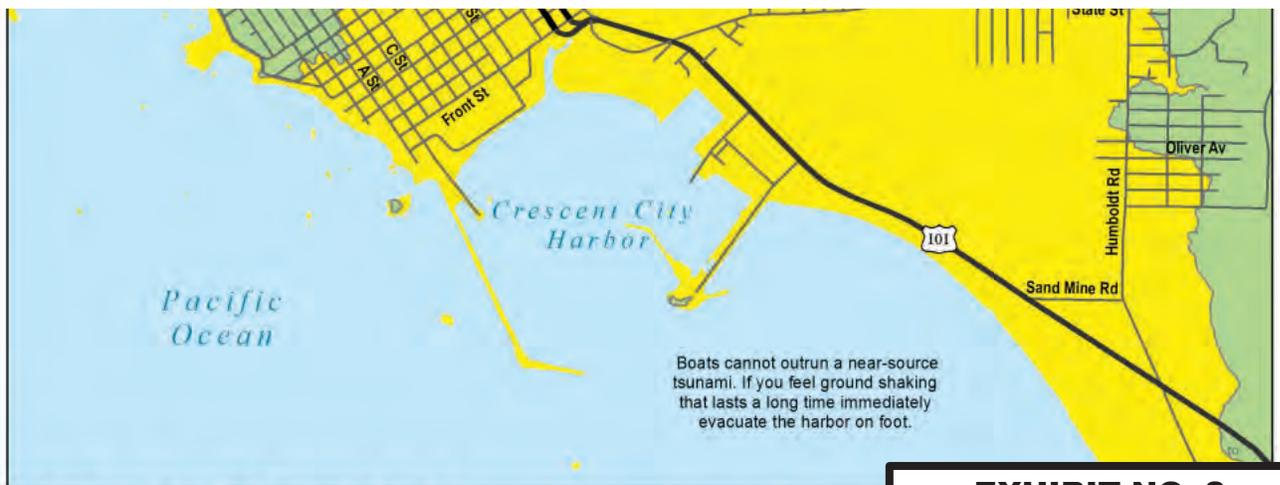
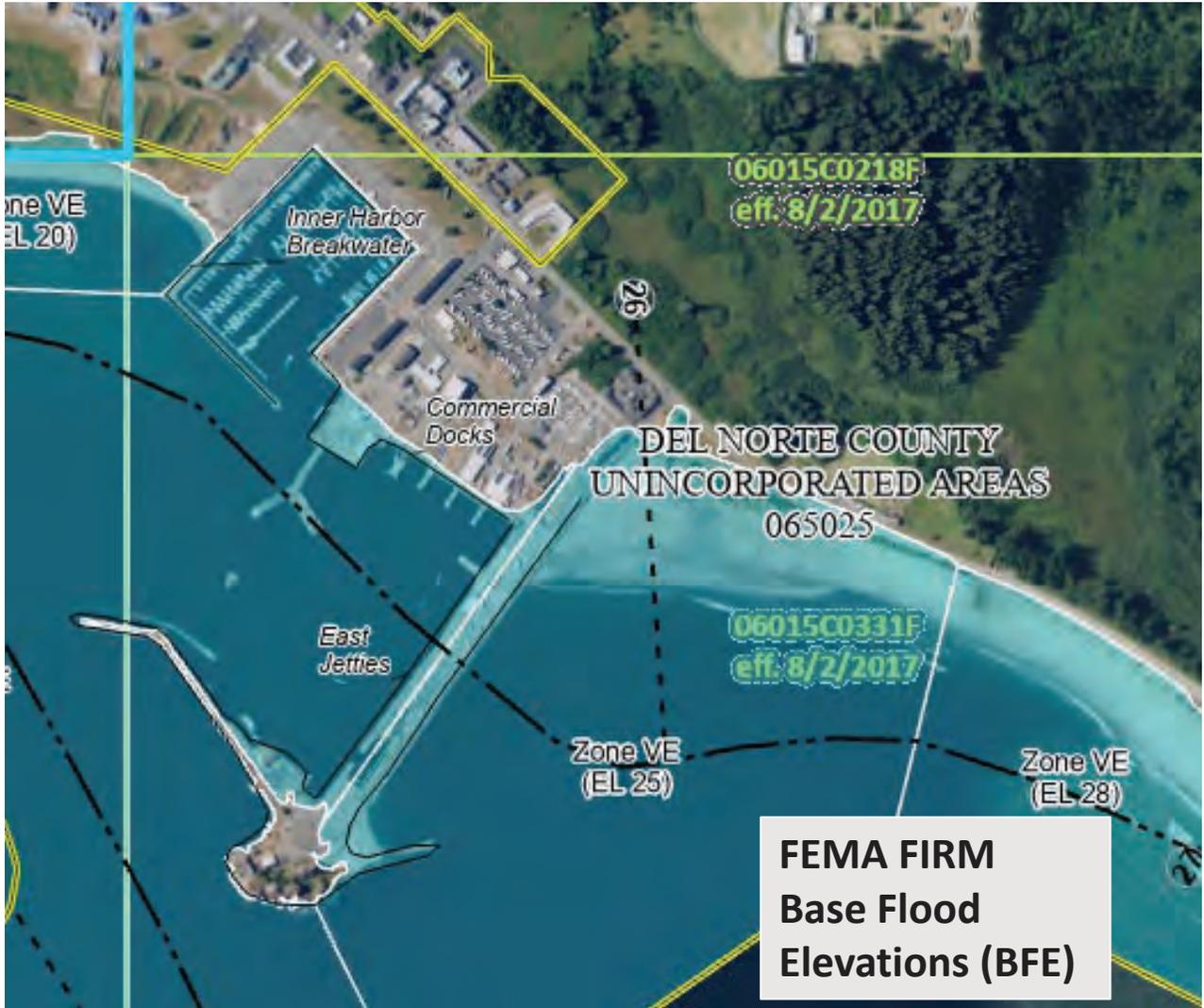


Locations approximate
For illustrative purposes only



EXHIBIT NO. 2
LCP-1-DNC-21-0053-1
(County of Del Norte
CC Harbor LCPA)
Permitting Jurisdiction

Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community



CRESCENT CITY
Mapped Tsunami Hazard Areas



EXHIBIT NO. 3
LCP-1-DNC-21-0053-1
(County of Del Norte
CC Harbor LCPA)
Mapped Hazards



Board of Supervisors

County of Del Norte
State of California

RESOLUTION NO. 2021 - 020

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO ITS LOCAL COASTAL PROGRAM, INCLUDING THE HARBOR LAND USE PLAN AND IMPLEMENTATION PLAN, AND TRANSMITTING SAID AMENDMENTS TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, on February 1, 1984, the California Coastal Commission certified the Del Norte County Local Coastal Program;

WHEREAS, a Harbor segment of the Del Norte County Local Coastal Program exists in the form of a Land Use Plan certified by the Coastal Commission in 1987; and

WHEREAS, the Del Norte County Local Coastal Program provides for amendments to the Local Coastal Program; and

WHEREAS, the Crescent City Harbor District, a public entity under state law, wishes to amend the Harbor segment of the County Local Coastal Program, which is an independent segment of the County Land Use Plan; and

WHEREAS, the Planning Commission and Board of Supervisors have held public hearings and considered requests to amend the Local Coastal Program; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an environmental document (SCH # 2017112033) has been prepared and circulated by the Crescent City Harbor District in compliance with state regulations which the Board has determined as adequate for the request; and

WHEREAS, the Board of Supervisors now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to amend the Local Coastal Program as follows:

1. Adopt the Crescent City Harbor Area Coastal Land Use Plan - 2020 to replace the Crescent City Harbor District Land Use Plan certified in 1987 as the Harbor segment land use plan of the Del Norte County Local Coastal Program.
2. Adopt Harbor-specific zoning by amending Chapter 47 and adding Chapters 47A, 47B, 47C, 47D, and 47E to Title 21 of the Del Norte County Code.
3. Amend Del Norte County Coastal Zoning Map Area B-1 O and C-10 to re-establish boundaries in the Harbor area.

EXHIBIT NO. 4

LCP-1-DNC-21-0053-1
(County of Del Norte
CC Harbor LCPA)
Resolution

4. Amend the Key to Tables 18.12A through 18.12E in Chapter 12.10 in Title 18 Signs of the Del Norte County Code to reflect new harbor zones

WHEREAS, the Board of Supervisors is exercising its authority to designate land uses in accordance with local conditions and any future development of the affected area will have to comply with the development standards applicable at the time of development; and

WHEREAS, the proposed amendments are consistent with the provisions of the Coastal Act of 1976, the Del Norte County Local Coastal Program, and are intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program;

NOW THEREFORE, BE IT RESOLVED that the Del Norte County Board of Supervisors hereby adopts the above whereas statements as findings;

BE IT FURTHER RESOLVED as follows:

1. The above recitations are true and correct.
2. The above listed and described items are hereby approved and adopted as amendments to the Del Norte County Local Coastal Program.
3. Del Norte County Board of Supervisors directs and authorizes that the above listed amendments are within the California Coastal Zone and are to be transmitted to the California Coastal Commission for its review and certification for the unincorporated area of the County.
4. The Chair of this Board is hereby authorized and directed to sign and certify all maps, documents, and other materials and to take other necessary steps in accordance with this Resolution to reflect the above described action by the Board of Supervisors;

PASSED AND ADOPTED this 9th day of March, 2021 by the following vote:

AYES: Supervisor Short, Starkey, Howard, Hemmingsen, Short

NOES: None

ABSENT: None

ABSTAIN: None



Chris Howard, Chair
Del Norte County Board of Supervisors
State of California

ATTEST:



Kylie Goughnour, Clerk of the Board of Supervisors
Del Norte County, California



CRESCENT CITY HARBOR COASTAL LAND USE PLAN

Approved by Del Norte County Board of Supervisors

March 9, 2021

EXHIBIT NO. 5
LCP-1-DNC-21-0053-1 (County of Del Norte CC Harbor LCPA) Adopted LUP



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Crescent City Harbor Coastal Land Use Plan

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CHAPTER 1 INTRODUCTION

Coastal Land Use Plan Purpose

The Crescent City Harbor (Harbor Area) is an unincorporated area of Del Norte County within the California Coastal Zone. Local agencies with land use jurisdiction within the coastal zone, which includes Del Norte County, must prepare a local coastal program (LCP) to implement the California Coastal Act at the local level (Public Resources Code §30000 et seq.). An LCP consists of two parts: a Coastal Land Use Plan (LUP), which details the kinds, locations, and intensity of land uses, and resource protection and development policies in the Coastal Zone; and a Coastal Implementation Program (IP), which includes land use zoning and other implementing ordinances that conform with and carry out LUP policies.

The Crescent City Harbor LUP was originally certified by the California Coastal Commission in 1987 as an independent geographic segment of the County's LUP covering the Harbor Area. This document, certified by the Commission in 20XX, represents a comprehensive update to the Harbor LUP. The Harbor LUP remains an independent segment with policies separate and apart from the bulk of the County. The Harbor LUP is implemented through the Countywide IP, with Harbor-specific zoning districts and public access policies included in Title 21 Coastal Zoning, Chapter 21.47.

An effective Harbor LUP must reflect current and foreseeable conditions yet be flexible enough to anticipate future opportunities. Past and current trends were examined to guide the development of the existing Harbor LUP to ensure it is in sync with current conditions, knowledge, and practices, while remaining flexible enough to respond to future events. An unrealistic, inflexible LUP exacerbates land use conflicts and may compromise the Harbor District's twin goals of achieving appropriate development and protecting local resources.

Any Harbor LCP amendments require Coastal Commission review and approval prior to becoming effective. To certify a LUP LCP amendment, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with Coastal Act, Chapter 3 policies. To certify an IP LCP amendment the Commission must find the IP as amended conforms with and is adequate to carry out certified LUP policies.



Crescent City Harbor

Review Authority

Unless otherwise exempt, coastal zone development (as defined by Coastal Act §30106) requires a coastal development permit (CDP). After Coastal Commission LCP certification, CDP authority is delegated to the local government. However, pursuant to Coastal Act §30519(b), the Commission retains permitting jurisdiction on submerged lands, tidelands, and public trust lands. A significant portion of the land and water area within this Harbor LUP require a development permit directly from the Coastal Commission. The LCP governs CDP review and approval in the County's delegated permit jurisdiction. In areas of Commission retained CDP jurisdiction, proposed CDP application review standards are the California Coastal Act Chapter 3 policies with the LCP providing guidance.

Certain County approved Harbor development is appealable to the Coastal Commission pursuant to PRC Section 30603(a) including but not limited to approval of development between the first public road and the sea, development located on public trust lands, development within 100 feet of a wetland, development that is not designated as the principally permitted use under the zoning ordinance, and major public works projects and major energy facilities. Any development denial that constitutes a major public works project or a major energy facility is also appealable to the Commission. Permit approval appeal grounds are limited to an allegation that the development does not conform to the certified LCP standards or Coastal Act public access policies. The appeal grounds for a major public works project or major energy facility permit denial are limited to an allegation of conformance with certified LCP standards and the Coastal Act public access policies.

Goals, Policies, and Programs

Within this LUP, goals, policies and programs are listed in each section. Goals are more general expressions of an ultimate purpose and do not govern CDP issuance or serve as a valid permit appeal basis. By contrast, policies bind the County's actions and establish the standard of review for determining whether land use and development decisions, zoning changes or other County actions are consistent with the Harbor LUP. Programs are activities carried out to implement LUP policies to achieve a goal.

General Policies:

1. Coastal Act (Sections 30210-20264) Chapter 3 policies are the guiding Harbor LUP policies.
2. Where Harbor LUP policies overlap or conflict, the policy most protective of coastal resources shall take precedence.
3. Where conflicts occur between Harbor LUP policies and those in other County plans, policies, and regulations, the LUP policies shall take precedence in the Harbor Area.
4. Prior to Harbor Area CDP approval, the County, or Commission on appeal, shall make the finding that the development is consistent with all applicable Harbor LUP policies and Countywide IP regulations and Coastal Act public access policies.

Crescent City Harbor Land Use Plan Area

The Crescent City Harbor is located in Crescent Bay, just south of town, both on lands granted by the State Lands Commission (SLC) to the Crescent City Harbor District and lands owned fee and title by the District. The Crescent City Harbor District has influence over the majority of the lands in the Crescent City Harbor Area covered by this LUP update (Figure 1). There are also privately owned lands in the northeastern portion of the LUP Harbor Area. The tidelands granted to the Harbor District cover a larger area than the Land Use Plan Harbor Area (Figure 2).

The Crescent City Harbor District was formed on November 8, 1931 by a vote of the people of Del Norte County to assume responsibility for improvements, maintenance, and management of Harbor District properties and related harbor facilities. The Harbor District was conveyed additional tide and submerged lands when the Governor signed into law Chapter 1510 of the Statutes of 1963. The land owned and managed by the Harbor District is now more than 4,053 acres of water and land area. The Harbor is a shallow-draft critical harbor of refuge, supporting a Coast Guard search and rescue station, commercial and sport fishing, and recreational boating. The Harbor serves as a commercial boat basin for salmon, shrimp, tuna, cod, and Dungeness crab fishing vessels, as well as a basin for recreational watercraft. The Harbor is also home to multiple fishing and non-fishing related businesses and Harbor District offices. The District leases several commercial buildings and businesses located upon District owned land surrounding the harbor.

Figure 1 Crescent City Harbor Land Use Plan Area

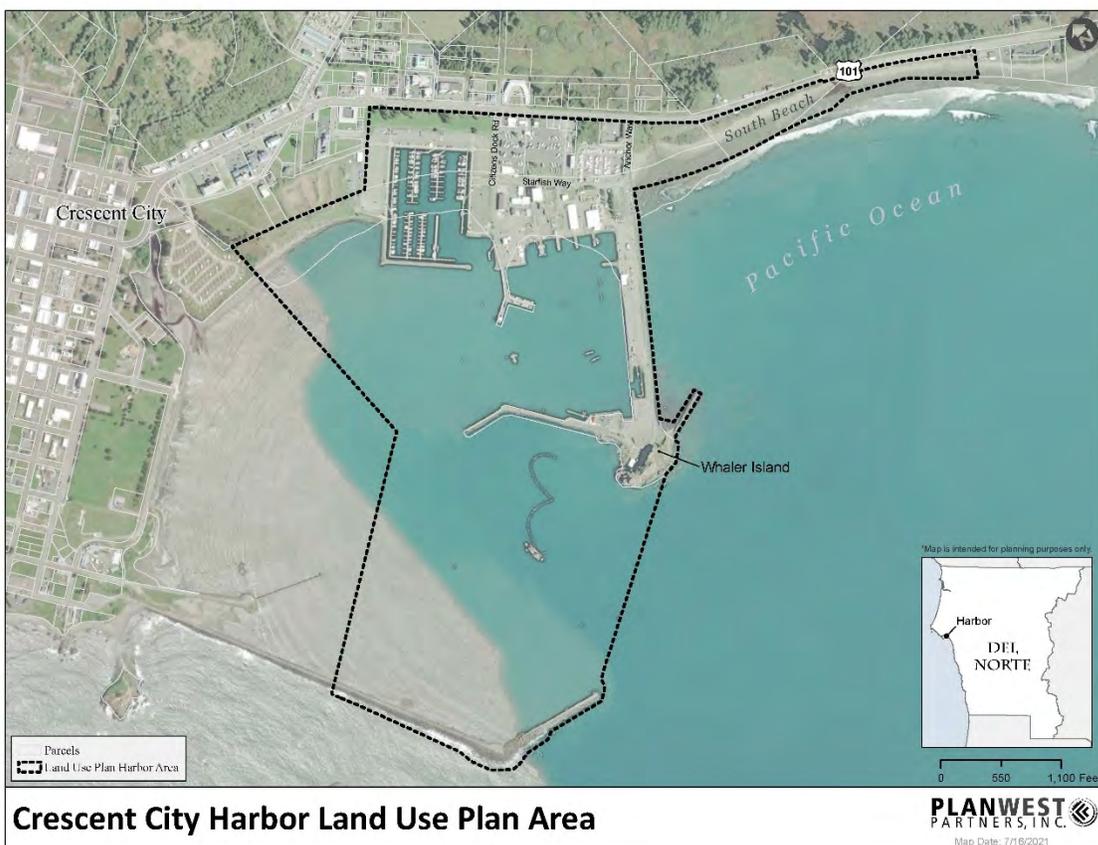


Figure 2 Harbor District State Tidelands Grant



The tidelands grant to the Harbor District by the State of California mandates specific functions that the District must guarantee for public use including the development of a public harbor to meet the needs of the people of the State and the provision of recreational and visitor-serving uses within the granted lands. Furthermore, the California Coastal Act emphasizes support for coastal-dependent uses (i.e. those uses that must have a waterfront site in order to exist), and coastal-related, visitor-serving, recreation, and commercial uses.

Crescent City and Del Norte County are in a state of transition from resource production to a tourism and recreation services-based economy. The 2006 Crescent City Harbor District Master Plan emphasizes the District's intention to retain and improve existing harbor facilities in support of commercial fishing and recreational boating, while expanding coastal related visitor serving uses in the Harbor. These new uses have the potential of generating the revenue necessary to keep the District economically viable, sustaining its ability to meet its mandates under the State Tidelands Grant and the California Coastal Act.

CHAPTER 2 HARBOR LAND USE AND DEVELOPMENT

2.0 Harbor Land Use and Development

2.1 Land Use

The land use plan of a Local Coastal Plan is defined in section 30108.5 of the California Coastal Act. The Coastal Land Use Plan (LUP) for the Harbor area is a functional portion of the Coastal Element of the Del Norte County General Plan and is intended to identify the distribution of land uses in the Harbor area. Land use designations for the Crescent City Harbor area can be seen in Figure 3.

2.1.1 Land Use Categories

Policy:

2.1.1-1 Land Use Category Descriptions

The described land use categories establish the type, density and intensity of land uses within the coastal zone for the Harbor area. Development in each land use area shall adhere to policies for land use type and intensity contained in each land use category; intensity is expressed as a maximum floor area ratio (FAR). Other applicable policies that affect development also apply as applicable in the Harbor Land Use Plan, the Del Norte General Plan, and implementing ordinances of the Harbor District and County of Del Norte. The review of coastal development permits is governed by the Harbor LUP and the County of Del Norte zoning ordinances and zoning district maps that comprise the Countywide certified IP. The Harbor LUP includes four Harbor-specific land use classifications.

Harbor Dependent Marine Commercial

The Harbor Dependent Marine Commercial (HDMC) classification prioritizes the needs of the commercial fishing industry while also accommodating other coastal-dependent commercial and industrial development and coastal-related support facilities within or immediately adjacent to the waters of the Harbor to encourage the continuation of commercial fishing and other coastal-dependent marine commercial and industrial activities, maintain the marine theme and character of the Harbor, and encourage physical and visual access to the Harbor where appropriate. The HDMC designation is applied to areas that have historically provided fishing related activities, facilities, and employment. These areas also provide the physical area for continuation of coastal-dependent, coastal-related, and accessory uses. The HDMC designation shall be expanded if future demand for additional sites for coastal-dependent and related uses including aquaculture and commercial fishing facilities becomes evident. *Intensity: Maximum 2.0 FAR*

Figure 3 Land Use Designations



Harbor Dependent Recreational

A Harbor Dependent Recreational (HDR) classification provides for public and commercial recreational development within or immediately adjacent to the waters of the Harbor to encourage the continuation of recreational boating and other water-oriented visitor-serving and recreational uses and mutually supportive businesses that enhance public opportunities for coastal recreation, maintain the marine theme and character of the Harbor, and encourage physical and visual access to the Harbor waterfront. The HDR designation is applied to areas that have historically provided recreational boating and other harbor dependent or harbor related visitor-serving and recreational uses, and related support activities, facilities, and employment. These areas provide the physical area for continuation and expansion of these harbor dependent and harbor related water oriented recreational uses. Other non-recreational coastal-depend/related uses are allowed as conditional uses. *Intensity: Maximum 0.5 FAR.*

Harbor Visitor Serving Commercial

A Harbor Visitor Serving Commercial (HVSC) classification provides for accommodations, conveniences, goods, and services intended to primarily serve Harbor area visitors where specific use does not necessarily require location immediately adjacent to Harbor waters. On HVSC designated lands, priority shall be given to visitor-serving commercial facilities designed to enhance public opportunities for coastal recreation. *Intensity: Maximum 2.0 FAR.*

Harbor Greenery

Areas designated Harbor Greenery (HG) are set aside as open space areas to be utilized for habitat protection/restoration, passive recreation, wind or weather screens and visual effect. These areas may also include day use public recreational facilities and be utilized as utility corridors, but any vegetation removed in the course of installing or maintaining utility lines shall be replaced in kind. Areas in the HG category include the south and west parts of Whaler Island (the relatively undisturbed portion of the former island), the pine tree and grass area west of Highway 101 in proximity to the inner boat basin, a wetland adjacent to the Anchor Beach Inn, and beach areas.

In some cases the Harbor Greenery (G) designation is intended as a placeholder, until such time as the Harbor District proposes redesignation of the land for conversion to another use and development for Harbor purposes. Lands designated G on an interim basis to be reserved for future harbor dependent uses include the pine tree and grass area west of Highway 101 and the beach strand area between the Inner Boat Basin and Shoreline Campground (portion under Harbor District control). *Intensity: NA*

2.1.2 Coastal Land Use Plan Map

The Crescent City Harbor Land Use Designations map (Figure 3) depicts the land use category for each property and is intended to provide a graphic representation of policies relating to the location, type, density and intensity of all land uses in the coastal zone.

Policy:

2.1.2-1: Land Use Consistency

Land uses and new development in the coastal zone shall be consistent with the Harbor Land Use Designations Map and all applicable Local Coastal Program (LCP) policies and regulations.

2.2 General Development Policies

Coastal Act policies related to the location of new development that are applicable to the Harbor area include Sections 30211, 30212.5, 30250 (a), 30252, 30253 (d) and 30254.

2.2.1 Location of New Development

The Coastal Act provides for the protection of coastal resources by requiring that new development be located close to existing development, where public services are available to minimize the impacts associated with the extension of infrastructure and services. With the exception of the shoreline lying seaward of the mean high tide and south of the Whaler Island breakwater, the lands within and adjacent to the harbor area have been previously developed; therefore, new development within the harbor area will occur in the form of new development at previously disturbed sites, or infill development within or adjacent to existing developed areas.

The City of Crescent City maintains the water distribution system within the Harbor area, other than individual service lines to Harbor owned facilities. The water lines presently serving the Harbor are adequately sized to meet the needs of future development with simple lateral extensions. The District's wastewater is collected and treated by the City's WWTP. These areas currently have adequate public services or can have public services extended or expanded without significant adverse effects on coastal resources.

Goal 2.2.1-1 New and infill development will continue to be allowed within and adjacent to the existing developed areas in the Harbor area subject to the density and intensity limits and resource protection policies of the Harbor Land Use Plan.

Policies:

2.2.1-1 Public Services

New development shall be located in areas with adequate public services or areas capable of having public services extended or expanded without significant adverse effects, either individually or cumulatively, on coastal resources. New or expanded public works facilities shall be designed to accommodate needs generated by development or uses permitted consistent with the provisions of the LUP. 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.

2.2.1-2 Parking

Where new development cannot meet current parking standards, lesser standards may be allowed only with: (a) a parking plan approved by the County that in total provides shared parking to meet the combined needs of the businesses and/or uses involved; (b) evidence that facilities and/or programs are available that provide for the use of alternative modes of transportation such as public transit, bicycling or walking; and (c) documentation that less parking will not result in interference with public access, or overcrowding or over use of any single area.

2.2.1-4 Accessibility and Smart Growth

The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, and providing adequate parking facilities or providing substitute means of serving the development with public transportation. New development shall minimize energy consumption and vehicle miles traveled.

2.3 Visitor-Serving and Recreational Facilities

Coastal Act policies relating to visitor-serving and recreational development that are applicable to the Harbor area include Sections 30213, 30220, 30221, 30222 and 30223.

2.3.1 Visitor-serving and Recreational Facilities

Visitor-serving and recreational activities are an important part of the character and economy of the Crescent City area. There are presently 14 motels with 600 rooms within walking distance (less than one mile) of the Harbor. The price range for these rooms varies with the age and location of the motel. Currently, there are no motels on Harbor District lands. The Anchor Beach Motel is presently the only motel within the Harbor planning area. The Anchor Beach Motel is located on private land between Highway 101 and lands owned by the Harbor District.

There are three recreational vehicle (RV) parks near the Harbor. One fronts on the water and is owned by the City of Crescent City (Shoreline RV Campground). The City owned RV Park has 89 spaces available and was recently modernized and upgraded. Two RV parks are located on lands owned by the Harbor District. Bayside RV Park is currently licensed for 125 spaces. The leased area is 4.4 acres, fronts on Highway 101 and is located between Citizens Dock Road and Neptune Way. The lease with the Harbor District expires on November 1, 2024. Bayside charges nightly rates as of 2019 of \$40 for back-in RV spots and \$50 for pull-through spots. Discounted longer-term rates are \$200/240 weekly and \$385/\$450 monthly. The second RV Park, Redwood Harbor Village, formerly known as Harbor RV Anchorage, is located near Bayside RV Park and fronts on Anchor Way and Starfish Way. Redwood Harbor Village is permitted for 117 spaces. Charges at Redwood Harbor Village are \$45 to \$50 per night plus \$15 for each person beyond four persons occupying the same RV space. The weekly rate is \$300-\$330 as of 2019.

Both Bayside and Redwood Harbor Village RV parks are interim uses of the property they occupy. The leases have specific expiration dates in acknowledgement of their interim use classification. The Harbor District assumed Redwood Harbor Village management on June 1, 2017 and is considering various alternative uses for the property consistent with this Land Use Plan.

Through the State Lands Grant to the District, the Harbor District controls over 4.5 miles of shoreline below the mean high tide line. This shoreline area stretches from the City of Crescent City's land grant (at Shoreline Campground) to Nickel Creek near the end of Ender's Beach Road. With some safety and security exceptions within the Harbor area itself, this entire beach area is available to the public free of charge.

Tidelands and submerged lands are State lands held in trust by the Harbor District. These lands are subject to the public trust doctrine and are limited to public trust uses, such as navigation, fisheries, commerce, public access, water-oriented recreation, open space and environmental protection. The open water of the Harbor and of the Pacific Ocean adjacent to the Harbor are used for a wide variety of recreational activities, including boating, diving, fishing, kayaking, rowing, sailing, surfing, paddle boarding, and wind surfing. Development in the form of marinas, moorings, piers, and equipment rentals provide recreational opportunities and water access.

The day use facilities at the Harbor are available free of charge. There is no charge for parking in the Harbor area nor are there any charges for use of public restrooms or the fish cleaning stations. Access throughout the harbor by walking or bicycle is available, although some restrictions are in place to prevent conflict with commercial activities such as seafood unloading and boat repair. A segment of the California Coastal Trail was recently completed from the northern Harbor Area east to Starfish Way and the Harbor District improved walkways and railings around the Inner Boat Basin, facilitating walking and bicycling by the public. The water area of the harbor is also available for use by the public. Windsurfing, kayaking and paddle boarding are examples of frequent activity in the harbor that are free for the public. Access by trailerable boat to the waters of the harbor requires a nominal use charge for the boat ramp.

Presently there are only limited coastal-related educational and interpretative facilities and programs that are either free or have a nominal charge. The Harbor District intends to seek funding for these facilities, including an Interpretative Center and Nautical Museum.

Goal 2.3.1-1 Visitor-serving and recreational developments that provide public recreational opportunities shall be encouraged. Lower-cost and no cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided.

Goal 2.3.1-2 The Harbor District will identify, encourage and provide lower-cost visitor-serving and recreation facilities, for example, interpretive panels, informative exhibits and if feasible an interpretive center.

Goal 2.3.1-3 The Harbor District shall continue to provide and protect public beaches granted to the District by the State of California as a means of providing free and lower-cost recreational opportunities.

Goal 2.3.1-4 The operation of passenger/ sightseeing boats, passenger/fishing boats ("day boats"), and long-term boat rentals and sales shall be encouraged.

Policies:

2.3.1-1 South Beach Uses

South Beach shall continue to be available for public recreational uses and uses on South Beach

that would interfere with public access and coastal resources enjoyment shall be prohibited.

2.3.1-2 Tidelands and Submerged Lands Use

The Harbor District shall administer tidelands and submerged lands use in a manner consistent with the tidelands trust and all applicable laws, including 1963 Statutes Chapter 1510.

2.3.1-3 Consistency with Public Trust Restrictions

The Harbor District shall ensure the consistency of a proposed use with the public trust restrictions and the public interest at the time any tideland lease is re-negotiated or renewed.

2.3.1-4 Visitor-Serving Commercial Recreational Facilities Priority

Priority shall be given to visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over general commercial uses, but not over aquaculture and coastal-dependent industry, including commercial fishing. Proposals for aquaculture facilities on oceanfront land shall be given priority over other uses, except over other coastal dependent developments or uses.

2.3.1-5 Waterfront-Oriented Commercial Uses

Continue and encourage waterfront-oriented visitor-serving and recreational commercial uses, including eating and drinking establishments and recreation and entertainment establishments, as a means of providing public access to the waterfront. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland areas shall be protected for such uses.

2.3.1-6 Visitor Accommodation Affordability

Lower cost overnight visitor accommodations shall be protected, encouraged, and, where feasible, provided, including campgrounds, recreational vehicle parks, hostels, and lower-cost hotels and motels. New overnight visitor accommodation developments in the harbor area shall (1) be encouraged to be lower-cost or provide a range of overnight accommodation options and prices serving a variety of income ranges; and (2) be encouraged to provide non-overnight visitor-serving recreational amenities that are open to the general public. Consistent with Coastal Act Section 30213, the County within the harbor area shall in no event (1) require that overnight room rental be fixed at a certain amount for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private land; nor (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.

2.3.1-7 Visitor Accommodation Retention

If and when average visitor accommodations annual occupancy rates in the Crescent City area exceed 70%, or peak season occupancy rates exceed 95% (whichever occurs first), removal or conversion of existing lower cost visitor serving accommodations in the harbor area 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 coastal Del Norte County is imposed. Lower cost facilities shall be defined as any facility with room rates that are (1) below 75% of the Statewide average room rate, or (2) below the average annual room rate in the Crescent City area, whichever is lower. Statewide average room rates can be calculated by the

Smith Travel Research website (www.str.com) or other analogous methods used to arrive at an average statewide room rate value.

2.3.1-8 Overnight Accommodation Standards

Overnight accommodations in the harbor area shall be protected for transient use (30 days or less) and shall not be converted to private residential use; other than camp host/ employee caretaker unit type residences.

Programs:

- The Harbor District shall, for new leases and/or the extension of existing leases, negotiate or renegotiate tidelands leases at the fair market value based on the uses authorized in the lease and use the funds as required by law and the policies of the Harbor District.

2.4 Coastal-dependent/Related and Industrial Development

2.4.1 1986 Harbor Plan vs. Existing and Foreseeable Conditions

The 1986 Crescent City Harbor Port Land Use Plan was prepared as the rapidly expanding fishing industry was peaking. Just prior to the adoption of the 1986 Harbor Plan, several projects were built to accommodate a fleet that had been, and was expected to continue, rapidly expanding. Projects built in support of the expanded fishing activity included:

- 1970 two fish processing plants and associated docks
- 1976 completion of the inner boat basin
- 1977 small boat haul-out and repair service facility

These and other public investments transformed Crescent City Harbor from a small cove sheltered by breakwaters where fishermen rowed out to their anchored vessels, to a modern dynamic fishing harbor. But the expansive plans of the 1980s were never realized. The fleet's growth during the 1970s and early 80s was driven by government policy providing tax and investment incentives coupled with an overly optimistic view of the productivity of ocean resources. Instead of expanding after the early 1980s, fleets shrunk. Today's commercial fleet, although much smaller than in the past, is better aligned with the biological productivity of the ocean. Three of the four major coastal fisheries in Crescent City, including the West Coast Groundfish fishery, the Oregon and Washington Pink shrimp fishery, and the Oregon Dungeness crab fishery have been certified as sustainable by the Marine Stewardship Council. While Klamath River salmon stocks are still depressed, major efforts are underway to help these stocks recover. Excepting Klamath River salmon, major local fisheries are biologically sustainable and will produce annual harvests of seafood into the future. With fleets reduced by 50 to 90 percent from 1987 levels, the commercial industry is economically viable, and the reconstructed Inner Boat Basin reasonably accommodates the present and projected future fishing fleet. There is no reasonable expectation of constructing a second boat basin for larger boats.

The inner boat basin contains 234 slips after reconstruction due to tsunami damage. In addition to the boat slips of designated length, the reconstructed Inner Boat Basin also has approximately

1,615 feet of side tie space available. This space allows vessels of any length to tie alongside a floating dock where water and electrical pedestals are available, just as in a defined slip. Side tie space is very flexible as it can accommodate vessels from the smallest to the largest that use the harbor. This flexibility is important because demand for moorage is very seasonal in Crescent City harbor. In winter, larger, out of the area crab vessels come to Crescent City to participate in the intense Dungeness crab season. Depending on the abundance of crab, 30, 40, or more out of the area crab vessels may work out of Crescent City. In summer, long after crab season is effectively over, recreational Salmon fishermen bring their smaller vessels to the harbor. In year's past, when Klamath River Salmon were more abundant and seasons longer, the Harbor District installed over 500 seasonal slips to accommodate recreational fishermen. But installing these seasonal slips in the spring and removing them in the winter was time consuming, expensive, and the aging slips did not meet modern standards. As demand for seasonal recreational slips declined, and capacity in the reconstructed Inner Boat Basin expanded, the District eventually concluded that current conditions do not justify installing these seasonal slips. The District realizes, however, that should problems on the Klamath River be resolved recreational fishing may increase in Crescent City. The area where recreational slips were historically installed continues to be zoned and designated Harbor Dependent Recreational to allow for the slips to be reinstalled if justified in the future. The flexibility to respond to changing conditions in the future is a key part of this land use plan. Adjacent to the recreational slip area are the seafood unloading and processing facilities.

Located along the harbor's water frontage are two seafood processing plants and docks with room designated for a third plant and potential expansion of the two existing buildings. As of 2019, only one of the two existing seafood processors is in operation under a lease to Alber Seafoods. The other processing plant (the old Eureka Fisheries building) is leased for storage but is not in operation. The site for the third processing plant remains empty.

The boat repair facility constructed in 1977 is still in operation. With smaller fleets, the level of repair activity is not what it was in years past, therefore the facility has capacity and area available. The Harbor's maintenance buildings are near the boat repair facilities and are used on a daily basis.

Bulk fuels are no longer unloaded from barges in the Harbor. While the pipelines are still in place, there is no prospect of fuel barging in the foreseeable future. Lumber is no longer shipped from the Harbor, although Citizens Dock did handle lumber shipping at one time.

The District is committed to actively working to keep commercial fishing and processing possible in Crescent City. The elements needed for fish processing are here -a healthy ocean resource, an active fleet, and adequate waterfront property. But the current and future level of fishing alone will not support the District. Just as focused public investment triggered private investment during the fishing boom of the 1970's, changing the focus of public investment can be the key to unlocking the tourism potential at Crescent City Harbor. Where docks, fish plants, and boatyards were critical for promoting fisheries, design guidelines, walkways, restaurants and visitor amenities are crucial for bringing new business to the harbor. Visitors must be made to feel welcome and then directed to the local attractions for the harbor to be successful.

The Harbor Commission has concluded that any future development plan will fail unless there are boats and fishing activity in the harbor. Fishing activities are a critical component of the Del Norte County economy, an inseparable part of the community's heritage, and a key attractor for tourists.

Much progress has been made in accomplishing the projects recommended in the District's 2006 Master Plan. These projects help provide the atmosphere and amenities that will attract tourists to the Harbor. This land use plan aligns land use designations, goals, and policies to implement the remaining key steps that will revitalize the Harbor's, and the community's, economy while protecting local resources.

Goal 2.4.1-1 Commercial fishing and processing shall be actively encouraged at the Harbor, understanding that economic diversification will fail without boats and fishing activity in the harbor and that these activities will continue to be priority uses.

Policies:

2.4.1-1 Coastal-Dependent Use Priority

Within the Harbor Area, coastal-dependent development shall have priority over other development on or near the shoreline. Except as provided elsewhere in this Chapter, 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. Power generation, such as wind/wave/tidal energy, shall be encouraged as a coastal-dependent priority use, along with coastal-related land based support and transmission facilities.

2.4.1-2 Commercial Fishing Facilities

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

2.4.1-3 Coastal-Dependent Industrial

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 Harbor Plan. However, where new or expanded tanker facilities and/or oil and gas development cannot feasibly be accommodated consistent with other Harbor Policies, 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.

2.5 Hazards and Protective Devices

2.5.1 General

The harbor includes improvements that are extensions of the land-side of the harbor into the waters of the harbor. The harbor is a result of previously constructed breakwaters and seawalls placed within the naturally occurring crescent shaped bay. A series of natural disasters, including 2006 and 2008 winter storms and 2006 and 2011 tsunamis, badly damaged portions of the District's infrastructure. As a result, it was determined that all docks and pilings in the inner boat basin should be replaced. The District funded required repairs through FEMA and Cal OES disaster funds, grants, and loans. The District began reconstruction of the inner boat basin in May 2012 and it was dedicated in March 2014. To the best knowledge of the design engineers, contractors, and regulatory agencies, the District's inner boat basin represents the first marina in the United States built to resist waves resulting from a 50-year tsunami event. Currently within the general area of operations by the Harbor District there are approximately 15,000 lineal feet of protective rip-rap and 300 lineal feet of steel sheet piling. The inner boat basin contains about 5,000 feet of rip-rap and the breakwater to Whaler Island has about 5,800 feet of protective rip-rap. The connection of Whaler Island to the shoreline by a sand-filled groin and breakwater was one of the early improvements to the harbor. The seawalls along the commercial/industrial fish processing area allow processing facilities and unloading docks efficient access for unloading and servicing fishing vessels. Citizens' Dock is connected to land via a sand-filled groin and seawalls. These improvements are essential to the daily functioning of the harbor. Where safe and feasible, these improvements also allow extensive public use of the harbor area.

The 1986 Crescent City Harbor Port Land Use Plan would have added over 8,500 lineal feet of protective rip-rap or some other types of shoreline protection to the existing improvements. Approximately 5,900 feet of this total would have been for the new, large boat basin. The proposed "large boat basin" would have directly affected 35 acres of wet sand area. In addition, a 300 foot wide by 800 foot long entrance channel to the new basin would have had to be dredged. As stated previously, the ambitious expansion plans of 1986 are no longer considered viable by the Harbor District, so these extensive improvements are eliminated from the current Land Use Plan.

The harbor includes approximately 180 acres of open water between the Whaler Island Breakwater and the boundary of the Harbor District with the portion of the harbor within the City limits of the City of Crescent City. The anchorage area, the area designated for a seasonal recreational marina, and the tie up areas at the various docks in this portion of the harbor add another 40 acres of water area. The inner boat basin adds approximately 16 acres of docks, slips, and moorings. The boundaries between land and harbor waters, and between harbor waters and the open sea, are marked by breakwaters and seawalls. Maintenance, and rehabilitation when necessary, of these breakwaters and seawalls is crucial to the daily operation of the harbor.

Due to future and existing commercial and recreational uses, long-term residential development is restricted within the planning area other than limited work-oriented residences such as manager's units. The Harbor District intends to focus on providing and maintaining its function as a safe harbor for the boating public and the commercial fishing industry. Residential development could generate conflicts with the commercial activities of the harbor. The harbor is only considering

residential development on a work-oriented basis. In these instances, these residential uses are secondary to the primary use. Extensive residential use would consume large areas within the harbor preventing other uses. Therefore, the harbor will limit residential development of permanent structures to second story occupancies except in the case of a manager's unit for recreation vehicle parks, campgrounds, or hostels, which may use manufactured homes for manager's units.

Flooding, geologic and seismic hazards pose a threat to the protective improvements and other improvements within and adjacent to the harbor area. Although no active faults are identified within the harbor area, the harbor is located within a seismically active region and is at risk of strong seismic shaking, subsidence, and liquefaction from local earthquake activity. The harbor area is also susceptible to damaging tsunamis from both local and distant tsunami sources, as recently evinced by the damage inflicted by the 2006 Kuril Islands tsunami and the devastation generated by the 2011 Tohoku tsunami. In addition, the harbor area is subject to flooding and erosional damage from extreme tides, storm and swell events, and sea level rise.

Goal 2.5.1-1 Minimize risks to new development within the Harbor Area from both geologic and flooding hazards, and require new development involving human occupied structures to prepare and distribute, or otherwise post, constructive notice of tsunami risks and evacuation procedures.

Goal 2.5.1-2 Repair, maintain and enhance where necessary critical structures such as revetments, breakwaters, groins, seawalls, retaining walls, and other protective construction integral to harbor serving coastal-dependent use functions. Ensure that all new or enhanced shoreline protective devices are consistent with all applicable LUP policies.

Policies:

2.5.1-1 General Hazard Policy

New development shall be sited and designed to avoid, or where avoidance is infeasible, minimize risk to life and property from both geologic and flooding hazards, including as influenced by sea level rise over the anticipated life of the development. In addition to minimizing risk, new development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geological instability, or destruction of the site or surrounding area. The geologic and seismic hazard policies contained in the County LUP [the Del Norte County General Plan Coastal Element, Hazard Areas Chapter, Section IV(D)(1) & (2)] are incorporated herein by reference as applicable.

2.5.1-2 Critical Structure Repair

Repair, maintain and enhance where necessary critical structures such as revetments, breakwaters, groins, seawalls, retaining walls, and other protective construction integral to harbor serving coastal-dependent use functions. Ensure that repair, maintenance, and enhancement of shoreline protective devices is the least environmentally damaging feasible alternative and ensure that all adverse coastal resource impacts of the activities are mitigated, including with respect to local sand supply, public views, and public recreational access.

2.5.1-3 Sea Level Rise

The best available scientific information regarding the effects of long term sea level rise at the time of application shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering investigations. As of the date of certification of this Harbor LUP, the best available science on sea level rise projections are those provided in the Ocean Protection Council's State of California Sea Level Rise Guidance. Hazards analyses for all development, including commercial and industrial development, critical facilities, energy production and distribution infrastructure, and other development projects of major community significance, shall consider erosion, flooding, wave attack, and scour, along with site-specific characteristics including local topography, bathymetry, and geologic conditions, for a range of sea level rise scenarios over the anticipated lifetime of the development. At a minimum, a worst-case "high" projection over the anticipated life of the development (75-100 years) shall be evaluated, including the extreme risk aversion scenario for critical infrastructure or the medium-high risk aversion scenario for other development types, per the OPC State Sea Level Rise Guidance.

These hazards analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level rise thresholds after which alternative adaptation strategies would need to be implemented to ensure safety. The sea level rise scenario chosen for design purposes shall be based on the development's degree of risk to life and property and potential for impacts to coastal resources. Low risk-aversion scenarios may be used for projects that would have limited consequences or a higher ability to adapt; medium-high risk-aversion scenarios shall be used for decisions with greater consequences and/or a lower ability to adapt such as decisions regarding commercial and residential structures; and extreme risk-aversion scenarios shall be used for projects with little to no adaptive capacity that would be irreversibly destroyed or significantly costly to repair, and/or would have considerable public health, public safety, or environmental impacts should that level of sea level rise occur. In certain cases, it may be appropriate to implement siting and design adaptations overtime, initially siting and designing for lower projections while identifying a plan to address vulnerabilities from higher projections if and when necessary.

2.5.1-4 Tsunami Preparedness

The best available, up-to-date scientific information regarding tsunami hazards in the harbor area shall be used in the evaluation of coastal development permit applications that present hazard risks, including available information on tsunami inundation area, amplitude, flow depth, velocity, and momentum flux as well as scour and debris impacts for a range of tsunami events from the 50-year event to the maximum expected tsunami. Development shall be sited and designed to minimize risk to life and property to the greatest extent feasible in the event of a tsunami, including minimizing impacts to the development itself and impacts of the development on the surrounding area. Minimizing risk includes employing siting and design measures that maximize structural resiliency from expected tsunami-related hydrodynamic forces, hydrostatic forces, waterborne debris impact forces, and scour effects such as by elevating structures, using resilient building materials such as reinforced concrete, orienting structures with respect to flow direction, and/or employing structural design systems meant to resist lateral movement due to the effect of water loading. Additionally, hazardous materials associated with any development

shall be protected, through siting and design methods, against unintentional releases in the event of tsunami impacts.

2.5.1-5 Hazard Evaluation

Within the Harbor area, proposed development and land use policy decisions shall be evaluated based on site-specific hazard information. Hazard reports shall be prepared by a licensed civil engineer with expertise in coastal engineering and geomorphology or other suitably qualified professional and shall consider the impacts associated with coastal hazards at the proposed project site over the anticipated lifetime of the development, including sea level rise and tsunamis as identified in Policies 2.5.1-3 and 2.5.1-4 above, as well as other geologic and environmental hazards that may exist, and shall specify the siting and design requirements and any mitigation or adaptation measures necessary to ensure risks over the anticipated life of the development are avoided, or if avoidance is infeasible, minimized. In addition to site specific studies, relevant hazard information may be found in this LUP, harbor-specific, local, and regional vulnerability assessments, FEMA Flood Insurance Rate Maps, California Coastal Commission and Ocean Protection Council guidance on sea level rise, California Geological Survey Geohazard Maps, California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps, U.S. Army Corps of Engineers and/or California Emergency Management Agency Tsunami Run-up maps and applicable Tsunami Safety Plans (evacuation mapping).

2.5.1-6 Tsunami Safety Plan

New development entailing the construction of structures intended for human occupancy, situated within the harbor, shall be required to (1) demonstrate the feasibility of safe pedestrian evacuation time given tsunami travel times to the Crescent City Harbor from dominant, disaggregated tsunami sources, and (2) prepare and secure tsunami safety plan approval. A structure intended for human occupancy includes a structure expected to have a human occupancy rate of more than 2,000 person hours per year. The safety plan shall be prepared in coordination with the Del Norte County Office of Emergency Services and Sheriff's Office, and shall contain information relaying the existence of the threat of tsunamis from both distant and near-source seismic events, the need for prompt evacuation upon a tsunami warning or upon experiencing seismic shaking from 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.

2.5.1-7 Residential Structures

Within the Harbor Land Use Plan area, freestanding residential structures are not permitted, however a residential unit for the manager of a permitted commercial development may be permitted provided the residential unit is above the ground floor. In a recreational vehicle park, campground, or hostel, an operator or manager non-permanent unit may be permitted in conjunction with recreational vehicle park, campground, or hostel operations. Visitor-serving transient overnight accommodations are not considered residential structures for the purpose of this policy.

2.5.1-8 Commercial Fishing Recreational Boating Facility Protection

The facilities serving the commercial fishing industry and recreational boating shall be protected to the extent feasible from geologic and flooding hazards consistent with all applicable standards

of the certified LCP. Protection methods shall be the least environmentally damaging feasible alternative, and when consistent with all applicable standards of the LCP, may include such measures as reinforcement of the Harbor's fuel dock and the dock with the pump-out station, relocation of hazardous chemicals away from the water, installation of dock pile extenders, maintenance and/or replacement of old cleats and mooring lines and old dock pile guides, and sediment management.

2.5.1-9 Assumption of Risk

As a condition of coastal permit approval for new development in an area subject to current or future hazards, applicants shall be required to acknowledge and agree, and private applicants must also record a deed restriction on the property to acknowledge and agree: 1) that the development is located in a hazardous area, or an area that may become hazardous in the future; 2) that the applicant assumes the risks of injury and damage from such hazards in connection with the permitted development; 3) that the applicant unconditionally waives any claim of damage or liability against the County of Del Norte, and the Coastal Commission if the permit is appealed, its officers, agents, and employees for injury or damage from such hazards; 4) that the applicant indemnifies and holds harmless the County of Del Norte, and the Coastal Commission if the permit is appealed, its officers, agents, and employees with respect to approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; 5) that, except for coastal-dependent structures, the applicant has no rights under Coastal Act Section 30235 and related LCP policies to shoreline armoring in the future; 6) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it inoperable or uninhabitable; 7) (for structures not already located on public trust lands) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, the development approval does not permit encroachment onto public trust land except for coastal-dependent and/or public trust uses, any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and 9) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe for occupancy or use due to coastal hazards.

Programs:

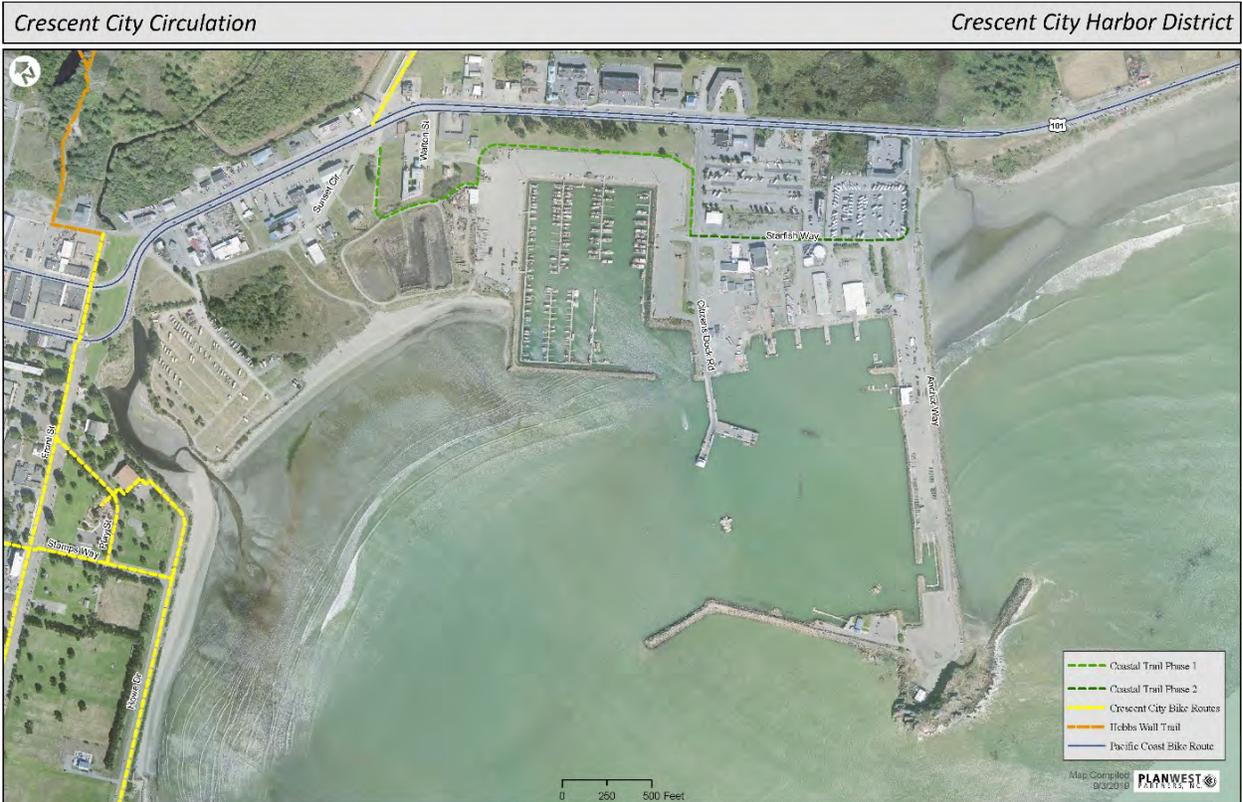
- The Harbor District and the County shall periodically review and update tsunami preparation and response policies/practices to reflect current inundation maps and design standards.
- The Harbor District and County shall periodically review and update best available science on sea level rise projections and tsunami hazards and shall develop additional or alternative adaptation responses as necessary.
- The Harbor District and County shall study ongoing coastal hazards impacts as well as anticipated impacts associated with rising sea levels and identify and develop adaptation

strategies necessary for maintaining Crescent City Harbor's function as a safe harbor for the boating public and the commercial fishing industry. Priority shall be given to assessing risks to the breakwaters and other critical Harbor protection features and identifying funding options for any necessary upgrades. The Harbor District shall also consider options for relocating non-coastal dependent structures outside of sea level rise and tsunami hazard areas.

CHAPTER 3 ACCESS AND RECREATION

3.0 Access and Recreation

Figure 4 Crescent City Harbor Area Circulation



3.1. Shoreline Access

Development in the Harbor must be consistent with the public access policies of Chapter 3 of the Coastal Act. In implementing the Coastal Act, two basic types of public access are relevant: lateral access, or access along the shoreline, and vertical access, or access to the shoreline. Del Norte County's coastline is approximately 43.5 miles long and is 82% publicly owned. Of the 18% in private ownership, the entire 18% is accessible to the public through existing access points. The Harbor District controls over 4.5 miles of Del Norte County shoreline seaward of the mean high tide line. The Harbor's shoreline area stretches from the City of Crescent City's land grant (at Shoreline Campground) to Nickel Creek, near the end of Endert's Beach Road. The Harbor's shoreline is, in general, open to the public on a year-round basis, with some safety and security exceptions within the Harbor area itself.

Lateral Access

People at Crescent City Harbor frequently go from one area of the Harbor District to another by walking, driving, or bicycling. In its efforts to make the Harbor more visitor friendly and attract more people to the Harbor, the District has recently added several improvements facilitating

walking and bicycling in the Harbor. Some areas, however, would benefit from additional improvements. Lateral access is available in most areas of the Harbor:

- a) Sandy beaches: Open sandy beaches within the Harbor District are generally unobstructed. The entire (approximately) four-mile length of South Beach is open to the public for lateral access. The 0.2-mile length of sandy beach between the Harbor improvements and Shoreline Campground is unobstructed for pedestrians. This beach was recently closed to vehicles due to concern over conflicts with pedestrians.
- b) Inner Boat Basin: Visitor use along the waterfront of the Inner Boat Basin includes pedestrians using the parking lots to gain access to the water's edge and utilizing the open walkways around the Inner Boat Basin to view boats and marine life. The District recently improved the sidewalk around the Inner Boat Basin by installing safety railings, wind shelters, explanatory signage, and bicycle racks. These improvements were recommended in the Harbor's Master Plan to create a waterfront promenade around the Inner Boat Basin.
- c) The Anchor Way Groin: Pedestrians, including those who have parked their vehicles, use the Anchor Way area to gain access to overlook Crescent Beach and the Harbor. A clear pedestrian way has yet to be constructed that would provide pedestrians the assurance that they are on a waterfront promenade or facility built for their safety.

Vertical Access

Improving public access for harbor users and visitors has been a goal of the Harbor District since the District began managing tidelands. Vertical public access-getting from an inland area to the water's edge or to a point overlooking the water's edge-is provided at the following locations:

- a) Harbor Improvements to Shoreline RV Park Beach: This beach area, located toward the water from the western upland area and dredge spoils area, may be accessed from the inner boat basin parking lot via an unimproved path to the beach. Access from the City side is available through Shoreline RV Park.
- b) South Beach: There is currently only one access point to South Beach from within the Harbor District. Pedestrian access (and sometimes emergency vehicle access) to South Beach is through an informal path beginning at Anchor Way. Other access from Anchor Way to South Beach is by climbing over the rip rap to the sandy beach. At very low tides, access to South Beach is also possible from Whaler Island. Outside the Harbor District, there is informal parking along Highway 101 and formal parking within Redwood National Park that allow vertical access to South Beach.
- c) Whaler's Island: This rocky outcrop located at the terminus of the Anchor Way Groin attracts people who want to enjoy its scenic qualities and the interaction of land and sea. There is also a small cove that serves as a put-in facility for kayakers and surfers on the northeast side of the island between the rocky groin and the extension of the Anchor Way Groin to Whaler Island.
- d) Access from Highway 101: Publicly maintained access to the Harbor is provided at two locations off Highway 101; Anchor Way, and Citizens' Dock Road. These access points

are maintained and controlled by the County of Del Norte and both terminate within the Harbor. Citizens' Dock Road is the furthest north and serves as the primary entrance into the Harbor. The northbound and southbound approach from Highway 101 consists of a shared through/right-turn lane and a two-way left-turn lane to access Citizens' Dock Road from Highway 101. The eastbound approach, Citizens' Dock Road, includes one shared through/left-turn lane and one right-turn lane. Anchor Way is a secondary access to the Harbor at the southern edge of the Harbor. For access to Anchor Way, the northbound approach from Highway 101 includes a single lane and consists of a two-way left-turn lane. The southbound approach from Highway 101 consists of a shared through/right-turn lane and a two-way left-turn lane, which acts as an acceleration lane for traffic turning left off Anchor Way. Anchor Way consists of a single-lane approach with a flared right turn. Anchor Way provides direct access to harbor facilities including a boat launch, restaurants, shops, Whaler Island, and the Coast Guard facility.

- e) Neptune Way is a non-publicly maintained access to the Harbor and is located between the two other access roads. Neptune ends at a "T" intersection at Starfish Way. Neptune is a narrow two-lane road with no striping. The "road" has a wide entry at Highway 101 allowing plenty of movement for ingress and egress from this access road. Highway 101 approaching Neptune Way has a shared through/right-turn lane and a two-way left-turn lane.
- f) Starfish Way is maintained by the Harbor District and connects Citizens' Dock Road with Anchor Way across lands granted to the District by the State Lands Commission. Starfish Way is two lanes with the California Coastal trail facilitating pedestrian traffic on the side nearest Highway 101.

Goal 3.1.1-1 Public access and recreational opportunities within the Harbor shall be protected, and where feasible, expanded and enhanced.

Goal 3.1.1-2 The Harbor District will continue to protect and provide a wide range of recreational activities opportunities at beaches under Harbor District control.

Goal 3.1.1-3 The Harbor District shall continue to protect and provide public coastal access recreational opportunities through the provision of adequate support facilities and services.

Policies:

3.1.1-1 Vertical and Lateral Access

Harbor development shall not impair 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.

3.1.1-2 Public Waterfront Access

New waterfront commercial area development shall be required, where appropriate, to provide public access to and along the waterfront. In addition to public accessways to and along the waterfront, where appropriate, new development will integrate other public access and

recreational amenities into the project design, such as restaurants with outdoor waterfront dining areas, walking paths, or charter and excursion vessel boarding areas.

3.1.1-3 Public Trails

Public accessways, trails to the shoreline and public parklands shall be a permitted use in all Harbor Area land use and zoning designations.

3.1.1-4 Beach Strand Uses

The beach strand area between the Inner Boat Basin and Shoreline Campground (portion under Harbor District control), shall be reserved for water dependent recreational or coastal-dependent industrial development and uses.

3.1.1-5 Public Access in ESHAs

Public access improvements unavoidably located within Environmentally Sensitive Habitat Areas (ESHAs) shall be sited, designed, and maintained in a manner to avoid or, where avoidance is infeasible, minimize ESHA impacts.

3.1.1-6 Americans with Disabilities Act Access

New public facilities shall include provisions for adequate access for persons with disabilities and existing facilities shall be appropriately retrofitted on an as needed basis to include such access as required by the Americans with Disabilities Act (ADA) in a manner consistent with coastal resources protection.

3.1.1-7 Access from Nearest Public Roadway

Provide public access from the nearest public roadway to and along the shoreline with new development except where (1) it is inconsistent with public safety, security needs, or fragile coastal resources protection or (2) adequate access exists nearby. Specific examples where access has the potential to constitute a public hazard include but are not limited to:

- a) Boat and ship building and repair facilities.
- b) Processing and packaging plants for fish and/or marine products and their associated piers. This includes aquaculture and mariculture activities
- c) Marine products purchasing and storage facilities
- d) Marine service areas involving flammable liquids.
- e) Emergency facilities (police and fire protection) including but not limited to the Coast Guard facility subject to Coast Guard access permission.
- f) Marine loading and unloading facilities.
- g) The inner breakwater at Whaler's Island.
- h) The breakwater for the inner boat basin.

3.1.1-8 Signage

As part of a uniform coastal access signing program, provide interpretive signage and information to direct the public to parking areas, restrooms, and other support facilities.

Programs:

- An overall parking and shared parking plan shall be developed for the harbor area to meet the combined commercial and public needs of the Harbor while minimizing parking use conflicts between different uses and visitors during peak summer months. The parking plan shall address a site or sites for public transportation (future bus stops).
- The Harbor District will continue to pursue funding to implement a long-range Harbor public trails and walkways plan. The Harbor District will continue to pursue pedestrian promenade development along the waterfront where one does not currently exist, including a designated pedestrian path along the Anchor Way Groin.
- The Harbor District will pursue funding to purchase adjacent lands that further District goals.
- The Harbor District will distribute Harbor area support facilities and services to avoid overcrowding and overuse.
- Public viewing areas shall be designed with ADA access to take into consideration the views at the eye level of persons in wheelchairs.

3.2 Vessel Launching, Berthing, and Storage

3.2.1 Vessel Launching

Coastal Act policies related to boating and fishing that are applicable to the Harbor area include Sections 30224, 30234 and 30234.5.

Vessel launching refers to areas or facilities where vessels may be placed into and retrieved from the water. This could be as simple as hand-carried boat launching at a beach, or involve structures, such as ramps and docks, or equipment such as cranes, lifts, and hoists.

The main launch ramp for trailer-able boats is located near the end of Anchor Way towards Whaler Island. This wide facility is a three-lane ramp in a protected basin with boarding floats along the southern and western edges. A gangway at the western edge of the launch basin provides access to the boarding floats. On the other side of the harbor, an older, unused launch ramp is located adjacent to the boat repair facility. This facility was a two-lane concrete ramp with a fixed metal bollard in the ramp area but has been superseded by the new launch ramp at Whaler Island. This older ramp has no boarding floats; however, there is a raised concrete walkway along the western side of the ramp that may have been a base for boarding floats in the past. There is an existing abutment in place, but the water end of the abutment is four feet above the launch ramp and does not presently have handrails. This old ramp is not suitable for public launching but is used by the Harbor to occasionally remove debris or abandoned vessels from the water.

An existing boat hoist is located at the junction of Citizens' Dock and Citizens' Dock Road. This hoist is not presently used for launching boats as the boat ramps at the end of Anchor Way are currently underutilized. The hoists located on the commercial docks, including Citizens' Dock are used to off-load fishing boats and are not available for boat launching or public use.

A commercial boat building and repair facility consisting of a Syncrolift boat launching and retrieval system, a rail system for storing boats, a washdown area, and a very large building for constructing or repairing fishing vessels is located on about 2.5 acres adjacent to the Harbor office. The facility is owned by the Harbor District and under long term lease to Fashion Blacksmith, Inc. This boat yard and business have a coast-wide reputation for high quality vessel repair and construction.

Policies:

3.2.1-1 Whaler Island Trailer Launch Ramp

The Whaler Island trailer launch ramp shall be protected, maintained, and improved to the extent feasible as a low-cost public launching facility.

3.2.1-2 Discourage Safety Conflicts

Conflicts in commercial/industrial areas that would expose the public to hazards or safety risks shall be discouraged.

Programs:

- The Harbor District will pursue funding to design and construct a self-help small watercraft launching facility for use by individuals to launch kayaks or other similar craft which may or may not include the existing boat hoist site adjacent to Citizens' Dock.
- The Harbor District will develop and implement a signage program to assist boat owners and operators and the public to locate public launching facilities.

3.2.2 Berthing and Storage

Berthing refers to areas or facilities intended for the storage of a vessel in water. These can involve anchorage and mooring areas, marinas, or individual slips. In addition to the simple docking or mooring of vessels by their owners, berthing can also be associated with boat rentals, vessels used in the charter boat industry, brokered vessels stored for sale, yacht and sailing clubs, and vessels staged for repair. The inner boat basin reasonably accommodates the present and projected future fishing fleet with no expectation of constructing a second boat basin for larger boats. The seasonal recreational marina previously accommodated 527 recreational boat slips with another 200 slips planned in the 1986 planning document. Presently, the Harbor does not install any seasonal recreational slips as the Inner Boat Basin accommodates all recreational vessels using the Harbor. Should future demand warrant, the Harbor will reexamine the decision about seasonal slips. The District is committed to supporting recreational fishing and will provide slips if necessary and feasible.

As a result of the damage inflicted by the 2006 tsunami and the devastation generated by the March 2011 tsunami, the Inner Boat Basin was completely rebuilt in 2013 and 2014. During reconstruction, the District considered several alternate configurations of the floating docks. The rectangular overall shape of the Inner Boat Basin limited any major changes to the layout of docks. Fitting the same number of docks and berths into the existing shape resulted in a final design very similar to the previous layout. Modern design standards and changed permitting requirements resulted in slight alterations to the previous layout to achieve design goals, permit conditions of

resistance to a 50-year Tsunami, ADA compliance, and other current construction standards. Because of modest changes in the final design, the reconstructed Inner Boat Basin can accommodate more vessels, and more variation in the size of vessels, than the original boat basin.

Harbor use by itinerant boats occurs frequently. Due to the Harbor's location and ease of entrance, Crescent City Harbor is a designated port of refuge in the Harbors and Navigation code. During severe winter storms and gale winds, both local and transient vessels shelter in the harbor. During the summer, recreational vessels traveling up and down the West Coast often stop in the Harbor to escape prevailing Northwest winds and take on supplies. In years past, when commercial fishing was larger, out of the area shrimp and salmon vessels also made extensive use of the Harbor during their spring and summer seasons. In winter, Crescent City Harbor's location and prominence as a Dungeness crab port often bring many out of the area vessels to the Harbor for crab season. Itinerant boats are moored in empty slips based on the boat length and the size of the mooring slip. Commercial and pleasure craft too large for a slip in the inner boat basin are usually side tied within the Inner Boat Basin for the time that the boat is present. Slips have been designed to allow multiple tying of smaller boats should the need arise. The flexibility to accommodate vessels of different sizes is an important reason why the reconstructed harbor better serves the boating public. An ADA compliant ramp (gangway) has been provided for every set of docks.

Anchorage areas are water areas, separate from navigation channels, designated for vessels to temporarily anchor using their own anchoring tackle. Some transient vessels occasionally anchor in the harbor to avoid moorage fees, but the excess capacity within the Inner Boat Basin and the inconvenience of anchoring away from a dock or harbor services results in anchoring being unusual at the Harbor.

Dry storage occurs when vessels are stored on land. This includes vessels stored in open or enclosed racks, on trailers, on cradles, on boat stands, or by other means. Dry storage is provided outside the Harbor area at privately operated facilities. Dry storage is also provided during the winter season at the County Fairgrounds, but the vessels must be removed during the summer because the Fair uses the facilities. Most recreational boats are removed from the water and stored away from the harbor during the winter months. Dry storage for commercial fishing equipment is confined to a designated storage yard. Crab pots are usually stored in the Harbor only for a brief period just prior to, and shortly after, crab season. Crab pots are stored away from the Harbor during the off season.

Policies:

3.2.2-1 Berthing Opportunities

A variety of berthing opportunities reflecting regional slip size and affordability demand shall continue to be provided in the Harbor area.

3.2.2-2 Dry Storage Areas

Designated dry storage areas shall be consolidated and organized.

3.2.2-3 Recreational Boating

Increased recreational boating use of coastal waters shall be encouraged, in accordance with all applicable policies of the LUP, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in the harbor, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, and maintaining the harbor as a harbor of refuge.

3.2.2-4 Future Berthing Needs

The Harbor will prioritize berthing for commercial fishing vessels in the Inner Boat Basin when and if space becomes more limited in the future. If berthing space becomes limited, adequate space for the commercial fishing fleet will be preserved by:

- Continuing to rent slips to commercial vessels at reasonable rates,
- Allowing commercial vessels the first right of refusal for empty slip spaces,
- Designating slip spaces for commercial vessels and only allowing commercial slips that cannot be rented to commercial fishing boats to be rented on a month-to-month basis by other vessels, and/or
- Providing additional slips elsewhere, such as seasonal recreational slips in outer harbor.

3.2.2-5 Short-term, temporary docking

Short-term, temporary docking shall remain available in the harbor.

Programs:

- The Harbor District will continue to enforce ordinances that require moored and docked vessels to be seaworthy and navigable and thereby promote a positive harbor image. Seaworthiness shall be determined by safety inspection and vessel operation to Harbormaster's satisfaction.
- The Harbor District will, where feasible, expand and enhance visiting vessel facilities and services, including public mooring and docking facilities, dinghy docks, guest docks, club guest docks, pump-out stations and other features, through Harbor, and private means.

3.2.3 Harbor Support Facilities

Harbor support facilities are uses, equipment, and vessels that provide repair, maintenance, new construction, parts and supplies, fueling, waste removal, cleaning, and related services to vessels berthed in, or visiting the harbor. Harbor support facilities also include work and storage space for the fishing fleet served by the harbor, such as space to spread out nets for drying and repair. Harbor support facilities are essential to maintaining a working harbor. In conjunction with the recent reconstruction of the Inner Boat Basin, a user support facility has been constructed on the north side of the Inner Boat Basin that provides restrooms, showers, a laundry, and an enclosed fish-cleaning station.

Policies:

3.2.3-1 Vessel Support Facilities

Harbor support facilities necessary to support berthed or moored vessels shall be protected, and where feasible, expanded and enhanced.

3.2.3-2 Waterfront Uses Support

Existing harbor support uses serving the needs of recreational boaters, the boating community, and visiting vessels shall be protected, and where feasible, expanded and enhanced.

CHAPTER 4 COASTAL RESOURCE PROTECTION

4.0 Coastal Resource Protection

4.1 Biological Resources

Coastal Act policies related to biological resources that are applicable to the Harbor area include Sections 30230, 30231, 30233, and 30240.

4.1.1 Harbor Biological Resources

The waterfront area of the Harbor is influenced by its proximity to the marine environment. Since maritime operations began at Crescent City Harbor in the 1850s, nearly all the harbor area has been altered from its original condition. An aerial photo from 1948 shows the shoreline of the harbor mostly in its initial condition --the presently developed area of the harbor was originally a coastal sandy beach with some coastal dunes. Today, nearly all the former dune area has been covered with hard surfaces. Only a few small areas approximate their original condition. Most original features of the harbor have been altered by development and Harbor related activities, therefore a limited number of native biological resources exist on site. Previous development has included extensive fill along the breakwater to Whalers Island as well as fill to create areas for parking, buildings, the inner boat basin, fish processing, and other activities. Much of the undeveloped disturbed area consists of upland ruderal vegetation communities.

As part of the 2006 Crescent City Harbor District Master Plan, a biological assessment entitled *Biologic Report for the Crescent City Harbor District Master Plan* was prepared by Gedik Biological Associates in 2005. The assessment was based on three visits to the area. The first visit, in 2003, resulted in a wetland delineation and biological constraints analysis prepared for the City of Crescent City's Harbor Trails project. In March 2004, a second visit identified biological constraints as part of the preliminary planning activities for the RRM project. The same areas were revisited in July 2005 and a formal report was prepared and included as a supplement to the master plan. The final report concluded that, "Nearly all of the study area has been altered from its natural condition ..." and "Much of the study area has been covered with paving or other types of hardscape, leaving only a few small areas along the highway and the beach close to their natural condition."

The report identified five areas as wetlands and/or environmentally sensitive habitat. Two areas were identified as general wetlands, two areas were identified as potential Wolf's Evening Primrose (*Oenothera wolfii*) habitat, and an area of private and other lands outside the Harbor, but within the jurisdiction of the City of Crescent City, was identified as potential beach pea (*Lathyrus japonicus*) habitat.

Within the area of this LUP, areas of potential concern include a (significantly disturbed) wetland willow thicket located along the north side of the dredge material temporary holding site and a wetland area located next to Highway 101 and the present Anchor Beach Motel. A third wetland site was identified on private property, just outside the Harbor District but within the Harbor LUP area, lying south of Anchor Way and west of Highway 101. (This private parcel was also identified as potential Wolf's Evening Primrose habitat.) The entrance to the sandy beach area between the

inner boat basin and Shoreline Campground was identified as potential Wolf's Evening Primrose habitat. Whaler Island was briefly discussed regarding the potential for the rock habitat on the relatively undisturbed portion of Whaler Island to be assessed for plant species at a later date. Maps and further discussion of these areas are contained in a report titled, "Biological Report for Crescent City Harbor District" dated August 24, 2005 on file at the Harbor District office.

In 2011 a biological resources study was prepared by Winzler and Kelly (W&K) as part of a project proposing a segment of the California Coastal Trail through the Harbor area along with several promenades and access points. The biological analysis included areas previously examined and was extended to include areas (primarily the Whaler Island area) not examined. There is little, if any, conflict between the two reports. The 2011 report did add additional information regarding habitat on the undisturbed portion of Whaler Island and the extent of beach pea along the Whaler Island breakwater. This was also included as part of the Harbor District's Coastal Trail project environmental review and permitting process documentation.

Neither the State of California nor the Federal Government lists Wolf's Evening Primrose (*Oenothera wolfii*) as a protected species. It is, however, included on the California Native Plant Society (CNPS) list of rare and threatened species with a rank of 1B.1, meaning that it is considered rare, threatened, or endangered in California and elsewhere. Plants on the CNPS list are considered environmentally sensitive habitat (ESHA) pursuant to the definition of ESHA below. Additionally, hybrids of Wolf's Evening Primrose exist in the general area and within the Harbor Area itself. Prior to any final development action at these potential habitat areas, a determination must be conducted of whether the plants at each location are pure or hybrids. Beach pea is a CNPS list 2 species, meaning that it is considered rare or endangered in California, but is more common elsewhere. While beach pea is typically a low-growing perennial that spreads by rhizomes on open sandy beaches and grass covered foredunes, in the W&K report beach pea was found in pockets along the Whaler Island breakwater.

The March 2011 tsunami deposited tens of thousands of cubic yards of sediment in the Inner and Outer Boat Basins. An eelgrass survey was conducted prior to dredging the tsunami debris. The May, 2012 survey found eelgrass (*Zostera marina*) within the Harbor. As a result, the Harbor District modified the original dredging project and associated Rock Slope Protection (RSP) projects to avoid eelgrass beds to the extent feasible. Avoiding all the eelgrass bed in the Outer Boat Basin was not feasible, as it was necessary to remove a relatively small percentage of the eelgrass beds to restore use of the traditional anchorage area. Because avoiding all eelgrass was impossible, a Mitigation and Monitoring Plan (MMP) was prepared. The MMP evaluated potential impacts to eelgrass and included mitigation measures for transplanting eelgrass to a new mitigation site. The MMP was reviewed and approved by all participating agencies. The MMP identified the need to mitigate impacts to approximately 43 square meters of eelgrass at a ratio of 4.82:1, resulting in the goal of planting a new eelgrass bed of 207 square meters, with a minimum of 51.6 square meters of the new eelgrass bed being successfully established.

The new eelgrass bed constructed as part of the MMP is 511 square meters of habitat at the optimum depth of -2 feet MLLW. Based on observed turion density in Crescent City Harbor, it is believed by the reviewing agencies that the preferred depth of -2 feet provides 665 square meters of additional habitat from -2 to -6 feet MLLW on the slopes. The eelgrass mitigation site

is located immediately adjacent to Whaler Island and is specifically mapped and labeled "Eelgrass Mitigation Area" on Figure 2. The eelgrass transplantation took place in 2013; therefore, the annual monitoring period began in May 2014 and concluded in May 2018. Criteria were established within the MMP to measure and determine the degree of success of the mitigation site. Annual monitoring reports from 2014-2018 show eelgrass exceeded the survival rate for success and the mitigation efforts were successful with post-construction eelgrass extent exceeding the density measured pre-construction. Eelgrass monitoring reports are on file at the Harbor District Office.

Wetlands

Section 30121 of the Coastal Act defines wetlands as "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. A more specific definition is, however, provided in Section 13577 (b-1) of the California Code of Regulations:

"...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 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 wetland or deep-water habitats."

The boundary line between the wetland and adjacent upland area is determined by the extent of one or more key wetland characteristics: hydrology (frequency, duration, and timing of inundation or saturation), hydric soils (soil with characteristics resulting from prolonged saturation), and hydrophytic vegetation (plants adapted to life in water, or in periodically flooded and/or saturated anaerobic soils). Positive wetland indicators of all three characteristics are normally present in wetlands. However, the presence of only one of these characteristics (e.g., hydrology, hydric soils, or hydrophytic vegetation) is required for an area to qualify as a wetland, pursuant to the California Code of Regulations 13577(b).

Hydrology is the key characteristic because it drives the formation of hydric soils and allows hydrophytic vegetation to establish dominance. However, hydrology is the most difficult of the three wetland characteristics to quantify. Many of the hydrology indicators are subjective and often it is difficult to determine the timing and duration of hydrology without frequent visual observation. Therefore, the Coastal Commission considers a predominance of hydrophytes or a predominance of hydric soils as evidence that the land was wet enough long enough to develop wetland characteristics.

The Coastal Act requires the protection of wetlands. Development or alteration of coastal wetlands is primarily regulated by Section 30233 of the Coastal Act, which provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and, where feasible, mitigation measures have been provided to minimize adverse environmental effects, and must be restricted

to a narrow range of allowable uses. The Coastal Act also requires the protection of biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes. (See Section 4.2., Water Quality, and Section 4.3, Diking, Filing, Dredging, and Dredge Spoils Disposal)

Environmentally Sensitive Habitat

Coastal Act Section 30107.5 defines Environmentally Sensitive Areas (ESHAs) 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."

The Coastal Act criterion for determining whether an area qualifies as an ESHA is based upon ecological importance, including the rarity or function of the habitat, and the habitat's sensitivity. Rarity relates to either the natural limited occurrence of the habitat in the region or of the diminishment of what was an extensive habitat due to cumulative losses. Function relates to the importance of the habitat to the ecosystem. Sensitivity relates to the habitat's tolerance to disturbance or degradation.

In determining whether a habitat area meets the statutory definition of ESHA contained in Coastal Act Section 30107.5 and should be designated as an ESHA, the degree of rarity must be determined as indicated, for example, by the following:

- a) The presence of natural communities that have been identified as rare by the California Department of Fish and Wildlife.
- b) The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- c) The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.

Policies:

4.1.1-1 Biological Surveys

New Harbor area development applications shall include a site-specific survey and analysis by a qualified biologist when an initial site review indicates the presence of the following attributes important in determining whether a habitat area meets the ESHA definition:

- a) The presence or potential presence of natural communities that have been identified as rare by the California Department of Fish and Wildlife.
- b) The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- c) The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.

4.1.1-2 Wetland Delineations

Applicants for development within the Harbor area shall prepare a survey and analysis with the delineation of wetland areas when the initial site survey indicates the presence or potential for wetland species or other wetland indicators. Wetland delineations shall be conducted in accordance with the definitions of wetland boundaries contained in CCR Title 14, section 13577(b).

4.1.1-3 ESHA Protection

Within the harbor area, ESHAs shall be protected against any significant habitat values disruption, and only uses dependent on those resources shall be allowed within those areas.

4.1.1-4 New Development Adjacent to ESHAs

Development adjacent to ESHAs shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with habitat areas continuance.

4.1.1-5 Buffers

Development in the Harbor area shall be required to provide buffer areas of sufficient size to maintain the biological integrity and preservation of the habitat they are designed to protect, and to prevent impacts which would significantly degrade the adjacent habitat. Wetlands and ESHA shall have a minimum buffer width of 100 (*Coastal Act standard setback*) feet. Smaller wetland and ESHA buffers may be allowed where it can be demonstrated that 1) a larger buffer is not feasible due to site-specific constraints, and 2) the proposed narrower buffer is protective of the resources, functions, and values of the wetland and/or ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance. Justification of a reduced buffer width must be supported by a biological report prepared by a qualified biologist. If information collected in an analysis of potential adverse impacts of development on adjacent ESHA and/or wetlands indicates the need for a buffer greater than 100 feet to adequately protect the resource from degradation, an enhanced buffer width shall be applied. Allowable uses in buffers are limited to those uses allowed in the adjacent ESHA and/or wetlands, as well as any additional uses that prevent impacts that would significantly degrade the adjacent habitat and are compatible with the continuance of the adjacent habitat.

4.1.1-6 Sensitive Resources Mitigation

Harbor area development will be required to provide habitat creation or substantial restoration mitigation for allowable wetlands, ESHA and other sensitive resource impacts that cannot be avoided through siting and design alternative implementation. Priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it's not feasible to fully mitigate impacts on-site.

4.1.1-7 Mitigation Measures Monitoring

For allowable impacts to wetlands, ESHA and other sensitive resources, mitigation measure monitoring shall be required for a sufficient time period to determine if mitigation objectives and performance standards are being met, as a *Mitigation Monitoring and Reporting Program*. Mid-course corrections shall be implemented if necessary, to meet objectives or performance

standards. The submittal of monitoring reports is required during the monitoring period. The reports shall document the success or failure of the mitigation. To help insure that the mitigation project is self-sustaining, final mitigation project monitoring shall take place after at least five years with no remediation or maintenance activities other than weeding. If performance standards are not met by the end of the prescribed monitoring period, the monitoring period shall be extended, or the applicant shall submit an amended application proposing alternative mitigation measures and implement the approved changes.

4.1.1-8 Use of Native Vegetation

Harbor area development shall use native vegetation and prohibit invasive plant species in wetland and ESHAs and wetland and ESHA buffer areas.

4.1.1-9 Light Shielding

To the extent feasible, Harbor area development shall shield and/or direct exterior lighting away from ESHAs to minimize fish and wildlife impacts.

Programs:

- Limited public access improvements and minor educational, interpretative and research activities and development may be considered resource dependent uses if their purpose is nature study. Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing, shall be implemented as necessary to protect wetlands, ESHAs, and other sensitive biological habitat.

4.2 Water Quality and Hydrology

Coastal Act policies related to water quality that are applicable to the Harbor area include Sections 30230, 30231 and 30232, among others.

4.2.1 Water Quality and Hydrology

Development within the Harbor has the potential to adversely affect water quality and increase stormwater runoff. New development and redevelopment often result 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, can also increase runoff by adding to the amount of artificial water sources leaving the site. Development can also alter natural drainage patterns, potentially resulting in increased erosion and siltation. Development may also increase the amount of pollutants entering adjacent bodies of water. Runoff from developed areas can carry pollutants such as oil and grease from paved roads and parking areas, fertilizers and pesticides from landscaped areas, sediments from erosion, and other various pollutants from industrial, commercial, and residential uses. Adverse impacts from pollutants and from changes in the runoff flow regime can reduce the biological productivity and quality of local waters, can reduce optimum populations of marine organisms, and can have an adverse impact on human health, all of which are inconsistent with Coastal Act Sections 30230 and 30231.

The Coastal Commission and the State Water Resources Control Board (SWRCB) have been co-leads in developing the Plan for California's Nonpoint Source Pollution Control Program (NPS Program Plan, 2000), and for subsequent NPS Program Implementation Plans, along with the Regional Water Quality Control Boards. The NPS Program Plan provides a unified, coordinated statewide approach to address NPS pollution, and outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented. These management measures are best implemented early in the design stage of a project to avoid substantial changes and costs later.

Goal 4.2.1-1 Development shall be sited, designed and managed to (1) minimize the transport of pollutants in runoff from the development into harbor coastal waters and wetlands; and (2) minimize post-project adverse changes in stormwater runoff volume, flow rate, timing, duration, and peak runoff to the extent feasible.

Goal 4.2.1-2 Harbor development shall, to the extent appropriate and feasible, minimize impervious surface creation and increases and shall give precedence to a Low Impact Development (LID) approach to stormwater management.

Goal 4.2.1-3 Development within the harbor shall be, to the extent appropriate and feasible, planned, sited, designed, and managed to protect and, where feasible, restore natural hydrologic features such as groundwater recharge areas, natural stream corridors, floodplains, and wetlands.

Policies:

4.2.1-1 Marine Resources

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.

4.2.1-2 Biological Productivity and Water Quality

The biological productivity and the quality of coastal waters, streams, and wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored.

4.2.1-3 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.

4.2.1-4 Construction-phase Erosion, Sedimentation, Pollutant, and Runoff Control Plans

Harbor development requiring a coastal development permit shall prepare a construction-phase erosion, sedimentation, pollutant, and runoff control plan. The plan shall evaluate potential construction-related adverse water quality impacts and shall specify temporary Best Management Practices (BMPs) that shall be implemented to minimize construction-related erosion and sedimentation, prevent pollutant discharge, minimize stormwater and non-stormwater runoff, and minimize land disturbance and soil compaction.

4.2.1-5 Post-Development Runoff Plan

Development requiring a coastal development permit and having the potential for adverse water quality or hydrologic impacts to coastal waters post-construction shall prepare a Post-Development Runoff Plan to address site runoff in a way that protects coastal waters and marine resources over the life of the development. The plan shall (1) give precedence to an LID approach to stormwater management; (2) minimize impervious surfaces and prioritize on-site infiltration of stormwater runoff consistent with Policies 4.2.1-12 and 4.2.1-8; (3) preserve or enhance non-invasive vegetation consistent with Policy 4.2.1-14; (4) prevent adverse impacts to ESHA consistent with Policy 4.2.1-9; (5) incorporate Site Design strategies and Source and Treatment Control BMPs consistent with Policy 4.2.1-7; and (6) require monitoring and management of post-construction BMPs consistent with Policy 4.2.1-13.

4.2.1-6 Post-Development Runoff Plan for Development of Water Quality Concern

Post-Development Runoff Plans for Developments of Water Quality Concern shall be prepared by a qualified licensed professional and shall address runoff from all new and/or replaced impervious and semi-pervious surfaces. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan. The plan shall comply with the following additional requirements:

- a) A qualified licensed professional shall conduct a polluted runoff and hydrologic site characterization early in the development design stage and document the expected effectiveness of the proposed BMPs.
- b) Proposed LID, Treatment Control, and Runoff Control BMPs shall be sized to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.
- c) An LID approach to stormwater management shall be used that gives priority to preventative Site Design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by structural BMPs to retain on-site (by means of infiltration, evapotranspiration, or harvesting for later on-site use), at a minimum, the runoff produced by the 85th percentile 24-hour design storm, to the extent appropriate and feasible. If a proposed development will not retain on-site the runoff produced by the 85th percentile 24-hour design storm using an LID approach, an alternatives analysis shall be provided

demonstrating that there are no appropriate and feasible alternative project designs that would substantially improve on-site runoff retention.

- d) A Treatment Control BMP (or suite of BMPs) shall be used to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site, or if additional pollutant removal is necessary to protect coastal waters.
- e) If a proposed development will add a net total of more than 15,000 square feet of impervious surface area, and any portion of the runoff produced by the 85th percentile 24-hour design storm will not be retained on-site, a structural Runoff Control BMP shall be used to minimize adverse post-development changes in the runoff flow regime.

4.2.1-7 Post-Construction Best Management Practices

Development shall address runoff management early in site design planning and alternatives analysis and shall implement appropriate and feasible Site Design strategies to minimize adverse post-development changes in the runoff flow regime, control pollutant sources, and where necessary, remove pollutants. Development shall also implement appropriate and feasible long-term, post-development pollutant Source Control BMPs to minimize the transport of pollutants in runoff from the development. When the combination of Site Design strategies and Source Control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural Treatment Control BMPs shall be implemented along with site design and source control measures.

4.2.1-8 On-Site Stormwater Runoff Infiltration

Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices that do not involve on-site infiltration shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated conditions may lead to geologic instability, where infiltration may contribute to flooding or erosion, or where regulations to protect ground water may be violated. Examples of alternative BMPs include installing a vegetated “green roof” or flow-through planter; directing runoff to an off-site infiltration facility; installing a rainwater harvesting system; or (if appropriate and feasible BMPs have been implemented to reduce runoff volume, velocity, and flow rate), directing runoff to the storm drain system.

4.2.1-9 ESHA Protection

Development in or adjacent to an ESHA shall be sited, designed, and managed to protect the ESHA from any significant habitat value disruption resulting from stormwater or dry weather runoff flows.

4.2.1-10 New Stormwater Outfalls

Development shall avoid construction of new stormwater outfalls and direct stormwater to existing facilities with appropriate treatment and filtration, where feasible. Where new stormwater outfalls cannot be avoided, development shall plan, site and design outfalls to

minimize adverse impacts to coastal resources from outfall discharges, including consolidation of existing and new outfalls where appropriate.

4.2.1-11 Preventing Pollutants to Receiving Waters

Parking lots and vehicle traffic areas shall incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to coastal waters.

4.2.1-12 Minimizing Impervious Surfaces

Harbor development shall be sited and designed to minimize impervious surface increases; especially impervious-areas directly connected to the storm drain system.

4.2.1-13 BMP Monitoring and Management

Appropriate protocols (including ongoing operation, inspection, cleaning, repair, and maintenance) shall be implemented to monitor and manage required BMPs (both structural BMPs and operational actions) as necessary to ensure proper functioning for the life of the development.

4.2.1-14 Preserving Natural Vegetation

Development shall be sited, designed, and managed to preserve or enhance natural and non-invasive vegetation to the extent appropriate and feasible, to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, and erosion control.

4.2.1-15 Storm Drain Inlets

Markers or stenciling shall be required for all storm drain inlets constructed or modified by new development, to discourage dumping and other illicit storm drain discharges.

4.2.1-16 Native Plant Landscaping

Development shall use native plant species for landscaping to the extent appropriate and feasible, to reduce the need for irrigation, landscaping pesticides and fertilizers, and to reduce the potential for invasive non-native plant species.

Programs:

- The wooden construction of Citizen's Dock is expensive to maintain, costly to insure, and could impact biological resources by the leaching of wood preservatives. To the extent feasible, the wooden structure should be replaced with decking, stringers, floats, bumpers, and piers composed of concrete, metal, polymer, ceramics, or other inert, durable, UV and salt resistant materials suitable for marine application.

4.3 Diking, Filling, Dredging, and Dredge Spoils Disposal

Coastal Act policies related to diking dredging and dredge spoils disposal that are applicable to the Harbor area consist of Section 30233.

4.3.1 Diking, Filling, Dredging, and Dredge Spoils Disposal

Crescent City Harbor is designated a "harbor of safe refuge" by the California Harbors and Navigation Code {Division 1, Chapter 2, Article 3, Section 70.3} The Harbor supports a U.S. Coast Guard cutter, commercial and sport fishing, waterfront industry, and recreational activities. The current harbor is constructed within a curving, naturally sheltered harbor initially named "Paragon Bay" by early European explorers of the area. An 1875 Coast Survey showing the harbor prior to the construction of any breakwaters is on file at the Harbor District office. A 1939 U.S. West Coast Department of Commerce map (also available at the District office) shows continued shoaling near Whaler Island and two perimeter breakwaters constructed to protect harbor waters. Over the years, the initial breakwaters have been improved and extended until the Whaler Island breakwater on the southeast portion of the Harbor and the Battery Point breakwater on the west and south side of the Harbor enclosed the waters of the Harbor leaving a southeast facing entrance.

A study by James A. Roberts and Robert Dolan, titled "Coastal Geomorphology of the Smith River Plain" published in Shore and Beach Volume 36, April 1968, concluded that the littoral current pattern of South Beach transports sediment northwestward along South Beach toward Crescent City. "This process is manifest by the continued seaward growth of sand south of the southeastern breakwater at the mouth of the Crescent City harbor." Because the Harbor entrance faces southeast, the northwest transport of sediment along South Beach results in the harbor entrance gathering sediment and directing it into the Harbor where it accumulates. Dredging the outer Harbor is necessary from time to time to maintain the authorized depth in the Federally designated entrance channels {15-20 feet below MLLW}, allowing for safe navigation by recreational and commercial vessels. Other key areas of the harbor such as the recreational marina, Coast Guard moorings, the inner boat basin, and the commercial piers, also require dredging to remain accessible for commerce and public recreation.

In areas where maintenance dredging is necessary, sediment usually contains a high content of sand. In most instances, the material is suitable for beach sand replenishment so has typically been deposited near Whaler Island on South Beach. Dredge materials from some areas may be too fine grained, or may potentially be contaminated, so are not suitable for beach nourishment. Material unsuitable for beach nourishment is temporarily stored at an upland dredge materials site owned and operated by the Harbor District. This temporary holding site is currently full. Even if it were empty, it would be filled in the future by the District's maintenance dredging. An alternative, permanent, location must be found for the dredge material temporarily stored in the holding site to ensure long term sustainability of the Harbor.

Dredged materials disposed of via beach replenishment can cause temporary localized turbidity effects due to the sand content of the dredged materials. Short term impacts on existing marine habitat, fish, plankton, and benthic organisms may also occur, however affected species usually re-colonize the area soon after dredging activity ceases. Maintenance dredging may also

temporarily interfere with recreational or commercial boating in the harbor, but dredging does not prevent boating activities from taking place in the harbor. The limited, short-term negative effects on boaters are outweighed by the benefits of removing shoaling hazards. When feasible, scheduling dredging during off-season periods can further minimize impacts to boater and other recreational users of the harbor. Depositing suitable dredged material at Whaler Island allows the sediments to remain in the sand supply of South Beach. Historically the discharge of dredged materials also took place at Battery Point, north of the Harbor entrance. This site was the location of the County's only hospital (since relocated) and the dredged materials reduced the amount of coastal erosion in the deposition area and to the north. The resumption of coastal erosion north of Battery Point and the reduction of sandy habitat in this stretch of shoreline, give rise to the consideration of once again depositing dredge material in this area as it would provide beach nourishment and reduce shoreline erosion.

Other potential dredge material disposal sites have been considered by the Army Corps of Engineers. These include the Whaler Island site discussed above, the Humboldt Open Ocean Disposal Site (HOODS) some 66 miles southwest of the harbor, the Chetco (Oregon) ocean disposal site approximately 30 sea miles north of the harbor, and the Harbor District temporary upland holding site discussed previously. The Corps found the Chetco site is restricted solely for material from the Chetco River. The HOODS site is far from the Harbor at Crescent City and expensive to use. The temporary upland disposal site at the harbor is currently at capacity and is only used by the harbor for limited dredge materials disposal. Removal of the sandy material within the dredge pond is expensive and requires finding a suitable permanent permitted disposal site.

If other areas for dredge material deposition could be found, the upland ponds area could be available for other uses. The Army Corps of Engineers examined historical photos of the area in 2008. The Corps determined that the temporary disposal site was constructed in an upland area and no jurisdictional wetlands were affected by the construction of the site. Conversion of the temporary dredge pond to another land use would likely require a land use plan amendment through the City of Crescent City as the ponds are within the present city limits.

Without maintenance dredging, navigation within the Harbor will become hazardous and eventually impossible. Maintenance dredging is necessary for the Harbor to perform its primary function of supporting and fostering commerce, navigation, fisheries and public recreation. Maintaining a functioning commercial and recreational harbor is also critical for the economy of Del Norte County.

Goal 4.3.1-1 Because periodic maintenance dredging is fundamentally necessary for harbor functioning, a permanent solution for both large and small grain dredge material must be found to ensure long term harbor sustainability.

Policies:

4.3.1-1 Diking, Dredging, and Fill

Diking, dredging, or filling of harbor open coastal waters and wetlands shall only be permitted for those uses consistent with Coastal Act Sections 30233, and shall be consistent with the provisions of Coastal Act Sections 30233 and 30607.1 and this Harbor LUP. All projects shall be

the least environmentally damaging feasible alternative and shall provide feasible mitigation measures to minimize adverse environmental effects. 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 these purposes to appropriate beaches or into suitable longshore current systems.

4.3.1-2 Dredge Disposal

The upland dredge materials disposal site shall continue to be designated as such. The Harbor District will continue to operate the upland dredge ponds until an alternative site for disposal of fine-grained dredge material is secured.

4.3.1-3 Offsite Dredge Disposal

Permanent offshore, near shore and on-shore dredging sediment disposal site(s) shall be pursued within an economical distance of the Harbor.

Programs:

- Continue to cooperate with the U.S. Army Corps of Engineers in their maintenance and delineation of federal navigational channels within the Harbor in the interest of providing navigation and safety. Develop a ten-year dredge management plan that outlines, to the extent feasible, how design depths for industrial areas will be maintained.

4.4 Scenic and Visual Resources

Coastal Act policies related to scenic and visual resources that are applicable to the Harbor area consist of Section 30251.

4.4.1 Coastal Views

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. There are no officially designated "highly scenic areas" within the harbor. The Del Norte County LCP recognizes Citizen's Dock and Anchor Way as access areas that provide views of the ocean, beach, and the maritime features of the harbor. The City of Crescent City lists the entrance to the inner boat basin as a scenic location providing views of harbor activities. The Harbor physical setting provides a variety of coastal views, including those of the open waters of the ocean, the harbor itself, sandy beaches, and distant coastal bluffs. Physical improvements within the harbor also enhance the scenic quality of the harbor by allowing visitors to observe the wave action on the breakwaters, the boats in the harbor, and the wildlife that frequents the harbor area. The scenic resources of the harbor attract many visitors to the harbor and these visitors provide an important source of economic activity within the Harbor.

Goal 4.4.1-1 Protect and, where feasible, restore and enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean and harbor.

Goal 4.4.1-2 Continue to provide public trails, recreation areas, and viewing areas adjacent to public coastal view corridors.

Policies:

4.4.1-1 Sandy Beach Area Development

New development on sandy beach areas shall be limited to those structures directly supportive of visitor-serving recreational uses, such as lifeguard towers, recreational equipment, restrooms, and showers, and shall be sited and designed to minimize encroachment on the sandy beach and impacts to public coastal views.

4.4.1-2 Lighting Limitations

New development with exterior lighting (except traffic lights, navigational lights, and other safety lighting) shall be minimized to the maximum extent practicable while providing its intended luminary function and shielded so that light is directed downward.

4.4.1-3 Whaler Island Development

The relatively undisturbed Greenery delineated portion of Whaler Island, shall remain undeveloped except for public access improvements, including a trail and interpretive signage and/or habitat restoration projects. Any necessary public support facilities (i.e. restrooms), other than access and safety or navigation improvements shall be located on the landward side of the Island, that area which was previously quarried and is now developed.

4.4.1-4 All Development

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.

4.5 Cultural Resources

Coastal Act policies related to paleontological, archaeological, cultural, and historical resources that are applicable to the Harbor area consist of Section 30244.

4.5.1 Cultural Resources

Cultural resources throughout Del Norte County include prehistoric life forms that are preserved in geologic formations, artifacts from local Native American tribes, and sites and buildings associated with special periods of history, events, and architecture. The Harbor LUP area consists primarily of previously sandy beaches, filled areas, fore dunes, and open beach areas. There are no known archaeological resources within the Harbor LUP area, although Whaler Island may have some significance to local tribes and therefore any further disturbance may be of interest to the tribes. There are two known archeological sites outside the Harbor LUP area. These two sites are well documented, are not within close proximity to the Harbor LUP area and are under the jurisdiction of the City of Crescent City.

One Harbor structure may be of some historical interest. Citizens Dock was constructed by the community in 1950. Local businesses donated materials and the community as a whole provided

the labor. Additional funds were raised through benefits and auctions. The dock was completed on March 18, 1950. The dock, though partially damaged, survived the 1964 tsunami. The wooden structure has been improved and modernized but continues to actively serve the community. As originally intended, Citizens Dock is an important part of the Harbor economy.

There are no other identified historical resources within the Harbor LUP area, nor have any of the existing structures within the study area been considered historically significant. As previously discussed, the Harbor LUP area has been highly modified and disturbed by both natural forces and human activities. The likelihood of any undiscovered significant cultural resources within the Harbor is minimal.

While no cultural resources are known to exist within the Harbor area, should any historical, archaeological, paleontological, or cultural sites or artifacts be discovered in the future, the applicable policies of the County of Del Norte regarding such discoveries would apply. For purposes of coastal development review, the following LUP policies and the applicable standards of the Countywide IP would apply.

Policies:

4.5.1-1 Inadvertent Discovery

Should any historical, archaeological, paleontological, or cultural sites or artifacts be discovered during any development activity in the Harbor LUP area, construction shall cease and shall not re-commence until (1) a qualified cultural resource specialist, in consultation with any relevant Tribal Historic Preservation Officers, analyzes the significance of the find and develops an avoidance or mitigation plan, as appropriate; and (2) the avoidance or mitigation plan is reviewed and approved by the County, including approval of any necessary permit amendment, and implemented.

4.5.1-2 Tribal Notification

The Harbor will contact the Elk Valley Rancheria, Tolowa Dee'Ni Nation, Yurok Tribe regarding any new proposed development on Whaler Island that has the potential to adversely impact the remaining undisturbed portion of the original island. Pursuant to AB 52, all proposed projects in the harbor area also require consultation with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

4.5.1-3 Mitigation for Adverse Impacts

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

DEFINITIONS

Coastal-dependent: Development or use that requires a site on, or adjacent to, the sea to be able to function at all.

Coastal-related: A development or use dependent on a coastal-dependent development or use.

Harbor-dependent: Development and uses which require immediate access to Harbor waters or adjacent lands.

Harbor-related: Uses dependent in some way on a harbor-dependent development or use.

Developments of Water Quality Concern: Specified categories of development that have a greater potential for adverse water quality and hydrologic impacts due to the development size, type of land use, and/or proximity to coastal waters. Developments of Water Quality Concern include, but are not limited to, the following categories of development:

- a) Developments that create and/or replace a cumulative site total of 2,500 square feet or more of impervious surface area, if the development is located within 100 feet of coastal waters or discharges directly to coastal waters (i.e., does not discharge to a public storm drain system).
- b) Development of a parking lot, street, road, or restaurant that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area.
- c) Development of a vehicle service facility, including a retail gasoline outlet, commercial car wash, or vehicle repair facility.
- d) Commercial or industrial development with a potential for storing or generating a high pollutant load that may potentially enter coastal waters or the storm drain system.
- e) Any project developed on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to release the contaminants into runoff.
- f) Development that creates and/or replaces a cumulative site total of 10,000 square feet or more of impervious surface area.

Low Impact Development (LID): An approach to stormwater management that integrates site design strategies with small-scale, distributed BMPs to replicate the site's natural hydrologic balance through infiltration, evapotranspiration, harvesting, detention, or retention of stormwater close to its source.

Best Management Practices (BMPs): Any program, technology, process, siting criterion, operating method, measure, or device that controls, prevents, removes, or reduces pollution.

- Site Design BMPs: Project design and site layout strategies to minimize changes in the runoff flow regime, control pollutant sources, and where necessary, remove pollutants. Examples include minimizing the footprint of buildings and impervious pavement; installing a permeable pavement system; directing runoff from impervious pavement into distributed permeable areas such as turf, recreational areas, medians, parking islands, and planter boxes; minimizing unnecessary soil compaction; minimizing removal of natural non-invasive vegetation; and protecting hydrologic features that provide stormwater infiltration, treatment, storage, or conveyance.

- Source Control BMPs: Structural features or operational practices that control pollutant sources and keep pollutants segregated from runoff. Examples include covering outdoor storage areas, using efficient irrigation, properly applying and cleaning up of potentially harmful chemicals and fertilizers, and properly disposing of waste.
- Runoff Control BMPs: Structural systems designed to minimize post-development changes in runoff flow characteristics by processes such as infiltration, evapotranspiration, harvesting for later use, detention, or retention. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults.
- Treatment Control BMPs: Structural systems designed to remove pollutants from runoff through gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or other physical, biological, or chemical processes. Examples include vegetated swales, detention basins, and storm drain inlet filters.



ORDINANCE NO. 2021-001

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

**AN ORDINANCE ESTABLISHING HARBOR-SPECIFIC ZONING REGULATIONS
WITHIN THE COASTAL ZONE AND REPEALING HARBOR-SPECIFIC ZONING
REGULATIONS WITHIN TITLE 20 OF THE COUNTY CODE**

The following ordinance, consisting of 15 sections, was passed and adopted by the Board of Supervisors of the County of Del Norte, State of California, at a regular meeting of the Board of Supervisors held on the 9th day of March, 2021, by the following vote:

AYES: Supervisor Short, Starkey, Howard, Hemmingsen, Berkowitz

NOES: None

ABSTAIN: None

ABSENT: None

Chris Howard, Chair
Del Norte County Board of Supervisors
State of California

ATTEST:

Kylie Goughnour
Clerk of the Board of Supervisors
Del Norte County, California

APPROVED AS TO FORM:

Joel Campbell-B
Del Norte Count

EXHIBIT NO. 6

LCP-1-DNC-21-0053-1
(County of Del Norte
CC Harbor LCPA)
Ordinance – Adopted IP

The Board of Supervisors of the County of Del Norte ordains as follows:

SECTION 1: Authority and Purpose

- A. Under Section 7 of Article XI of the California Constitution, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
- B. Chapter 21.50B of the Del Norte County Code authorizes amendments to establish detailed zoning districts, to change district boundaries, of to change any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure set forth in this chapter.
- C. The Crescent City Harbor area is located completely within the California Coastal Zone, an area partially administered under Title 21 Coastal Zoning and Title 18 Signs of Del Norte County Code, which serves as the Implementation Plan of the Del Norte County Local Coastal Program.

SECTION 2: 21.47 Harbor Public Access Provisions

Section 21.47.10 (Required generally) is hereby added to the Del Norte County Code to read as follows:

In all harbor zone districts with each industrial, recreational, or commercial structural improvement, lease agreement issued by the Harbor District, or any other development which would impair the public's right of shoreline access, the requirements set forth in this chapter and Section 21.35.040 shall apply. In the event of any conflict between this Section 21.47 and Section 21.35.040, these harbor-specific regulations shall control. (Ord. 83-03 (part)).

Section 21.47.20 (Criteria) is hereby added to the Del Norte County Code to read as follows:

No development shall be permitted within the harbor area which would interrupt public access both to and along the shoreline. Alternatives to open access may be access along a corridor to the shoreline provided access along the shoreline is maintained. Physical alteration of the shoreline shall incorporate access by the public to the shoreline, when feasible, except as noted in Section 21.47.030. (Ord. 83-03 (part)).

Section 21.47.30 (Exceptions) is hereby added to the Del Norte County Code to read as follows:

Public access need not be required at harbor-dependent uses where access would constitute a hazard to the public. Examples of potential public hazard areas include but are not limited to:

- a) Boat and ship building and repair facilities
- b) Processing and packaging plants and their piers for fish and/or marine products
- c) Marine products purchasing and storage facilities
- d) Marine service areas involving flammable liquids
- e) Emergency facilities (police and fire protection) including the Coast Guard facility subject to permission to access from the Coast Guard
- f) Marine loading and unloading facilities
- g) The inner breakwater
- h) The breakwater for the inner boat basin

Section 21.47.40 (Temporary interruptions) is hereby added to the Del Norte County Code to read as follows:

Temporary interruptions of public access to the shoreline may be permitted. Development that has the potential to temporarily impact public access shall provide a public access management strategy designed to identify and limit temporary impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times where feasible; minimize road and trail closures; identify alternative access routes where feasible; communicate closures and alternative routes to the public; and provide for public safety. Interruptions should be limited to those necessary to protect the public from a hazard and/or are necessary for maintenance of existing development. Examples are:

- a) Dredging and dredge spoils disposal
- b) Paving and/or concrete work
- c) Construction of new development
- d) Repair and maintenance of existing development
- e) Field surveys and examinations
- f) Landscape construction. (Ord. 83-03 (part))

SECTION 3: 21.47A – HDMC District – Harbor Dependent Marine Commercial

Section 21.47A.10 (Intent) is hereby added to the Del Norte County Code to read as follows:

This district classification is intended to prioritize the needs of the commercial fishing industry while also accommodating other coastal-dependent commercial and industrial development and coastal-related support facilities within or immediately adjacent to the waters of the harbor in a manner that will encourage the continuation of commercial fishing and other coastal-dependent marine commercial and industrial activities, maintain the marine theme and character of the Harbor, and encourage physical and visual access to the harbor where appropriate. Changes of district classification from Harbor Dependent Marine Commercial to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan.

Section 21.47A.20 (Principally permitted uses) is hereby added to the Del Norte County Code to read as follows:

The principal permitted Harbor Dependent Marine Commercial uses include:

- a) Marinas and boat basins, boat berthing and float facilities, docks, barge, boat, and ship loading and unloading facilities, boat and ship building and repair facilities for nontrailerable boats, dry boat storage, and breakwater devices and piers.
- b) Processing and packaging plants for fish and/or marine products and wastes from such plants, processing plants for waste products from fish and/or marine products processing plants, aquaculture and auxiliary facilities, net repair and gear repair and the storage of commercial fishing gear on vacant parcels.
- c) Marine products purchasing and storage facilities, marine electronic repair and sales, ice production and sales facilities, marine fuel sales and service facilities, and commercial fisheries supply stores.
- d) Boat ramps, boat launching facilities and boat cleaning areas.
- e) Seafood sales.
- f) Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate area.
- g) Accessory uses and buildings appurtenant to a permitted use including parking areas.
- h) Pipelines that need ocean access (e.g., pipelines for disposal of dredged spoils, ocean outfall and intake pipelines, boat and ship loading and unloading pipelines, pipelines serving offshore facilities, etc.).
- i) Import and export facilities requiring a waterfront location.
- j) Maintenance dredging and dredge materials disposal at approved disposal sites.
- k) Harbor District offices, harbor maintenance facilities, Coast Guard docks and quarters

Section 21.47A.30 (Uses permitted with a use permit) is hereby added to the Del Norte County Code to read as follows:

Uses permitted with a use permit shall be as follows:

- a) Wastewater treatment plants and/or facilities.
- b) Restaurant/café serving fishermen.
- c) Marine fuel tanks.
- d) Public and quasi-public utilities needed to serve the harbor and/or coastal-dependent or coastal-related uses and facilities.
- e) Marine products manufacturing or assembly plants not identified above, which require immediate access to the harbor's waters.
- f) Non-flashing signs exceeding forty square feet in aggregate area, subject to Title 18.

Section 21.47A.40 (Building height) is hereby added to the Del Norte County Code to read as follows:

Building height limit shall be seventy-five feet.

Section 21.47A.50 (Minimum lot area) is hereby added to the Del Norte County Code to read as follows:

Minimum parcel area shall be two thousand eight hundred and fifty square feet.

Section 21.47A.60 (Minimum lot width) is hereby added to the Del Norte County Code to read as follows:

Minimum parcel width shall be thirty feet.

Section 21.47A.70 (Lot coverage) is hereby added to the Del Norte County Code to read as follows:

Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47.

Section 21.47A.80 (Front yard) is hereby added to the Del Norte County Code to read as follows:

Required front yards shall be none.

Section 21.47A.90 (Side yard) is hereby added to the Del Norte County Code to read as follows:

Required side yards shall be none.

Section 21.47A.100 (Rear yard) is hereby added to the Del Norte County Code to read as follows:

Required rear yards shall be none.

SECTION 4: 21.47B – HDR District – Harbor Dependent Recreational

Section 21.47B.10 (Intent) is hereby added to the Del Norte County Code to read as follows:

This district classification is intended to provide for public and commercial recreational development within or immediately adjacent to the waters of the harbor in a manner that will encourage the continuation of recreational boating and other water-oriented visitor-serving and recreational uses and mutually supportive businesses that enhance public opportunities for coastal recreation, maintain the marine theme and character of the Harbor, and encourage physical and visual access to harbor on waterfront commercial and recreational sites along or in proximity to the water of the harbor. District classification changes from Harbor Dependent Recreational to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan.

Section 21.47B.20 (Principally permitted uses) is hereby added to the Del Norte County Code to read as follows:

The principal permitted Harbor Dependent Recreational uses include:

- a) Recreational marinas and boat basins, boat berthing and float facilities, docks, piers, moorings, and breakwater devices.
- b) Bait and tackle shops, fuel sales for boats, party boat offices, recreational boat sales and rental, boat and boat motor sales and service, marine electronic shops, and dry storage for trailerable boats.
- c) Custom fish processing and canneries.

d) Restaurants, drinking places, and cafes with a harbor theme, coastal-related retail shops (including specialty shops) of 3,000 square feet or less in areas that are located and designed to foster pedestrian access within the harbor, and seafood sales.

e) Harbor-related outdoor seasonal sales and events.

f) Accessory uses and buildings appurtenant to a permitted use including parking areas.

g) Maintenance dredging and dredge materials disposal at approved disposal sites.

h) Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate.

Section 21.47B.30 (Uses permitted with a use permit) is hereby added to the Del Norte County Code to read as follows:

Uses permitted with a use permit shall be as follows:

a) Boat ramps, boat launching facilities, fish cleaning stations, and boat cleaning areas.

b) Boat motels (floating overnight accommodations) when the vessels are maintained in a seaworthy state and such use does not occupy more than 33% of designed available boat moorage in the recreational marina area.

c) Public and quasi-public utilities needed to serve the harbor and/or coastal-dependent or coastal-related uses and facilities.

d) Coast Guard stations, quarters and dock facilities.

e) Non-flashing signs exceeding forty square feet in aggregate area, subject to Title 18.

f) Sub-surface pipelines.

g) Aquaculture, mariculture, and auxiliary facilities.

Section 21.47B.40 (Building height) is hereby added to the Del Norte County Code to read as follows:

Building height limit shall be forty-five feet excluding light poles and navigational aides.

Section 21.47B.50 (Minimum lot area) is hereby added to the Del Norte County Code to read as follows:

Minimum lot area shall be two thousand eight hundred and fifty square feet.

Section 21.47B.60 (Minimum lot width) is hereby added to the Del Norte County Code to read as follows:

Minimum parcel width shall be thirty feet.

Section 21.47B.70 (Lot coverage) is hereby added to the Del Norte County Code to read as follows:

Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47.

Section 21.47B.80 (Front yard) is hereby added to the Del Norte County Code to read as follows:

Required front yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

Section 21.47B.90 (Side yard) is hereby added to the Del Norte County Code to read as follows:

Required side yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

Section 21.47B.100 (Rear yard) is hereby added to the Del Norte County Code to read as follows:

Required rear yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

SECTION 5: 21.47C – HVSC District – Harbor Visitor Serving Commercial

Section 21.47C.10 (Intent) is hereby added to the Del Norte County Code to read as follows:

This district classification is intended to provide for accommodations, conveniences, goods, and services intended to primarily serve Harbor Area visitors where specific use does not necessarily require location immediately adjacent to Harbor waters. Changes of district classification from Harbor Visitor Serving Commercial to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan.

Section 21.47C.20 (Principally permitted uses) is hereby added to the Del Norte County Code to read as follows:

The principal permitted Harbor Visitor Serving Commercial use includes, but is not limited to, uses such as:

- a) Visitor serving facilities that provide overnight accommodations such as hotels, motels, and hostels.
- b) Bait and tackle shops, fuel sales for boats, party boat offices, recreational boat sales and rental, boat and boat motor sales and service, commercial fisheries supply stores, marine electronic shops, and dry storage for trailerable boats.
- c) Dry storage of commercial fishing gear.
- d) Custom fish processing.
- e) Restaurants, drinking places, cafes, harbor visitor serving retail shops (including specialty shops), and seafood sales.
- f) Visitor serving facilities that provide local information and history such as an interpretative center, visitor center, nautical museum.
- g) Visitor serving outdoor seasonal sales and events.
- h) Accessory uses and buildings appurtenant to a permitted use including parking areas.
- i) Boat and auto service including washing and cleaning facilities.
- j) Administrative and professional offices with limited or no accessory retail and services uses. Offices that are not principally devoted to the administration of activities within the marina and surrounding open-ocean (or are not an accessory use to another permitted use) are not be permitted on the first floor of this district. Medical offices are not permitted.
- k) Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate.
- l) Harbor District offices and harbor maintenance facilities

Section 21.47C.30 (Uses permitted with a use permit) is hereby added to the Del Norte County Code to read as follows:

Uses permitted with a use permit shall be as follows:

- a) Recreational Vehicle (RV) Parks including laundry room, office, and a recreation room.
- b) A residential unit for the manager of a permitted commercial development may be permitted provided the residential unit is above the ground floor. In a recreational vehicle park, campground, or hostel, a manufactured home for the site manager may be permitted in conjunction with the operation of the recreational vehicle park, campground, or hostel. A residential unit on the second floor of a laundry, office or recreation room is preferred and if granted excludes the use of a manufactured home.
- c) Public and quasi-public uses.
- d) Coast Guard stations, quarters and dock facilities.
- e) Non-flashing signs exceeding forty square feet in aggregate area, subject to Title 18.
- f) Sub-surface pipelines.

Section 21.47C.40 (Building height) is hereby added to the Del Norte County Code to read as follows:

Building height limit shall be forty-five feet excluding light poles and navigational aids which shall not have a height limit.

Section 21.47C.50 (Minimum lot area) is hereby added to the Del Norte County Code to read as follows:

Minimum lot area shall be two thousand eight hundred and fifty square feet.

Section 21.47C.60 (Lot width) is hereby added to the Del Norte County Code to read as follows:

Minimum lot width shall be thirty feet.

Section 21.47C.70 (Lot coverage) is hereby added to the Del Norte County Code to read as follows:

Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47 and Section 21.46.090.

Section 21.47C.80 (Front yard) is hereby added to the Del Norte County Code to read as follows:

Required front yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

Section 21.47C.90 (Side yard) is hereby added to the Del Norte County Code to read as follows:

Required side yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

Section 21.47C.100 (Rear yard) is hereby added to the Del Norte County Code to read as follows:

Required rear yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

SECTION 6: 21.47D – HG District – Harbor Greenery

Section 21.47D.10 (Intent) is hereby added to the Del Norte County Code to read as follows:

Greenery areas are set aside as open space areas to be utilized for habitat protection/restoration, passive recreation, wind or weather screens and for visual effect. These areas may also include day use public recreational facilities and be utilized as utility corridors, but any vegetation removed in the course of installing or maintaining utility lines shall be replaced in kind. Changes of district classification from Harbor Greenery Areas to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan. The greenery area along Highway 101 and adjacent to the existing boat basin will continue to act as a reserve area until such time the area is needed for future harbor-dependent uses. This area and the beach strand area between the Inner Boat Basin and Shoreline Campground shall be zoned greenery as an interim zone until it is necessary to develop these areas as a harbor-dependent use or uses

Section 21.47D.20 (Principally permitted uses) is hereby added to the Del Norte County Code to read as follows:

The principal permitted Harbor Greenery Areas uses include, but are not limited to, uses such as:

- a) Day use public recreational facilities requiring little or no alteration to existing landforms.
- b) Native tree plantings.
- c) Habitat restoration.
- d) Public trails or pathways.
- e) Public events.
- f) Publicly owned directional or site identification signs.
- g) Utility lines, provided that any removed vegetation shall be replaced in kind unless a public safety risk is involved with the vegetation replacement.

Section 21.47D.30 (Uses permitted with a use permit) is hereby added to the Del Norte County Code to read as follows:

Uses permitted with a use permit shall be as follows:

- a) Limited structural development for visitor-serving recreational uses such as lifeguard towers, recreational equipment, restrooms and showers.
- b) Non-publicly owned subsurface pipelines.

Section 21.47D.40 (Height and area requirements) is hereby added to the Del Norte County Code to read as follows:

In the Harbor Greenery Areas District, no minimum or maximum dimensions of yard, lots or heights are established, except that no more than ten percent of the contiguous Harbor Greenery Areas zone may be covered by a building or structure and no more than an additional ten percent of the contiguous zoned area may be placed in pavement, exclusive of any required roads.

SECTION 7: 21.47E – Harbor Area Parking

Section 21.47E.10 (Purpose) is hereby added to the Del Norte County Code to read as follows:

Adequate parking shall be provided for all uses in the Harbor area. Where new development in the Harbor area cannot meet current off-street parking standards (Chapter 21.44), lesser standards may be allowed in accordance with this Section.

Section 21.47E.20 (Shared parking) is hereby added to the Del Norte County Code to read as follows:

Shared parking is the practice of allowing land uses within different peak and off-peak parking demand schedules to share required onsite parking spaces. Where two or more adjacent nonresidential uses have distinct and differing peak parking usage, a reduction in the required number of parking spaces may be allowed through Community Development Director approval.

Shared parking may be allowed only with: (a) a parking plan approved by the Community Development Director that in total provides shared parking to meet the combined needs of the businesses and/or uses involved; (b) evidence that facilities and/or programs are available that provide for the use of alternative modes of transportation such as public transit, bicycling or walking; and (c) documentation that less parking will not result in interference with public access, or overcrowding or over use of any single area.

The Director may approve shared parking to satisfy off-street parking space requirements, if the following findings are made:

A. The off-street parking spaces designed for joint use are located within 500 feet of the use to be served.

B. The times demanded for these parking spaces will not conflict substantially between the use offering the spaces and the use to be served.

C. The off-street parking spaces designated for joint use are not otherwise committed to satisfying the parking requirements for some other use at similar times. The Director may require that additional documents, covenants, deed restriction, or other agreement are executed to ensure the required parking spaces are maintained for the duration of the uses served.

The Director may require that additional documents, covenants, deed restriction, or other agreement are executed to ensure the required parking spaces are maintained for the duration of the uses served.

Section 21.47E.30 (Low Demand) is hereby added to the Del Norte County Code to read as follows:

The number or required parking spaces may be reduced by up to 25 percent with Community Development Director approval for uses with unique operating characteristics that result in lower parking demand than otherwise would be required.

An applicant requesting reduced parking for a low demand use must submit evidence to the satisfaction of the Director that the use requires fewer parking spaces than otherwise required. Acceptable evidence may include parking surveys, sales receipts, and examples of comparable uses. To approve reduced parking, the Director must make the following findings:

- a) Evidence submitted by the applicant demonstrates that the uses requires fewer parking spaces required than by Chapter 21.44, and
- b) The use will provide sufficient on-site parking to accommodate its expected parking demand.

SECTION 8: Update Land Use-Zoning Consistency Matrix

Table A in Chapter 21.50 B of the Del Norte County Code is hereby replaced with a new Table A as specified in the attached Exhibit "A"

SECTION 9: Zoning Map

Zoning Maps B-10 and C-10 are hereby replaced with a new Zoning Map B-10 and Zoning Map C-10, respectively as specified in the attached Exhibits "B" and "C".

SECTION 10: Signage Table

The "KEY TO TABLES 18.12A THROUGH 18.12E" in Chapter 18.12.10 of the Del Norte County Code is hereby replaced with a new "KEY TO TABLES 18.12A THROUGH 18.12E" as specified in the attached Exhibit "D".

SECTION 11: Repeal Harbor-Specific Zone Districts from Title 20 of the County Code

Chapter 20.21A – HDR – Harbor Dependent Recreational District is hereby repealed in its entirety from the Del Norte County Code.

Chapter 20.21B – HDC – Harbor Dependent Commercial/Industrial District is hereby repealed in its entirety from the Del Norte County Code.

Chapter 20.21C – HR – Harbor Related Commercial/Light Industrial District is hereby repealed in its entirety from the Del Norte County Code.

Chapter 20.21D – HG – Harbor Greenery District is hereby repealed in its entirety from the Del Norte County Code.

SECTION 12: CEQA Determination

The Board of Supervisors hereby determines that the adoption of this ordinance will not have a significant effect on the environment, as assessed in the negative declaration

(SCH # 2017112033) prepared by Crescent City Harbor District in their capacity as lead agency under the California Environmental Quality Act (CEQA).

SECTION 13: Classification

This ordinance is considered of a general and permanent nature and is classified as a codified ordinance.

SECTION 14: Certification Prior to Effect

This ordinance shall take effect upon receipt of the accompanying resolution by the Secretary of Resources after having been reviewed and certified by the California Coastal Commission.

SECTION 15: Severability

If any section, subsection, sentence, clause, phrase, or specific fee of this ordinance is for any reason held to be invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, or specific fee thereof, irrespective.

Exhibit "A"

Table A
Coastal Element Land Use Plan and Zoning Consistency

LUP Land Use	Zoning District																																								
	AE	A-20	A-5	A-I	RCA-1	RCA-2	TP	CT	RR1	RRA-1	RRA-2	RRA-3	RRA-5	R1	MHP	R-2	R-3	PC	HDMC	HDR	HVSC	HG	C-1	C-2	C-3	C-R	C-4	M	MP	PF	B*	C	D	FP1	FP2	FP3	MH 1 & 2	W			
Low Den 0-2		C							C	C					C				C					C								C	C	C	C	C	C	C			
Res 0-6															C		C		C					C									C	C	C	C	C	C	C	C	
Med Den 0-15															C		C	C	C					C									C	C	C	C	C	C	C	C	
Hi Den 12-30																C	C	C	C					C									C	C	C	C	C	C	C	C	
Gen Com																									C	C	C					C	C	C	C	C	C	C	C		
Vis Serv Com																									C	C	C						C			C	C	C	C		
Gen Ind																																	C	C	C	C	C	C	C		
L Ind/II Com																																	C	C	C	C	C	C	C		
RR 1 u/ac									C	C									C					C									C	C	C	C	C	C	C	C	
RR 1 u/ 2ac											C								C					C									C	C	C	C	C	C	C	C	
RR 1 u/3 ac												C							C					C									C	C	C	C	C	C	C	C	
R Neigh									C						C				C													C	C	C	C	C	C	C	C		
RMH Pk																C																	C	C	C	C	C	C	C		
Wood 1u/2 ac							C	C			C								C														C	C	C	C	C	C	C	C	
Wood 1u/3 ac							C	C				C							C														C	C	C	C	C	C	C	C	
Wood 1u/5 ac							C	C					C						C														C	C	C	C	C	C	C	C	
Ag Prime	C																																C	C	C	C	C	C	C		
Gen Ag 20 ac		C																															C	C	C	C	C	C	C		
Gen Ag 5 ac			C																														C	C	C	C	C	C	C		
Ag Indu				C																													C	C	C	C	C	C	C		
TP							C	C																									C	C	C	C	C	C	C		
Non-TPZ								C																									C	C	C	C	C	C	C		
Pub Facil																																	C	C	C	C	C	C	C		
RCA					C	C	C																										C	C	C	C	C	C	C		
HDMC																				C																					
HDR																					C																				
HVSC																						C																			
HG																							C																		

KEY
 Consistent
 Not Consistent

Exhibit "B"

Areas Proposed for Zoning Amendments

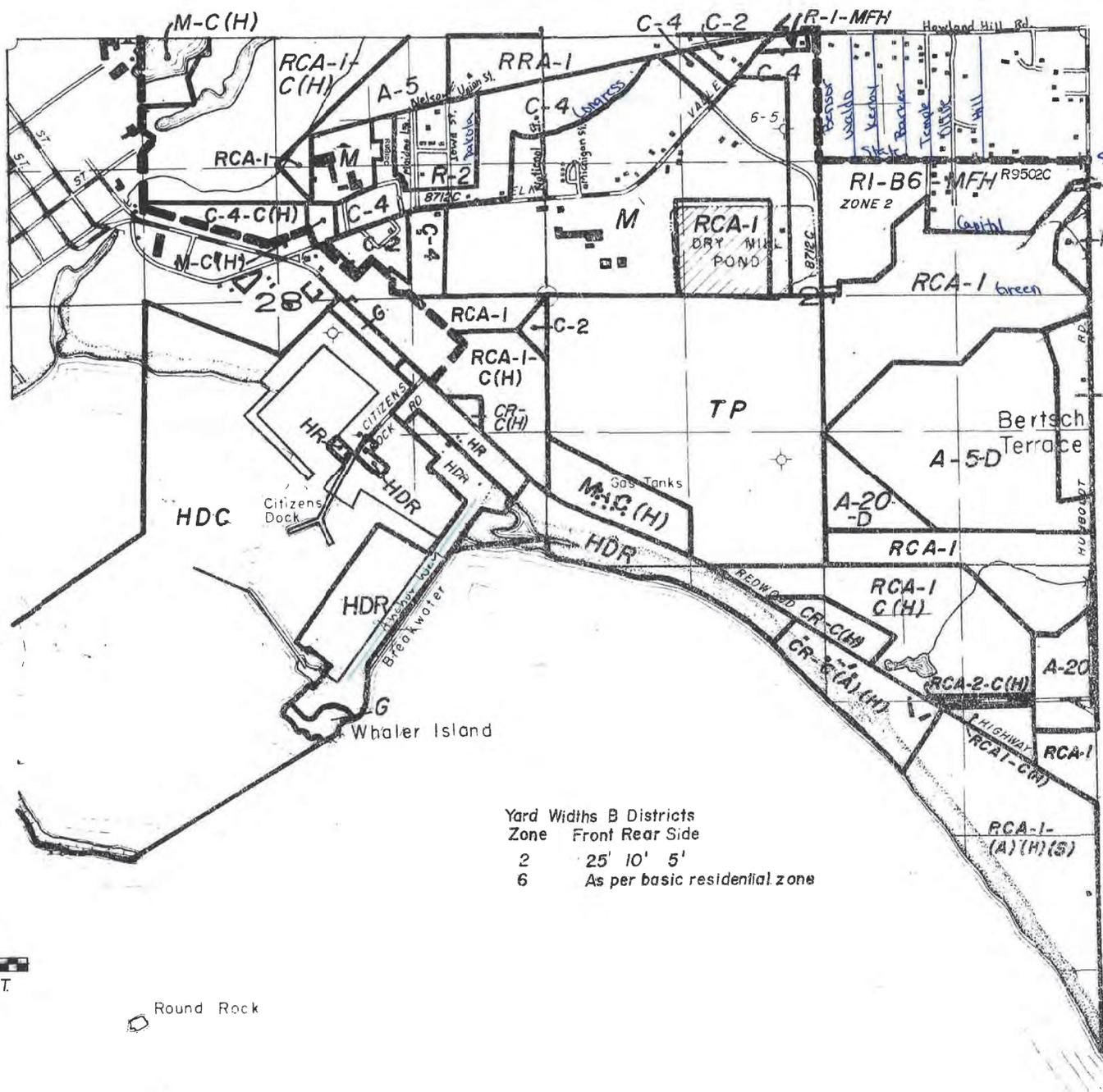


Area to be zoned HDMC-C(H)

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA B-10
 SECTIONS 29, 30
 TWP 16 N RGE 1 W HB & M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *[Signature]*
 APPROVED BY BOARD OF SUPERVISORS *[Signature]*
 COUNTY OF DEL NORTE, CALIFORNIA

83-03:Sept 6, 83



Yard Widths B Districts

Zone	Front	Rear	Side
2	25'	10'	5'
6	As per basic residential zone		

Area to be zoned as shown in Exhibit

Section 21.06.050 Ordinance 8
DEL NORTE CO. ZONING MAP
AREA C-10
 SECTIONS 27, 28, 34
 TWP 16 N RGE 1W HB & M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION
 APPROVED BY BOARD OF SUPERVISORS
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03: Sept. 6, 82 REVISED 3/23/95



Exhibit "C"

Proposed Zoning and Land Use Designations within Harbor Area



Crescent City Harbor Area Zoning

Exhibit “D”

A KEY TO TABLES 18.12A THROUGH 18.12E

SF (Single Family Residential)	R-1, RR, RRA, R1A, R2A
MR (Multi Family Residential)	R-2, R-3
SR (Single Family/Resource)	A-5, A-20, FR-1, FR-2, PO
AF (Agricultural/Forestry Resource)	TP, CT, AE, AF, AI
PC (Planned Community/Public Facility)	PC, PF
IN (Institutional uses permitted in residential zoning districts)	
LC (Light Commercial)	C-1
CB (Central Business)	C-3, C-2
HC (Heavy Commercial)	C-4, HDMC
CR (Commercial Recreational)	CR, HDR, HVSC
MF (Manufacturing)	M, MP

EXHIBIT NO. 7

LCP-1-DNC-21-0053-1
(County of Del Norte
CC Harbor LCPA)
Countywide Hazard Policies

D. LCP Policies and Implementation: The following policies are recommended to minimize risks from geologic, seismic and flood hazards within the Coastal Zone of Del Norte County:

1. LCP Policies for Geologic Hazards:

P-1. Any development proposed adjacent to coastline erosion areas shall 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

P-2. In lieu of the above the County may establish specific area setbacks of sufficient distance to mitigate potential coastal erosion hazards.

P-3. The County 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 studies shall include:

- the source of harbor deposition material, specifically the impact of beach erosion north of Battery Point;

- the effect harbor deposition has on beach sand replenishment south of Crescent City Harbor;
- the impact of harbor dredging practices on the County hospital;
- the impact of harbor dredging on potential tsunami hazard;
- the direct and indirect costs of harbor dredging to the County, and
- the economic benefit of harbor dredging to the County.

Additionally, the County shall 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 and practicality of installing seawalls, as recommended by the Corps.

P-4. Residential development involving significant alteration of natural land forms or surface conditions shall be discouraged on slopes greater than 30 percent.

P-5. A geological investigation shall be made by a registered geologist, engineering geologist or RCE for all proposals in landslide potential areas, including road construction. These investigations should assess the stability of the site under both normal and seismic conditions as well as recommend mitigation measures.

P-6. The County, in conjunction with other governmental agencies, when feasible, shall utilize lands subject to severe geologic hazards for low intensity park and recreational activities or open space.

P-7. Any construction contemplated on filled areas shall be preceded by an analysis of the fill and its capabilities or limitations.

2. LCP Policies for Seismic Hazards:

P-1. The County shall utilize the most current seismic design criteria in the construction of new public buildings. Buildings meant to accommodate activities and equipment related to public safety, especially police, fire and communications services, shall be constructed to ensure continued operations and availability of services after an earthquake.

P-2. All public and private schools within the Coastal Zone shall undergo periodic inspections and upgrading, when necessary, to ensure conformity to current Field Act Standards.

P-3. Site-specific investigations shall be required prior to the construction all high intensity and/or public use structures within the Coastal Zone. Site-specific investigations should assess the potential for liquefaction induced ground failures and suggest measures to mitigate the hazards from vertical and/or horizontal displacement. If it is found that engineering techniques cannot mitigate the hazards to within acceptable risk levels appropriate with the intended land use, the location of the proposed development shall be reconsidered.

P-4. To reduce the probability of ruptures utility lines, new major pipes, both for sewer and water, shall be made of the strongest, most flexible materials available and still be economically feasible.

P-5. The County shall encourage State and Federal agencies to further investigate the phenomena of "resonance" in the coastal area off Crescent City to see if remedial measures should be instituted to decrease the effect.

P-6. To the extent practicable, critical facilities (high intensity and/or public use structures) should not be sited in areas susceptible to tsunami inundation. Where it is deemed essential to do so for the public welfare, these structures should be sited, designed and constructed with due consideration for this hazard.

CRESCENT CITY HARBOR LCP POLICY COMPARISON

I. EXISTING HARBOR POLICIES

a. Harbor Safety and Design

EXISTING POLICY		NOTES/New Policy Reference
P-1	The County, City 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, and coastal bluff erosion (north of Battery Point).	Discontinued policy. The recommendations of this policy have either been accomplished, no longer apply, or are Federal actions.
P-2	The Harbor District, County and County should apply for assistance in evaluating 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.	Discontinued policy. The recommendations of this policy have either been accomplished, no longer apply, or are Federal actions.
P-3	The present Coast Guard Dock and Station do not allow an immediate view of vessels crossing the entrance bar. The dock locates the cutter in the more congested area of the Harbor which increases its time to be underway. Construction of personnel quarters and docking facility removed from the congested area of the inner harbor basin should be considered by the Harbor District and the Coast Guard. The dock could be of filled material which would reduce maintenance and increase available space. The inner side of Whaler Island has been considered as a possible location.	Discontinued policy. The recommendations of this policy have either been accomplished, no longer apply, or are Federal actions.
P-4	With the construction of the Coast Guard Helicopter facility at McKinleyville, a pad facility will be needed in the Harbor area for emergency use. In that this use would be infrequent and not water dependent, the most feasible location which would allow sufficient room, reduce hazards to landing and take off, and be of reasonable cost would be east of Highway 101.	Discontinued policy. The recommendations of this policy have either been accomplished, no longer apply, or are Federal actions.
P-5	The wooden construction of Citizens' Dock is expensive to maintain and costly to insure. Consideration and study should be given to replacing the wooden structure with aggregate fill. Investigation into the effects of a solid fill would be necessary prior to construction to examine the effects upon currents and sand accretion, and provide for proper design.	Citizen's Dock is covered under: Policy 2.5.1-2 Critical Structure Repair Repair, maintain and enhance where necessary critical structures such as revetments, breakwaters, groins, seawalls, retaining walls, and other protective construction integral to harbor serving coastal-dependent use functions. Ensure that repair, maintenance, and enhancement of

		<p>shoreline protective devices is the least environmentally damaging feasible alternative and ensure that all adverse coastal resource impacts of the activities are mitigated, including with respect to local sand supply, public views, and public recreational access.</p>
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b. Access as a Harbor

EXISTING POLICY		NOTES/New Policy Reference
P-6	<p>Primary to the ability of the Harbor to function as a port is the maintenance of proper depths within the Harbor. The littoral drift of sand has been interrupted by the construction of Harbor breakwaters. A study of the Harbor estimates that 80,000 cubic yards per year accumulate within the Harbor of which only 463,500 cubic yards of sand have been removed by the Army Corps of Engineers since 1936. Lack of proper maintenance dredging has discouraged shipment. The Harbor District, City and County should continue to press the Corps of Engineers to fulfill their maintenance obligations for the Harbor depth.</p>	<p>Policy 4.3.1-1 Diking, Dredging, and Fill</p> <p>Diking, dredging, or filling of harbor open coastal waters and wetlands shall only be permitted for those uses consistent with Coastal Act Sections 30233, and shall be consistent with the provisions of Coastal Act Sections 30233 and 30607.1 and this Harbor LUP. All projects shall be the least environmentally damaging feasible alternative and shall provide feasible mitigation measures to minimize adverse environmental effects. 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 these purposes to appropriate beaches or into suitable longshore current systems.</p>
P-7	<p>The reoccurrence of barge shipments of lumber has strong potential. Increasing cost of fuel and legislation which is encouraging conservation of fuel are strong influences in the use of water transportation. The instability of governments in the African nations, which supply chrome ore, creates the possibility of the revitalization of chrome ore mining in the county. Waterborne transportation would be the cheapest method of transporting unrefined ore. Present barge use consists of petroleum shipments; however, due to the lack of sufficient depth the barges arrive with only half-capacity loads. The Harbor should continue to strongly petition the Army Corps to maintain the appropriate depths for barge shipment. The Harbor should not allow any development which would preclude resumption of barge shipping.</p>	<p>Not included as a policy. However, the general concept of resumption of barge shipping in and out the harbor is a compatible use for the HDMC land use section.</p>
P-8	<p>Of the remaining available Harbor frontage, Chamberlain Dock area and the area between the boat basin and Shoreline Campground should be reserved for water dependent development. These sites could be used for temporary, readily removed, uses prior to actual development.</p>	<p>Note: Chamberlain Dock no longer exists. The area between the dredge ponds and the Shoreline RV Campground is designated as HDMC, HVSC, and HG along the shoreline. See Harbor Land Use Designation Map Chapter 2</p>

		(The dredge ponds are designated as Harbor Dependent Marine Commercial.) See Chapter 2 Section 2.1.1.1 for applicable text.
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c. Circulation

EXISTING POLICY		NOTES/New Policy Reference
P-9	The City should improve access to the Harbor by cooperating with the Harbor in extending Howe Drive across Elk Creek to the boat basin, or explore other alternatives as the need arises.	See §2.3.1 Visitor-serving and Recreational Facilities section for discussion of the Coastal Trail. A segment of the California Coastal Trail was recently completed from the northern Harbor Area east to Starfish Way and the Harbor District improved walkways and railings around the Inner Boat Basin, facilitating walking and bicycling by the public. See Chapter 3 §3.1.1-3 Public Trails.
P-10	Harbor expansion east of Highway 101 will increase cross traffic at Citizens' Dock Road and Highway 101. Improvements in traffic control should be requested from Caltrans.	The Harbor Land Use Plan does not address lands east of Highway 101. Areas east of Highway 101 are addressed in the City LUP and the County LUP for their respective areas.

d. Harbor Development

EXISTING POLICY		NOTES/New Policy Reference
P-11	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) <u>Harbor Dependent</u> - Those activities which would require immediate access to the Harbor waters.	Policy 2.1.1-1 Land Use Category Descriptions Land use categories have been revised to reflect the more specific land use activities developed as part of the Harbor Area LUP and IP. They have been expanded to include four land use designations:

	<p>2) <u>Harbor Related</u> - Activities which are dependent in some way upon a Harbor location.</p> <p>3) <u>Harbor Consistent</u> - Activities which would benefit from a Harbor location and would enhance the overall viability of the Harbor.</p>	<p>Harbor Dependent Marine Commercial: prioritizing the needs of the commercial fishing industry while also accommodating other coastal-dependent commercial and industrial development and coastal-related support facilities.</p> <p>Harbor Dependent Recreational: provides for public and commercial recreational development within or immediately adjacent to the waters of the Harbor to encourage the continuation of recreational boating and other water-oriented visitor-serving and recreational uses.</p> <p>Harbor Visitor Serving Commercial: provides for accommodations, conveniences, goods, and services intended to primarily serve Harbor area visitors where specific use does not necessarily require location immediately adjacent to Harbor waters.</p> <p>Harbor Greenery: set aside as open space areas to be utilized for habitat protection/restoration, passive recreation, wind or weather screens and visual effect.</p>
P-12	The Harbor should develop design criteria for new construction in the Harbor, specifically in regards to establishing a motif for commercial activities.	§2.2.1 Location of New Development
P-13	The County, City and Harbor District should continue to effectively plan and coordinate for the overall development of the Harbor and its adjacent land.	§2.2.1-4 Accessibility and Smart Growth

II. PROPOSED NEW HARBOR POLICIES

a. Chapter 2 - Harbor Land Use and Development

NEW POLICY		NOTES/COASTAL ACT CONSISTENCY
<p>2.1.1-1 Land Use Category Descriptions</p>	<p>The described land use categories establish the type, density and intensity of land uses within the coastal zone for the Harbor area. Development in each land use area shall adhere to policies for land use type and intensity contained in each land use category; intensity is expressed as a maximum floor area ratio (FAR). Other applicable policies that affect development also apply as applicable in the Harbor Land Use Plan, the Del Norte General Plan, and implementing ordinances of the Harbor District and County of Del Norte. The review of coastal development permits is governed by the Harbor LUP and the County of Del Norte zoning ordinances and zoning district maps that comprise the Countywide certified IP. The Harbor LUP includes four Harbor-specific land use classifications.</p> <p>Harbor Dependent Marine Commercial The Harbor Dependent Marine Commercial (HDMC) classification prioritizes the needs of the commercial fishing industry while also accommodating other coastal-dependent commercial and industrial development and coastal-related support facilities within or immediately adjacent to the waters of the Harbor to encourage the continuation of commercial fishing and other coastal- dependent marine commercial and industrial activities, maintain the marine theme and character of the Harbor, and encourage physical and visual access to the Harbor where appropriate. The HDMC designation is applied to areas that have historically provided fishing related activities, facilities, and employment. These areas also provide the physical area for continuation of coastal-dependent, coastal-related, and accessory uses. The HDMC designation shall be expanded if future demand for additional sites for coastal-dependent and related uses including aquaculture and commercial fishing facilities becomes evident. <i>Intensity: Maximum 2.0 FAR</i></p> <p>Harbor Dependent Recreational A Harbor Dependent Recreational (HDR) classification provides for public and commercial recreational development within or immediately adjacent to the waters of the Harbor to encourage the continuation of recreational boating and other water-oriented visitor-serving and recreational uses and mutually supportive businesses that enhance public opportunities for coastal recreation, maintain the marine theme and character of the Harbor, and encourage physical and visual access to the Harbor waterfront. The HDR designation is applied to areas that have historically provided</p>	<p>Section 30108.5 Land use plan</p>

	<p>recreational boating and other harbor dependent or harbor related visitor-serving and recreational uses, and related support activities, facilities, and employment. These areas provide the physical area for continuation and expansion of these harbor dependent and harbor related water oriented recreational uses. Other non-recreational coastal-depend/ related uses are allowed as conditional uses. <i>Intensity: Maximum 0.5 FAR.</i></p> <p>Harbor Visitor Serving Commercial A Harbor Visitor Serving Commercial (HVSC) classification provides for accommodations, conveniences, goods, and services intended to primarily serve Harbor area visitors where specific use does not necessarily require location immediately adjacent to Harbor waters. On HVSC designated lands, priority shall be given to visitor-serving commercial facilities designed to enhance public opportunities for coastal recreation. <i>Intensity: Maximum 2.0 FAR.</i></p> <p>Harbor Greenery Areas designated Harbor Greenery (HG) are set aside as open space areas to be utilized for habitat protection/restoration, passive recreation, wind or weather screens and visual effect. These areas may also include day use public recreational facilities and be utilized as utility corridors, but any vegetation removed in the course of installing or maintaining utility lines shall be replaced in kind. Areas in the HG category include the south and west parts of Whaler Island (the relatively undisturbed portion of the former island), the pine tree and grass area west of Highway 101 in proximity to the inner boat basin, a wetland adjacent to the Anchor Beach Inn, and beach areas. In some cases the Harbor Greenery (G) designation is intended as a placeholder, until such time as the Harbor District proposes redesignation of the land for conversion to another use and development for Harbor purposes. Lands designated G on an interim basis to be reserved for future harbor dependent uses include the pine tree and grass area west of Highway 101 and the beach strand area between the Inner Boat Basin and Shoreline Campground (portion under Harbor District control). <i>Intensity: NA</i></p>	
2.1.2-1 Land Use Consistency	Land uses and new development in the coastal zone shall be consistent with the Harbor Land Use Designations Map and all applicable Local Coastal Program (LCP) policies and regulations.	Section 30200 Policies as standards; resolution of policy conflicts
2.2.1-1 Public Services	New development shall be located in areas with adequate public services or areas capable of having public services extended or expanded without significant adverse effects, either individually or cumulatively, on coastal resources. New or expanded public works facilities shall be designed to accommodate needs generated by development or uses permitted consistent with the provisions of the LUP. Where	Coastal Act policies related to the location of new development that are applicable to the Harbor area include Sections 30211, 30212.5, 30250 (a), 30252, 30253 (d) and 30254.

	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.	
2.2.1-2 Parking	Where new development cannot meet current parking standards, lesser standards may be allowed only with: (a) a parking plan approved by the County that in total provides shared parking to meet the combined needs of the businesses and/or uses involved; (b) evidence that facilities and/or programs are available that provide for the use of alternative modes of transportation such as public transit, bicycling or walking; and (c) documentation that less parking will not result in interference with public access, or overcrowding or over use of any single area.	Section 30252 Maintenance and enhancement of public access; Section 30253 Minimization of adverse impacts (d)
2.2.1-4 Accessibility and Smart Growth	The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, and providing adequate parking facilities or providing substitute means of serving the development with public transportation. New development shall minimize energy consumption and vehicle miles traveled.	Section 30252 Maintenance and enhancement of public access
2.3.1-1 South Beach Uses	South Beach shall continue to be available for public recreational uses and uses on South Beach that would interfere with public access and coastal resources enjoyment shall be prohibited.	§30221 Oceanfront land; protection for recreational use and development
2.3.1-2 Tidelands and Submerged Lands Use	The Harbor District shall administer tidelands and submerged lands use in a manner consistent with the tidelands trust and all applicable laws, including 1963 Statutes Chapter 1510.	Section 30200 Policies as standards; resolution of policy conflicts
2.3.1-3 Consistency with Public Trust Restrictions	The Harbor District shall ensure the consistency of a proposed use with the public trust restrictions and the public interest at the time any tideland lease is re-negotiated or renewed.	Section 30200 Policies as standards; resolution of policy conflicts
2.3.1-4 Visitor-Serving Commercial Recreational Facilities Priority	Priority shall be given to visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over general commercial uses, but not over aquaculture and coastal-dependent industry, including commercial fishing. Proposals for aquaculture facilities on oceanfront land shall be given priority over other uses; except over other coastal dependent developments or uses.	Section 30221 Oceanfront land; protection for recreational use and development; Section 30222.5 Oceanfront lands; aquaculture facilities; priority
2.3.1-5 Waterfront-Oriented	Continue and encourage waterfront-oriented visitor-serving and recreational commercial uses, including eating and drinking establishments and recreation and entertainment establishments, as a means of providing public access to the	Section 30220 Protection of certain water-oriented activities and Section 30221 Oceanfront land; protection for

Commercial Uses	waterfront. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland areas shall be protected for such uses.	recreational use and development
2.3.1-6 Visitor Accommodation Affordability	Lower cost overnight visitor accommodations shall be protected, encouraged, and, where feasible, provided, including campgrounds, recreational vehicle parks, hostels, and lower-cost hotels and motels. New overnight visitor accommodation developments in the harbor area shall (1) be encouraged to be lower-cost or provide a range of overnight accommodation options and prices serving a variety of income ranges; and (2) be encouraged to provide non-overnight visitor- serving recreational amenities that are open to the general public. Consistent with Coastal Act Section 30213, the County within the harbor area shall in no event (1) require that overnight room rental be fixed at a certain amount for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private land; nor (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 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals
2.3.1-7 Visitor Accommodation Retention	If and when average visitor accommodations annual occupancy rates in the Crescent City area exceed 70%, or peak season occupancy rates exceed 95% (whichever occurs first), removal or conversion of existing lower cost visitor serving accommodations in the harbor area 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 coastal Del Norte County is imposed. Lower cost facilities shall be defined as any facility with room rates that are (1) below 75% of the Statewide average room rate, or (2) below the average annual room rate in the Crescent City area, whichever is lower. Statewide average room rates can be calculated by the Smith Travel Research website (www.str.com) or other analogous methods used to arrive at an average statewide room rate value.	Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals
2.3.1-8 Overnight Accommodation Standards	Overnight accommodations in the harbor area shall be protected for transient use (30 days or less) and shall not be converted to private residential use; other than camp host/ employee caretaker unit type residences.	Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals
2.4.1-1 Coastal-Dependent Use Priority	Within the Harbor Area, coastal-dependent development shall have priority over other development on or near the shoreline. Except as provided elsewhere in this Chapter, 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. Power generation, such as wind/wave/tidal energy, shall be encouraged as a coastal-dependent priority use,	Section 30250 Location; existing developed area, Section 30255 Priority of coastal-dependent developments and Section 30230 Marine resources; maintenance

	along with coastal-related land based support and transmission facilities.	
2.4.1-2 Commercial Fishing Facilities	The economic, commercial, and recreational importance of fishing activities shall be recognized and protected. 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 Commercial fishing and recreational boating facilities
2.4.1-3 Coastal-Dependent Industrial	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 Harbor Plan. However, where new or expanded tanker facilities and/or oil and gas development cannot feasibly be accommodated consistent with other Harbor Policies, 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.	Section 30250 Location; existing developed area; Section 30260 Location or expansion
2.5.1-1 General Hazard Policy	New development shall be sited and designed to avoid, or where avoidance is infeasible, minimize risk to life and property from both geologic and flooding hazards, including as influenced by sea level rise over the anticipated life of the development. In addition to minimizing risk, new development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geological instability, or destruction of the site or surrounding area. The geologic and seismic hazard policies contained in the County LUP [the Del Norte County General Plan Coastal Element, Hazard Areas Chapter, Section IV(D)(1) & (2)] are incorporated herein by reference as applicable.	Section 30253 Minimization of adverse impacts
2.5.1-2 Critical Structure Repair	Repair, maintain and enhance where necessary critical structures such as revetments, breakwaters, groins, seawalls, retaining walls, and other protective construction integral to harbor serving coastal-dependent use functions. Ensure that repair, maintenance, and enhancement of shoreline protective devices is the least environmentally damaging feasible alternative and ensure that all adverse coastal resource impacts of the activities are mitigated, including with respect to local sand supply, public views, and public recreational access.	Section 30235 Construction altering natural shoreline
2.5.1-3 Sea Level Rise	The best available scientific information regarding the effects of long term sea level rise at the time of application shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, and engineering	Section 30253 Minimization of adverse impacts

	<p>investigations. As of the date of certification of this Harbor LUP, the best available science on sea level rise projections are those provided in the Ocean Protection Council's State of California Sea Level Rise Guidance. Hazards analyses for all development, including commercial and industrial development, critical facilities, energy production and distribution infrastructure, and other development projects of major community significance, shall consider erosion, flooding, wave attack, and scour, along with site-specific characteristics including local topography, bathymetry, and geologic conditions, for a range of sea level rise scenarios over the anticipated lifetime of the development. At a minimum, a worst-case "high" projection over the anticipated life of the development (75-100 years) shall be evaluated, including the extreme risk aversion scenario for critical infrastructure or the medium-high risk aversion scenario for other development types, per the OPC State Sea Level Rise Guidance.</p> <p>These hazards analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level rise thresholds after which alternative adaptation strategies would need to be implemented to ensure safety. The sea level rise scenario chosen for design purposes shall be based on the development's degree of risk to life and property and potential for impacts to coastal resources. Low risk-aversion scenarios may be used for projects that would have limited consequences or a higher ability to adapt; medium-high risk-aversion scenarios shall be used for decisions with greater consequences and/or a lower ability to adapt such as decisions regarding commercial and residential structures; and extreme risk-aversion scenarios shall be used for projects with little to no adaptive capacity that would be irreversibly destroyed or significantly costly to repair, and/or would have considerable public health, public safety, or environmental impacts should that level of sea level rise occur. In certain cases, it may be appropriate to implement siting and design adaptations overtime, initially siting and designing for lower projections while identifying a plan to address vulnerabilities from higher projections if and when necessary.</p>	
<p>2.5.1-4 Tsunami Preparedness</p>	<p>The best available, up-to-date scientific information regarding tsunami hazards in the harbor area shall be used in the evaluation of coastal development permit applications that present hazard risks, including available information on tsunami inundation area, amplitude, flow depth, velocity, and momentum flux as well as scour and debris impacts for a range of tsunami events from the 50-year event to the maximum expected tsunami. Development shall be sited and designed to minimize risk to life and property to the greatest extent feasible in the event of a tsunami, including minimizing impacts to the development itself and impacts of the development on the surrounding area. Minimizing risk includes employing siting and design measures that maximize</p>	<p>Section 30253 Minimization of adverse impacts</p>

	structural resiliency from expected tsunami-related hydrodynamic forces, hydrostatic forces, waterborne debris impact forces, and scour effects such as by elevating structures, using resilient building materials such as reinforced concrete, orienting structures with respect to flow direction, and/or employing structural design systems meant to resist lateral movement due to the effect of water loading. Additionally, hazardous materials associated with any development shall be protected, through siting and design methods, against unintentional releases in the event of tsunami impacts.	
2.5.1-5 Hazard Evaluation	Within the Harbor area, proposed development and land use policy decisions shall be evaluated based on site-specific hazard information. Hazard reports shall be prepared by a licensed civil engineer with expertise in coastal engineering and geomorphology or other suitably qualified professional and shall consider the impacts associated with coastal hazards at the proposed project site over the anticipated lifetime of the development, including sea level rise and tsunamis as identified in Policies 2.5.1-3 and 2.5.1-4 above, as well as other geologic and environmental hazards that may exist, and shall specify the siting and design requirements and any mitigation or adaptation measures necessary to ensure risks over the anticipated life of the development are avoided, or if avoidance is infeasible, minimized. In addition to site specific studies, relevant hazard information may be found in this LUP, harbor-specific, local, and regional vulnerability assessments, FEMA Flood Insurance Rate Maps, California Coastal Commission and Ocean Protection Council guidance on sea level rise, California Geological Survey Geohazard Maps, California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps, U.S. Army Corps of Engineers and/or California Emergency Management Agency Tsunami Run-up maps and applicable Tsunami Safety Plans (evacuation mapping).	Section 30253 Minimization of adverse impacts
2.5.1-6 Tsunami Safety Plan	New development entailing the construction of structures intended for human occupancy, situated within the harbor, shall be required to (1) demonstrate the feasibility of safe pedestrian evacuation time given tsunami travel times to the Crescent City Harbor from dominant, disaggregated tsunami sources, and (2) prepare and secure tsunami safety plan approval. A structure intended for human occupancy includes a structure expected to have a human occupancy rate of more than 2,000 person hours per year. The safety plan shall be prepared in coordination with the Del Norte County Office of Emergency Services and Sheriff's Office, and shall contain information relaying the existence of the threat of tsunamis from both distant and near-source seismic events, the need for prompt evacuation upon a tsunami warning or upon experiencing seismic shaking from 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	Section 30253 Minimization of adverse impacts

	provided to all occupants.	
2.5.1-7 Residential Structures	Within the Harbor Land Use Plan area, freestanding residential structures are not permitted, however a residential unit for the manager of a permitted commercial development may be permitted provided the residential unit is above the ground floor. In a recreational vehicle park, campground, or hostel, an operator or manager non-permanent unit may be permitted in conjunction with recreational vehicle park, campground, or hostel operations. Visitor-serving transient overnight accommodations are not considered residential structures for the purpose of this policy.	Section 30250 Location; existing developed area; Section 30252 Maintenance and enhancement of public access; Section 30253 Minimization of adverse impacts
2.5.1-8 Commercial Fishing Recreational Boating Facility Protection	The facilities serving the commercial fishing industry and recreational boating shall be protected to the extent feasible from geologic and flooding hazards consistent with all applicable standards of the certified LCP. Protection methods shall be the least environmentally damaging feasible alternative, and when consistent with all applicable standards of the LCP, may include such measures as reinforcement of the Harbor's fuel dock and the dock with the pump-out station, relocation of hazardous chemicals away from the water, installation of dock pile extenders, maintenance and/or replacement of old cleats and mooring lines and old dock pile guides, and sediment management.	Section 30253 Minimization of adverse impacts; Section 30234 Commercial fishing and recreational boating facilities
2.5.1-9 Assumption of Risk	As a condition of coastal permit approval for new development in an area subject to current or future hazards, applicants shall be required to acknowledge and agree, and private applicants must also record a deed restriction on the property to acknowledge and agree: 1) that the development is located in a hazardous area, or an area that may become hazardous in the future; 2) that the applicant assumes the risks of injury and damage from such hazards in connection with the permitted development; 3) that the applicant unconditionally waives any claim of damage or liability against the County of Del Norte, and the Coastal Commission if the permit is appealed, its officers, agents, and employees for injury or damage from such hazards; 4) that the applicant indemnifies and holds harmless the County of Del Norte, and the Coastal Commission if the permit is appealed, its officers, agents, and employees with respect to approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; 5) that, except for coastal-dependent structures, the applicant has no rights under Coastal Act Section 30235 and related LCP policies to shoreline armoring in the future; 6) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it inoperable or uninhabitable; 7) (for structures not already located on public trust lands) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, the development approval does not permit encroachment onto	Section 30253 Minimization of adverse impacts; Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

	public trust land except for coastal-dependent and/or public trust uses, any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and 9) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe for occupancy or use due to coastal hazards.	
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b. Chapter 3 Access and Recreation

NEW POLICY		NOTES/COASTAL ACT CONSISTENCY
3.1.1-1 Vertical and Lateral Access	Harbor development shall not impair 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 30211 Development not to interfere with access
3.1.1-2 Public Waterfront Access	New waterfront commercial area development shall be required, where appropriate, to provide public access to and along the waterfront. In addition to public accessways to and along the waterfront, where appropriate, new development will integrate other public access and recreational amenities into the project design, such as restaurants with outdoor waterfront dining areas, walking paths, or charter and excursion vessel boarding areas.	Section 30212 New development projects
3.1.1-3 Public Trails	Public accessways, trails to the shoreline and public parklands shall be a permitted use in all Harbor Area land use and zoning designations.	Section 30252 Maintenance and enhancement of public access
3.1.1-4 Beach Strand Uses	The beach strand area between the Inner Boat Basin and Shoreline Campground (portion under Harbor District control), shall be reserved for water dependent recreational or coastal-dependent industrial development and uses.	Section 30221 Oceanfront land; protection for recreational use and development; Section 30260 Location or expansion
3.1.1-5 Public Access in ESHAs	Public access improvements unavoidably located within Environmentally Sensitive Habitat Areas (ESHAs) shall be sited, designed, and maintained in a manner to avoid or, where avoidance is infeasible, minimize ESHA impacts.	Section 30240 Environmentally sensitive habitat areas; adjacent developments
3.1.1-6 Americans with Disabilities Act Access	New public facilities shall include provisions for adequate access for persons with disabilities and existing facilities shall be appropriately retrofitted on an as needed basis to include such access as required by the Americans with Disabilities Act (ADA) in a manner consistent with coastal resources protection.	Section 30252 Maintenance and enhancement of public access; Section 30254 Public works facilities
3.1.1-7 Access from Nearest Public Roadway	Provide public access from the nearest public roadway to and along the shoreline with new development except where (1) it is inconsistent with public safety, security needs, or fragile coastal resources protection or (2) adequate access exists nearby. Specific examples where access has the potential to constitute a public	Section 30212 New development projects

	<p>hazard include but are not limited to:</p> <ul style="list-style-type: none"> a) Boat and ship building and repair facilities. b) Processing and packaging plants for fish and/or marine products and their associated piers. This includes aquaculture and mariculture activities c) Marine products purchasing and storage facilities d) Marine service areas involving flammable liquids. e) Emergency facilities (police and fire protection) including but not limited to the Coast Guard facility subject to Coast Guard access permission. f) Marine loading and unloading facilities. g) The inner breakwater at Whaler's Island. h) The breakwater for the inner boat basin. 	
3.1.1-8 Signage	As part of a uniform coastal access signing program, provide interpretive signage and information to direct the public to parking areas, restrooms, and other support facilities.	Section 30210 Access; recreational opportunities; posting
3.2.1-1 Whaler Island Trailer Launch Ramp	The Whaler Island trailer launch ramp shall be protected, maintained, and improved to the extent feasible as a low-cost public launching facility.	Section 30224 Recreational boating use; encouragement; facilities
3.2.1-2 Discourage Safety Conflicts	Conflicts in commercial/industrial areas that would expose the public to hazards or safety risks shall be discouraged.	Section 30260 Location or expansion
3.2.2-1 Berthing Opportunities	A variety of berthing opportunities reflecting regional slip size and affordability demand shall continue to be provided in the Harbor area.	Section 30224 Recreational boating use; encouragement; facilities
3.2.2-2 Dry Storage Areas	Designated dry storage areas shall be consolidated and organized.	Section 30224 Recreational boating use; encouragement; facilities
3.2.2-3 Recreational Boating	Increased recreational boating use of coastal waters shall be encouraged, in accordance with all applicable policies of the LUP, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in the harbor, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, and maintaining the harbor as a harbor of refuge.	Section 30224 Recreational boating use; encouragement; facilities
3.2.2-4 Future Berthing Needs	<p>The Harbor will prioritize berthing for commercial fishing vessels in the Inner Boat Basin when and if space becomes more limited in the future. If berthing space becomes limited, adequate space for the commercial fishing fleet will be preserved by:</p> <ul style="list-style-type: none"> • Continuing to rent slips to commercial vessels at reasonable rates, • Allowing commercial vessels the first right of refusal for empty slip spaces, 	Section 30234 Commercial fishing and recreational boating facilities

	<ul style="list-style-type: none"> • Designating slip spaces for commercial vessels and only allowing commercial slips that cannot be rented to commercial fishing boats to be rented on a month-to-month basis by other vessels, and/or • Providing additional slips elsewhere, such as seasonal recreational slips in outer harbor. 	
3.2.2-5 Short-term, temporary docking	Short-term, temporary docking shall remain available in the harbor.	Section 30234 Commercial fishing and recreational boating facilities
3.2.3-1 Vessel Support Facilities	Harbor support facilities necessary to support berthed or moored vessels shall be protected, and where feasible, expanded and enhanced.	Section 30234 Commercial fishing and recreational boating facilities
3.2.3-2 Waterfront Uses Support	Existing harbor support uses serving the needs of recreational boaters, the boating community, and visiting vessels shall be protected, and where feasible, expanded and enhanced.	Section 30234 Commercial fishing and recreational boating facilities; Section 30224 Recreational boating use; encouragement; facilities

c. Chapter 4 Coastal Resource Protection

NEW POLICY		NOTES/COASTAL ACT CONSISTENCY
4.1.1-1 Biological Surveys	<p>New Harbor area development applications shall include a site-specific survey and analysis by a qualified biologist when an initial site review indicates the presence of the following attributes important in determining whether a habitat area meets the ESHA definition:</p> <ul style="list-style-type: none"> a) The presence or potential presence of natural communities that have been identified as rare by the California Department of Fish and Wildlife. b) The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law. <p>The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.</p>	Section 30240 Environmentally sensitive habitat areas; adjacent developments
4.1.1-2 Wetland Delineations	Applicants for development within the Harbor area shall prepare a survey and analysis with the delineation of wetland areas when the initial site survey indicates the presence or potential for wetland species or other wetland indicators. Wetland delineations shall be conducted in accordance with the definitions of wetland boundaries contained in CCR Title 14, section 13577(b).	Section 30250 Location; existing developed area; Section 30231 Biological productivity; water quality
4.1.1-3	Within the harbor area, ESHAs shall be protected against any significant habitat	Section 30240 Environmentally sensitive

ESHA Protection	values disruption, and only uses dependent on those resources shall be allowed within those areas.	habitat areas; adjacent developments
4.1.1-4 New Development Adjacent to ESHAs	Development adjacent to ESHAs shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with habitat areas continuance.	Section 30240 Environmentally sensitive habitat areas; adjacent developments
4.1.1-5 Buffers	Development in the Harbor area shall be required to provide buffer areas of sufficient size to maintain the biological integrity and preservation of the habitat they are designed to protect, and to prevent impacts which would significantly degrade the adjacent habitat. Wetlands and ESHA shall have a minimum buffer width of 100 (<i>Coastal Act standard setback</i>) feet. Smaller wetland and ESHA buffers may be allowed where it can be demonstrated that 1) a larger buffer is not feasible due to site-specific constraints, and 2) the proposed narrower buffer is protective of the resources, functions, and values of the wetland and/or ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance. Justification of a reduced buffer width must be supported by a biological report prepared by a qualified biologist. If information collected in an analysis of potential adverse impacts of development on adjacent ESHA and/or wetlands indicates the need for a buffer greater than 100 feet to adequately protect the resource from degradation, an enhanced buffer width shall be applied. Allowable uses in buffers are limited to those uses allowed in the adjacent ESHA and/or wetlands, as well as any additional uses that prevent impacts that would significantly degrade the adjacent habitat and are compatible with the continuance of the adjacent habitat.	Section 30240 Environmentally sensitive habitat areas; adjacent developments; Section 30231 Biological productivity; water quality
4.1.1-6 Sensitive Resources Mitigation	Harbor area development will be required to provide habitat creation or substantial restoration mitigation for allowable wetlands, ESHA and other sensitive resource impacts that cannot be avoided through siting and design alternative implementation. Priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it's not feasible to fully mitigate impacts on-site.	Section 30255 Priority of coastal-dependent developments; Section 30250 Location; existing developed area
4.1.1-7 Mitigation Measures Monitoring	For allowable impacts to wetlands, ESHA and other sensitive resources, mitigation measure monitoring shall be required for a sufficient time period to determine if mitigation objectives and performance standards are being met, as a <i>Mitigation Monitoring and Reporting Program</i> . Mid-course-corrections shall be implemented if-necessary, to meet objectives or performance standards. The submittal of monitoring reports is required during the monitoring period. The reports shall document the success or failure of the mitigation. To help insure that the mitigation project is self-sustaining, final mitigation project monitoring shall take	Section 30240 Environmentally sensitive habitat areas; adjacent developments

	place after at least five years with no remediation or maintenance activities other than weeding. If performance standards are not met by the end of the prescribed monitoring period, the monitoring period shall be extended, or the applicant shall submit an amended application proposing alternative mitigation measures and implement the approved changes.	
4.1.1-8 Use of Native Vegetation	Harbor area development shall use native vegetation and prohibit invasive plant species in wetland and ESHAs and wetland and ESHA buffer areas.	Section 30231 Biological productivity; water quality
4.1.1-9 Light Shielding	To the extent feasible, Harbor area development shall shield and/or direct exterior lighting away from ESHAs to minimize fish and wildlife impacts.	Section 30240 Environmentally sensitive habitat areas; adjacent developments
4.2.1-1 Marine Resources	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 30230 Marine resources; maintenance
4.2.1-2 Biological Productivity and Water Quality	The biological productivity and the quality of coastal waters, streams, and wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored.	Section 30231 Biological productivity; water quality
4.2.1-3 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 30232 Oil and hazardous substance spills
4.2.1-4 Construction-phase Erosion, Sedimentation, Pollutant, and Runoff Control Plans	Harbor development requiring a coastal development permit shall prepare a construction-phase erosion, sedimentation, pollutant, and runoff control plan. The plan shall evaluate potential construction-related adverse water quality impacts and shall specify temporary Best Management Practices (BMPs) that shall be implemented to minimize construction-related erosion and sedimentation, prevent pollutant discharge, minimize stormwater and non- stormwater runoff, and minimize land disturbance and soil compaction.	Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients (7)(d)
4.2.1-5 Post-Development Runoff Plan	Development requiring a coastal development permit and having the potential for adverse water quality or hydrologic impacts to coastal waters post-construction shall prepare a Post- Development Runoff Plan to address site runoff in a way that protects coastal waters and marine resources over the life of the development. The plan shall (1) give precedence to an LID approach to stormwater management; (2) minimize impervious surfaces and prioritize on-site infiltration of stormwater runoff consistent with Policies 4.2.1-12 and 4.2.1-8; (3) preserve or enhance non-	Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients (7)

	<p>invasive vegetation consistent with Policy 4.2.1-14; (4) prevent adverse impacts to ESHA consistent with Policy 4.2.1-9; (5) incorporate Site Design strategies and Source and Treatment Control BMPs consistent with Policy 4.2.1-7; and (6) require monitoring and management of post- construction BMPs consistent with Policy 4.2.1-13.</p>	
<p>4.2.1-6 Post-Development Runoff Plan for Development of Water Quality Concern</p>	<p>Post-Development Runoff Plans for Developments of Water Quality Concern shall be prepared by a qualified licensed professional and shall address runoff from all new and/or replaced impervious and semi-pervious surfaces. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre- existing surfaces, shall be addressed in the plan. The plan shall comply with the following additional requirements:</p> <ul style="list-style-type: none"> a) A qualified licensed professional shall conduct a polluted runoff and hydrologic site characterization early in the development design stage and document the expected effectiveness of the proposed BMPs. b) Proposed LID, Treatment Control, and Runoff Control BMPs shall be sized to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs. <p>An LID approach to stormwater management shall be used that gives priority to preventative Site Design strategies to minimize post-development changes in the site’s stormwater flow regime, supplemented by structural BMPs to retain on-site (by means of infiltration, evapotranspiration, or harvesting for later on-site use), at a minimum, the runoff produced by the 85th percentile 24-hour design storm, to the extent appropriate and feasible. If a proposed development will not retain on-site the runoff produced by the 85th percentile 24- hour design storm using an LID approach, an alternatives analysis shall be provided demonstrating that there are no appropriate and feasible alternative project designs that would substantially improve on-site runoff retention.</p> <ul style="list-style-type: none"> c) A Treatment Control BMP (or suite of BMPs) shall be used to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site, or if additional pollutant removal is necessary to protect coastal waters. d) If a proposed development will add a net total of more than 15,000 square feet of impervious surface area, and any portion of the runoff produced by the 85th percentile 24-hour design storm will not be 	<p>Section 30236 Water supply and flood control; Section 30240 Environmentally sensitive habitat areas; adjacent developments; Section 30250 Location; existing developed area</p>

	retained on-site, a structural Runoff Control BMP shall be used to minimize adverse post-development changes in the runoff flow regime.	
4.2.1-7 Post-Construction Best Management Practices	Development shall address runoff management early in site design planning and alternatives analysis and shall implement appropriate and feasible Site Design strategies to minimize adverse post-development changes in the runoff flow regime, control pollutant sources, and where necessary, remove pollutants. Development shall also implement appropriate and feasible long-term, post-development pollutant Source Control BMPs to minimize the transport of pollutants in runoff from the development. When the combination of Site Design strategies and Source Control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural Treatment Control BMPs shall be implemented along with site design and source control measures.	Section 30231 Biological productivity; water quality
4.2.1-8 On-Site Stormwater Runoff Infiltration	Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices that do not involve on-site infiltration shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated conditions may lead to geologic instability, where infiltration may contribute to flooding or erosion, or where regulations to protect ground water may be violated. Examples of alternative BMPs include installing a vegetated "green roof" or flow-through planter; directing runoff to an off-site infiltration facility; installing a rainwater harvesting system; or (if appropriate and feasible BMPs have been implemented to reduce runoff volume, velocity, and flow rate), directing runoff to the storm drain system.	Section 30231 Biological productivity; water quality
4.2.1-9 ESHA Protection	Development in or adjacent to an ESHA shall be sited, designed, and managed to protect the ESHA from any significant habitat value disruption resulting from stormwater or dry weather runoff flows.	Section 30240 Environmentally sensitive habitat areas; adjacent developments; Section 30231 Biological productivity; water quality
4.2.1-10 New Stormwater Outfalls	Development shall avoid construction of new stormwater outfalls and direct stormwater to existing facilities with appropriate treatment and filtration, where feasible. Where new stormwater outfalls cannot be avoided, development shall plan, site and design outfalls to minimize adverse impacts to coastal resources from outfall discharges, including consolidation of existing and new outfalls where appropriate.	Section 30231 Biological productivity; water quality
4.2.1-11 Preventing Pollutants to	Parking lots and vehicle traffic areas shall incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments,	Section 30232 Oil and hazardous substance spills

Receiving Waters	trash, and other pollutants to coastal waters.	
4.2.1-12 Minimizing Impervious Surfaces	Harbor development shall be sited and designed to minimize impervious surface increases; especially impervious areas directly connected to the storm drain system.	Section 30231 Biological productivity; water quality
4.2.1-13 BMP Monitoring and Management	Appropriate protocols (including ongoing operation, inspection, cleaning, repair, and maintenance) shall be implemented to monitor and manage required BMPs (both structural BMPs and operational actions) as necessary to ensure proper functioning for the life of the development.	Section 30250 Location; existing developed area; Section 30240 Environmentally sensitive habitat areas; adjacent developments
4.2.1-14 Preserving Natural Vegetation	Development shall be sited, designed, and managed to preserve or enhance natural and non- invasive vegetation to the extent appropriate and feasible, to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, and erosion control.	Section 30231 Biological productivity; water quality
4.2.1-15 Storm Drain Inlets	Markers or stenciling shall be required for all storm drain inlets constructed or modified by new development, to discourage dumping and other illicit storm drain discharges.	Section 30231 Biological productivity; water quality
4.2.1-16 Native Plant Landscaping	Development shall use native plant species for landscaping to the extent appropriate and feasible, to reduce the need for irrigation, landscaping pesticides and fertilizers, and to reduce the potential for invasive non-native plant species.	Section 30240 Environmentally sensitive habitat areas; adjacent developments; Section 30231 Biological productivity; water quality
4.3.1-1 Diking, Dredging, and Fill	Diking, dredging, or filling of harbor open coastal waters and wetlands shall only be permitted for those uses consistent with Coastal Act Sections 30233, and shall be consistent with the provisions of Coastal Act Sections 30233 and 30607.1 and this Harbor LUP. All projects shall be the least environmentally damaging feasible alternative and shall provide feasible mitigation measures to minimize adverse environmental effects. 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 these purposes to appropriate beaches or into suitable longshore current systems.	Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients
4.3.1-2 Dredge Disposal	The upland dredge materials disposal site shall continue to be designated as such. The Harbor District will continue to operate the upland dredge ponds until an alternative site for disposal of fine-grained dredge material is secured.	Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients (b)
4.3.1-3 Offsite Dredge Disposal	Permanent offshore, near shore and on-shore dredging sediment disposal site(s) shall be pursued within an economical distance of the Harbor.	Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients; Section 30234.5 Economic, commercial, and recreational importance of fishing

4.4.1-1 Sandy Beach Area Development	New development on sandy beach areas shall be limited to those structures directly supportive of visitor-serving recreational uses, such as lifeguard towers, recreational equipment, restrooms, and showers, and shall be sited and designed to minimize encroachment on the sandy beach and impacts to public coastal views.	Section 30252 Maintenance and enhancement of public access; Section 30253 Minimization of adverse impacts
4.4.1-2 Lighting Limitations	New development with exterior lighting (except traffic lights, navigational lights, and other safety lighting) shall be minimized to the maximum extent practicable while providing its intended luminary function and shielded so that light is directed downward.	Section 30251 Scenic and visual qualities
4.4.1-3 Whaler Island Development	The relatively undisturbed Greenery delineated portion of Whaler Island, shall remain undeveloped except for public access improvements, including a trail and interpretive signage and/or habitat restoration projects. Any necessary public support facilities (i.e. restrooms), other than access and safety or navigation improvements shall be located on the landward side of the Island, that area which was previously quarried and is now developed.	Section 30252 Maintenance and enhancement of public access; Section 30251 Scenic and visual qualities
4.4.1-4 All Development	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.	Section 30251 Scenic and visual qualities
4.5.1-1 Inadvertent Discovery	Should any historical, archaeological, paleontological, or cultural sites or artifacts be discovered during any development activity in the Harbor LUP area, construction shall cease and shall not re-commence until (1) a qualified cultural resource specialist, in consultation with any relevant Tribal Historic Preservation Officers, analyzes the significance of the find and develops an avoidance or mitigation plan, as appropriate; and (2) the avoidance or mitigation plan is reviewed and approved by the County, including approval of any necessary permit amendment, and implemented.	Section 30244 Archaeological or paleontological resources
4.5.1-2 Tribal Notification	The Harbor will contact the Elk Valley Rancheria, Tolowa Dee'Ni Nation, Yurok Tribe regarding any new proposed development on Whaler Island that has the potential to adversely impact the remaining undisturbed portion of the original island. Pursuant to AB 52, all proposed projects in the harbor area also require consultation with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.	Section 30244 Archaeological or paleontological resources
4.5.1-3 Mitigation for Adverse Impacts	Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	Section 30244 Archaeological or paleontological resources