

CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblyn, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

AGENDA - REGULAR PLANNING COMMISSION MEETING

Thursday, July 10, 2025, at 5:30 P.M.

Wastewater Treatment Plant (WWTP), 210 Battery Street, Crescent City, CA 95531

PART I – CALL TO ORDER & ROLL CALL

PART II - PUBLIC COMMENT PERIOD

The public may address the Planning Commission on any item of interest that is within the Commission's subject matter jurisdiction or that appears on the agenda. Due to the Brown Act, the Commission is not able to discuss extensively or act on any items that do not appear on the agenda. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. All comments shall be directed toward the entire Planning Commission. Any comments that are not at the podium are out of order and will not be a part of the public record. After receiving recognition by the Chairperson, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes or other reasonable limitations specified by the Chairperson (Gov't Code §54954.3(b)).

PART III - APPROVAL OF MINUTES: April 10, 2025 & May 15, 2025 Meetings

PART IV - AGENDA ITEMS:

- 1. A Public Hearing to consider a Conditional Use Permit (Application UP25-02) for High Note Winery's proposed sale of alcoholic beverages, located at 851 3rd Street (APN 118-070-001).**

Recommendation: Adopt Resolution No. PC2025-06, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-02) granting High Notes Winery's request for the sale of alcoholic beverages.

- 2. A Public Hearing to consider a Zoning Ordinance Amendment (Application ZOA25-01) to the Signs Regulations Ordinance (Chapter 17.39) to allow digital signs.**

Recommendation: Either adopt Resolution No. PC2025-07, A Resolution of the Planning Commission of the City of Crescent City recommending the City Council adopt the amendments to the Signs Regulations Ordinance, Chapter 17.39 of the City's Municipal Code, or provide additional direction to staff regarding the requested amendments.

- 3. A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project located at 900**

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Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000).

Recommendation: Adopt Resolution No. PC2025-08, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting the City's request for installing two ADA cabins at the Lighthouse Cove RV Park.

4. Appoint a Commissioner to the Downtown Specific Plan Steering Committee.

Recommendation: Appoint a Commissioner.

5. A Discussion to consider amendments to the Commercial Cannabis Regulations Ordinance (Chapter 17.95).

Recommendation: Provide direction to Staff.

6. A Discussion to consider amendments to the Accessory Dwelling Units Ordinance (Chapter 17.35).

Recommendation: Provide direction to Staff.

PART V – STAFF UPDATES TO PLANNING COMMISSION

PART VI – ADJOURNMENT: to 5:30 pm Thursday, August 14, 2025

POSTED on July 7, 2025 by Heather Welton, Community Development Specialist. A full agenda packet may be reviewed at City Hall, 377 J Street, Crescent City, CA or on our website: www.crescentcity.org.

THE PUBLIC IS INVITED TO PARTICIPATE IN THE FOLLOWING MANNER:

- **In-Person:** a 3-minute public comment at the podium will be allowed.
- **In-Writing:** prior to 12:00 PM the day of the meeting, via publiccomment@crescentcity.org or by filing with the City Clerk at 377 J Street, Crescent City, CA, 95531. *Written public comments will be forwarded to the Planning Commission, posted on the website, and will not be read aloud during the meeting.*

If you have any questions about this agenda, please contact:
Ethan Lawton, Contract City Planner, at elawton@shn-engr.com.

If you need an accommodation for the meeting, please contact:
the City Clerk's office at (707)464-7483, ext. 223 at least 48 hours prior to the meeting.
For TTYDD use for speech and hearing impaired, please dial 711.

Vision: The City of Crescent City will continue to stand the test of time and promote quality of life and community pride for our residents, businesses and visitors through leadership, diversity, and teamwork.

Mission: The purpose of our city is to promote a high quality of life, leadership and services to the residents, businesses, and visitors we serve. The City is dedicated to providing the

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most efficient, innovative and economically sound municipal services building on our diverse history, culture and unique natural resources.

Values: Accountability, Honesty & Integrity, Excellent Customer Service, Effective & Active Communication, Teamwork, and Fiscally Responsible

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CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblin, Chairperson * Ray Walp, Vice-Chair
John Wendt * Kristine DeCossio * Shawna Hyatt



Incorporated April 13, 1854

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MINUTES - REGULAR PLANNING COMMISSION MEETING

Thursday, April 10, 2025, at 5:30 P.M.

Wastewater Treatment Plant (WWTP), 210 Battery Street, Crescent City, CA 95531

PART I – CALL TO ORDER & ROLL CALL

Chair Shamblin called the meeting to order at 5:35 p.m.

Commissioners present: Chairman Steve Shamblin, Commissioner Kristine DeCossio, Commissioner John Wendt

Commissioners absent: Vice Chair Ray Walp, Commissioner Shawna Hyatt

Staff present: City Manager Eric Wier, City Attorney Martha Rice, Public Works Director Dave Yeager, Contract Planner Ethan Lawton and Community Development Specialist Heather Welton

PART II - PUBLIC COMMENT PERIOD

None.

PART III - APPROVAL OF MINUTES:

November 14, 2024, February 13, 2025, and March 13, 2025.

There was no public comment.

On a motion by Commissioner Wendt, seconded by Commissioner DeCossio, and carried on a 3-0 polled vote, with Commissioner Hyatt and Vice Chair Walp absent, the Crescent City Planning Commission and Architectural Review Committee approved the meeting minutes from November 14, 2024, February 13, 2025 and March 13, 2025 as presented.

PART IV - AGENDA ITEMS:

- 1. A Public Hearing to consider a Minor Site Plan & Architectural Design Review (Application AR25-01) for the exterior remodel of Burger King, located at 1250 9th Street (APN 118-370-010, -011).**

Planner Lawton gave a brief background and description.

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Commissioner Wendt commented that it was a good staff report.

Applicant John Dodson spoke about the project and said if there were any questions he'd be happy to answer.

There was no public comment.

On a motion by Commissioner Wendt, seconded by Commissioner DeCossio, and carried on a 3-0 polled vote, with Commissioner Hyatt and Vice Chair Walp absent, the Crescent City Planning Commission and Architectural Review Committee adopted Resolution No. PC2025-03, A Resolution of the Planning Commission of the City of Crescent City to approving a Minor Site Plan & Architectural Design Review (Application AR25-01) granting the exterior remodel of Burger King.

2. A Public Hearing to consider accepting the 2024 General Plan Annual Progress Report (GP APR) and recommend acceptance to the City Council.

Planner Lawton gave a brief background and description.

The 2024 General Plan was discussed on a commission level.

Fair Housing section, item 5 was discussed on a commission level.

Underground utilities was discussed on a commission level.

Discrepancies between the Zoning Ordinance, Housing Element and General Plan were discussed on a commission level.

The April 1st deadline of submitting this document to the state was discussed on a commission level.

Chair Shamblin asked the other Commissioners if they are comfortable submitting this.

There was no public comment.

On a motion by Commissioner DeCossio, seconded by Commissioner Wendt, and carried on a 3-0 polled vote, with Commissioner Hyatt and Vice Chair Walp absent the Crescent City Planning Commission and Architectural Review Committee adopted Resolution No. PC2025-04, A Resolution of the Planning Commission of the City of Crescent City to accept the 2024 General Plan Annual Progress Report and recommend acceptance to the City Council.

3. A Discussion to consider amendments to the Commercial Cannabis Regulations Ordinance (Chapter 17.95).

Planner Lawton gave a brief background and presentation. He said it's a continuation of the discussion that was had at the last Planning Commission meeting.

The cap was discussed on a commission level.

Director Yeager spoke about the locations of storefronts.

Direction to staff was to work on capping options, look at having it allowed only in certain zones and to bring back maps.

There was no public comment.

PART V – STAFF UPDATES TO PLANNING COMMISSION

City Manager Eric Wier- Said Pebble Beach is all paved with a beautiful bike area. He praised Director Yeager and the work he did on Pebble Beach. He also thanked Senator McGuire in assisting in providing the funding. He spoke about a few other projects that are forthcoming. Spoke about the Economic Summit and the Kamome Festival. Presented Commissioner Wendt with a certificate due to it being his last meeting

Director Yeager- He spoke about a cable rail that will be installed on Pebble Beach.

Planner Lawton- He spoke about items that will be coming before the commission in the future, one being a Conditional Use Permit and the other being continuation of the cannabis ordinance. He thanked Commissioner Wendt for his time on the Commission.

PART VI – ADJOURNMENT:

There being no further business to come before the Commission, Chair Shamblin adjourned the meeting at 7:12p.m. to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee scheduled for Thursday May 8th, 2025 at 5:30 p.m.

ATTEST:

Heather Welton

Community Development Specialist

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MINUTES - SPECIAL PLANNING COMMISSION MEETING **Thursday, May 15, 2025, at 5:30 P.M.**

Wastewater Treatment Plant (WWTP), 210 Battery Street, Crescent City, CA 95531

PART I – CALL TO ORDER & ROLL CALL

Chairman Shamblin called the meeting to order at 5:31 p.m.

Commissioners present: Commissioner Kris DeCossio, Commissioner Shawna Hyatt, Vice-Chairman Ray Walp, and Chairman Steve Shamblin

Staff present: City Contract Planner Ethan Lawton, City Manager Eric Wier, and City Clerk/Administrative Analyst Robin Altman for Community Development Specialist Heather Welton

PART II - PUBLIC COMMENT PERIOD

There were no comments from the public

PART III - APPROVAL OF MINUTES: None

PART IV - AGENDA ITEMS:

- 1. A Public Hearing to consider a Conditional Use Permit (Application UP25-01) for Toyama Sushi & Hibachi LLC's proposed sale of alcoholic beverages, located at 389 M Street (APN 118-410-002).**

Recommendation: Adopt Resolution No. PC2025-05: A Resolution of the Planning Commission of the City of Crescent City Approving a Conditional Use Permit (Application UP25-01) granting Toyama Sushi & Hibachi LLC's request for the sale of alcoholic beverages.

Contract Planner Lawton reported to the Commission the request from the owner of Toyama Sushi to serve alcoholic beverages in their restaurant. He also reported how it is consistent with the General Plan for the location. He stated that the Alcoholic Beverage Control Board reported that this particular area has an overconcentration of alcohol sales.

On a motion by Commissioner DeCossio, seconded by Vice-Chair Walp, and carried on a 4-0 polled vote, the Crescent City Planning Commission and Architectural Design Review Committee adopted Resolution No. PC-2025-05: A Resolution of the Planning Commission of the City of Crescent City Approving a Conditional Use Permit (Application UP25-01) granting Toyama Sushi & Hibachi LLC's request for the sale of

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alcoholic beverages.

The following members of the public addressed the Commission:

Melvin Abear: 336 A Street – curious about 200 A Street

Kirk Roberts: Wendell – would like the lot scrubbed at 200 A Street

Heather Bryant: 110 B Street – is concerned with 200 A Street and the condo project. She is concerned with the environmental impacts. Would like the Tribal people to be acknowledged at this site.

PART V – STAFF UPDATES TO PLANNING COMMISSION

PART VI – ADJOURNMENT: to 5:30 pm Thursday, June 12, 2025

On a motion by Vice-Chair Walp, seconded by Commissioner DeCossio and carried unanimously, the Crescent City Planning Commission and Architectural Design Review Committee adjourned the meeting at 6:16 p.m. to the next meeting of the Planning Commission on Thursday, June 12, 2025 at the Wastewater Treatment Facility located at 210 Battery Street, Crescent City, CA 95531

ATTEST:

Robin Altman, City Clerk/Administrative Analyst for
Heather Welton, Community Development Specialist

CITY OF CRESCENT CITY
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STAFF REPORT
AGENDA ITEM #1

TO: Chairperson Shamblin and Members of the Planning Commission

FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner

BY: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner

DATE: Thursday, July 10, 2025

SUBJECT: A Public Hearing to consider a Conditional Use Permit (Application UP25-02) for High Note Holdings LLC's proposed sale of alcoholic beverages, located at 851 3rd Street (APN 118-070-001)

SECTION 1: EXECUTIVE SUMMARY

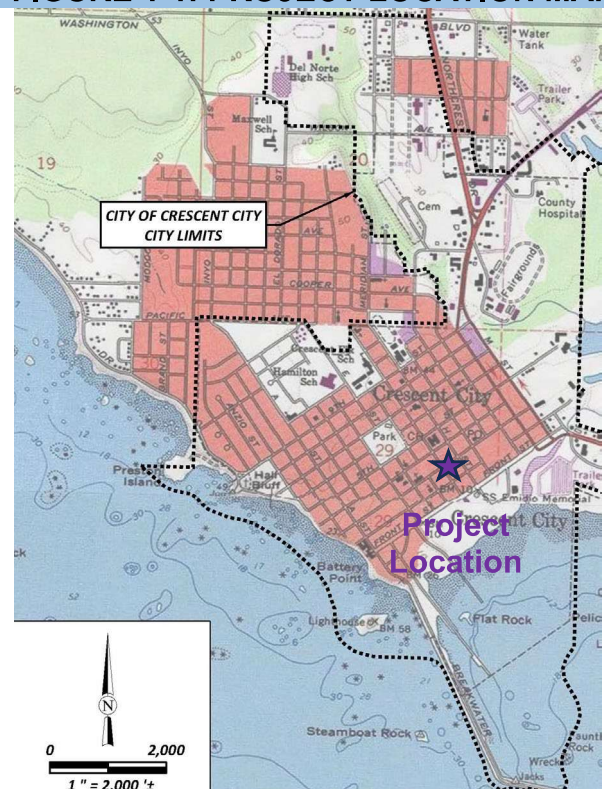
High Note Holdings LLC (Matthew Fenner) has submitted a Conditional Use Permit Application (UP25-02) for a proposed sale of alcoholic beverages on a developed commercial 0.32-acre parcel in the C-W Zone (Waterfront Commercial District), located at 851 3rd Street (APN 118-070-001).

STAFF RECOMMENDS: "Motion to adopt Resolution No. PC2025-06: A Resolution of the Planning Commission of the City of Crescent City Approving a Conditional Use Permit (Application UP25-02) granting High Note Holdings LLC's request for the sale of alcoholic beverages."

ATTACHMENTS:

- A) UP25-02 Application
- B) UP25-02 Conditions of Approval
- C) Resolution No. PC2025-06

FIGURE 1-1: PROJECT LOCATION MAP



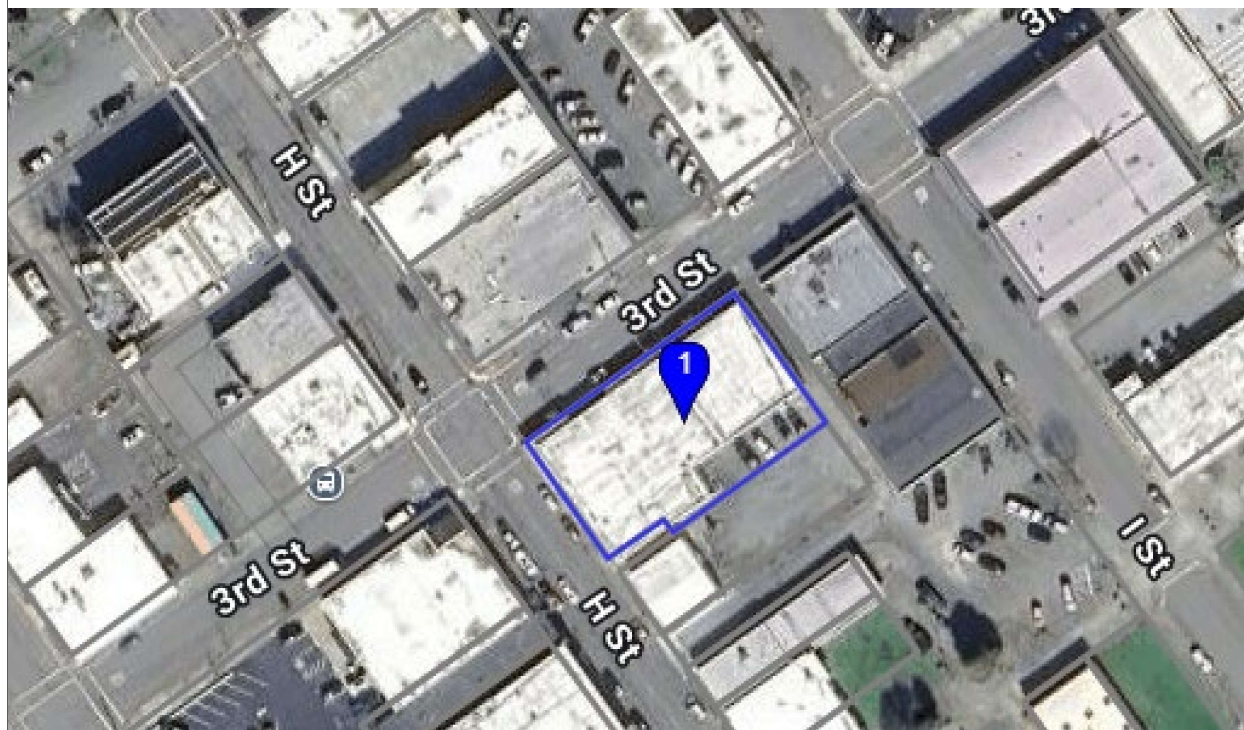
Source: Housing Element (December 2022)

SECTION 2: BACKGROUND INFORMATION

The existing parcel consists of mixed-use commercial structure comprised of several different sections and uses. The north (front) side across the street contains Salty Dog Grooming, an office for Rochelle Brown M.P., Edward Jones - Financial Advisor: Michael T Sullivan, CFP, and an existing public parking lot. The east (right) side contains Local Roots Salon, and an existing driveway. The south (rear) side contains an existing parking lot. The west (left) side contains the Beat Box, a clothing store, and Chase Bank.

ADDRESS:	APN:	PARCEL SIZE:	PROJECT SIZE:
851 3 rd Street Crescent City, CA 95531	118-070-001-000	+/- 0.32 acres +/- 13,939 sf	0.00 acres 000 sf

FIGURE 2-1: PROJECT PARCEL



Source: Parcel Quest (June 2025)

The proposed project is located within the Visitor and Local Commercial (VLC) General Plan land use designation and within the Waterfront Commercial District (C-W) zoning designation (See Section 4: General Plan Consistency and Section 5: Zoning Consistency).

2.1. NOTICE OF PUBLIC HEARING:

A Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 6/16/25) to be published (on 6/25/25) in print/online circulation and provided to the Commissioners (on 6/16/25). A similar Notice of Public Hearing was mailed (on 6/16/25) to the property owners within 300-ft of the project location (CCMC § 17.46.050) as required (Cal. Gov. Code §§ 65090 & 65094).

2.2. REQUIRED FINDINGS BY THE COMMISSION:

The Planning Commission has considered this proposed project on this date at a duly noticed public hearing, staff report, and public testimony.

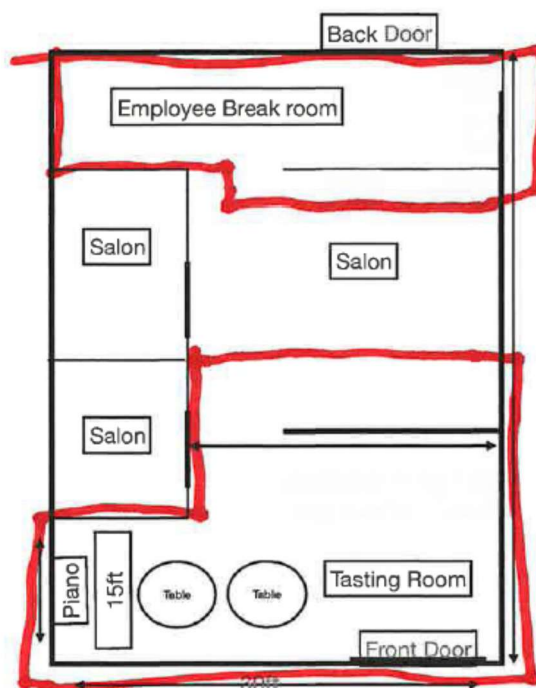
SECTION 3: PROPOSED PROJECT DESCRIPTION

The proposed project includes the request for the sale of alcoholic beverages within an existing structure, with no proposed alterations to the square footage or height of the existing structure. The north (front) side across the street contains Salty Dog Grooming, an office for Rochelle Brown M.P., Edward Jones - Financial Advisor: Michael T Sullivan, CFP, and an existing public parking lot. The east (right) side contains Local Roots Salon, and an existing driveway. The south (rear) side contains an existing parking lot. The west (left) side contains the Beat Box, a clothing store, and Chase Bank.

FIGURE 3-1: EXISTING/PROPOSED FLOOR PLAN

High Note Winery Tasting Room

Layout



Source: Floor Plan (June 6, 2025) See Attachment A: UP25-02 Application

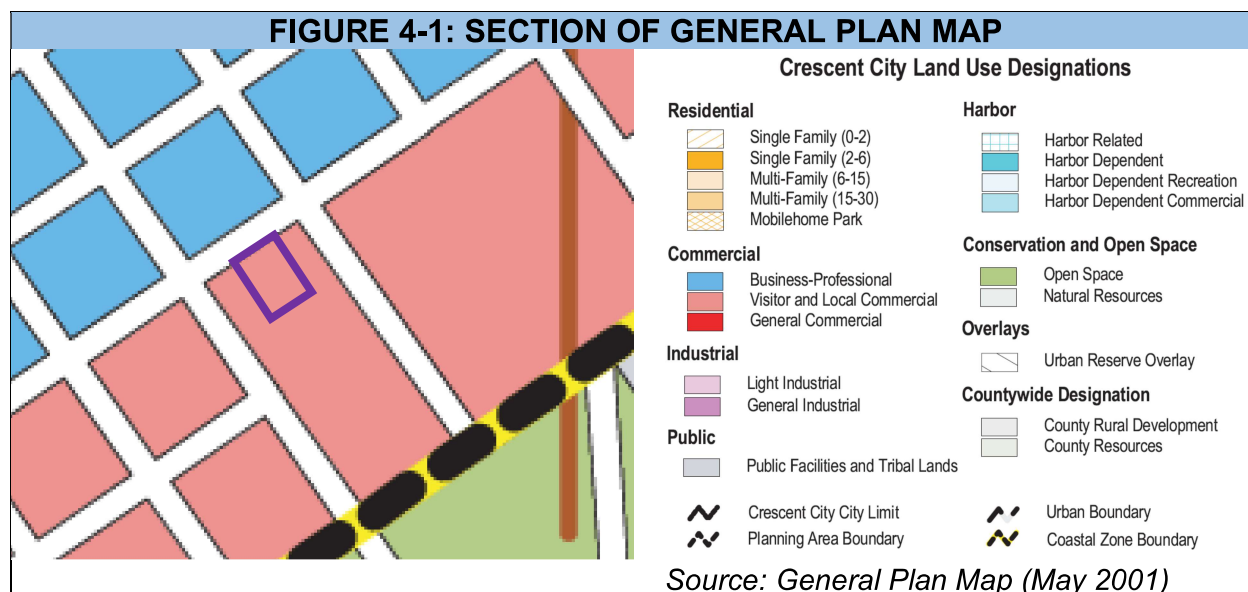
The applicant will apply for an ABC Type 41 License from the California Department of Alcoholic Beverage Control, which allows the sale of beer and wine. The Crescent City Municipal Code (CCMC) § 17.90.010 (Sale of Alcoholic Beverages), any business selling alcohol requires a Conditional Use Permit (CUP) (See Section 6: Condition Use Permit Review and Section 7: Sale of Alcoholic Beverages Review Process).

3.1. REQUIRED FINDINGS BY THE COMMISSION:

High Note Holdings LLC (Matthew Fenner) has submitted a Conditional Use Permit Application (UP25-02) for a proposed sale of alcoholic beverages in an existing mixed-use structure on a 0.32-acre parcel in the C-W Zone (Waterfront Commercial District), located at 851 3rd Street (APN 118-070-001).

SECTION 4: GENERAL PLAN CONSISTENCY

The requested sale of alcoholic beverages within an existing mixed-use structure is located within the Visitor and Local Commercial (VLC) General Plan land use designation (See Figure 4-1: Section of General Plan Map).



4.1. General Plan Land Use Designation:

The VLC General Plan land use designation principally permits “restaurants” and “other uses requiring a conditional use permit” like the sale of alcoholic beverages (See Section 5: Zoning Consistency) as the intended uses “provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses.”

The proposed sale of alcoholic beverages, which is a use consistent with the VLC and is similar to some of the surrounding uses (See Table 4-1: Comparison of surrounding Properties).

TABLE 4-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Land Use Designation	Current Use
Project Property	Visitor and Local Commercial (VLC)	Fine Line Design Tattoos and Body Piercing
North	Business-Professional (BP)	Salty Dog Grooming, Rochelle Brown M.P. Medical Office, Edward Jones-Financial Advisor: Michael T Sullivan, CFP, and a public parking lot
South	Visitor and Local Commercial (VLC) and Open Space	Parking lot and Beachfront Park

East	Visitor and Local Commercial (VLC)	Local Roots Salon
West	Visitor and Local Commercial (VLC)	The Beat Box and Chase Bank

4.2. SUPPORTING GENERAL PLAN GOALS/POLICIES:

- Policy 1.A.2.** - *“The City shall encourage infill development that makes efficient use of existing public infrastructure and is compatible with existing development.”*
- Goal 1.B.** – *“To create a compact, pedestrian-oriented, economically-robust VLC [Visitor and Local Commercial] area...that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.*
- Policy 1.B.1** – *“The City shall actively encourage, support, and provide incentive, where feasible, for the types of development it prefers in the VLC [Visitor and Local Commercial] area, including the following: (a) Mixed-use projects; (b) Regional anchor stores; (c) Tourism-related uses; (d) Projects that reinforce viable existing uses; and (e) Projects that reinforce the identity of the VLC [Visitor and Local Commercial] area.”*
- Goal 1.G.** – *“To designate adequate land for commercial land and promote development of commercial uses compatible with surrounding land uses to meet the present and future needs of Crescent City residents, the regional community, and visitors and to maintain economic vitality.”*
- Policy 1.G.1** – *“The City shall promote high quality design, visual attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated areas of the city.”*
- Policy 1.I.1.** – *“The City shall maintain the area designated VLC [Visitor and Local Commercial] as the main retail/visitor commercial activity center of the city.”*

4.3. REQUIRED FINDING BY THE COMMISSION:

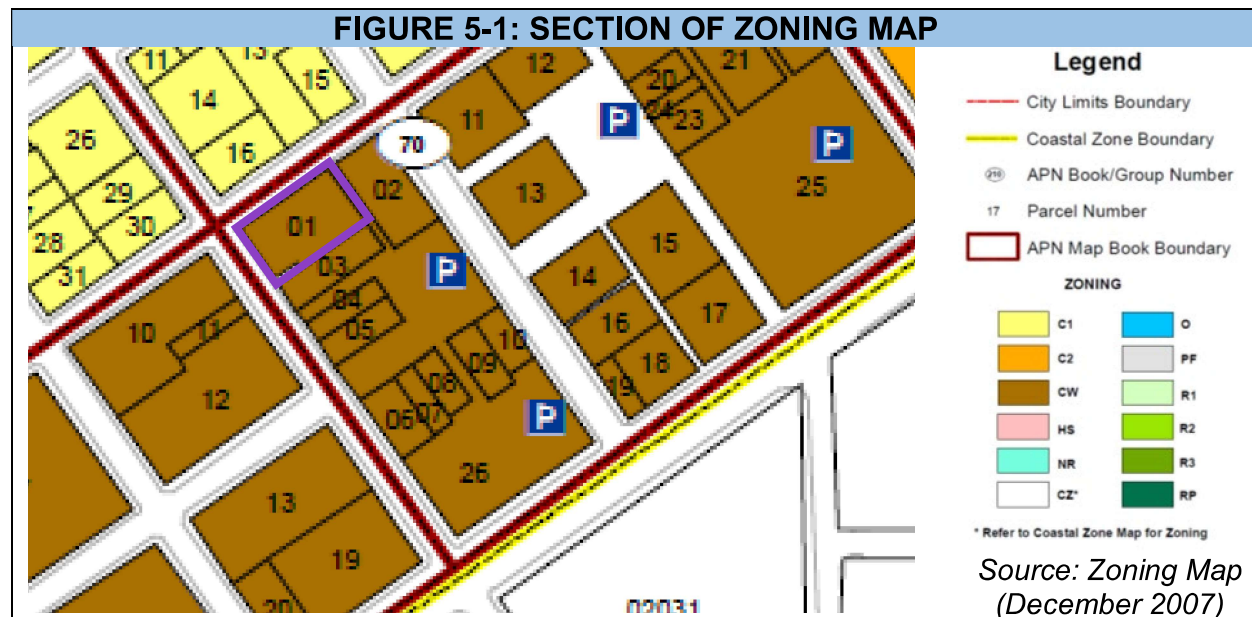
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan’s VLC (Visitor and Local Commercial) land use designation, in that the proposed project:

- a) *Is categorized as “other uses requiring a conditional use permit” within the VLC;*
- b) *“Provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses” within the VLC; and*
- c) *Is supported by the General Plan goals (1.B & 1.G) and policies (1.A.2, 1.B.1, 1.G.1, & 1.I.1).*

SECTION 5: ZONING CONSISTENCY

The requested sale of alcoholic beverages is located within an existing structure within the Waterfront Commercial District (C-W) Zone (See Figure 5-1: Section of Zoning Map).

5.1. COASTAL: This proposed project is not located within the Coastal Zone and is not appealable to the Coastal Commission.



5.2. USE: The C-W Zoning District principally permits “Visitor facilities such as: hotels and motels, indoor and outdoor eating and drinking places (but not including drive-thru services)” (CCMC § 17.23.020) as the intended uses “Provide for a mixture of commercial shops and services, accommodation uses, and public services in the downtown area which is adjacent to Beachfront Park and the Crescent City harbor area” (CCMC § 17.23.010). However, the “sale of alcoholic beverages” requires “approval of a conditional use permit by the planning commission” (CCMC § 17.90.010). This Item is further discussed under Section 6: Conditional Use Permit Review.

5.3. ZONING: The proposed sale of alcoholic beverages is a use consistent with the C-W Zoning District (with approval of the CUP) and is similar to some of the surrounding uses (See Table 5-1: Comparison of surrounding Properties).

TABLE 5-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Zoning District	Current Use
Project Property	Waterfront Commercial (C-W)	Fine Line Design Tattoos and Body Piercing
North	General Commercial (C-1)	Salty Dog Grooming, Rochelle Brown M.P., Edward Jones-

		Financial Advisor: Michael T Sullivan, CFP, and a public parking lot
South	Waterfront Commercial (C-W) and Open Space (OS)	Parking lot and Beachfront Park
East	Waterfront Commercial (C-W)	Local Roots Salon
West	Waterfront Commercial (C-W)	The Beat Box and Chase Bank

DEVELOPMENT STANDARDS & PROPOSED PROJECT:

5.4. A. Conditional Use Permit: *“Before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages, the applicant must first obtain a conditional use permit from the planning commission”* (CCMC § 17.90.030) (See Section 6: Conditional Use Permit Review and Section 7: Sale of Alcoholic Beverage Review Process).

5.5. Height and Area Regulations: All permitted uses within the C-W Zoning District are subject to height and area regulations and are addressed below (See Table 5-2: Comparison of Height and Area Regulations).

TABLE 5-2: COMPARISON OF HEIGHT AND AREA REGULATIONS			
Standards	CCMC §	Regulation	Proposed
Height	17.23.040(A)	70-ft	No Change
Front Yard	17.23.040(B)(1)	00-ft	No Change
[Exterior] Side Yard	17.23.040(B)(2)	00-ft	No Change
[Interior] Side Yard	17.23.040(B)(2)	00-ft	No Change
Rear Yard	17.23.040(B)(3)	10-ft	No Change
Lot Area	17.23.040(B)(4)	No Min	No Change
Lot Coverage	17.23.040(B)(5)	50%	No Change

5.6. Parking, Fencing, and Signs: All permitted uses within the C-W Zoning District are subject to the general requirements regarding Parking (CCMC § 17.23.060(A)), Fencing (CCMC § 17.23.060(B)), and Signs (CCMC § 17.23.060(C)). No additional parking is required, as the site is considered legally nonconforming due to the lot being fully built out, in accordance with (CCMC § 17.42.020(3)). No signs or fencing are proposed. Any future fencing or signage will be subject to a separate permit.

5.7. Site Plan: The proposed project does not require a Site Plan & Architectural Design Review as the proposed project site is fully developed with a mixed-use structure that will contain a visitor facility such as a drinking place, which is principally permitted, and the sale of alcohol is accessory to the primary use with no changes to the building footprint or height.

5.8. REQUIRED FINDINGS BY THE COMMISSION:

The Planning Commission finds that the proposed project (with a Conditional Use Permit) is consistent with the Crescent City's Waterfront Commercial District (C-W) Zoning Code, in that the proposed project:

- a) Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*
- b) Is consistent with the "sale of alcohol" which requires "approval of a conditional use permit by the planning commission" (CCMC § 17.90.010);*
- c) "provide[s] for a mixture of commercial shops and services, accommodation uses, and public services in the downtown area which is adjacent to Beachfront Park and the Crescent City harbor area which serves a mixture of tourists, seasonal and year-round residents." (CCMC § 17.23.010); and*
- d) Is subject to all zoning regulations (CCMC § 17.23.010).*

SECTION 6: CONDITIONAL USE PERMIT REVIEW

The proposed sale of alcoholic beverages requires a Conditional Use Permit within the C-W Zone (CCMC § 17.90.010) has been scheduled for a public hearing to determine whether the proposed Conditional Use Permit (Application UP25-02) (See Attachment A) shall be approved or denied (CCMC § 17.54.030), based on the following standards:

6.1. General Plan (CCMC § 17.54.010(B)(3)):

The proposed project conforms with the general plan (See Section 4: General Plan Consistency).

6.2. Existing and Potential Uses (CCMC § 17.54.010(B)(1)):

The proposed project is compatible with existing and potential uses of the proposed location (See Section 2: Background Information and Section 3: Project Description).

6.3. Noise, Smoke, Dust, Fumes, Vibration, Odors and Hazards (CCMC § 17.54.010(B)(2)):

The proposed project has considered impact to noise, smoke, dust, fumes, vibration, odors, and hazards (See Section 8: Environmental Determination and Attachment B - Conditions of Approval).

6.4. Nuisance (CCMC § 17.54.010(B)(3)):

The proposed project will not become a nuisance to the neighborhood (See Section 1: Background Information and Attachment B - Conditions of Approval).

6.5. Minor Effect on Traffic (CCMC § 17.54.010(B)(3)):

The proposed project site has already been developed as suitable and adequate for present and future traffic.

6.6. Off-Street Parking (CCMC § 17.54.010(B)(3)):

The proposed project site maintains approximately 7 existing shared off-street parking spaces and is located across the street from a public parking lot which contains approximately 30 spaces.

6.7. Landscaping and Screening (CCMC § 17.54.010(B)(3)):

The proposed project site maintains existing landscaping and screening (See Attachment B – Conditions of Approval).

6.8. REQUIRED FINDINGS BY THE COMMISSION:

The proposed use satisfies the Conditional Use Permit requirements (CCMC § 17.54.010(B)), in that the proposed use:

- a) *Is compatible with other existing and potential uses within the general area;*
- b) *Will not result in a significant impact on noise, smoke, dust, fumes, vibration, odors, and hazards;*
- c) *Will be placed on a site that is both suitable and adequate for the proposed use;*

- d) *Will have a minor effect on present and future traffic and that such use will not become a nuisance to the neighborhood; and*
- e) *Provides adequate off-street parking, loading, landscaping, and screening.*

SECTION 7: SALE OF ALCOHOLIC BEVERAGE REVIEW PROCESS

In addition to the Conditional Use Permit requirements (CCMC § 17.54.010) the proposed sale of alcoholic beverages requires additional review as “*conditions of approval will vary with each application including location, on-sale or off-sale business, public convenience and necessity, and any other, city, state, and federal laws that may apply*” (CCMC § 17.90.030), and subject to the following standards:

STANDARD REQUIREMENTS:

7.1. Commercial Zones (CCMC § 17.90.030(D)):

The sale of alcoholic beverages for off-premises consumption may only be allowed by conditional use permit in the C-1, C-2, and C-W zones (CCMC § 17.90.030(D)). The proposed location is within the C-W zone.

7.2. Conditional Use Permit (CCMC § 17.90.030(A)):

See Section 6: Conditional Use Permit Review.

7.3. Crime Reporting District (CCMC § 17.90.030(A)(3)):

On Wednesday, June 11, 2025, at 11:54 AM Richard Griffin, Chief of Police of the City of Crescent City, in correspondence with City Staff, stated, “Do not expect crime rate to increase, or other issues. Will work with owner as they come up.”

7.4. Proximity Distance (CCMC § 17.90.030(A)(4)):

The proposed project site has a proximity distance of ~2,350-ft from a school (Crescent Elk Elementary School), ~819-ft from a park (Beachfront Park), ~819-ft from a playground (Beachfront Park), ~819-ft from a recreational center (Del Norte County Visitor Center), ~1,000-ft from a daycare (Del Norte Child Care Council), and ~330-ft from a similar use (Enoteca).

7.5. 1,000-ft Radius (CCMC § 17.90.030(A)(1)):

Below is a list of all establishments, with incidental service of beer and/or wine in the same category of alcoholic beverage sales or service, within a one-thousand-foot radius of the proposed project site:

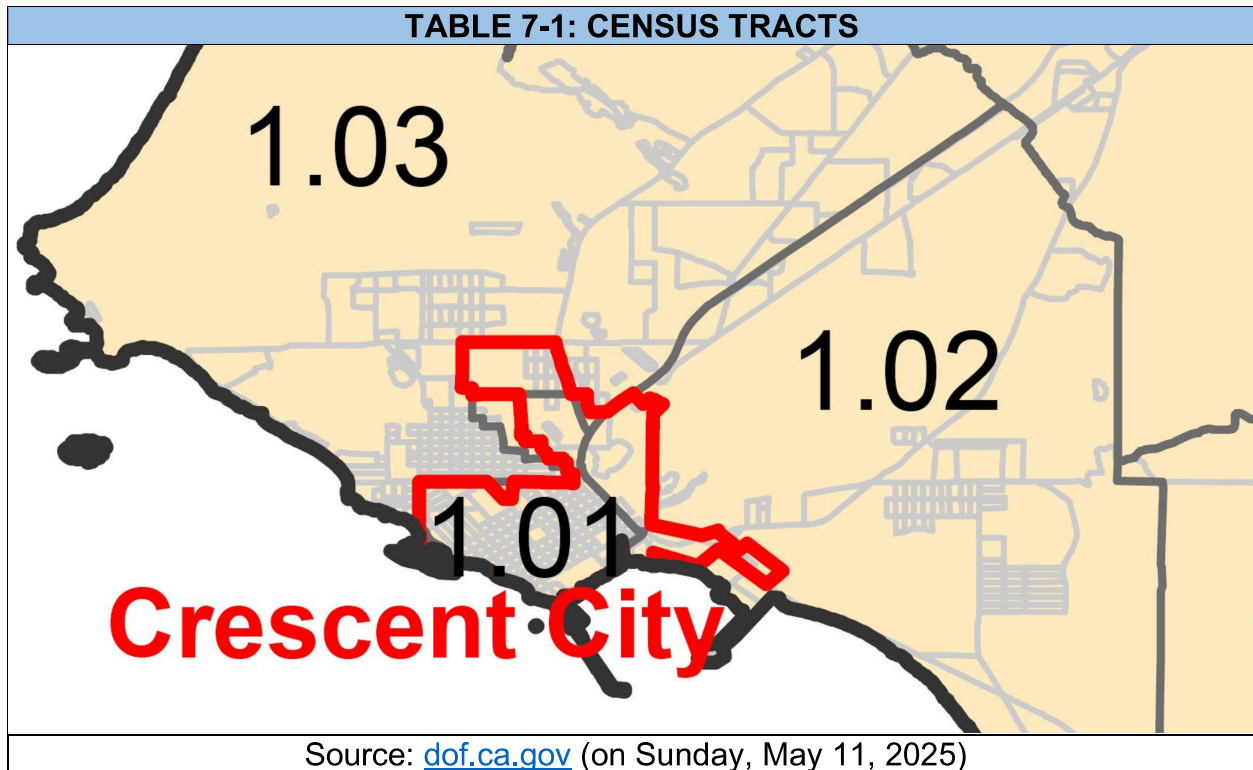
There is one Type 41 Licenses within 1,000-ft for the proposed location (Source: ABC website (<https://www.abc.ca.gov/licensing/licensing-reports/licenses-by-county-and-census-tract/>) on Wednesday, June 18, 2025):

- a) Enoteca (~330-ft)

STATE REQUIREMENTS:

7.6. Census Tract (CCMC § 17.90.030(A)(2)):

According to the ABC website on Wednesday, June 18, 2025, the proposed project site is located within Census Tract 1.01 (See Table 7-1: Census Tracts) consisting of 4 existing On-Sale Type 41 Licenses.



7.7. ABC Overconcentration (CCMC § 17.90.030(A)(1)):

On Wednesday, June 11, 2025, at 4:24 PM City staff sent a referral to the Redding Office of the Department of Alcoholic Beverage Control requesting correspondence; However, no response was received. Previously, the Department of Alcoholic Beverage Control Informed City staff that, “yes, *this location is overconcentrated.*”

7.8. Public Convenience or Necessity (CCMC § 17.90.030(B)):

Previously, the Department of Alcoholic Beverage Control in correspondence with City staff stated, “*For ABC’s purposes, I requested that the applicant write me to explain how issuing the license would serve public convenience or public necessity, and [the establishment] provided a letter of explanation which you can also find in the first attachment. Under the ABC Act, for a Type 41, ABC can make the public convenience/necessity finding, and in this case, ABC will find that public convenience or necessity would be served by issuing the license. However, I understand that Crescent City’s Municipal Code may require the City to also make that finding for purposes of*

issuing a CUP.”

7.9. PCN Findings (CCMC § 17.90.030(C)(1-4)):

7.9.1. Economic/GP: The proposed establishment will promote the city’s economic health and is consistent with the VLC general plan land use designation and any applicable specific plan policies to further district purposes.

7.9.2. Violations: The applicant has not operated a licensed establishment, which has been the subject of verified complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations. On Wednesday, June 11, 2025, at 11:54 AM Richard Griffin, Chief of Police of the City of Crescent City, in correspondence with City Staff, stated, *“Do not expect crime rate to increase, or other issues.”*

7.9.3. Crime: The police department has reported that the proposed establishment would not be expected to add to crime in the area. On Wednesday, June 11, 2025, at 11:54 AM Richard Griffin, Chief of Police of the City of Crescent City, in correspondence with City Staff, stated, *“Do not expect crime rate to increase, or other issues. Will work with owner as they come up.”*

7.9.4. Incidental: The alcoholic beverages sold by the applicant are not incidental to the other products available for sale at the establishment, as wine tasting is the proposed primary use (High Note Winery Tasting Room).

ADDITIONAL CONSIDERATIONS:

7.10. Distance Consideration (CCMC § 17.90.030(E)(1-5)):

The planning commission may take into consideration the proximity of the proposed alcohol retailer with parcels occupied by A) Schools (public or private): Crescent Elk Elementary School (~2,350-ft) (B) Churches or other places of worship: Saint Joseph Roman Catholic Church (~880-ft); C) Hospitals, clinics, or other health care facilities: Rochelle Brown M.P. Medical Office (~75-ft); D) Public parks and playgrounds: Beachfront Park (~819-ft) and other similar uses; E) Restaurant uses: Enoteca Restaurant (~330-ft).

7.11. REQUIRED FINDINGS BY THE COMMISSION:

The Planning Commission finds that the proposed sale of alcoholic beverages meets the conditions of approval (CCMC § 17.90.030) and is considered a Public Convenience or Necessity (CCMC § 17.90.030(C)(1-4)), in that:

- a) *The Conditional Use Permit requirements are satisfied (CCMC § 17.90.030(A));*
- b) *A 1,000-ft Radius of same category of alcoholic beverage sales or service were considered (CCMC § 17.90.030(A)(1));*
- c) *ABC determined there was an overconcentration of on-sale licenses (CCMC 17.90.030(A)(1));*

- d) ABC License within the Census Tract were considered (CCMC § 17.90.030(A)(2));*
- e) The local Crime Reporting District was considered (CCMC § 17.90.030(A)(3));*
- f) The Proximity Distance of schools, parks, playgrounds, recreational centers, day cares, and similar uses were considered (CCMC § 17.90.030(A)(4));*
- g) The application may not be approved unless all of the findings of Public Convenience or Necessity are made (CCMC § 17.90.030(B));*
- h) The proposed establishment will promote the city's economic health, and is consistent with the VLC general plan land use designation and any applicable specific plan policies to further district purposes (CCMC § 17.90.030(C)(1));*
- i) The applicant has not operated a licensed establishment, which has been the subject of verified complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations (CCMC § 17.90.030(C)(2));*
- j) The police department has reported that the proposed establishment would not be expected to add to crime in the area (CCMC § 17.90.030(C)(3));*
- k) The alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment (CCMC § 17.90.030(C)(4));*
- l) Off-premises consumption may only be allowed by conditional use permit in the C-1, C-2, and C-W zones (CCMC § 17.90.030(D)); and*
- m) The Distance of schools, churches, hospitals, public parks and playgrounds, similar uses, and residential uses were considered (CCMC § 17.90.030(E)(1-5)).*

SECTION 8: ENVIRONMENTAL DETERMINATION SUMMARY

The proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA Guidelines:

8.1. Class 1 § 15301(a). Existing Facilities, consists of the proposed project:

1. Interior or exterior alterations:

The proposed project proposes a changed use within an existing structure.

8.2. Class 32 § 15332. In-Fill Development Projects, consists of the proposed project:

1. Is consistent with the applicable general plan designation, policies, and zoning designation and regulations:

The proposed project is consistent with the Crescent City General Plan's Visitor Local Commercial (VLC) land use designation and is consistent with the Crescent City's Waterfront Commercial District (C-W) Zoning Code;

2. Development occurs within city limits on a project site (<5 acres) substantially surrounded by urban uses:

The project site is located in the City of Crescent City, is approximately 0.32 acres, and is located adjacent to existing commercial uses;

3. Site has no value, as habitat for endangered, rare, or threatened species:

The project will be located on a site that has had past disturbances, is already developed and is surrounded by paved surfaces and contains no habitat for rare, threatened, or endangered species;

4. Approval would not result in any significant effects relating to traffic, noise, air quality, or water quality:

The project proposes commercial use in a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts;

5. Site can be adequately served by all required utilities and public services:

The site is surrounded by and is already adequately served by utilities and public services.

8.3. REQUIRED FINDING BY THE COMMISSION:

The Planning Commission finds that the proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 § 15301(a) (Existing Facilities) and Class 32 § 15332 (In-fill Development) of the CEQA Guidelines, in that the proposed project:

- a) *Proposes a changed use within an existing structure.*
- b) *Is consistent with the Crescent City General Plan's VCL (Visitor and Local Commercial) land use designation and is consistent with the Crescent City's Waterfront Commercial (C-W) Zoning Code (with Conditional Use Permit);*
- c) *Is located in the City of Crescent City, is approximately 0.32 acres, and is located adjacent to existing commercial uses;*

- d) *Is located on a site which has had past disturbances, contains existing development, and is surrounded by paved surfaces containing no habitat for rare, threatened, or endangered species;*
- e) *Is within a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts; and*
- f) *Is surrounded by and is already adequately served by utilities and public services.*

SECTION 9: INTER-DEPARTMENTAL PLANNING REFERRALS

The Inter-Departmental Planning Referrals were provided (on 06/11/25) to other City departments which included the following comments/conditions:

9.1. Police Department: Approved with “Do not expect crime rate to increase, or other issues. Will work with owner as they come up.” (06/11/25)

9.2. Fire and Rescue: None.

9.3. Building Department: None

9.4. Public Works Department: None

9.5. REQUIRED FINDING BY THE COMMISSION:

The proposed project is to be subject to the Conditions of Approval found in Attachment B.

SECTION 10: PLANNING COMMISSION ACTION OPTIONS

The proposed sale of alcoholic beverages within an existing mixed-use structure requires a Conditional Use Permit within the C-W Zone (CCMC § 17.90.010) has been scheduled for a public hearing to determine whether the proposed Conditional Use Permit (Application UP25-02) (See Attachment A) shall be approved or denied (CCMC § 17.54.030):

10.1. ACTION TO APPROVE. Making all the required findings.

- **Recommended Motion: “I move to adopt Resolution No. PC2025-06: A Resolution of the Planning Commission of the City of Crescent City Approving a Conditional Use Permit (Application UP25-02) granting High Note Holdings LLC’s request for the sale of alcoholic beverages.”**
- Planning staff will send the applicant an approval letter after the 10-day appeal period (CCMC § 17.46.050), along with the resolution, as adopted by the Planning Commission during the public hearing. The applicant would be granted approval on request to sale alcoholic beverages. Approved plans, together with such conditions, shall be signed, dated, and mailed to the applicant (CCMC § 17.46.040(C)). The planning commission secretary shall place one copy of the approved plans in the files of the planning commission (CCMC § 17.46.040(C)).

10.2. ACTION TO DENY. Denying one, or more, of the required findings.

- **Motion Example: “I move to deny the Conditional Use Permit (Application UP25-02) due to the requirements not being fully satisfied, specifically regarding _____.”**
- Planning staff will send the applicant a denial letter stating why the application was denied. The applicant would not be allowed to sell alcoholic beverages within the proposed site.

10.3. DELAY ACTION BY REQUESTING ADDITIONAL INFORMATION. Requiring additional information to make the necessary findings.

- **Motion Example: “I move to request additional information regarding _____ be brought back to the August 14, 2025 (or, time certain, Special) Planning Commission meeting for consideration.”**
- Planning staff will follow up with the applicant requesting any additional information, which will continue this item on the next scheduled Planning Commission meeting agenda (CCMC § 17.46.050) scheduled for Thursday, August 14, 2025, or a specific alternative Special Planning Commission meeting.

SECTION 11: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #1: A Public Hearing to consider a Conditional Use Permit (Application UP25-02) for High Note Holdings LLC's proposed sale of alcoholic beverages, located at 851 3rd Street (APN 118-070-001)."
2. (Chair) "I will open the Public Hearing."
3. (Chair) "We will now receive the Presentation on the Staff Report from Planner Lawton."
4. (Chair) "Does any Commissioners have any clarifying questions for staff?"
 - a. (Chair) "Does the Applicant wish to address the Planning Commission?"
5. (Chair) "I will Open Public Comment, which we will receive at podium."
 - a. "We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project."
 - b. (Chair) "Any clarifying questions?"
6. (Chair) "I will Close Public Comment."
7. (Chair) "Is there any discussion on this item from the Commissioners?"
8. (Chair) "I believe a motion would be in order."
 - a. **(Commissioner) "I move to adopt Resolution No. PC2025-06: A Resolution of the Planning Commission of the City of Crescent City Approving a Conditional Use Permit (Application UP25-02) granting High Note Holdings LLC's request for the sale of alcoholic beverages."**
 - b. *Note: Any changes should be included in the motion.*
9. (Chair) "A motion has been made by Commissioner _____. Is there a second?"
10. (Chair) "It was seconded by Commissioner _____."
11. (Chair) "A motion was made and seconded to: **Adopt Resolution No. PC2025-06: A Resolution of the Planning Commission of the City of Crescent City Approving a Conditional Use Permit (Application UP25-02) granting High Note Holdings LLC's request for the sale of alcoholic beverages.**"
 - a. *Note: Any changes should be included in the motion.*
12. (Chair) "Is there any additional discussion from the Commissioners on the motion?"
13. (Chair) "Seeing as there is no further discussion, it is time for a vote on the motion, Clerk Altman, can you poll the vote?"
14. (Chair) "The motion passes (*or fails*) by a vote of ____-to-____." (Example 4-0)

----- END OF REPORT -----

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Print

CITY OF CRESCENT CITY Development Permit Application

Return completed application to:
Planning Department
377 J Street
Crescent City, CA 95531
(707) 464-9506 (707) 465-4405 fax

TYPE OR PRINT CLEARLY

Applicant High Note Holdings LLC	Street Address 145 Kim Way	City Crescent City	Zip Code CA 95531	Day Phone 619-750-3791
Representative (if any) Matthew Fenner	Street Address	City	Zip Code	Day Phone
Property Owner John Kirk	Street Address 992 Fresno St.	City Crescent City	Zip Code CA 95531	Day Phone 707 294 7869
Correspondence to be sent to <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Representative <input type="checkbox"/> Owner				

Project Address 851 3rd Street Crescent City CA 95531	Assessor's Parcel No.	
Description of proposed project (attach sheets if necessary) Wine tasting room. I'll sell tastings of my wine - High Note Winery - along with selling glasses and bottles of wine for consumption on site. I'll also sell bottles of wine to be taken off site. I would also like to incorporate the sidewalk in front of the store for use.		
Existing Land Use Tattoo Salon	Adjacent Uses Clothing Stores	Building Coverage _____ sq.ft. existing
Project Acreage	Project Height	Building Coverage _____ sq.ft. proposed
Parking (number of spaces)	Paved Area	Grading Required? <u>No</u> (if yes, attach preliminary grading plan)
Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas. (Attach biological report and preliminary grading plans.)		
Land Division or Boundary Adjustment. (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)		

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate. Signed <u>Matthew Fenner</u> Date <u>6/6/2025</u>		Property Owner/Authorized Agent: I have read this application and consent to its filing Signed <u>[Signature]</u> Date <u>6/6/2025</u>	
TYPE OF APPLICATION	<input type="checkbox"/> Architectural Review	<input type="checkbox"/> Lot Line Adjustment/Parcel Merger	<input type="checkbox"/> Subdivision/Major
	<input type="checkbox"/> CEQA Review	<input type="checkbox"/> Municipal Code Amendment/Rezone	<input checked="" type="checkbox"/> Use Permit - Standard
	<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/> ROW or Street Abandonment	<input type="checkbox"/> Use Permit - Cannabis
	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Special Review	<input type="checkbox"/> Variance or Waiver
	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Subdivision/Minor	<input type="checkbox"/> Other

REQUIRED SUPPLEMENTAL	<input type="checkbox"/> Application Form	Project plans: * <input type="checkbox"/> Project site plans (buildings, parking, etc.) <input checked="" type="checkbox"/> Building floor plans and elevations <input type="checkbox"/> Preliminary grading/drainage plans <input type="checkbox"/> Landscaping/irrigation plans/dumpster <input checked="" type="checkbox"/> Sign plans/elevations <input type="checkbox"/> Color/materials samples <input type="checkbox"/> Subdivision/lot line adjustment map <input type="checkbox"/> Written Project Description <input type="checkbox"/> Preliminary Title Report <input type="checkbox"/> Special Project Justification/per code
	<input checked="" type="checkbox"/> Application Fee	
	<input type="checkbox"/> Supplemental Application Forms (variance, etc.)	
	<input type="checkbox"/> Project property deed(s)	
	<input type="checkbox"/> Proof of applicant's legal interest in the property (escrow, etc.)	
	<input type="checkbox"/> Commercial Cannabis Use Permit Application Checklist	

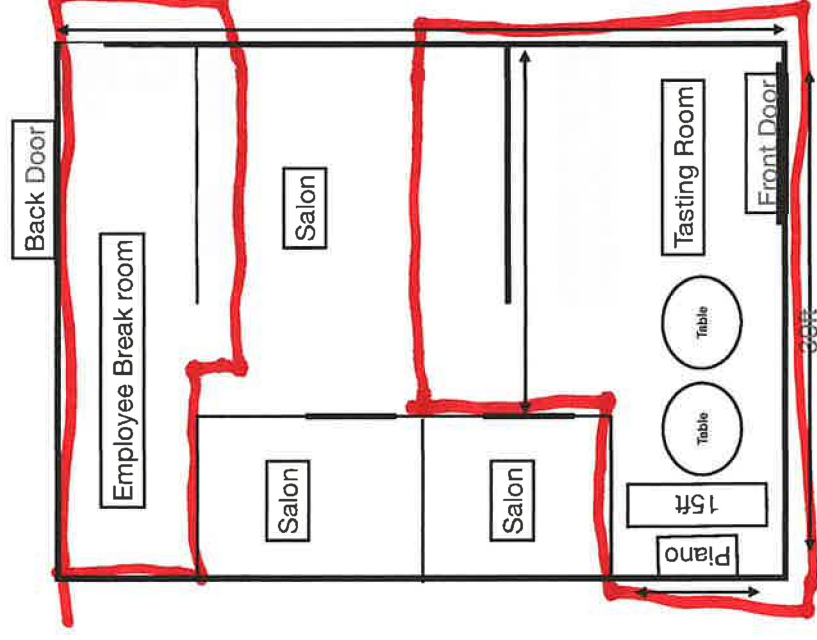
*Project Plans: For Subdivision one set of full-size plans and/or one set not to exceed 11" by 18" in size are to be provided. Specific information may be required for plans - ask staff for additional information.

OFFICIAL USE ONLY	Application Number(s) UP25-02	Filing Fees 600	Date Filed 6/9	Receipt # 8829925
	Date Application Completed 06/11/25	Zoning C-W (17.23)	General Plan (LUP) VLC	
	CEQA: Exempt <input checked="" type="checkbox"/> Negative Declaration	Mitigated Negative Declaration	Environmental Impact Report	
	Review By Planning Commission <input checked="" type="checkbox"/>	City Council	Architectural Review	Planning Public Works
	Public Hearing 07/10/25	Office Hearing	Appealable to Coastal Commission?	No
	Other Notes:			Approved:

MAKE CHECKS PAYABLE TO CITY OF CRESCENT CITY

High Note Winery Tasting Room

Layout





CONDITIONS OF APPROVAL

Conditional Use Permit – Application UP25-02

On July 10, 2025, the City of Crescent City's Planning Commission held a Public Hearing in which they voted to **APPROVE** (by adopting Resolution PC2025-06), to grant High Note Holdings LLC (Matthew Fenner) a Conditional Use Permit (Application UP25-02) for a proposed sale of alcoholic beverages on an existing commercial building within the C-W Zoning (Waterfront Commercial District) located at 851 3rd Street (APN 118-070-001), subject to the following conditions:

1. **Zoning.** The applicant shall be required to maintain compliance with all requirements of the City's Municipal Code including, but not limited to, Chapter 17.23 (Waterfront Commercial District).
2. **Conditional Use Permit.** The approved project shall be operated according to the approved proposed use (UP25-02) submitted 06/09/25 or as modified by the Planning Commission.
 - a. **Transfer.** All use permits are not personal to the applicant and permission granted under a use permit is an incident of ownership of the property for which it is granted. The owner of the property shall be responsible for compliance with the terms and conditions of issuance of a use permit (CCMC §17.54.030(B)).
 - b. **Revocable.** All use permits are always revocable and may be made conditional and shall be issued by the planning commission or by the affirmative vote of the city council, upon appeal, for any of the uses for which a use permit is required (CCMC §17.54.020).
3. **Off-Street Parking.** It is unlawful for any person, firm or corporation who owns, leases or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required (CCMC §17.42.010).
 - a. **Required.** All off-street parking spaces shall be maintained in accordance with the Off-Street Parking regulations (CCMC §17.42.120(B)).
 - b. **Use.** No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces (CCMC §17.42.120(G)).
4. **Departments.** The applicant shall comply with permit requirements of the City of Crescent City's Public Works Department, Police Department, Fire & Rescue, Finance Department, and Community Development Department, as applicable.

5. **Building Department.** The applicant shall comply with permit requirements of the City of Crescent City's Building Department.
- a. **Building Permit.** Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the Planning Commission (CCMC §17.46.080(A)).
 - b. **Issuance.** The Building Permit shall not be issued until the effective date of this notice, shown below.
 - c. **Certificate of Occupancy.** Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter (CCMC §17.46.080(B)).
6. **Sale of Alcoholic Beverages.** The sale of alcohol should ensure the compatibility with surrounding uses and properties and to avoid any negative impacts associated with such uses (CCMC §17.90.010) subject to Chapter 17.79 including:
- a. **Employee Training.** All employees must be trained with the knowledge and skills that will enable them to comply with their responsibilities under law (CCMC §17.90.040(A)) including, but not limited to:
 - i. State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws;
 - ii. The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle; and
 - iii. Methods for dealing with intoxicated customers and recognizing underage customers.
 - b. **Litter Free.** The premise subject to the Conditional Use Permit must be maintained free of litter (CCMC §17.90.040(B)).
 - c. **Advertising.** No signs advertising the sale of alcoholic beverages may be displayed outside of the store (CCMC §17.90.040(C)).
 - d. **Loitering.** Loitering of persons about the premises must not be tolerated or permitted (CCMC §17.90.040(D)).
 - e. **Off-Site.** No sale of alcohol is allowed for off-site consumption, unless otherwise allowed by the ABC license (CCMC §17.90.040(E)(1)).

CONDITIONS OF APPROVAL
Conditional Use Permit – Application UP25-02

- f. **Noise.** The noise levels generated by the operation of such establishment must not negatively impact adjoining properties (CCMC §17.90.040(E)(2)).
 - g. **Lighting.** Exterior lighting and interior lighting must be sufficient to provide illumination for security and safety and to make easily discernable the appearance and condition of persons. On-site lighting plans must be submitted for review and approval (CCMC §17.90.040(E)(3)).
 - h. **Intoxicated Limits.** Alcohol must not be sold or served to any persons who are discernibly intoxicated (CCMC §17.90.040(E)(4)).
 - i. **Landscaping.** No vegetation around the site that can be used as a hiding place (CCMC §17.90.040(E)(5)).
 - j. **Minors.** A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting trespassing or public drinking must be posted (CCMC §17.90.040(E)(6)).
 - k. **COA Copy.** A copy of these Conditions of Approval (COA) must be kept on the premises and available upon request (CCMC §17.90.040(E)(7)).
 - l. **Permit Change.** Should the current alcohol permit be subject to change to include off-site establishment, the conditions of approval would be subject to change according to CCMC §17.90.040(E).
 - m. **Liquor.** Should the current alcohol permit be subject to change to include liquor license, the conditions of approval may be subject to change according to CCMC §17.90.030(G).
 - n. **Revocation.** If any of these Conditions of Approval are found to be disregarded, the Conditional Use Permit for alcohol sales will be subject to revocation and if necessary, the Planning Commission may modify the Conditional Use Permit after holding a noticed public hearing and making applicable findings (CCMC §17.90.030(F)).
7. **Conditional Use Permit.** Before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages, the applicant must first obtain a Conditional Use Permit from the Planning Commission (CCMC §17.90.030).

----- END OF CONDITIONS -----

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CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblyn, Chairperson * Ray Walp, Vice-Chair
Candace Tinkler * Kristine DeCossio * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

RESOLUTION NO. PC2025-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CRESCENT CITY APPROVING A CONDITIONAL USE PERMIT
(APPLICATION UP25-02) GRANTING HIGH NOTE HOLDINGS LLC'S
REQUEST FOR THE SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, High Note Holdings LLC (Matthew Fenner) has submitted a Conditional Use Permit Application (UP25-02) for a proposed sale of alcoholic beverages on a developed commercial 0.32-acre parcel in the C-W Zone (Waterfront Commercial District), located at 851 3rd Street (APN 118-070-001).

WHEREAS, the Planning Commission has considered this proposed project on this date at a duly noticed public hearing, staff report, and public testimony;

WHEREAS, the Planning Commission finds that the proposed project is consistent with the Crescent City General Plan's VLC (Visitor and Local Commercial) land use designation, in that the proposed project:

- a. *Is categorized as "other uses requiring a conditional use permit" within the VLC;*
- b. *"Provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses" within the VLC;*
- c. *Is supported by the General Plan goals (1.B, 1.G, 1.F, G, & 3.D) and policies (1.A.2, 1.A.3, 1.B.1, 1.F.2, 1.F.3, 1.G.1, & 1.I.1, 2.A.2, 2.B.9, 2.D.1); and*
- d. *Is supported by the 6th Cycle Housing Element goal (HG-1) and policies (HP-1.2 & HP-1.7).*

WHEREAS, the Planning Commission finds that the proposed project (with a Conditional Use Permit) is consistent with the Crescent City's Waterfront Commercial District (C-W) Zoning Code, in that the proposed project:

- a) *Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*
- b) *Is consistent with the "sale of alcohol" which requires "approval of a conditional use permit by the planning commission" (CCMC § 17.90.010);*
- c) *"Provide[s] for a mixture of commercial shops and services, accommodation uses, and public services in the downtown area which is adjacent to Beachfront Park and the Crescent City harbor area which serves a mixture of tourists, seasonal and year-round residents" (CCMC § 17.23.010); and*
- d) *Is subject to all zoning regulations (CCMC § 17.23.010).*

CONDITIONAL USE PERMIT (APPLICATION UP25-02)
For the Sale of Alcoholic Beverages

WHEREAS, the proposed use satisfies the Conditional Use Permit requirements (CCMC § 17.54.010(B)), in that the proposed use:

- e. Is compatible with other existing and potential uses within the general area;*
- f. Will not result in a significant impact on noise, smoke, dust, fumes, vibration, odors, and hazards;*
- g. Will be placed on a site that is both suitable and adequate for the proposed use;*
- h. Will have a minor effect on present and future traffic and that such use will not become a nuisance to the neighborhood; and*
Provides adequate off-street parking, loading, landscaping, and screening;

WHEREAS, the Planning Commission finds that the proposed sale of alcoholic beverages meets the conditions of approval (CCMC § 17.90.030) and is considered a Public Convenience or Necessity (CCMC § 17.90.030(C)(1-4)), in that:

- a) The Conditional Use Permit requirements are satisfied (CCMC § 17.90.030(A));*
- b) A 1,000-ft Radius of same category of alcoholic beverage sales or service were considered (CCMC § 17.90.030(A)(1));*
- c) ABC determined there were an overconcentration of on-sale licenses (CCMC 17.90.030(A)(1));*
- d) ABC License within the Census Tract were considered (CCMC § 17.90.030(A)(2));*
- e) The local Crime Reporting District were considered (CCMC § 17.90.030(A)(3));*
- f) The Proximity Distance of schools, parks, playgrounds, recreational centers, day cares, and similar uses were considered (CCMC § 17.90.030(A)(4));*
- g) The application may not be approved unless all of the findings of Public Convenience or Necessity are made (CCMC § 17.90.030(B));*
- h) The proposed establishment will promote the city's economic health, and is consistent with the VLC general plan land use designation and any applicable specific plan policies to further district purposes (CCMC § 17.90.030(C)(1));*
- i) The applicant has not operated a licensed establishment, which has been the subject of verified complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations (CCMC § 17.90.030(C)(2));*
- j) The police department has reported that the proposed establishment would not be expected to add to crime in the area (CCMC § 17.90.030(C)(3));*
- k) The alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment (CCMC § 17.90.030(C)(4));*
- l) Off-premises consumption may only be allowed by conditional use permit in the C-1, C-2, and C-W zones (CCMC § 17.90.030(D)); and*
- m) The Distance of schools, churches, hospitals, public parks and playgrounds, similar uses, and residential uses were considered (CCMC § 17.90.030(E)(1-5));*

WHEREAS, the Planning Commission finds that the proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 § 15301(a) (Existing Facilities) and Class 32 § 15332 (In-fill Development) of the CEQA Guidelines, in that the proposed project:

- a) Proposes a changed use within an existing structure;*

CONDITIONAL USE PERMIT (APPLICATION UP25-02)
For the Sale of Alcoholic Beverages

- b) *Is consistent with the Crescent City General Plan's VCL (Visitor and Local Commercial) land use designation and is consistent with the Crescent City's Waterfront Commercial (C-W) Zoning Code (with Conditional Use Permit);*
- c) *Is located in the City of Crescent City, is approximately 0.32 acres, and is located adjacent to existing commercial uses;*
- d) *Is located on a site which has had past disturbances, contains existing development, and is surrounded by paved surfaces containing no habitat for rare, threatened, or endangered species;*
- e) *Is within a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts; and*
- f) *Is surrounded by and is already adequately served by utilities and public services.*

NOW THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Crescent City that the Conditional Use Permit (Application UP25-02) granting High Note Holdings LLC's (Matthew Fenner) request for the sale of alcoholic beverages at the address above be approved subject to the Conditions of Approval (Attachment B):

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Crescent City held on this 10th day of July 2025, by the following polled vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Shamblin, Chairperson

ATTEST:

Heather Welton, Community Development Specialist

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CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblin, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

STAFF REPORT
AGENDA ITEM #2

TO: Chairperson Shamblin and Members of the Planning Commission
FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
BY: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
DATE: Thursday, July 10, 2025
SUBJECT: A Public Hearing to consider a Zoning Ordinance Amendment (Application ZOA25-01) to the Signs Regulations Ordinance (Chapter 17.39) to allow digital signs.

SECTION 1: EXECUTIVE SUMMARY

Tsunami Lanes & FEC Inc. (John H Kirk) has submitted Zoning Ordinance Amendment Request (Application ZOA25-01) to amend the Signs Regulations Ordinance (Chapter 17.39) to allow LED digital display signs that rotates images within the C-2 zone (General Commercial District). The proposed revisions to the Signs Ordinance (Chapter 17.39) include expanding illumination regulations, adding digital sign type, and adding allowable sign types within the C-2 zone.

STAFF RECOMMENDS: Either adopt Resolution No. PC2025-07, A Resolution of the Planning Commission of the City of Crescent City recommending the City Council adopt the amendments to the Signs Regulations Ordinance, Chapter 17.39 of the City's Municipal Code, or provide additional direction to staff regarding the requested amendments.

"Motion to adopt Resolution No. PC2025-07, A Resolution of the Planning Commission of the City of Crescent City recommending the City Council adopt the amendments to the Signs Regulations Ordinance, Chapter 17.39 of the City's Municipal Code."

-OR-

"Provide additional direction to staff regarding the requested amendments"

ATTACHMENTS:

- A) Signs Ordinance (Chapter 17.39)
- B) Resolution PC2024-07

SECTION 2: ZONING AMENDMENT PROCESS

The Crescent City Municipal Code (CCMC) states the following process for the Planning Commission zoning amendments:

§17.58.010 [Amendments and Rezoning] Permitted When.

Whenever the public health, safety and general welfare warrants, the city council may by ordinance after report thereon by the planning commission and subject to the procedures provided in this chapter, amend, supplement, or change the regulations for zoning of property now or hereafter established by this title. An amendment or rezoning may be initiated by the planning commission, the city council, or by a petition of property owners or authorized agents of such owners.

§17.58.030 [Amendments and Rezoning] Hearing and Notice—Planning Commission.

A. Upon the initiation or filing of such petition for rezoning or upon the initiation of procedure for an amendment, the same shall be set for hearing before the planning commission by the planning director.

B. Notice of the time, place and purpose of such hearing shall be given by the following method:

1. In connection with the hearing on the amendment of the text of this title, at least one publication in the official newspaper of the city not less than ten days prior to the date of the hearing.

2. In connection with a hearing on a proposed rezoning of property by publication of at least one notice in the official newspaper of the city not less than five days prior to the date of the hearing. At least five days before the hearing of said rezoning a notice of said hearing may be mailed to the petitioners and to owners of property whose names have been committed by the petitioner and whose names may be on record for the purpose of receiving notices of those properties which are within two hundred feet of the property proposed to be rezoned.

§17.58.050 [Amendments and Rezoning] Determination of Findings.

A. If the planning commission finds that the public health, safety and general welfare warrant the change of regulations or zones, the planning commission may recommend such change to the city council and the city council may, by ordinance, effect such change. The planning commission shall not be bound to recommend the identical change of regulations on areas petitioned for or initiated but may recommend a more restrictive zone or regulation or an area smaller than that originally petitioned for or initiated if such change is warranted by the public health, safety and general welfare.

Staff believe the zoning amendment requirements are fulfilled. A member of the public may initiate a zoning amendment per the City's Municipal Code 17.58.010. The Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 06/16/25) to be published (on 06/25/25) in print/online circulation per the City's Municipal Code 17.58.030(B)(1)&(2). The Planning Commission is holding a public hearing on

Thursday, July 10, 2024, at 5:30 PM regarding this signs regulation zoning ordinance amendment. Upon receipt of the recommendation of the Planning Commission on amendment, the City Council shall set the same for hearing for consideration (CCMC 17.58.040(A)&(B)).

REQUIRED FINDING BY THE COMMISSION:

The Planning Commission has considered this proposed project on this date at a duly noticed public hearing, staff report, and public testimony.

SECTION 3: ZONING PURPOSE AND OBJECTIVES

The Planning Commission shall consider the proposed revisions in accordance with the purposes and objectives of the general provisions of the zoning chapter of the City's Municipal Code:

§ 17.02.010 Purposes and objectives.

The zoning title is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the title is adopted to achieve the following objectives:

- A. To provide a specific plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses depicted in the general plan;*
- B. To encourage a wholesome, serviceable, and pleasant living environment and to establish a stability of existing land uses which conform with the objectives, policies, principles, and standards of the general plan;*
- C. To prevent excessive population densities and overcrowding of land with structures;*
- D. To promote the safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities and the appropriate location of community facilities;*
- E. To protect and promote properly located commercial and industrial activities in order to preserve and strengthen the city's economic base;*
- F. To protect and enhance real property values and the city's natural assets;*
- G. To provide for the orderly development of new urban expansion that is logical, desirable, and in conformance with the objectives and policies of the general plan.*

REQUIRED FINDING BY THE COMMISSION:

The Planning Commission has considered these proposed revisions:

- a. *"To preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare" (CCMC §17.02.010);*
- b. *"To provide a specific plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses depicted in the general plan" (CCMC §17.02.010(A));*
- c. *"To encourage a wholesome, serviceable, and pleasant living environment and to establish a stability of existing land uses which conform with the objectives, policies, principles, and standards of the general plan" (CCMC §17.02.010(B));*
- d. *"To prevent excessive population densities and overcrowding of land with structures" (CCMC §17.02.010(C));*
- e. *"To promote the safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities and the appropriate location of community facilities" (CCMC §17.02.010(D));*
- f. *"To protect and promote properly located commercial and industrial activities in order to preserve and strengthen the city's economic base" (CCMC §17.02.010(E));*
- g. *"To protect and enhance real property values and the city's natural assets" (CCMC §17.02.010(F));*
- h. *"To provide for the orderly development of new urban expansion that is logical, desirable, and in conformance with the objectives and policies of the general plan" (CCMC §17.02.010(G));*

SECTION 4: PROPOSED REVISIONS

The applicant has requested a zoning ordinance amendment (Application ZOA25-01) to amend the signs regulations ordinance (Chapter 17.38) to allow LED digital signs within the C-2 zone, staff recommends the following amendments:

Note: Added = **red text**, Deleted = ~~red text with strikethrough~~.

1. Amend Billboard definition:

- a. "Billboard" means a **large** sign structure, **exceeding 100-sf**, which is made available for lease or rent for the purpose of off-site advertising. (CCMC § 17.39.140(A))

2. Add Digital sign definition:

- a. **"Digital Sign" means an LED digital display sign that rotates images. (CCMC § 17.39.030)**

3. Add Digital sign as sign type:

- a. **Digital signs.**
 - i. **Digital signs may contain static messages only. Signs may not display text which flashes, pulsates, moves or scrolls. Each complete message must fit on one screen.**
 - ii. **Digital signs may not change message more than once every 15**

seconds.

- iii. The content of a digital sign must transition by changing instantly (e.g., no fade-out or fade-in).

4. Amend Prohibited Signs:

- a. Moving signs having one or a combination of the following characteristics:
Flashing lights or changing of color intensity, **unless otherwise permitted.**
(CCMC § 17.39.080(B)(1))

5. Amend Allowable Sign Types for C-2 zone:

- a. Changeable ~~copy~~ signs, **including digital signs.** (CCMC § 17.39.140(A)(9))

6. Amend the Illumination Signs Restrictions:

- a. Light from any illuminated sign shall be shaded, shielded or directed so that its intensity or brightness shall not be objectionable to surrounding areas and uses. (CCMC § 17.39.150(A))
 - i. **During daylight hours between sunrise and sunset, luminance is limited to 10,000 nits.**
 - ii. **At all other times, luminance is limited to 160 nits.**
 - iii. **Digital signs may produce no more than 0.3 foot-candle of light when measured from the distance using the following formula:
Measurement Distance= (Area of Sign Sq. Ft. × 100)**
 - iv. **Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change.**
- b. Except for public service signs such as time and temperature units and official traffic signs, no flashing lights, beacons or other interrupted illuminating devices shall be permitted, **with the exception of permitted digital display signs.** (CCMC § 17.39.150(B))

7. Amend Sign Matric Table to allow Digital sign type within the C-2 zone.

SECTION 5: ENVIRONMENTAL DETERMINATION SUMMARY

The proposed landscaping zoning amendment is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines:

§15061 - Review for Exemption

(b) A project is exempt from CEQA if:

(3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Staff believes the subject ordinance would be exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act

(CEQA) Guidelines, Section 15061(b)(3). This section is the "common sense exemption" that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. If the Lead Agency can determine that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Pursuant to this section, the proposed amendments and adjustments fit within the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. In that the proposed amendments and amend definitions, allowable sign types with the C-2, the proposed adjustments and amendments will not have a significant effect on the environment; and therefore, the activity is not subject to CEQA. Future signs will be analyzed on a project-by-project basis.

REQUIRED FINDING BY THE COMMISSION:

The Planning Commission finds that the proposed revisions are determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15061(b)(3) (Common Sense Exemption).

SECTION 6: INTER-DEPARTMENTAL PLANNING REFERRALS

The Inter-Departmental Planning Referrals were provided (on 06/17/25) to other City departments which included the following comments/conditions:

7.1. Police Department: Approved with "The sign needs to be dim enough that it does not distract/interfere drivers on the roadway at nighttime is the only concern, to be in compliance with vehicle code." (06/17/25)

7.2. Fire and Rescue: Approved with no comments. (06/19/25)

7.3. Building Department: None

7.4. Public Works Department: None

SECTION 7: PLANNING COMMISSION ACTION OPTIONS

A. **APPROVAL**. Making all the required findings.

- **"I move to adopt Resolution No. PC2025-07, A Resolution of the Planning Commission of the City of Crescent City recommending the City Council adopt the amendments to the Signs Regulations Ordinance, Chapter 17.39 of the City's Municipal Code."**
- Planning staff will send the resolution and draft ordinance to the City Council for consideration.

- B. **DENIAL**. Denying one, or more, of the required findings.
- **“I move to deny the Revision to the Signs Ordinance due to the requirements not being fully satisfied, specifically regarding _____.”**
 - Planning staff will not send the draft ordinance to the City Council for consideration.
- C. **REQUEST ADDITIONAL INFORMATION**. Requiring additional information to make the necessary findings.
- **“I move to request additional information regarding _____ be brought back to the August 14, 2025 (or, time certain, Special) Planning Commission meeting for consideration.”**
 - Planning staff will follow up with the commissioners requesting any additional information, which will continue this item on the next scheduled Planning Commission meeting agenda (CCMC §17.46.050) scheduled for Thursday, August 14, 2025, or a specific alternative Special Planning Commission meeting.

SECTION 10: STAFF RECOMMENDATION

1. (Chair) “Agenized Item #2. A Public Hearing to consider a Zoning Ordinance Amendment (Application ZOA25-01) to the Signs Regulations Ordinance (Chapter 17.39) to allow digital signs.”
2. (Chair) “I will open the Public Hearing.”
3. (Chair) “We will now receive a presentation on the Staff Report from Planner Lawton.”
4. (Chair) “Does any Commissioners have any clarifying questions for staff?”
 - a. (Chair) “Does the Applicant wish to address the Planning Commission?”
5. (Chair) “I will open Public Comment, which we will receive at the podium.”
 - a. “We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project.”
 - b. (Chair) Any clarifying questions?
6. (Chair) “I will close Public Comment.”
7. (Chair) “Is there any discussion on this item from the Commissioners?”
8. (Chair) “I believe a motion would be in order.”
 - a. **(Commissioner) “I move to adopt Resolution No. PC2025-07, A Resolution of the Planning Commission of the City of Crescent City recommending the City Council adopt the amendments to the Signs Regulations Ordinance, Chapter 17.39 of the City’s Municipal Code.”**
 - b. *Note: Any changes should be included in the motion.*

9. (Chair) "A motion has been made by Commissioner _____. Is there a second?"
10. (Chair) "It was seconded by Commissioner _____."
11. (Chair) "A motion was made and seconded to: **"Adopt Resolution No. PC2025-07, A Resolution of the Planning Commission of the City of Crescent City recommending the City Council adopt the amendments to the Signs Regulations Ordinance, Chapter 17.39 of the City's Municipal Code."**
 - a. *Note: Any changes should be included in the motion.*
12. (Chair) "Is there any additional discussion from the Commissioners on the motion?"
13. (Chair) "Seeing as there is no further discussion, it is time for a vote on the motion, Specialist Welton, can you poll the vote?"
14. (Chair) "The motion passes (*or fails*) by a vote of ____-to-____." (*Example 4-0*)

--- END OF REPORT ---



PROPOSED ZONING ORDINANCE AMEDNMENT

Zoning Ordinance Amendment – Application ZOA25-01

Tsunami Lanes & FEC Inc. (John H Kirk) has submitted a Zoning Ordinance Amendment Request (Application ZOA25-01) to amend the Signs Regulations Ordinance (Chapter 17.39) to allow LED digital display signs that rotate images within the C-2 zone (General Commercial District), which includes:

Note: Added = **red text**, Deleted = ~~red text with strikethrough~~.

Chapter 17.39 SIGNS

Note: Chapter 17.39 applies to all signs erected in the city as of January 17, 1996, and for all signs erected in the coastal zone as of January 17, 1996, pending Coastal Commission approval. Chapter 17.39 shall not apply to legal nonconforming signs as defined in Section 17.39.030, except as provided in Section 17.39.020.

§ 17.39.010 Purpose.

A. The surroundings of the city are possessed of natural beauty having both giant redwoods and the Pacific Ocean at the disposal of its citizens. The city's economy is dependent on a vigorous local business economy, spawned in part by tourism and its residential environment. The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent part of the scenery, signs may attract the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the community.

B. It is the intent of the city that this chapter emphasize the importance of business activity to the economic vitality of the city, help improve the ability of business owners and operators to identify their businesses to the community to enhance the furtherance of commerce, foster varied and interesting places of trade and promote public safety by making business signing visible to the passing public. This chapter is further intended to encourage the use of signs that:

1. Protect and enhance the architectural character, harmony and natural beauty of the community, its buildings and its various neighborhoods and districts;
2. Protect commercial districts from sign clutter;
3. Protect the public's ability to identify users and premises without confusion;
4. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;

PROPOSED ZONING ORDINANCE AMENEDMENT
Zoning Ordinance Amendment – Application ZOA25-01

5. Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information;
6. Protect the right of the public to be directed, warned, advised and informed;
7. Possess a satisfactory aesthetic effect and pleasing elements of design that relates to the form, proportion, material, surface treatment and position;
8. Assure the maintenance of signs;
9. Implement the community design objectives expressed in the general plan;
10. Prohibit political signs on public utility or street sign poles because it is necessary to prevent visual distractions to motorists that create traffic hazards, prevent the obstruction of road hazards and road signs, and to prevent eyesores from proliferating along public streets;
11. Regulate the size of political signs because it is necessary for safety and aesthetic reasons, specifically that the strong winds common in the city would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists.

C. The general sign usage provisions and regulations of this chapter shall apply. The additional sign usage authorized hereunder shall be strictly construed in its application.

(Ord. 672 § 5)

§ 17.39.020 Applicability.

A. This chapter shall apply to on-premises advertising displays which meet any of the following criteria:

1. On-premises advertising displays placed or constructed on or after January 17, 1996;
2. Any on-premises advertising display placed or constructed on or before January 17, 1996 that was not in compliance with all ordinances and regulations in effect at the time of its construction and erection or use;
3. Any on-premises advertising display which was lawfully erected, but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than ninety days;
4. Any on-premises advertising display which has been more than fifty percent destroyed, and the destruction is other than facial copy replacement, and the display cannot be repaired within thirty days of the date of its destruction;
5. Any on-premises advertising display whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expand or

PROPOSED ZONING ORDINANCE AMENEDMENT
Zoning Ordinance Amendment – Application ZOA25-01

enlarge the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the advertising display exceeds fifty percent of the cost of reconstruction of the building;

6. Any on-premises advertising display for which there has been an agreement between the sign permit holder and the city for its removal as of any given date;

7. Any on-premises advertising display which is a temporary sign;

8. Any on-premises advertising display which is or may become a danger to the public or is unsafe;

9. Any on-premises advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county;

10. Except where the provisions of this chapter provide for earlier sign removal, on-premises advertising displays located in redevelopment project areas created pursuant to Community Redevelopment Law of Division 24 of the California Health and Safety Code, shall be removed or made to conform within sixty days after written notice by the community development department, in accordance with the following schedule:

Original Value of Sign	Original Value of Sign
Amortization Period	Amortization Period
Less than \$500.00	Less than \$500.00
One year	One year
\$500.00 to \$999.00	\$500.00 to \$999.00
Two years	Two years

The permit holder of a redevelopment area sign shall, upon written request of the community development department, furnish acceptable proof of the initial cost in the form of: (a) an original bill of sale, or (b) a depreciation schedule from state or federal income tax returns, or (c) a written appraisal by a sign manufacturer;

11. Advertising displays located in areas listed or eligible for listing on the National Register of Historic Places;

12. Advertising displays located in areas registered by the California Department of Parks and Recreations as a state landmark of historical interest pursuant to Section 5021 of the California Public Resources Code;

PROPOSED ZONING ORDINANCE AMENEDMENT
Zoning Ordinance Amendment – Application ZOA25-01

13. Advertising displays located in areas created as historic zones or individually registered properties by the city pursuant to Article 12 of Chapter 1 of Division 1 of Title 5 of the California Government Code.

B. Legal Nonconforming Signs.

1. Legal nonconforming signs shall be removed or made to conform with the provisions of this chapter within sixty days after written notice by the community development department, when:

a. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or

b. A sign is damaged or destroyed by any cause, to the extent that the cost of repairing or replacing it would be more than fifty percent of its value immediately prior to the damage; or

c. In accordance with the provisions for abatement outlined in Section 17.39.190.

2. Except as otherwise provided in this chapter, nonconforming on-premises signs shall be made to conform to the provisions of this chapter upon the change of a name of any business, the relocation of any business, or an application for a sign for any business.

3. General Provisions. A legal nonconforming sign may not be:

a. Changed to another nonconforming sign; or

b. Structurally altered to extend its useful life; or

c. Expanded, moved or relocated; or

d. Re-established after damage or destruction of more than fifty percent of the dollar value of the sign as determined by the community development director.

4. Ordinary repair and maintenance may be made to a legal nonconforming sign provided that such maintenance and repair does not exceed twenty-five percent of the actual dollar value of the sign in any one year.

5. Exceptions to the provisions of this section may be granted, in the form of a variance, by the planning commission upon the application of any owner of a sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location or surroundings which make it practically impossible to identify effectively the property to the public if strict application of all the provisions of these regulations are required; or

b. The sign possesses unique features which make it a significant part of the community

PROPOSED ZONING ORDINANCE AMENEDMENT
Zoning Ordinance Amendment – Application ZOA25-01

character of the area in which it is located.

(Ord. 672 § 5)

§ 17.39.030 Definitions.

As used in this chapter:

"Abandoned sign" means any sign or advertising display remaining in place or not maintained for a period of ninety days which no longer advertises or identifies an ongoing business, product or service available on the business premises where the sign or display is located.

"Advertising display" means the same as "sign."

"A-frame" means a sandwich board sign.

"Architecturally controlled sign" means any sign that is submitted as part of, or related to, the design of a building, or group of buildings, constructed for commercial purposes, and that has gone through an approved process of design review.

"Awning/canopy sign" means any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or nonpermanent structural protective cover over the doorway, window, patio or other part of the exterior of a building. A marquee is not an awning or a canopy.

"Balloon" means a nonporous bag containing a gas lighter than air causing it to rise and float above the ground.

"Banner" means a sign made of flexible materials such as cloth, canvas, plastic or cardboard.

"Beacon" means a rapidly rotating fixed light giving the appearance of a flashing light.

"Bed and breakfast establishment" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to the guests.

"Billboard" means a **large** sign structure, **exceeding 100-sf**, which is made available for lease or rent for the purpose of off-site advertising.

"Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the sign.

"Community event" means an occasion or activity sponsored by either a governmental or quasi-governmental agency (such as the harbor district, city of Crescent City, Del Norte County, the Crescent City business and parking improvement district, or chamber of commerce) or by a not-for-profit organization (such as a church or a civic

PROPOSED ZONING ORDINANCE AMENEDMENT
Zoning Ordinance Amendment – Application ZOA25-01

organization), the purpose of which is to benefit the community as a whole, either by raising funds through a specific event to address a specific issue (such as the United Way Ball), by publicizing the area to visitors (such as street fairs) or for the purpose of a community-wide celebration (such as the fourth of July).

"Construction signs" means a temporary sign erected on the premises on which construction is taking place identifying the names of the persons or companies involved in the project.

"Curbline" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the public works director.

"Directional sign" means an accessory sign designed to guide or direct pedestrian or vehicular traffic.

"Digital Sign" means an LED digital display sign that may rotate images.

"Display surface" means the area made available by the sign structure, including the background area, for the purpose of displaying an advertising message.

"Double-faced sign" means a sign with two faces only, with each face oriented one hundred eighty degrees from the other. Such sign may be a pole, projecting, hanging or roof sign.

"Enforcement officer" means the public employee or officer designated by the legislative body of the city to perform the duties imposed by these regulations.

"Flag" means a usually rectangular piece of fabric of distinctive design that is used as a symbol or as an attracting or signaling device. Corporate flags contain the name or logo of an incorporated business or organization. Governmental flags are duly recognized symbols of a city, state or nation.

"Flashing" means sudden bursts of light. In certain uses it appears to simulate movement.

"Freestanding sign" means a sign not attached to any building and having its own support structure, such as a pole or a monument-style base.

"Frontage" means the distance in feet of a lot measured along a street right-of-way.

"General advertising sign" is a sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

"Grand opening" means the first thirty business days of a new business.

"Ground sign" means the same as "monument sign."

PROPOSED ZONING ORDINANCE AMENEDMENT
Zoning Ordinance Amendment – Application ZOA25-01

"Hanging sign" means a sign that is suspended from the underside of a horizontal plane surface, such as a marquee, awning or canopy, or from a bracket, and which is supported by that surface or bracket.

"Holiday decorations" means wording, symbols or pictures of a noncommercial nature which may be erected or displayed in reference to a specific seasonal, political or religious holiday. Sale announcements are not holiday decorations.

"Horizontal sign" means a projecting sign having its greatest dimension in a horizontal direction.

"Identification" means a sign giving the name, nature, logo, trademark or other identifying symbol of an establishment.

"Institutional use" means a nonprofit, public or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose.

"Legal nonconforming signs" means on-premises advertising displays which do not conform to the provisions of this chapter but which lawfully existed and were maintained prior to January 17, 1996.

"Luminescence" means an emission of light produced by electrical action.

"Mansard roof" means a roof having two slopes on each side, with the lower slope steeper than the upper one.

"Marquee" means any permanent-roofed structure made of a nonflexible material, which is attached to and supported by a building, and which projects over public property.

"Monument/ground sign" means any sign other than a pole sign, placed upon or supported by the ground independent of any other structure.

"Mural" means a decorative scene or graphic design painted on and made an integral part of a wall surface, and making no reference to a specific business or brand of product offered for sale on the premises.

"Nameplate" means a small sign stating only the name and/or address of the occupant(s), and his or her profession or specialty. However, in the case of bed and breakfast establishments, only, nameplate additionally means a sign displaying the name of the establishment.

"On-premises advertising display" has the same definition as California Business and Professions Code Section 5490(b) as amended or supplanted.

Paper Signs. Paper signs tacked or otherwise fastened to a side of a building or bulletin board, or outside of a window are temporary signs unless enclosed in a frame with a glass, Plexiglas or equivalent cover.

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"Parapet" means the extension of the main walls of a building above the roof level, such as a false front. Parapet walls are often used to shield mechanical equipment or vents from view.

"Pennant" means a flag which tapers to one or two points. "Pennants" also refers to strings of small flags or strips which can be hung either attached to a building or across an open parking area.

"Placard" means a nonpermanent announcement or sign in the form of a small card, such as a poster or plaque.

"Pole sign" means a freestanding sign that is wholly supported by one or more posts or poles, free of braces or cables, either in the ground or in a concrete base.

"Portable sign" means a sign that is not permanently attached to the ground or to a structure.

"Projecting sign" means a sign other than a wall sign or awning sign which projects out from and is supported by a wall of a building or structure.

"Projection" means the distance by which a sign extends over or beyond the edge of a building.

"Public right-of-way (RoW)" means a public street, sidewalk or accessway.

"Real estate sign" means a sign of any size advertising real property for sale or lease, including "open house" signs.

"Revolving sign" means a sign whose face(s) turn round on an axis, usually a pole of any height.

"Right-of-way (RoW)" means the same as "public right-of-way."

"Roof height" means the vertical distance measured from the average grade level of the building (the ground) to the highest point of the roof, ridge or parapet wall.

"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.

"Sandwich board sign" means a portable sign consisting of two hinged boards designed to stand alone for display, and which may be folded and moved from place to place. Also known as an "A-frame."

"Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title.

"Sign" means any writing, pictorial representation, symbol, banner, or other figure of similar character of any material that is used to identify, announce, direct attention to,

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communicate, inform or advertise.

"Sign area" means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign, or of one face of a double-faced sign.

"Sign height" means the vertical distance from the average grade at the base of the sign structure to the uppermost point of the sign.

"Sign structure" means any structure that supports, or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole, several poles, frame structure, or solid base, or may be an integral part of a building.

"Spinner" means any advertising or attention-getting device which includes a part or parts which turn, gyrate or revolve rapidly.

"Streamer" means any long wavy strip, either free-floating or attached at both ends, as alongside a building or over a parking lot or other open area.

"Structure" means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined in some definite manner; but not including fences, or walls used as fences that are three feet in height or less.

"Suspended sign" means the same as "hanging sign."

"Temporary sign" means any sign or advertising display constructed of fabric, canvas, paper, plywood or other such light material, not permanently erected, and constructed, created, intended or engineered to have a useful life of less than fifteen years.

Temporary signs may include, but are not limited to vehicle and trailer signs, banners, balloons, sandwich boards and paper signs.

"Time and temperature device" means any device which displays the current time and temperature, usually in the form of a clock and thermometer or an electronic digital display unit. Often such devices include the name or logo of the business upon whose premises the device is located.

"Trailer sign" means any sign mounted on a trailer or cart so as to be movable by being pulled about.

"Twirler" means the same as "spinner."

"Vehicle sign" means any sign which is painted or mounted on an operating or nonoperating vehicle, which is parked on or adjacent to any property, the principal purpose of which is to attract attention to any business, service, product or an activity, or to convey a message for which other avenues of expression are readily available. For the purpose of this chapter, vehicle sign regulations shall not apply to business vehicles on which the business name or logo is painted or attached, and which are driven in the normal course of business activity.

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"Vertical sign" means a projecting sign having its greatest dimension in a vertical direction.

"Wall sign" means a single-faced sign painted on or attached parallel to a building or wall.

"Window sign" means a sign maintained in or painted upon a window so that its message can be seen from the exterior of the structure. Window signs do not include holiday decorations.

(Ord. 672 § 5)

§ 17.39.040Types—Generally.

The types of signs set forth in this section will be permitted for the various uses allowed in Sections 17.39.110 through 17.39.140 and must be limited to the restrictions set forth in Section 17.39.020, in addition to those required in Sections 17.39.050 through 17.39.080. Additional special use signs are also listed in this section.

A. Signs having Double Faces. Pole signs, revolving signs and projecting signs may have double faces. Where such signs and marquees have double faces, and are included in the total sign area, the area of only one face need be included in the total area allowed. Where the two faces are of different areas, the larger of the two must be counted as part of the total sign area.

B. Projecting Signs. Projecting signs identifying a business located on the premises shall be located no less than nine feet above the sidewalk, may not project above the roofline of a wall or building, and shall project into public property no more than thirty-six inches from the side of the building. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

C. Wall Signs.

1. Flat wall sign(s) identifying each business conducted on the premises may be painted on the surface of the building or attached to the face of the building, no point of which shall project over eighteen inches from the face of the building. Wall signs shall not occupy more than fifty percent of the building surface envelope excluding window areas, and shall not project above the top of the wall or above the roofline of the building to which they are attached. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

2. On buildings which are two or more stories in height, but which are occupied above the first floor by other than the ground floor business, the first floor envelope shall extend to the bottom of the second floor window line. The second floor envelope shall extend from the bottom of the second floor window line to the bottom of the above floor window line, or to a line one and one-half feet below the roofline or top of the wall.

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1. For purposes of computing sign area, signs on the face of a marquee which is parallel to the front wall of a building shall be considered as part of the flat wall sign envelope, and signs on other faces of the marquee shall be considered as a double-faced projecting sign.

2. Single-faced or double-faced signs placed under marquees or canopies shall be limited to a maximum size of eighteen inches high and sixty inches long, and shall be not less than nine feet from the sidewalk to the bottom of the sign. Only one side of these signs shall be used in computing total aggregate sign area.

E. Pole or Freestanding Signs. Provisions for pole or freestanding signs shall be as follows:

1. Minimum height in a vehicular area: fourteen feet to the bottom of the sign;
2. Minimum height over a public pedestrian area: ten feet to the bottom of the sign;
3. Maximum height: thirty feet to the top of the sign absent a variance;
4. Minimum setback from the right-of-way line: one-half the distance from the road right-of-way line to the legal setback line;
5. Only one pole sign shall be permitted per parcel where allowed;
6. The minimum ground area of two feet around the perimeter of the base of all freestanding signs shall be landscaped. The community development director may exempt certain freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicular traffic, or where this requirement would be impossible to meet without compromising the stability of the sign structure.

F. Monument or Ground Signs. Monument or ground signs shall not exceed five or ten feet in height, depending upon the regulations for the zone in which the sign is being placed, unless a variance for a higher sign has first been approved by the planning commission. Such signs shall not impede vehicle sight distance.

G. Canopy or Awning Signs. Signage shall only be permitted on the valance of the canopy or awning, or as hanging signs suspended below the canopy. Hanging signs suspended below canopies shall not exceed eighteen inches in height or sixty inches in length, and shall be hung at a height not less than nine feet measured from the sidewalk to the bottom of the sign. Sign area shall be computed using only one face of the hanging sign.

H. Architecturally Controlled Signs. Architecturally controlled signs for a special development of an unusual nature or size may be reviewed and approved if acceptable by the planning commission for their conformance with the intent of this chapter, with the goals of the general plan, and for their appropriateness to the type of development to which they are related. The determination that such a review is desired may be made

by the community development director.

I. Sandwich Board or A-Frame Signs.

1. Subject to an encroachment permit through public works if within city right-of-way.
2. Signs must be constructed of durable materials and in such a manner as not to present a hazard to pedestrian movement.

J. Pennant Signs. Pennants signs include wind-blown signs, double-faced signs, free-standing signs, small pole signs, portable signs, revolving signs, temporary signs, and vertical signs.

K. Digital signs.

1. Digital signs may contain static messages only. Signs may not display text which flashes, pulsates, moves or scrolls. Each complete message must fit on one screen.
2. Digital signs may not change message more than once every 15 seconds.
3. The content of a digital sign must transition by changing instantly (e.g., no fade-out or fade-in).

~~K~~-L. Not Otherwise Specified. Any sign that is not otherwise defined above, may be reviewed by the community development director for a determination as to which approval criteria shall apply based upon the similarity of characteristics of the undefined sign as compared to those sign types that are defined.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.050 Special provisions.

The following provisions shall apply to all signs generally permitted by this title:

- A. A sign permit must be issued before the display of any signs other than exempt signs.
- B. The use of any sign that is obnoxious in character or location or which is architecturally undesirable in the judgment of the community development director can be denied even though such sign complies with all other provisions of this title. The decision of the community development director is appealable to the planning commission. A fee may be charged to cover the cost of bringing the appeal before the planning commission.
- C. Materials used in the construction of signs and sign structures and the construction thereof shall comply with the Underwriters Laboratory and the latest adopted edition of the Uniform Sign Code, Uniform Building Code, National Electric Code, and other applicable laws and ordinances.

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D. Once constructed, the front and back of all signs and sign structures shall be fully painted and shall be maintained in a safe condition and neat appearance.

E. Signs that tend to attract motorists to a roadway-oriented business shall not be lighted except during hours that the merchandise or services are available.

F. Sign structures not used for signage purposes for more than twelve months shall be considered a nuisance and shall be removed.

(Ord. 672 § 5)

§ 17.39.060 Sign permits.

A. Terms. Sign permits may be revocable, conditional or valid for a term period, and may be issued only for the construction and display of signs as outlined in these provisions.

B. Permits Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and only then after a permit for the same has been issued by the community development department. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electrical signs. Each application for a sign permit shall be reviewed by the city building inspector who is authorized to determine if a building permit shall additionally be required as a condition to the issuance of a sign permit. A building permit shall be required when the proposed sign's erection, re-erection, construction, alteration or maintenance may potentially adversely affect the public's health, safety or welfare. Sign permits may be issued to any person with a possessory or estatehold interest in the real property where the sign is sought to be placed or to a contractor licensed by the Department of Consumer Affairs and employed by such person to perform the sign's erection, re-erection, construction, alteration or maintenance.

C. Application for Permit.

1. Application for a sign permit shall be made in writing upon forms furnished by the community development department. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the applicant and properly identify the applicant's interest in the real property where the sign is sought to be placed or as a contractor licensed by the Department of Consumer Affairs employed to perform the sign's erection, re-erection, construction, alteration or maintenance. The application must be accompanied by plans and specifications for all signs to be constructed. Such plans and specifications shall specify:

- a. The materials of which the sign and its structure shall be constructed; and
- b. The sign's location on the property; and

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- c. The type of construction to be used in the sign; and
 - d. The message and pictorial representations which will appear on the sign(s); and
 - e. The dimensions of its size; and
 - f. Any other existing signage or display already on the property.
2. Standard plans may be filed with the community development department.
3. The application will be reviewed by the city's building and community development departments, and must be approved by each prior to the issuance of any sign permit. The applicant shall submit any additional information required by the city's building and community development departments.

D. Fees. The sign permit application shall be accompanied by fees as established by resolution of the city council. In addition, signs subject to building and electrical permits shall be subject to the fees required for the issuance of those permits.

E. Public Hearing. The planning commission may hold public hearings to discuss sign permit applications whenever it determines that such a hearing is in the public interest. The planning commission may, through the public hearing process, designate such conditions as it deems necessary to ensure compliance with the purposes of this chapter, and may require a guarantee or bond to be posted to that effect.

F. Issuance. Within thirty days of receiving a complete application for a permit which is not contingent upon any action by the planning commission or on the issuance of any other permits, the application shall, in writing, be approved, conditionally approved or denied. Conditions imposed may only be such as will assure compliance with the provisions of these regulations.

G. Inspections. All signs for which a building permit is required shall be subject to inspection as required by the building official. All signs may be reinspected at the discretion of the building official.

H. Revocation.

1. In any case where the conditions set forth in the approval of a sign permit have not been met, the permittee shall be noticed by certified mail, sent to the address shown on the sign permit application at least ten days prior to a hearing at which the status of the conditions are to be discussed. At the conclusion of the hearing, the planning commission may revoke the permit.

2. In any case where an approved sign permit has not been used within six months after the date of approval, then, without further action by the city council or planning commission, the sign permit granted shall become null and void.

(Ord. 672 § 5)

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§ 17.39.070 Temporary permit required when.

The following types of signs and advertising devices are permitted with the issuance of a temporary permit from the community development department. The permit may impose conditions on the size, placement, structure, color, copy, conditions of removal or any other aspect of the display at the discretion of the community development director. Balloons may also be subject to approval by the building inspector, at his or her recommendation. A fee may be charged by the building department if an inspection of the balloon attachment is required.

A. Grand Opening Signs, Banners or Balloons. Pennants, signs, banners and/or balloons for the promotion of the grand opening of a new business for a period of not more than the first ninety business days of a new business. A use permit must be granted by the planning commission in order to display such devices for any longer than ninety days;

B. Promotional Signs, Banners or Balloons. Signs, banners, balloons, pennants or other advertising devices for the promotion of special sales or other business events lasting for a period of up to thirty days.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.080 Prohibited signs.

In addition to any sign or advertising display device not specifically allowed by these provisions, the following signs are prohibited.

A. Signs having one or a combination of the following characteristics:

1. Obscene or Offensive to Morals. Containing statements, words or pictures of an obscene, indecent or immoral character which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political or scientific value,

2. Imitative of Official Signs. Signs (other than when used for traffic direction) which contain the words stop, go, slow, caution, danger, warning or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses and the like;

B. Moving signs having one or a combination of the following characteristics:

1. Flashing lights or changing of color intensity, **unless otherwise permitted**,

2. Wind-blown devices such as streamers, balloons, flares, propellers and similar attention-getting displays or devices with the exception of the following:

a. National, state and/or local government flags properly displayed and maintained upon a permanently mounted flagpole or bracket,

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- b. One corporate or logo flag of a size not to exceed any governmental flag displayed upon the same premises,
- c. Twirlers or spinners, provided a use permit has first been obtained from the planning commission,
- d. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty days in any one calendar year, except no advertising of the business or products shall be permitted,
- e. Wind-blown signs such as pennants obtained through a standard sign permit.

3. Where there is any production of smoke, sound or other substances;

C. Portable or temporary signs, including sandwich boards and pennants, except as permitted;

D. Obstructive to Use or Visibility—Hazardous Locations. No sign shall be erected in any manner which, in whole or in part, would create a hazardous condition to pedestrians or traffic alike, either by creating visual distraction, being color, sounds or glare, or by representing a traffic-control device; and

E. Signs in one or more of the following locations:

1. Within Public Places.

a. Within any public street, sidewalk, public parking lot, or right-of-way, unless they shall maintain a minimum clearance of fourteen feet above the adjoining grade level and after acquiring an encroachment permit from the Department of Public Works, except marquee signs as defined by this chapter, unless specifically provided for in this chapter,

b. Furthermore, no person except a duly authorized public officer or employee shall erect, construct, maintain, paste, print, nail, tack or otherwise fasten or affix any card, banner, flag, pennant, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, driveway, roadway, parkway, sidewalk, street, light standard, fire hydrant, bench, electrical light pole, power pole, telephone pole, traffic signal, bridge, wall, tree, parking meter, or on any other public property, except as may be required or permitted by ordinance or law; provided, that this provision shall not prohibit the placement, use and maintenance of warning signs designating street construction or repair and/or the location of underground utility lines,

c. Any flags, pennants, sign, handbill, campaign sign, poster or notice of any kind that is placed upon a public street or public property in violation of this subsection is declared to be a public nuisance and may be summarily abated in addition to other remedies provided by this code,

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2. Roof signs, except mansard roof signs,

3. Projecting. Signs projecting more than thirty-six inches from the face of a building shall not be allowed except for awning or canopy signs,

4. Signs on Vehicles. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. The parking of any such vehicle on any street or on public or private property, or the movement of any such vehicle in and/or along any street for the sole or primary purpose of displaying advertising matter is declared to be a nuisance and a violation of this Section. The following exceptions are permissible under these regulations:

a. The driving, operation and movement of vehicles displaying political campaign advertisements for candidates for public office or for ballot measures, provided the same is not otherwise prohibited by this section,

b. The identification of a business enterprise upon a vehicle used primarily for the purpose of and in the usual business of the owner for transporting or servicing goods or persons for commercial or other business purposes, provided that the identification is painted on or otherwise affixed so as not to project from the usual profile of the vehicle,

c. The incidental display of noncommercial stickers, plates, license plate brackets and the like; or of customary small identifications on license plate brackets or elsewhere, of vehicle manufacturers, models or types of vehicles, or dealers or entities from whom vehicles bearing the same were purchased or otherwise obtained,

d. A single isolated movement of a sign or sign equipment or materials from one place to another within the city,

e. Vehicles located on construction sites that are directly involved with ongoing construction,

5. Miscellaneous Temporary Signs and Posters. The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns or sheds, on trees, poles, posts, fences, or other structures shall be prohibited, unless specifically permitted by this chapter;

F. Abandoned Signs.

1. In addition to the other requirements imposed by this chapter, signs advertising an activity, business, product or service no longer conducted on the premises on which the sign is located, or sign frames, structural members or supporting poles remaining unused for twelve months or longer, shall be removed from the site. Signs will be considered abandoned or dilapidated where the sign or any element of it is excessively weathered or structurally unsound or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions,

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2. This provision may be waived for set periods of time at the discretion of the community development director;

G. General advertising signs.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.090 Variances.

A. Generally. When practical difficulties, unnecessary hardships or results inconsistent with the general intent and stated purpose of this chapter occur by reason of the strict application of the standards set forth in these regulations, a sign variance may be requested.

B. Application.

1. A request for a sign variance shall be made by submitting a completed permit application form and appropriate filing fee to the community development department, along with all supporting documentation pertinent to the situation, such as maps, photographs or sketches.

2. The request for variance shall be set for public hearing on the earliest available meeting date of the planning commission. The appellant shall be notified in writing of the meeting date. Notice of the hearing shall be published in a newspaper of general local circulation at least ten days prior to the hearing. The hearing may be continued from time to time.

C. Required Findings. The planning commission must make the following findings in order to approve a sign variance:

1. The strict application of the standards contained in this chapter deprives the appellant's property of privileges enjoyed by other property owners in the same vicinity and under identical use classification due to special circumstances applicable to the property including size, shape, topography, location or surroundings; and

2. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with the same use classifications as the subject property.

D. Variance Allowed.

1. The planning commission may, upon approval of a variance sign permit, allow:

a. An increase in allowed height; and/or

b. An increase in size of not more than fifty percent; and/or

c. A reduction in the required setbacks.

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2. Variances may not be granted to allow signs to meet the same standards as legal nonconforming signs in the same vicinity or use classification, and/or which may be competing for the same business patrons.

(Ord. 672 § 5)

§ 17.39.100 Appeals.

A. Appeals. Any person aggrieved by an action of the planning commission, or by city staff, may make an appeal of that decision. Appeals of decisions made by the planning department staff shall be submitted to the planning commission. Appeals of decisions made by the planning commission shall be submitted to the city clerk for review by the city council. Decisions of the city council are final, with the exception of coastal zone appealable areas. Decisions of approval for sign development(s) within the coastal zone appealable area may be appealed to the California Coastal Commission. Decisions of denial for development within such zones are final.

B. Application for Appeal. Application for appeal is made by filing a written request for appeal, along with any required appeal filing fee, within ten days of the action. The request must specify:

1. The person making the appeal, and their place of residence; and
2. The location of the proposed sign(s); and
3. The specific items of appeal and all supporting documentation; and
4. The basis for the appeal, and any information substantiating that basis (for example, failure to comply with the city's general plan or with state or local laws, or reasons why the action would adversely affect surrounding property, the neighborhood or the city); and
5. The relief of action sought.

C. Appeal Process.

1. Who May Appeal. In case the applicant or any other person is not satisfied with any decision to approve or deny a sign permit, they may appeal such decision as provided in this subsection.

2. Appeal Letter Requirements. The appeal letter shall specify:

- a. The person making the appeal;
- b. The specific items of appeal and all supporting documentation;
- c. The basis for such appeal and information substantiating the basis for appeal (e.g., failure to comply with the city's general plan, state or local laws or stating reasons why

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the action of the planning director or the planning commission would adversely affect surrounding property, the neighborhood, and/or the city);

d. The relief of action sought.

3. Where and How to Appeal.

a. Decisions of the planning director may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. Any appeal must be submitted in writing within ten calendar days of the decision and shall be accompanied by an appeal filing fee. Appeals of decisions of the planning director shall be submitted to the planning commission. Appeals of decisions of the planning commission shall be submitted to the city clerk. The appeal shall be agendized for consideration on the earliest available meeting date as determined by the city, but no later than thirty days from receipt of the appeal and filing fee. The appellant shall be notified in writing of the meeting date. In an appeal, the burden of proof is upon the appellant.

b. The appropriate reviewing authority shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.

c. If the appropriate reviewing authority causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in a newspaper of general circulation, printed and published in the city, at least ten days before the hearing. The hearing may be continued from time to time.

d. Within thirty days of the filing of the notice of appeal, the appropriate reviewing authority shall render its decision on the matter. Failure of the appropriate reviewing authority to render its decision on the matter within thirty days of the filing of the notice of appeal shall be deemed to be denial of the appeal and an affirmation of the action of the planning commission. The decision of the city council upon appeal is final and conclusive as to all things involved in the matter.

(Ord. 672 § 5)

§ 17.39.110 Residential zones.

The following signs are permitted in the city's residentially zoned districts (R1, R2, R3, CZ-R1, CZ-R1B, CZ-R2):

A. 1. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have wall, ground or monument signs with an area not to exceed one-half square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square

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foot for each additional linear foot of frontage.

3. A sign permit shall be required for these uses, unless the entity or agency is categorically exempt.

B. Apartment complexes with four or more units may have one monument sign per street frontage not to exceed twenty-four square feet of area and five feet in height. A sign permit shall be required.

C. Approved and licensed home occupations, including day care homes, shall be allowed one name-plate not to exceed two square feet in size, stating the occupant's name, address and/or profession. A sign permit shall not be required for the nameplate.

D. Bed and Breakfast Establishments. Bed and breakfast establishments within residential zones may be permitted one sign per establishment. The sign may be one of the following:

1. One sign not to exceed twenty square feet in size. The sign may be a wall sign, hanging sign, or ground or monument sign not to exceed five feet in height. The sign shall be constructed of nonplastic materials, and only low-level lighting exterior illumination to light the sign shall be permitted. The sign must have approval of the community development department, and a sign permit shall be required.

2. One nameplate sign, made of nonplastic materials, not to exceed two square feet in size. The nameplate may bear the proprietor's name, address, and/or the name of the establishment. A sign permit shall not be required for the nameplate.

E. Sandwich board signs or A-frame signs, with a valid business license or nonprofit business license exemption.

F. Pennant signs, with a valid business license or nonprofit business license exemption.

G. Exempt Signs. No permit required.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.120 Residential-professional zones (RP and CZ-RP).

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's residential-professional zoned districts (RP and CZ-RP):

1. Wall signs;

2. Canopy signs;

3. Monument or ground signs not to exceed five feet in height, and not to impede vehicle sight distance;

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4. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a wall, ground or monument sign. A sign permit is required for these uses;

5. Sandwich board signs or A-frame signs, with a valid business license or nonprofit business license exemption.

6. Pennant signs, with a valid business license or nonprofit business license exemption.

7. Exempt Signs. No permit required.

B. Allowable Sign Area.

1. The allowable sign area for nonresidential uses in the residential-professional districts is not to exceed one-half square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square foot for each additional linear foot of frontage.

3. Canopy signs are not included in the total sign area of the property.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.130 Limited commercial (C1) and commercial-waterfront (CW) zones.

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's limited commercial and commercial-waterfront zoning districts (C1 and CW):

1. Wall signs;

2. Canopy signs;

3. Marquee signs;

4. Monument or ground signs not to exceed five feet in height;

5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;

6. Hanging signs;

7. Projecting signs;

8. Window signs;

9. Sandwich board signs or A-frame signs.

10. Pennant signs.

11. Exempt Signs. No permit required.

B. Sign Types Prohibited. The following types of signs are prohibited in the C1 and CW zoning districts:

1. Pole signs, unless no other option is available to meet state requirements, such as for gasoline price signs;

2. Roof signs.

C. Allowable Sign Area.

1. The allowable sign area for nonresidential uses is not to exceed one square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one square foot for each linear foot of the longest street frontage plus one-half square foot for each additional linear foot of frontage.

3. No sign for any business shall exceed one hundred square feet, nor shall any business be restricted to less than twenty square feet of total sign area.

4. Buildings with over thirty thousand square feet of floor area shall be allowed to have one one-hundred-fifty-square-foot wall sign. Such sign shall be included in the total sign area for the parcel.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.140 General commercial (C2), coastal zone general commercial (CZ-C2), highway services (HS), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and commercial-manufacturing (CM) zones.

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's general commercial (C2), coastal zone general commercial (CZ-C2), highway services (HS), coastal zone high-way services (CZ-HS), coastal zone harbor-related (CZ-HR) and commercial-manufacturing (CM) zoning districts:

1. Wall signs;

2. Awning or canopy signs;

3. Marquee signs;

4. Monument or ground signs not to exceed ten feet in height;

5. Institutional uses such as churches, schools, libraries, hospitals, community centers

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and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;

6. Hanging signs;

7. Projecting signs;

8. Window signs;

9. Changeable ~~copy~~ signs, including digital signs;

10. Pole signs;

11. Banners. One promotional banner per street frontage. The banner must be mounted flat against the building, and must be maintained in a good condition. Tattered or torn banners must be removed;

12. Sandwich board signs or A-frame signs.

13. Pennant signs.

14. Exempt Signs. No permit required.

B. Use Permit Required. Twirlers or spinners are prohibited in these zones unless a use permit has first been approved by the planning commission.

C. Allowable Sign Area.

1. The allowable sign area for businesses in the general commercial (C2), coastal zone general commercial (CZ-C2), highway services (HS), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and commercial-manufacturing (CM) districts is not to exceed one and one-half square feet of sign area for each linear foot of street frontage.

2. Every business shall be permitted at least twenty square feet of sign area. No sign may exceed one hundred fifty square feet of sign area, with the exception of buildings of greater than thirty thousand square feet in size, which are permitted to have one wall sign of two hundred square feet.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.150 Illumination.

All signs shall be subject to the following restrictions upon illumination:

A. Light from any illuminated sign shall be shaded, shielded or directed so that its intensity or brightness shall not be objectionable to surrounding areas and uses:

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1. During daylight hours between sunrise and sunset, luminance is limited to 10,000 nits.
 2. At all other times, luminance is limited to 160 nits.
 3. Digital signs may produce no more than 0.3 foot-candle of light when measured from the distance using the following formula: $\text{Measurement Distance} = (\text{Area of Sign Sq. Ft.} \times 100)$
 4. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change.
- B. Except for public service signs such as time and temperature units and official traffic signs, no flashing lights, beacons or other interrupted illuminating devices shall be permitted, with the exception of permitted digital display signs.
- C. Illuminated signs are prohibited except in commercial districts.
- D. Illuminated signs shall not be lighted at night unless the service or product is available at that time.

(Ord. 672 § 5)

§ 17.39.160 Community promotion signs.

- A. Murals. Murals with no commercial message shall be allowed in all nonresidential zones, and on commercial use buildings in the residential-professional zones. The design must have the approval of the architectural review committee. All murals shall be maintained in a clean and tidy condition.
- B. Vertical Banners. Decorative banners with no commercial message, designed to enhance the community's appearance, may be erected by not-for-profit agencies on the city's street light poles. Such banners may also be displayed by private businesses on poles located on private property. Approval must first be granted by the city council who may ask to see a sample banner before making their decision. The banners must be maintained in a good condition, with any torn or tattered banners being removed or repaired promptly. The city reserves the right to have any such banner(s) removed if it is felt that it no longer contributes to the aesthetic enhancement of the community.
- C. Horizontal Banners. Street banners advertising public entertainment, community events or celebrations, or fund-raising events by community-oriented not-for-profit organizations may be installed if approved by the public works department at locations designated by the public works director. The banners may be installed fourteen days before the event begins, and must be removed no later than seven days after the end of the event. A Cal-Trans encroachment permit must be obtained if the banner will encroach upon a state highway.

(Ord. 672 § 5)

§ 17.39.170 Exempt signs.

Except for the regulation relating to construction, maintenance, public nuisance and safety the following types of nonilluminated signs shall be allowed without a sign permit and shall not be included in the determination of the type, number or area of signs allowed per business or parcel, or by zoning district:

A. Nameplates. Nameplate signs not exceeding two square feet in display surface, and which are attached flat against the building. One per residential dwelling unit, office or business;

B. Public Signs. Signs of a public, noncommercial nature which are placed by a duly recognized governmental agency, including, but not limited to directional signs, safety signs, handicapped parking signs and signs identifying places of scenic or historical interest;

C. Rental, or Room and Board Signs. One sign per frontage, not exceeding four square feet in area, announcing room and board, room, apartment or other dwelling unit for rent;

D. Directional Signs. One sign not to exceed three square feet per entrance or exit, indicating traffic movement onto, from or within a premises;

E. Construction Signs. Signs identifying the names of the architects, engineers, contractors or other involved professionals of a building, development or subdivision under construction, alteration, repair or formation. The signs may also identify the character of the enterprise or the purpose for which the building or development is intended. Such signs may be placed on the property or attached to the outside of the building or on-site construction office only during the period of time when the project is actively under construction. Such signs may not exceed thirty-two square feet in any commercial zone, or nine square feet in any residential zone, except as required by any governmental entity. The sign(s) must be removed before a certificate of occupancy will be issued;

F. Real Estate and Subdivision Signs. One unlighted sign per frontage stating that the site is for rent or sale by the owner or named agent and giving information regarding size, price and terms. Such signs may be placed in the yard or attached to the outside of the building. Freestanding real estate signs may not exceed three and one-half feet in height from the ground level to the top of the sign. Real estate signs may not exceed nine square feet in area. Real estate signs larger than nine square feet will require a building permit;

G. Political Campaign Signs.

1. It is the intent of this code to exempt campaign signs from the regulations of this

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chapter relative to the placement of general advertising signs in all zones of the city, and to thereby encourage participation by the electorate in political activity during the period of political campaigns, but to permit such uses subject to regulations that will assure that political signs will be located, constructed and removed in a manner so as to assure the public safety and general welfare and to avoid the creation of a public nuisance caused by the proliferation of political advertising which would be offensive to the senses and would interfere with the comfort and enjoyment of life or property. It is the purpose of the council, in adopting this chapter to provide such regulations as will contribute to the public safety and general welfare and insure the right of political expression to all members of the community,

2. Signs or posters announcing candidates seeking elective office, or encouraging a particular stance on a measure before the popular vote. Each sign located on private property, shall be placed only with the permission of the property owner or tenant, and posted in such a way as to not constitute a public nuisance or safety hazard, and may not block the views of vehicular traffic or obstruct the public right-of-way,

3. Campaign Signs in a Public Right-of-Way. Notwithstanding any other provision of this code, a campaign sign may be placed in the public right-of-way adjacent to a public street in commercially or industrially zoned areas or along prime or major arterials in residentially zoned areas subject to the following restrictions:

a. No sign shall be attached to any utility pole, public structure, pole or structure supporting a traffic-control sign or device, or hydrant,

b. No sign shall be placed on any tree or shrub by any nail, tack, spike or other method that will cause physical harm to the tree or shrub,

c. No sign shall be placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road or right-of-way,

d. No sign shall be placed in the roadway or on the sidewalk,

e. No sign shall be placed in that portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different from the owner,

4. No political sign shall be posted more than forty-five days prior to, or ten days following an election;

H. No Trespassing Signs. One sign per street frontage, not to exceed four square feet in area indicating limitation on the use of private property by other than the owners. If more than one sign per frontage is needed the property owner or business person may apply to the planning commission for a use permit;

I. Customer or Tenant Parking Only Signs. One sign per street frontage, not to exceed

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four square feet in area. The sign shall contain any of the following appropriate restrictions:

1. Customer parking only,
2. Tenant parking only, or
3. Private property, no parking, The sign shall also contain the telephone number of the city police department. The lettering on the sign must contrast with the background of the sign and be at least two inches high, and made with a one-half inch stroke. The sign shall also contain the words "Violators May Be Towed." If more than one sign per frontage is needed the property owners or business person may apply for a use permit;

J. Window signs;

K. Awning or canopy signs;

L. Corporate flags and governmental flags;

M. Garage Sale, Moving Sale, or Yard Sale Signs. Signs announcing the date(s) and location of a garage sale, moving sale or yard sale. Such signs shall not be posted in a manner which will block a public right-of-way, or which will block the vision of vehicular traffic. The signs must be removed once the date of the sale is passed;

N. Banners. One banner advertising products or services for sale on the premises per street frontage per business;

O. Barbershop Poles. Barber poles projecting not over eighteen inches from the face of the building where the barbershop is located or not projecting into the public right-of-way;

P. Holiday Decorations. Displays of a decorative, noncommercial nature for the purpose of celebrating a seasonal, political or religious holiday or a recognized community celebration, in season, for an aggregate period of not more than sixty days in one calendar year;

Q. Temporary or Seasonal Sales Booths. Signs including, but not limited to, fireworks stands, pumpkin sales, Christmas tree lots, community crafts fairs, temporary certified farmer's markets, and similar signs;

R. Community or Special Event Signs, Including Banners. Signs and banners for noncommercial promotional events of a civic, charitable, educational, religious or community service organizations provided any applicable encroachment permit has been obtained from other governmental entities having jurisdiction. The signs or banners must be removed within fourteen days after the event.

(Ord. 672 § 5; Ord. 839, 10/7/2024)

§ 17.39.180 Historical signs.

Signs which have historical significance to the community but do not conform to the provisions of these regulations may be issued a permit to remain provided the planning commission makes the following findings:

- A. The sign has historical significance for the community.
- B. The sign does not create a traffic hazard.
- C. The sign does not create a visual nuisance to the character of the community.
- D. The sign is properly maintained and structurally sound, or can be made so as part of an historical designation or preservation process.
- E. The sign does not adversely affect adjacent properties.

(Ord. 672 § 5)

§ 17.39.190 Enforcement.

A. Administration.

1. All actions taken by department heads, officials, or other employees of the city vested with the duty or authority to issue any permit, license or certificate shall conform to the provisions of this chapter and shall issue no permit, license or certificate for uses, buildings, or structures or purposes in conflict with the provisions contained in this chapter. Any permit, certificate or license issued in conflict with the provisions of this chapter shall be void.

2. The community development director, public works director, building official, code enforcement officer, or other person authorized by the city manager, shall be authorized to enforce provisions of this chapter and to issue citations and make arrests pursuant to state and city codes.

a. The community development director or designee shall be responsible for the following functions:

- i. Interpretations of this chapter; and
- ii. The review of sign permit applications for conformance with this chapter.

b. The building official or designee shall be responsible for the following functions:

- i. Inspections of signs and installation of signs;
- ii. Inspections of purported violations of this chapter;

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iii. The enforcement of this chapter by issuing final inspection approval of sign installations;

iv. Determination whether the sign applicant must apply for a building and/or electrical permit in addition to a sign permit.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the community development director, enforcement officer or their designee has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, dangerous or hazardous or may otherwise be in violation of the code, the community development director, enforcement officer or their designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this code.

C. Violations. Any sign or sign structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be and is declared to be unlawful and a public nuisance. All necessary legal proceedings for the abatement, removal and injunction thereof may be instituted in the manner provided by law and other steps as may be necessary to accomplish these ends may be utilized to apply to a court of competent jurisdiction to grant such relief as will remove and abate the structure or use and restrain and enjoin the person, firm, corporation or an organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this chapter. The remedies prescribed by this section are cumulative and not exclusive.

D. Procedure.

1. The city manager, community development director, building official, city attorney or their designee may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or the owner's authorized agent, on a tenant or on an architect, builder, contractor or other person who commits or participates in any violation.

2. In the event of a violation of this chapter or any regulation made under authority conferred herein, in addition to other remedies, the city attorney may institute any appropriate criminal prosecution, civil action or other proceedings to punish the perpetrator of such violation; to prevent such unlawful erection, movement, alteration, enlargement, maintenance or use; to restrain, enjoin, connect or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

E. Stop Work Orders. Whenever any sign work is being done contrary to the provisions of this chapter, the city manager, community development director, building official, city attorney or their designee may order the work stopped by notice in writing served on any persons engaged in doing such work or in causing such work to be done. Any such

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persons shall forthwith stop such work until authorized by the city to proceed with the work.

F. Revocation of Permit. Any permit issued under the terms of this chapter may be revoked by the community development director, public works director or building official when it appears that the sign has been erected or maintained in violation of the provisions of this chapter or any other ordinance or law. No such permit revocation shall be effective until the planning commission affirms the revocation after a hearing set for that purpose. Written notice of the time and place of such hearing shall be given to the permit holder at least ten days before the date set for the hearing. The notice shall contain a brief statement of the grounds for revoking the permit. Notice may be given either by personal delivery or by deposit in the United States mail a sealed envelope, registered mail, return receipt requested, postage prepaid and addressed to the permit holder.

G. Owner to Remove Signs. Within thirty days after the revocation of any permit as provided in subsection F of this section, or within ten days after affirmance of such revocation the sign or signs described in such revocation shall be removed by the former permit holder. If such removal is not completed within that time, the community development department shall cause such sign to be removed, and permit holder shall be liable to city for all costs reasonably associated with the sign removal including, but not limited to, all fees, salaries (including benefits) and disposal charges.

H. Nature of Removal.

1. A sign subject to removal shall be removed in a safe manner.
2. Any accessory structures or foundations or mounting materials that are unsightly or a danger to the safety and welfare of the citizens shall be removed along with the sign.

I. Removal—Assessment of Costs. The costs involved in the removal of signs by the city shall become a special assessment against the real property upon which the sign is located. The community development department shall notify, in writing, all persons having an interest of record in the official records of the county assessor of the amount of such assessment resulting from such work. Within five days of the service of such notice, any person having any right, title or interest in the property or any part thereof, may file with the planning commission a written request for a hearing on the correctness and/or reasonableness of such assessment. In the event of such timely written request, the planning commission shall set the matter for hearing, give such person reasonable notice thereof by first class mail, postage prepaid, hold such hearing, and determine the reasonableness and/or correctness of the assessment. The planning commission shall notify, by first class mail, postage prepaid, all such persons making such request of its decision in writing within five days thereof. If the total assessment determined as provided for in this section is not paid in full within ten days after receipt of such notice, the community development department shall record in the office of the county recorder a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a special assessment against the

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property.

J. Collection of Assessments. The assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

K. Violation—Penalty. Any person, firm or corporation violating any provisions of this chapter shall be guilty of a misdemeanor or an infraction as charged per the prosecutorial discretion of the city attorney. Such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm or corporation.

L. Nuisance Abatement. The city council determines that the public peace, safety, morals, health and welfare require that all signs and advertising structures heretofore constructed or erected in violation of any ordinance of the city in effect at the time such sign was constructed or erected be and are hereby made subject to the same provisions of this section. Such signs shall be made to conform and comply with this chapter as soon as reasonably possible after January 17, 1996. All signs and advertising structures that are not made to conform and comply within a reasonable time shall be and are declared to be public nuisances and may be abated in the manner provided. All signs and advertising structures which are structurally unsafe, which constitute a fire hazard or which are otherwise dangerous to human life, or which constitute any hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, as specified in this chapter or any other effective ordinance, are, for the purposes of this section, unsafe signs or sign structures. All such unsafe signs or sign structures are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

(Ord. 672 § 5)

§ 17.39.200 Matrix of regulations.

SIZE REGULATIONS	Single - Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)	Multiple -Family Res. Zones (R2, CZ-R2, R3)	Apts . of 4 or more units (R3)	Residential- Professional Zones (RP and CZ-RP)	Limite d Com. and Com. Wat. (C1, CZ-C1, CW,CZ -CW)	General Com. and Hwy. Service s (C2, CZ-C2, HS,CZ-HS)	Commercial Manufacturin g (CM)	Coasta l Zone- Harbor - Relate d (CZ-HR)	Bed and Breakfast Establishment s
Nameplates, 2 sq. ft. of sign area, nonilluminated	X	X	X	X					X

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SIZE REGULATIONS	Single - Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)	Multiple -Family Res. Zones (R2, CZ-R2, R3)	Apts . of 4 or more units (R3)	Residential- Professional Zones (RP and CZ-RP)	Limited Com. and Com. Wat. (C1, CZ-C1, CW,CZ-CW)	General Com. and Hwy. Services (C2, CZ-C2, HS,CZ-HS)	Commercial Manufacturing (CM)	Coastal Zone-Harbor - Related (CZ-HR)	Bed and Breakfast Establishments
½ sq. ft. of sign area for each linear ft. of frontage				X					
½ sq. ft. of sign area for each linear ft. of frontage plus ¼ sq. ft. of sign area for each ft. of frontage for multiple frontages	X	X	X	X					
1 sq. ft. of sign area for each linear ft. of frontage					X				
1 sq. ft. of sign are for each linear ft. of frontage plus ½ sq. ft. of sign area for each ft. of frontage for multiple frontages					X				
1 and ½ sq. ft. of sign area for each linear ft. of frontage						X	X	X	
Projecting sign extending not more than 36 inches from building					X	X	X	X	
One sign not to exceed 20 sq.									X

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SIZE REGULATIONS	Single - Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)	Multiple -Family Res. Zones (R2, CZ-R2, R3)	Apts . of 4 or more units (R3)	Residential- Professional Zones (RP and CZ-RP)	Limited Com. and Com. Wat. (C1, CZ-C1, CW,CZ-CW)	General Com. and Hwy. Services (C2, CZ-C2, HS,CZ-HS)	Commercial Manufacturing (CM)	Coastal Zone- Harbor - Related (CZ-HR)	Bed and Breakfast Establishments
ft. in area									
Maximum sign area 100 sq. ft. per face					X				
Maximum sign area 150 sq. ft. per face						X			
Construction signs not to exceed 32 sq. ft. in area					X	X	X	X	
Construction signs not to exceed 9 sq. ft. in area	X	X	X	X					X
Real estate signs not to exceed 9 sq. ft. in area and 3 ½ ft. in height	X	X	X	X	X	X	X	X	X
HEIGHT REGULATIONS :									
30 foot maximum to top of pole sign						X	X	X	
14 ft. minimum to bottom of pole sign in a vehicular area						X	X	X	
10 ft. minimum to bottom of pole sign in a pedestrian area						X	X	X	
Ground or monument sign									X

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SIZE REGULATIONS	Single - Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)	Multiple -Family Res. Zones (R2, CZ-R2, R3)	Apts . of 4 or more units (R3)	Residential- Professional Zones (RP and CZ-RP)	Limited Com. and Com. Wat. (C1, CZ-C1, CW,CZ-CW)	General Com. and Hwy. Services (C2, CZ-C2, HS,CZ-HS)	Commercial Manufacturing (CM)	Coastal Zone- Harbor - Related (CZ-HR)	Bed and Breakfast Establishments
not to exceed 5 ft. in height and 20 sq. ft. in area									
Ground or monument sign not to exceed 5 ft. in height and 24 sq. ft. in area			X						
Ground or monument sign not to exceed 5 ft. in height				X	X				
Ground or monument sign not to exceed 10 ft. in height						X	X	X	
One pole sign per parcel						X	X	X	
SIGN TYPE REGULATIONS :									
Wall signs				X	X	X	X	X	
Awning or canopy signs				X	X	X	X	X	
Marquee signs					X	X	X	X	
Monument or ground signs			X	X	X	X	X	X	
Hanging signs					X	X	X	X	
Projecting signs					X	X	X	X	
Sandwich Boards or A-frame signs	X	X	X	X	X	X	X	X	
Pennant Signs	X	X	X	X	X	X	X	X	
Window signs				X	X	X	X	X	
Changeable						X	X	X	

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SIZE REGULATIONS	Single - Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)	Multiple -Family Res. Zones (R2, CZ-R2, R3)	Apts . of 4 or more units (R3)	Residential- Professional Zones (RP and CZ-RP)	Limited Com. and Com. Wat. (C1, CZ-C1, CW,CZ-CW)	General Com. and Hwy. Services (C2, CZ-C2, HS,CZ-HS)	Commercial Manufacturing (CM)	Coastal Zone-Harbor - Related (CZ-HR)	Bed and Breakfast Establishments
copy signs									
Pole signs						X	X	X	
Banners						X	X	X	
Nameplate signs	X	X		X	X	X	X	X	X
Illuminated signs					X	X	X	X	
Digital Signs						X			

-----END OF ORDINANCE-----



RESOLUTION NO. PC2025-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CRESCENT CITY RECOMMENDING A REVISED SIGNS ORDINANCE BE CONSIDERED BY THE CITY COUNCIL.

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs have an obvious impact on the character, quality and economic health of the city and as a prominent part of the scenery, signs may attract the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the community (CCMC §17.39.010(A));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to protect and enhance the architectural character, harmony and natural beauty of the community, its buildings and its various neighborhoods and districts community (CCMC §17.39.010(B)(1));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to protect commercial districts from sign clutter (CCMC §17.39.010(B)(2));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to protect the public's ability to identify users and premises without confusion (CCMC §17.39.010(B)(3));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety (CCMC §17.39.010(B)(4));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to are as small in size and few in number as is consistent with their purpose of communicating identification and essential information (CCMC §17.39.010(B)(5));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to protect the right of the public to be directed, warned, advised and informed (CCMC §17.39.010(B)(6));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to possess a satisfactory aesthetic

ZONING ORDINANCE AMENDMENT (APPLICATION ZOA25-01)
A Revision to the Signs Ordinance

effect and pleasing elements of design that relates to the form, proportion, material, surface treatment and position (CCMC §17.39.010(B)(7));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to assure the maintenance of signs (CCMC §17.39.010(B)(8));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to implement the community design objectives expressed in the general plan (CCMC §17.39.010(B)(9));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to prohibit political signs on public utility or street sign poles because it is necessary to prevent visual distractions to motorists that create traffic hazards, prevent the obstruction of road hazards and road signs, and to prevent eyesores from proliferating along public streets (CCMC §17.39.010(B)(10));

WHEREAS, the Planning Commission has considered these proposed revisions with the understanding that signs ordinance intent is to regulate the size of political signs because it is necessary for safety and aesthetic reasons, specifically that the strong winds common in the city would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists (CCMC §17.39.010(B)(11));

WHEREAS, the Planning Commission has considered this proposed revision on this date at a duly noticed public hearing, staff report, and public testimony;

WHEREAS, the Planning Commission finds that the proposed revisions are determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15061(b)(3) (Common Sense Exemption).

NOW THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Crescent City recommend that the City Council considers the revisions to the Signs Ordinance.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Crescent City held on this 10th day of July 2025, by the following polled vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Shamblin, Chairperson

ZONING ORDINANCE AMENDMENT (APPLICATION ZOA25-01)
A Revision to the Signs Ordinance

ATTEST:

Heather Welton, Community Development Specialist

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STAFF REPORT AGENDA ITEM #3

TO: Chairperson Shamblin and Members of the Planning Commission

FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner

BY: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner

DATE: Thursday, July 10, 2025

SUBJECT: A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project located at 900 Sunset Circle (APN 118-020-031)

SECTION 1: EXECUTIVE SUMMARY

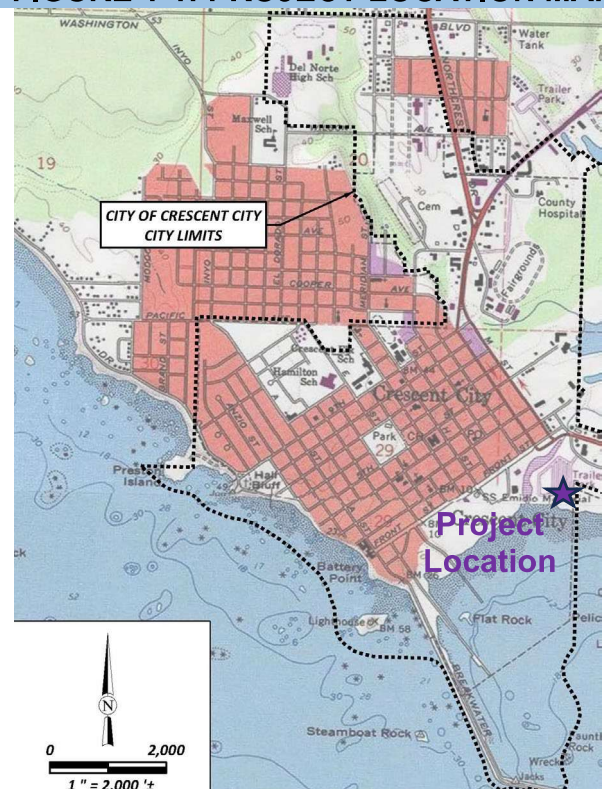
The City of Crescent City has submitted a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project to propose the installation of two ADA cabins within the existing 91-space Lighthouse Cove RV Park located at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000).

STAFF RECOMMENDS: "Motion to adopt Resolution No. PC2025-08, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting the City's request for installing two ADA cabins at the Lighthouse Cove RV Park."

ATTACHMENTS:

- A) UP25-03 Application
- B) UP25-03 Conditions of Approval
- C) Resolution No. PC2025-08

FIGURE 1-1: PROJECT LOCATION MAP



Source: Housing Element (December 2022)

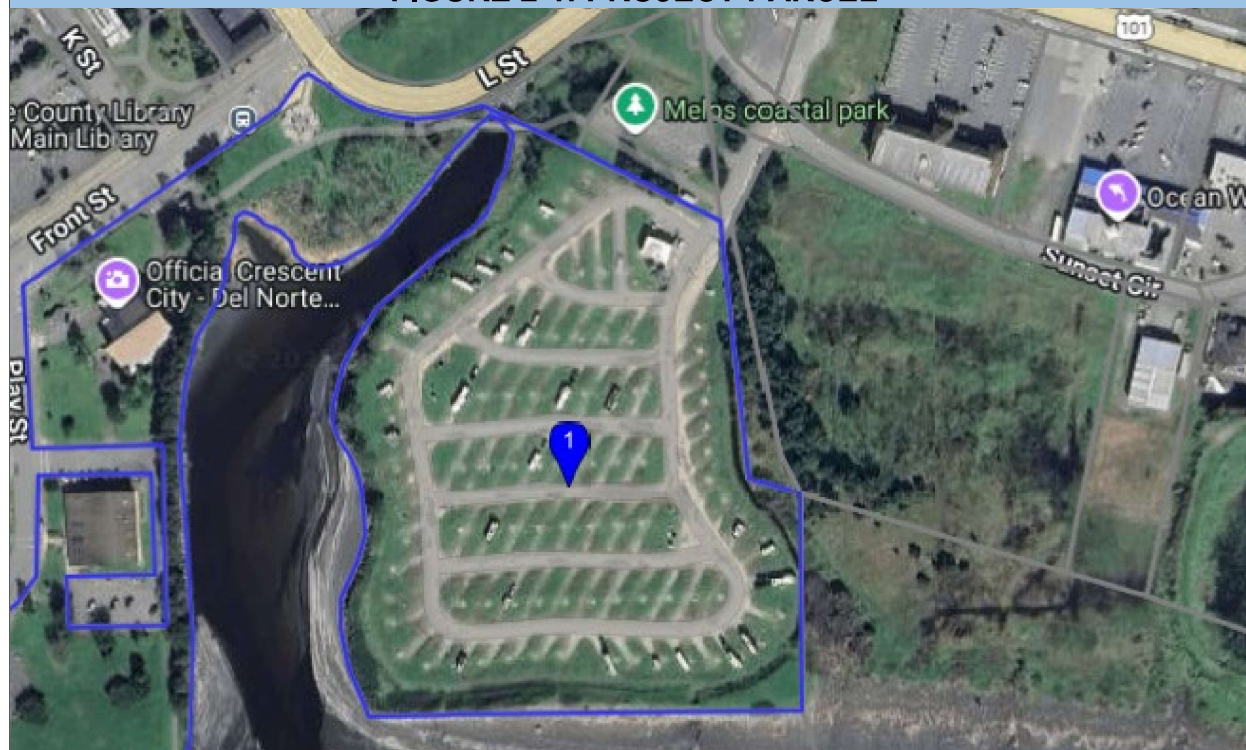
SECTION 2: BACKGROUND INFORMATION

The Lighthouse Cove RV Park is centrally located on the City of Crescent City waterfront in Del Norte County with quick access to both the natural environment as well as shops and restaurants. The Elk Creek estuary forms the northern and western boundaries of the RV Park. To the south is a sandy beach and Crescent City Harbor. The area is protected by jetties and has few waves making it an attractive spot for families to enjoy the water. The California Coastal Trail is located just outside of the RV park and provides an easy connection to the Crescent City Harbor, Beachfront Park, and the Battery Point Lighthouse. The City's indoor pool is also just a short walk away along the California Coastal Trail.

The RV Park is owned and operated by the City of Crescent City. This makes it possible to set rates for the cabins and the apartment to ensure that the units will always be lower-cost accommodations.

ADDRESS:	APN:	PARCEL SIZE:	PROJECT SIZE:
900 Sunset Circle Crescent City, CA 95531	118-020-031-000	+/- 176.290 acres +/- 7,679,192 sf	0.05 acres 2,500 sf

FIGURE 2-1: PROJECT PARCEL



Source: Parcel Quest (June 2025)

The proposed project is located within the Visitor and Local Commercial (VLC) General Plan land use designation and within the Coastal Zone – Harbor Related District (CZ-

HR) zoning designation (See Section 4: General Plan Consistency and Section 5: Zoning Consistency).

FIGURE 2-1: PROPOSED LOCATION



Source: Placement (June 12, 2025) See Attachment A: UP25-03 Application

2.1. NOTICE OF PUBLIC HEARING:

A Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 6/16/25) to be published (on 6/25/25) in print/online circulation and provided to the Commissioners (on 6/16/25). A similar Notice of Public Hearing was mailed (on 6/16/25) to the property owners within 300-ft of the project location (CCMC § 17.46.050) as required (Cal. Gov. Code §§ 65090 & 65094).

2.2. REQUIRED FINDINGS BY THE COMMISSION:

The Planning Commission has considered this proposed project on this date at a duly noticed public hearing, staff report, and public testimony.

SECTION 3: PROPOSED PROJECT DESCRIPTION

The proposed project consists of the installation of two new cabins within existing RV parking spots. The cabins are expected to have a lifespan of more than 20 years. The City is planning to set the rates so that by the end of the life of the cabins there will be sufficient funding to replace them.

FIGURE 3-1: PROPOSED CABIN



Source: Elevations (June 12, 2025) See Attachment A: UP25-03 Application

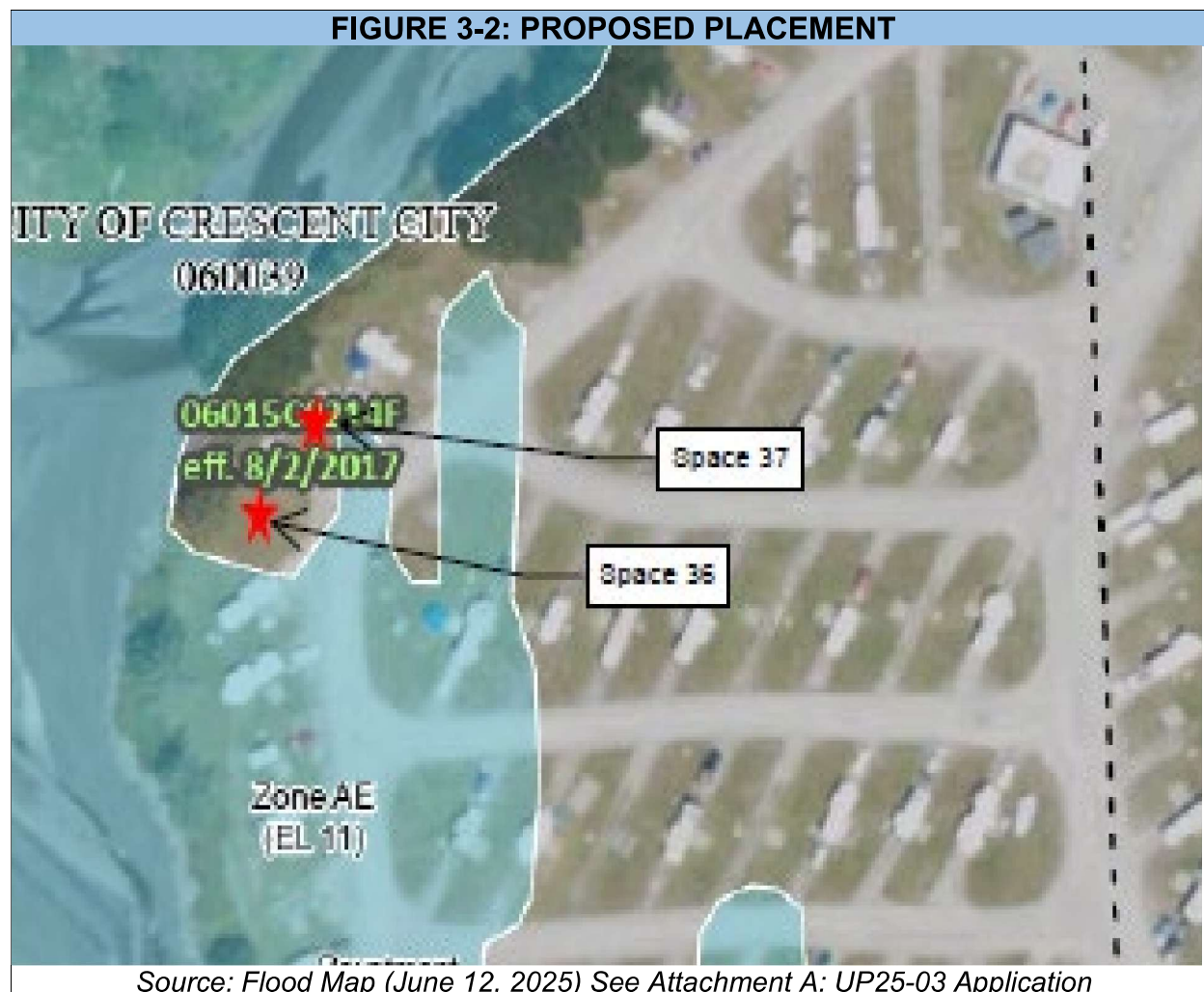
Existing accommodation in and around Crescent City is in very high demand during the summer. Local hotels are expensive during the high season, and it is rare to find an available camping spot in Redwood National and State Park campgrounds. The two largest campgrounds, one at Jedediah Smith State Park and the other at Mill Creek, are very scenic and typically booked six months in advance. The limited number of camping spots as well as the costs associated with staying in a hotel are a barrier for equitable access to the coast.

The City will be able to maintain the lower cost rates because the initial costs are proposed to be covered by this recommended grant. This recommended grant will cover the initial capital improvements costs and the City will then only need to cover the long-term maintenance and management of the units. The City would not be able to maintain the lower cost rates without the Conservancy's funding the capital improvements.

This project has greater than local benefit. Visitors from many parts of California travel to Del Norte County in the summer. They come to enjoy the natural beauty, escape the inland heat, and increasingly, to escape wildfire smoke. The need for clean coastal air is particularly acute in late summer and early fall. Tourists from around the world also travel to Del Norte County to experience the redwoods. In addition, as part of the Pacific Coast Bicycle Route, there is a steady stream of bicyclists traveling through the area

and in need of overnight accommodation.

The project consists of creating two new lower cost accommodations at the Lighthouse Cove RV Park, which is owned and operated by the City. In particular, the project consists of purchasing and installing two new cabins. The cabins sleep up to six each with a queen bed, bunk beds, and a futon. They also include a small kitchen and bathroom and are designed to be accessible for people with disabilities. These cabins will be located in spots previously rented out to RV campers.



There is some risk to the project from a tsunami. The Crescent City Harbor is particularly susceptible to tsunamis due to the shape of the seafloor leading up to the harbor. The City will mitigate for this by anchoring the cabins to a concrete foundation. In the event that the cabins are damaged by strong currents and flooding from a Tsunami, the City's insurance is expected to help cover the cost of repair or replacement.

Del Norte County and the City of Crescent City are currently not experiencing the

impacts of sea level rise. Due to tectonic forces the ground is rising at approximately the same rate as sea level rise. More important for this area is flooding created from an increase in the frequency and intensity of winter storms. The City's Lighthouse RV Park is in a relatively sheltered location behind the breakwater guarding the entrance to the Crescent City Harbor and therefore less susceptible to winter storms.

The proposed project will provide lower cost accommodations to a popular part of the California Coast. These accommodations will benefit both the visitors who will be able to spend the night as well as the local economy which relies on tourism. In addition, it will allow new visitors to experience the world-renowned local parks. The new accommodations will be affordable compared to the motels and hotels in the area and are available to low- and middle-income families. The City of Crescent City will develop an outreach plan to target low- and middle-income families.

Consistent with Section 31413, the Conservancy's implementation of the Explore the Coast Overnight Program is guided by a lower-cost accommodations assessment: "Explore the Coast Overnight – An Assessment of Lower-Cost Coastal Accommodations" (Assessment) which the Conservancy completed on March 14, 2019. The proposed project meets the criteria developed in the plan as the project is directly on the shore, will have lower cost rates, increase accessibility, and provide an enjoyable coastal experience. The City of Crescent City has also carefully considered the long-term maintenance costs of the project and has a viable plan for operations.

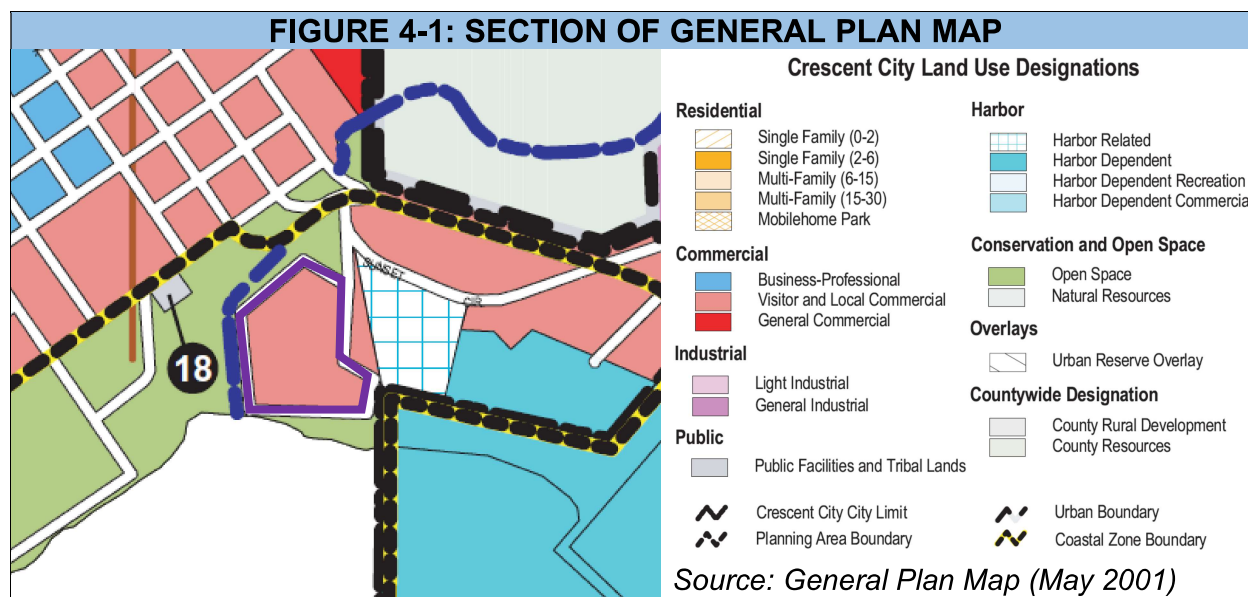
The plan commits the City to install and maintain a sign or signs visible from the nearest public roadway identifying the project, acknowledging Conservancy assistance and displaying the Conservancy's logo. The Conservancy shall provide to the grantee specifications for the signs. The signs must also acknowledge funding from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68). The grantee sign plan shall describe the number, design, placement and wording of the signs, or the specifications of a proposed, alternative method.

3.1. REQUIRED FINDINGS BY THE COMMISSION:

The City of Crescent City has submitted a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project to propose the installation of two ADA cabins within the existing 91-space Lighthouse Cove RV Park located at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000).

SECTION 4: GENERAL PLAN CONSISTENCY

The proposed two ADA cabins are within the existing 91-space Lighthouse Cove RV Park and are located within the Visitor and Local Commercial (VLC) General Plan land use designation (See Figure 4-1: Section of General Plan Map).



4.1. General Plan Land Use Designation:

The VLC General Plan land use designation allows “*other uses requiring a conditional use permit*” including “*recreational vehicle parks*” as the intended uses “*provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses.*”

The proposed project, which is a use consistent with the VLC and is similar to some of the surrounding uses (See Table 4-1: Comparison of surrounding Properties).

TABLE 4-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Land Use Designation	Current Use
Project Property	Visitor and Local Commercial (VLC) & Open Space	RV Park, Cultural Center, Pool, Beachfront Park
North	Open Space & Visitor and Local Commercial (VLC)	HWY 101
South	N/A	Crescent City Harbor Bay
East	Harbor Related (HR) & Visitor and Local Commercial (VLC)	Vacant & Ocean View Inn
West	Open Space	Cultural Center, Pool, Beachfront Park

4.2. SUPPORTING GENERAL PLAN GOALS/POLICIES:

- **Goal 1.A.** – *“To encourage the overall economic and social growth of the City while maintaining its position of importance in the county and improving its overall aesthetic appeal.”*
- **Policy 1.A.2.** – *“The City shall encourage infill development that makes efficient use of existing public infrastructure and is compatible with existing development.”*
- **Policy 1.A.3.** – *“The City shall encourage project sites to be designed to increase the convenience, safety, and comfort of people using public transportation, walking, or cycling.”*
- **Goal 1.B.** – *“To create a compact, pedestrian-oriented, economically-robust VLC [Visitor and Local Commercial] area...that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.*
- **Policy 1.B.2.** – *“The City shall actively encourage, support, and provide incentive, where feasible, for the types of development it prefers in the VLC [Visitor and Local Commercial] area, including the following: (a) Mixed-use projects; (b) Regional anchor stores; (c) Tourism-related uses; (d) Projects that reinforce viable existing uses; and (e) Projects that reinforce the identity of the VLC [Visitor and Local Commercial] area.”*
- **Policy 1.B.10.** – *“The City shall provide easily identified RV parking within sight of both Beachfront and the downtown area.*
- **Goal 1.D** – *“To expand and enhance the VLC area, Crescent City Harbor, and downtown as a tourist destination.”*
- **Policy 1.D.2.** – *“The City shall actively encourage, support, and provide incentives, where feasible, for locating visitor-serving development, particularly hotels and bed and breakfast inns, in the area designated as Visitor and Local Commercial (VLC).*
- **Goal 1.G.** – *“To designate adequate land for commercial land and promote development of commercial uses compatible with surrounding land uses to meet the present and future needs of Crescent City residents, the regional community, and visitors and to maintain economic vitality.”*
- **Policy 1.G.1** – *“The City shall promote high quality design, visual attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated areas of the city.”*
- **Policy 1.I.1.** – *“The City shall maintain the area designated VLC [Visitor and Local Commercial] as the main retail/visitor commercial activity center of the city.”*

4.3. REQUIRED FINDING BY THE COMMISSION:

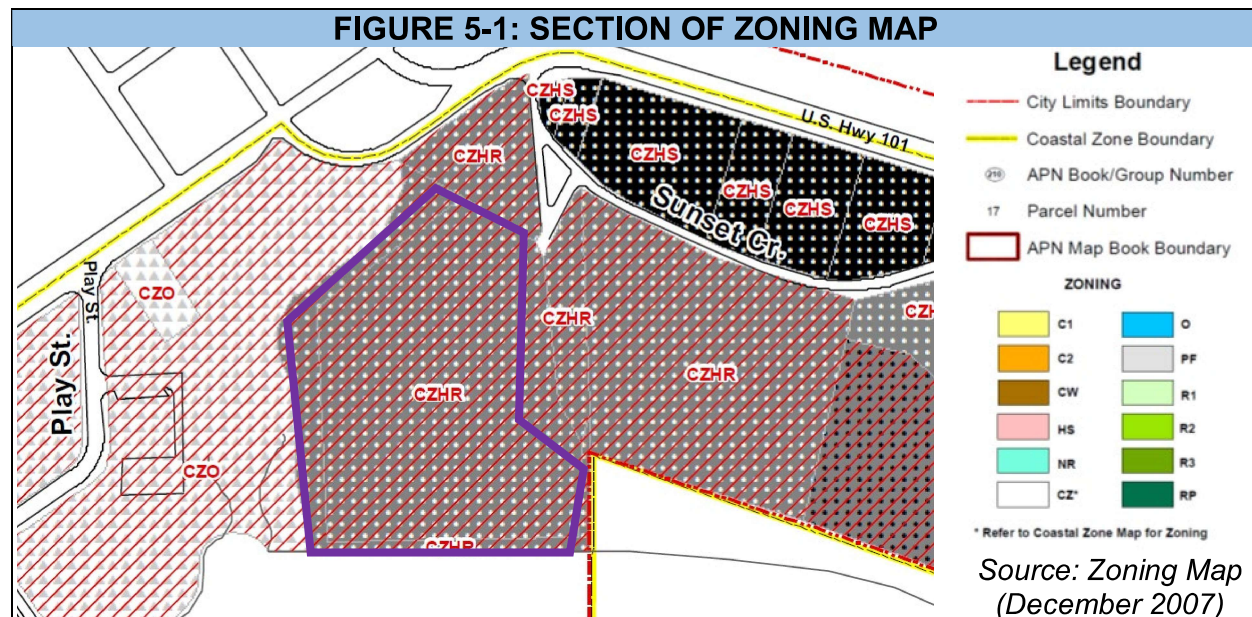
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan's VLC (Visitor and Local Commercial) land use designation, in that the proposed project:

- a) *Is categorized as “other uses requiring a conditional use permit” within the VLC;*
- b) *“Provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses” within the VLC; and*
- c) *Is supported by the General Plan goals (1.A, 1.B, 1.D & 1.G) and policies (1.A.2, 1.A.3, 1.B.2, 1.B.10, 1.D.2, 1.G.1, & 1.I.1).*

SECTION 5: ZONING CONSISTENCY

The proposed two ADA cabins are located within the existing 91-space Lighthouse Cove RV Park and are located within the Coastal Zone – Harbor Related District (CZ-HR) Zone (See Figure 5-1: Section of Zoning Map).

5.1. COASTAL: This proposed project is located within the Coastal Zone and is appealable to the Coastal Commission.



5.2. USE: The CZ-HR Zoning District does not specifically principally permit or conditionally allow RV parks but the intended uses “to provide for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location.” (CCMC § 17.70.010(A)). However, in instances where the Zoning Ordinance conflicts with the GP, the GP always prevails (Leshar Communications, Inc. v. City of Walnut Creek, (1990) 52 Cal. 3d 531, 540).

5.3. ZONING: The proposed project is a use consistent with the CZ-HR Zoning District (with approval of the CUP) and is similar to some of the surrounding uses (See Table 5-1: Comparison of surrounding Properties).

TABLE 5-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Zoning District	Current Use
Project Property	Coastal Zone – Harbor Related District (CZ-HR)	RV Park, Cultural Center, Pool, Beachfront Park
North	Coastal Zone – Harbor Related District (CZ-HR)	HWY 101
South	N/A	Crescent City Harbor Bay

East	Coastal Zone – Harbor Related District (CZ-HR)	Vacant & Ocean View Inn
West	Coastal Zone – Harbor Related District (CZ-HR)	Cultural Center, Pool, Beachfront Park

DEVELOPMENT STANDARDS & PROPOSED PROJECT:

5.4. A. Conditional Use Permit: The VCL General Plan land use designation allows “other uses requiring a conditional use permit” including “recreational vehicle parks” as the intended uses “provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses.” The CZ-HR Zoning District does not specifically principally permit or conditionally allow RV parks (CCMC § 17.70). In instances where the Zoning Ordinance conflicts with the GP, the GP always prevails (*Leshar Communications, Inc. v. City of Walnut Creek*, (1990) 52 Cal. 3d 531, 540).

5.5. Height and Area Regulations: All permitted uses within the CZ-HR Zoning District are subject to height and area regulations and are addressed below (See Table 5-2: Comparison of Height and Area Regulations).

TABLE 5-2: COMPARISON OF HEIGHT AND AREA REGULATIONS			
Standards	CCMC §	Regulation	Proposed
Height	17.70.040(A)	35-ft	No Change
Front Yard	17.70.040(B)(1)	00-ft	No Change
[Exterior] Side Yard	17.70.040(B)(2)	00-ft	No Change
[Interior] Side Yard	17.70.040(B)(2)	00-ft	No Change
Rear Yard	17.70.040(B)(3)	10-ft	No Change
Lot Area	17.70.040(B)(4)	No Min	No Change
Lot Coverage	17.70.040(B)(5)	55%	No Change

5.6. Parking, Fencing, and Signs: All permitted uses within the CZ-HR Zoning District are subject to the general requirements regarding Parking (CCMC § 17.70.050(A)), Fencing (CCMC § 17.70.050(B)), and Signs (CCMC § 17.70.050(C)). No signs or fencing are proposed. Any future fencing or signage will be subject to a separate permit.

5.7. Site Plan: The proposed project does not require a Site Plan & Architectural Design Review as the CZ-HR zone (CCMC § 17.70) does not require it for proposed development. Nor does the Coastal Site Plan & Architectural Review Ordinance require it for any development within the CZ-HR zones (CCMC § 17.70.010(A)).

5.8. Coastal Development Permit: The proposed development is subject to a Coastal Development Permit (CDP) however it is located within the State’s jurisdiction for reviewing/issuing a CDP. The City will file with the Coastal Commission and include this Conditional Use Permit under local approvals.

5.9. REQUIRED FINDINGS BY THE COMMISSION:

The Planning Commission finds that the proposed project (with a Conditional Use Permit) is consistent with the Crescent City's Waterfront Commercial District (C-W) Zoning Code, in that the proposed project:

- a) *Is located within the Coastal Zone and is appealable to the Coastal Commission;*
- b) *Is consistent with the "RV Park" which requires approval of a conditional use permit by the planning commission;*
- c) *Provides "for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location." (CCMC § 17.70.010(A)); and*
- d) *Is subject to all zoning regulations (CCMC § 17.70.010).*

SECTION 6: CONDITIONAL USE PERMIT REVIEW

The proposed project requires a Conditional Use Permit within the Visitor & Local Commercial (VLC) land use designation has been scheduled for a public hearing to determine whether the proposed Conditional Use Permit (Application UP25-03) (See Attachment A) shall be approved or denied (CCMC § 17.54.030), based on the following standards:

6.1. General Plan (CCMC § 17.54.010(B)(3)):

The proposed project conforms with the general plan (See Section 4: General Plan Consistency).

6.2. Existing and Potential Uses (CCMC § 17.54.010(B)(1)):

The proposed project is compatible with existing and potential uses of the proposed location (See Section 2: Background Information and Section 3: Project Description).

6.3. Noise, Smoke, Dust, Fumes, Vibration, Odors and Hazards (CCMC § 17.54.010(B)(2)):

The proposed project has considered impact to noise, smoke, dust, fumes, vibration, odors, and hazards (See Section 8: Environmental Determination and Attachment B - Conditions of Approval).

6.4. Nuisance (CCMC § 17.54.010(B)(3)):

The proposed project will not become a nuisance to the neighborhood (See Section 1: Background Information and Attachment B - Conditions of Approval).

6.5. Minor Effect on Traffic (CCMC § 17.54.010(B)(3)):

The proposed project site has already been developed as suitable and adequate for present and future traffic.

6.6. Off-Street Parking (CCMC § 17.54.010(B)(3)):

The proposed project site maintains approximately 91 existing shared off-street parking spaces.

6.7. Landscaping and Screening (CCMC § 17.54.010(B)(3)):

The proposed project site maintains existing landscaping and screening (See Attachment B – Conditions of Approval).

6.8. REQUIRED FINDINGS BY THE COMMISSION:

The proposed use satisfies the Conditional Use Permit requirements (CCMC § 17.54.010(B)), in that the proposed use:

- a) *Is compatible with other existing and potential uses within the general area;*
- b) *Will not result in a significant impact on noise, smoke, dust, fumes, vibration, odors, and hazards;*
- c) *Will be placed on a site that is both suitable and adequate for the proposed use;*
- d) *Will have a minor effect on present and future traffic and that such use will not become a nuisance to the neighborhood; and*
- e) *Provides adequate off-street parking, loading, landscaping, and screening.*

SECTION 7: SITE PLAN & ARCHITECTURAL DESIGN REVIEW

The proposed project is a permitted use within the CZ-HR Zone not requiring the scheduled public hearing for the Planning Commission to determine whether the proposed Site Plan & Architectural Design Review application (AR24-01 -Attachment A) shall be approved or denied (CCMC §17.46.040(A)), based on the following standards:

7.1. Zoning (CCMC §17.46.035(A)):

The proposed project is considerate of existing and potential uses of the proposed location and is consistent with the Crescent City's Downtown Business District (C-1) Zoning Code (with a Use Permit and Site Plan & Architectural Design Review). (See Section 1: Background Information and Section 4: Project Description).

7.2. Parking (CCMC §17.20.060(A) & §17.46.035(A)):

The project site is already developed with 91 off-street parking spaces. Two ADA parking spaces are proposed; therefore, the proposed project is consistent with parking requirements.

7.3. Landscaping (CCMC §17.46.035(A) & §17.43.010(B)):

The proposed project does not include any proposed landscaping, beyond maintaining existing landscaping, and is therefore consistent with landscaping requirements.

7.4. Fencing (CCMC §17.20.060(B) & §17.46.035(A)):

The proposed project does not include any proposed fencing, beyond maintaining existing fences, and is therefore consistent with fencing requirements. Any future fencing would be subject to a fence permit.

FIGURE 7-1: PROPOSED SITE PLAN



Source: Site Plan (June 12, 2025) See Attachment A: UP25-03 Application

7.5. Signage (CCMC §17.20.060(C) & §17.46.035(A)):

The proposed project does not include any proposed signage, none are required, and is therefore consistent with signage requirements. Any future signage will be subject to a sign permit.

7.6. Right-of-Way (CCMC §17.46.035(A) & §17.46.070):

The project site is already developed with sidewalks and public roads. None are proposed or required; therefore, the proposed project is consistent with sidewalk and street requirements.

7.7. Utilities (CCMC §17.46.035(A) & §17.46.070):

The project site currently maintains existing underground provisions of water, sewage, and drainage facilities. None are proposed or required; therefore, the proposed project is consistent with public services requirements.

7.8. REQUIRED FINDING BY THE COMMISSION:

The proposed site plans and designs of structures satisfies the Site Plan & Architectural Design Review requirements (CCMC §17.46.010 & §17.46.035), in that the structures:

- a) *Are compatible, both in harmony and in appearance with the neighborhoods;*
- b) *Reduce negative impacts on adjacent properties, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems;*
- c) *Avoid monotonous and otherwise nonaesthetic development injurious to the overall community;*
- d) *Provide a [means] to encourage full development of streets servicing the properties;*
- e) *Assures full installation of all public utilities necessary to serve such properties; and*
- f) *Is consistent with the applicable zoning, parking and landscaping, fencing, signage, street, sidewalk and public services requirements.*

SECTION 8: ENVIRONMENTAL DETERMINATION SUMMARY

The proposed project is to be categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 §15301 (Existing Facilities) and Class 32 §15332 (In-fill Development) of the CEQA Guidelines:

8.1. Class 32 § 15332. In-Fill Development Projects, consists of the proposed project:

1. Is consistent with the applicable general plan designation, policies, and zoning designation and regulations:

The proposed project is consistent with the Crescent City General Plan's Visitor Local Commercial (VLC) land use designation and is consistent with the Crescent City's Coastal Zone – Harbor Related District (CZ-HR) Zoning Code;

2. Development occurs within city limits on a project site (<5 acres) substantially surrounded by urban uses:

The project site is located in the City of Crescent City, is approximately 0.05 acres, and is located adjacent to existing commercial uses;

3. Site has no value, as habitat for endangered, rare, or threatened species:

The project will be located on a site that has had past disturbances, is already developed and is surrounded by paved surfaces and contains no habitat for rare, threatened, or endangered species;

4. Approval would not result in any significant effects relating to traffic, noise, air quality, or water quality:

The project proposes commercial use in a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts;

5. Site can be adequately served by all required utilities and public services:

The site is surrounded by and is already adequately served by utilities and public services.

8.2. REQUIRED FINDING BY THE COMMISSION:

The Planning Commission finds that the proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) under

Class 32 § 15332 (In-fill Development) of the CEQA Guidelines, in that the proposed project:

- a) *Is consistent with the Crescent City General Plan's VCL (Visitor and Local Commercial) land use designation and is consistent with the Crescent City's Coastal Zone – Harbor Related District (CZ-HR) Zoning Code (with Conditional Use Permit);*
- b) *Is located in the City of Crescent City, is approximately 0.05 acres, and is located adjacent to existing commercial uses;*
- c) *Is located on a site which has had past disturbances, contains existing development, and is surrounded by paved surfaces containing no habitat for rare, threatened, or endangered species;*
- d) *Is within a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts; and*
- e) *Is surrounded by and is already adequately served by utilities and public services.*

SECTION 9: INTER-DEPARTMENTAL PLANNING REFERRALS

The Inter-Departmental Planning Referrals were provided (on 06/23/25) to other City departments which included the following comments/conditions:

9.1. Police Department: None

9.2. Fire and Rescue: Approved with no comments. (06/23/25)

9.3. Building Department: None

9.4. Public Works Department: None

9.5. REQUIRED FINDING BY THE COMMISSION:

The proposed project is to be subject to the Conditions of Approval found in Attachment B.

SECTION 10: PLANNING COMMISSION ACTION OPTIONS

The proposed project requires a Conditional Use Permit within the Visitor Local Commercial (VLC) land use designation and has been scheduled for a public hearing to determine whether the proposed Conditional Use Permit (Application UP25-03) (See Attachment A) shall be approved or denied (CCMC § 17.54.030):

10.1. ACTION TO APPROVE. Making all the required findings.

- **Recommended Motion: “I move to adopt Resolution No. PC2025-08, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting the City’s request for installing two ADA cabins at the Lighthouse Cove RV Park.”**
- Planning staff will send the applicant an approval letter after the 10-day appeal period (CCMC § 17.46.050), along with the resolution, as adopted by the Planning Commission during the public hearing. The applicant will be granted approval on request to begin the process of filing for a Coastal Development Permit. Approved plans, together with such conditions, shall be signed, dated, and mailed to the applicant (CCMC § 17.46.040(C)). The planning commission secretary shall place one copy of the approved plans in the files of the planning commission (CCMC § 17.46.040(C)).

10.2. ACTION TO DENY. Denying one, or more, of the required findings.

- **Motion Example: “I move to deny the Conditional Use Permit (Application UP25-03) due to the requirements not being fully satisfied, specifically regarding _____.”**
- Planning staff will send the applicant a denial letter stating why the application was denied. The applicant would not be allowed to sell alcoholic beverages within the proposed site.

10.3. DELAY ACTION BY REQUESTING ADDITIONAL INFORMATION. Requiring additional information to make the necessary findings.

- **Motion Example: “I move to request additional information regarding _____ be brought back to the August 14, 2025 (or, time certain, Special) Planning Commission meeting for consideration.”**
- Planning staff will follow up with the applicant requesting any additional information, which will continue this item on the next scheduled Planning Commission meeting agenda (CCMC § 17.46.050) scheduled for Thursday, August 14, 2025, or a specific alternative Special Planning Commission meeting.

SECTION 11: STAFF RECOMMENDATION

1. (Chair) “Agenized Item #3: A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project located at 900 Sunset Circle (APN 118-020-031).
2. (Chair) “I will open the Public Hearing.”
3. (Chair) “We will now receive the Presentation on the Staff Report from Planner Lawton.”
4. (Chair) “Does any Commissioners have any clarifying questions for staff?”
 - a. (Chair) “Does the Applicant wish to address the Planning Commission?”
5. (Chair) “I will Open Public Comment, which we will receive at podium.”

- a. “We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project.”
 - b. (Chair) “Any clarifying questions?”
6. (Chair) “I will Close Public Comment.”
7. (Chair) “Is there any discussion on this item from the Commissioners?”
8. (Chair) “I believe a motion would be in order.”
 - a. **(Commissioner) “I move to adopt Resolution No. PC2025-08, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting the City’s request for installing two ADA cabins at the Lighthouse Cove RV Park.”**
 - b. *Note: Any changes should be included in the motion.*
9. (Chair) “A motion has been made by Commissioner _____. Is there a second?”
10. (Chair) “It was seconded by Commissioner _____.”
11. (Chair) “A motion was made and seconded to: **Adopt Resolution No. PC2025-08, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting the City’s request for installing two ADA cabins at the Lighthouse Cove RV Park.**”
 - a. *Note: Any changes should be included in the motion.*
12. (Chair) “Is there any additional discussion from the Commissioners on the motion?”
13. (Chair) “Seeing as there is no further discussion, it is time for a vote on the motion, Clerk Altman, can you poll the vote?”
14. (Chair) “The motion passes (*or fails*) by a vote of ____-to-____.” (*Example 4-0*)

----- END OF REPORT -----

CITY OF CRESCENT CITY

Development Permit Application

Print

Return completed application to:
Planning Department
377 J Street
Crescent City, CA 95531
(707) 464-9506 (707) 465-4405 fax

TYPE OR PRINT CLEARLY

Applicant City of Crescent City	Street Address 377 J Street, Crescent City, CA 95531	City Crescent City, CA	Zip Code 95531	Day Phone 707-464-9506
Representative (if any) Ethan Lawton	Street Address	City	Zip Code	Day Phone 707-269-1073
Property Owner City of Crescent City	Street Address 377 J Street, Crescent City, CA 95531	City Crescent City, CA	Zip Code 95531	Day Phone 707-464-9506
Correspondence to be sent to <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Representative <input type="checkbox"/> Owner				

Project Address 900 Sunset Circle, Crescent City, CA 95531	Assessor's Parcel No. 118-020-031-000	
Description of proposed project (attach sheets if necessary) The Lighthouse Cove Lower Cost Accommodations Project to propose the installation of two ADA cabins within the existing 91-space Lighthouse Cove RV Park located within the CZ-HR zone (Coastal Zone – Harbor-Related District) at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000). (See attachments)		
Existing Land Use RV Park	Adjacent Uses Vacant/Hotels/Creek	Building Coverage 1,200 sq.ft. existing
Project Acreage	Project Height	Building Coverage sq.ft. proposed
Parking (number of spaces)	Paved Area	Grading Required? (if yes, attach preliminary grading plan)
Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas. (Attach biological report and preliminary grading plans.)		
Land Division or Boundary Adjustment. (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)		

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate.		Property Owner/Authorized Agent: I have read this application and consent to its filing	
Signed <u>Ethan Lawton</u> Date <u>6/12/25</u>		Signed _____ Date _____	
TYPE OF APPLICATION	<input type="checkbox"/> Architectural Review	<input type="checkbox"/> Lot Line Adjustment/Parcel Merger	<input type="checkbox"/> Subdivision/Major
	<input type="checkbox"/> CEQA Review	<input type="checkbox"/> Municipal Code Amendment/Rezone	<input checked="" type="checkbox"/> Use Permit - Standard
	<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/> ROW or Street Abandonment	<input type="checkbox"/> Use Permit - Cannabis
	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Special Review	<input type="checkbox"/> Variance or Waiver
	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Subdivision/Minor	<input type="checkbox"/> Other

REQUIRED SUPPLEMENTAL	<input type="checkbox"/> Application Form	Project plans: * <input type="checkbox"/> Project site plans (buildings, parking, etc.) <input checked="" type="checkbox"/> Building floor plans and elevations <input type="checkbox"/> Preliminary grading/drainage plans <input type="checkbox"/> Landscaping/irrigation plans/dumpster <input type="checkbox"/> Sign plans/elevations <input type="checkbox"/> Color/materials samples <input type="checkbox"/> Subdivision/lot line adjustment map <input checked="" type="checkbox"/> Written Project Description <input type="checkbox"/> Preliminary Title Report <input type="checkbox"/> Special Project Justification/per code
	<input type="checkbox"/> Application Fee	
	<input type="checkbox"/> Supplemental Application Forms (variance, etc.)	
	<input type="checkbox"/> Project property deed(s)	
	<input type="checkbox"/> Proof of applicant's legal interest in the property (escrow, etc.)	
	<input type="checkbox"/> Commercial Cannabis Use Permit Application Checklist	

*Project Plans: For Subdivision one set of full-size plans and/or one set not to exceed 11" by 18" in size are to be provided. Specific information may be required for plans – ask staff for additional information.

OFFICIAL USE ONLY	Application Number(s) UP25-03	Filing Fees N/A	Date Filed 06/12/25	Receipt # N/A
	Date Application Completed 06/12/25	Zoning CZ-HR	General Plan (LUP) VLC	
	CEQA: Exempt Yes Negative Declaration Mitigated Negative Declaration Environmental Impact Report			
	Review By Planning Commission Yes City Council Architectural Review Planning/Public Works			
	Public Hearing 07/10/25 Office Hearing Appealable to Coastal Commission? Yes			
	Other Notes:	Approved:		

MAKE CHECKS PAYABLE TO CITY OF CRESCENT CITY



PROJECT DESCRIPTION

Conditional Use Permit – Application UP25-03

The Lighthouse Cove (RV Park) – Lower Cost Accommodations Project:

The City of Crescent City has submitted a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project to propose the installation of two ADA cabins within the existing 91-space Lighthouse Cove RV Park located within the CZ-HR zone (Coastal Zone – Harbor-Related District) at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000).

This project location is within the Coastal Zone and subject to the California Coastal Commission's Coastal Development Permitting jurisdiction. This project is funded by a State Coastal Conservancy grant (See Attachment).

The Lighthouse Cove RV Park is centrally located on the City of Crescent City waterfront in Del Norte County with quick access to both the natural environment as well as shops and restaurants. The Elk Creek estuary forms the northern and western boundaries of the RV Park. To the south is a sandy beach and Crescent City Harbor. The area is protected by jetties and has few waves making it an attractive spot for families to enjoy the water. The California Coastal Trail is located just outside of the RV park and provides an easy connection to the Crescent City Harbor, Beachfront Park, and the Battery Point Lighthouse. The City's indoor pool is also just a short walk away along the California Coastal Trail.

The RV Park is owned and operated by the City of Crescent City. This makes it possible to set rates for the cabins and the apartment to ensure that the units will always be lower-cost accommodations.

The proposed project consists of the installation of two new cabins within existing RV parking spots. The cabins are expected to have a lifespan of more than 20 years. The City is planning to set the rates so that by the end of the life of the cabins there will be sufficient funding to replace them.

Existing accommodation in and around Crescent City is in very high demand during the summer. Local hotels are expensive during the high season, and it is rare to find an available camping spot in Redwood National and State Park campgrounds. The two

PROJECT DESCRIPTION
Conditional Use Permit – Application UP25-03

largest campgrounds, one at Jedediah Smith State Park and the other at Mill Creek, are very scenic and typically booked six months in advance. The limited number of camping spots as well as the costs associated with staying in a hotel are a barrier for equitable access to the coast.

The City will be able to maintain the lower cost rates because the initial costs are proposed to be covered by this recommended grant. This recommended grant will cover the initial capital improvements costs and the City will then only need to cover the long-term maintenance and management of the units. The City would not be able to maintain the lower cost rates without the Conservancy's funding the capital improvements.

This project has greater than local benefit. Visitors from many parts of California travel to Del Norte County in the summer. They come to enjoy the natural beauty, escape the inland heat, and increasingly escape wildfire smoke. The need for clean coastal air is particularly acute in late summer and early fall. Tourists from around the world also travel to Del Norte County to experience the redwoods. In addition, as part of the Pacific Coast Bicycle Route, there is a steady stream of bicyclists traveling through the area and in need of overnight accommodation.

The project consists of creating two new lower cost accommodations at the Lighthouse Cove RV Park, which is owned and operated by the City. In particular, the project consists of purchasing and installing two new cabins. The cabins sleep up to six each with a queen bed, bunk beds, and a futon. They also include a small kitchen and bathroom and are designed to be accessible for people with disabilities. These cabins will be located in spots previously rented out to RV campers.

There is some risk to the project from a tsunami. The Crescent City Harbor is particularly susceptible to tsunamis due to the shape of the seafloor leading up to the harbor. The City will mitigate for this by anchoring the cabins to a concrete foundation. In the event that the cabins are damaged by strong currents and flooding from a Tsunami, the City's insurance is expected to help cover the cost of repair or replacement.

Del Norte County and the City of Crescent City are currently not experiencing the impacts of sea level rise. Due to tectonic forces the ground is rising at approximately the same rate as sea level rise. More important for this area is flooding created from an increase in the frequency and intensity of winter storms. The City's Lighthouse RV Park is in a relatively sheltered location behind the breakwater guarding the entrance to the Crescent City Harbor and therefore less susceptible to winter storms.

The proposed project will provide lower cost accommodations to a popular part of the California Coast. These accommodations will benefit both the visitors who will be able to spend the night as well as the local economy which relies on tourism. In addition, it will allow new visitors to experience the world-renowned local parks. The new accommodations will be affordable compared to the motels and hotels in the area and

PROJECT DESCRIPTION
Conditional Use Permit – Application UP25-03

are available to low- and middle-income families. The City of Crescent City will develop an outreach plan to target low- and middle-income families.

Consistent with Section 31413, the Conservancy's implementation of the Explore the Coast Overnight Program is guided by a lower-cost accommodations assessment: "Explore the Coast Overnight – An Assessment of Lower-Cost Coastal Accommodations" (Assessment) which the Conservancy completed on March 14, 2019. The proposed project meets the criteria developed in the plan as the project is directly on the shore, will have lower cost rates, increase accessibility, and provide an enjoyable coastal experience. The City of Crescent City has also carefully considered the long-term maintenance costs of the project and has a viable plan for operations.

The plan commits the City to install and maintain a sign or signs visible from the nearest public roadway identifying the project, acknowledging Conservancy assistance and displaying the Conservancy's logo. The Conservancy shall provide to the grantee specifications for the signs. The signs must also acknowledge funding from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68). The grantee sign plan shall describe the number, design, placement and wording of the signs, or the specifications of a proposed, alternative method.

LIGHTHOUSE COVE RV PARK - CRESCENT CITY, CA

MP = MULTI PURPOSE SPACE
PT = PULL THRU SPACE
BI = BACK IN SPACE

3. Proposed ADA Cabin Locations

1. Public Restrooms - 1st Floor of
existing Building

2. Apartment Remodel - 2nd Floor of
Existing Building

Beach Access Path



LIGHTHOUSE COVE RV PARK - CRESCENT CITY, CA

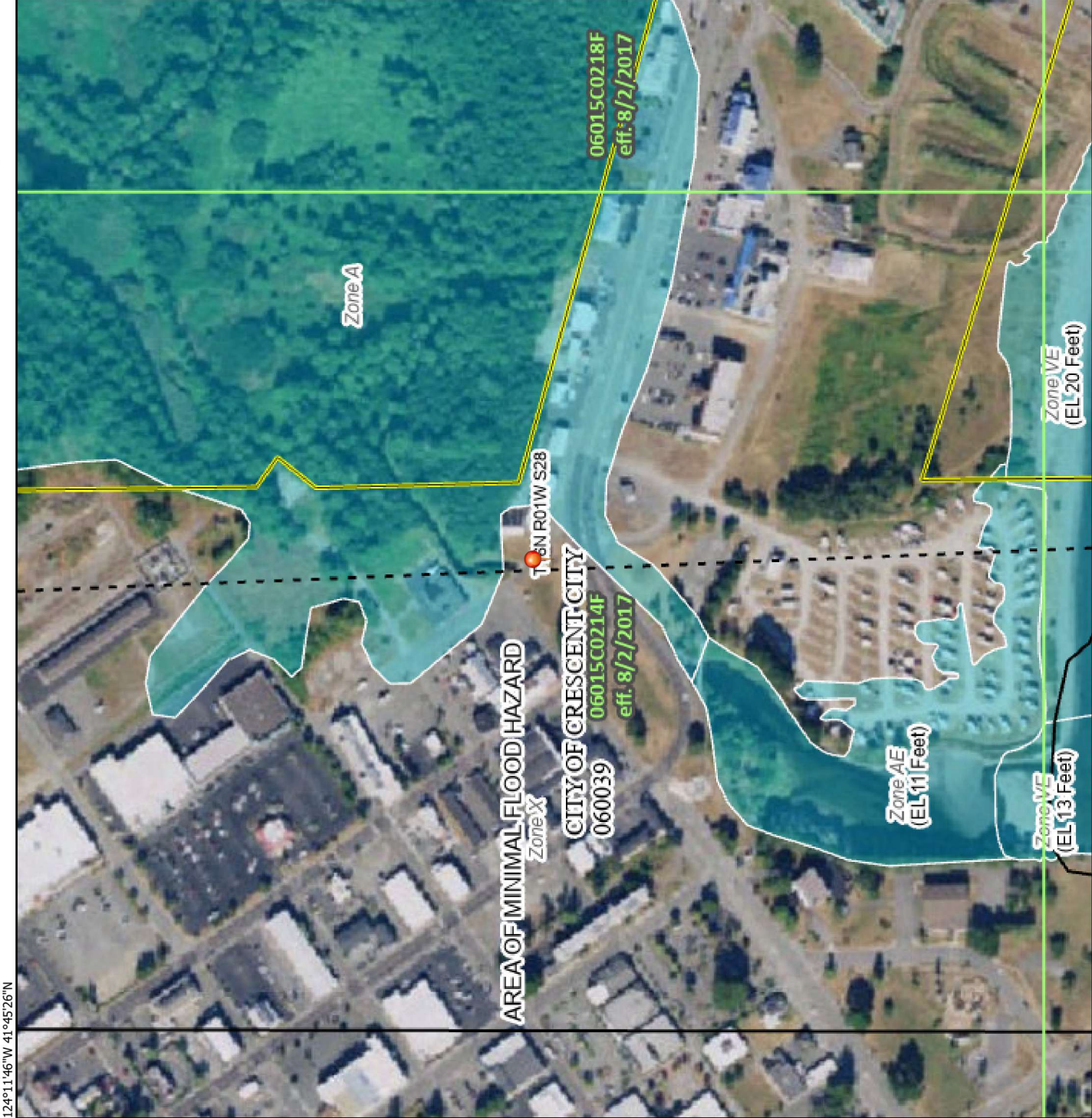


Proposed Location of
Modular Cabins

National Flood Hazard Layer FIRMette



124°11'46"W 41°45'26"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Without Base Flood Elevation (BFE)
Zone A, V, AE

With BFE or Depth *Zone AE, AO, AH, VE, AR*

Regulatory Floodway

SPECIAL FLOOD HAZARD AREAS

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

Area with Flood Risk due to Levee *Zone D*

OTHER AREAS OF FLOOD HAZARD

NO SCREEN

Area of Minimal Flood Hazard *Zone X*

Effective LOMRs

Area of Undetermined Flood Hazard *Zone D*

OTHER AREAS

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/10/2024 at 11:46 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet

1:6,000

124°11'9"W 41°44'59"N

Basemap Imagery Source: USGS National Map 2023

LIGHTHOUSE COVE RV PARK - SPACE 36 AND 37 IN
RELATION TO FLOOD MAP



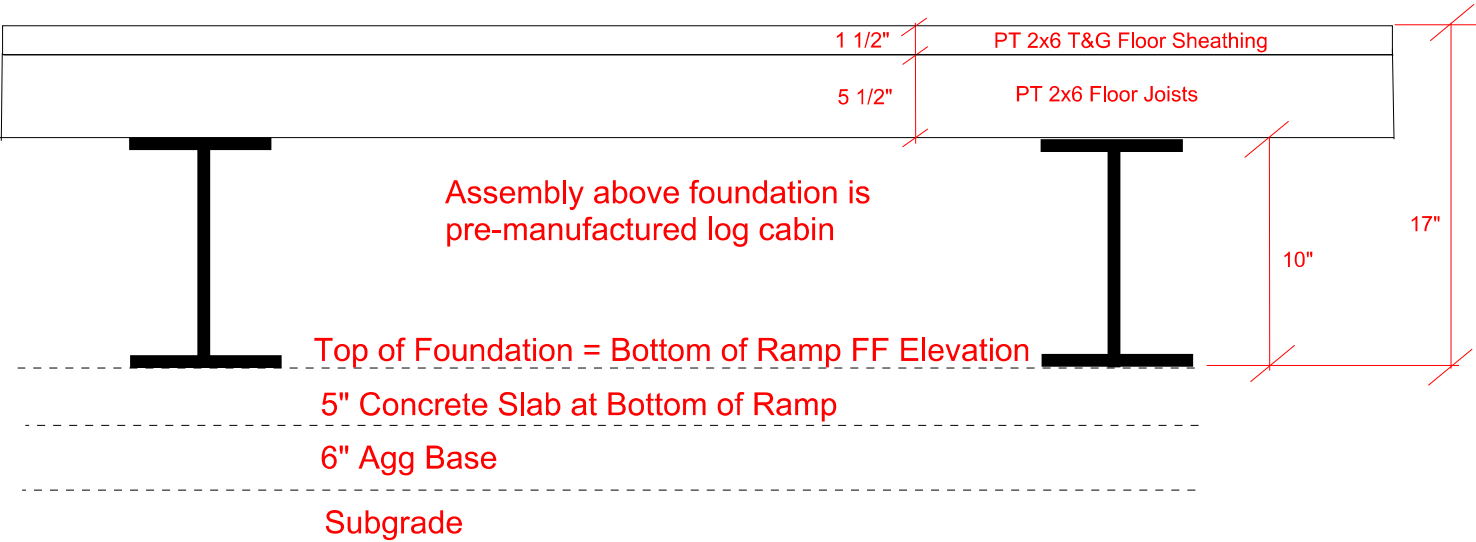
LIGHTHOUSE COVE RV PARK - CRESCENT CITY, CA
EXISTING RV LAYOUT IN SPACE 36 AND 37



LIGHTHOUSE COVE RV PARK - CRESCENT CITY, CA
CABIN STALL LAYOUT IN SPACE 36 AND 37



Cabin Subfloor Section



Cabin Finish Floor Elevations Summary - NAVD 88 Datum Used

Cabin Space	Original Grade	Sub Grade (Parking)	Top of Gravel (Parking)	Top of Slab (Entry Side of Parking - SE Face)	Bottom of Ramp, and Bottom of Modular Structure	FF Elevation
36	10.28'	9.95' (4" below OG)	10.45' (6" Gravel Pad)	10.86' (5" SOG)	11.19' (4" rise across ADA parking)	12.61' (7.9% Ramp Slope)
37	11.15'	10.82' (4" below OG)	11.32 (6" Gravel Pad)	11.73' (5" SOG)	12.06' (4" rise across ADA parking)	13.48' (7.9% Ramp Slope)

14'10"x27 Cabin with 10' Porch (400 SF)

Overall Dimensions: 37' x 15'7"

Room Layout and Features:

- Living Area (Front):**
 - Shelving (6'9" x 8'1")
 - 19" Wall Mount Sink (Open Below)
 - Higher Elong. Toilet (2x3)
 - 30" Range
 - WH Below
 - 25x22 Sink
 - 10 CF Fridge
 - Low Table & Benches (3x3)
 - TV
- Kitchen Area (Back):**
 - Optional Tankless LP Water Heater Location
 - Water and Sewer Connection Option #2
 - 10' Porch
 - Porch Opening Option #3
- Bedroom Area (Right):**
 - Queen Bed (4' x 8')
 - Bunk Bed
 - Optional Futon (5x3)
 - 12,000 BTU AC & Heat
 - Porch Opening Option #2
- Bathroom Area (Left):**
 - 5' ADA Shower
 - Panel Box Electrical Connection (Standard Location)
 - Hitch Location Option #2
- Other Features:**
 - Standard Water and Sewer Connection Option #1
 - Standard Hitch Location Option #1
 - Standard Porch Opening Option #1
 - Standard Hitch Location Option #1









AGREEMENT NUMBER G24-026	AM. NO.
TAXPAYERS FEDERAL EMPLOYER IDENTIFICATION NO. 94-6000552	

THIS AGREEMENT is entered into this 18th day of December, 2024 in the State of California, by and between:



AGENCY State Coastal Conservancy	and
GRANTEE'S NAME City of Crescent City	

I. SCOPE OF AGREEMENT

Pursuant to Chapter 10 of Division 21 of the California Public Resources Code, the State Coastal Conservancy (“the Conservancy”) hereby grants to the City of Crescent City (“the grantee”) a sum not to exceed \$835,000 (eight hundred thirty-five thousand dollars) (“funds”), subject to this agreement.

(Continued on the following pages)

The provisions on the following pages constitute a part of this agreement.
This agreement has been executed by the parties as shown below.

STATE OF CALIFORNIA	GRANTEE
AGENCY State Coastal Conservancy	GRANTEE (If other than an individual, state whether a corporation, partnership, etc.) City of Crescent City
BY (Authorized Signature)  Amy Hutzel	BY (Authorized Signature)  Eric Wier
PRINTED NAME AND TITLE OF PERSON SIGNING Amy Hutzel, Executive Officer	PRINTED NAME AND TITLE OF PERSON SIGNING Eric Wier, City Manager
ADDRESS & PHONE NUMBER 1515 Clay Street, 10 th Floor Oakland, CA 94612 Phone: (510) 286-1015	ADDRESS & PHONE NUMBER 377 J Street Crescent City, CA 95531 Phone: (707) 464-9506

AMOUNT ENCUMBERED BY THIS DOCUMENT \$835,000.00	PROGRAM/CATEGORY Local Assistance	FUND TITLE/PROP NO. CA. Draught, Water, Parks,...(Prop 68)			
	PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$-0-	FUND ITEM 3760-101-608800009(D)(2)(B8265) = \$286,000.00 Reap by Ch.#: 35/24 3760-101-608800009(D)(2)(B8265) = \$549,000.00 Reap by Ch.#: 23/19	CHAPTER 06 23	STATUTE 2020 2019	FISCAL YEAR 20/21 19/20
	TOTAL AMOUNT ENCUMBERED TO DATE \$835,000.00	PROJECT NAME Lighthouse Cove Lower Cost Accommodations Project			

I certify that this agreement is exempt from Department of General Services' approval.

Erika Gomez

Erika Gomez
Procurement and Contracts Manager

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

NAME AND SIGNATURE OF ACCOUNTING OFFICER <i>Roselin Deri</i>	DATE 12/18/2024
---	--------------------

The grantee shall use the funds to complete the following project (“the project”) at the Lighthouse Cove RV Park in Crescent City, as shown on Exhibit A, which is incorporated by reference and attached.

The project consists of the creation of lower cost overnight accommodations at the City of Crescent City’s Lighthouse Cove RV Park. The project will install two cabins that meet ADA standards and sleep up to six people each, renovate an apartment in an existing building in the RV Park, and renovate the restrooms in the same structure. The cabins and apartment will be rented to the public.

The grantee shall carry out the project in accordance with this agreement. The grantee shall provide any funds beyond those granted under this agreement that are needed to complete the project.

II. CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT

The grantee shall not begin construction of the project and the Conservancy will not be obligated to disburse any funds unless and until the following conditions precedent have been met:

1. The City Council of the grantee has adopted a resolution designating positions whose incumbents are authorized to negotiate and execute this agreement and amendments to it on behalf of the grantee.
2. The Executive Officer of the Conservancy (“the Executive Officer”) has approved in writing:
 - a. A work program for the project, as provided in section “V. WORK PROGRAM.”
 - b. A plan for installation of signs and acknowledgment of Conservancy support, as provided in section “VI. SIGNS AND ACKNOWLEDGMENT.”
 - c. All contractors that the grantee intends to retain in connection with the project. [The grantee must provide written evidence to the Conservancy that each contractor has complied with the bonding requirements described in section “VII. BONDING.”
3. The grantee has provided to the Conservancy:
 - a. A statement identifying and confirming that it has obtained all permits and approvals necessary to the completion of the project under applicable local, state, and federal laws and regulations.
 - b. Evidence the grantee has provided for required insurance coverage, including additional insured endorsement, as described in section “XVI. INSURANCE.”

Notwithstanding the above, the grantee may begin to prepare plans, specifications and engineering work upon meeting conditions precedent no. 2a, no. 2b, no. 3b, and upon the Executive Officer's review and approval of a separate work program for preparation of the plans, specifications and engineering work (tasks, budget and timeline) and approval of any contractors that the grantee will retain to perform such work.

III. TERM OF AGREEMENT

This agreement will take effect when signed by both parties and received in the offices of the Conservancy together with the resolution described in section "II. CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT". This agreement may be signed electronically using a process specified by the Conservancy.

This agreement terminates on January 31, 2047 ("the termination date") unless terminated early as provided in this agreement. However, the grantee shall complete all work by January 31, 2027 ("the completion date").

The grantee shall deliver a final Request for Disbursement to the Conservancy no later than February 28, 2027.

IV. AUTHORIZATION

The signature of the Executive Officer of the Conservancy on this agreement certifies that at its September 5, 2024 meeting, the Conservancy adopted the resolution included in the staff recommendation attached as Exhibit B. This agreement is executed under that authorization.

Standard Provisions

V. WORK PROGRAM

Before beginning construction, the grantee shall submit a detailed work program to the Executive Officer for review and written approval of its consistency with the purposes of this grant agreement. The work program must include:

1. Construction plans and specifications.
2. A schedule of completion for the project specifically listing the date for completing each project component and showing how the project will be completed by the completion date.
3. A detailed project budget. The project budget must describe all labor and materials costs of completing each component of the project, including the grantee's labor and materials costs and costs to be incurred under a contract with any third party retained by the grantee for work under this agreement. For each project component, the project budget must list all intended funding sources, including the Conservancy's grant, all other sources of monies, materials, or labor. The grantee shall review the plans with Conservancy staff, on-site if feasible.

If all or any part of the project to be funded under this agreement will be performed by third parties ("contractors") under contract with the grantee, the grantee shall submit to the Executive Officer for review and approval the names and qualifications of the contractors.

The work program will have the same effect as if included in the text of this agreement. However, the work program may be modified without amendment of this agreement upon the grantee's submission of a modified work program and the Executive Officer's written approval of it. If this agreement and the work program are inconsistent, the agreement will control.

The grantee shall construct the project in accordance with the approved work program.

VI. SIGNS AND ACKNOWLEDGMENT

Prior to beginning the project, the grantee shall submit, for review and written approval by the Executive Officer, a plan for the installation of signs and acknowledgment of Conservancy support. Except as the Executive Officer agrees otherwise, the plan must commit the grantee to mention the Conservancy's support in its project-related press releases, contacts with the media, and social media postings, and on its website.

The plan must commit the grantee to install and maintain a sign or signs visible from the nearest public roadway identifying the project, acknowledging Conservancy assistance and displaying

the Conservancy's logo. The Conservancy shall provide to the grantee specifications for the signs. The signs must also acknowledge funding from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68). The grantee sign plan shall describe the number, design, placement and wording of the signs, or the specifications of a proposed, alternative method. The grantee shall implement the approved signs and acknowledgment plan. The Conservancy will withhold final disbursement until the signs are installed as approved by the Conservancy.

VII. BONDING

If the grantee intends to use any contractors on any portion of the project to be funded under this agreement, the grantee shall not begin construction until each contractor has furnished a performance bond in favor of the grantee in the following amounts: for faithful performance, one hundred percent (100%) of the contract value; and for labor and materials, one hundred percent (100%) of the contract value. This requirement does not apply to any contract for less than \$250,000.

Any bond furnished under this section must be executed by an admitted corporate surety insurer licensed in the State of California.

VIII. COSTS AND DISBURSEMENTS

When the Conservancy determines that all conditions in section "II. CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT" have been fully met, the Conservancy shall disburse to the grantee a total amount not to exceed the amount of this grant, in accordance with the approved project budget and this section.

The withholding for this agreement is five percent. The Conservancy shall disburse funds for costs incurred to date, less five percent, upon the grantee's satisfactory progress under the approved work program, and upon the grantee's submission of a "Request for Disbursement" form, which shall be submitted no more frequently than monthly but no less frequently than quarterly. The Conservancy shall disburse the five percent withheld upon the grantee's satisfactory completion of construction and compliance with section "X. PROJECT COMPLETION", and upon the Conservancy's acceptance of the project.

Hourly rates billed to the Conservancy must be equal to the actual compensation paid by grantee to employees, which may include employee benefits. The grantee shall require its employees to keep records of their time spent on the project for purposes of documenting the employee time billed to the Conservancy. The Conservancy will reimburse the grantee for expenses necessary to the project when documented by appropriate receipts. The Conservancy will reimburse travel

and related expenses in accordance with the rates set forth in “SCC Travel Reimbursement Rates for Grants and Contracts,” as posted on the Conservancy’s website at scc.ca.gov. The Conservancy will reimburse the grantee for other necessary expenses if those expenses are reasonable in nature and amount taking into account the nature of the project, its location, and other relevant factors.

The grantee shall request disbursements by filing with the Conservancy a fully executed “Request for Disbursement” form (available from the Conservancy). The grantee shall include in the form its name and address, the number of this agreement, the date of the submission, the amount of the invoice, the period during which the work was actually done, and an itemized description, including time, materials, and expenses incurred of all work done for which disbursement is requested. The form must also indicate cumulative expenditures to date, expenditures during the reporting period, and the unexpended balance of funds under the grant agreement.

An authorized representative of the grantee must sign the forms. Each form must be accompanied by:

1. All receipts and any other source documents for direct expenditures and costs that the grantee has incurred.
2. Invoices from contractors that the grantee engaged to complete any portion of the work funded under this agreement and any receipts and any other source documents for costs incurred and expenditures by any such contractor, unless the Executive Officer makes a specific exemption in writing.
3. A progress report summarizing the current status of the project and the work for which the grantee is requesting disbursement.

The grantee’s failure to fully execute and submit a Request for Disbursement form, including attachment of supporting documents, will relieve the Conservancy of its obligation to disburse funds to the grantee until the grantee corrects all deficiencies.

IX. EXPENDITURE OF FUNDS AND ALLOCATION OF FUNDING AMONG BUDGET ITEMS

No increase in the total amount of this grant will be valid unless set forth in a written amendment to this agreement. The grantee shall expend funds consistent with the approved project budget. Expenditure on items contained in the approved project budget, other than overhead and indirect costs, may vary by as much as ten percent without prior approval by the Executive Officer, provided that the grantee first submits a revised budget to the Conservancy and requests disbursement based on the revised budget. Any deviation greater than ten percent, and any

deviation that shifts funds from approved budget items into an overhead or indirect costs category, must be identified in a revised budget approved in advance and in writing by the Executive Officer. The Conservancy may withhold payment for items that exceed the amount allocated in the project budget by more than ten percent and that have not received the approval required above. Any increase in the funding for any particular budget item will mean a decrease in the funding for one or more other budget items unless there is a written amendment to this agreement.

X. PROJECT COMPLETION

Upon completion of the project, the grantee shall supply the Conservancy with evidence of completion by submitting a final report by the final Request for Disbursement date set forth in section III. TERM OF AGREEMENT that includes:

1. A report certifying completion of the project according to the approved work program, including photographs documenting project completion.
2. Documentation that signs are installed as required by section “VI. SIGNS AND ACKNOWLEDGMENT.”
3. A fully executed final “Request for Disbursement.” A “final Request for Disbursement” means a Request for Disbursement that includes the withheld amounts and all remaining amounts for which grantee is entitled to seek payment, if any, pursuant to this agreement.

The Conservancy shall determine whether the grantee has satisfactorily completed the project. If so, the Conservancy shall issue to the grantee a letter of acceptance of the project and release the withhold amount pursuant to section “VIII. COSTS AND DISBURSEMENTS”. The project will be deemed complete as of the date of the letter.

XI. EARLY TERMINATION, SUSPENSION AND FAILURE TO PERFORM

Before the project has commenced, either party may terminate this agreement for any reason by providing the other party with seven days notice in writing.

Before the project is complete, the Conservancy may terminate this agreement for any reason by providing the grantee with thirty days notice in writing. Before the project is complete, the Conservancy may suspend this agreement for any reason by providing the grantee with seven days notice in writing. In either case, the grantee shall immediately stop work under the agreement and take all reasonable measures to prevent further costs to the Conservancy. The Conservancy will be responsible for any reasonable and non-cancelable obligations incurred by the grantee in the performance of this agreement prior to the date of the notice to terminate or

suspend, but only up to the undisbursed balance of funding authorized in this agreement. Any notice suspending work under this agreement will remain in effect until further written notice from the Conservancy authorizes work to resume.

If the grantee fails to complete the project as required, or fails to fulfill any other obligations of this agreement prior to the termination date, the grantee will be liable for immediate repayment to the Conservancy of all amounts disbursed by the Conservancy under this agreement. The Conservancy may, at its sole discretion, consider extenuating circumstances and not require repayment for work partially completed. This paragraph does not limit any other remedies the Conservancy may have for breach of this agreement.

Before the project is complete, the grantee may terminate this agreement for any reason by providing the Conservancy with seven days notice in writing and repaying to the Conservancy all amounts disbursed by the Conservancy under this agreement. The Conservancy may, at its sole discretion, consider extenuating circumstances and allow early termination without repayment for work partially completed.

The parties expressly agree to waive, release and relinquish the recovery of any consequential damages that may arise out of the termination or suspension of this agreement under this section.

The grantee shall include in any agreement with any contractor retained for work under this agreement a provision that entitles the grantee to suspend or terminate the agreement with the contractor for any reason on written notice and on the same terms and conditions specified in this section.

XII. OPERATION AND MAINTENANCE

The grantee shall use, manage, maintain and operate the project throughout the term of this agreement consistent with the purposes for which the Conservancy's grant was made. The grantee assumes all operation and maintenance costs of these facilities and structures; the Conservancy is not responsible for any cost of maintenance, management, or operation. The grantee may be excused from its obligations for operation and maintenance during the term of this agreement only upon the written approval of the Executive Officer.

For purposes of this agreement, "operation costs" include direct costs incurred for material and labor needed for operations, utilities, insurance, and similar expenses. "Maintenance costs" include ordinary repairs and replacements of a recurring nature necessary to prolong the life of capital assets and basic structures, and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures.

XIII. MITIGATION

Without the written permission of the Executive Officer, the grantee shall not use or allow the use for mitigation (in other words, to compensate for adverse changes to the environment elsewhere) of any portion of real property on which the Conservancy has funded construction. In providing permission, the Executive Officer may require that all funds generated in connection with any authorized or allowable mitigation on the real property be remitted promptly to the Conservancy. As used in this section, mitigation includes, but is not limited to, any use of the property in connection with the sale, trade, transfer or other transaction involving carbon sequestration credit or carbon mitigation.

XIV. INSPECTION

Throughout the term of this agreement, the Conservancy has the right to inspect the project area to ascertain compliance with this agreement.

XV. INDEMNIFICATION AND HOLD HARMLESS

The grantee shall be responsible for, indemnify and hold harmless the Conservancy, its officers, agents, and employees from any and all liabilities, claims, demands, damages, or costs, including, without limitation, litigation costs and attorneys fees, resulting from or arising out of the willful or negligent acts or omissions of the grantee, its officers, agents, contractors, subcontractors, and employees, or in any way connected with or incident to this agreement, except for the active negligence of the Conservancy, its officers, agents, or employees. The duty of the grantee to indemnify and hold harmless includes the duty to defend as provided in Civil Code section 2778. This agreement supersedes any right the grantee may have as a public entity to indemnity and contribution as provided in Gov. Code Sections 895 et seq.

The grantee waives any and all rights to any type of express or implied indemnity or right of contribution from the State, its officers, agents, or employees, for any liability resulting from, growing out of, or in any way connected with or incident to this agreement.

Nothing in this agreement is intended to create in the public or in any member of it rights as a third-party beneficiary under this agreement.

The obligations in this section “XV. INDEMNIFICATION AND HOLD HARMLESS” will survive termination of this agreement.

XVI. INSURANCE

The grantee shall procure and maintain insurance, as specified in this section, against claims for injuries to persons and damage to property that may arise from or in connection with any activities of the grantee or its agents, representatives, employees, or contractors associated with the project undertaken pursuant to this agreement.

As an alternative, with the written approval of the Executive Officer, the grantee may satisfy the coverage requirement in whole or in part through: (a) its contractors' procurement and maintenance of insurance for work under this agreement, if the coverage otherwise fully satisfies the requirements of this section; or (b) the grantee's participation in a "risk management" plan, self insurance program or insurance pooling arrangement, or any combination of these, if consistent with the coverage required by this section.

The grantee shall maintain property insurance, if required below, throughout the term of this agreement. Any required errors and omissions liability insurance shall be maintained from the effective date through two calendar years after the completion date. The grantee shall maintain all other required insurance from the effective date through the completion date.

1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

- a. Insurance Services Office ("ISO") Commercial General Liability coverage, occurrence basis (Form CG 00 01) or comparable.
- b. Automobile Liability coverage: ISO Form Number CA 0001, Code 1 (any auto).
- c. Workers' Compensation insurance as required by the Labor Code of the State of California.

2. Minimum Limits of Insurance. The grantee shall maintain coverage limits no less than:

- a. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage.
(Including operations, products and completed operations, as applicable)
- b. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
- c. Worker's Compensation: Worker's compensation as required by law.

3. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the Executive Officer.
4. Waiver of Subrogation. The grantee hereby grants to the State of California, its officers, agents, employees, and volunteers, a waiver of any right to subrogation which any insurer of the grantee may acquire against the State of California, its officers, agents, employees, and volunteers, by virtue of the payment of any loss under such insurance. Grantee agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the grantee has received a waiver of subrogation endorsement from the insurer.
5. Acceptability of Insurers. Insurance shall be placed with insurers admitted to transact business in the State of California and having a current Best's rating of "B+:VII" or better or, in the alternative, acceptable to the Conservancy and approved in writing by the Executive Officer.
6. Verification of Coverage. The grantee shall furnish the Conservancy with original certificates and amendatory endorsements, or copies of the applicable policy language, effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Executive Officer before work commences. The Conservancy may require, at any time, complete, certified copies of all required insurance policies, including endorsements affecting the coverage.
7. Contractors. The grantee shall require each contractor to provide and maintain coverage consistent with the requirements of this section. To the extent generally available, grantee shall also require each professional contractor to provide and maintain Errors and Omissions Liability insurance appropriate to the contractor's profession and in a reasonable amount in light of the nature of the project.
8. Premiums and Assessments. The Conservancy is not responsible for premiums and assessments on any insurance policy.

XVII. AUDITS/ACCOUNTING/RECORDS

The grantee shall maintain financial accounts, documents, and records (collectively, "required records") relating to this agreement, in accordance with the guidelines of "Generally Accepted Accounting Principles" ("GAAP") published by the American Institute of Certified Public Accountants. The required records include, without limitation, evidence sufficient to reflect properly the amount, receipt, deposit, and disbursement of all funds related to the construction of the project, and the use, management, operation and maintenance of the real property, time and effort reports, and supporting documents that permit tracing from the request for disbursement forms to the accounting records and to the supporting documentation.

The Conservancy or its agents may review, obtain, and copy all required records. The grantee shall provide the Conservancy, California State Auditor, their officers, employees, and agents with any relevant information requested and with access to the grantee's premises upon reasonable notice, during normal business hours, to interview employees and inspect and copy books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this agreement and any applicable laws and regulations.

The grantee shall retain the required records for a minimum of three years following the later of final disbursement by the Conservancy, and the final year to which the particular records pertain. The records shall be subject to examination and audit by the Conservancy and the California State Auditor during the retention periods.

If the grantee retains any contractors to accomplish any of the work of this agreement, the grantee shall first enter into an agreement with each contractor requiring the contractor to meet the terms of this section and to make the terms applicable to all subcontractors.

The Conservancy may disallow all or part of the cost of any activity or action that it determines to be not in compliance with the requirements of this agreement.

XVIII. COMPUTER SOFTWARE

The grantee certifies that it has instituted and will employ systems and controls appropriate to ensure that, in the performance of this agreement, state funds will not be used for the acquisition, operation or maintenance of computer software in violation of copyright laws.

XIX. NONDISCRIMINATION

During the performance of this agreement, the grantee and its contractors shall not deny the agreement's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The grantee shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. The grantee and contractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the

regulations or standards adopted by the Conservancy to implement such article. The grantee shall permit access by representatives of the Department of Fair Employment and Housing and the Conservancy upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or the Conservancy shall require to ascertain compliance with this clause. The grantee and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

The grantee shall include the nondiscrimination and compliance provisions of this clause in all contracts to perform work under this agreement.

XX. AMERICANS WITH DISABILITIES ACT

By signing this agreement, grantee certifies that it is in compliance with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C., 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

XXI. PREVAILING WAGE

Work done under this grant agreement may be subject to the prevailing wage and other related requirements of the California Labor Code, Division 2, Part 7, Chapter 1, sections 1720-1861. If required by law to do so, the grantee shall pay prevailing wage to all persons employed in the performance of any part of the project and otherwise comply with all associated requirements and obligations.

The grantee is responsible for determining whether the project is subject to prevailing wage laws, and for complying with all labor laws applicable to the project. The grantee may also review the Conservancy publication, "Information on Prevailing Wage Laws for State Coastal Conservancy Grantees" (2023), available from the Conservancy on request; which provides general information and is not legal advice to the grantee on whether the grantee's project is subject to prevailing wage laws.

XXII. DRUG-FREE WORKPLACE

The grantee's signature on this agreement constitutes the certification required by Government Code Section 8355 (Drug-Free Workplace Act of 1990), which requires that all state grantees provide a drug-free workplace by doing all of the following:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying actions that will be taken against employees for violations of the prohibition.
2. Establishing a drug-free awareness program to inform employees about all of the following:
 - a. The dangers of drug abuse in the workplace.
 - b. The person's or organization's policy of maintaining a drug-free workplace.
 - c. Any available drug counseling, rehabilitation, and employee assistance programs.
 - d. The penalties that may be imposed upon employees for drug abuse violations.
3. Requiring that each employee engaged in the performance of the grant be given a copy of the drug-free workplace statement and that, as a condition of employment on the grant, the employee agrees to abide by the terms of the statement.

XXIII. XXIV EXECUTIVE ORDER N-6-22 – RUSSIA SANCTIONS

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the Conservancy determine the grantee is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The Conservancy shall provide the grantee advance written notice of such termination, allowing the grantee at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the Conservancy.

XXIV. INDEPENDENT CAPACITY

The grantee, and the agents and employees of grantee, in the performance of this agreement, are acting in an independent capacity and not as officers or employees or agents of the State of California.

XXV. ASSIGNMENT

Without the written consent of the Executive Officer, the grantee may not assign this agreement in whole or in part.

XXVI. TIMELINESS

Time is of the essence in this agreement.

XXVII. EXECUTIVE OFFICER'S DESIGNEE

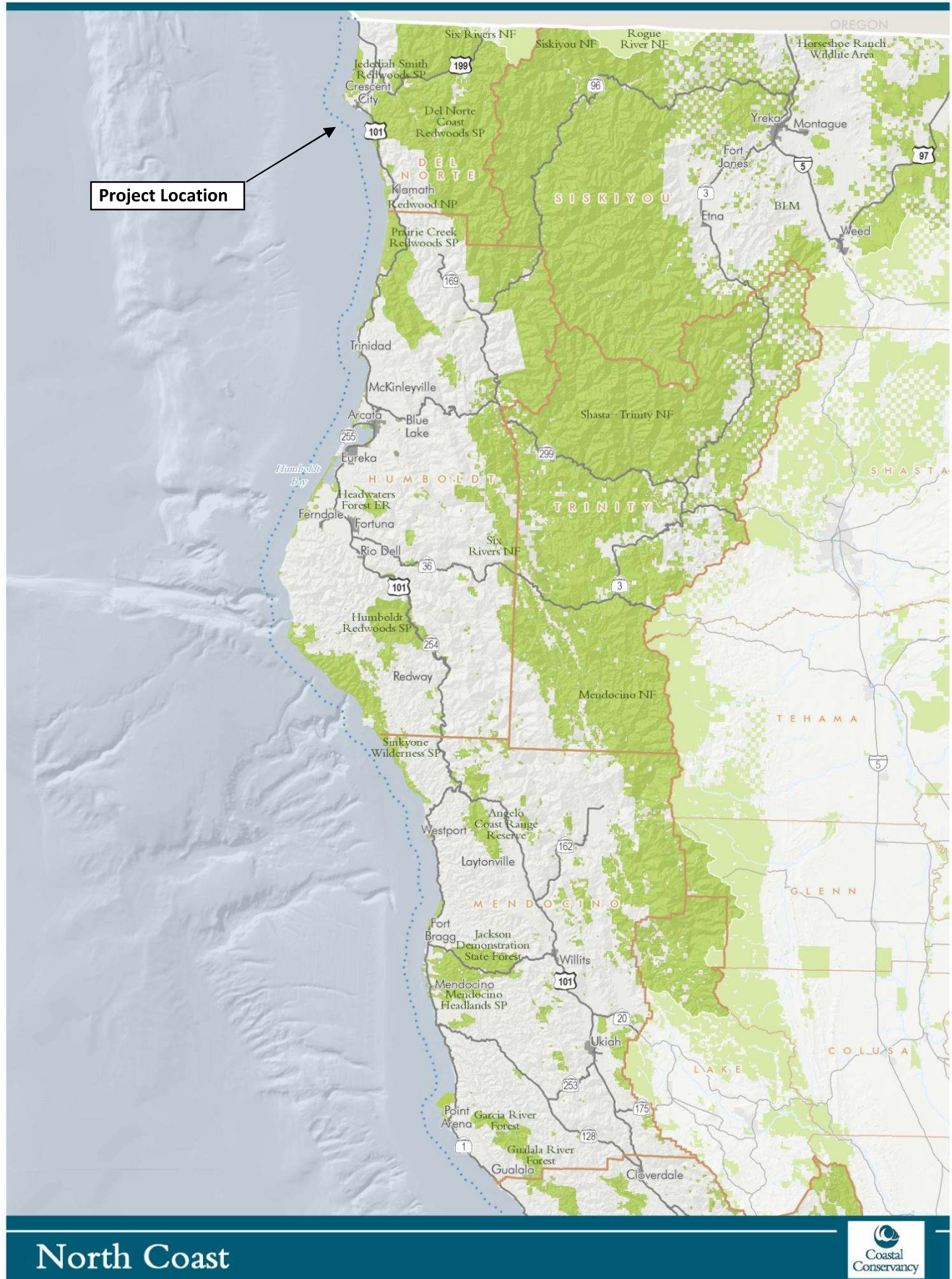
The Executive Officer shall designate a Conservancy project manager who will have authority to act on behalf of the Executive Officer with respect to this agreement. The Executive Officer shall notify the grantee of the designation in writing.

XXVIII. AMENDMENT

Except as expressly provided in this agreement, no changes in this agreement will be valid unless made in writing and signed by the parties to the agreement. No oral understanding or agreement not incorporated in this agreement will be binding on any of the parties.

Exhibit A

Exhibit 1: Project Location Map



COASTAL CONSERVANCY

Staff Recommendation
September 5, 2024

LIGHTHOUSE COVE LOWER COST ACCOMMODATIONS PROJECT

Project No. 24-035-01
Project Manager: Peter Jarausch

RECOMMENDED ACTION: Authorization to disburse up to \$835,000 to the City of Crescent City to undertake the Lighthouse Cove Lower Cost Accommodations Project which consists of adding up to three lower cost units that will accommodate up to 20 people and renovating the existing restrooms at the City of Crescent City's Lighthouse Cove RV Park in Del Norte County.

LOCATION: Crescent City, Del Norte County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
Exhibit 2: [Project Photographs](#)
Exhibit 3: [Project Letters](#)
-

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed eight hundred and thirty-five thousand dollars (\$835,000) to the City of Crescent City ("the grantee") to undertake the Lighthouse Cove Lower Cost Accommodations Project which consists of adding up to three lower cost units that will accommodate up to 20 people and renovating the existing restrooms at the City of Crescent City's Lighthouse Cove RV Park in Del Norte County (the "project").

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.

3. A plan for acknowledgement of Conservancy funding and Proposition 68 as the source of that funding. Evidence that all permits and approvals required to implement the project have been obtained.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 10 of Division 21 of the Public Resources Code, regarding Lower-Cost Coastal Accommodations. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a \$835,000 grant to the City of Crescent City (the “grantee”) to undertake the Lighthouse Cove Lower Cost Accommodations Project which consists of adding up to three lower cost family/group vacation rental units at the Lighthouse Cove RV Park and renovating the existing restrooms to meet ADA standards (the “project”). The RV Park is located on the Crescent City waterfront and adjacent to Elk Creek in Del Norte County.

This project has greater than local benefit. Visitors from many parts of California travel to Del Norte County in the summer. They come to enjoy the natural beauty, escape the inland heat, and increasingly, to escape wildfire smoke. The need for clean coastal air is particularly acute in late summer and early fall. Tourists from around the world also travel to Del Norte County to experience the redwoods. In addition, as part of the Pacific Coast Bicycle Route, there is a steady stream of bicyclists traveling through the area and in need of overnight accommodation.

Existing accommodation in and around Crescent City is in very high demand during the summer. Local hotels are expensive during the high season, and it is rare to find an available camping spot in Redwood National and State Park campgrounds. The two largest campgrounds, one at Jedediah Smith State Park and the other at Mill Creek, are very scenic and typically booked six months in advance. The limited number of camping spots as well as the costs associated with staying in a hotel are a barrier for equitable access to the coast.

The project consists of creating three new lower cost accommodations at the Lighthouse Cove RV Park, which is owned and operated by the grantee. In particular, the project consists of purchasing and installing two new cabins and renovating an existing apartment. The cabins sleep up to six each with a queen bed, bunk beds, and a futon. They also include a small kitchen and bathroom and are designed to be accessible for people with disabilities. These cabins will be located in spots previously rented out to RV campers. The 1,200 square foot apartment is on the second floor of an existing building at the RV Park. It will sleep eight with three queen beds and a futon. It also has a kitchen and bathroom and has a view of the ocean. The apartment is currently in need of renovation to bring it up to vacation rental standards.

Site Description: The Lighthouse Cove RV Park is centrally located on the City of Crescent City waterfront in Del Norte County with quick access to both the natural environment as well as shops and restaurants. The Elk Creek estuary forms the northern and western boundaries of the RV Park. To the south is a sandy beach and Crescent City Harbor. The area is protected by jetties and has few waves making it an attractive spot for families to enjoy the water. The California Coastal Trail is located just outside of the RV park and provides an easy connection to the Crescent City Harbor, Beachfront Park, and the Battery Point Lighthouse. The City's indoor pool is also just a short walk away along the California Coastal Trail.

The RV Park is owned and operated by the City of Crescent City. This makes it possible to set rates for the cabins and the apartment to ensure that the units will always be lower-cost accommodations.

Grant Applicant Qualifications: The City of Crescent City is well qualified to undertake this project. It has experience renovating the RV Park, constructing sections of the California Coastal Trail, and improving access to their waterfront. The City has also recently secured significant funding for the renovation of Beachfront Park. After an extensive public outreach effort partially funded by a grant from the Conservancy, the community has decided on the improvements it would like to see at Beachfront Park and the City is now implementing those plans.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The proposed project is a good investment of state resources as it contributes to the State's objective to provide lower-cost accommodation on the California coast. The proposed project has a reasonable budget, and the grantee is ready to construct the project.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

The City holds regular meetings with the Tolowa Dee-ni' Nation and Elk Valley Rancheria. The proposed project will be discussed during one of these regular meetings with the tribes. The City is also currently working to add Tolowa cultural elements to Beachfront Park which is a short walk from the RV Park. This is funded in part by a grant from the Conservancy.

4. Project benefits will be sustainable or resilient over the project lifespan.

The cabins are expected to have a lifespan of more than 20 years as will the apartment. The City is planning to set the rates so that by the end of the life of the cabins there will be sufficient funding to replace them.

The City will be able to maintain the lower cost rates because the initial costs are proposed to be covered by this recommended grant. This recommended grant will cover the initial capital improvements costs and the City will then only need to cover the long-term maintenance and management of the units. The City would not be able to maintain the lower cost rates without the Conservancy's funding the capital improvements.

There is some risk to the project from a tsunami. The Crescent City Harbor is particularly susceptible to tsunamis due to the shape of the seafloor leading up to the harbor. The City will mitigate for this by anchoring the cabins to a concrete foundation. In the event that the cabins are damaged by strong currents and flooding from a Tsunami, the City's insurance is expected to help cover the cost of repair or replacement.

Del Norte County and the City of Crescent City are currently not experiencing the impacts of sea level rise. Due to tectonic forces the ground is rising at approximately the same rate as sea level rise. More important for this area is flooding created from an increase in the frequency and intensity of winter storms. The City's Lighthouse RV Park is in a relatively sheltered location behind the breakwater guarding the entrance to the Crescent City Harbor and therefore less susceptible to winter storms.

5. Project delivers multiple benefits and significant positive impact.

The proposed project will provide lower cost accommodations to a popular part of the California Coast. These accommodations will benefit both the visitors who will be able to spend the night as well as the local economy which relies on tourism. In addition, it will allow new visitors to experience the world-renowned local parks.

PROJECT FINANCING

Coastal Conservancy	\$835,000
Project Total	\$835,000

The expected source of funds for this project is the FY 19/20 (reappropriated FY 22/23) and FY 20/21 (reappropriated FY 24/25) appropriation to the Conservancy from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68, Public Resources Code Sections 80000-80173). Chapter 9 of Proposition 68 (section 80120-80121) allocates funds to the Conservancy to enhance and protect coastal and ocean resources by granting funds to public agencies and nonprofit organizations for development of lower-cost coastal accommodations. (Public Resources Code Section 80120(b)).

Consistent with the purposes of this funding source, the proposed project consists of the installation of two new cabins and the renovation of an existing apartment to provide lower cost accommodations. The project will be carried out in accordance with Chapter 10 of Division

21 regarding lower-cost coastal accommodations (see “Consistency with Conservancy’s Enabling Legislation” section below).

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 10 of Division 21 of the Public Resources Code, Sections 31411-31414. Pursuant to PRC Section 31412(a), the Conservancy may award grants and undertake projects as part of its Lower Cost Coastal Accommodations Program (Explore the Coast Overnight) to develop new, lower cost accommodations within one and one-half miles of the coast. The proposed project will develop three new lower cost accommodations on the waterfront in Crescent City.

Consistent with Section 31412(b) the new accommodations are affordable compared to the motels and hotels in the area and are available to low- and middle-income families. The City of Crescent City will develop an outreach plan to target low- and middle-income families.

Consistent with Section 31412(c)(1), the Conservancy continues to hold quarterly meetings with the California Department of Parks and Recreation and the California Coastal Commission regarding the development and selection of projects.

Consistent with Section 31413, the Conservancy’s implementation of the Explore the Coast Overnight Program is guided by a lower-cost accommodations assessment: “Explore the Coast Overnight – An Assessment of Lower-Cost Coastal Accommodations” (Assessment) which the Conservancy completed on March 14, 2019. The proposed project meets the criteria developed in the plan as the project is directly on the shore, will have lower cost rates, increase accessibility, and provide an enjoyable coastal experience. The City of Crescent City has also carefully considered the long-term maintenance costs of the project and has a viable plan for operations.

CONSISTENCY WITH CONSERVANCY’S [2023-2027 STRATEGIC PLAN](#):

Consistent with **Goal 2.7, Explore the Coast Overnight**, the proposed project will build an Explore the Coast Overnight project to increase the supply of lower-cost overnight accommodations.

CEQA COMPLIANCE:

The proposed project is categorically exempt from review under CEQA pursuant to 14 California Code of Regulations Section 15303, which exempts projects consisting of the construction of limited numbers of new small facilities or structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed project consists of the installation of two new cabins within existing RV parking spots and the renovation of an existing apartment to turn it into a vacation rental unit. Thus, the project only involves the creation of new small structures and the conversion of an existing structure.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.





CONDITIONS OF APPROVAL

Conditional Use Permit – Application UP25-03

On July 10, 2025, the City of Crescent City's Planning Commission held a Public Hearing in which they voted to **APPROVE** (by adopting Resolution PC2025-08), to grant the City of Crescent City has submitted a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project to propose the installation of two ADA cabins within the existing 91-space Lighthouse Cove RV Park located within the CZ-HR zone (Coastal Zone – Harbor-Related District) at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000), subject to the following conditions:

1. **Zoning.** The applicant shall be required to maintain compliance with all requirements of the City's Municipal Code including, but not limited to, Chapter 17.70 (Harbor-Related District – Coastal Zone).
2. **Conditional Use Permit.** The approved project shall be operated according to the approved proposed use (UP25-03) submitted 06/12/25 or as modified by the Planning Commission.
 - a. **Transfer.** All use permits are not personal to the applicant and permission granted under a use permit is an incident of ownership of the property for which it is granted. The owner of the property shall be responsible for compliance with the terms and conditions of issuance of a use permit (CCMC §17.54.030(B)).
 - b. **Revocable.** All use permits are always revocable and may be made conditional and shall be issued by the planning commission or by the affirmative vote of the city council, upon appeal, for any of the uses for which a use permit is required (CCMC §17.54.020).
3. **Off-Street Parking.** It is unlawful for any person, firm or corporation who owns, leases or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required (CCMC §17.42.010).
 - a. **Required.** All off-street parking spaces shall be maintained in accordance with the Off-Street Parking regulations (CCMC §17.42.120(B)).
 - b. **Use.** No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces (CCMC §17.42.120(G)).
4. **Landscaping.** Property owners or occupants shall maintain landscaping to be free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases (CCMC §17.43.020(G)).

CONDITIONS OF APPROVAL
Conditional Use Permit – Application UP25-03

- a. **Replacement.** The property owner shall immediately replace any plant material that dies, deteriorates, or is damaged by the causes listed above (CCMC §17.43.020(G)).
 - b. **Appearance.** Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance (CCMC §17.43.040(C)).
 - c. **Maintenance.** Trees, shrubs, hedges, and other plant materials shall be maintained so as not to create sight hazard as determined by the Director of Public Works (CCMC §17.43.040(D)).
5. **Departments.** The applicant shall comply with permit requirements of the City of Crescent City's Public Works Department, Police Department, Fire & Rescue, Finance Department, and Community Development Department, as applicable.
6. **Building Department.** The applicant shall comply with permit requirements of the City of Crescent City's Building Department.
 - a. **Building Permit.** Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the Planning Commission (CCMC §17.46.080(A)).
 - b. **Issuance.** The Building Permit shall not be issued until the effective date of this notice, shown below.
 - c. **Certificate of Occupancy.** Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter (CCMC §17.46.080(B)).



RESOLUTION NO. PC2025-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CRESCENT CITY APPROVING A CONDITIONAL USE PERMIT (APPLICATION UP25-03) GRANTING THE CITY'S REQUEST FOR INSTALLING TWO ADA CABINS AT THE LIGHTHOUSE COVE RV PARK

WHEREAS, The City of Crescent City has submitted a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project to propose the installation of two ADA cabins within the existing 91-space Lighthouse Cove RV Park located at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000);

WHEREAS, the Planning Commission has considered this proposed project on this date at a duly noticed public hearing, staff report, and public testimony;

WHEREAS, the Planning Commission finds that the proposed project is consistent with the Crescent City General Plan's VLC (Visitor and Local Commercial) land use designation, in that the proposed project:

- a) Is categorized as "other uses requiring a conditional use permit" within the VLC;
- b) "Provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses" within the VLC; and
- c) Is supported by the General Plan goals (1.A, 1.B, 1.D & 1.G) and policies (1.A.2, 1.A.3, 1.B.2, 1.B.10, 1.D.2, 1.G.1, & 1.I.1).

WHEREAS, the Planning Commission finds that the proposed project (with a Conditional Use Permit) is consistent with the Crescent City's Waterfront Commercial District (C-W) Zoning Code, in that the proposed project:

- a) *Is located within the Coastal Zone and is appealable to the Coastal Commission;*
- b) *Is consistent with the "RV Park" which requires approval of a conditional use permit by the planning commission;*
- c) *Provides "for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location." (CCMC § 17.70.010(A)); and*
- d) *Is subject to all zoning regulations (CCMC § 17.70.010).*

WHEREAS, the proposed use satisfies the Conditional Use Permit requirements (CCMC § 17.54.010(B)), in that the proposed use:

- a) *Is compatible with other existing and potential uses within the general area;*

CONDITIONAL USE PERMIT (APPLICATION UP25-03)

For Two ADA Cabins

- b) Will not result in a significant impact on noise, smoke, dust, fumes, vibration, odors, and hazards;*
- c) Will be placed on a site that is both suitable and adequate for the proposed use;*
- d) Will have a minor effect on present and future traffic and that such use will not become a nuisance to the neighborhood; and*
- a) Provides adequate off-street parking, loading, landscaping, and screening;*

WHEREAS, the Planning Commission finds that the proposed site plans and designs of structures satisfies the Site Plan & Architectural Design Review requirements (CCMC §17.46.010 & §17.46.035), in that the structures:

- a) Are compatible, both in harmony and in appearance with the neighborhoods;*
- b) Reduce negative impacts on adjacent properties, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems;*
- c) Avoid monotonous and otherwise nonaesthetic development injurious to the overall community;*
- d) Provide a [means] to encourage full development of streets servicing the properties;*
- e) Assures full installation of all public utilities necessary to serve such properties; and*
- f) Is consistent with the applicable zoning, parking and landscaping, fencing, signage, street, sidewalk and public services requirements.*

WHEREAS, the Planning Commission finds that the proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 § 15301(a) (Existing Facilities) and Class 32 § 15332 (In-fill Development) of the CEQA Guidelines, in that the proposed project:

- a) Proposes a changed use within an existing structure;*
- b) Is consistent with the Crescent City General Plan's VCL (Visitor and Local Commercial) land use designation and is consistent with the Crescent City's Waterfront Commercial (C-W) Zoning Code (with Conditional Use Permit);*
- c) Is located in the City of Crescent City, is approximately 0.32 acres, and is located adjacent to existing commercial uses;*
- d) Is located on a site which has had past disturbances, contains existing development, and is surrounded by paved surfaces containing no habitat for rare, threatened, or endangered species;*
- e) Is within a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts; and*
- f) Is surrounded by and is already adequately served by utilities and public services.*

NOW THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Crescent City that the Conditional Use Permit (Application UP25-03) granting The City's request to install two ADA cabins at the address above be approved subject to the Conditions of Approval (Attachment B):

CONDITIONAL USE PERMIT (APPLICATION UP25-03)
For Two ADA Cabins

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Crescent City held on this 10th day of July 2025, by the following polled vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Shamblin, Chairperson

ATTEST:

Heather Welton, Community Development Specialist

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CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblin, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

STAFF REPORT
AGENDA ITEM #4

TO: Chairperson Shamblin and Members of the Planning Commission
FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
BY: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
DATE: Thursday, July 10, 2025
SUBJECT: Appoint a Commissioner to the Downtown Specific Plan Steering Committee.

SECTION 1: EXECUTIVE SUMMARY

Appoint a Commissioner to the Downtown Specific Plan Steering Committee.

STAFF RECOMMENDS: "Appoint a Commissioner to the Downtown Specific Plan Steering Committee."

SECTION 2: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #4: Appoint a Commissioner to the Downtown Specific Plan Steering Committee"
2. (Chair) "Does any Commissioners have any clarifying questions for staff?"
3. (Chair) "I will open Public Comment, which we will receive at the podium."
 - a. "We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project."
4. (Chair) "I will close Public Comment."
5. (Chair) "Is there any discussion on this item from the Commissioners?"
6. (Chair) "Are there any nominations for appointment?"
7. (Chair) A nomination has been made for Commissioner _____, Specialist Welton, can you poll the vote?

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CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblyn, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

STAFF REPORT
AGENDA ITEM #5

TO: Chairperson Shamblyn and Members of the Planning Commission
FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
BY: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
DATE: Thursday, July 10, 2025
SUBJECT: Discussion to consider amendments to the Commercial Cannabis Regulations Ordinance (Chapter 17.95)

SECTION 1: EXECUTIVE SUMMARY

A Discussion to consider amendments to the Commercial Cannabis Regulations Ordinance (Chapter 17.95). This will provide directions to staff on proposed amendments for recommendation to the City Council.

STAFF RECOMMENDS: *"Provide direction to staff."*

ATTACHMENTS:

A) Commercial Cannabis Regulations Ordinance (Chapter 17.95)

SECTION 2: BACKGROUND INFORMATION

At the February 13, 2025, Planning Commission Meeting, directions were provided to staff to add the Commercial Cannabis Regulations Ordinance (Chapter 17.95) to the agenda of the next Planning Commission Meeting for discussion to consider potential amendments. Staff will draft amendments to the Commercial Cannabis Regulations Ordinance for the Planning Commissioners consideration.

At the March 23, 2025, Planning Commission Meeting, directions were provided to staff to bring potential amendment language and examples for topics including:

1. A cap limit of 8 commercial cannabis use permits, and
2. Health and safety criteria findings for location approval.

Staff have included additional amendment recommendations for discussion and consideration based on the direction of the Planning Commission:

3. Location limitations:
 - a. Distance from schools.
 - b. Distance from other retailers.
4. Product limitations:
 - a. Limit high potency products.
 - b. No flavored products for combustion or inhalation.
 - c. No cannabis infused beverages.
 - d. Limit other products/packaging attractive to youth.
5. Marketing limitations:
 - a. Health warnings posted in store.
 - b. Health warnings handed out.
 - c. Prominent health warnings on ads.
 - d. Limit therapeutic or health claims.
 - e. Limit marketing attractive to youth.
6. The commercial cannabis use permit investigation by staff,
7. The commercial cannabis use permit annual review by staff,
8. The commercial cannabis use permit annual review by Planning Commission,
9. The surety bond requirements.

At the April 10, 2025 and May 15, 2025 Planning Commission Meetings, directions were provided to staff to bring the discussion back to the Planning Commission.

SECTION 3: PLANNING COMMISSION ACTION OPTIONS

- Provide additional direction to Staff.

SECTION 4: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #4: Discussion to consider amendments to the Commercial Cannabis Regulations Ordinance (Chapter 17.95)."
2. (Chair) "We will now receive a presentation on the Staff Report from Planner Lawton."
3. (Chair) "Does any Commissioners have any clarifying questions for staff?"
4. (Chair) "I will open Public Comment, which we will receive at the podium."
 - a. "We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project."
 - b. (Chair) Any clarifying questions?
5. (Chair) "I will close Public Comment."
6. (Chair) "Is there any discussion on this item from the Commissioners?"
7. (Chair) "What is our direction to staff?"

--- END OF REPORT ---

CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblyn, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

COMMERCIAL CANNABIS REGULATIONS ORDINANCE
CHAPTER 17.95

Title 17. Zoning

Chapter 17.95. COMMERCIAL CANNABIS REGULATIONS

§ 17.95.010. Purpose and findings.

A. Purpose. The purpose and intent of this chapter is to protect the public health, safety, and welfare through strong and effective regulatory and enforcement controls, to protect neighborhood character, and to minimize the potential negative impacts of commercial cannabis activity on people, communities, and the environment by establishing minimum land use controls. Within the Downtown Business (C-1) District, General Commercial (C-2) District, Waterfront Commercial (CW) District, and Highway Services (HS) District, commercial cannabis activity, as defined under Division 10 of the Business and Professions Code, may be permitted with a use permit, subject to the regulations governing the underlying zoning district, and the requirements set forth in this chapter.

B. Findings. The city council makes the following findings:

1. While cannabis is now legal in California for adult use (age twenty-one and older), it is still illegal for minors (under age twenty-one) to use and possess non-medicinal cannabis. The potential negative impacts on the health of minors and the intoxicating effects of cannabis justify regulations that help to: (a) keep cannabis out of the hands of minors; and (b) minimize the promotion of cannabis use in a manner that is directed or appealing to minors.

2. Commercial cannabis businesses are attractive targets for burglaries and robberies. Therefore, it is prudent to impose security requirements and other regulations on businesses that are aimed to provide a base level of protection against such thefts. Burglaries and robberies not only impact the business owner but also employees, patrons, the public, and law enforcement.

(Ord. 819 § 7, 2020)

§ 17.95.020. Interpretation and applicability.

A. No part of this chapter is to be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state, or federal law, statute, rule or regulation. Commercial cannabis activity in the city is controlled by the provisions of this chapter of the Crescent City Municipal Code.

ATTACHMENT A
Commercial Cannabis Regulations Ordinance

B. Nothing in this chapter is intended, nor is it to be construed, to burden any defense to criminal prosecution otherwise afforded by California law.

C. Nothing in this chapter is intended, nor is it to be construed, to preclude a landlord from limiting or prohibiting commercial cannabis activities by tenants.

D. Nothing in this chapter is intended, nor is it to be construed, to exempt any cannabis-related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

E. Nothing in this chapter is intended, nor is it to be construed, to make legal any cannabis-related activity that is otherwise prohibited under California law.

F. All commercial cannabis activity within city limits is subject to the provisions of this chapter, regardless if the activity existed or occurred prior to adoption of this chapter or at the time of subsequent amendments to this chapter.

(Ord. 819 § 7, 2020)

§ 17.95.030. Definitions.

As used in this chapter, the following terms and phrases are defined as follows:

"Cannabis" means all parts of the plant *cannabis sativa* Linnaeus, *cannabis indica*, or *cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from marijuana. Cannabis also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, cannabis does not mean "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

"Cannabis activity" means the commercial cultivation, possession, manufacture, processing, storing, laboratory testing, research and development, labeling, transportation, distribution, delivery, or sale of cannabis or a cannabis product.

"Cannabis goods" means cannabis, including dried flower, and products containing cannabis.

"Cannabis manufacturer" means a person required to be licensed as a manufacturer pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

"Cannabis microbusiness or microbusiness" means a person licensed to conduct multiple commercial cannabis activities, as described in Business and Professions Code Section 26070.

"Cannabis processing" means, but is not limited to, the following activities: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, and rolling.

"Cannabis retailer" means a person required to be licensed as a retailer pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

"Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

"Consumption" means the smoking, vaping, ingestion, or other method of use or consumption of cannabis goods.

"Cultivation" means any activity involving the indoor planting, growing, harvesting, drying, curing, grading, or trimming of commercial cannabis, including a nursery that produces only clones, immature plants, or seeds. This definition does not include outdoor cultivation or the processing (e.g., trimming) of commercial cannabis produced offsite.

"Cultivation area" means the cumulative gross floor area of the room or rooms where cannabis plants are grown.

"Delivery employee" means an individual employed by a permitted retailer or permitted microbusiness authorized to engage in retail sales who delivers cannabis goods from the permitted retailer or permitted microbusiness premises to a customer at a physical address.

"Distribution" means the procurement, sales, and transport of cannabis goods between licensed entities. Distribution also includes the inspection, storage, including during quality assurance and batch testing processes, labeling, packaging, and other processes required prior to transport to a licensed cannabis retailer or cannabis manufacturing facility.

"Facility" or "facilities" means a facility, premise, tenant space, site or location where one or more types of cannabis activity are undertaken.

"Manufacturing facility" means a facility for the production, preparation, propagation, or compounding of cannabis or cannabis products, either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes a location that packages or repackages cannabis or cannabis products, or labels or relabels its container.

"Non-storefront retail" means the commercial transfer of cannabis goods by delivery to a customer at a physical address. This definition does not include the mobile sales of cannabis goods.

ATTACHMENT A
Commercial Cannabis Regulations Ordinance

"Non-volatile manufacturing" means a manufacturing process that does not involve the manufacturing, processing, generation, or storage of materials that constitute a physical or health hazard, as listed in Tables 307.1(1) and 307.1(2) of the California Building Code (CBC).

"Nursery" means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

"Off-site advertising sign" means any sign, poster, display, billboard, or any other stationary or permanently affixed advertisement promoting the sale of cannabis or cannabis products which are not cultivated, manufactured, distributed or sold on the same lot.

"Person" means and includes any individual, firm, partnership, joint venture, limited liability company, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, assignee for the benefit of creditors, trustee, trustee in bankruptcy, or syndicate.

"Processing facility" means the location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged by or under the control of one or more licensed cultivators, at a location separate from the cultivation site where the cannabis is grown and harvested.

"Storefront retail" means a physical storefront location that is open to the public and where cannabis goods are sold to customers. This definition includes the delivery of cannabis goods to a customer at a physical address.

"Testing laboratories" means a facility that offers or performs testing of cannabis or cannabis products where no commercial cultivation, processing, manufacturing, distribution, or sale of cannabis or cannabis products occurs.

"Volatile solvents" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. For the purposes of this section, carbon dioxide and ethanol are non-volatile solvents, however, a use permit for manufacturing shall specify whether carbon dioxide or ethanol will be permitted.

(Ord. 819 § 7, 2020)

§ 17.95.040. Commercial cannabis uses allowed.

The following commercial cannabis uses are allowed in city limits:

- A. Storefront retail.
- B. Non-storefront retail (delivery only).
- C. Cultivation (indoor only).
- D. Non-volatile manufacturing.
- E. Processing facilities.
- F. Distribution.
- G. Microbusinesses.

H. Testing laboratories.

(Ord. 819 § 7, 2020)

§ 17.95.050. Commercial cannabis uses prohibited.

The following commercial cannabis uses are prohibited in city limits:

A. On-site consumption of cannabis.

B. Outdoor cultivation.

C. Volatile manufacturing or manufacturing facilities using volatile solvents.

D. Mobile or drive-thru retail sales.

(Ord. 819 § 7, 2020)

§ 17.95.060. Use permit required.

A. Commercial cannabis activity is not allowed in the corporate limits of the city of Crescent City without a use permit. Use permits to conduct commercial cannabis activity are governed primarily by this chapter. The procedures for use permits set forth in Chapter 17.54 of this title apply as well.

B. The use permit will be reviewed annually subject to the following requirements:

1. City staff will conduct an annual review of the use permit around the date of issuance of the state license.

2. An onsite compliance inspection may be conducted, with at least twenty-four hours prior notice, by appropriate city officials during regular business hours (Monday – Friday, nine a.m. – five p.m.). Appropriate city officials include those officials identified in Section 17.95.150 of this chapter.

3. At the discretion of city staff, annual review of the use permit may be conducted by the planning commission at a public hearing. The criteria for requiring annual review by the planning commission may include, but is not limited to:

a. Any violation of any provision of this chapter during the prior year of operation of the commercial cannabis facility.

b. Receipt of one or more complaints by city staff concerning operation of the commercial cannabis facility during the prior year. City staff shall investigate all complaints received prior to determining whether review by the planning commission is warranted.

4. During annual review, the planning commission may revoke the use permit, recommend administrative penalties, amend the use permit to include conditions necessary to ensure compliance with the provisions of this chapter, or take no action.

5. As part of the annual review, the holder of the use permit must remit an annual review fee as set by resolution of the city council. The annual review fee is to be no more than the reasonable estimated amount to recover all costs of the city associated with conducting the review and monitoring compliance with the terms of the use permit for the next year.

C. All commercial cannabis activity will be subject to the following:

ATTACHMENT A
Commercial Cannabis Regulations Ordinance

1. Before commencing operation of a commercial cannabis activity, the permittee must secure a license from the appropriate state licensing authority, pursuant to Division 10 of the Business and Professions Code. A copy of the license must be provided to the planning department.
2. The permittee must be in compliance with all conditions of the state license and all state laws, any violation of which will also constitute a violation of the Crescent City Municipal Code.
3. The permittee may operate only in accordance with the operating plans reviewed and approved by the city.
4. The permittee must timely remit all taxes required by state or local law to the appropriate agency and maintain all records necessary to determine the amount of tax owed, which records the city will have the right to inspect at all reasonable times.
5. The permittee must post or cause to be posted onsite the use permit and all required city and state permits and licenses required to operate. Such posting must be in a central location, visible to patrons, at the operating site, and in all vehicles that deliver or transport cannabis or cannabis products.
6. The permittee must maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city will have the right to examine, monitor, and audit such records and documentation at all reasonable times.
7. Signs. See Chapter 17.38 for sign requirements, unless specified otherwise in this chapter. Pursuant to Section 17.38.170 (Architecturally-controlled signs), all signage for cannabis uses shall be subject to architectural review by the planning commission as part of the use permit process.
8. The permittee is not allowed to advertise or market cannabis or cannabis products on an off-site advertising sign in a publicly visible location within one thousand feet of the perimeter of any school providing instruction in kindergarten or any grades 1 through 12, public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds, or basketball courts), day care center (as defined in Health and Safety Code Section 1596.76), youth center (as defined in Health and Safety Code Section 11353.1(e)(2)), community-use center, or public library.
9. The permittee must not market, license, distribute, sell, or cause to be marketed, licensed, distributed, or sold, any item or service to a person under twenty-one years of age, which bears the brand name, alone or in conjunction with, any other word, logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia or product identification identical with, or similar to, or identifiable with, those used for any brand of cannabis product.

10. The operation of a commercial cannabis facility must not adversely affect the health or safety of the facility occupants or employees, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gases, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, process, products, or wastes.

11. All retail cannabis uses (storefront and non-storefront) in the city must comply with the following setback requirements:

a. A retail cannabis use may not be located within a six hundred-foot radius of the perimeter of a public or private school providing instruction in kindergarten or grades 1 through 12 ("K-12 school") or a day care center (as defined in Health and Safety Code Section 1596.76). This does not include any private school in which education is primarily conducted in private homes nor does it include family child care homes.

b. The distance specified in this section shall be defined as the horizontal distance measured in a straight line from the property line of the sensitive land use (i.e., K-12 school or day care center) to the closest property line of the lot on which the retail cannabis use is located.

c. No setbacks are required between retail cannabis uses and the property containing the Del Norte County Fairgrounds (currently identified as APN 118-020-033).

d. Exceptions to the setback requirements in this section may be granted by the planning commission as specified in Section 17.95.060(C)(12) of this chapter.

12. An exception to the setback requirements in Section 17.95.060(C)(11) of this chapter may be granted by the planning commission when requested as part of a use permit application. To grant an exception, the planning commission must make one or more of the following findings:

a. The distance between the area on the property containing the sensitive land use (i.e., K-12 school or day care center) is a minimum of six hundred feet from the area on the property containing the retail cannabis use.

b. There is enough development or other buffering between the sensitive land use (i.e., K-12 school or day care center) and the retail cannabis use to minimize potential harmful impacts.

c. The location and design of the retail cannabis use is not likely to cause harmful impacts to minors at the sensitive land use (i.e., K-12 school or day care center) that is within the six hundred-foot radius.

13. Odor from cannabis activities must not be detectable from beyond the property boundaries. To achieve this, the area where cannabis activities capable of generating odors are conducted (e.g., cultivation, processing, manufacturing, testing, etc.), must be, at a minimum, mechanically ventilated with a carbon filter or other method to prevent the odor of cannabis from escaping the building and negatively impacting neighbors and the surrounding community. The ventilation and filtration system must be approved by the building official and installed prior to commencing cannabis activities

ATTACHMENT A
Commercial Cannabis Regulations Ordinance

within the structure. Failure to adequately control odors constitutes a public nuisance and subject to nuisance abatement procedures found in Title 8 of the Crescent City Municipal Code. Odor control issues may also be grounds for revocation of the use permit allowing commercial cannabis activity.

14. All waste cannabis material generated by cannabis activity must be stored in a secure location in the facility and disposed of at a permitted disposal facility.

15. All cannabis uses that propose to discharge effluent to the city's wastewater treatment system, including, but not limited to, waste products, chemical fertilizers or pesticides, are required to first obtain an Industrial Wastewater Discharge Permit from the Public Works Department. No such effluent may be discharged into septic systems, water systems, or other drainage systems including those that lead to rivers and streams.

16. The permittee must implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis goods in compliance with Section 26070 of the California Business and Professions Code and any rules promulgated by the licensing authority. Security measures must include, but are not limited to, the following:

- a. Prevent individuals from loitering on the premises of the retailer if they are not engaging in activity expressly related to the operations of the retailer;
- b. Establish limited access areas accessible only to authorized dispensary personnel;
- c. All cannabis facilities containing cultivation, processing, non-volatile manufacturing, and distribution are required to have a mantrap at the public entrance to the building. A mantrap is a small room with an entry door on one wall and an exit door on the opposite wall. Mantraps are used to separate non-secure areas from secure areas to prevent unauthorized access;
- d. Store all cannabis goods in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis goods used for display purposes, samples, or immediate sale; and
- e. Install security cameras on site.

17. The permittee is required to notify the Crescent City Police Department and the licensing authority within twenty-four hours after discovering any of the following:

- a. Significant discrepancies identified during inventory;
- b. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the retailer;
- c. The loss or unauthorized alteration of records related to cannabis, patients, or retailer's employees or agents; or
- d. Any other breach of security.

18. Operators of cannabis facilities are required to maintain active enrollment and participation in the state's track and trace program. The city may require participation in

a track and trace program separate from the state's track and trace program. Any separate program will be in addition to the state's track and trace program.

19. To ensure compliance with the provisions of this chapter, an onsite compliance inspection may be conducted, with at least twenty-four hours prior notice, by appropriate city officials during regular business hours (Monday – Friday, nine a.m. – five p.m.). Appropriate city officials include those officials identified in Section 17.95.150 of this chapter.

D. Before the planning commission approves any use permit for commercial cannabis activity, the planning commission must hold a public hearing, noticed pursuant to Government Code Section 65091, make the following findings, and set forth the facts supporting its determination in writing:

1. The applicant has demonstrated that it can and will comply with all requirements of the state and city to operate the proposed commercial cannabis activity.
2. The proposed activity, as conditioned, will not result in significant unavoidable impacts on the environment.
3. The operation plan includes adequate measures to minimize nuisances to the neighborhood and community, including minimizing odor, noise, light, traffic, and loitering.
4. The operation plan includes adequate security measures.
5. The proposed activity either: (a) meets the setback requirements in subsection (C)(11); or (b) makes the findings required by subsection (C)(12).

E. All applications for a use permit for a commercial cannabis activity shall be filed with the planning department. In all cases the application must contain, without limitation, the following documentation:

1. Notarized, written authorization from all persons and entities having a right, title, or interest in the property that is the subject of the application consenting to the application and the operation of the proposed commercial cannabis activity on the subject property.
2. The name and address of all persons and entities responsible for the operation of the commercial cannabis activity, including managers, corporate officers, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis activity, and a complete list of all the valid licenses, including license type and license number which has been issued to each person by the state or any other city or county.
3. An application fee as prescribed by resolution of the city council. The application fee is to be no more than the reasonable estimated amount to recover all costs of the city associated with processing applications and monitoring compliance with the terms of the use permit for the next year. If the application is denied, then that portion of the fee attributed to monitoring activities will be refunded to the applicant.
4. An indemnification agreement on a form provided by the city.

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5. Proof of having obtained a surety bond in an amount not less than fifteen thousand dollars, payable to the city, issued by a corporate surety approved by the city, which is licensed to transact surety business in the state of California.
 6. A detailed operation plan, which includes:
 - a. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(ies) being requested;
 - b. Onsite security measures both physical and operational;
 - c. Standard operating procedures manual detailing how operations will comply with state and local regulations; how safety and quality of products will be ensured; recordkeeping procedures for financing, testing, and adverse effect recording; and product recall procedures;
 - d. Proposed hours of operation;
 - e. Waste disposal information;
 - f. Product supply chain information including where cultivation occurs, where the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labeling criteria;
 - g. A recordkeeping policy;
 - h. Track and trace measures;
 - i. Sustainability measures including water efficiency measures, energy efficiency measures, high efficiency mechanical systems, and alternative fuel transportation methods;
 - j. Odor prevention devices;
 - k. Size, height, colors, and design of any proposed signage at the site;
 - l. A parking plan, if applicable;
 - m. A storage protocol and hazardous response plan;
 - n. Information on products used during operation, including liquids, solvents, agents, and processes; and
 - o. A quality control plan.
 7. An application that includes a request for an exception from the setback standards specified in subsection (C)(11) of this section, must also contain the following information:
 - a. A map drawn to scale illustrating the requested setback reduction. The map must clearly identify the distance between the proposed retail cannabis use and the sensitive land use from which the setback reduction is being requested.
 - b. A justification for making one or more of the findings specified in subsection (C)(12) of this section.
 8. Such other information as city staff may reasonably require.
- (Ord. 819 § 7, 2020)

§ 17.95.070. Storefront retail.

Cannabis retailers conducting storefront retail, which can include deliveries, must meet the following minimum requirements:

- A. The use permit must specify whether the permittee may sell adult-use cannabis or medicinal cannabis, as those terms are used in Division 10 of the Business and Professions Code.
 - B. The city shall limit the hours of operation for a retail facility to begin no earlier than six a.m. and to end no later than ten p.m.
 - C. Retailers which have a retail/public floor area must have glass or transparent glazing in the windows and doors. No more than ten percent of any window or door area may be visually obstructed by signs, banners, or opaque coverings of any kind so that law enforcement personnel will have clear view of the entire public area in the premises from the public sidewalk.
 - D. Retailers must not distribute any cannabis or cannabis product unless the cannabis goods are labeled, and in a tamper-evident package, in compliance with Section 26120 of the California Business and Professions Code and any additional rules promulgated by the licensing authority.
 - E. Cannabis deliveries that are associated with a permitted retail facility located within city limits, and for which delivery originates from the retail facility, are only allowed when the delivery activity is specifically authorized under the use permit for the retail facility.
 - F. Cannabis deliveries that are associated with a permitted retail facility located within city limits must comply with all state regulations, including those implemented by the Bureau of Cannabis Control. This includes, but is not limited to, California Code of Regulations Title 16 Sections 5415 through 5421.
 - G. A vehicle used in the delivery of cannabis goods must not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery.
 - H. While carrying cannabis goods for delivery, a permitted retailer's delivery employee must ensure the cannabis goods are not visible to the public. Cannabis goods are required to be locked in a fully enclosed box, container, or cage that is secured on the inside of the vehicle.
 - I. The retailer must not permit the smoking, vaping, ingestion, or consumption of cannabis onsite.
 - J. Sale or consumption of alcohol or tobacco is not allowed onsite.
- (Ord. 819 § 7, 2020)

§ 17.95.080. Non-storefront retail (delivery only).

Cannabis retailers conducting non-storefront retail (delivery only) activities must meet the following minimum requirements:

- A. Cannabis deliveries originating from non-storefront retail facilities within city limits must comply with all state regulations, including those implemented by the Bureau of

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Cannabis Control. This includes, but is not limited to, California Code of Regulations Title 16 Sections 5414 through 5421.

B. Cannabis deliveries originating from outside city limits, and delivering cannabis goods within city limits, are only allowed upon the granting of a business license.

C. A vehicle used in the delivery of cannabis goods must not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery.

D. While carrying cannabis goods for delivery, a permitted retailer's delivery employee must ensure the cannabis goods are not visible to the public. Cannabis goods are required to be locked in a fully enclosed box, container, or cage that is secured on the inside of the vehicle.

(Ord. 819 § 7, 2020)

§ 17.95.090. Cultivation (indoor only).

Cannabis cultivators must meet the following minimum requirements:

A. The indoor cultivation of cannabis must comply with all applicable state, county, and local regulations, including fire and building codes. Outdoor cultivation is prohibited.

B. Only one use permit for commercial cannabis cultivation may be possessed or used by a person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.

C. Only one use permit will be issued per legal parcel for commercial cannabis cultivation.

D. The maximum cultivation area allowed is two thousand square feet.

E. All cannabis cultivation activity must occur exclusively within a fully enclosed and secure structure.

F. Entrance to any cultivation area, and any cannabis storage areas, must be locked at all times, and under the control of the facility's staff.

G. Cannabis cultivation must be concealed from public view at all stages of growth and there may be no visual or auditory evidence of cultivation occurring at the premises from a public right-of-way or from an adjacent parcel. Indoor lighting used for the cultivation process must not be visible from outside the building.

H. Cannabis cultivation areas must be adequately secured to prevent unauthorized entry and must not be accessible to persons under twenty-one years of age.

I. Areas of the licensed premises for cultivation must be separated from the distribution and retail areas by a wall and all doors between the areas are to remain closed when not in use.

J. All areas recorded by the security cameras must have adequate lighting at all times to allow the surveillance cameras to effectively record images, except when lighting would interfere with the indoor cultivation cycle.

K. Applications for a use permit for cannabis cultivation are required to contain an energy calculator quantifying the expected electricity usage and greenhouse gas emissions, a list of energy efficiency measures, best practices, and proposed greenhouse gas emission offsets. A minimum of fifty percent emissions offset or equivalent in efficiency measures is encouraged for indoor cannabis cultivation. (Ord. 819 § 7, 2020)

§ 17.95.100. Non-volatile manufacturing.

Cannabis manufacturers must meet the following minimum requirements:

A. Cannabis manufacturing shall be conducted using only non-volatile solvents, or no solvents.

B. All employees of a cannabis manufacturing facility operating potentially hazardous equipment are required to be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis goods or ingredients are required to be trained on proper food safety practices.

(Ord. 819 § 7, 2020)

§ 17.95.110. Processing facilities.

Cannabis processors must meet the following minimum requirements:

A. Cannabis processing facilities are facilities that process cannabis material that is produced off-site.

B. Processing facilities must be maintained in a clean and sanitary condition including all work surfaces and equipment.

C. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.

D. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

E. Employees must wash hands before and after handling cannabis or use gloves.

F. Processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:

1. Employee accident reporting and investigation policies;
2. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
3. Materials handling practices;
4. Job hazard analyses; and
5. Personal protective equipment policies, including respiratory protection.

(Ord. 819 § 7, 2020)

§ 17.95.120. Distribution.

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Cannabis distributors must meet the following minimum requirements:

A. The distribution of cannabis goods within city limits must comply with all state regulations, including those implemented by the Bureau of Cannabis Control. This includes, but is not limited to, California Code of Regulations Title 16 Sections 5300 through 5315.

B. Cannabis distribution conducted by a permitted cannabis use within city limits is only allowed when the distribution activity is specifically authorized through a use permit.

C. Cannabis distribution that is not conducted by a permitted cannabis use within city limits will only be allowed upon the granting of a business license.

(Ord. 819 § 7, 2020)

§ 17.95.130. Microbusinesses.

Cannabis microbusinesses must meet the following minimum requirements:

A. Microbusinesses operating within city limits must comply with all state regulations, including those implemented by the Bureau of Cannabis Control. This includes, but is not limited to, California Code of Regulations Title 16 Sections 5500 through 5507.

B. A microbusiness may only conduct the commercial cannabis uses identified in Section 17.95.040 of this chapter.

C. All retail, non-volatile manufacturing, and distribution activities conducted by a permittee under a microbusiness must occur on the same premises.

D. Areas of the licensed premises for manufacturing and cultivation must be separated from the distribution and retail areas by a wall, and all doors between the areas are to remain closed.

(Ord. 819 § 7, 2020)

§ 17.95.140. Testing laboratories.

Testing laboratories operating within city limits must comply with all state regulations, including those implemented by the Bureau of Cannabis Control. This includes, but is not limited to, California Code of Regulations Title 16 Sections 5700 through 5739.

(Ord. 819 § 7, 2020)

§ 17.95.150. Enforcement.

This chapter may be enforced in any lawful manner by any peace officer, or by any employee, agent, or officer of any of the following city department or agencies:

A. Police department

B. Community development department

C. City attorney

D. Fire department

(Ord. 819 § 7, 2020)

§ 17.95.160. Public nuisance.

Any violation of this chapter is hereby declared a public nuisance and may be abated by the city pursuant to Title 8 of this code.

(Ord. 819 § 7, 2020)

§ 17.95.170. Separate offense for each day.

Any person who violated any provision of this chapter will be guilty of a separate offense for each and every day during which any person commits, continues to permit, or causes a violation thereof.

(Ord. 819 § 7, 2020)

§ 17.95.180. Criminal penalties.

Any violation of any provision of this chapter may be prosecuted as a misdemeanor.

(Ord. 819 § 7, 2020)

§ 17.95.190. Administrative remedies.

In addition to the civil remedies and criminal penalties set forth above, any violation of this chapter may be subject to administrative remedies, as set forth by Chapter 1.24.

(Ord. 819 § 7, 2020)

§ 17.95.200. Other ordinance code provisions.

Notwithstanding this chapter, the city, its employees, agents, and officers have the authority to pursue any and all applicable remedies for any other violations of any local, state, or federal laws.

(Ord. 819 § 7, 2020)

-----END OF ORDINANCE-----

CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblin, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

STAFF REPORT
AGENDA ITEM #6

TO: Chairperson Shamblin and Members of the Planning Commission
FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
BY: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
DATE: Thursday, July 10, 2025
SUBJECT: Discussion to consider amendments to the Accessory Dwelling Units Ordinance (Chapter 17.35)

SECTION 1: EXECUTIVE SUMMARY

A Discussion to consider amendments to the Accessory Dwelling Units Ordinance (Chapter 17.35). This will provide directions to staff on proposed amendments for recommendation to the City Council.

STAFF RECOMMENDS: *"Provide direction to staff."*

ATTACHMENTS:

A) Accessory Dwelling Units Ordinance (Chapter 17.35)

SECTION 2: BACKGROUND INFORMATION

On May 6, 2025, Mike Van Gorder, Housing Policy Analyst, Accountability and Enforcement Unit from the Housing & Community Development (HCD) from the State of California requested another update to the Accessory Dwelling Units Ordinance (Chapter 17.35), which was last updated in September 2023, to be in compliance with current State laws prior to the end of the year. Staff has put together the following timeline:

- Planning Commission Meetings:
 - July 10, 2025 = Review
 - August 14, 2025 = Discussion
 - September 11, 2025 = Action. Recommend to City Council
- City Council Meetings:

- October 6, 2025 = Discussion
- October 20, 2025 = Discussion
- November 3, 2025 = Action. Introduce
- December 15, 2025 = Action. Adopt

SECTION 3: PLANNING COMMISSION ACTION OPTIONS

- Provide additional direction to Staff.

SECTION 4: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #6: Discussion to consider amendments to the Accessory Dwelling Units Ordinance (Chapter 17.35)."
2. (Chair) "We will now receive a presentation on the Staff Report from Planner Lawton."
3. (Chair) "Does any Commissioners have any clarifying questions for staff?"
4. (Chair) "I will open Public Comment, which we will receive at the podium."
 - a. "We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project."
 - b. (Chair) Any clarifying questions?
5. (Chair) "I will close Public Comment."
6. (Chair) "Is there any discussion on this item from the Commissioners?"
7. (Chair) "What is our direction to staff?"

--- END OF REPORT ---

CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblyn, Chairperson * Ray Walp, Vice-Chair
Kristine DeCossio * Shawna Hyatt * Vacant



Incorporated April 13, 1854

web: www.crescentcity.org

ACCESSORY DWELLING UNITS ORDINANCE
CHAPTER 17.35

Title 17. Zoning

Chapter 17.35 ACCESSORY DWELLING UNITS

§ 17.35.010 Purpose.

This chapter is adopted to comply with Government Code Sections 65852.2 and 65852.22, which impose a state mandate that the city implement regulations governing accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") in accordance with California law.

(Ord. 837 § 2, 2023)

§ 17.35.020 Applicability.

An ADU or JADU complying with this chapter meets the lot density requirements of this code and constitutes an accessory to a primary use consistent with applicable land use designations in the existing general plan and the zoning designations for the affected districts. Any local ordinance, policy, or program limiting residential growth is inapplicable to ADUs and JADUs complying with this chapter.

(Ord. 837 § 2, 2023)

§ 17.35.030 Definitions.

For purposes of this chapter, the words and phrases listed below have the following meanings:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same

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parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following (so long as they otherwise comply with this chapter):

1. An efficiency unit.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

"Connection fee" means those fees established pursuant to Government Code Section 66013(a).

"Deed restriction" means a document executed and recorded with the county recorder's office which places restrictions on the use or transfer of the subject property and is binding upon all future owners of the subject property.

"Efficiency unit" means a unit occupied by no more than two people with a minimum floor area of one hundred fifty square feet, which may also have partial kitchen or bathroom facilities, including enclosed uses such as an attached garage.

"Impact fee" has the same meaning as the term "fee" as defined in Section 66000(b) of the Government Code, except that it includes fee specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge imposed by a local agency or special district.

"Junior accessory dwelling unit" or "JADU" means a unit entirely within an existing or proposed dwelling unit that is no more than five hundred square feet and no less than one hundred fifty square feet.

"Living area" means the interior habitable area of a dwelling unit, including finished basements and attics, but not including garages or unfinished basements or attics.

"Multifamily dwelling" means a structure with two or more attached residential dwellings on a single lot, specifically excluding hotels and motels.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

"Primary dwelling" means the single-family or multifamily dwelling to which the ADU or JADU is an accessory.

(Ord. 837 § 2, 2023)

§ 17.35.040 ADU development standards—Generally.

A. Principal Permitted Use. ADUs that comply with the provisions of this chapter in all respects are a principal permitted use in any non-coastal zoning district that principally or conditionally permits residential uses.

B. Uniform Codes. All ADUs must comply with all applicable building and fire codes, state habitability requirements, and health and safety codes, unless where explicitly exempted by Sections 65852.2 of the Government Code.

C. Solar Energy. An ADU is only subject to the California Energy Code requirement to provide a solar energy system if it qualifies as one of the following:

1. A new construction, nonmanufactured, detached ADU; or
2. An attached ADU constructed with the construction of a new single-family dwelling.

D. Minimum Size. All ADUs must be at least one hundred fifty square feet.

E. Fire Sprinklers. No ADU will be required to install fire sprinklers in the ADU unless they are required of the primary dwelling. The construction of an ADU does not trigger the requirement for fire sprinklers to be installed in an existing primary dwelling.

F. Septic. If a proposed ADU is planned to use an on-site wastewater treatment system (OWTS), then prior to issuance of the building permit, the applicant must submit certification from the Del Norte County health department stating that the existing OWTS is of adequate size and condition to support projected sewage flow for both the primary dwelling and the proposed ADU. If the capacity or condition of the existing OWTS is found to be inadequate to serve the existing dwelling and the proposed ADU, then the OWTS must be replaced or upgraded to meet current standards, at the sole expense of the applicant. A percolation test completed within the last five years, or if the percolation test has been recertified, within the last ten years, may be required.

G. Public Improvements. ADUs are exempt from any requirement to make street and/or sidewalk improvements.

H. Nonconforming Conditions. The issuance of a permit to create an ADU may not be denied due to existing nonconforming zoning conditions, building code violations, or

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unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit.

I. Parking. There will be no off-street parking requirements for ADUs. If existing off-street parking is lost due to the conversion of an existing garage or carport, then replacement off-street parking is not required.

J. Permanent Foundations. All ADUs must have a permanent foundation. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat cannot be used as an ADU.

K. SB 9 Lot Split. If a property owner in a single-family residential zone obtains approval of a lot split pursuant to Senate Bill 9, any existing or proposed ADU or JADU shall count toward the maximum of two units allowed on each lot resulting from the lot split. The ADU must remain with the primary dwelling.

L. Short-Term Rentals Prohibited. The use of any ADU as a short-term rental (thirty days or less) is prohibited.

(Ord. 837 § 2, 2023)

§ 17.35.050 Attached ADU development standards.

A. Application. This section applies to ADUs that are built outside the walls of the existing or proposed single-family dwelling but that is physically attached to the existing or proposed single-family dwelling. These units are referred to as "attached ADUs."

B. Size. The total floor area of an attached ADU may not exceed fifty percent of the floor area of the existing or proposed single-family dwelling up to one thousand two hundred square feet; provided, however, that a total floor area of eight hundred fifty square feet shall be allowed for an ADU with zero to one bedrooms and a total floor area of one thousand square feet shall be allowed for an ADU with two or more bedrooms.

C. Setbacks. Side and rear yard setbacks for an attached ADU are four feet. Setbacks may be required to be greater than four feet if necessary to comply with any recorded utility easement or other previously recorded setback restrictions. Front yard setbacks for the applicable zoning district apply to an attached ADU. However, if the front yard setback does not allow for the creation of an eight hundred square foot attached ADU, then the front setback shall not apply to the extent necessary to allow for the creation of an eight hundred square foot attached ADU.

D. Height. The maximum height allowed for an attached ADU is twenty-five feet or the applicable zoning height limitation, whichever is lower.

E. Separate Entrance. The attached ADU must have a separate exterior entrance from the primary dwelling.

(Ord. 837 § 2, 2023)

§ 17.35.060 Detached ADU development standards.

A. Application. This section applies to ADUs on a lot with an existing or proposed single-family residence dwelling that are new construction and not physically attached to the primary dwelling nor a conversion of existing space in an accessory structure. These units are referred to as "detached ADUs."

B. Size. The total floor area for a detached ADU may not exceed one thousand two hundred square feet.

C. Location. Detached ADUs shall be located at least five feet from any other building.

D. Setbacks. Standard rear and side yard setbacks for detached ADUs are four feet. Setbacks may be required to be greater than four feet if necessary to comply with any recorded utility easement or other previously recorded setback restrictions. Front yard setbacks for the applicable zoning district apply to detached ADUs. However, if the front yard setback does not allow for the creation of an eight hundred square foot detached ADU, then the front setback shall not apply to the extent necessary to allow for the creation of an eight hundred square foot detached ADU.

E. Height. The maximum height for a detached ADU on a lot with an existing or proposed single-family residence or multifamily, single story building is sixteen feet. The maximum height for a detached ADU on a lot with an existing or proposed multifamily, multistory building is eighteen feet. In addition to the applicable height limitation, an additional two feet will be allowed to accommodate a roof pitch on the ADU so that it is aligned with the roof pitch of the primary dwelling unit.

F. Utilities. Notwithstanding any provisions to the contrary, all utilities for a detached ADU must be installed underground.

(Ord. 837 § 2, 2023)

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§ 17.35.070 Statewide exemption ADU.

A. Definition. An ADU that meets one the following standards is a statewide exemption ADU:

1. Statewide Exemption ADU—Type 1.

a. One ADU within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure per lot.

b. The ADU may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure for purposes of accommodating ingress and egress.

c. The ADU has exterior access separate from the proposed or existing single-family dwelling.

d. The side and rear yard setbacks must be sufficient for fire and safety.

2. Statewide Exemption ADU—Type 2. One detached, new construction ADU that does not have less than four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU shall have a floor area of no more than eight hundred square feet and a maximum height of sixteen feet.

3. Statewide Exemption ADU—Type 3. Multiple ADUs within the portions of an existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basement, or garages, if each unit complies with state building standards for dwellings. Each multifamily dwelling structure will be allowed at least one ADU and up to twenty-five percent of the existing multifamily dwelling units.

4. Statewide Exemption ADU—Type 4. Not more than two detached ADUs (maximum eight hundred square feet each with four-foot side and rear setbacks) on a lot that has an existing or proposed multi-family dwelling that are a maximum height of eighteen feet and has rear yard and side yard setbacks of four feet. An additional two feet will be allowed to accommodate a roof pitch on the ADU so that it is aligned with the roof pitch of the primary dwelling unit.

B. Front Yard Setbacks. Front yard setbacks for the applicable zoning district apply to a statewide exemption ADU; provided that if said front yard setback would preclude the creation of a statewide exemption ADU Type 1 or 2, the project will be exempted from the applicable set back to the extent necessary.

C. Exemptions. No lot coverage, floor area ratio, open space, minimum lot size, lot location, or other local design standard may preclude the construction of a statewide exemption ADU. A statewide exemption ADU will be automatically exempted from those standards to the extent necessary.

D. Solar Energy. New construction, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar systems. Per the California Energy Commission (CEC) the solar systems can be installed on either the ADU or the primary dwelling unit.

(Ord. 837 § 2, 2023)

§ 17.35.080 Junior ADU development standards.

A. Principal Permitted Use. JADUs that comply with the provisions of this chapter in all respects are a principally permitted use in any non-coastal zoning district that principally permits single-family dwellings, and the lot contains an existing single-family dwelling or proposed single-family dwelling. Only one JADU per residential lot zoned for single-family dwellings is allowed.

B. Size. JADUs may be no smaller than one hundred fifty square feet and no larger than five hundred square feet. The JADU must be constructed entirely within the walls of the existing or proposed primary dwelling.

C. Separate Entrance. The JADU must have a separate entrance from the main entrance to the primary dwelling.

D. Efficiency Kitchen. Each JADU must have an efficiency kitchen which includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the JADU.

E. Sanitation Facilities. The JADU must either have its own sanitation facilities or access to the sanitation facilities within the primary dwelling. If the JADU does not have its own sanitation facilities, then it must have an interior access door from the JADU to the primary dwelling.

F. Owner-Occupancy Requirement. Either the primary dwelling or the JADU must be occupied by the property owner, unless the property owner is a governmental agency, land trust, or housing organization.

G. Parking. The creation of a JADU does not trigger any off-street parking requirements.

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H. Uniform Codes. All JADUs must comply with all applicable building and fire codes, state habitability requirements, and health and safety codes, unless where explicitly exempted by Section 65852.22 of the Government Code.

I. Fire Sprinklers. No JADU shall be required to install fire sprinklers in the JADU, unless they are required of the primary dwelling.

J. Utilities. No separate connection to water and sewer utilities is required for a JADU. JADUs are exempt from any requirement to underground overhead utilities.

K. Public Improvements. JADUs are exempt from any requirement to make street and/or sidewalk improvements.

L. Nonconforming Conditions. The issuance of a permit to create a JADU may not be denied due to existing nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

(Ord. 837 § 2, 2023)

§ 17.35.090 Number of accessory dwelling units per lot.

A. Single-Family Dwelling. Lots with one or more proposed or existing single-family dwelling(s) may have the following maximum number of units:

1. One JADU; and
2. One non-exempt ADU; or
3. One statewide exemption ADU Type 1 and one statewide exemption ADU Type 2; or
4. One statewide exemption ADU Type 1, one statewide exemption ADU Type 2, and one nonexempt ADU if the non-exempt ADU was built before either statewide exemption ADU.

B. Multifamily Dwelling. Lots with an existing or proposed multifamily dwelling may have the following maximum number of units as applicable:

1. Statewide exemption ADU Type 3; and
2. Statewide exemption ADU Type 4.

(Ord. 837 § 2, 2023)

§ 17.35.100 Permit issuance procedure.

A. Permit Required. A planning permit to construct an ADU or JADU pursuant to this chapter is required.

B. Ministerial Review Process. A planning permit application for an ADU or a JADU shall be considered and approved ministerially if it complies with the provisions of this chapter. If there is an existing primary dwelling on the lot, then the permit application shall be either approved or denied within sixty days from the date the city receives a complete application. If the permit application for an ADU or a JADU is submitted with a permit application to construct a new primary dwelling on the lot, then the city may delay approving or denying the permit application for the ADU or JADU until the permit application to construct the new primary dwelling is approved or denied. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay. If the city has not approved or denied the completed application within sixty days, the application shall be deemed approved.

C. Denials. If the city denies an application for an ADU or JADU, then the city must, within the time period described in subsection A, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

D. Demolition Permits. If a detached garage is to be demolished and replaced with a detached ADU, then the demolition permit must be reviewed at the same time as the application for the ADU and issued at the same time. The applicant may not be required to provide written notice of demolition or to post a demolition notice placard for the demolition of the detached garage to be replaced with a detached ADU.

E. Variance. If a property owner desires to construct an ADU that is in excess of the size, height, setback, lot coverage, or building spacing requirements, the property owner may apply for a variance under Chapter 17.56.

(Ord. 837 § 2, 2023)

§ 17.35.110 Certificate of occupancy.

ATTACHMENT A
Accessory Dwelling Units Ordinance

A. Accessory Dwelling Units. Prior to the issuance of a certificate of occupancy for an ADU, the following must occur:

1. A certificate of occupancy has been issued for the primary dwelling.
2. A deed restriction, which shall run with the land, has been executed and recorded with the county recorder of Del Norte County and includes the following terms:
 - a. A prohibition on the sale or transfer of the ADU separately from the primary dwelling unless the transaction complies with Section 65852.26 of the Government Code.
 - b. A prohibition on the use of the ADU as a short-term rental (thirty days or less); provided that this restriction shall be null and void upon an amendment to the municipal code specifically allowing for short-term rentals in ADUs as applicable.
 - c. The deed restriction shall be in a form approved by the city attorney.

B. Junior Accessory Dwelling Unit. Prior to the issuance of a certificate of occupancy for a JADU, the following must occur:

1. A certificate of occupancy has been issued for the primary dwelling.
2. A deed restriction, which shall run with the land, has been executed and recorded with the county recorder of Del Norte County, and include the following terms:
 - a. A prohibition on the sale or transfer of the JADU separately from the single-family residence primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the JADU that conforms with Government Code Section 65852.22.
 - c. The deed restriction shall be in a form approved by the city attorney.

(Ord. 837 § 2, 2023)

§ 17.35.120 Applicable fees.

A. Utility Connection Fees.

1. An ADU is not considered a new residential use for purposes of calculating connection fees for utilities, including water and sewer service.

2. The ADU owner will not be required, but will be allowed, to install a separate connection directly to water and sewer utilities.
3. Except for ADUs that are created from existing space in either the primary dwelling or an accessory structure, the ADU owner will be required to pay proportional connection fees for sewer and water utility service. The proportional fee will be determined based upon the square footage of the ADU compared to the square footage of the living space of the primary dwelling.
4. A JADU owner will not be charged a separate utility connection fee separate and apart from the primary dwelling, including connection fees for water and sewer service.
5. The JADU owner will not be required to install a separate connection directly to water and or sewer utilities.

B. Impact Fees.

1. ADUs that are seven hundred fifty square feet or smaller are exempt from impact fees.
2. ADUs that are larger than seven hundred fifty square feet are subject to impact fees proportionate to the primary dwelling based on square footage.
3. JADUs are not subject to impact fees.

(Ord. 837 § 2, 2023)

§ 17.35.130 Non-compliant ADUs.

A. Compliance Required.

1. ADUs built or created prior to January 1, 2018, without a use permit, are required to obtain an ADU permit post-construction. Such ADUs must be inspected by the city building official for compliance with building code standards and all applicable health and safety regulations. As a condition of obtaining a post-construction permit, the city may require the correction of violations only if, in the opinion of the building official, it is necessary to protect the health and safety of the public or the occupants or if the building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

ATTACHMENT A
Accessory Dwelling Units Ordinance

2. ADUs built or created after January 1, 2018, but before the effective date of the ordinance codified in this chapter, without a use permit, are required to obtain an ADU permit post-construction. Such ADUs must be inspected by the city building official for compliance with the building code, this chapter, and all applicable health and safety regulations. As a condition of obtaining a post-construction permit, the ADU owner must make any necessary modifications to comply with those with those requirements.

3. ADUs built or created after January 1, 2018, but before the effective date of the ordinance codified in this chapter, that cannot meet all the development standards of this chapter may be granted a variance per Chapter 17.56, if the planning commission finds that all feasible measures were implemented, and health and safety will not be compromised.

B. Enforcement Proceedings. ADUs described in subsection A for which an ADU permit is not obtained post-construction nor is an exception by way of a variance obtained from the planning commission, will be subject to nuisance abatement proceedings and all other legal remedies available to the city.

C. Notice of Right to Request a Delay in Enforcement. In any notice to correct a violation or abate a nuisance based upon the failure of an ADU to meet development standards as described in subsection A, the city must notify the owner that they have a right to request a delay in enforcement if the ADU was constructed prior to January 1, 2020.

D. Request to Delay Enforcement. The owner of the ADU may request that enforcement of the violation be delayed for five years on the basis that the correcting violation is not necessary to protect health and safety. This request shall be made in writing and in the manner prescribed by the city.

E. Granting a Request for Delay in Enforcement. Requests to delay enforcement will be granted only if the city determines that correcting the violation is not necessary to protect health and safety. In making this determination the city staff shall consult with the building official and the fire chief regarding health and safety concerns.

F. Deadline for Approving Requests. No applications for a delay in enforcement may be approved on or after January 1, 2030. Any delay that was approved prior to January 1, 2030, however, will be valid for the full term of the delay that was approved at the time of the initial approval of the application.

(Ord. 837 § 2, 2023)

§ 17.35.140 Compliance with state law.

To the extent any provision of this chapter is inconsistent with state law governing ADUs or JADUs, the applicable state law, as amended from time to time, shall govern.

(Ord. 837 § 2, 2023)

§ 17.35.150 Violations.

Violations of this chapter are subject to all legal remedies available to the city, including, but not limited to, nuisance abatement proceedings, administrative citations, civil proceedings, and criminal citations.

(Ord. 837 § 2, 2023)

-----END OF ORDINANCE-----