

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, September 11, 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: None

PART IV - AGENDA ITEMS:

1. Update of the in-progress Downtown Specific Plan

Recommendation: Provide direction to Staff.

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: Adopt Resolution No. PC2025-09, 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 Coastal Development Permit (Application CDP25-01) for the South Pebble Beach Drive bank stabilization project approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street.

Recommendation: Adopt Resolution No. PC2025-10, A Resolution of the Planning Commission of the City of Crescent City approving a Coastal Development Permit

CITY OF CRESCENT CITY PLANNING COMMISSION
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE

(Application CDP25-01) approving the bank stabilization and road repair of South Pebble Beach Drive.

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

Recommendation: Provide direction to Staff.

5. 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, October 9, 2025

POSTED on September 8, 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 any accommodations 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 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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STAFF REPORT
AGENDA ITEM #1

TO: Chairperson Shamblin and Members of the Planning Commission
FROM: City Manager's Office
Eric Wier, City Manager
BY: Crandall Arambula
Don Arambula, Principal & Co-founder
DATE: Thursday, September 11, 2025
SUBJECT: Update of the in-progress Downtown Specific Plan

SECTION 1: EXECUTIVE SUMMARY

Update of the in-progress Downtown Specific Plan revitalizing the downtown with a community-based vision that builds upon existing strengths and capitalizes on opportunities for growth.

STAFF RECOMMENDS: *"Provide direction to staff."*

SECTION 2: BACKGROUND INFORMATION

A generation ago, major economic activities in Del Norte County included natural resource extraction, such as timber, fishing, and mining. Today, these industries are severely diminished, and the economy has shifted towards more service-based sectors. Tourism is now among the most important industry sectors in Crescent City, providing up to 20% of the total employment, as visitors from more congested urban areas travel to our community due to its smaller population density, long beaches, clean air, pristine rivers, Redwood forests, and extensive mountain trails.

Adding to the decline in more substantial paying jobs was the tsunami of 1964, which killed eleven people and devastated 29 city blocks. After the tsunami, the Army Corp of Engineers were called in and deemed most of downtown a disaster zone or, what was more acceptable at the time, a "redevelopment zone" giving traumatized locals few choices: rebuild up to present code without any financial assistance or sell it for market value. The local community had lost too much and needed help. Almost every structure in the "redevelopment zone" that embody the history and culture of the town was destroyed. The heart of the town was stripped and re-imagined by engineers with store frontages that could quickly be built up. Lost forever were the two- and three-story

buildings with family apartments above the local mom and pop stores. The historical fishing village built with the context of the land would never return. Today, downtown is underutilized, lacks the desired level of vibrancy and charm that most visitors expect from a small-city's downtown, is missing a sense of place, and has a high vacancy rate.



SECTION 3: POTENTIAL AMENDMENTS

The City has recently hired a team of professionals led by urban designer, Don Arambula, of Crandall Arambula, PC, to complete the Crescent City Downtown Specific Plan. The full team includes landscape architects, planners, and economists.

Crandall Arambula has an impressive resume spanning over 25 years, including a portfolio of over 50 Downtown Plan projects nationwide. Their past revitalization efforts have created authentic downtowns that have thriving retail, restaurants, and visitor attractions while improving livability, maintaining affordability, and equitable economic opportunity for all community members.

Crandall Arambula has committed to producing a list of no more than five catalyst implementation priorities that are not only good ideas but make financial sense, and a roadmap for substantial, achievable change, within no more than five years of plan adoption.

The Planning Process will include several key components including:

Collect and Analyze Data

Crandall Arambula will gather and assess data from a variety of sources, some of which include: market studies, transportation studies, and master plans such as the Comprehensive Economic Development Strategy (CEDS), Economic Development Strategic Action Plan (EDSAP), Housing Element, and General Plan. They will also conduct base mapping of the downtown area, a retail market analysis, and a business inventory. This data will help identify the types of downtown retail, entertainment, specialty retail, or similar use gaps and niches that could potentially prosper in the downtown. They will conduct a housing market gap analysis, land use and regulation assessment, mobility/active transportation analysis, complete street analysis and parking analysis. This analysis will form the technical framework that will act as the foundation for the Downtown Specific Plan.

Public Outreach/Visioning

Crandall Arambula and City staff will conduct meaningful public engagement with a diverse cross-section of community members and coordinate with a steering committee of key business leaders and stakeholders to collect feedback on existing conditions and begin the visioning process. The objective of this phase will be to address the community needs, develop a ranking of goals, and determine what makes the City of Crescent City unique. These efforts will include hosting public workshops and focus group meetings to allow community input on the overall design and vision for downtown.

Concept Drawings

Informed by the community vision, Crandall Arambula and their team will set design guidelines for architecture, public spaces, streetscapes, signage, and landscaping to

ensure a cohesive and appealing downtown atmosphere. The concept drawings will reflect the City's unique character and future vision.

Implementation Plan

Crandall Arambula will identify a shortlist of no more than five projects that can establish sustained and significant early development momentum and generate an increased tax base. These projects will be refined and finalized with a ROI analysis. The final plan will include jargon-free descriptive text, rich illustrative plans, diagrams, tables, infographics, and 3-D perspective illustrations formatted as a coffee table book or 'pullout' document that can stand alone and be utilized for tenant and developer recruitment, advertising, and for grant application purposes. The final plan will also include funding strategies and identify key next steps for implementation.

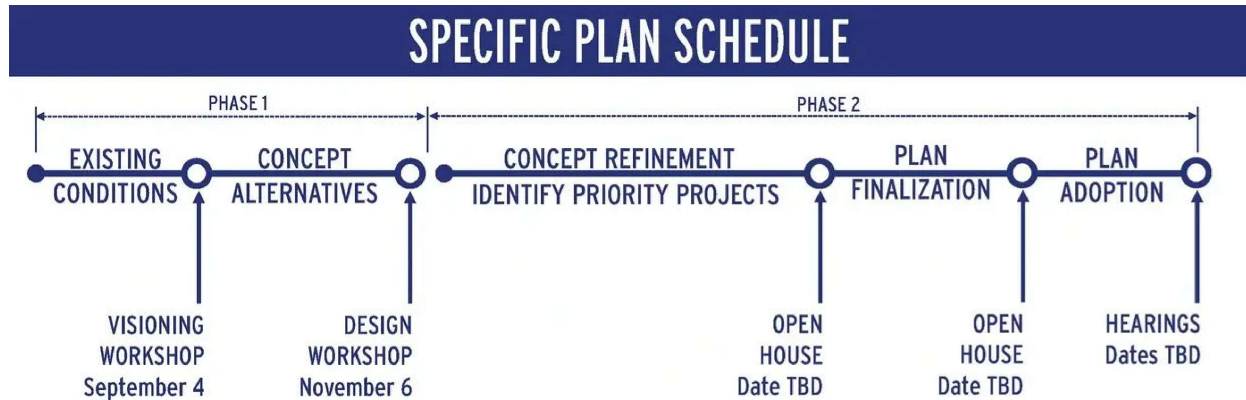
Anticipated Future Actions After the Plan is Complete Include:

- Public Infrastructure
- Planning / Zoning Ordinance Revisions
 - Zoning
 - Signs
 - Architectural standards
 - Parking
- Specific business recruitment
- Future Grant Funded Programs
 - Business Loan Program
 - Façade Improvement Program

Future Façade Improvement Program

City staff are working towards securing additional grant funding to launch a Façade Improvement Program to assist downtown businesses and property owners with bringing the vision to fruition, once the building standards have been established.

With the Downtown Specific Plan, we hope to create a welcoming and pedestrian-friendly streetscape that seamlessly connects the new Beachfront Park amenities, Redwood Discovery Center/Visitor's Center, and Transit Center to our downtown businesses.



Previous community input included:

Town Hall Visioning Workshop

September 4, 2025, 5:30pm-7:30pm at the Cultural Center, 1001 Front Street

A Town Hall Visioning Workshop to discuss existing conditions and the characteristics of a successful downtown.

SECTION 4: PLANNING COMMISSION ACTION OPTIONS

- Provide additional direction to Staff.

SECTION 5: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #1: Update of the in-progress Downtown Specific Plan."
2. (Chair) "We will now receive a presentation on the Staff Report from consultant Don Arambula."
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?"

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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 #2

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, September 11, 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. PC2025-09, 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).
- iv. Any digital signs within 100 feet from HWY 101 must obtain any and all permits from Caltrans.

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

7.5. CalTrans: Caltrans was contacted multiple times in multiple departments and could not provide comments, feedbacks, or recommendations.

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.

D. Provide Direction to Staff.

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 _____."**

City of Crescent City - Regular Planning Commission Meeting
Staff Report - Agenda Item: #2

- 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: "_____."
 - 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 ---

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 Tsunami Lanes & FEC Inc	Street Address 992 Fresno Street, Crescent City ,California 95531	City Zip Code California 95531	Day Phone 707-464-4323
Representative (if any) John H Kirk	Street Address 992 Fresno Street, Crescent City ,California 95531	City Zip Code California 95531	Day Phone 707-294-7869
Property Owner The Birchhead Family 1999 Trust	Street Address 992 Fresno Street, Crescent City ,California 95531	City Zip Code California 95531	Day Phone 707-294-7869

Correspondence to be sent to ☐ Applicant ☒ Representative ☐ Owner

Project Address 760 L Street, Crescent City, California 95531	Assessor's Parcel No. 118250023000
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Description of proposed project (attach sheets if necessary)

Addressing sign ordinance restriction related to our recent sign permitted and installed. Please see attached request for A zoning ordinance amendment. The goal would be to allow this by changes or amendments to the sign ordinance which would then place all business owners on the same level of standards and treatment. PLEASE SEE ATTACHED FURTHER DESCRIPTION AND INFORMATION

Existing Land Use bowling alley	Adjacent Uses N/A	Building Coverage 14250 sq.ft. existing
Project Acreage no change	Project Height N/A	Building Coverage No change sq.ft. proposed
Parking (number of spaces) NA	Paved Area NA	Grading Required? No (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
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Signed  Date 6/4/2025 Signed  Date 6/4/2025

TYPE OF APPLICATION	☐ Architectural Review	☐ Lot Line Adjustment/Parcel Merger	☐ Subdivision/Major
	☐ CEQA Review	☐ Municipal Code Amendment/Rezone	☐ Use Permit - Standard
	☐ Coastal Development Permit	☐ ROW or Street Abandonment	☐ Use Permit - Cannabis
	☐ General Plan Amendment	☐ Special Review	☒ Variance or Waiver
	☐ Home Occupation	☐ Subdivision/Minor	☐ Other

REQUIRED SUPPLEMENTAL	☐ Application Form	Project plans: *
	☒ Application Fee \$1,173 ⁰⁰ (per Ethel Lawton)	
	☐ Supplemental Application Forms (variance, etc.)	☐ Project site plans (buildings, parking, etc.)
	☐ Project property deed(s)	☐ Building floor plans and elevations
	☐ Proof of applicant's legal interest in the property (escrow, etc.)	☐ Preliminary grading/drainage plans
	☐ Commercial Cannabis Use Permit Application Checklist	☐ Landscaping/irrigation plans/dumpster
		☐ Sign plans/elevations
		☐ Color/materials samples
		☐ Subdivision/lot line adjustment map
		☐ Written Project Description
		☐ Preliminary Title Report
		☐ Special Project Justification/per code

*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) ZOA25-01	Filing Fees \$1,173.00	Date Filed	Receipt # 08029984
	Date Application Completed	Zoning	General Plan (LUP)	
	CEQA: Exempt ☐ Negative Declaration ☐ Mitigated Negative Declaration ☐ Environmental Impact Report ☐			
	Review By Planning Commission ☐	City Council ☐	Architectural Review ☐	Planning/Public Works ☐
	Public Hearing ☐	Office Hearing ☐	Appealable to Coastal Commission? ☐	
	Other Notes:	Approved:		

MAKE CHECKS PAYABLE TO CITY OF CRESCENT CITY

We at Tsunami Lanes & FEC are requesting an amendment to the city ordinance regarding signage restrictions at 760 L Street. Both from a public service and a company-perspective we believe our sign with appropriate controls represent a net benefit to the community.

Specifically, Cirrus, a corporation that deals in electronic signs approached us to consider installing one of their signs at our location. Cirrus managed the process from inception of discussion to installation including permitting. This was approved on our behalf through the usual city sign approval process and the sign was installed.

After the fact, the details of the capacity and use of the sign were realized to be far greater than was inferred by the static image provided for the permit request, I was subsequently informed. The fact that this monitor was dynamic offering multiple images and video, etcetera, was somehow not conveyed or portrayed in the requested permit. We paid the company to acquire the sign and have it appropriately and legitimately installed at our facility attached to our building.

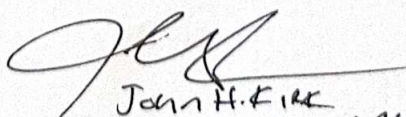
When the city came to inspect the work for permit sign-off they told us that we would not be able to use the sign as we had intended. This of course was devastating news, particularly because we had invested a large amount to try to enhance this business and the community. We were and are honestly seeking any help economically that will help to keep this extremely low margin business afloat.

We are asking that that is City consider reversing at least part of the city ordinance to allow similar type signs to be allowed not only at our facility but for others who would seek to have them.

The net benefit to the community with emergency notification options, information sharing with the public of events and important dates happening in the community along with the business opportunity of advertising revenue creation are all appropriate uses of such a sign. We of course understand that this request should not be ours only and thus we are asking for either a rescission of or amendment to the ordinance allowing exceptions that would allow continued use of this sign as intended but with appropriate guidelines.

We understand that this may very well come with restrictions. This is already the case with size, brightness, and timing of the use of these signs, for example. Please consider our request to move forward and support the re-evaluation and rescission or amendment to our city policy in helping not just our business but to share in raising our community.

Sincerely,



John H. Fire
CEO TSUNAMI LANES & FEC, INC



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
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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

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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;

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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

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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

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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."

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"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.

D. Marquee Signs.

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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).
4. Any digital signs within 100 feet from HWY 101 must obtain any and all permits from Caltrans.

~~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

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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.

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:

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

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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)

§ 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**,

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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,

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,

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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,

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

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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,

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:

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- 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.
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:

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- 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 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

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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 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;

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

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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;

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4. Monument or ground signs not to exceed ten 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. 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:

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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:

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

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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 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

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to the planning commission for a use permit;

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

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

- ii. Inspections of purported violations of this chapter;
- 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 enjoinder 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

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

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 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

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

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 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	X	X	X	X					X

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

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
area, nonilluminated									
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	

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

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
One sign not to exceed 20 sq. ft. in area									X
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	

PROPOSED ZONING ORDINANCE AMENEDMENT
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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)	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
Ground or monument sign not to exceed 5 ft. in height and 20 sq. ft. in area									X
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	

PROPOSED ZONING ORDINANCE AMENEDMENT
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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
Window signs				X	X	X	X	X	
Changeable copy signs						X	X	X	
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-----

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

RESOLUTION NO. PC2025-09

**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 can be determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15061(b)(3) (Common Sense Exemption). The City Council will make the CEQA determination if it proceeds.

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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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 #3

TO: Chairperson Walp and Members of the Planning Commission

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

BY: Community Development Department, Planning & Zoning
Penelope Kirsch, Contract City Planner

DATE: Thursday, September 11, 2025

SUBJECT: A Public Hearing to consider a Coastal Development Permit (Application CDP25-01) for the South Pebble Beach Drive bank stabilization project approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street.

SECTION 1: EXECUTIVE SUMMARY

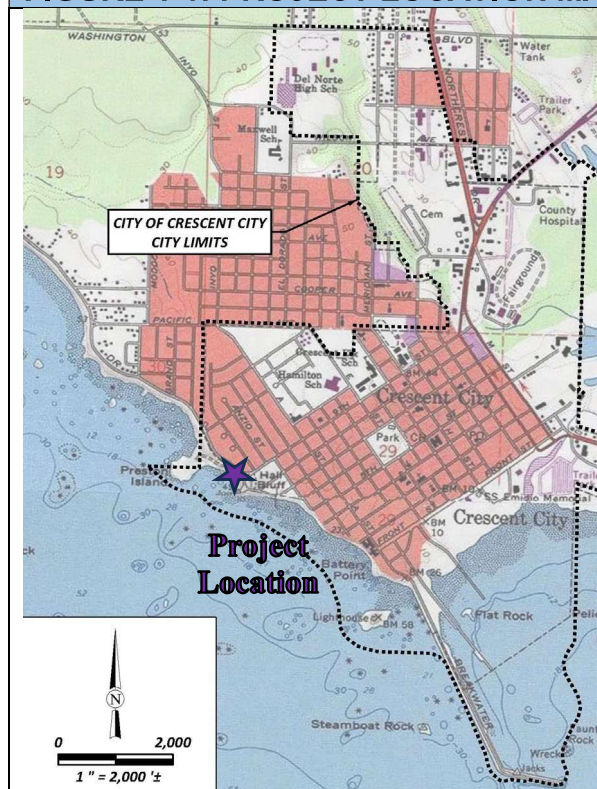
The City of Crescent City submitted a Coastal Development Permit (Application CDP25-01) for the South Pebble Beach Drive bank stabilization project approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street.

STAFF RECOMMENDS: "Motion to adopt Resolution No. PC2025-10, A Resolution of the Planning Commission of the City of Crescent City approving a Coastal Development Permit (Application CDP25-01) approving the bank stabilization and road repair of South Pebble Beach Drive."

ATTACHMENTS:

- A) CDP25-01 Application
- B) CDP25-01 Conditions of Approval
- C) Resolution PC2025-10

FIGURE 1-1: PROJECT LOCATION MAP



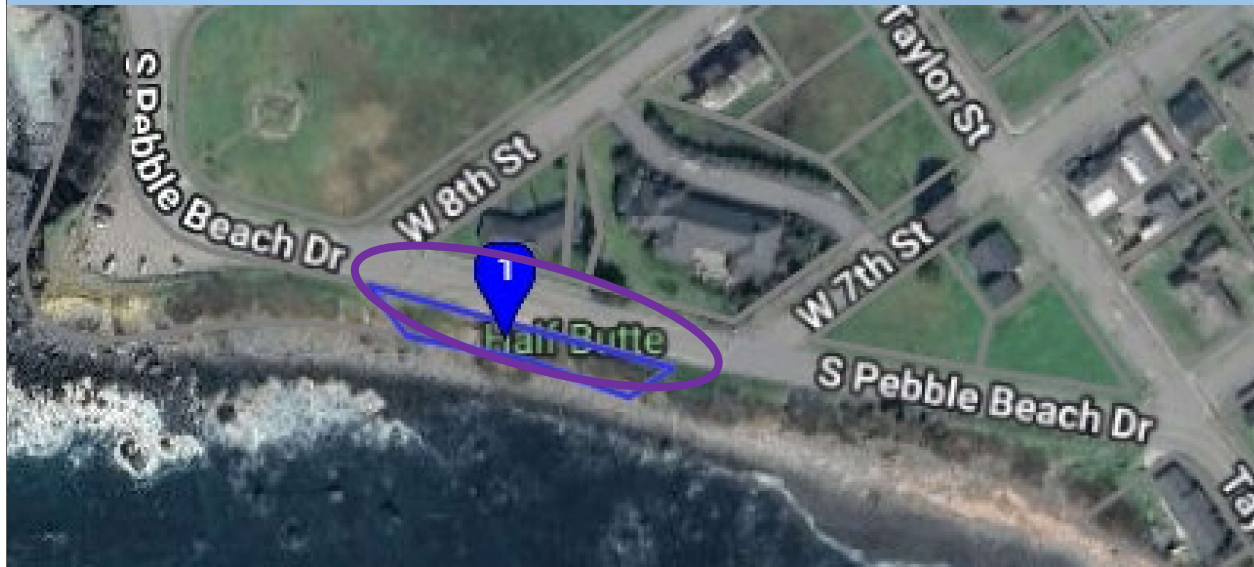
Source: Housing Element (December 2022)

SECTION 2: BACKGROUND INFORMATION

The City was notified of bank erosion along South Pebble Beach Drive, approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street (across from 789 Pebble Beach Drive), including the bluff above mean high tide line (MHT) including impacts to City-owned parcel APN 118-200-006. In response, emergency repair work was completed under an Emergency Coastal Development Permit (Application CDP24-04) to address the hazard. This Coastal Development Permit (Application CDP25-01) seeks an after-the-fact CDP to authorize the completed work.

ADDRESS:	APN:	PARCEL SIZE:	PROJECT SIZE:
South Pebble Beach Drive	118-200-006-000	+/- 0.29 acres +/- 12,704-sf	+/- 0.05 acres +/- 2,500-sf

FIGURE 2-1: PROJECT PARCEL



Source: Parcel Quest (July 2025)

On December 10, 2024, to grant the Emergency Coastal Development Permit (Application CDP24-04) the City made a finding (J) that: At the completion of the emergency repair the City shall submit a standard Coastal Development Permit application in conformity with the long-term policies of the certified Local Coastal Program (CCMC §§ 17.84.016(D)(4) & 17.84.033(1)).

A condition of approval (#5) included: At the completion of this design-build project, an emergency coastal development permit application shall be submitted to the City within 10 calendar days that satisfies the requirements of the City's LCP (CCMC §17.84.016(4)). As-built drawings should be part of the submittal package.

All emergency work is considered temporary and subject to removal unless and until a regular CDP authorizing work is approved. A regular permit would be subject to all the provisions of the California Coastal Act and Crescent City's Local Coastal Program

(LCP) and may be conditioned accordingly.

This proposed project is located within the Coastal Zone and within the California's Coastal Commission's appealable zone (CCMC §17.84.030(A)(1)). Appeals, according to CCMC §17.84.040, may be filed with the City Council (\$189.00) or the Coastal Commission (at actual costs).

2.1. NOTICE OF PUBLIC HEARING:

A Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 08/18/25) to be published (on 08/27/25) in print/online circulation. A similar Notice of Public Hearing was mailed (on 08/28/25) to the property owners within 300-ft of the project location and to the California Coastal Commission (07/31/25), North Coast Office (CCMC §§ 17.84.020(B)(3) & 17.84.030) as required (Cal. Gov. Code §§ 65090 & 65094).

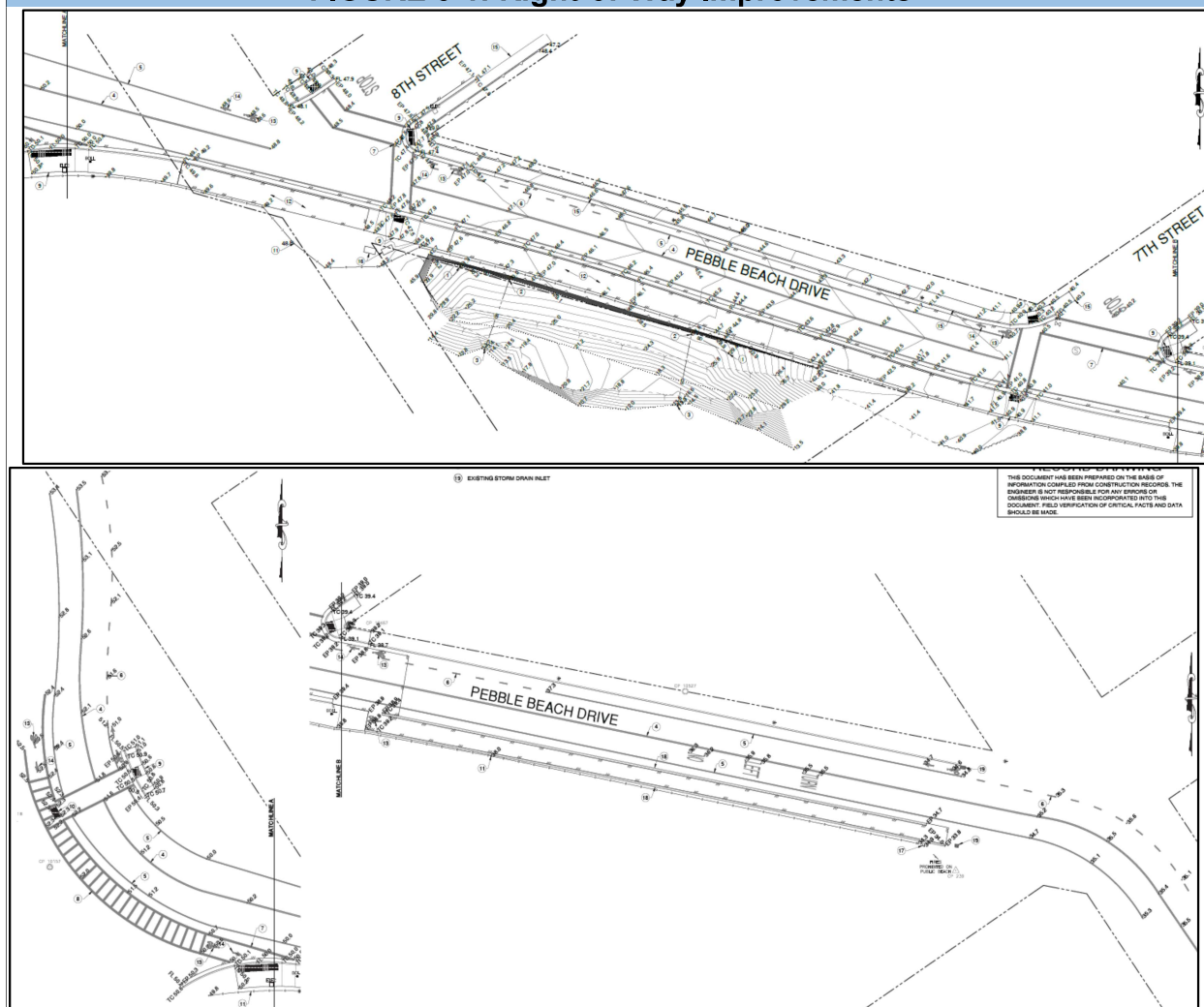
2.2. REQUIRED FINDING BY THE COMMISSION:

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

SECTION 3: PROPOSED PROJECT DESCRIPTION

The project involves stabilizing the bank from erosion, paving 100 feet of roadway along South Pebble Beach Drive between West 8th street and 7th street, and installing sidewalks, a crosswalk, bikes lanes, and cable fencing. Improvements occurred within the public right-of-way and on City owned parcel (APN 118-200-006).

FIGURE 3-1: Right-of-Way Improvements



Source: Stover Engineering (June 2025)

According to the City's application materials, the proposed project is a design-build project that includes the installation of a micro-pile and soil nail wall system. The vertical micro-pile are set on 18 inch centers and grouted into the existing bedrock. The wall foundation consists of a reinforced cast-in-place grade beam. The near-horizontal soil nails are placed on a 5-ft by 5-ft grid and are drilled into the existing soils and bedrock with anticipated depths ranging from 28-ft to 38-ft. They are to be grouted daily, with in-place resistance field tested to confirm adequate penetration. The wall face is to be a minimum of 10-in thick, with an additional layer of sculpted and stained concrete place

on the surface to represent the existing cliff faces. At the base of wall, a strip of Rock Slope Protection (RSP) will be embedded into the existing bedrock (Mudstone or others) above the mean high tide line. The RSP will be faced with the reaming earth berm including the existing planting. Behind the wall, ground water will be captured in a sheet and perforated drain system. It will be dissipated through the RSP at three locations. The intention is to install native planting within the RSP section. The wall will be backfilled with flowable low-density fill. Upon completion of the wall, a 4-ft wide green space will be placed along the top of wall containing a cable rail to provide safety and allow unobstructed views. This green space will be bordered by a 10-ft pedestrian/bike path to the new curb line, followed by the reconstruction of the existing roadway.

Included in the emergency work were earlier steps to abate further road erosion (tarping and sandbagging the failed area, public safety measures (temporary road closure, fencing and signs), and recovery testing with drill rig to assist in design of the project. As a design-build project, while contractors are following specific engineered design specifications, exposure of the work area during tasks may result in minor design changes to address the concerns. Such changes will be documented for follow-up permitting.

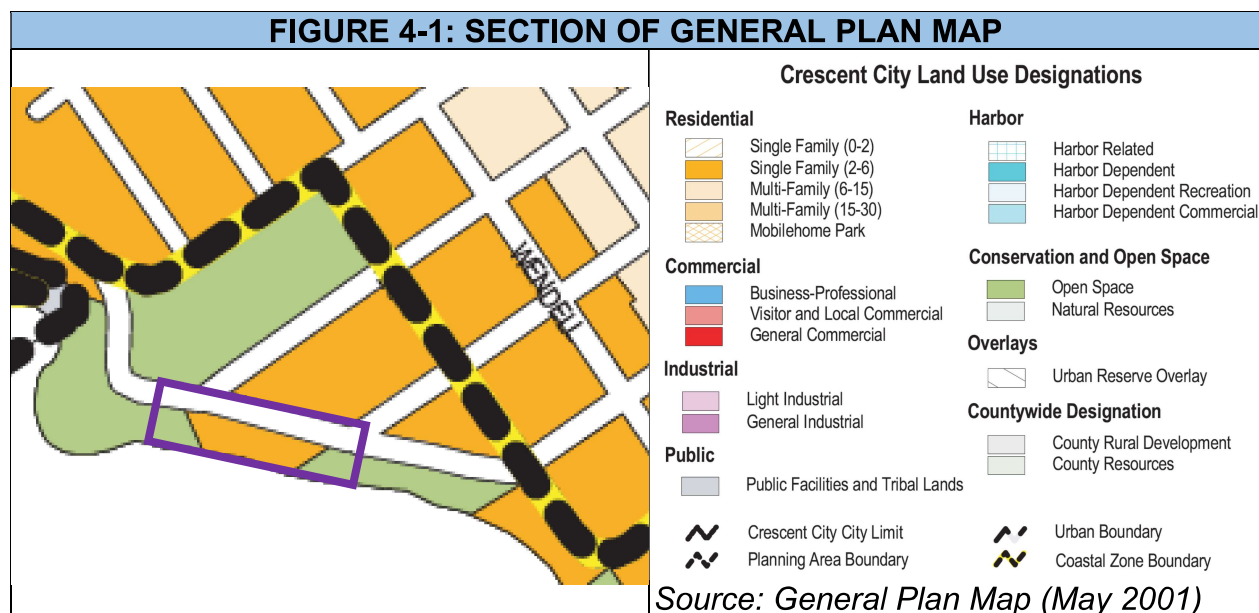
The City recognizes that the City *“may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 17 can be fully complied with”* and authorizes emergency work *“proceed without a [standard CDP] permit”* (CCMC §17.84.016) and that the *“Planning Director may grant an emergency [Coastal Development] permit”* (CCMC §17.84.016(D)(2)).

3.1. REQUIRED FINDING BY THE COMMISSION:

The City of Crescent City submitted a Coastal Development Permit (Application CDP25-01) for the reconstruction of a collapsed portion of City Right-of-Way along Pebble Beach Drive between West 8th Street and 7th Street, including work within a City-owned parcel (APN 118-200-006). The project site is located within the public right-of-way and in the CZ-O Zoning (Coastal Zone – Open Space District) (APN 118-200-006).

SECTION 4: GENERAL PLAN CONSISTENCY

The stabilization of the South Pebble Beach Drive project is located within the public right-of-way and a vacant City-owned parcel in the SF 2-6 (Residential Single Family) General Plan land use designation (See Figure 4-1: Section of General Plan Map).



The project includes work within the public right-of-way along South Pebble Beach Drive and on a City-owned parcel (APN 118-200-006), which is designated SF 2-6 under the General Plan. The parcel is long, narrow, and currently vacant, featuring an approximately 30-foot-high coastal bluff. Due to its topography and configuration, the site does not present feasible opportunities for development consistent with the SF 2-6 land use designation.

TABLE 4-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Land Use Designation	Current Use
Project Property	Residential Single-Family (SF 2-6), Public Right-Of-Way	Vacant Lot & Public Right-Of-Way
North	Open Space (OS)	Public Park
South	Open Space (OS)	Vacant Lot & Public Right-Of-Way
East	Residential Single-Family 2-6 (SF 2-6)	Existing Residential
West	N/A	Pacific Ocean

4.1. 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, improving its overall aesthetic appeal.”

-Goal 3.A. – “to plan for the long-range planning and development of Highway 101 to ensure the safe and efficient movement of people and goods”

-Goal 3.A.1 – “The City shall expand and maintain its streets and highway system according to the classifications depicted in Figure 3-1.”

-Goal 3.C – “To encourage the use of the bicycle as an alternate, energy efficient mode of transportation within the city and to develop a system of bikeways and bicycle parking facilities which will safely and effectively serve those wishing to utilize bicycles for commute and recreational trips.”

-Goal 3.C.1. – “The City shall promote the linkage of sidewalks and walkways with Bike and pedestrian trails leading to and through outdoor recreational areas such as parks and schools, as well as commercial areas.”

-Goal 3.C.2 – “The City shall promote the development of a comprehensive and safe system of recreational and commuter bicycle routes that provides connections between the city’s major recreation, employment, and housing areas and between its existing and planned bikeways.”

-Goal 3.C.4 - “The City shall continue to coordinate with LTCO and Del Norte County in updating and implementing the Del Norte County and Crescent City Bicycle Facilities Plan and continue to include or consider trails of interest to the public such as the Harbor and Pebble Beach routes in addition to commuter routes and those which may be coordinated with State and Federal trails.”

-Goal 3.C.8 – “The City should consider bicycle use in the improvement of existing streets and the construction of new streets. Development and construction of bicycle facilities should be based on actual need and use in relation to the cost involved. Facilities should follow destination routes.”

-Goal 3.C.10 – “The City shall continue to maintain the Harbor-City bicycle route. This bicycle route starts at Pebble Beach Drive in the City and follows Pebble Beach Drive and Taylor Street before merging onto Fifth Street. The route continues down Fifth Street then turns onto A Street. The bicycle route continues along A Street to Battery Drive. At Battery Drive the route enters Beachfront Park, following Howe Drive east to Highway 101. The route then follows Highway 101 South to Sunset Circle, to the southerly city limits. The route continues through the Harbor area to South Beach. The route has ocean views at the coastal access points and provides access to recreational opportunities along the route. The City shall only allow relocation of the route in conjunction with new development if relocation would be consistent with all relevant coastal policies.”

-Goal 3.D – “To encourage and facilitate walking throughout the city.”

-Goal 3.D.1 – “The City shall provide for the extension of sidewalks, trails, and walking facilities throughout the city limits to allow for convenient and safe pedestrian movement.”

4.2. LOCAL COASTAL PROGRAM:

The project is located within the public right-of-way and on a vacant City-owned parcel within the Residential Single-Family 2-6 dwelling units per acre (SF 2-6) zone. Pursuant to the City’s Local Coastal Program (LCP) SF 2-6 land use designation, “*principal permitted uses under this designation are single family dwellings with accessory buildings*” and “*Provides for low- to moderate-density residential development within the*

urban boundary". As this project includes emergency erosion stabilization and repairs to the damaged roadway, it is considered essential for public safety and infrastructure protection. While the work occurs on a parcel designated for Single-Family Residential (SF) use under the General Plan, the repairs are not consistent with typical SF uses. However, due to the need to address hazardous erosion and restore critical access, the project is necessary and justified despite the underlying land use designation.

4.3. SUPPORTING LOCAL COASTAL PROGRAM GOALS/POLICIES:

-Goal 3.B.1 - To develop and maintain a safe and efficient public transportation system that reduces congestion and provides viable alternative transportation in and through the Crescent City Planning Area.

-Goal 4.D.1 - To preemptively infiltrate, detain, and retain onsite, and/or centrally collect, convey, and treat, as necessary, stormwater in a manner that least inconveniences the public, reduces or prevents stormwater pollution and potential water-related damage, and protects the environment.

-Goal 5.G.1 - To encourage identification, protection, and enhancement of Crescent City's important historical, archaeological, paleontological, and cultural sites and activities, and their contributing environment.

-Goal 6.A - To maintain and where possible enhance marine resources, coastal waters, and sensitive coastal habitats, thereby recognizing the economic and biologic significance of these resources.

-Policy 6.A.1 - The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health are maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

-Goal 7.B.1 - To minimize the loss of life, injury, and property damage due to seismic hazards.

-Policy 7.B.1 - All ocean front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding, and beach and bluff erosion hazards, and avoid the need for a shoreline protective structure at any time during the life of the development.

-Policy 7.B.2 - Applications for development located in or near an area subject to geologic hazards, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. Such study shall be prepared consistent with the requirements of Coastal Zoning Code.

4.4. REQUIRED FINDING BY THE COMMISSION:

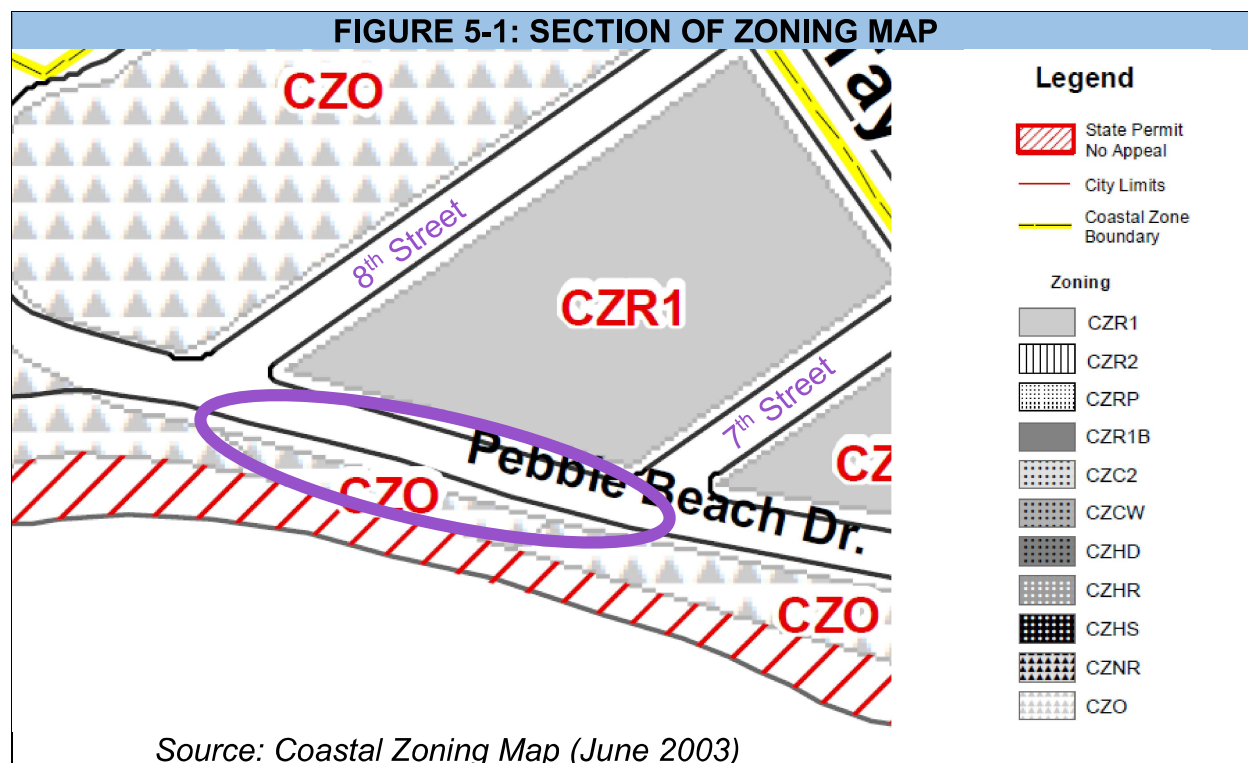
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan's SF 2-6 (Residential Single-Family 2-6 dwelling units per an acre) land use designation, in that the proposed project:

- a. Is principally permitted as *“single family dwellings with accessory buildings”*;
- b. *“Provides for low to moderate residential development within the urban boundary”*;
- c. Is supported by the General Plan goals (3.A, 3.C, and 3.D) and policies (3.A.1, 3.C.1, 3.C.2, 3.C.4, 3.C.8, 3.C.10, and 3.D.1).
- d. *“Provides for low- to moderate-density residential development within the urban boundary”*; and
- e. Is supported by the Local Coastal Program goal (6.A) and policies (3.B.1, 4.D.1, 5.G.A, 6.A.1, 7.B.1, and 7.B.2).

SECTION 5: ZONING CONSISTENCY

The stabilization of the South Pebble Beach Drive project is located on a vacant City-owned parcel within the Coastal Zone – Open Space District (CZ-O) (See Figure 5-1: Section of Zoning Map).

5.1. COASTAL: This proposed project is located within the Coastal Zone and within the California's Coastal Commission's appealable zone (CCMC § 17.84.030(A)(1)). Appeals, according to CCMC § 17.84.040, may be filed with the City Council (\$189.00) or the Coastal Commission (at actual costs).



5.2. USE: The CZ-O Zoning District principally permits “Continued use, maintenance and upgrade of existing public parks and playgrounds, trails and related facilities such as parking lots, picnic areas and restrooms” (CCMC § 17.71.020(A)) as the intended uses “provide permanent open spaces which are necessary to safeguard the health, safety and welfare of the people,” (CCMC § 17.71.010). However, all “development” “in the coastal zone shall obtain a coastal development permit” (CCMC § 17.84.012). The project includes work within the public right-of-way and on a parcel designated CZ-O. While the proposed use is not explicitly listed among the permitted CZ-O uses, the project is consistent with the intent and purpose of the CZ-O designation, specifically to protect public health, safety, and welfare. The repairs are necessary to ensure safe access along South Pebble Beach Drive in response to hazardous erosion conditions.

5.3. ZONING: As mentioned above, the project is consistent with the intent and purpose of the CZ-O designation, specifically to protect public health, safety, and welfare, 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	Land Use Designation	Current Use
Project Property	Coastal Zone – Open Space (CZ-O)	Vacant Lot & Public Right-Of-Way
North	Coastal Zone – Open Space (CZ-O)	Public Park
South	Coastal Zone – Open Space (CZ-O)	Vacant Lot & Public Right-Of-Way
East	Coastal Zone – Low Density Residential District (CZ-R1)	Existing Residential
West	N/A	Pacific Ocean

DEVELOPMENT STANDARDS & PROPOSED PROJECT:

5.4. Height and Area Regulations: The CZ-O does not include minimum or maximum dimensions of yards, lots or heights are established, except as follows. No more than ten percent of the property may be covered with buildings, accessory buildings or structures, and no more than ten percent of the property may be placed in pavement, exclusive of required access roads (CCMC § 17.71.040). (See Table 5-2: Comparison of Height and Area Regulations).

TABLE 5-2: COMPARISON OF HEIGHT AND AREA REGULATIONS			
Category	CCMC §§	Regulation	Proposed
Height	17.71.040	N/A	No Change
Front Yard	17.71.040	N/A	No Change
[Exterior] Side Yard	17.71.040	N/A	No Change
[Interior] Side Yard	17.71.040	N/A	No Change
Rear Yard	17.71.040	N/A	No Change
MIN Lot Area	17.71.040	N/A	No Change
MAX Lot Area	17.71.040	N/A	No Change
DU Lot Area	17.71.040	N/A	No Change
Lot Coverage	17.71.040	10%	No Change

5.5. Parking: Parking is not required for this project, as it involves bank stabilization and roadway repairs, and does not include any uses that would trigger parking requirements pursuant to CCMC § 17.76.020.

5.6. Fencing, and Signs: All permitted uses within the CZ-O Zoning District are subject to the general requirements regarding Fencing (CCMC § 17.75.010) and Signs (CCMC § 17.71.050(B)). As part of this project, cable fencing was installed along the

edge of the bluff, between the public right-of-way and the coastal bluff, to enhance public safety. The fencing is consistent with the requirements outlined in § 17.75.040. No signage has been installed as part of this project.

5.7. Coastal Development Permit: All “development” “in the coastal zone shall obtain a coastal development permit” (CCMC § 17.84.012). This Item is further discussed under Section 6: Coastal Development Permit Review.

5.8. REQUIRED FINDING BY THE COMMISSION:

The Planning Commission finds that the proposed project (with a Coastal Development Permit) is consistent with the Crescent City’s Coastal Zone – Open Space District (CZ-O) Zoning Code, in that the proposed project:

- a) Is located within the Coastal Zone.
- b) Is within the California’s Coastal Commission’s appealable zone (CCMC §17.84.030(A)(1)).
- c) Is principally permitted “Continued use, maintenance and upgrade of existing public parks and playgrounds, trails and related facilities such as parking lots, picnic areas and restrooms” (CCMC §17.71.020(A)(1));
- d) “provide permanent open spaces which are necessary to safeguard the health, safety and welfare of the people,” (CCMC §17.71.010);
- e) Is “development” “in the coastal zone shall obtain a coastal development permit” (CCMC §17.84.012).
- f) Is subject to all zoning regulations (CCMC §17.71.010).

SECTION 6: COASTAL DEVELOPMENT PERMIT REVIEW

The stabilization of the South Pebble Beach Drive project requires a Coastal Development Permit from the Planning Commission per CCMC §§ 17.84.014(A)(1)(c) & 17.84.014(A)(1)(d). The Crescent City Municipal Code (CCMC) defines the following purpose and review for coastal development permits (CDP):

*§17.84.010 [Coastal Zone – Coastal Development Permits and Appeals]
Purpose.*

The purpose of this chapter is to establish procedures for those areas, types of development, and activities within the coastal zone that require a coastal development permit as prescribed in the Coastal Act of 1976, and to establish procedures for making application for such permit, reviewing applications, providing notice of such development proposals, conducting public hearings for consideration of the permit request, and to provide recourse if an appellant is aggrieved by any order, requirement, permit, decision or determination made by the planning director, planning commission, and/or the City Council in the administration or enforcement of these regulations.

*§17.84.033 [Coastal Zone – Coastal Development Permits and Appeals]
Required Findings.*

Approval of any coastal development permit shall be based upon specific factual findings supporting the conclusion that: (1) the proposed development, without or without conditions, is consistent with the policies and standards of the City's certified local coastal program, and, for development located within the first public road and the sea the access and recreation policies of Chapter 3 of the Coastal Act; and (2) there are no other feasible mitigation measures or alternatives that would lessen any significant adverse effects of the development or the environment.

Analysis. The proposed project is consistent with the policies and standards of the City's certified local coastal program, and recreation policies of Chapter 3 of the Coastal Act.

§17.84A.010 [Coastal Resource Protection - Public Access and Recreational Opportunities] Purpose.

This chapter provides requirements for the protection, dedication, improvement, and operation of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this chapter in compliance with the California Coastal Act. In addition, this chapter sets standards for the review, protection, and prioritization of shoreline and nearshore sites in or suitable for coastal recreational uses.

§17.84A.110 [Coastal Resource Protection - Public Access and Recreational Opportunities] Coastal development permit application contents.

In addition to permit and application submittal requirements established elsewhere in this title, new development pursuant to Section 17.84A.030.A.2 of this chapter shall be subject to the following additional permit and/or application requirements:

A. All applications for new development located along the shoreline or fronting a beach shall include the submittal of a review and/or determination in writing from the State Lands Commission that addresses the proposed project relative to its location or proximity to, or impact upon, the boundary between public tidelands and private property. Any application for development on or along the shoreline filed without such determination shall be determined to be incomplete for filing.

B. Coastal development permit application filing requirements shall include the submittal of mapped documentation identifying the location of any existing recorded shoreline or inland trail OTDs, deed restrictions, or easements on the subject parcel(s).

Analysis. The proposed project is consistent with the requirements for the protection, dedication, improvement, and operation of public access to, and along the coast.

§17.84B.010 [California Coastal Zone Resource Protection - Procedures Water Quality] Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of the quality of coastal waters by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

§17.84B.040 [California Coastal Zone Resource Protection - Procedures Water Quality] Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by Section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses having potential impacts to the quality of coastal waters:

A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 17.84B.050, as applicable.

Analysis. The proposed project is consistent with the provisions of the local coastal program for ensuring the protection of the quality of coastal waters.

§17.84C.010 [California Coastal Zone Resource Protection - Procedures Biological Resources] Purpose

This chapter implements applicable provisions of the local coastal program for ensuring the protection of environmentally sensitive resource areas and other biological resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act and the coastal land use plan.

§17.84C.050 [California Coastal Zone Resource Protection - Procedures Biological Resources] Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by these coastal zone zoning regulations, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or adjacent to ESHA:

- A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 17.84C.060, as applicable.*
- B. Development within non-wetland ESHA. The development or use is:*
 - 1. Dependent on the resources within and/or supported by the ESHA; and*
 - 2. The environmentally sensitive habitat shall be protected against any significant disruption of habitat values.*

Analysis. The proposed project is consistent with the provisions of the local coastal program for ensuring the protection of environmentally sensitive resource areas and other biological resources.

§17.84D.010 [California Coastal Zone Resource Protection - Procedures Protection of Soil Resources] Purpose

This chapter implements applicable provisions of the local coastal program for ensuring the protection of soil resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

§17.84D.040 [California Coastal Zone Resource Protection - Procedures Protection of Soil Resources] Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by Section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses involving the disturbance of soil resources:

- A. General. All development conforms to the development standards set forth in Section 17.84D.050.*

Analysis. The proposed project is consistent with the applicable provisions of the local coastal program for ensuring the protection of soil resources.

§17.84F.010 [California Coastal Zone Resource Protection - Procedures Visual Resources] Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of coastal visual resource areas by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

§17.84F.040[California Coastal Zone Resource Protection - Procedures Visual Resources] Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by Section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development situated within publicly-accessible coastal viewsheds:

A. The development or use has been designed and sited to:

- 1. Protect views to and along the ocean and scenic coastal areas;*
- 2. Minimize landform alteration;*
- 3. Be visually compatible with the character of surrounding areas; and*
- 4. Restore and enhance visual quality in visually degraded areas, where feasible.*

B. Development within designated highly scenic areas: In addition to the supplementary findings set forth in sub-section A, development or use situated within a highly scenic area, as identified within the coastal land use plan, shall:

- 1. Be subordinate to the character of the setting.*

C. All land divisions, including, lot splits, lot line adjustments, merger and resubdivisions: Development siting and design standards for subsequent improvements have been included to ensure that visual resources will not be significantly adversely impacted with respect to: (a) views to and along the coast and scenic areas, (b) natural landform alterations, (c) visual compatibility with the character of the surrounding area, (d) restoration and enhancement, where feasible, of visually degraded areas, and (e) in highly scenic areas, the subordinality of subsequent site development with the character of its setting.

Analysis. The proposed project is consistent with the provisions of the local coastal program for ensuring the protection of coastal visual resource areas.

§17.84G.010 [California Coastal Zone Resource Protection - Procedures Natural and Man-made Hazards Avoidance] Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the avoidance and minimization of risks associated exposure to natural and man-made hazards, including geologic, flooding, wildfire, and toxic materials, by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act.

17.84G.040 [California Coastal Zone Resource Protection - Procedures Natural and Man-made Hazards Avoidance] Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by Section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or in proximity to hazardous areas:

A. General. The development meets all development standards of Section 17.84G.050.

B. Development or uses in to geologic, flooding, and wildfire hazard areas. The development or use has been designed and sited to:

- 1. Minimize risks to life and property;*

2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Analysis. The proposed project is consistent with the provisions of the local coastal program for ensuring the avoidance and minimization of risks associated with exposure to natural and man-made hazards, including geologic, flooding, wildfire, and toxic materials.

SECTION 7: ENVIRONMENTAL DETERMINATION SUMMARY

The project previously received an Emergency Coastal Development Permit (Application CDP24-04) in 2024 for repairs to South Pebble Beach Drive, where bank erosion had caused damage to the public right-of-way. The City recognized that the City “may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 17 can be fully complied with” and authorizes emergency work to “proceed without a [standard CDP] permit” (CCMC § 17.84.016) and that the “Planning Director may grant an emergency [Coastal Development] permit” (CCMC § 17.84.016(D)(2)). The work that occurred for Emergency Coastal Development Permit was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to §15269 (b) Emergency Project, as the “emergency repairs” were to a “publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare.” It has already been submitted to the CEQA portal (State Clearing House) with the assigned number: SCH Number 2024120429.

The proposed after-the-fact permit for the right-of-way repairs has been determined categorically exempt from CEQA pursuant to Class 1 §15301(c) & (d) Existing Facilities.

7.1. Class 1 §15301(c) & (d) Existing Facilities, consists of the proposed project: Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossing, street trees, and other similar alterations that do not create additional automobile lanes.

The proposed project involves alterations to an existing street, sidewalk, gutters, and bicycle facilities. It does not include the addition of new automobile lanes and serves as an after-the-fact permit for emergency repairs to address bank erosion and the collapsed portion of South Pebble Beach Drive.

Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from environmental hazard such as earthquake, landslide, or flood.

The proposed project involves the restoration of a portion of the public right-of-way along South Pebble Beach Drive that collapsed due to erosion.

7.2. 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 1 §15301 (c) & (d) Existing Facilities of the CEQA Guidelines, in that the proposed project:

The proposed project involves alterations to an existing street, sidewalk, gutters, and bicycle facilities. It does not include the addition of new automobile lanes and serves as an after-the-fact permit for emergency repairs to address bank erosion and the collapsed portion of South Pebble Beach Drive.

The proposed project involves the restoration of a portion of the public right-of-way along South Pebble Beach Drive that collapsed due to erosion.

SECTION 8: INTER-DEPARTMENTAL PLANNING REFERRALS

The Inter-Departmental Planning Referrals were provided (on 07/21/25) to other City departments which included the following comments/conditions:

8.1. Police Department: Approved on 07/21/25.

8.2. Fire and Rescue: Approved on 07/24/2025

8.3. Building Department: None

8.4. Public Works Department: None

8.5. California Coastal Commission: The California Coastal Commission, North Coast Office worked with the City throughout the project to ensure that the project was consistent with the Coastal Act.

SECTION 9: PLANNING COMMISSION ACTION OPTIONS

9.1 APPROVAL. Making all the required findings.

- **“I move to adopt Resolution No. PC2025-10, A Resolution of the Planning Commission of the City of Crescent City approving a Coastal Development Permit (Application CDP25-01) approving the bank stabilization and road repair of South Pebble Beach Drive.”**
- 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 their CDP25-01 application, South Pebble Beach Drive bank stabilization project, 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)).

9.2 DENIAL. Denying one, or more, of the required findings.

- **“I move to deny the Coastal Development Permit (Application CDP25-01) 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 develop the garage.

9.3 REQUEST ADDITIONAL INFORMATION. Requiring additional information to make the necessary findings.

- **“I move to request additional information regarding _____ be brought back to the October 9, 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, September 11, 2025, or a specific alternative Special Planning Commission meeting.

Action by the Planning Commission shall be final unless action of the commission is appealed (CCMC § 17.46.040(A)). If no action is taken by the commission sixty days after receipt of all drawings and applications, it shall be deemed accepted and building permits may then be issued, which are in compliance with the drawings submitted for review. If the commission requests modifications, the time periods established shall not be resumed until revisions to the drawings, as requested, are resubmitted for consideration (CCMC § 17.26.040(B)).

Appeals may be filed to the City Council (\$248.00) or the Coastal Commission (at actual costs) according to CCMC § 17.84.040 and Pub. Res. Code § 30603. The proposed location is within the Coastal Commission's appealable zone.

SECTION 10: STAFF RECOMMENDATION

1. (Chair) “Agenized Item #3: A Public Hearing to consider a Coastal Development Permit (Application CDP25-01) for the South Pebble Beach Drive bank stabilization project approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street.”
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.”

9. (Commissioner) **“Adopt Resolution No. PC2025-10, A Resolution of the Planning Commission of the City of Crescent City approving a Coastal Development Permit (Application CDP25-01) approving the bank stabilization and road repair of South Pebble Beach Drive.**
 - a. *Note: Any changes should be included in the motion.*
10. (Chair) “A motion has been made by Commissioner _____. Is there a second?”
11. (Chair) “It was seconded by Commissioner _____.”
12. (Chair) “A motion was made and seconded to: **Adopt Resolution No. PC2025-10, A Resolution of the Planning Commission of the City of Crescent City approving a Coastal Development Permit (Application CDP25-01) approving the bank stabilization and road repair of South Pebble Beach Drive.**
 - a. *Note: Any changes should be included in the motion.*
13. (Chair) “Is there any additional discussion from the Commissioners on the motion?”
14. (Chair) “Seeing as there is no further discussion, it is time for a vote on the motion, Specialist Welton, can you poll the vote?”
15. (Chair) “The motion passes (*or fails*) by a vote of ____-to-____.” (*Example 5-0*)

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

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CALIFORNIA COASTAL COMMISSION

North Coast District Office
1385 Eighth Street, Suite 130
Arcata, CA 95521
(707) 826-8950

**COASTAL DEVELOPMENT PERMIT APPLICATION****INSTRUCTIONS**

Submit an electronic copy of application with all appendices and all required attachments to the general email address for the North Coast District Office, NorthCoast@coastal.ca.gov. In addition, submit a hard copy of the application form, appendices, and attachments, with all required signatures, **the self-addressed stamped envelopes required for noticing**, and permit fee to the North Coast District Office, 1385 Eighth Street, Suite 130, Arcata, CA 95521. For more information, contact the District Office (see the Commission's [Contact Page](#)). **The application will not be processed until the fee is received.**

Please answer all questions. If a question is not applicable to your project, indicate "Not Applicable." **Incomplete applications will not be accepted for filing.** All exhibits must be legible.

CHECKLIST

The checklist is provided for the convenience of applicants in gathering necessary application materials. It is not a complete statement of filing requirements. See Section IV for the full list of Required Attachments and see Appendices A-E.

- ☐ Proof of applicant's interest in the property.
- ☒ Assessor parcel map(s) showing the proposed development site and all adjacent properties within 100 feet of the property boundary.
- ☒ Vicinity map.
- ☒ Two sets of full-size project plans, including site plan(s) and other applicable plans; and one set of reduced (8 1/2" x 11") project plans.
- ☒ Environmental documents for the project (e.g. Notice of Exemption, Negative Declaration, Draft or Final EIR or EIS). Include all comments and responses to date.
- ☐ Technical reports (e.g. wetlands delineation, geology/ soils report, biological survey).

COASTAL DEVELOPMENT PERMIT APPLICATION

CHECKLIST (cont.)

- ☐ Verification of all other permits, permissions or approvals applied for or granted by other public agencies.
- ☐ Declaration of Campaign Contributions. (Appendix A)
- ☐ Local approval of the project with local staff signature. (Appendix B)
- ☒ Stamped envelopes (no postage metering) addressed to the applicant, the applicant's agent, neighboring property owners and occupants, known interested persons, and government agencies, with a complete list of all names and addresses. (Appendix C)
- ☒ Declaration that the Notice of Pending Permit is posted as required. (Appendix D)
- ☒ Filing fee. (Appendix E)
- ☒ Signatures of all applicants and agents as required by Section VII, Section VIII, Appendix A, and Appendix D.

COASTAL DEVELOPMENT PERMIT APPLICATION

SECTION I. APPLICANT

1. Contact information for all applicants. If an applicant is a business entity, attach proof of the ability to do business in California (e.g., registration with the Secretary of State). Attach additional pages as needed.

Name City of Crescent City
Street Address N/A
City Crescent City
State CA Zip Code 95531
Email elawton@shn-engr.com
Daytime Phone Number, including Area Code (707) 464-9506

Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.

2. Contact information for all agents representing one or more applicants. Attach additional pages as needed. Please include all representatives who will communicate, for compensation, on behalf of the applicant or the applicant's business partners. It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with staff, Commissioners, or the Commission or may result in denial of the permit or criminal penalties.

Name Ethan Lawton
Street Address _____
City Crescent City
State CA Zip Code 95531
Email elawton@shn-engr.com
Daytime Phone Number, including Area Code (707) 464-9506

FOR OFFICE USE ONLY

Application Number CDP25-01
Received 06/25/2025
Filed 06/30/2025
Fee N/A
Date Paid N/A

SECTION II. PROPOSED DEVELOPMENT

1. Project Location. If there is no street address, state the nearest cross streets and other description such as GPS coordinates.

Number _____

Street S Pebble Beach Drive between W 7th & W 8th Streets

Zip Code 95531

City Crescent City

County Del Norte Assessor

Parcel Number(s) (APNs)

118-200-006

2. Describe the proposed development in detail. Include secondary improvements such as grading, septic tanks, water wells, roads, driveways, outbuildings, fences, etc. Attach additional pages as necessary.

The proposed project is a design-build project that includes the installation of a micro-pile and soil nail wall system. The vertical micro-pile are set on 18 inch centers and grouted into the existing bedrock. The wall foundation consists of a reinforced cast-in-place grade beam. The near-horizontal soil nails are placed on a 5-ft by 5-ft grid and are drilled into the existing soils and bedrock with anticipated depths ranging from 28-ft to 38-ft. They are to be grouted daily, with in-place resistance field tested to confirm adequate penetration. The wall face is to be a minimum of 10-in thick, with an additional layer of sculpted and stained concrete place on the surface to represent the existing cliff faces. At the base of wall, a strip of Rock Slope Protection (RSP) will be embedded into the existing bedrock (Mudstone or others) above the mean high tide line. The RSP will be faced with the reaming earth berm including the existing planting. Behind the wall, ground water will be captured in a sheet and perforated drain system. It will be dissipated through the RSP at three locations. The intention is to install native planting within the RSP section. The wall will be backfilled with flowable low-density fill. Upon completion of the wall, a 4-ft wide green space will be placed along the top of wall containing a cable rail to provide safety and allow unobstructed views. This green space will be bordered by a 10-ft pedestrian/bike path to the new curb line, followed by the reconstruction of the existing roadway.

a. If multi-family residential, indicate:

Existing units 0
Proposed new units 0
Total units on completion 0
Total bedrooms on completion 0

Type of ownership proposed

☐ Rental ☐ Condominium ☐ Stock Co-op ☐ Timeshare ☒ Other

b. If land division or lot line adjustment, indicate:

Existing lots 1
Proposed new lots 0
Total lots on completion 1
Size of lots created (indicate net or gross acreage)
Existing 0 Proposed 0

3. Estimated cost of development (not including cost of land): \$ ~~1,200,000.00~~

4. Maximum height of structure:

- a. above existing (natural) grade 4" feet
- b. above finished grade 4" feet
- c. as measured from centerline of frontage road 26' 6" feet

5. Total number of floors in structure, including subterranean floors, lofts, and mezzanines N/A

6. Gross floor area

- a. excluding parking N/A sq. ft.
- b. including covered parking and accessory buildings N/A sq. ft.

7. Development area

a. Building lot coverage

Existing N/A Proposed N/A Total N/A sq.ft.

b. Paved areas

Existing 59,920 Proposed 59,920 Total 59,920 sq.ft.

c. Landscaped areas

Existing 0 Proposed 0 Total 0 sq. ft.

d. Unimproved areas

Existing 59,920 Proposed 59,920 Total 59,920 sq. ft.

e. Totals

Existing 59,920 Proposed 59,920 Grand Total 59,920 sq. ft.

8. Is any grading proposed? ☐ YES ☒ NO. If yes, indicate:

a. Cut _____ cubic yards

Maximum height of slope _____ feet

b. Fill _____ cubic yards

Maximum height of slope _____ feet

c. Amount of import _____ cubic yards

Location of borrow site _____

d. Amount of export _____ cubic yards

Location of disposal site _____

Note: Grading, drainage, and erosion control plans must be attached, if applicable. In certain areas, an engineering geology report must be included. See Section IV, No. 11.

9. Parking & Utilities

1. Number of Parking Spaces

Existing

Regular 0 Compact 0 ADA 0 Tandem 0

Existing Total 0

To be Added

Regular 0 Compact 0 ADA 0 Tandem 0

To be Removed

Regular 0 Compact 0 ADA 0 Tandem 0

After Project Total 0

b. Utility Extensions Needed (check yes or no for each type)

Water ☐ YES ☒ NO

Gas ☐ YES ☒ NO

Sewer ☐ YES ☒ NO

Electric ☐ YES ☒ NO

Telephone, Cable, Other ☐ YES ☒ NO

Will any extensions be installed above ground? ☐ YES ☒ NO

10. Does the project include removal of trees or vegetation? ☐ YES ☒ NO

If yes, indicate:

a. Number, type and size of trees _____

b. Type and area of other vegetation _____

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional pages if necessary.

1. Present use of property.

a. Are there existing structures on the property? ☐ YES ☒ NO

If yes, describe:

b. Will any existing structures be demolished? ☐ YES ☒ NO

If yes, describe which structures and methods/ location of disposal:

c. Will any existing structures be removed? ☐ YES ☒ NO

If yes, describe which structures and relocation site:

2. Agreements. Is the proposed development governed by a Development Agreement? ☐ YES ☒ NO

If yes, describe: _____

3. Previous Permits. Has any application for development on this site including any subdivision been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? ☐ YES ☒ NO

If yes, state all previous application number(s): _____

4. Access.

a. Is the development between the first public road and the sea (including lagoons, bays, and other bodies of water connected to the sea)? ☒ YES ☐ NO

If yes, is public access to the shoreline and along the coast currently available on the site or near the site? ☐ YES ☒ NO

If yes, describe the location and nature of the access (e.g. pedestrian, bike paths, trails) with distances from the project site:

b. Will the project have any effect on public access to and along the shoreline, either directly or indirectly (e.g., blocking parking used for access to the beach)? ☐ YES ☒ NO

If yes, describe the effect on access:

5. Waters.

- a. Does the development involve diking, filling, draining, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes?

Diking ☐ YES ☒ NO

Filling ☐ YES ☒ NO

Amount in cubic yards _____

Dredging ☐ YES ☒ NO

Amount in cubic yards _____

Placement of Structures ☐ YES ☒ NO

- b. Location of dredged material disposal site _____

- c. Is a U.S. Army Corps of Engineers permit required? ☐ YES ☒ NO

6. Jurisdiction.

Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? ☐ YES ☒ NO

For projects located or partially located on State lands, additional information may be required. See Section IV.10.

7. Recreation.

- a. Will the development protect existing lower-cost visitor and recreational facilities?

☐ YES ☒ NO

- b. Will the development provide public or private recreational opportunities?

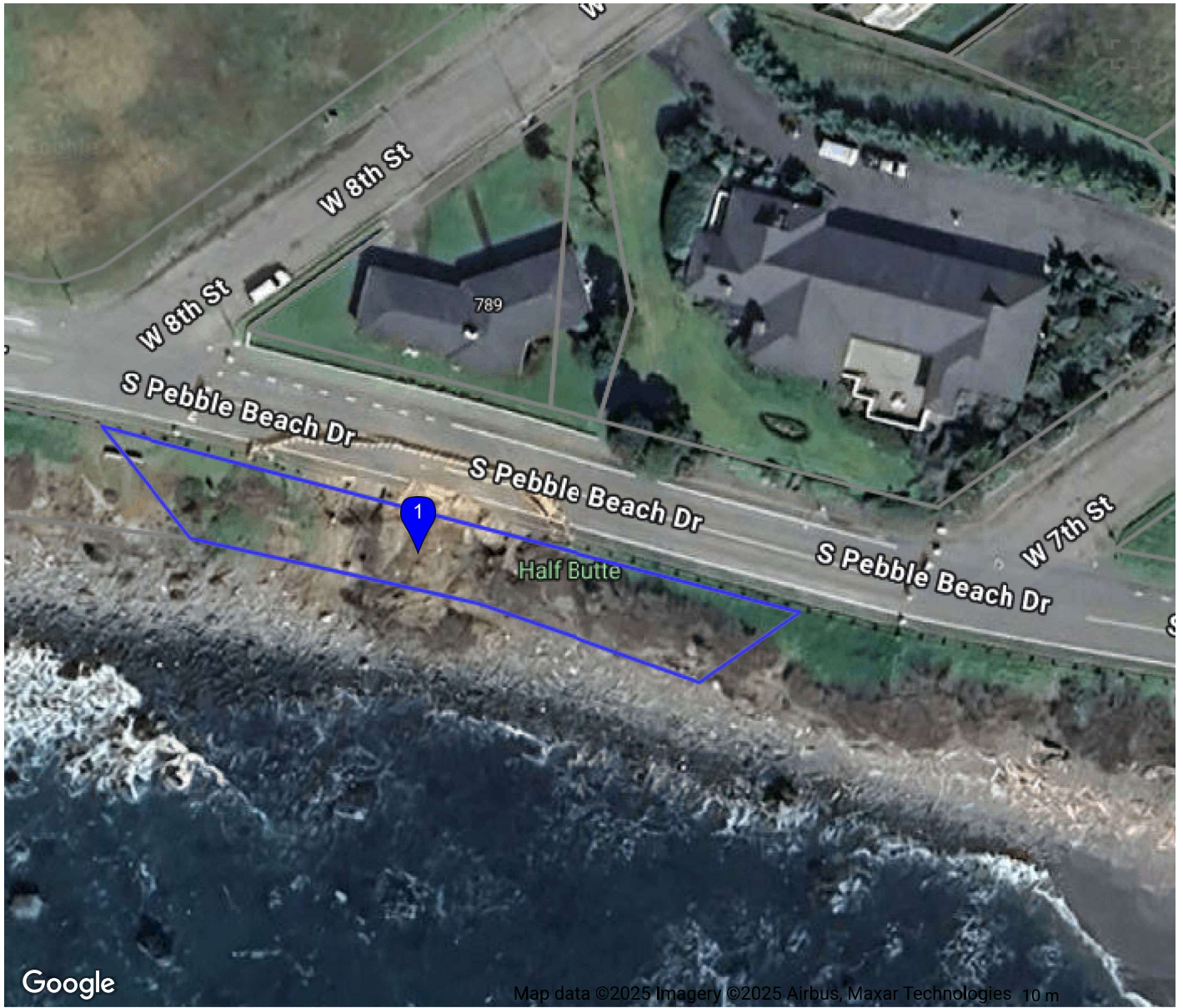
☒ YES ☐ NO

If yes, describe the recreational opportunities provided:

Bike trails and pedestrian path along road side.

8. Agricultural Use. Will the proposed development convert land currently or previously used for agriculture to another use? ☐ YES ☒ NO
- a. If yes, is the land prime land? ☐ YES ☒ NO
- b. How many acres will be converted? ⁰ _____
9. Is the proposed development in or near:
- a. Sensitive habitat areas ☐ YES ☒ NO If yes, a biological survey may be required.
- b. Areas containing state or federally listed rare, threatened, or endangered species, or candidate species ☐ YES ☒ NO If yes, a biological survey may be required.
- c. 100-year floodplain ☐ YES ☒ NO. If yes, hydrologic mapping may be required.
- d. Park or recreation area ☐ YES ☒ NO
10. Will the proposed development be visible from:
- a. State Highway 1 or other scenic route ☒ YES ☐ NO
- b. Park, beach, or recreation area ☒ YES ☐ NO
- c. Harbor area ☐ YES ☒ NO
11. If the site contains any of the following, attach a description of the resource and any proposed mitigation.
- a. Historic resources ☐ YES ☒ NO
- b. Archaeological resources ☐ YES ☒ NO
- c. Paleontological resources ☐ YES ☒ NO
12. Where a stream or spring is to be diverted, estimate:
- a. Streamflow or spring yield (gpm) ^{N/A} _____
- b. Existing and any changed yield of well(s) (gpm) ^{N/A} _____
- c. If water source is on adjacent property, attach the Department of Water Resources approval and property owner's approval.





☒ 1 Property Address:

Ownership

County: **DEL NORTE**
Assessor: **JENNIFER PERRY**
Parcel # (APN): **118-200-006-000**
Parcel Status: **ACTIVE**
Owner Name: **CRESCENT CITY CITY OF**
Mailing Address: **377 J ST CRESCENT CITY CA 95531**
Legal Description:

Assessment

Total Value:	Tax Rate Area: 001-001	County Zoning Code:
Land Value:	Year Assd: 2025	
Impr Value:	Census Tract: 1.01/1	
Other Value:	Use Code: EX	
% Improved: 0%	Use Type: TAX EXEMPTS	
Exempt Amt:		
Exempt Type:		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				11/08/2024
Document Number:				2024R3871
Document Type:				
Transfer Amount:				
Price/SqFt:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres:	Spaces:	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		

APN 118-150-001-000

TIM YORK
240 WILLOW GLEN CT
CRESCENT CITY CA 95531

APN 118-200-002-000

CRESCENT CITY CITY OF
377 J ST
CRESCENT CITY CA 95531

APN 118-200-006-000

CRESCENT CITY CITY OF
377 J ST
CRESCENT CITY CA 95531

APN 118-200-010-000

GROOM FAMILY TRUST
900 NORTHCREST DR #292
CRESCENT CITY CA 95531

APN 118-150-002-000

CRISTIN L BRUCE
678 TAYLOR ST
CRESCENT CITY CA 95531

APN 118-200-003-000

CANDACE LEE TINKLER
P.O. BOX 1741
CRESCENT CITY CA 95531

APN 118-200-007-000

KUAN JUNG LIN
2026 TURNBULL CANYON ROAD
HACIENDA HEIGHTS CA 91745

APN 118-200-011-000

TIMOTHY & ELIZABETH ONEILL
366 MARMORE RD
CHICO CA 95928

APN 118-200-001-000

CRESCENT CITY CITY OF
377 J ST
CRESCENT CITY CA 95531

APN 118-200-004-000

CANDACE LEE TINKLER
P.O. BOX 1741
CRESCENT CITY CA 95531

APN 118-200-008-000

KUAN JUNG LIN
2026 TURNBULL CANYON RD
LA PUENTE CA 91745

Recording requested by: City of Crescent City	
When recorded return to and mail tax statements to: City of Crescent City 377 J Street Crescent City, CA 95531	
APN 118-200-006-000	Exempt from recording fee per Gov. Code § 27383
	Exempt from SB2 fee per Gov. Code § 27388.1(a)(2)(D)
DOCUMENTARY TRANSFER TAX DECLARATION <i>The undersigned declares:</i> Documentary Transfer Tax: \$0.00 Exempt per Rev. & Tax Code § 11922	

Filed and Recorded in Official
 Records of County of Del Norte
 Alissia Northrup
 Clerk & Recorder
 DOC # 20243871
 Filed By: CITY OF CRESCENT CITY
 11/08/2024 08:46 AM
 Titles: 1 Pages: 3
 Total Fees: \$0.00

QUITCLAIM DEED

For valuable consideration, the receipt of which is hereby acknowledged, Gregory William Grinnell, a married man, as his sole and separate property, hereby quitclaims to the City of Crescent City, a California municipal corporation, the following real property in the City of Crescent City, County of Del Norte, State of California:

ALL of Block 130 of the City of Crescent City, according to the official surveys and monuments thereof, said block being bounded by Seventh Street, Eighth Street, Cemetery Street, an unnamed street running parallel to Cemetery Street and by the ordinary high water line of the Pacific Ocean.

EXCEPTING THEREFROM those portions thereof described in the following deeds, all of record in the office of the County Recorder of Del Norte County:

1. Deed to LESTER A. MANOSAR and wife recorded November 19, 1958 in Book 51 of Official Records, page 332.
2. Deed to FRANK R. HENDRICKS and wife recorded September 21, 1966 in Book 123 of Official Records, page 40.
3. The land described in the exception in Parcel Two of deed to E.M. FRASER and wife recorded November 5, 1958 in Book 51 of Official Records, page 119.

DATED:

9/27/2024

GREGORY WILLIAM GRINNELL

A notary public or other officer completing this certificate verifies the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF VENTURA

On September 27, 2024 before SOPHIA S. OROZCO me,

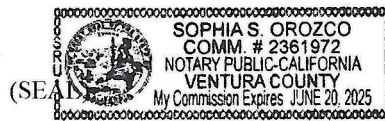
Notary Public, personally appeared

GREGORY WILLIAM GRINNELL
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]



Certificate of Acceptance

Gov. Code § 27281

This is to certify that the interest in real property conveyed by the deed dated September 7, 2024 from Gregory William Grinnell, to the City of Crescent City, a California municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Crescent City pursuant to authority conferred by Resolution No. 2024-83 of the City Council adopted on November 4, 2024 and the grantee consents to recordation thereof by its duly authorized officer.

By: _____

Eric Wier, City Manager

Date: _____

11/6/24

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

County of Del Norte

On 11-6-2024, before me, ROBIN E. ALTMAN,
Notary Public, personally appeared ERIC WIER, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

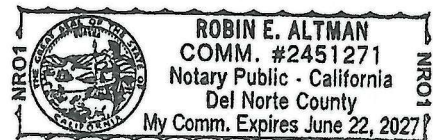
I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Rob E. Altman

Signature of Notary Public

[seal]



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APPENDIX D

POSTING ON SITE

Prior to or at the time the application is submitted for filing, the applicant or agent must post, at a conspicuous place as close as possible to the site of the proposed development and in a manner easily read by the public, notice that an application for the proposed development has been submitted to the Commission. Such notice shall contain a general description of the nature of the proposed development. Use the NOTICE OF PENDING PERMIT form (last page) and print on yellow stock card. Fill in the application number on the Notice as soon as possible once staff communicates the application number to you. The notice must remain posted until the application is acted on by the Commission. If the applicant fails to post the completed notice form or fails to sign the Declaration of Posting, the Executive Director of the Commission shall refuse to file the application. (See Cal. Code Regs., Title 14, Section 13054(d).) Your application will not be processed without a signed and dated Declaration. **Submit the Declaration to the District Office along with the completed application.**

DECLARATION OF POSTING

I hereby certify on _____ (date of posting), I or my authorized representative posted the Notice of Pending Permit for the application to obtain a coastal development permit for the development of _____

_____ (description of development) located at _____ (address, APN). The public notice was posted in a conspicuous place, easily seen by the public and as close as possible to the site of the proposed development.

Name (print) _____

Signature _____

Date _____



NOTICE OF PENDING PERMIT

**A COASTAL DEVELOPMENT PERMIT APPLICATION FOR
A POTENTIAL DEVELOPMENT ON THIS SITE IS
PENDING BEFORE THE PLANNING COMMISSION
OF THE CITY OF CRESCENT CITY.**

PROPOSED DEVELOPMENT:

Emergency bank stabilization and road repair

LOCATION: Approximately 350 feet along Pebble Beach Drive
between W 8th Street and W 7th Street, Crescent
City, CA 95531

APPLICANT: The City of Crescent City

APPLICATION NUMBER: CDP25-01

DATE NOTICE POSTED: August 29, 2025

**FOR FURTHER INFORMATION, PLEASE CONTACT THE CITY
OFFICE BETWEEN 8 A.M. AND 5 P.M. WEEKDAYS.**



City of Crescent City
Community Development Department
Att.: Planning & Zoning
377 J Street, Crescent City, CA 95531
707-464-7483

CITY OF CRESCENT CITY
COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING & ZONING
377 J Street, Crescent City, CA 95531 (707-464-9506)



Incorporated April 13, 1854

web: www.crescentcity.org

NOTICE OF PENDING PERMIT

**A COASTAL DEVELOPMENT PERMIT APPLICATION FOR
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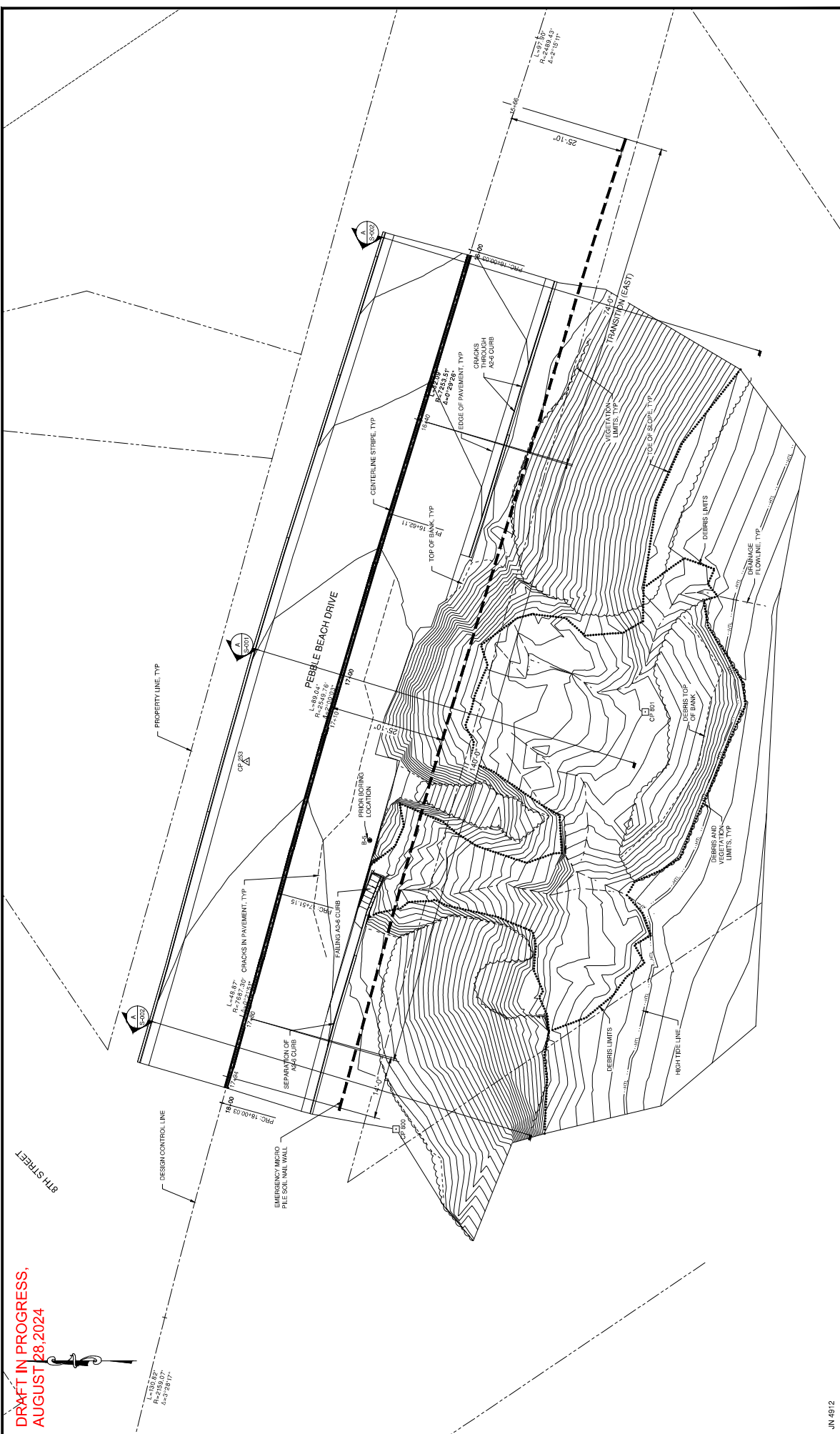
**FOR FURTHER INFORMATION, PLEASE CONTACT THE CITY
OFFICE BETWEEN 8 A.M. AND 5 P.M. WEEKDAYS.**



City of Crescent City
Community Development Department
Att.: Planning & Zoning
377 J Street, Crescent City, CA 95531
707-464-7483



9/28/2024 11:48 AM



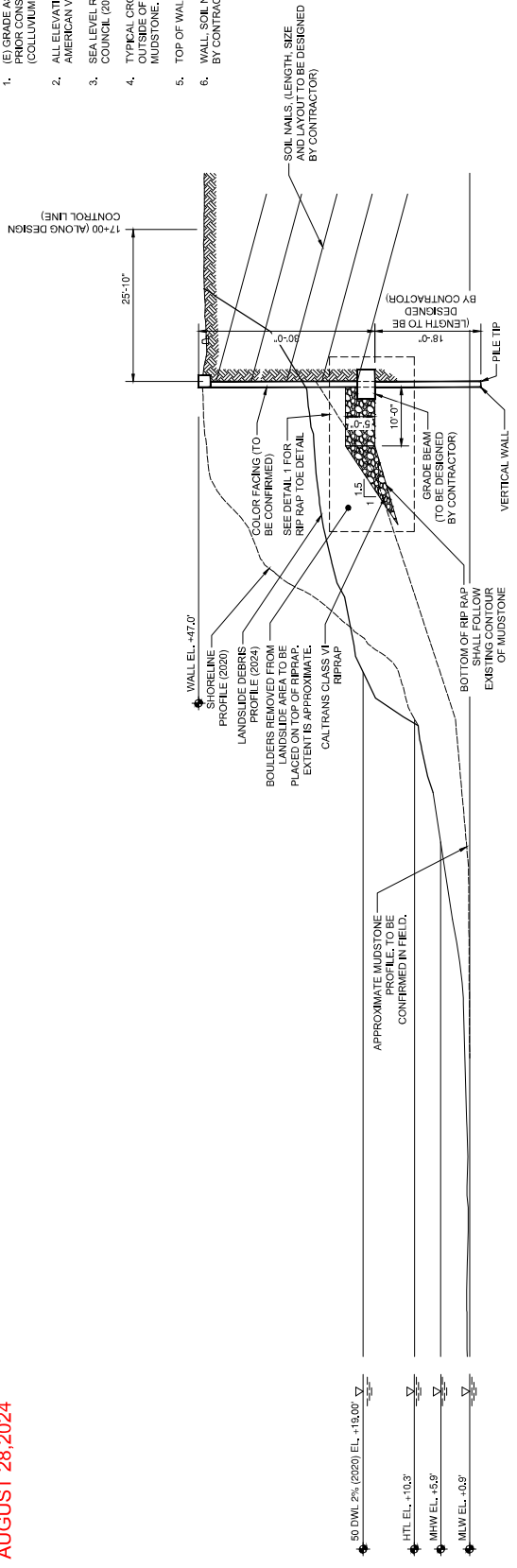
DRAFT IN PROGRESS,
AUGUST 28, 2024

PROJECT: A207852 SCALE: AS SHOWN DATE: 04/30/21		CITY OF CRESCENT CITY PEBBLE BEACH DRIVE BANK STABILIZATION PROJECT CRESCENT CITY, CA		WALL ALIGNMENT PLAN		G-003	
555 12th Street, Suite 1700 Oakland, CA 94607 Tel: 510.839.5715 Fax: 510.839.5715 Website: www.cowi-usa.com		COWI		DRAWING INFO: DESIGNED BY: GRBH, DRAWN BY: MCLS, CHECKED BY: JNCT 1. BARS EQUAL TO ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES IF DISTANCE VARIES APPROPRIATELY.		0	

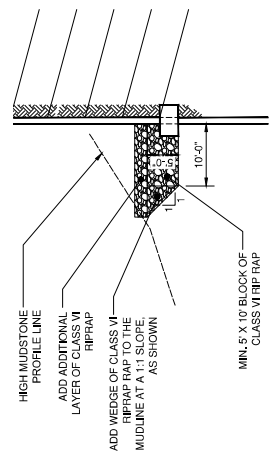
DRAFT IN PROGRESS,
AUGUST 28, 2024

COWI SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET.

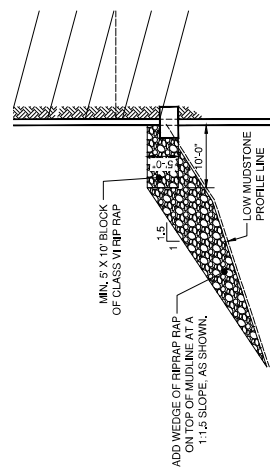
- NOTES
- (E) GRADE ASSUMED TO HAVE UP TO 4-6 FEET OF ROCK/SOIL FROM PRIOR CONSTRUCTION PROJECTS AND OR PLACED MATERIAL (COLLUVIUM).
 - ALL ELEVATIONS ARE GIVEN IN FEET RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - SEA LEVEL RISE ALLOWANCE WAS SET PER OCEAN PROTECTION COUNCIL (2024) GUIDANCE. SLR IS 0.8 FT BY 2050 AND 2.0 FT BY 2075.
 - TYPICAL CROSS SECTION WILL APPLY FOR APPROX. 140'-FT LENGTH. OUTSIDE OF THIS, BOTTOM OF PILECAP TO BE 6'-FT BELOW THE MUDSTONE. NEED TO CONFORM WITH MUDSTONE ELEVATIONS.
 - TOP OF WALL TO BE APPROXIMATELY 1' FT ABOVE EXISTING PAVEMENT.
 - WALL, SOIL NAILS, MICRO PILES, DRAINAGE SYSTEM TO BE DESIGNED BY CONTRACTOR BASED ON GEOMETRY SHOWN.



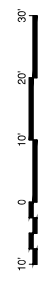
A TYPICAL SECTION
SCALE: 1"=10'



1A DETAIL - HIGH MUDSTONE PROFILE LINE
SCALE: 1"=10'



1B DETAIL - LOW MUDSTONE PROFILE LINE
SCALE: 1"=10'

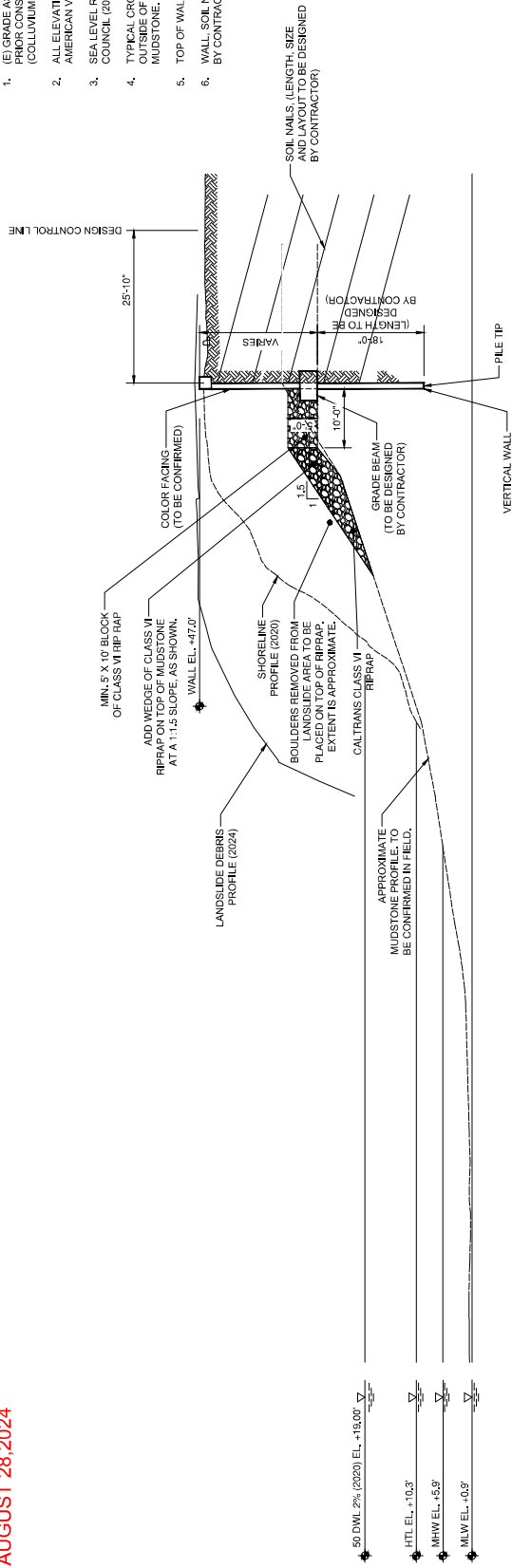


CITY OF CRESCENT CITY PEBBLE BEACH DRIVE BANK STABILIZATION PROJECT CRESCENT CITY, CA				PROJECT: A207852 SCALE: AS SHOWN DATE: 04/30/21	
TYPICAL SECTION				S-001	
555 12th Street, Suite 1700, Oakland, CA 94607 Tel: 510.839.5715 Fax: 510.839.5715 Website: www.cowi-na.com				DRAWING INFO: DESIGNED BY: GRH/ DRAWN BY: MCLS - CHECKED BY: JNCT 0 BARS EQUAL TO ONE INCH ON ORIGINAL DRAWING. 1 ADJUST SCALES IF DISTANCE VARIES APPROPRIATELY.	
C:\Users\JUBA\OneDrive\Documents\60-Working\Progress\30-Drawings\A207852-G-5.dwg					

DRAFT IN PROGRESS,
AUGUST 28, 2024

COWI SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET.
8/28/2024 11:32 AM

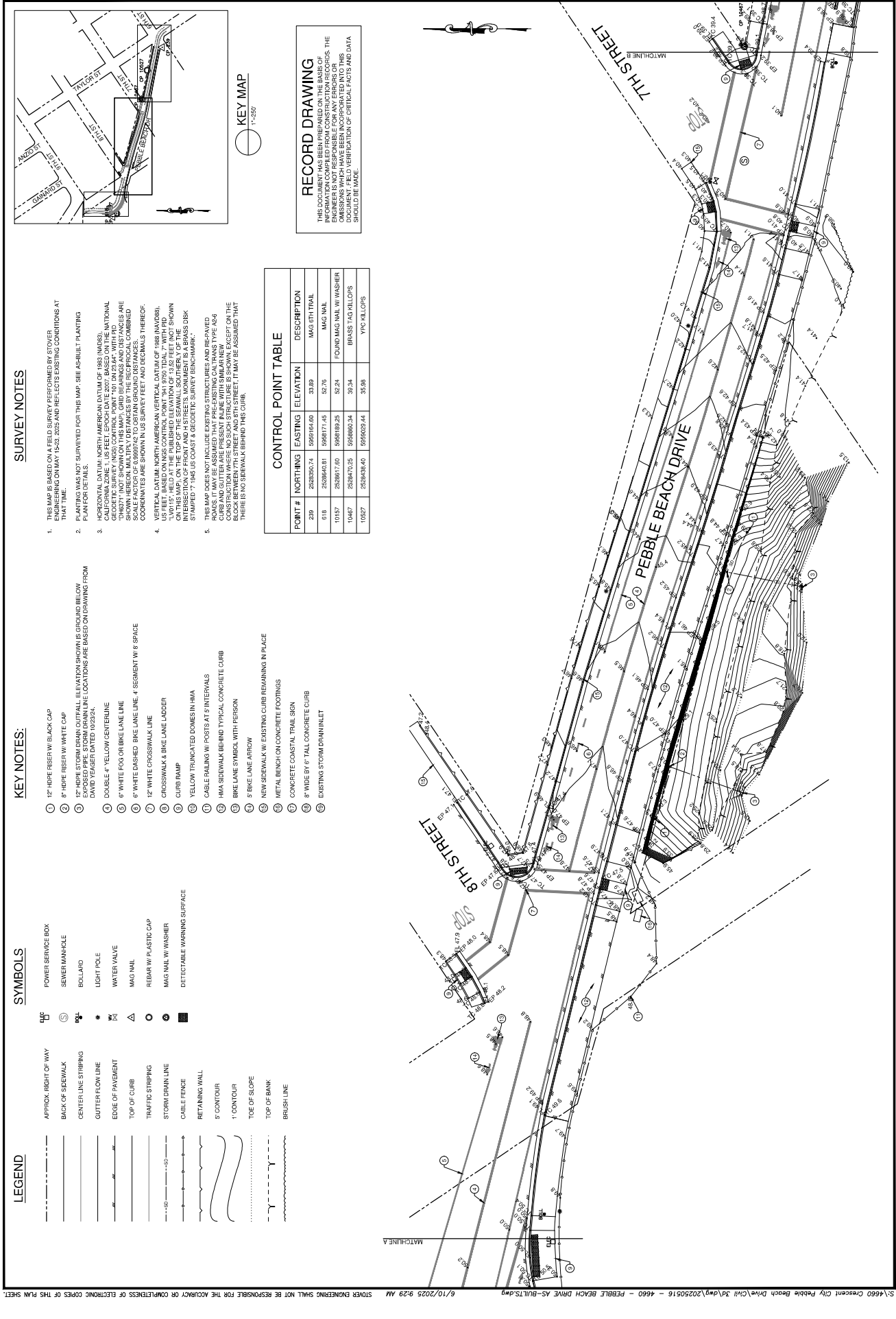
- NOTES
- (E) GRADE ASSUMED TO HAVE UP TO 4-6 FEET OF ROCK/SOIL FROM PRIOR CONSTRUCTION PROJECTS AND/OR PLACED MATERIAL (COLLUVIUM).
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B.1 TRANSITION SECTION
SCALE: 1"=10'



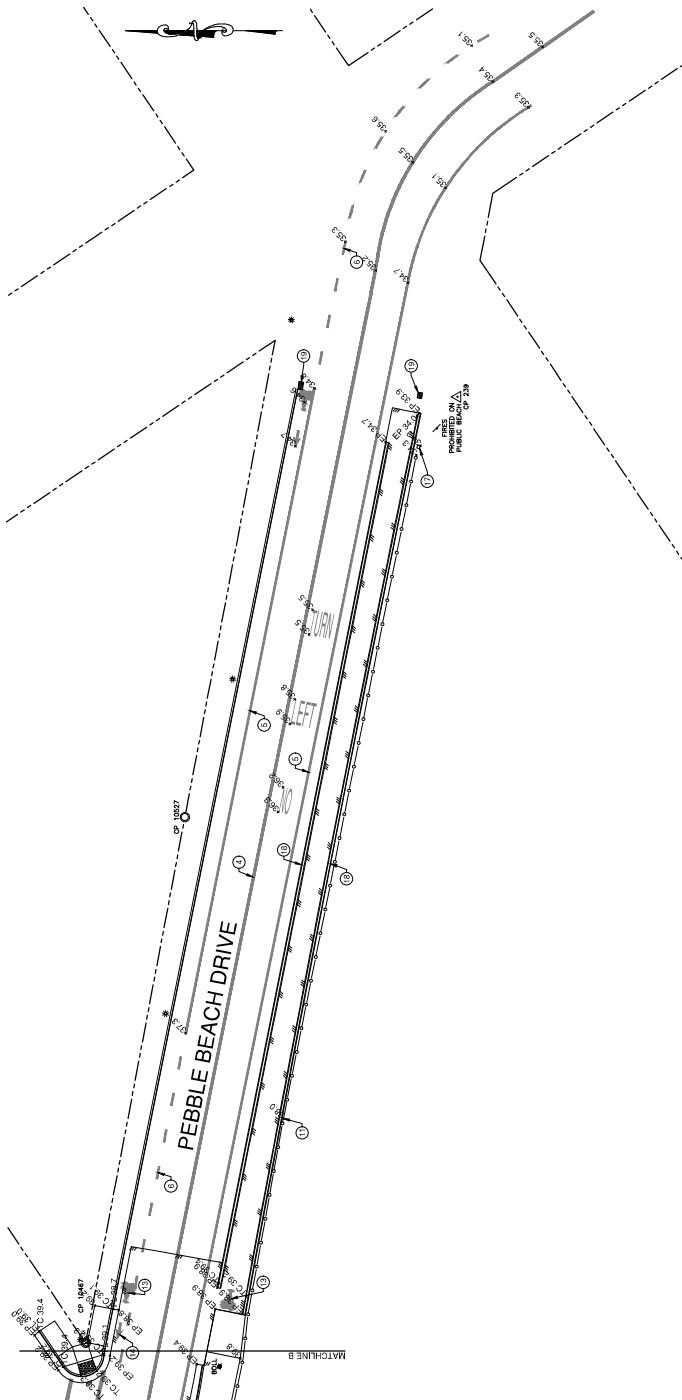
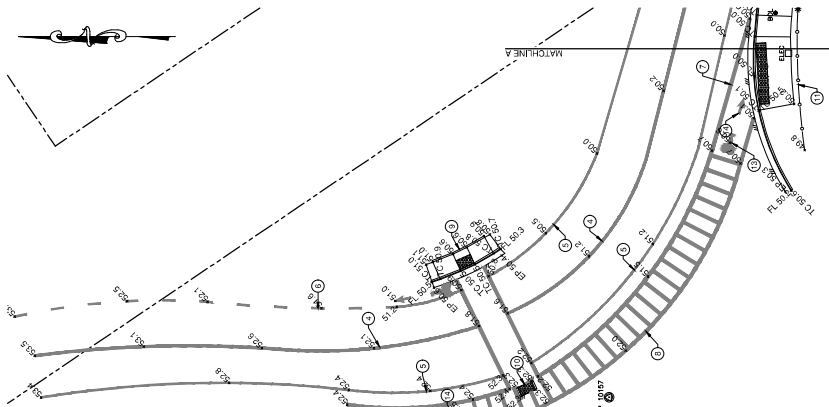
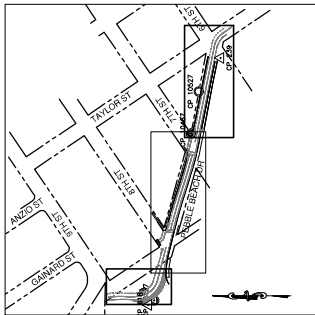
										PROJECT: A207852 SCALE: AS SHOWN DATE: 04/30/21	
CITY OF CRESCENT CITY PEBBLE BEACH DRIVE BANK STABILIZATION PROJECT CRESCENT CITY, CA										S-002	
TRANSITION SECTION											
555 12th Street, Suite 1700, Oakland, CA 94607 Tel.: 510.839.8372 Fax: 510.839.8372 Website: www.cowi-na.com											
											



RECORD DRAWING

- KEY MAP
1"=250'

THIS DOCUMENT HAS BEEN PREPARED ON THE BASIS OF INFORMATION COMPILED FROM CONSTRUCTION RECORDS. THE ENGINEER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT. FIELD VERIFICATION OF CRITICAL FACTS AND DATA SHOULD BE MADE.





**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 06/2022)**

Project Information

Project Name (if applicable): Emergency Opening on Pebble Beach Drive

DIST-CO-RTE: 01-CRC-CR-0

PM/PM: NA

EA: NA

Federal-Aid Project Number: ER-15Y4(006)

Project Description

Project is part of Emergency Proclamation 24-4 and is not in the
FSTIP. See continuation sheet for project description and details.

Caltrans CEQA Determination (Check one)

- ☒ **Not Applicable** – Caltrans is not the CEQA Lead Agency
☐ **Not Applicable** – Caltrans has prepared an IS or EIR under CEQA

Based on an examination of this proposal and supporting information, the project is:

- ☐ **Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)
☐ **Categorically Exempt. Class** Enter class. (PRC 21084; 14 CCR 15300 et seq.)
☐ No exceptions apply that would bar the use of a categorical exemption (PRC 21084 and 14 CCR 15300.2). See the [SER Chapter 34](#) for exceptions.
☐ **Covered by the Common Sense Exemption.** This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (14 CCR 15061[b][3].)

Senior Environmental Planner or Environmental Branch Chief

_____ Print Name	_____ Signature	_____ Date
Not Applicable		
_____ Print Name	_____ Signature	_____ Date



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Caltrans NEPA Determination (Check one)

☐ **Not Applicable**

Caltrans has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). See [SER Chapter 30](#) for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

☒ **23 USC 326:** Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2022, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

☐ **23 CFR 771.117(c): activity (c)(Enter activity number)**

☐ **23 CFR 771.117(d): activity (d)(Enter activity number)**

☒ **Activity 4 listed in Appendix A of the MOU between FHWA and Caltrans**

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, Caltrans has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

Cassie Nichols

Print Name

Cassie Nichols

Signature

8/6/24

Date

Project Manager/ DLA Engineer

Russell Hansen

Print Name

Russell Hansen

Signature

8/6/2024

Date

Date of Categorical Exclusion Checklist completion (if applicable): Enter date
Date of Environmental Commitment Record or equivalent: Enter date

Briefly list environmental commitments on continuation sheet if needed (i.e., not necessary if included on an attached ECR). Reference additional information, as appropriate (e.g., additional studies and design conditions).



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation sheet:

Project Description

The project is located between W. 6th Street and the Preston Island parking access on Pebble Beach Drive in Crescent City, CA. The center of the slide repair is located at 41.750148° N, - 124.210266° W within the Crescent City USGS Quadrangle.

Background

Bluff erosion and roadway failure due to excessive precipitation and high storm surge in March of 2024 caused complete bank failure and loss of the roadway between 7th Street and 8th Street on S. Pebble Beach Drive. The road is currently closed to the public and thru traffic to protect further loss of life and property. Emergency Opening (EO) work is proposed to restore the essential travel for use by the public and Emergency Services, and to protect the safety and minimize damage to the public and facilities.

On June 21, 2024, due to severe damage to roads and highways, California Governor Gavin Newsom proclaimed a state of emergency existed in Del Norte County (Disaster CA 24-4). A failure on Pebble Beach Drive, an area adjacent to the original DAF (KCB-CRC-001-4) limits, is included in the Emergency Declaration. Pebble Beach Drive is a designated Urban Major Collector and has an average daily traffic of 1,500.

Project Details

The EO project limits (1498-feet) extend along Pebble Beach Drive from 6th Street to Preston Island parking access. EO construction includes a temporary backfill stabilizing wall with RSP placed for wave protection at the bottom, and road prism reconstruction. The approximately 200-ft long temporary wall will be built at the slope failure between 7th Street and 8th Street. Pebble Beach Drive can then be reopened to allow emergency vehicles access through the project site until the permanent repairs can be completed.

Traffic Control

Traffic is currently prevented from accessing Pebble Beach drive between 7th and 8th streets and will continue to be detoured around the site during construction.

Erosion and Sediment Controls

The City will ensure the contractor implements necessary Best Management Practices (BMPs) to reduce and avoid effects from erosion, stormwater, and construction. Some potential BMPs include:

- If temporary stockpiles were needed, they were covered with fabric or weed-free straw and were isolated with silt fence, straw bales, or linear sediment barriers (earthen berms).
- When necessary, silt fence or tightly spaced straw bales were installed beneath the roadway in areas where there was the potential for mineral soil and other construction debris to accumulate or be released to areas outside the designated construction zone.



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

- After construction was complete, the city installed necessary erosion control measures to prevent erosion from the site.
- Equipment fueling and maintenance activities were performed in pre-designated areas, with emergency containment and clean-up BMPs onsite at all times.
- Applicable measures within the Caltrans Construction Site BMP manual
- Other City or contractor approved BMPs that are applicable.

Environmental Analysis

Biological Resources

The project has no effect on any species federally listed, candidate, or proposed for listing. The project has no take of any state listed, proposed, or candidate for listing. There is no adverse effect on any species identified by CDFW as a Species of Special Concern (SSC).

The project has no effect on critical habitat or EFH for any federally listed species.

Cultural Resources

A Section 106 screening memo prepared by CT PQS on July 30, 2024 determined that the project has no potential to affect historic properties or other types of cultural resources.

Other Resources

The project is not a Type I or II project and will have only temporary noise effects from construction. The project is located outside of the 100-year floodplain. A Geotracker search for hazardous waste materials didn't uncover any haz waste sites in the project area.

Environmental Commitments

Biology

Avoidance and Minimization Measures

Standing vegetation will be removed where necessary. If the project construction occurs outside the nesting season (February 1 to August 31) for MBTA and CDFW bird species no additional measures are necessary to minimize or avoid impacts. If the project occurs during the nesting season: vegetation removal will require pre-construction bird survey(s) no more than 7-days prior to construction by a qualified biologist to determine presence/absence of nesting birds. If nesting birds are present, appropriate avoidance buffers will be established in consultation with CDFW and maintained until the birds voluntarily leave the nest(s).

Permits

The following Regulatory agency permits or notifications may be required:

- Coastal Development Permit, or Waiver, or Emergency Exemption

Air Quality Checklist



Transportation Air Quality Conformity Findings Checklist

PROJECT INFORMATION

Project Name: Emergency Opening On Pebble Beach Drive

DIST-CO-RTE-PM: 01-CRC-CR-0

EA: NA

Federal Aid Number: ER-15Y4(006)

Document Type: ☒ 23 USC 326 CE ☐ 23 USC 327 CE ☐ EA ☐ EIS

CHECKLIST

Step 1. Is the project located in a nonattainment or maintenance area for ozone, nitrogen dioxide, carbon monoxide (CO), PM_{2.5}, or PM₁₀ per [EPA's Green Book](#) listing of non-attainment areas?

☒ If no, go to Step 18. **Transportation conformity does not apply to the project.**

☐ If yes, go to Step 2.

Step 2. Is the project exempt from conformity per [40 CFR 93.126](#) or [40 CFR 93.128](#)?

☐ If yes, go to Step 18. **The project is exempt from all project-level conformity requirements (40 CFR 93.126 or 128)** (check one box below and identify the project type, if applicable).

☐ 40 CFR 93.126¹

Project type from Table 2: _____

☐ 40 CFR 93.128

☐ If no, **go to Step 3.**

Step 3. Is the project exempt from regional conformity per [40 CFR 93.127](#)?

☐ If yes, go to Step 8. **The project is exempt from regional conformity requirements (40 CFR 93.127)** (identify the project type).

Project type: _____

☐ If no, go to Step 4.

Step 4. Is the project located in a region with a currently conforming RTP and TIP?

☐ If yes, **the project is included in a currently conforming RTP and TIP per 40 CFR 93.115. The project's design and scope have not changed significantly from what was assumed in RTP conformity analysis (40 CFR 93.115[b])** Go to Step 8.

☐ If no and the project is located in an isolated rural area, go to Step 5.

☐ If no and the project is not located in an isolated rural area, STOP and do not proceed until a conforming RTP and TIP are adopted.

¹ Please refer to [Clarifications on Exempt Project Determinations](#) to verify exempt project type from Table 2. Road diets, auxiliary lanes less than one-mile, and ramp metering may be exempt under "projects that correct, improve, or eliminate a hazardous location or feature."

Step 5. For isolated rural areas, is the project regionally significant per 40 CFR 93.101, based on review by Interagency Consultation?

- ☐ If yes, go to Step 6.
- ☐ If no, go to Step 8. **The project, located in an isolated rural area, is not regionally significant and does not require a regional emissions analysis (40 CFR 93.101 and 93.109[e]).**

Step 6. Is the project included in another regional conformity analysis that meets the isolated rural area analysis requirements per 40 CFR 93.109, including Interagency Consultation and public involvement?

- ☐ If yes, go to Step 8. **The project, located in an isolated rural area, has met its regional analysis requirements through inclusion in a previously-approved regional conformity analysis that meets current requirements (40 CFR 93.109[e]).**
- ☐ If no, go to Step 7.

Step 7. The project, located in an isolated rural area, requires a separate regional emissions analysis.

- ☐ **Regional emissions analysis for regionally significant project, located in an isolated rural area, is complete. Regional conformity analysis was conducted that includes the project and reasonably foreseeable regionally significant projects for at least 20 years. Interagency Consultation and public participation were conducted. Based on the analysis, the interim or emission budget conformity tests applicable to the area are met (40 CFR 93.109[e] and 95.105).² Go to Step 8.**

Step 8. Is the project located in a CO nonattainment or maintenance area? (South Coast Air Basin only)

- ☐ If no, go to Step 9. **CO conformity analysis is not required.**
- ☐ If yes, **hot-spot analysis requirements for CO per the [CO Protocol](#) (or per EPA's modeling guidance, CAL3QHCR can be used with EMFAC emission factors³) have been met. Project will not cause or contribute to a new localized CO violation (40 CFR 93.116 and 93.123)⁴. Go to Step 9.**

Step 9. Is the project located in a PM₁₀ and/or a PM_{2.5} nonattainment or maintenance area?

- ☐ If no, go to Step 13. **PM_{2.5}/PM₁₀ conformity analysis is not required.**
- ☐ If yes, go to Step 10.

² The analysis must support this conclusion before going to the next step.

³ Use of the CO Protocol is strongly recommended due to its use of screening methods to minimize the need for modeling. When modeling is needed, the Protocol simplifies the modeling approach. Use of CAL3QHCR must follow U.S. EPA's latest CO hot spot guidance, using EMFAC instead of MOVES; see: <http://www.epa.gov/otaq/stateresources/transconf/projectlevel-hotspot.htm#co-hotspot>.

⁴ As of October 1, 2007, there are no CO nonattainment areas in California. Therefore, the requirements to not worsen existing violations and to reduce/eliminate existing violations do not apply.

Step 10. Is the project considered to be a Project of Air Quality Concern (POAQC), as described in EPA's [Transportation Conformity Guidance](#) for PM 10 and PM 2.5?

- ☐ If no, **the project is not a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Analysis Guidance. Interagency Consultation concurred with this determination on _____. Go to Step 12.**
- ☐ If yes, go to Step 11.
-

Step 11. The project is a POAQC.

- ☐ **The project is a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123, and EPA's Hot-Spot Guidance. Interagency Consultation concurred with this determination on _____. Detailed PM hot-spot analysis, consistent with 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Guidance, shows that the project would not cause or contribute to, or worsen, any new localized violation of PM10 and/or PM2.5 standards. Go to Step 12.**
-

Step 12. Does the approved PM SIP include any PM10 and/or PM2.5 control measures that apply to the project, and has a written commitment been made as part of the air quality analysis to implement the identified SIP control measures? [Control measures can be found in the applicable Federal Register notice at: <https://www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-9#ca>.]

- ☐ If yes, **a written commitment is made to implement the identified SIP control measures for PM10 and/or PM2.5 through construction or operation of this project (40 CFR 93.117). Go to Step 14.**
- ☐ If no, go to Step 13.
-

Step 13a. Have project-level mitigation or control measures for CO, PM10, and/or PM2.5, included as part of the project's design concept and scope, been identified as a condition of the RTP or TIP conformity determination? AND/OR

Step 13b. Are project-level mitigation or control measures for CO, PM10, and/or PM2.5 included in the project's NEPA document? AND

Step 13c (applies only if Step 13a and/or 13b are answered "yes"). Has a written commitment been made as part of the air quality analysis to implement the identified measures?

- ☐ If yes to 13a and/or 13b and 13c, **a written commitment is made to implement the identified mitigation or control measures for CO, PM10, and/or PM2.5 through construction or operation of this project. These mitigation or control measures are identified in the project's NEPA document and/or as conditions of the RTP or TIP conformity determination (40 CFR 93.125(a)). Go to Step 14.**
- ☐ If no, go to Step 14.
-

Step 14. Does the project qualify for a Categorical Exclusion pursuant to 23 USC 326?

- ☐ If yes, go to step 15.
- ☐ If no, the project requires preparation of a Categorical Exclusion, EA, or EIS pursuant to 23 USC 327. Go to Step 16.

Step 15. Is any analysis required by steps 1-13 of this form?⁵

- ☐ If yes, then Caltrans prepares the appropriate analysis and documentation for the project file and makes the conformity determination through its signature on the CE form. No FHWA involvement is required. See the AQCA Annotated Outline. Go to Step 18.
- ☐ If no, then Caltrans makes the conformity determination through its signature on the CE form. No FHWA involvement is required. Go to Step 18.

Step 16. Is the project located in a non-attainment/maintenance area for **ozone only and considered not regionally significant/non-exempt?**

- ☐ If yes, go to Step 18.⁶
- ☐ If no, then **an AQCA is needed**. See the AQCA Annotated Outline. Caltrans submits a conformity determination request to FHWA for FHWA's conformity determination. Go to Step 17.

Step 17. Send FHWA Request for Conformity Determination package and [FHWA Submittal Package Checklist](#) to DOTP- Air Quality (rodney.tavitas@dot.ca.gov) and DEA-Air Quality (daisy.laurino@dot.ca.gov) for completeness review. Please direct technical questions to DOTP-Air Quality office. Headquarters staff will coordinate with FHWA on behalf of the district.

Date of FHWA air quality conformity determination: _____

Step 18. STOP as all air quality conformity requirements have been met.

SIGNATURE

Vincent Heim

Senior Environmental Scientist
(Specialist)

Vincent Heim

Signature

08/05/2024

Date

⁵ Please note that not all projects that qualify for a categorical exclusion will be exempt from air quality conformity requirements. Many types of projects that may qualify for a CE (such as the addition of auxiliary lanes less than one-mile, weaving lanes less than one-mile, turning lanes less than one-mile, climbing lanes less than one-mile, parking, road diets, ramp metering, and even many bridge projects) MAY require some level of project level conformity analysis and may even require interagency consultation. Additionally, please note that for ALL projects the project file must include evidence that one of the three following situations apply: 1) Conformity does not apply to the project area; or 2) The project is exempt from all conformity analysis requirements; or 3) The project is subject to project-level conformity analysis (and possibly regional conformity analysis) and meets the criteria for a conformity determination. The project file must include all supporting documentation and this checklist.

⁶ Project-level conformity analysis shows that the project will conform to the State Implementation Plan. Because the project area is Attainment/Unclassified for carbon monoxide (CO) and particulate matter (PM10 and PM2.5), no hot spot analysis is required for the project-level conformity determination by 40 CFR 93.116 and 93.123. The project comes from a conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). Include documentation of interagency consultation review in the final CE/EA/EIS, if applicable.

Section 7 Biological Memo

Memorandum

*Making Conservation
a California Way of Life*

To: File

July 31, 2024

File No.: DAF: PMP-CRC-002-0
City of Crescent City
Pebble Beach Dr. Emergency Opening

From: DEPARTMENT OF TRANSPORTATION – District 1

Steve Hansen, Biologist

Steven Hansen

Subject: Biological Review – Emergency Opening Repairs

Project Description

The project is located between W. 6th Street and Preston Island parking access on Pebble Beach Drive in Crescent City, CA. The center of the slide repair is located at 41.750148° N, - 124.210266° W within the Crescent City USGS Quadrangle.

Background

Bluff erosion and roadway failure due to excessive precipitation and high storm surge in March of 2024 caused complete bank failure and loss of the roadway between 7th Street and 8th Street on Pebble Beach Drive.

On June 21, 2024, due to severe damage to roads and highways, California Governor Gavin Newsom proclaimed a state of emergency existed in Del Norte County (Disaster CA 24-4). A failure on Pebble Beach Drive, an area adjacent to the original DAF (KCB-CRC-001-4) limits, is included in the Emergency Declaration.

Pebble Beach Drive is a designated Urban Major Collector and has an average daily traffic of 1,500.

Project Description

The EO project limits (1498-feet) extend along Pebble Beach Drive from 6th Street to Preston Island parking access. The emergency opening construction includes a temporary backfill stabilizing wall with RSP placed for wave protection at the bottom, and road prism reconstruction. The approximately 200-ft long temporary wall will be built at the slope failure between 7th Street and 8th Street. Pebble Beach Drive can then be reopened to allow emergency vehicles access through the project site until the permanent repairs can be completed.

The EO construction will secondarily aid the construction of the permanent repair by providing horizontal access to the proposed permanent repair (PR) soldier pile wall (with tiebacks) which will be constructed on the ocean-side of the temporary wall. The temporary wall will remain undisturbed and in place during the construction of the permanent wall. The RSP placed for wave protection at the bottom of the temporary wall will be relocated during the permanent repair construction.

The proposed permanent repair (PR) on Pebble Beach Drive that will include this location is in the process of review for potential effects to biological resources in a separate NEPA document.

Methods

Sensitive biological resources were evaluated prior to the EO construction utilizing the project scope and description obtained from the FHWA Damage Assessment Form (DAF). Photos of the site, aerial photos, and lists of sensitive biological resources likely to occur within or near the project were reviewed. A site visit was conducted May 9, 2024, by Steve Hansen, Caltrans biologist, to evaluate the adjacent habitats for the potential for sensitive biological resource presence. The project was evaluated to determine if there was a potential to affect sensitive biological resources directly or indirectly.

Resources Evaluated

Table 1 provides a summary report of the sensitive biological resources and the potential for this project to affect them directly or indirectly. Elements in the list were obtained from the CNDDDB BIOS Report for elements within a 1-mile radius of the project, from the Natural Environment Study for the Pebble Beach Drive Storm Damage Project (ER 32D0 (009)) (March 25, 2024), from the USFWS IPaC list and the NMFS list generated for the emergency opening project.

The CNDDDB BIOS and CNDDDB Report for the Crescent City, CA Quadrangle were consulted to determine if any additional sensitive biological resources have been noted on or near the project since the NES for the earlier PR project was completed.

TABLE 1 – SENSITIVE RESOURCE LIST

ARTHROPODS

<i>Bombus occidentalis</i> western bumble bee	SCE	Absent	Habitat: rich supplies of floral resources, nest underground or in areas such as clumps of grass on the ground. Habitat is present nearby but not at the EO location. No take.
<i>Danaus plexippus</i> Monarch butterfly	FC	Absent	Habitat: monarchs overwinter in groves along the California coast. Larval host plants are not present. Habitat is not present. No impact.

BIRDS

<i>Brachyramphus marmoratus</i> marbled murrelet	FT CH	Absent	Habitat: Coastal waters, bays. Nests well inland in mature forest. Critical habitat is not present. Suitable habitat is not present. No effect.
<i>Charadrius alexandrinus nivosus</i> western snowy plover Pacific Coast DPS	FT CH CDFW SSC	Absent	Habitat: beaches and river bars near the ocean. No habitat is present. No effect.
<i>Coccyzus americanus</i> yellow-billed cuckoo Western U.S. DPS	FT	Absent	Habitat: found in dense riparian and adjacent forest. No habitat is present. No effect.
<i>Strix occidentalis caurina</i> northern spotted owl	FT CH	Absent	Habitat: nest in mature and old-growth forests with more than 60% closed canopy. Critical

			habitat is not present. Suitable habitat is not present. No effect.
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FISH

<i>Eucyclogobius newberryi</i> tidewater goby	FE	Absent	Habitat: brackish estuaries. Habitat is not present. No effect.
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MAMMALS

<i>Martes caurina</i> Pacific Marten, Coastal DPS	FT PCH SE	Absent	Habitat: Mature, late-seral, structurally complex forests with old, large trees, multiple canopy layers, snags, downed logs, dense under story. Habitat is not present. No effect.
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MOLLUSK

<i>Pomatiopsis chacei</i> marsh walker	None	Absent	Habitat: Semi-aquatic, wet leaf litter and vegetation beside flowing or standing water in shaded situations where humidity remains high. Habitat is not suitable. No impact.
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PLANTS

<i>Calamagrostis crassiglumis</i> Thurber's reed grass	CNPS 2B.1	Absent	Habitat: Coastal scrub (mesic), marshes and swamps (freshwater). Habitat is not present. No impact.
<i>Carex lenticularis</i> var. <i>limnophila</i> lagoon sedge	CNPS 2B.2	Absent	Habitat: Shores, beaches, bogs and fens, marshes and swamps, North Coast coniferous forest. Habitat is not present. No impact.
<i>Gilia capitata</i> ssp. <i>pacifica</i> Pacific gilia	CNPS 1B.2	Absent	Coastal bluff scrub, chaparral (openings), coastal prairie, Valley, and foothill grassland. Habitat is present. No impact.
<i>Lilium occidentale</i> Western lily	FE CNPS 1B.1	Absent	Habitat: Bogs and fens, coastal bluff scrub, coastal prairie, coastal scrub, marshes and swamps (freshwater), North Coast coniferous forest (openings). Habitat is not present. No effect.
<i>Lupinus constancei</i> Lassics lupine	FE CNPS	Absent	Habitat: Lower montane coniferous forest (serpentine), 1500 – 2000m. Project is outside the range of the species. No effect.
<i>Moneses uniflora</i> ghost-pipe	CNPS 2B.2	Absent	Habitat: Broadleaf upland forest, North Coast coniferous forest. Habitat is not present. No impact.
<i>Oenothera wolfii</i> Wolf's evening-primrose	CNPS 1B.1	Absent	Habitat: Coastal Strand, Coastal Prairie, Yellow Pine Forest, Northern Coastal Scrub. Habitat is present nearby. No impact.
<i>Potamogeton foliosus</i> ssp. <i>fibrillosus</i> fibrous pondweed	CNPS 2B.3	Absent	Habitat: Shallow freshwater marshes and swamps. Habitat is not present. No impact.
<i>Romanzoffia tracyi</i> Tracy's romanzoffia	CNPS 2B.3	Absent	Rocky coastal bluff scrub, coastal scrub. Habitat is present. No impact.

<i>Packera bolanderi</i> var. <i>bolanderi</i> seacoast ragwort	CNPS 2B.2	Absent	Habitat: sometimes roadsides, coastal scrub, North Coast coniferous forest. No impact.
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Absent [A] - no habitat present and no further work needed. Potentially Present: habitat is or may be present. The species may be present. Present [P] - the species is present. Critical Habitat [CH] - project footprint is located within a designated critical habitat unit but does not necessarily mean that appropriate habitat is present. Status: Federal Endangered (FE); Federal Threatened (FT); Federal Proposed (FP, FPE, FPT); Federal Candidate (FC), Federal Species of Concern (FSC); State Endangered (SE); State Threatened (ST); State Wait Listed (SWL), State Candidate Endangered (SCE); State Candidate Threatened (SCT); Fully Protected (FP); State Rare (SR); State Species of Special Concern (SSC); California Native Plant Society (CNPS), etc. CNPS Ranking System 1A: Plants presumed extirpated in California and rare or extinct elsewhere; 1B: Plants rare, threatened, or endangered in California and elsewhere; 2A: Plants presumed extirpated in California, but common elsewhere; 2B: Plants rare, threatened, or endangered in California, but more common elsewhere; 3: Plants about which more information is needed; 4: Plants of limited distribution. Threat ranks: 0.1– Seriously threatened in California (>80% of occurrences threatened); 0.2 - Moderately threatened in California (<80%, but >20% occurrences threatened); 0.3 - Not very threatened in California (<20% occurrences threatened). California Natural Diversity Database (CNDDDB), Element occurrence (EO).

Existing Conditions

The habitat descriptions and nomenclature conventions within this analysis reference the CDFW's CWHR. Four vegetative communities were identified in the project limits. The habitats are barren, coastal bluff scrub, ice plant mat, and urban.

Barren

Barren habitats are defined by the absence of vegetation. Within the project area, barren areas occupy portions of the beach between the high tide line and coastal scrub community in areas dominated by cobbles and rocks as well as in bedrock outcroppings. Barren habitats do not contain appropriate soils to support much plant life. Wildlife that may occur in barren areas include gulls and hauled-out pinnipeds.

Coastal Bluff Scrub

Coastal bluff scrub communities may occur in very narrow bands, often not extending more than a few meters inland. The low growing shrubs, herbs and succulents that comprise coastal bluff scrub must be able to tolerate constant exposure to salt spray and dry, salty soil. In areas with sea bluffs or rocky headlands, a coastal bluff scrub community is often well developed just above the high tide level or at the margins of the erosion face of the bluff. Plants of this habitat sometimes cling to nearly vertical rock faces just above the wave wash.

In the project area coastal bluff scrub habitat occurs on rocky headlands and vertical, rocky bluff faces between barren and urban vegetative communities. Plant species characteristic of the coastal bluff scrub community within the project area may include sea lettuce (*Dudleya farinosa*), Pacific stonecrop (*Sedum pathulifolium*), and seaside daisy (*Erigeron glaucus*). No special-status plants occur within this habitat in the project area.

Ice Plant Mat

Ice plant mat is an herbaceous community where various taxa of ice plant characterize the herbaceous layer with few emergent trees and shrubs. Ice plants are ground-hugging perennial succulents that form impenetrable mats that cover large areas. Originally introduced for landscaping and widely used for soil

stabilization, ice plants have invaded dunes, coastal bluffs, and coastal prairies along the immediate coast where they compete with native species for moisture, nutrients, and space.

Within the project area, ice plant mats are dominated by the species *Carpobrotus edulis*. This plant community occurs as small, isolated patches along coastal bluffs that were disturbed by previous actions to address coastal erosion.

Urban

Urban areas typically have a small diversity of trees, shrubs, and grasses. Examples include residential landscapes, roadway shoulders, parks, and school grounds. Non-native landscape species and invasive weeds are common. This land cover type also includes paved surfaces. No special-status plants occur within this habitat in the project area.

Special Status Species Discussion

Birds

No state or federally listed, proposed or candidate bird species are likely to occur on or near the project location. No critical habitat for any bird species is present. The proposed EO work will have no effect on marbled murrelet, northern spotted owl, western snowy plover, or yellow-billed cuckoo.

Bird species protected under the federal Migratory Bird Treaty Act (MBTA) and/or California Fish and Game Code Sections 3500 to 3516 may be present on or near the proposed repair. The proposed construction will require the removal of native vegetation on the bluff face. Appropriate avoidance and minimization measures to eliminate potential impacts to protected bird species will be incorporated into the project.

Fish

The list provided by NOAA Fisheries (NMFS) and CDFW indicate the potential occurrence of several listed species, critical habitat, and Essential Fish Habitat (EFH) within the Crescent City quadrangle. The project lies adjacent to the upper strand of rocky coastal ocean front. Project construction will occur at the top of the wave slope above the high tide line where slide debris has accumulated.

The project is adjacent to a marine environment but is not within critical habitat for Coho salmon or green sturgeon. The project is above the high tide line and will not impact essential fish habitat (EFH) for Chinook or Coho salmon, groundfish, or coastal pelagics.

The project will have no effect on Coho salmon (SONCC ESU), eulachon, or green sturgeon.

No suitable habitat for federally listed tidewater goby is present. The project had no effect on tidewater goby. No tidewater goby critical habitat is present.

Mammals

Suitable habitat for the federally listed Pacific martin (*Martes caurina*), coastal DPS is not present on or near the project. There are no documented occurrences of this species in the nearby area and this location is situated within the urban development of Crescent City. The project will have no effect on Pacific martin.

Marine Mammal Protection Act – Cetaceans would not be present on or near the project since the appropriate marine habitat is not present. Pinnipeds are known to haul out along beaches for sunning, sleeping, and pupping. Pinnipeds are not known to utilize this rocky area for haul-out. The project will have no impact to pinnipeds or other protected marine mammals.

Plants

No federally listed plant species are endemic to this location. The roadside habitat impacted by the emergency opening repair is highly impacted by urban development. Non-native grasses and ruderal species are present on the roadway shoulders to where the bluff drops towards the ocean. This habitat area is not suitable for any sensitive plant species or has no documented occurrences at this location.

Habitat suitable for the federally listed western lily (*Lilium occidentale*) and Lassics lupine (*Lupinus constancei*) is not present at this location. The project has no effect on these two listed plants.

Reptiles

Sea turtles are indicated by the NMFS list as potentially occurring in the oceanic habitat off the California coast. Winter water temperature is at the lower limits of their tolerance range (45-50° F) and winter storm, currents and surf conditions would preclude their presence during the winter months in this vicinity. The rocky beach below the bluff is not suitable for haul out for marine reptiles. The project will have no impact to marine reptiles.

Effect Finding

The project has no effect on any species federally listed, candidate or proposed for listing. The project has no take of any state listed, proposed, or candidate for listing. There is no adverse effect on any species identified by CDFW as a Species of Special Concern (SSC).

The project has no effect on critical habitat or EFH for any federally listed species.

Avoidance and Minimization Measures

Standing vegetation will be cleared, cut, or disturbed by the EO project implementation. If the project construction occurs outside the nesting season (February 1 to August 31) for MBTA and CDFW bird species no additional measures are necessary to minimize or avoid impacts. If the project occurs during the nesting season: vegetation removal will require pre-construction bird survey(s) no more than 7-days prior to construction by a qualified biologist to determine presence/absence of nesting birds. If nesting birds are present, appropriate avoidance buffers will be established in consultation with CDFW and maintained until the birds voluntarily leave the nest(s).

To: File
DAF: PMP-CRC-002-0
Pebble Beach Dr. Emergency Opening
July 31, 2024
Page 7

State and Federal Waters, Wetlands

Federally jurisdictional waters are present adjacent to this project. The project location occurred above the high tide line which is the limit of federal waters subject to regulation under Section 10 of the Rivers and Harbors Appropriations Act of 1899. If construction activities are necessary below the high tide line, a regulatory permit is required. No wetlands are present.

Regulatory Agency Permits

Regulatory agency permits or notifications may be required. US Army Corps of Engineers regulates Waters of the United States (WOTUS) subject to Section 10 regulations. The discharge of dredge or fill material into WOTUS requires a Clean Water Act (Section 401) Certification or Waiver from the Regional Water Quality Control Board. The project is within state jurisdiction of the California Coastal Commission. A Coastal Development Permit, Waiver, or Emergency Exemption may be required for the NEPA Coastal Consistency Determination.

Agency Coordination and Professional Contacts

No consultation or technical assistance with the USFWS or NOAA/NMFS was required for this project.

Cc. Local Assistance Engineer

BIOS Map Pebble Beach Drive EO Project

7/29/24, 3:12 PM

Bios6 Print Table

OBJECTID	Scientific_Name	Common_Name	Element_Code	Occ_Number	MAPNDX	EONDX	Key_Quad_Code	Key_Quad_Name	Key_Cour
60115	Moneses uniflora	woodnymph	PDPYR02010	7	28028	90490	4112472	Crescent City	DNT
25001	Martes caurina humboldtensis	Humboldt marten	AMAJF01012	1	28028	55388	4112472	Crescent City	DNT
19176	Romanzoffia tracyi	Tracy's romanzoffia	PDHYD0E030	1	28028	46124	4112472	Crescent City	DNT
94362	Pomatiopsis chacei	marsh walker	IMGASJ9030	2	28028	120957	4112472	Crescent City	DNT
70984	Bombus occidentalis	western bumble bee	IIHYM24252	3	28028	99272	4112472	Crescent City	DNT
28946	Carex lenticularis var. limnophila	lagoon sedge	PMCYP037A7	4	28028	61230	4112472	Crescent City	DNT
22973	Gilia capitata ssp. pacifica	Pacific gilia	PDPLM040B6	18	28028	52303	4112472	Crescent City	DNT
17987	Calamagrostis crassiglumis	Thurber's reed grass	PMPOA17070	2	28028	41706	4112472	Crescent City	DNT
13158	Potamogeton foliosus ssp. fibrillosus	fibrous pondweed	PMPOT030B1	1	28028	15018	4112472	Crescent City	DNT
22587	Packera bolanderi var. bolanderi	seacoast ragwort	PDAST8H0H1	7	28028	51874	4112472	Crescent City	DNT



Division Created by Geographic Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad=span style="color: red;">IS -Japan-(Crescent City (4112472))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Abronia umbellata</i> var. <i>breviflora</i> pink sand-verbena	PDNYCD10N4	None	None	G4G5T2	S2	1B.1
<i>Actinocyclus maenensis</i> northwestern pond turtle	ARAAD002031	Proposed Threatened	None	G2	SNR	SSC
<i>Anthoxanthum nitens</i> ssp. <i>nitens</i> vanilla-grass	PMPCA35041	None	None	G5T5	S2	2B.3
<i>Ardea herodias</i> great blue heron	ABNGAD4010	None	None	G5	S4	
<i>Bombus caliginosus</i> obscure bumble bee	IHYMD4380	None	None	G2G3	S1S2	
<i>Bombus occidentalis</i> western bumble bee	IHYMD4252	None	Candidate Endangered	G3	S1	
<i>Brachyramphus naumastus</i> marbled murrelet	ABNNND6010	Threatened	Endangered	G3	S2	
<i>Branta hutchinsii leucoparens</i> cedking (=Aleutian Canada) goose	ABRUB05035	Deleted	None	G5T3	S3	WL
<i>Calamagrostis canadensis</i> Thurber's reed grass	PMPCA17070	None	None	G2G3	S2	2B.1
<i>Calicium adpressum</i> spiral-spored gilled-head pin lichen	NLT0005640	None	None	G3G4	S1	2B.2
<i>Cardamine northalli</i> var. <i>gemmata</i> yellow-tubed toothwort	PD5RAD0R3	None	None	G5T3-G	S2	3.3
<i>Carex acuta</i> northern clustered sedge	PMCIYP03040	None	None	G5	S1	2B.2
<i>Carex fendleri</i> var. <i>stenophylla</i> lagoon sedge	PMCIYP037A7	None	None	G5T5	S1	2B.2
<i>Carex lyngbyei</i> Lyngbye's sedge	PMCIYP037YD	None	None	G5	S3	2B.2
<i>Carex pratensis</i> northern meadow sedge	PMCIYP03820	None	None	G5	S2	2B.2
<i>Carex viridula</i> ssp. <i>viridula</i> green yellow sedge	PMCIYP03EM5	None	None	G5T5	S2	2B.3
<i>Castilleja florata</i> Oregon coast paintbrush	PD5CRD0012	None	None	G3	S3	2B.2
<i>Ceratolima monacensis</i> rhinoceros skull	ABNNN11010	None	None	G5	S3	WL
<i>Charadrius nivosus nivosus</i> western snowy plover	ABNNB03031	Threatened	None	G3T3	S3	SSC
<i>Circus hudsonius</i> northern hunter	ABNKC111011	None	None	G5	S3	SSC



Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Coastal and Valley Freshwater Marsh</i>	CTTS2410CA	None	None	G3	S2.1	
<i>Coastal and Valley Freshwater Marsh</i>						
<i>Coastal Brackish Marsh</i>	CTTS2200CA	None	None	G2	S2.1	
<i>Coastal Brackish Marsh</i>						
<i>Cochlearia groenlandica</i>	PDGRA08020	None	None	G4	S1	2B.3
<i>Greenland cochlearia</i>						
<i>Coenonympha tullia yontocketi</i>	ILEPN8035	None	None	G5T1T2	S1S2	
<i>Yontocket satyr</i>						
<i>Elanus leucurus</i>	ABNKC08010	None	None	G5	S3S4	FP
<i>white-tailed kite</i>						
<i>Eriogonum nigrum</i>	PDENP03020	None	None	G5	S1?	2B.2
<i>black crowberry</i>						
<i>Erethizon dorsatum</i>	AMAFJ01010	None	None	G5	S3	
<i>North American porcupine</i>						
<i>Eriogonum nudum</i> var. <i>penalinum</i>	PDGPN08498	None	None	G5T2	S1	2B.2
<i>Del Norte buckwheat</i>						
<i>Erysimum concinnum</i>	PDGRA160E3	None	None	G3	S2	1B.2
<i>bluff wallflower</i>						
<i>Eucyclogobius newberryi</i>	AFCQN04010	Endangered	None	G3	S3	S8C
<i>sidewater goby</i>						
<i>Eumetopias jubatus</i>	AMAJC03010	Delisted	None	G3	S2	
<i>Steller sea lion</i>						
<i>Fratercula cirrhata</i>	ABNNN12010	None	None	G5	S1S2	S8C
<i>tufted puffin</i>						
<i>Gilia capitata</i> asp. <i>pacifica</i>	PDPLM040B8	None	None	G5T3	S3	1B.2
<i>Pacific gilia</i>						
<i>Gilia millefoliata</i>	PDPLM04130	None	None	G2	S2	1B.2
<i>dark-eyed gilia</i>						
<i>Hesperisax sparsiflora</i> var. <i>brevifolia</i>	PDASTE5011	None	None	G4T3	S3	1B.2
<i>short-leaved evax</i>						
<i>Hydrobates furcatus</i>	ABNDC04010	None	None	G5	S1	S8C
<i>fork-tailed storm-petrel</i>						
<i>Juga chacei</i>	IMGASK4180	None	None	G1	S1	
<i>Chico juga</i>						
<i>Lathyrus japonicus</i>	PDFAB250C0	None	None	G5	S2	2B.1
<i>seaside pea</i>						
<i>Lathyrus palustris</i>	PDFAB250P0	None	None	G5	S2	2B.2
<i>marsh pea</i>						
<i>Lilium occidentale</i>	PMLIL1A030	Endangered	Endangered	G1G2	S1	1B.1
<i>western lily</i>						
<i>Limnephilus atercus</i>	ITR115020	None	None	G3G4	S1S2	
<i>Fort Dick limnephilus caddisfly</i>						



Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Lythamachia europaea</i> arctic starflower	PDPRI0A020	None	None	G5	S1	2B.2
<i>Martes caurina humboldtensis</i> Humboldt marten	AMALF01012	Threatened	Endangered	G4G5T1	S1	SSC
<i>Monadenia fidelis promotis</i> rocky coast Pacific sideband	IMQASC7032	None	None	G4G5T1	S1	
<i>Moneses uniflora</i> woodnymph	PDPYR02010	None	None	G5	S2	2B.2
<i>Monotropa uniflora</i> ghost-pipe	PDMON03030	None	None	G5	S2	2B.2
Northern Coastal Salt Marsh Northern Coastal Salt Marsh	CTT52110CA	None	None	G3	S3.2	
<i>Nycticorax nycticorax</i> black-crowned night heron	ABNGA11010	None	None	G5	S4	
<i>Oenothera wolffii</i> Wolff's evening-primrose	PDONA0C1K0	None	None	G2	S1	1B.1
<i>Oncorhynchus clarkii clarkii</i> coast cutthroat trout	AFCHA0208A	None	None	G5T4	S3	SSC
<i>Pectera bolanderi</i> var. <i>bolanderi</i> seacoast ragwort	PDAST8H0H1	None	None	G4T4	S2S3	2B.2
<i>Pandion haliaetus</i> osprey	ABNKC01010	None	None	G5	S4	WL
<i>Phacelia argentea</i> sand dune phacelia	PDHYD0C070	Threatened	None	G2	S1	1B.1
<i>Pinguicula macrocarpa</i> horned butterwort	PDLNT01040	None	None	G4	S2	2B.2
<i>Pomatopsia chacei</i> marsh waker	IMQASL9030	None	None	G1	S2	
<i>Potamogeton foliosus</i> ssp. <i>fibrillosus</i> fibrous pondweed	PMPOT030B1	None	None	G5T2T4	S1S2	2B.3
<i>Pyrocoma racemosa</i> var. <i>congesta</i> Del Norte pyrocoma	PDASTD10F4	None	None	G5T4	S2	2B.3
<i>Rana aurora</i> northern red-legged frog	AAABH01021	None	None	G4	S3	SSC
<i>Rhyacotriton variegatus</i> southern torrent salamander	AAAAJ01020	None	None	G3?	S2S3	SSC
<i>Romanzoffia tracyi</i> Tracy's romanzoffia	PDHYD0E030	None	None	G4	S2	2B.3
<i>Sagittaria sanfordii</i> Sanford's arrowhead	PMALJ040Q0	None	None	G3	S3	1B.2
<i>Sanguisorba officinalis</i> great burnet	PDRCS1L0B0	None	None	G5?	S2	2B.2



Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Sidalcea malachroides</i> maple-leaved checkerbloom	PDMAL110E0	None	None	G3	S3	4.2
<i>Sidalcea malviflora</i> ssp. <i>patula</i> Siskiyou checkerbloom	PDMAL110F0	None	None	G4G5T2	S2	1B.2
<i>Sidalcea oregana</i> ssp. <i>aximila</i> coast checkerbloom	PDMAL110K0	None	None	G5T1	S1	1B.2
<i>Speyeria zerene hippolyta</i> Oregon silverspot butterfly	ILEPJ8087	Threatened	None	G5T1	S1	
<i>Sulcaria spiratiformis</i> twisted horsehair lichen	NLT0042560	None	None	G3G4	S2	1B.2
<i>Viola lingsdortii</i> Lingsdorf's violet	PDVIO04100	None	None	G4	S1	2B.1
<i>Viola palustris</i> alpine marsh violet	PDVIO04100	None	None	G5	S1S2	2B.2

Record Count: 69



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arcata Fish And Wildlife Office

1655 Heindon Road

Arcata, CA 95521-4573

Phone: (707) 822-7201 Fax: (707) 822-8411



In Reply Refer To:

07/30/2024 21:19:14 UTC

Project Code: 2024-0123691

Project Name: Emergency Opening - Pebble Beach Drive

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may

affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

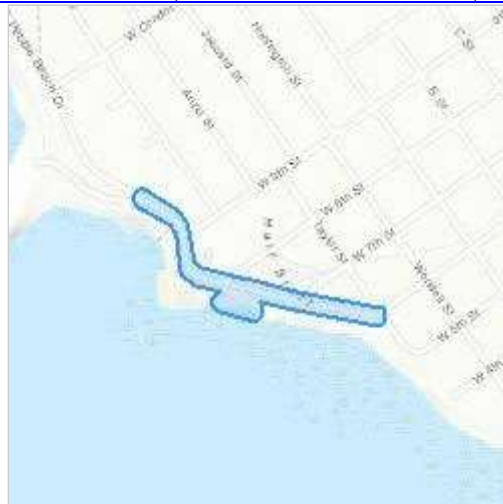
Arcata Fish And Wildlife Office
1655 Heindon Road
Arcata, CA 95521-4573
(707) 822-7201

1.1 PROJECT SUMMARY

Project Code: 2024-0123691
Project Name: Emergency Opening - Pebble Beach Drive
Project Type: Road Repair
Project Description: Construct a 200-ft long (approximately) temporary retaining wall between W. 7th St. and W. 8th St. with RSP at the toe to protect it from wave action until the permanent repair can be constructed. Re-open Pebble Beach Drive to emergency vehicle access.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.75082465,-124.21162234815928,14z>



Counties: Del Norte County, California

1.2 ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

MAMMALS

NAME	STATUS
Pacific Marten, Coastal Distinct Population Segment <i>Martes caurina</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9081	Threatened

BIRDS

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> Population: U.S.A. (CA, OR, WA) There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4467	Threatened
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

FISHES

NAME	STATUS
Tidewater Goby <i>Eucyclogobius newberryi</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/57	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Lassics Lupine <i>Lupinus constancei</i> Population: <i>NAME</i>	Endangered <i>STATUS</i>
There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7976	
Western Lily <i>Lilium occidentale</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/998	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

1.3 IPAC USER CONTACT INFORMATION

Agency: California Department of Transportation District 1
Name: steve hansen
Address: 1656 Union
City: Eureka
State: CA
Zip: 95001
Email: steven.hansen@dot.ca.gov
Phone: 7074968662

Quad Name **Crescent City**

Quad Number **41124-G2**

ESA Anadromous Fish

SONCC Coho ESU (T) - **X**

Eulachon (T) - **X**

sDPS Green Sturgeon (T) - **X**

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat - **X**

sDPS Green Sturgeon Critical Habitat - **X**

ESA Sea Turtles

East Pacific Green Sea Turtle (T) - **X**

Olive Ridley Sea Turtle (T/E) - **X**

Leatherback Sea Turtle (E) - **X**

ESA Whales

Blue Whale (E) - **X**

Fin Whale (E) - **X**

Humpback Whale (E) - **X**

Southern Resident Killer Whale (E) - **X**

North Pacific Right Whale (E) - **X**

Sei Whale (E) - **X**

Sperm Whale (E) - **X**

Essential Fish Habitat

Coho EFH - **X**

Chinook Salmon EFH - **X**

Groundfish EFH - **X**

Coastal Pelagics EFH - **X**

Highly Migratory Species EFH -

ESA and MMPA Cetaceans/Pinnipeds

MMPA Cetaceans - **X**

MMPA Pinnipeds - **X**

Steve Hansen
Associate Environmental Planner (NS)
District 1 Environmental Planning
1656 Union St. Eureka, CA 95501
707 496-8662

Project Description: Construct a 200-ft long (approximately) temporary retaining wall between W. 7th St. and W. 8th St. with RSP at the toe to protect it from wave action until the permanent repair can be constructed. Re-open Pebble Beach Drive to emergency vehicle access. Re-pave Pebble Beach Drive.

Section 106 Screening Memo

Memorandum

*Making Conservation
a California Way of Life*

To: VINCENT HEIM
Senior Environmental Scientist
Caltrans District 1, Environmental Planning

Date: July 30, 2024

File: Emergency Opening Project
ER-15Y4(006)

From: MARK ARSENAULT 
Associate Environmental Planner (Archaeology)
Caltrans District 1, Environmental Planning

**SUBJECT: CULTURAL RESOURCES COMPLIANCE FOR EMERGENCY OPENING
PROJECT ER-15Y4(006), CRESCENT CITY, CALIFORNIA**

PROJECT DESCRIPTION: Work for Emergency Opening Project ER-15Y4(006) will occur on Pebble Beach Drive in Crescent City, California. The project proposes repairing a section of Pebble Beach Drive located between 6th and 8th Street by installing rock slope protection (RSP) and a temporary wall. Storm damage led to slope failure at this location during 2023 requiring the proposed repair.

REGULATORY SETTING: The EO project will be constructed by Crescent City using Federal Funds. For the purposes of this project Caltrans is considered the lead agency under NEPA and Section 106 of the National Historic Preservation Act. This project is being screened under Caltrans Programmatic Agreement as Type 1 (pavement reconstruction, resurfacing, shoulder backing, or placement of seal coats) Screened Project.

STUDY METHODS: This study consisted of a desktop review of the project scope and relevant Caltrans maintained files of the project locations. Non-Caltrans maintained files reviewed as part of this study included several ethnographic, historical, and soils/geologic sources relevant to the project area. Caltrans files reviewed included the Caltrans Cultural Resources Database (CCRD), as-builts and historic period photographs, National Register of Historic Places (NRHP) (United States Government 1979 and supplements to date), California Historical Landmarks, California Points of Historical Interest, and the California Register of Historical Resources (CRHR).

STUDY FINDINGS: The desktop review did not indicate the presence or potential presence of cultural resources at the project locations. None of the sources consulted identified a previously identified cultural resources at the project locations. Soils and geologic sources indicate a low potential for buried cultural resources to be present.

STUDY CONCLUSIONS: Due to these EO Project's scale and scope as well as the desktop review findings

Memo to: VINCENT HEIM, Senior Environmental Scientist
Emergency Opening Project ER-15Y4(006)

it has been determined to have no potential to effect historic properties or other types of cultural resources. **This project is considered a screened project (Type 1: pavement reconstruction, resurfacing, shoulder backing, or placement of seal coats) under Attachment 2 of Caltrans' Section 106 Programmatic Agreement and is being screened as such by this memo.** If this project's scope is changed further study may be necessary. If this occurs contact Mark Arsenault, M.A. at Mark.Arsenault@dot.ca.gov or 707-684-6897. Mark Arsenault, M.A., Caltrans Associate Environmental Planner, PQS PI-Prehistoric and Historical Archaeology prepared this memo.

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PLANNING & ZONING DETERMINATION
Emergency Coastal Development Permit – Application CDP24-04

TO: The City of Crescent City
Eric Weir, City Manager

FROM: Community Development Department, Planning & Zoning
Bob Brown, AICP, Contract Director

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

DATE: December 10, 2024

SUBJECT: Emergency Coastal Development Permit (Application CDP24-04)
for Pebble Beach Drive Slide

This memo constitutes approval for an Emergency Coastal Development Permit (CDP) #CDP24-04 within the City's Local Coastal Program according to current City of Crescent City's Municipal Code (CCMC) Chapter 17.84.016 (Coastal Zone Coastal Development Permits and Appeals – Emergency Permits).

Applicant:

The City of Crescent City
377 J Street
Crescent City, CA 95531

Location of Emergency:

Approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street (across from 789 Pebble Beach Drive), including the bluff above mean high tide line (MHT).

Emergency Work:

According to the City's application materials, the proposed project is a design-build project that includes the installation of a micro-pile and soil nail wall system. The vertical micro-pile are set on 18 inch centers and grouted into the existing bedrock. The wall foundation consists of a reinforced cast-in-place grade beam. The near-horizontal soil nails are placed on a 5-ft by 5-ft grid and are drilled into the existing soils and bedrock with anticipated depths ranging from 28-ft to 38-ft. They are to be grouted daily, with in-place resistance field tested to confirm adequate penetration. The wall face is to be a minimum of 10-in thick, with an additional layer of sculpted and stained concrete place on the surface to represent the existing cliff faces. At the base of wall, a strip of Rock Slope Protection (RSP) will be embedded into the existing bedrock (Mudstone or

PLANNING & ZONING DETERMINATION
Emergency Coastal Development Permit – Application CDP24-04

others) above the mean high tide line. The RSP will be faced with the reaming earth berm including the existing planting. Behind the wall, ground water will be captured in a sheet and perforated drain system. It will be dissipated through the RSP at three locations. The intention is to install native planting within the RSP section. The wall will be backfilled with flowable low-density fill. Upon completion of the wall, a 4-ft wide green space will be placed along the top of wall containing a cable rail to provide safety and allow unobstructed views. This green space will be bordered by a 10-ft pedestrian/bike path to the new curb line, followed by the reconstruction of the existing roadway.

Included in the emergency work were earlier steps to abate further road erosion (tarping and sandbagging the failed area, public safety measures (temporary road closure, fencing and signs), and recovery testing with drill rig to assist in design of the project. As a design-build project, while contractors are following specific engineered design specifications, exposure of the work area during tasks may result in minor design changes to address the concerns. Such changes will be documented for follow-up permitting.

The City recognizes that the City *“may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 17 can be fully complied with”* and authorizes emergency work *“proceed without a [standard CDP] permit”* (CCMC §17.84.016) and that the *“Planning Director may grant an emergency [Coastal Development] permit”* (CCMC §17.84.016(D)(2)).

The City finds that:

- A. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits (CCMC §17.84.016(D)(2)(a)).
- B. The Planning Director was notified (CCMC §17.84.016(A)).
- C. The required information was reported (CCMC §17.84.016(B)).
- D. The Planning Director verified the existence and nature of the emergency (CCMC §17.84.016(D)).
- E. The Planning Director provided public notice of the emergency (CCMC §17.84.016(D)(1)).
- F. Public comment on the proposed response and proposed project has been noted at the Planning Commission Meetings (February 22, March 14, April 11, May 9, June 13, July 11, August 8, September 12, and November 14, 2024) and City Council Meetings (February 5, 20, March 4, 18, April 1, 15, June 6, July 15, August 5, 26, September 3, 16, October 7, 21, November 4, and December 2, 2024) and reviewed (CCMC §17.84.016(D)(2)(b)).
- G. The proposed emergency work is consistent with the requirements of the City's certified Local Coastal Program (CCMC §17.84.016(D)(2)(c)).
- H. City Staff has provided the Planning Commission a report during the Planning Commission Meetings (February 22, March 14, April 11, May 9, June 13, July 11,

PLANNING & ZONING DETERMINATION
Emergency Coastal Development Permit – Application CDP24-04

August 8, September 12, and November 14, 2024), which included the description of the nature of the emergency, and work involved (CCMC §17.84.016(D)(3)).

- I. The proposed emergency work conforms with the long-term policies of the certified Local Coastal Program (CCMC §§ 17.84.016(D)(4) & 17.84.033(1)).
- J. At the completion of the emergency repair the City shall submit a standard Coastal Development Permit application in conformity with the long-term policies of the certified Local Coastal Program (CCMC §§ 17.84.016(D)(4) & 17.84.033(1)).
- K. The proposed emergency work is consistent with the access and recreation policies of Chapter 3 of the Coastal Act (CCMC §17.84.033(1)).
- L. The City's Public Works department has considered several alterations and there are no other feasible mitigation measures or alternatives that would lessen any significant adverse effects of the proposed emergency work or the environment (CCMC §17.84.033(2)).
- M. The proposed emergency work is exempt from the California Environment Quality Action ("CEQA") Public Resources Code § 21000, et seq. and Title 14 of the California Code of Regulations § 15000, et seq. ("State CEQA Guidelines") pursuant to 14. Cal. Code of Regs. § 15269 as an emergency project.

Conditions of Approval:

- 1. Only the work described in this permit and for the specific location listed above is authorized. Any additional work may require separate authorization.
- 2. Once work is complete, the site will be cleaned up of all construction debris.
- 3. Work staging areas will be rehabilitated to pre-project conditions.
- 4. All emergency work is considered temporary and subject to removal unless and until a regular CDP authorizing work is approved. A regular permit would be subject to all the provisions of the California Coastal Act and Crescent City's Local Coastal Program (LCP) and may be conditioned accordingly.
- 5. At the completion of this design-build project, an emergency coastal development permit application shall be submitted to the City within 10 calendar days that satisfies the requirements of the City's LCP (CCMC §17.84.016(4)). As-built drawings should be part of the submittal package.
- 6. Informal consultation with the Tribes and continued use of the City's Cultural Inadvertent Discovery Protocol (CIDP) is to continue, consistent with GP policies (5.G.1, 5.G.2, 5.G.3, 5.G.4, 5.G.6, 5.G.7, 5.G.8, and 5.G.9) and LCP policies (5.G.1, 5.G.3, and 5.G.3).

This proposed project is located within the Coastal Zone and within the California's Coastal Commission's appealable zone (CCMC §17.84.030(A)(1)). Appeals, according to CCMC §17.84.040, may be filed with the City Council (\$189.00) or the Coastal Commission (at actual costs).

For any additional questions, please don't hesitate to email (elawton@shn-engr.com) or call (707-269-1073), as I would be more than happy to further assist in any way I can.

PLANNING & ZONING DETERMINATION
Emergency Coastal Development Permit – Application CDP24-04

Sincerely,

Ethan Lawton

Ethan Lawton
Contract City Planner

City of Crescent City
Community Development Department,
Planning & Zoning
377 J Street, Crescent City, CA 95531

Bob Brown

Bob Brown
Contract Planning Director

City of Crescent City
Community Development Department,
Planning & Zoning
377 J Street, Crescent City, CA 95531

CITY OF CRESCENT CITY
COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING & ZONING
377 J Street, Crescent City, CA 95531 (707-464-9506)



Incorporated April 13, 1854

web: www.crescentcity.org

NOTICE OF EXEMPTION
CEQA – APPENDIX E

To: **Office of Planning and Research**
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: **City of Crescent City**
377 J Street
Crescent City, CA 95531

County of Del Norte
County Clerk
981 H Street, Suite 160
Crescent City, CA 95531

Project Title: **Emergency Coastal Development Permit (Application CDP24-04)
for Pebble Beach Drive Slide**

Project Applicant: **City of Crescent City**

Project Location-Specific: **Approximately 350 feet along Pebble Beach Drive
between W 8th Street and W 7th Street (across from
789 Pebble Beach Drive), including the bluff above
mean high tide line (MHT).**

Project Location—City: **City of Crescent City**

Project Location—County: **Del Norte**

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project is a design-build project that includes the installation of a micro-pile and soil nail wall system. The vertical micro-pile are set on 18 inch centers and grouted into the existing bedrock. The wall foundation consists of a reinforced cast-in-place grade beam. The near-horizontal soil nails are placed on a 5-ft by 5-ft grid and are drilled into the existing soils and bedrock with anticipated depths ranging from 28-ft to 38-ft. They are to be grouted daily, with in-place resistance field tested to confirm adequate penetration. The wall face is to be a minimum of 10-in thick, with an additional layer of sculpted and stained concrete place on the surface to represent the existing cliff faces. At the base of wall, a strip of Rock Slope Protection (RSP) will be embedded into the existing bedrock (Mudstone or others) above the mean high tide line. The RSP will be faced with the reaming earth berm including the existing planting. Behind the wall, ground water will be captured in a sheet and perforated drain system. It will be dissipated through the RSP at three locations. The intention is

to install native planting within the RSP section. The wall will be backfilled with flowable low-density fill. Upon completion of the wall, a 4-ft wide green space will be placed along the top of wall containing a cable rail to provide safety and allow unobstructed views. This green space will be bordered by a 10-ft pedestrian/bike path to the new curb line, followed by the reconstruction of the existing roadway.

Included in the emergency work were earlier steps to abate further road erosion (tarping and sandbagging the failed area, public safety measures (temporary road closure, fencing and signs), and recovery testing with drill rig to assist in design of the project. As a design-build project, while contractors are following specific engineered design specifications, exposure of the work area during tasks may result in minor design changes to address the concerns. Such changes will be documented for follow-up permitting.

Name of Public Agency Approving Project: City of Crescent City

Name of Person or Agency Carrying Out Project: City of Crescent City

Exempt Status: Categorical Exemption: § 15269(b) Emergency Project

Reasons why the project is exempt:

The "emergency repairs" are to a "publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare." Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency."

Lead Agency Contact Person: Ethan Lawton Area Code/Telephone: (707) 464-7483

Ethan Lawton
Signature by Lead Agency:

12/10/2024
Date:

Contract City Planner
Title:

Authority cited: Sections 21083 and 21110, Public Resources Code. Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received
for filing at OPR: _____

Document Root (Read-Only)

Selected Document

2024120429 - NOE - Emergency Coastal Development Permit (Application CDP24-04) for Pebble Beach Drive Slide

Crescent City

Created - **12/11/2024** | Submitted - **12/11/2024** | Posted - **12/11/2024** | Received - **12/11/2024** | Published - **12/11/2024**

Ethan B Lawton

Document Details**Public Agency**

Crescent City

Document Type

Notice of Exemption

Document Status

Published

Title

Emergency Coastal Development Permit (Application CDP24-04) for Pebble Beach Drive Slide

Document Description

micro-pile and soil nail wall system. The vertical micro-pile are set on 18 inch centers and grouted into the existing bedrock. The wall foundation consists of a reinforced cast-in-place grade beam. The near-horizontal soil nails are placed on a 5-ft by 5-ft grid and are drilled into the existing soils and bedrock with anticipated depths ranging from 28-ft to 38-ft. They are to be grouted daily, with in place resistance field tested to confirm adequate penetration. The wall face is to be a minimum of 10-in thick, with an additional layer of sculpted and stained concrete place on the surface to represent the existing cliff faces. At the base of wall, a strip of Rock Slope Protection (RSP) will be embedded into the existing bedrock (Mudstone or others) above the mean high tide line. The RSP will be faced with the reaming earth berm including the existing planting. Behind the wall, ground water will be captured in a sheet and perforated drain system. It will be dissipated through the RSP at three locations. The intention is to install native planting within the RSP section. The wall will be backfilled with flowable low-density fill. Upon completion of the wall, a 4-ft wide green space will be placed along the top of wall containing a cable rail to provide safety and allow unobstructed views. This green space will be bordered by a 10-ft pedestrian/bike path to the new curb line, followed by the reconstruction of the existing roadway.

Included in the emergency work were earlier steps to abate further road erosion (tarping and sandbagging the failed area, public safety measures (temporary road closure, fencing and signs), and recovery testing with drill rig to assist in design of the project. As a design-build project, while contractors are following specific engineered design specifications, exposure of the work area during tasks may result in minor design changes to address the concerns. Such changes will be documented for follow-up permitting.

Attachments (Upload Project Documents)**CDP24-04_LOD_Signed.pdf****CDP24-04_NOE_Signed.pdf****Contacts**Crescent City - *Ethan Lawton*

377 J Street
Crescent City, CA 95531
Phone : (707) 464-7483
elawton@shn-engr.com

Regions

Citywide

Counties

Del Norte

Cities

Crescent City

Location Details**Cross Streets**

Pebble Beach Drive between W 8th Street and W 7th Street

Zip Code - 95531**Other Location Info**

Approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street (across from 789 Pebble Beach Drive), including the bluff above mean high tide line (MHT).

Notice of Exemption**Exempt Status**

Emergency Project

Type, Section Number or Code Number

Sec. 21080(b)(4); 15269(b)(c)

Reasons why project is exempt

The "emergency repairs" are to a "publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare." Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency."

County Clerk(s)

Del Norte

Signature

Title

Date

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. PC2025-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CRESCENT CITY APPROVING A COASTAL DEVELOPMENT PERMIT
(APPLICATION CDP25-01) APPROVING THE BANK STABILIZATION
AND ROAD REPAIR OF SOUTH PEBBLE BEACH DRIVE**

WHEREAS, The City of Crescent City has submitted a Coastal Development Permit Application (CDP25-01) for the South Pebble Beach Drive bank stabilization project approximately 350 feet along Pebble Beach Drive between W 8th Street and W 7th Street. The project site is located within the City Right-of-Way and in the CZ-O Zoning (Coastal Zone – Open Space District) (APN 118-200-006).

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 SF 2-6 (Residential Single Family) land use designation, in that the proposed project:

- a) *Is principally permitted as "single family dwellings with accessory buildings";*
- b) *"Provides for low to moderate residential development within the urban boundary;*
- c) *Is supported by the General Plan goals (3.A, 3.C, and 3.D) and policies (3.A.1, 3.C.1, 3.C.2, 3.C.4, 3.C.8, 3.C.10, and 3.D.1).*
- d) *"Provides for low- to moderate-density residential development within the urban boundary"; and*
- e) *Is supported by the Local Coastal Program goal (6.A) and policies (3.B.1, 4.D.1, 5.G.A, 6.A.1, 7.B.1, and 7.B.2).*

WHEREAS, the Planning Commission finds that the proposed project (with a Coastal Development Permit) is consistent with the Crescent City's Coastal Zone – Open Space District (CZ-O) Zoning Code, in that the proposed project:

- a) *Is located within the Coastal Zone.*
- b) *Is within the California's Coastal Commission's appealable zone (CCMC §17.84.030(A)(1)).*
- c) *Is principally permitted "Continued use, maintenance and upgrade of existing public parks and playgrounds, trails and related facilities such as parking lots, picnic areas and restrooms" (CCMC §17.71.020(A)(1));*
- d) *"provide permanent open spaces which are necessary to safeguard the health, safety and welfare of the people," (CCMC §17.71.010);*

COASTAL DEVELOPMENT PERMIT (APPLICATION CDP25-01)
For the South Pebble Beach Drive Bank Stabilization Project

- e) *Is “development” “in the coastal zone shall obtain a coastal development permit” (CCMC §17.84.012).*
- f) *Is subject to all zoning regulations (CCMC §17.71.010).*

WHEREAS, the proposed use satisfies the Coastal Development Permit requirements (CCMC §§ 17.84.012 & 17.84.014(A)(2)(c)), 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;*

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 (c & d)) (Existing Facilities) of the CEQA Guidelines, in that the proposed project:

- a) *The proposed project involves alterations to an existing street, sidewalk, gutters, and bicycle facilities. It does not include the addition of new automobile lanes and serves as an after-the-fact permit for emergency repairs to address bank erosion and the collapsed portion of South Pebble Beach Drive.*
- b) *The proposed project involves the restoration of a portion of the public right-of-way along South Pebble Beach Drive that collapsed due to erosion.*

NOW THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Crescent City that the Coastal Development Permit (Application CDP25-01) granting the City of Crescent City’s request for the South Pebble Beach Drive Bank Stabilization Project at the address above be approved.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Crescent City held on this 11th day of September 2025, by the following polled vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Shamblin, Chairperson

ATTEST:

Heather Welton, Community Development Specialist

*COASTAL DEVELOPMENT PERMIT (APPLICATION CDP25-01)
For the South Pebble Beach Drive Bank Stabilization Project*

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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 #4

TO: Chairperson Shamblyn and Members of the Planning Commission
FROM: Community Development Department, Planning & Zoning
Ethan Lawton, Contract City Planner
BY: *Martha Rice, City Attorney*
DATE: Thursday, September 11, 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) with draft revisions

SECTION 2: BACKGROUND INFORMATION

At the last meeting the Planning Commission directed staff to update the Commercial Cannabis Regulations Ordinance (Chapter 17.95) to limit the number of active cannabis use permits for storefront retail to 8 in addition to any clean up provisions that staff may suggest.

Staff have included the following amendment recommendations for discussion and consideration:

1. Limitation of 8 storefront retail use permits may be active at one time.
2. The commercial cannabis use permit investigation by staff.
3. The commercial cannabis use permit annual review by staff.
4. The commercial cannabis use permit annual review by Planning Commission.
5. The surety bond requirements.
6. Procedures for hearings on revocation or cannabis use permit amendments.

7. Procedures for appeals to the City Council following Planning Commission hearing on cannabis use permit revocation or amendment.

SECTION 3: PLANNING COMMISSION ACTION OPTIONS

- Provide additional direction to Staff.

SECTION 4: STAFF RECOMMENDATION

1. (Chair) "Agendized 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 Commissioner 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:

“Active” in the context of a commercial cannabis use permit means a permit that has been duly issued and not revoked, expired, or surrendered. Suspended permits are considered “active” permits for purposes of this chapter.

"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

ATTACHMENT A
Commercial Cannabis Regulations Ordinance

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.

"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. There is a limit of eight (8) active commercial cannabis use permits for storefront retail at any one time. 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. **Annual Review at Staff Level:** City staff will conduct an annual review of the use permit around the date of issuance of the state license to ensure the commercial cannabis activities are compliant with the terms of the use permit and approved operations.

2. **Investigations:** 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.

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3. **Annual Review at Planning Commission Level:** 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 **are** 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:

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).

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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 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.

20. The permittee must maintain a safe environment and not participate in or

tolerate conduct, activities, or behavior that endangers the health, safety or general welfare of the public.

21. The permittee must remit all applicable license and permit fees to city when due. Failure to pay any fee within thirty (30) days of its due date shall be considered a violation of this provision.

22. The permittee must maintain, through the life of the operation, 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.

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).

6. The issuing of the use permit would not exceed the limit of eight (8) active commercial cannabis use permits for storefront retail at any one time.

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.

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;

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- 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.

F. No use permit may be issued until all applicable application and licensing fees associated with the business have been paid to the City.

G. If a permittee with a commercial cannabis use permit for storefront retail fails to commence business operations and open its doors to the public within twenty-four (24) months of the issuance of the use permit, then that permit shall automatically expire and be of no further force and effect. In addition, if a storefront retail business closes its doors to the public for more than sixty (60) consecutive days, then that permit shall be deemed surrendered and of no further force and effect.

§ 17.95.065. Suspension, revocation or amendment of use permit.

A. Suspension.

The expiration, suspension or revocation of a license, permit or entitlement issued by the State of California that is required for the operation of a commercial cannabis business permitted under this chapter, will result in the automatic suspension of the use permit and legal ability to conduct commercial cannabis operations under said use permit, unless and until such State license, permit or entitlement is reinstated.

B. Revocation.

The Planning Commission may revoke a use permit issued under this chapter in accordance with procedures outlined in this section for the following reasons:

1. If a license, permit, or entitlement issued by the State of California that is required for the operation of a commercial cannabis business permitted under this chapter is expired, suspended or revoked and not reinstated within sixty (60) days.

2. Failure of a permittee to comply with any requirement imposed by the provisions of this Code (or successor provision or provisions), including, but not limited to, any rule, regulation, condition or standard adopted pursuant to this chapter, or any term or condition imposed on the commercial cannabis use permit, or any provision of State law.

C. Amendment.

As an alternative to revocation, the Planning Commission may amend the commercial cannabis use permit to include requirements and provisions to address the violations that the Planning Commission found to have occurred.

D. Notice and hearing – revocation proceedings.

1. If the City Manager, or their designee, determines that a ground for revocation of a commercial cannabis use permit exists, then they shall cause a hearing to be scheduled before the Planning Commission.

2. At least twenty-one (21) calendar days prior to the hearing, the permittee shall be provided written notice of the date, time, and location of the revocation hearing as well as the reasons therefor. The notice may be served on the permittee either personally or by certified first class mail to the address listed on the application.

3. At the date, time and location set forth in the Notice of Hearing, the Planning Commission will hear and consider the testimony of the City staff, the permittee, and/or their respective witnesses and documentary evidence properly submitted for consideration.

4. The following rules shall apply at the appeal hearing:

a. Hearings are informal, and formal rules of evidence and discovery do not apply. However, rules of privilege shall be applicable to the extent they are permitted by law, and irrelevant, collateral, undue, and repetitious testimony may be excluded.

b. The City bears the burden of proof to establish the grounds for suspension or revocation of a permit by a preponderance of evidence (i.e., more likely than not).

c. If the permittee, or their legal representative, fails to appear at the hearing, the Planning Commission may hold the hearing in their absence.

5. Notice of decision; appeal rights.

a. Following the conclusion of the revocation hearing, the Planning Commission, shall determine if any ground exists for the revocation or amendment of a commercial cannabis use permit. If the planning Commission determines that no grounds for revocation exist, then the use permit will remain valid as issued. If the Planning Commission determines that one or more of the reasons or grounds do exist for the revocation or amendment of the commercial cannabis use permit, then the Planning shall issue a written decision within ten (10) business days. The written decision shall include the following information:

i. A finding and description of each reason or grounds for revocation or amendment.

ii. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal.

iii. A holding that the commercial cannabis use permit is revoked or amended. If amended, the specific amendments to the permit.

iv. Notice of appeal rights provided under this chapter.

E. Appeals.

1. Notice of appeal.

a. Within ten (10) calendar days after the date of service of the notice of the decision of the Planning Commission to revoke a commercial cannabis use permit or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reason why the decision was not proper. Date of service shall mean the date when a notice or written decision was personally delivered to the permittee, or the date when the notice was caused to be delivered by certified, first-class mail.

b. The Notice of Appeal shall be in writing and signed by the person making the appeal ("appellant"), or their legal representative, and shall contain the following:

i. Name, address, and telephone number of the appellant.

ii. Specify decisions, actions, or a particular part thereof, made that are the subject of the appeal.

iii. State with specificity the reasons and grounds for making the appeal, including, but not limited to, a statement of facts upon which the appeal is based in sufficient detail to enable the City Council to understand the nature of the controversy, the basis of the appeal, and the relief requested.

iv. All documents or other evidence pertinent to the appeal that the appellant requests the hearing officer or body to consider at the hearing.

v. An appeal fee, as established by resolution of the City Council.

c. Failure of the City Clerk to receive a timely appeal constitutes a waiver of the right to appeal the decision of the Planning Commission. In this event, the Planning Commission's decision is final and binding.

d. In the event a written Notice of Appeal is timely filed, the revocation or amendment shall not become effective until a final decision has been rendered and issued by the City Council. Notices of appeal not served in a timely manner or served by non-operational businesses shall not serve to allow such businesses to operate pending appeal.

2. If no appeal is timely filed, the revocation or amendment shall become effective upon the expiration of the period for filing a written Notice of Appeal.

3. Appeal hearing and proceedings.

a. All appellants that timely file a written Notice of Appeal shall obtain review thereof before the City Council.

b. Upon receipt by the City Clerk of a timely-filed appeal, the City Clerk shall schedule the administrative appeal within sixty (60) days, and no sooner than thirty (30) days, after receipt of a timely filed Notice of Appeal. The appellant(s) listed on the written Notice of Appeal shall be notified in writing of the date, time, and location of the hearing at least ten (10) days before the date of the hearing ("notice of appeal hearing").

c. The City Council shall preside over the hearing on appeal.

d. At the date, time and location set forth in the Notice of Appeal hearing, the City Council hear and consider the testimony of the appellant(s), City staff, and/or their witnesses, as well as any documentary evidence properly submitted for consideration.

e. The following rules shall apply at the appeal hearing:

i. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. However, rules of privilege shall be applicable to the extent

they are permitted by law, and irrelevant, collateral, undue, and repetitious testimony may be excluded.

ii. The City bears the burden of proof to establish the grounds for the revocation or amendment of a permit by a preponderance of evidence.

iii. The issuance of the Planning Commission's notice of decision constitutes prima facie evidence of grounds for the revocation or amendment, and City staff who significantly took part in the investigation, which contributed to the Planning Commission issuing a notice of decision, may be required to participate in the appeal hearing.

iv. The City Council may accept and consider late evidence not submitted initially with the Notice of Appeal upon a showing by the appellant of good cause. The City Council shall determine whether a particular fact or facts amount to a good cause on a case-by-case basis.

v. If the appellant, or their legal representative, fails to appear at the appeal hearing, the City Council may cancel the appeal hearing and send a notice thereof to the appellant by certified, first class mail to the address(es) stated on the Notice of Appeal. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal and a failure to exhaust all administrative remedies. In such instances, the Planning Commission's notice of decision is final and binding.

4. Decision of the City Council, or appointed hearing officer or body; final decision.

a. Following the conclusion of the appeal hearing, the City Council shall determine if any ground exists for the revocation or amendment of a Commercial Cannabis Use Permit. If the City Council determines that no grounds for revocation or amendment exist, the Planning Commission's notice of decision shall be deemed vacated. If the City Council determines that one or more of the reasons or grounds enumerated in the notice of decision exists, a written final decision shall be issued within ten (10) business days, which shall at minimum contain the following:

i. A finding and description of each reason or grounds for revocation or amendment.

ii. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal.

iii. A holding that the Planning Commission's decision is affirmed or modified.

b. The decision of the City Council, or appointed hearing officer or body, is final and conclusive and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6.

c. A copy of the final decision shall be served by certified, first-class mail on the appellant. If the appellant is not the owner of the real property in which the commercial cannabis business is located, or proposed to be located, a copy of the final decision may also be served on the property owner by first class mail to the address shown on the last equalized assessment roll. Failure of a person to receive a properly addressed final decision shall not invalidate any action or proceeding by the City pursuant to this chapter.

§ 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.

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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 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:

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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.

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.

ATTACHMENT A
Commercial Cannabis Regulations Ordinance

(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 #5

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, September 11, 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) with potential amendments.
- B) CA HCD ADU Handbook 2025

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 have put together the following timeline:

- Planning Commission Meetings:
 - July 10, 2025 = Review
 - September 11, 2025 = Discussion
 - October 9, 2025 = Action. Recommend to City Council

- City Council Meetings:
 - October 20, 2025 = Discussion
 - November 3, 2025 = Action. Introduce
 - December 15, 2025 = Action. Adopt

On Thursday, July 10, 2025, during the regular scheduled Planning Commission meeting, the Planning Commission directed staff to move forward with potential amendments to the City's Accessory Dwelling Units Ordinance (Chapter 17.35) for a future schedule meeting.

AB 976 (Chapter 740, Statutes of 2023) modified Government Code section 65585, subdivision (j), to authorize HCD to notify a local jurisdiction or Attorney General when the local jurisdiction fails to comply with ADU laws, including Chapter 13 (commencing with Section 66310) and Government Code sections 65852.21, 65852.24, 65852.28 65913.4.5, and 66411.7, among others.

SECTION 3: POTENTIAL AMENDMENTS

Amendments are based on, and consistent with the following State Laws:

1. Updated Government Code Section from old 65852 location to new 66323 location.
2. Updated section 17.35.030 with the new definition of an Efficiency Unit to remove the number of people and expand uses according to Government Code section 66313, subdivision (a)(1); California Building Code section 1208.4.
3. Updated section 17.35.030 with the new definition of a Junior Accessory Dwelling Unit (JADU) to clarify sanitation facilities according to Government Code section 63313, subdivision (d).
4. Updated section 17.35.030 with the new definition of livable space to clarify requirements according to Government Code section 63313, subdivision (e) and 66323, subdivision (a)(3)(A).
5. Updated section 17.35.030 with the new definition of Multi-Family Dwelling to clarify requirements according to Government Code section 63313, subdivision (e).
6. Updated section 17.35.040(B) with new government code referenced.
7. Updated section 17.35.050(B) with the new definition of Size to remove bedroom numbers according to Government Code section 66410, subdivision (d)(3 & 4).
8. Updated section 17.35.050(C) with new setback requirements to include extension of existing structures according to Government Code section 66410, subdivision (d)(7).
9. Updated section 17.35.060(E) with new height increases if within a half-mile of a major transit stop.
10. Updated section 17.35.080 with new government code referenced.
11. Updated section 17.35.070 with new definition of Statewide Exemption ADU types. This section includes the JADUs in the definitions and allows Type 4

(Multifamily Detached ADUs) to have up to eight detached ADUs on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot.

12. Updated section 17.35.110(A)(2)(a) with new government code referenced.
13. Updated section 17.35.110(B)(2)(b) with new government code referenced.
14. Updated section 17.35.130(A)(1), (2), (3), and (F) with correct date (January 1, 2020, not January 1, 2018) for permitting non-compliant ADUs according to Government Code section 66332, subdivision (a).

SECTION 4: PLANNING COMMISSION ACTION OPTIONS

- Provide additional direction to Staff.

SECTION 5: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #5: 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 ---

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CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

Commission Members: Steve Shamblyn, Chairperson * Ray Walp, Vice-Chair
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Incorporated April 13, 1854

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AGENDA ITEM #5: ATTACHMENT A
ACCESSORY DWELLING UNITS ORDINANCE
CCMC 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 ~~s-65852.2 and 65852.22~~ **66323**, which imposes s 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 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.

ATTACHMENT A
Accessory Dwelling Units Ordinance

"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 **dwelling** unit ~~occupied by no more than two people~~ with a minimum floor area of one hundred fifty **(150)** square feet, ~~which may also have partial kitchen or bathroom facilities, including enclosed uses such as an attached garage in~~ **livable space, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower.**

"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 **and may include separate sanitation facilities or may share sanitation facilities with the existing structure.**

"Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

"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" **for the purposes of State ADU Law** means a structure with two or more attached residential dwellings on a single lot, specifically excluding hotels and motels. **Multiple detached single-family dwellings on the same lot are not considered multi-family dwellings for the purposes of State ADU Law.**

"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~~ 66314-66331 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.

ATTACHMENT A
Accessory Dwelling Units Ordinance

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 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 primary~~ dwelling or one thousand two hundred square feet, ~~whichever is less; 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. **No setbacks are required for existing living areas or accessory structures, including extensions of existing structures with same dimensions.**

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 **or eighteen feet if within a half-mile of a major transit stop, as defined in Public Resources Code Section 21064.3.** 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.

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F. Utilities. Notwithstanding any provisions to the contrary, all utilities for a detached ADU must be installed underground.
(Ord. 837 § 2, 2023)

§ 17.35.070 Statewide exemption s for ADUs & JADUs.

A. Definition. An ADU that meets one of the following standards is a statewide exemption ADU and must be approved ministerially:

1. Statewide Exemption ADU—Type 1 (Single-Family Converted ADUs and JADUs).

a. One ADU and one JADU 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/JADU 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/JADU 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.

e. The JADU complies with the requirements of Government Code section 66333.

2. Statewide Exemption ADU—Type 2 (Single-Family Detached ADUs). 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 (Multi-Family Converted ADUs). 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 (Multi-Family Detached ADUs). Not more than two eight detached ADUs ~~(maximum eight hundred square feet each with four-foot side and rear setbacks)~~ on a lot that has an existing multi-family dwelling or no more than

two detached ADUs on a lot with a proposed multi-family dwelling. These ADUs are subject to: (1) a maximum floor area of eight hundred square feet each, (2) four-foot side and rear setbacks, and (3) ~~that are~~ a maximum height of eighteen to twenty feet according to the applicable provisions contained in Government Code section 66321(b)(4) 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.

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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.

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~~ **66333** 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 **AB**, 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

ATTACHMENT A
Accessory Dwelling Units Ordinance

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.

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~~ **66341** 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~~ **66333**.

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.

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Accessory Dwelling Units Ordinance

1. ADUs built or created prior to January 1, 20~~18~~20, 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.

2. ADUs built or created after January 1, 20~~18~~20, 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, 20~~18~~20, 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-----

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CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

ACCESSORY DWELLING UNIT HANDBOOK

January 2025



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ADUs in California

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are innovative and effective options for adding much needed housing in California. Since 2016, State ADU Laws have continued to evolve to further lower barriers to the development of more affordable housing as the Legislature works to address the housing crisis across the state. As these laws change, HCD's goal is to ensure consistency and clarity in the application of these laws through education, technical assistance, and enforcement.¹

Benefits of ADUs

ADUs provide a wide range of benefits, including:

- ADUs are an **affordable** type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators.
- ADUs can provide a **source of income** for homeowners.
- ADUs are often built with **cost-effective wood frame construction**, which is significantly less costly than homes in new multifamily infill buildings.
- ADUs allow **extended families** to be near one another while maintaining **privacy**.
- ADUs can provide as much **living space** as many newly built apartments and condominiums, and they're suited well for individuals, couples, small families, friends, young people, and older adults.
- ADUs give homeowners the **flexibility** to share independent living areas with family members and others, allowing older adults to age in place.

Indeed, Californians are increasingly recognizing the benefits of ADUs, and ADUs are making a difference. Between 2016-2023, the number of ADUs permitted annually in the state grew from 1,336 to 26,924, a 20-fold increase. In 2023, ADUs comprised more than 21 percent of all homes permitted statewide.

ADUs as an Infill Development Strategy

ADUs are, by definition, created in areas that are already developed but where land may be underutilized. Moreover, restrictions on parking requirements for ADUs that are located near transit create further incentives to build ADUs, particularly in places that provide easy access to jobs and other amenities, further reducing reliance on vehicles.

As a result, ADU construction is a key infill development strategy that contributes to, among other things, reducing greenhouse gas emissions and improving air quality by reducing the distance people need to travel; reducing conversion of agricultural land, sensitive habitat, and open space for new development; reducing costs to build and maintain expensive infrastructure; and facilitating healthy and environmentally friendly active transportation.

¹ This updated ADU Handbook references the law as amended by recent legislation that goes into effect on January 1, 2025.

In light of changing laws around ADUs and the growing importance of this housing type, HCD has updated this ADU Handbook and continues to be committed to facilitating housing production at all income levels.

The California Department of Housing and Community Development

With the vision that one day, every California resident can live, work, and play in healthy communities of opportunity, it is the mission of HCD to provide safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians. HCD accomplishes this by increasing and preserving the supply of affordable places to live in California and by creating effective solutions to the housing crisis through policy and research.

Housing Accountability Unit

California's housing crisis has reached historic proportions despite the passage of numerous laws intended to increase the supply of housing affordable to Californians at all income levels. As part of the 2021-2022 state budget, HCD received additional staff to grow its accountability efforts and formed the Housing Accountability Unit (HAU). While education and technical assistance are always the first step in HCD's accountability efforts, the HAU holds jurisdictions accountable for meeting their housing element commitments and complying with state housing laws. Violations of state housing laws, including State ADU Law, may lead to consequences, including revocation of housing element certification and referral to the California Office of the Attorney General.

Technical Assistance

There may be uncertainty, or a need for education at the local level about how to comply with state law, especially as state laws evolve. HCD provides technical assistance to property owners and developers who are seeking to create ADUs, as well as to advocates, local agencies, and other interested parties.

Any questions regarding the application of State ADU Law may be submitted to HCD via the online [ADU Portal](#). Please provide as much detail as possible in the online form. HCD may request additional information, including, but not limited to denials and communications from the local agency.

Local agencies seeking assistance or submitting an ADU ordinance to HCD, must also use the online portal.

For those experiencing technical issues with the ADU Portal, please email: ADUPortal@hcd.ca.gov.

Questions beyond what this Handbook provides are encouraged to contact their local permitting agency (e.g., city or county) or private attorney.

Enforcement of State ADU Law

Since 2016, HCD has had statutory authority to review local agencies' ADU ordinances, and as of January 1, 2024, HCD also has the authority to enforce all State ADU Laws. HCD's ADU team reviews local ordinances for compliance with State ADU Law and sends

findings letters and, when necessary, may escalate its enforcement. To ensure consistency, the HAU works closely with other HCD divisions.

The ADU team is committed to supporting the public, local agencies, and partner agencies with understanding and complying with State ADU Law.

Glossary

66323 Units

One of the four delineated types of ADUs (and JADUs) that must be permitted pursuant to Government Code section 66323. **Source:** Government Code section 66323

Accessory Dwelling Unit (ADU)

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 parcel as the single-family or multifamily dwelling is, or will be, situated.

An ADU also includes the following:

- (A) An efficiency unit.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Source: Government Code section 66313, subdivision (a)

Accessory Structure

A structure that is accessory and incidental to a dwelling located on the same lot. **Source:** Government Code section 66313, subdivision (b)

Applicant

The person or party responsible for the submittal of an application seeking a permit.

Application

A formal request to perform work, which includes all information as required.

Certificate of Occupancy

A document issued by local California Building and Safety departments which certifies that a commercial space or newly constructed residential building has been inspected for compliance with the California Building Standards Code and local ordinances which govern construction and occupancy. **Source:** 2022 California Residential Code section R110

Common Interest Development

Any of the following:

- (a) A community apartment project.
- (b) A condominium project.
- (c) A planned development.
- (d) A stock cooperative.

Source: Civil Code section 4100

Covenants, Conditions, and Restrictions (CC&Rs)

A set of rules governing the use of a certain piece of real estate in each community. "Governing documents" includes declarations, bylaws, operating rules, articles of incorporation, or articles of association, which govern the operation of the common interest

development or association. **Source:** Civil Code section 4150

Efficiency Dwelling Unit

A dwelling unit which contains a minimum of 150 square feet in living space, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower. **Source:** Government Code section 66313, subdivision (a)(1); California Building Code section 1208.4

Habitable Space

A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. **Source:** 2022 California Building Code section 202

High Quality Transit Corridor

A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. **Source:** Public Resources Code section 21155, subdivision (b)

Impact Fee

“Impact fee” has the same meaning as the term “fee” as defined in subdivision (b) of Section 66000, and includes the fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation. **Source:** Government Code section 66324, subdivision (c)(2)

Junior Accessory Dwelling Unit (JADU)

A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. **Source:** Government Code section 66313, subdivision (d)

Livable Space

A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation. **Source:** Government Code section 66313, subdivision (e)

Living Area

The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. **Source:** Government Code section 66313, subdivision (f)

Local Agency

A city, county, or city and county, whether general law or chartered. **Source:** Government Code section 66313, subdivision (g)

Major Transit Stop

A site containing any of the following:

- (a) An existing rail or bus rapid transit station.

- (b) A ferry terminal served by either a bus or rail transit service.
- (c) The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.

Source: Public Resources Code section 21064.3

Manufactured Home

A structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. **Source:** Health and Safety Code section 18007, subdivision (a)

Ministerial Approval

Considered and approved without discretionary review or a hearing. **Source:** Government Code section 66317, subdivision (a)

Multifamily Dwelling

For the purposes of State ADU Law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

Nonconforming Zoning Condition

A physical improvement on a property that does not conform with current zoning standards. **Source:** Government Code section 66313, subdivision (h)

Objective Standards

Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or proponent and the public official prior to submittal. **Source:** Government Code section 66313, subdivision (i)

Passageway

A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of the ADU. **Source:** Government Code section 66313, subdivision (j)

Permitting Agency

Any entity that is involved in the review of a permit for an ADU or JADU, and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts. **Source:** Government Code section 66313, subdivision (k)

Planned Development

A real property development other than a community apartment project, a condominium project, or a stock cooperative, having either or both of the following features:

(a) Common area that is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(b) Common area and an association that maintains the common area with the power to levy assessments that may become a lien upon the separate interests in accordance with Article 2 (commencing with Section 5650) of Chapter 8.

Source: Civil Code section 4175

Proposed Dwelling

A dwelling that is the subject of a permit application and meets the requirements for permitting. **Source:** Government Code section 66313, subdivision (l)

Public Transit

A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. **Source:** Government Code section 66313, subdivision (m)

Qualified Buyer

Persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. **Source:** Government Code section 66340, subdivision (a); Health and Safety Code section 50093

Qualified Nonprofit Corporation

A nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program. **Source:** Government Code section 66340, subdivision (b)

Reasonable Restrictions

Restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an ADU or JADU. **Source:** Civil Code section 4751, subdivision (b), and Civil Code section 714.3, subdivision (b)

Single-Family Dwelling

For the purposes of State ADU Law, a single-family dwelling is a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and existing as a separate interest of real property, such as a detached single-family dwelling or a townhouse.

Substandard Building

Any building or portion thereof, or premises on which the building is located, in which there exists any of a long list of conditions that endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof. **Source:** Health and Safety Code section 17920.3

Tandem Parking

Two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. **Source:** Government Code section 66313, subdivision (n)

Summary of Recent Changes to ADU Law



In Government Code section 66310, subdivision (d), the California Legislature declared that allowing ADUs in zones that allow single-family and multifamily uses provides additional rental housing and is an essential component in addressing California's housing needs. Over the years, State ADU Law has been revised to improve its effectiveness in creating more housing units. Major changes to State ADU Law, effective January 1, 2023, January 1, 2024, and January 1, 2025, further reduced barriers to the development of ADUs and JADUs. Within this context, HCD developed –

and continues to update – this Handbook to assist local governments, homeowners, attorneys, architects, and the public in understanding and applying the requirements of state law. Below is a summary of recent legislation that amended State ADU Law.

Please visit <https://leginfo.legislature.ca.gov> for the complete statutory changes.

All local permitting agencies and interested parties should review the amendments to California law, effective January 1, 2023, 2024, and 2025, regarding the creation of ADUs and JADUs.

2022 legislation includes the following changes to State ADU Law (effective January 1, 2023):

Assembly Bill (AB) 2221 (Chapter 650, Statutes of 2022, Section 1) and Senate Bill (SB) 897 (Chapter 664, Statutes of 2022, Sections 2.5, 4, 5, and 6) built upon recent changes to State ADU and JADU Law and further addressed barriers to the development of ADUs and JADUs. Due to SB 897 being chaptered after AB 2221, section 2.5 of SB 897 incorporated amendments to ADU Law proposed by both SB 897 and AB 2221.

- **Objective Standards.** Requires local agencies to only impose objective standards on ADUs, which “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal” of an ADU permit application. (Gov. Code, § 66313, subd. (i). See *also* Gov. Code, §§ 66314, subd. (b)(1); 66323, subd. (g).)
- **Detached Garages.** Allows ADUs detached from the proposed or existing primary dwelling, including in detached garages (Gov. Code, § 66314, subd. (d)(3)).
- **Occupancy Change.** Provides that the construction of an ADU does not constitute a

Group R occupancy change under the local building code, unless the local agency makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety (Gov. Code, § 66314, subd. (d)(8)).

- **Fire Sprinklers.** Precludes ADU construction from triggering a requirement that fire sprinklers be installed in the existing primary dwelling (Gov. Code, § 66314, subd. (d)(12)).
- **Permitting Process.** Requires a permitting agency to either approve or deny (replacing the former language “act on”) an application to create or serve an ADU or JADU within 60 days from when a completed application is received, if there is an existing single-family or multifamily dwelling on the lot (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a); 66335, subd. (a)(2)).
- **Concurrent Permitting.** Clarifies that permitting agencies may concurrently approve or deny a proposed ADU and new single-family or multifamily dwelling when submitted simultaneously for permitting. The application for the ADU shall be considered without discretionary review or hearing. Clarifies that permitting agencies may concurrently approve or deny a proposed JADU and new single-family dwelling when submitted simultaneously for permitting. (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a); 66335, subd. (a)(3).)
- **Permitting Agency Denials.** Obligates a permitting agency, when it denies an ADU or JADU application, to “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” within 60 days from when a completed application is received. (Gov. Code, §§ 66317, subd. (b); 66320, subd. (b); 66335, subd. (b).)
- **Demolition Permits.** Adds a requirement for a local agency to review and issue a demolition permit for “a detached garage that is to be replaced with an ADU” at the same time it reviews, and issues permits for, the ADU construction. (Gov. Code, § 66314, subd. (e).) Also prohibits permitting agencies requiring applicants to “provide written notice or post a placard for the demolition of a detached garage ... unless the property is located within an architecturally and historically significant district.” (Gov. Code, § 66314, subd. (f).)
- **Zoning & Setbacks.** Prohibits a local agency from requiring “a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.” (Gov. Code, § 66321, subd. (b)(3).)
- **Detached ADU Height Limitations.** Establishes a base height limitation of 16 feet for detached ADUs (Gov. Code, § 66321, subd. (b)(4)(A)). Increases the maximum height limitation on a detached ADU to 18 feet if the ADU is “either within a half-mile walking distance of a major transit stop or a high-quality transit corridor” and provides for an

additional two feet for roof pitch to align with the roof pitch of the primary dwelling unit.” (Gov. Code, §§ 66321, subd. (b)(4)(B); 66323, subd. (a)(2)(B).) Increases the height to 18 feet for a detached ADU that is “on a lot with an existing or proposed multifamily, multistory dwelling.” (Gov. Code, § 66321, subd. (b)(4)(B).)

- **Attached ADU Height Limitations.** Establishes the maximum height limitation that may be imposed by a local agency on an attached ADU to 25 feet, or the existing primary dwelling height limit if lower than 25 feet. Does not require a local agency to allow an ADU to exceed two stories (Gov. Code, § 66321, subd. (b)(4)(D)).
- **Parking Standards.** Prohibits local agencies from imposing parking in a number of specific circumstances (Gov. Code, § 66322, subd. (a)).
- **Zoning Nonconformance & Building Code Violations.** Prohibits local agencies from denying an ADU permit due to the correction of “nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.” (Gov. Code, § 66322, subd. (b).) The prohibition was also added to Government Code section 66336 to apply to JADUs.
- **Multifamily Dwellings.** Prohibits a permitting agency from requiring “any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit” if the existing multifamily dwelling has “a rear or side setback of less than four feet...” (Gov. Code, § 66323, subd. (a)(4)(B)).
- **Permitting Agency Definition.** Adds definition of a permitting agency as “any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.” (Gov. Code, § 66313, subd. (k).)
- **Unpermitted ADUs.** Precludes a local agency from denying a permit for an unpermitted ADU that was constructed before January 1, 2018, because the ADU violates building standards or because the ADU does not comply with State ADU Law or a local ordinance. (Gov. Code, § 66332, subd. (a).) This prohibition does not apply if the local agency makes a finding that “correcting the violation is necessary to protect the health and safety of the public or occupants of the structure” (Gov. Code, § 66332, subd. (b)) or to a building that is deemed substandard pursuant to Health and Safety Code section 17920.3 (Gov. Code, § 66332, subd. (c)).
- **Enclosed Uses.** Considers enclosed uses within the residence, such as attached garages, to be “a part of the proposed or existing single-family residence” for the purposes of JADUs (Gov. Code, § 66333, subd. (d)).

- **JADU Separate Entrance.** Requires a JADU without a separate bathroom to “include a separate entrance from the main entrance to the proposed JADU, with an interior entry to the main living area.” (Gov. Code, § 66333, subd. (e)(2).)

2023 legislation includes the following changes to State ADU Law (effective January 1, 2024):

AB 976 (Chapter 751, Statutes of 2023) and AB 1033 (Chapter 752, Statutes of 2023) made changes to State ADU Law. AB 1332 (Chapter 759, Statutes of 2023) added Government Code section 65852.27 to expedite the approval of ADUs. AB 434 (Chapter 740, Statutes of 2023) modified Government Code section 65585 to require enforcement of State ADU Law, ADU amnesty laws, and lot split / duplex laws, among others.

- **Owner Occupancy.** Removes the existing 2025 sunset of the prohibition on owner-occupancy requirements and instead mandates no owner-occupancy requirement for ADUs (Gov. Code, § 66315). Authorizes a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums (Gov. Code, § 66342).
- **Pre-Approved ADU Plans.** Requires the local agency to develop a program for the preapproval of ADU plans by January 1, 2025. The local agency shall accept ADU plan submissions for preapproval from any party and shall approve or deny applications pursuant to standards established in Government Code sections 66314-66332. The local agency shall post preapproved ADU plans and the contact information of the applicant on the local agency’s website. The local agency may also post plans pre-approved by other local or state agencies. (Gov. Code, § 65852.27.)
- **Enforcement Authority.** Amends Government Code section 65585, subdivision (j), by adding to the list of laws about which HCD is authorized to notify a local jurisdiction or the Attorney General when the local jurisdiction fails to comply with those laws, including Chapter 13 (commencing with Section 66310) and Government Code sections 65852.21, 65852.24, 65852.28, 65913.4.5, and 66411.7, among others.

2024 legislation includes the following changes to State ADU Law (effective March 27, 2024, and January 1, 2025):

SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the government code sections related to ADU and JADU Law. AB 2533 (Chapter 834, Statutes of 2024) and SB 1211 (Chapter 296, Statutes of 2024) made changes to State ADU Law.

- **Updated Government Code Sections.** Government Code sections related to ADU and JADU law were updated from 65852.2, 65852.22, 65852.23, and 65852.26 to Government Code sections 66310-66342.
- **Unpermitted ADUs and JADUs.** Changes the date from January 1, 2018, to January 1, 2020, such that a local agency is precluded from denying a permit for an unpermitted ADU that was constructed before January 1, 2020, because the ADU violates building standards

or because the ADU does not comply with State ADU Law or a local ordinance. (Gov. Code, § 66332, subd. (a).) A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency's internet website, which shall include both of the following: (1) a checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard, and (2) information that, before applying for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before applying for a permit. (Gov. Code, § 66332, subd. (d)(1), (d)(2).)

- **Objective Standards.** Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a).
- **Livable Space.** Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- **Uncovered Parking.** Specifies that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced.
- **Detached ADUs.** Authorizes up to eight detached ADUs on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot.

For additional summaries of ADU legislation, please see the Resources section.

Frequently Asked Questions

66323 Units

What are “66323 Units”?

HCD uses the term “66323 Units” to refer to ADUs and JADUs that are created pursuant to Government Code section 66323. They have also been referred to as “State mandated” or “State exempt” ADUs. Government Code section 66323 creates four categories of ADUs (and JADUs) that must be approved ministerially and are not subject to standards set forth in Government Code sections 66314-66322. For example, 66323 Units do not have to comply with lot coverage, front setbacks, and design standards. However, these ADUs must comply with building code and health and safety requirements for dwellings. The four categories are:

1. Single-Family Converted ADUs and JADUs

One ADU per lot is permitted within the converted space of a proposed or existing single-family dwelling or accessory structure. This type of ADU must have exterior access and setbacks for fire and safety but is not subject to a four-foot side and rear yard setback. (Gov. Code, § 66323, subd. (a)(1).)

ADUs converted from accessory structures are eligible for a 150 square-foot expansion to accommodate ingress and egress. For example, if a second story from a single-family dwelling is converted into an ADU, a stairwell of not more than 150 square feet could be added, among other types of ingress and egress configurations that comply with the local building code. (Gov. Code, § 66323, subd. (a)(1)(A).)

In addition, one JADU per lot is permitted within the proposed or existing space of a single-family dwelling or accessory structure and must have exterior access, side and rear setbacks for fire and safety. (Gov. Code, § 66323, subd. (a)(1).) JADUs must also comply with the provisions of JADU Law found in Government Code sections 66333-66339. For the purposes of constructing a JADU, attached garages are part of a single-family dwelling. (Gov. Code, § 66333, subd. (d).)

For more information, please see the Handbook section on JADUs.

2. Single-Family Detached ADUs

One detached new construction ADU that does not exceed four-foot side and rear yard setbacks is permitted on lots with an existing or proposed single-family dwelling (Gov. Code, § 66323, subd. (a)(2)). The maximum unit size is 800 square feet with a height limitation of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(2)(B).)

3. Multifamily Converted ADUs

ADUs may be created within the portions of existing multifamily structures that are not used as livable space (Gov. Code, § 66323, subd. (a)(3)(A)). Local agencies shall allow

at least one ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units (Gov. Code, § 66323, subd. (a)(3)(B)). Examples of structures that are not used as livable space include, but are not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages (Gov. Code, § 66323, subd. (a)(3)(A)).

4. Multifamily Detached ADUs

Up to two detached ADUs are allowed on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot. These ADUs are subject to four-foot rear and side yard setbacks and height limits of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(4)(A).) A local agency may not require that a setback be modified for an existing multifamily dwelling with setbacks less than four feet as a condition of ADU application approval (Gov. Code, § 66323, subd. (a)(4)(B)).

The local agency must allow the four categories of ADUs listed above to be combined as allowed by the site and lot conditions. For example, pursuant to Government Code 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together. This means that on single-family lots, local agencies must allow at least one ADU constructed from existing space, one JADU, and one newly constructed detached ADU. For multifamily lots, local agencies must permit at least one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and two detached ADUs.

Allowable 66323 ADU Combinations All formats listed below may be combined as explained in the preceding section		
	Single-Family Primary Dwelling	Multifamily Primary Dwelling
Gov. Code, § 66323, subd. (a)(1) ADU constructed from proposed or existing space	- Sometimes referred to as “Conversions,” “Interior,” “Created within.” - May expand 150 square feet from the existing accessory structure for ingress and egress. - Must have exterior access.	Does not apply
Gov. Code, §§ 66323, subd. (a)(1); 66333-66339 JADUs	- Created within existing or proposed dwelling. 500 square-foot maximum. - May be created from within attached garage.	Does not apply

Gov. Code, § 66323, subd. (a)(2) New construction detached	• May be in front setback. • 800 square-foot maximum.	Does not apply
Gov. Code, § 66323, subd. (a)(3)(A) Constructed in existing space not used as livable	Does not apply	• Existing non-livable space (e.g., gyms, enclosed parking, etc.) within the multifamily structure. • Allows at least one ADU or up to 25% of existing primary units.
Gov. Code, § 66323, subd. (a)(4) Detached from primary dwelling	Does not apply	• Up to two units detached from proposed primary dwelling, or • Up to eight units detached from existing primary dwelling, not to exceed the number of existing units on the lot. • Four-foot side and rear setbacks.

What design, zoning, or other local standards can be imposed on 66323 Units?

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

Additionally, rentals of 66323 ADUs must be for terms longer than 30 days. (Gov. Code, § 66323, subd. (e).) Fire sprinklers are not required for the ADU if not required for the primary residence, and the construction of an ADU may not trigger the requirement for fire sprinklers in an existing multifamily dwelling. (Gov. Code, § 66323, subd. (d).)

Can a 66323 ADU created by converting an existing accessory structure be expanded?

Yes. An ADU created within the existing space of an accessory structure can be expanded beyond the physical dimensions of the structure up to 150 square feet solely for the purpose of accommodating ingress and egress. (Gov. Code, § 66323, subd. (a)(1)(A).) An example is the construction of a staircase to reach a second story ADU. The ADUs shall conform to setbacks sufficient for fire and safety. (Gov. Code, § 66323, subd. (a)(1)(C).)

NOTE: A JADU may be created within the walls of a single-family residence and not within an accessory structure. JADUs may not be expanded beyond the existing dimensions of the single-family dwelling.

For more information regarding 66323 multifamily accessory units, please see Multifamily ADUs.

ADUs

What is an ADU?

An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons. ADUs are either “detached from,” “attached to,” or located within the proposed or existing primary dwelling. This includes attached garages, storage areas or similar spaces, and accessory structures. The ADU can also be detached from the proposed or existing primary dwelling, including detached garages, provided it is located on the same lot. (Gov. Code, §§ 66313, subd. (a); 66314, subd. (d)(3).)²

Bedrooms

Can a limit on the number of bedrooms in an ADU be imposed?

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs (Gov. Code, § 65008). Building code standards for minimum bedroom size still apply.

Can an ADU have no bedrooms?

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, (Gov. Code, § 65008) and could also unreasonably restrict the ability of homeowners to create ADUs (Gov. Code, § 66311). Building code standards for minimum bedroom size still apply.

Building Code Violations

Can an ADU application be denied due to building code violations?

An ADU application pursuant to Government Code section 66314 may be denied due to building code violations on the primary unit only if the violations present a threat to public health and safety and are affected by the construction of the ADU (Gov. Code, § 66322, subd. (b)). However, all ADUs must comply with building code and health and safety requirements for dwellings.

Coastal Commission

Do state ADU laws apply to jurisdictions located in the California Coastal Zone?

Yes. ADU laws apply to jurisdictions in the California Coastal Zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies (Gov. Code, § 66329). Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new State ADU Laws. For more information, see the California

² Note that certain federal financing programs mentioned in the section on “Funding,” below, may have different definitions of an ADU.

Coastal Commission 2020 Memo and reach out to the local Coastal Commission district office.

Deed Restrictions

Can an affordable housing deed restriction be imposed on an ADU?

No. A local agency cannot impose a deed restriction on an ADU. Government Code section 66315 states, “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” Section 66314, subdivision (b)(1) allows for local objective standards, but the examples provided all relate to design and development standards (e.g., parking, height, setback, landscape, maximum size of a unit). A deed restriction is not such a standard and thus cannot be imposed.

Can a deed restriction be imposed on a JADU?

Yes. A local agency may adopt an ordinance for the creation of JADUs (Gov. Code, § 66333). That ordinance must “[r]equire the recordation of a deed restriction” that includes only a prohibition on the sale of the JADU separate from the sale of the single-family residence and a restriction on the size and attributes of the JADU that conforms with state law (Gov. Code, § 66333, subds. (c)(1), (c)(2)).

Fees

What types of fees are considered impact fees?

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and include any monetary exaction other than a tax or special assessment that is charged by a local agency in connection with the approval of an ADU for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. (Gov. Code, §§ 66324, subd. (a); 66000.) A local agency, special district, or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, § 66324, subds. (b), (d).)

Can impact fees be charged for an ADU less than 750 square feet?

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if it is less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit. (Gov. Code, § 66324 subd. (c)(1).) In this specific instance, impact fees also include Quimby fees specified in Government Code section 66477 (Gov. Code, § 66324 subd. (c)(2)).

For ADUs that include a 150 square-foot exterior expansion, the 150 square feet count towards the 750 square-foot limit. For example, a 700 square-foot interior conversion ADU with

a 150 square-foot exterior expansion for ingress and egress would count as an 850 square-foot ADU for the purposes of calculating fees, thus triggering the proportionate fee requirement of Government Code section 66324, subdivision (c).

What is “Proportionality”?

“Proportionality” is some amount in relation to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. (Gov. Code, § 66324, subd. (c)(1).)

Can school districts charge impact fees?

Yes. School districts are authorized to, but do not have to, levy impact fees for ADUs larger than 500 square feet pursuant to Section 17620 of the Education Code and the Mitigation Fee Act (Gov. Code, § 66000). ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs and to ensure appropriate nexus studies are conducted on fees to facilitate construction or reconstruction of adequate school facilities, as required by the Mitigation Fee Act. Local agencies should not withhold the issuance of a permit to create an ADU or JADU due to the imposition of school fees.

Can I still be charged water and sewer connection fees?

ADUs constructed from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed concurrently with a new single-family dwelling (Gov. Code, § 66324, subd. (b)). The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling (Gov. Code, § 66324, subd. (e)).

Fire Protection and Fire Sprinkler Requirements

Can fire sprinklers be required for ADUs?

Only when sprinklers are required for the existing primary residence. Installation of fire sprinklers shall not be required in attached, detached, or converted ADUs if sprinklers are not required by building codes for the existing primary residence. For example, a detached single-family home designed and constructed decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. However, if the same primary dwelling recently underwent significant alteration and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. Additionally, the construction of an ADU under this code section shall not trigger a requirement for fire sprinklers for the primary residence. Finally, if a primary dwelling currently does not have fire sprinklers, and an attached ADU is proposed which would trigger fire sprinkler requirements due to the increase in livable space, that requirement shall not be imposed upon the primary dwelling unit. (Gov. Code, §§ 66314, subd. (d)(12); 66323, subd. (d).)

Funding

Is there financial assistance or funding available for ADUs?

Possibly. While at the time of this writing the funds have been exhausted, the California Housing Finance Agency's (CalHFA) ADU Grant Program provided up to \$40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build an ADU or JADU on a lot with an owner-occupied single-family dwelling unit. The ADU Grant Program was intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports.

Some local agencies are creating funding opportunities for ADU/JADU predevelopment and construction costs, or they are waiving fees.

For local agencies wanting to apply for funding for ADUs and JADUs, some of HCD's funding programs, such as the CalHome Program, the Permanent Local Housing Allocation program, the Prohousing Incentive Program, and the Local Housing Trust Fund Program, do include funding for these housing types as eligible activities.

For more information on local and state funding opportunities for ADU/JADU predevelopment or construction, or funding options for local agencies, please see the Grants and Funding section of our ADU webpage: <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>.

The Federal Housing Administration (FHA), Freddie Mac, and Fannie Mae also provide loans to support ADUs. The links below include information on these finance programs, including relevant definitions and criteria.

FHA

The FHA recently expanded access to mortgage financing for homes that have or will include ADUs. Specifically, the updated loan policies allow for the inclusion of rental income from the ADU in the borrower's qualifying income and would allow more borrowers to qualify for FHA financing for properties with ADUs. This includes the 203(k) Rehabilitation loan. Note that the 203(k) Rehabilitation loan may only be used to construct an attached ADU.

For more information on the updated policies, please reference the FHA Single Family Housing Policy Handbook at <https://www.hud.gov/sites/dfiles/OCHCO/documents/40001-hsgh-update15-052024.pdf>, or the 2023 Mortgagee Letter that includes specific ADU finance changes in the handbook <https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-17hsqml.pdf>. Interested parties should look to HUD's website for any updates.

Freddie Mac

Freddie Mac now offers several options for adding an ADU to an existing home and financing a purchase with the intention to rent or build an ADU. This includes allowing rental income from ADUs to be included in qualified income for a loan.

For more information, please visit <https://sf.freddiemac.com/docs/pdf/fact-sheet/adu-fact-sheet.pdf>.

Fannie Mae

Fannie Mae now offers financing options for adding an ADU to an existing property, building a home with an ADU using Construction-to-Permanent Financing, and buying a home with an existing ADU.

For more information, please visit <https://singlefamily.fanniemae.com/originating-underwriting/mortgage-products/accessory-dwelling-units>.

Height Requirements

Is there a limit on the height of an ADU?

There is no height limit contained in State ADU Law, but local agencies may impose height limits pursuant to Government Code section 66321, subdivision (b)(4). A local agency may impose a height limit by adopting a compliant ADU ordinance.

A local agency may not impose a height limit that is less than the following:

Detached ADUs

16 feet on a lot with a proposed or existing single-family or multifamily dwelling unit (Gov. Code, § 66321, subd. (b)(4)(A)).

18 feet on a lot with an existing or proposed single-family or multifamily dwelling, including an additional 2 feet to accommodate roof pitch that aligns with the primary dwelling, when the lot is a half-mile from a major transit stop or high-quality transit corridor (Gov. Code, § 66321, subd. (b)(4)(B)). Please see the ADU Glossary for definitions of these terms.

18 feet height on a lot with an existing or proposed multifamily, multistory dwelling (Gov. Code, § 66321, subd. (b)(4)(C)).

If a detached two-story ADU can be built according to the height allowances required under State ADU Law while remaining compliant with the building code, a local agency cannot deny an ADU application to create a two-story ADU, irrespective of the underlying zoning that might restrict a primary dwelling to one story. (Gov. Code, §§ 66321, subd. (b)(4)(D); 66314, subd. (d)(8).)

Attached ADUs

25 feet or the height limitation that applies to the primary dwelling in the local zoning ordinance, whichever is lower (Gov. Code, § 66321, subd. (b)(4)(D)).

Is there a limit on the number of stories of an ADU?

There is no limit on the number of stories contained in State ADU Law. A local agency must allow at least two stories, and an attached ADU may be built to the height of the zoning for the primary dwelling or up to 25 feet, whichever is lower. (Gov. Code, § 66321, subd. (b)(4)(D).)

Are there tools available to determine if a project qualifies for 18 feet in height?

The California State Geoportal features an interactive map and searchable database to assess whether any California address is within a High-Quality Transit Corridor (HQTC) (as described in Public Resources Code sections 21155, 21064.3, and 21060.2). This can assist with determining if your projects are eligible for an extra two feet in height. However, the State ADU Law does not designate a definitive resource for making HQTC proximity determinations. Applicants should go to their Metropolitan Planning Organizations first to find out if they are in a HQTC. If there is not one in their area, then they should go to their local agency.

Homeowners Associations (HOAs)

Can CC&Rs prohibit the construction or use of an ADU or JADU?

No. Sections 714.3 and 4751 of the Civil Code nullify covenants, conditions, and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on lots zoned to permit single-family residential uses. Such CC&Rs, including operating rules, are void and unenforceable. Applicants who encounter prohibitions of ADUs and JADUs within CC&Rs, whether implicit or explicit, are encouraged to reach out to their local agency.

What restrictions can be placed on an ADU or JADU?

HOAs may impose some limited objective standards on an ADU or JADU, such as requiring, within reason, specific materials, architectural styles, or other design and aesthetic restrictions. However, these standards may not be more stringent than State ADU Law and thereby unreasonably increase the cost to construct or effectively prohibit or extinguish the ability to create or serve an ADU or JADU. (Civ. Code, § 714.3, subd. (b).)

Examples of effective prohibitions, unreasonable costs, and extinguishments of the ability to construct an ADU or JADU may include, but would not be limited to:

- Any delay in reviewing an ADU or JADU for compliance with reasonable restrictions beyond the timeframes required of local agencies (60 days) or that significantly delay the construction or use of an ADU or JADU.
- Requiring alteration to an ADU or JADU application that would cause the property owner to incur substantial costs or forgo the development.
- Imposing a condition that would necessitate re-applying or amending a building permit application that substantially complies with State ADU and JADU Laws.
- Mandating neighboring property owners' approval or agreement for an ADU or JADU application or considering any disapproval or disagreement to the construction or use of an ADU or JADU by the neighbors as part of the local agency's ministerial process to approve or deny the application.
- Restricting the placement or location of an ADU or JADU such that it would be rendered infeasible or unusable by the property owner.

- Requiring major structural elements or design changes beyond the requirements set forth in State ADU and JADU Law that would extinguish the ability to construct or use the ADU or JADU.
- Imposing restrictions that are not objective or not knowable or available to the property owners in advance of submitting the application.
- Levying excessive application fees, conditions, or other financial requirements that would cause the property owner to incur substantial costs or forgo the development, such as requiring owner-occupancy of an ADU or charging excessive maintenance fees that would be unreasonable considering the size of the ADU proportionally to the primary dwelling.

Property owners whose construction or use of an ADU or JADU is impeded by an HOA (or their representatives or agents) are encouraged to reach out to their local agency and to seek legal counsel.

Can an HOA review or influence a local agency's ministerial approval to create or serve an ADU or JADU?

No. An HOA may not influence a local agency's ministerial approval of an ADU or JADU. Local agencies must provide an approval process that only includes ministerial provisions for the approval of ADU permit applications. This approval process shall not include discretionary processes, provisions, or requirements except as provided in Government Code section 66315. Thus, third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or JADU permit application (Gov. Code, § 66317, subd. (c)). If a local agency allows an HOA to be involved in any part of an ADU or JADU application process, the local agency is in violation of State ADU Law.

Housing Elements and Prohousing Designation

Do ADUs and JADUs count toward a local agency's RHNA?

Yes. Pursuant to Government Code sections 66330, and 65583.1, ADUs and JADUs may be utilized towards the RHNA and the Housing Element Annual Progress Report (APR) required by Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the U.S. Census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the U.S. Census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other local applications.

For more information, please refer to the Housing Element Building Blocks or contact HousingElements@hcd.ca.gov.

What analysis is required to count ADUs toward the RHNA in the housing element?

To count ADUs towards the RHNA in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR required by Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures, and affordability monitoring programs.

Are ADUs required to be addressed in the housing element?

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583; HSC, § 50504.5.)

Can ADUs and JADUs impact a local agency's Prohousing Designation status?

Yes. To qualify for a Prohousing Designation, a local agency must be in compliance with all applicable state housing laws, such as those mentioned in Government Codes section 65585, subdivision (j), which includes State ADU Law. An approved housing element and any associated programs which promote ADU development will also need to be enacted and in compliance to meet the minimum threshold requirements for a Prohousing Designation. Additionally, ADUs and JADUs are specifically identified within the Prohousing Designation Program as designation criteria under California Code of Regulations, Title 25, section 6606, meaning that an ADU ordinance or program which promotes ADU development beyond the minimum requirements of State ADU Law may score additional points towards their Prohousing Designation. In other words, local agencies that are in violation of State ADU Law will be ineligible for a Prohousing Designation, while local agencies that promote additional ADU development can score additional points towards their Prohousing Designation, and all the benefits that designation provides. (CCR Title 25, §§ 6600-6608).

JADUs

What is a JADU?

A "junior accessory dwelling unit" or JADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Gov. Code, § 66333.)

Are two JADUs allowed on a lot?

No. Only one JADU may be created per lot zoned for single-family residences with an existing or proposed single-family residence (Gov. Code, § 66333, subd. (a)). The JADU may be created within the walls of the proposed or existing single-family residence, including attached

garages (Gov. Code, § 66333, subd. (d)). If there are multiple detached single-family residential units on one lot, there can only be one JADU.

Can a JADU be created within a “half-plex”?

Yes, a JADU is permitted in a half-plex. A half-plex consists of two primary dwelling units on separate lots that share a dividing wall. One JADU is permitted in each half-plex in areas zoned for single-family use. (Gov. Code, § 66333, subd. (a).) If two units are attached on a single lot (i.e., a duplex), the primary dwelling is considered multifamily and would not qualify for a JADU.

Are JADUs required to have an interior connection to the primary dwelling?

JADUs are required to be within the walls of the primary dwelling but are not required to have an interior connection to the primary dwelling. However, if the JADU does not include a separate bathroom, the JADU must include an interior entrance to the main living area. (Gov. Code, § 66333, subd. (e)(2).)

Are JADUs allowed in detached accessory structures?

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, “enclosed uses” within the residence, such as attached garages, are eligible for JADU creation. (Gov. Code, § 66333, subd. (d).)

Are JADUs allowed to be increased by up to 150 square feet when created within an existing structure?

No. Only ADUs that are created from existing accessory structures are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress or egress (Gov. Code, § 66323, subd. (a)(1)(A)).

Are there any owner-occupancy requirements for JADUs?

Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU. Owner-occupancy is not required when the owner is another governmental agency, land trust, or housing organization. (Gov. Code, § 66333, subd. (b).)

What can local agencies require as part of an “efficiency kitchen”?

An efficiency kitchen is 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 (Gov. Code, § 66333, subds. (f)(1), (f)(2)). A local agency cannot be more restrictive than this definition. Thus, requirements such as counter or cabinet sizes, specified electrical or gas connections, or appliance types are not authorized by State JADU Law.

Are JADUs required to provide parking?

No. Local agencies may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

Local ADU Ordinances and Local Agencies

Should a local ordinance encourage the development of ADUs?

Yes. Pursuant to Government Code section 66310, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply.

Recent changes to State ADU Law intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistently with Government Code section 66310 and must not unduly restrict the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

State ADU Law provides the statutory minimum requirements for ADUs and JADUs. Local governments may elect to go beyond this statutory minimum to further the creation of ADUs. (Gov. Code, § 66325, subd. (b).) Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies.

Can a local agency adopt an ADU “bonus program?”

Yes. One common strategy used by local agencies to promote ADU development is to adopt ADU bonus programs. HCD supports this approach to go above and beyond State ADU Law's requirements to address California's ongoing housing crisis. A successful ADU bonus program should meet the following criteria:

1. The ADU bonus program is completely optional – There is no requirement, and no consequence for not taking part in a local bonus program.
2. The ADU bonus program only offers benefits in addition to the provisions of State ADU Law, not in lieu of them – All state-mandated requirements are granted unconditionally.
3. The ADU bonus program removes one or more physical constraints, such as a limitation on the number of allowable units on a lot, ADU size, height, setback requirements, or a waiver of design and development criteria.

Does HCD have enforcement authority over ADU ordinances?

Yes. Pursuant to Government Code section 66326, subdivision (a), local agencies are required to submit a copy of newly adopted ADU ordinances to HCD within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the ADU ordinance does not comply with State ADU Law, the local agency must respond to HCD's written findings within 30 days. The local agency shall either amend its ordinance in accordance with HCD's findings, or adopt the ordinance without changes, but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. (Gov. Code, § 66326, subd. (b).)

Although not required by State ADU Law, HCD may continue to offer further technical assistance to the local agency. However, if the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency and may notify the Attorney General that the local agency is in violation of State ADU Law. (Gov. Code, § 66326, subd. (c)(1).) While an ordinance is non-compliant, the local agency shall apply state standards for the approval of ADUs, until the local agency adopts a compliant ordinance. (Gov. Code, § 66316.)

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law (Gov. Code, § 66327).

Do local agencies have to adopt an ADU ordinance?

No. Local agencies may choose not to adopt an ADU ordinance. Should a local government choose not to adopt an ADU ordinance, any proposed ADU development would be subject only to the standards set forth in State ADU Law. (Gov. Code, §§ 66315, 66316.) A local agency that adopts an ADU ordinance may impose objective development and design standards in compliance with Government Code section 66314.

Is a local agency required to send an ADU ordinance to HCD?

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with the State ADU Law. (Gov. Code, § 66326, subd. (a).)

Are charter cities and counties subject to the new ADU laws?

Yes. State ADU Law applies to a local agency, which is defined as a city, county, or city and county, whether general law or chartered (Gov. Code, §§ 66312; 66313, subd. (g)).

Do ADU laws apply to areas governed by the Tahoe Regional Planning Agency (TRPA)?

Possibly. The TRPA was formed through a bistate compact between California and Nevada, which elevates its authority above state laws. Under this authority, TRPA has adopted certain restrictions that effectively limit lot coverage on developed land. State ADU Law may conflict to a degree with the TRPA standards, and to the extent that it does, the TRPA law preempts or overrides State ADU Law. For more information, please see: <https://www.trpa.gov/adus/>.

Manufactured Homes

Can a manufactured home be used as an ADU?

Yes. By definition, an ADU includes manufactured homes (Gov. Code, § 66313, subd. (a)(2); HSC, §§ 18007, 18008).

Health and Safety Code section 18007, subdivision (a): “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

For more information on Manufactured Homes please contact the Division of Codes and Standards at ContactMH-FBH@hcd.ca.gov.

Mobilehome Parks

Are ADUs permitted on lots within mobilehome parks or special occupancy parks?

No. A lot, as defined in Health and Safety Code sections 18210 and 18862.23, allows for only one manufactured home, mobilehome, or recreational vehicle. Health and Safety Code section 18862.23 also allows one tent, camp car, camping cabin, or camping party on a lot within a special occupancy park.

For more information, please contact the Division of Codes and Standards at: NAOStaff@hcd.ca.gov for Northern CA or SAOStaff@hcd.ca.gov for Southern CA.

Multifamily ADUs

What is considered a multifamily dwelling under State ADU Law?

For the purposes of creating an ADU, a structure with two or more *attached* dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

Does a local agency have to permit ADUs on lots zoned for multifamily use?

Yes. A local agency must permit an attached, detached, or converted ADU on a lot that is zoned to allow single-family or multifamily residential use and includes an existing or proposed dwelling (Gov. Code, § 66314, subds. (d)(2), (d)(3)). An applicant may build a detached or a converted ADU on a site in a residential or mixed-use zone with a proposed or existing multifamily dwelling. (Gov. Code, § 66323, subds. (a)(3), (a)(4).) (See next question for more information.)

How many ADUs are allowed on a multifamily site under Government Code section 66323?

Under Government Code section 66323, an applicant may apply to build up to eight detached

ADUs (Gov. Code, § 66323, subd. (a)(4)(A)) and at least one conversion ADU within an existing multifamily dwelling and up to 25 percent of the number of units in the existing multifamily dwelling (Gov. Code, § 66323, subd. (a)(3)(B)).

Can JADUs be created in multifamily dwelling structures?

No. JADUs may only be constructed on a site with a proposed or existing single-family dwelling in an area zoned for single-family residences; a JADU cannot be constructed on a multifamily site (Gov. Code, § 66333, subd. (a)).

Can a permitting agency impose accessibility standards on ADUs converted from existing space?

Maybe. For more information on ADA standards as they apply to your specific dwelling, please contact the Division of Codes and Standards at HCDBuildingStandards@hcd.ca.gov.

Can a leasing office be converted into an ADU?

Yes. A leasing office within an existing multifamily dwelling structure can be converted to at least one ADU – and up to 25 percent of the existing multifamily dwelling units – provided the ADUs comply with state building standards for dwellings. (Gov. Code, § 66323, subd. (a)(3)(A).)

In addition, a leasing office on a lot with an existing multifamily dwelling may be converted into up to eight detached ADUs, not to exceed the number of existing units on the lot and subject to height limitations in section 66321, subdivision (b), and to rear yard and side setbacks of no more than four feet. (Gov. Code, § 66323, subd. (a)(4)(A).)

Finally, an ADU can be created from an accessory space, including a leasing office, that is either attached to or located within the multifamily structure or an accessory structure, or is detached from the primary dwelling and located on the same lot as the primary dwelling, and complies with other applicable standards. (Gov. Code, § 66314, subd. (d)(3).)

Nonconforming Zoning

Can a local agency refuse to permit an ADU or JADU because of nonconforming zoning conditions?

No. State ADU Law limits a local agency's ability to deny a permit application due to the correction of existing, nonconforming zoning conditions. Nonconforming zoning conditions are physical improvements on a property that do not conform to current zoning standards. (Gov. Code, § 66313, subd. (h)). For 66323 Units, a local agency cannot condition approval on the correction of nonconforming zoning conditions (Gov. Code, § 66323, subd. (c)). For all other ADUs, a local agency may only deny a permit to create an ADU due to zoning non-conformance when the non-conformance creates a threat to public health and safety and is affected by the construction of the ADU (Gov. Code, §§ 66322, subd. (b)).

Owner-Occupancy

Can local agencies require owner-occupancy for an ADU?

No. A local agency cannot impose an owner-occupancy requirement on any ADU (Gov. Code, § 66315).

Parking Requirements

Can ADU parking requirements exceed one space per unit or bedroom?

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less (Gov. Code, § 66314, subd. (d)(10)(A)). These spaces may be provided as tandem parking on a driveway (Gov. Code, § 66314, subd. (d)(10)(B)). Guest parking spaces shall not be required for ADUs under any circumstances. In addition, a local agency may not require off-street parking spaces to be replaced when a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU (Gov. Code, § 66314, subd. (d)(11)).

Local agencies may choose to eliminate or reduce parking requirements for ADUs, such as requiring zero or a fraction of a parking space per each ADU (such as a ½ space per unit), to further reduce barriers to ADU construction and to facilitate more development of mixed-modal transportation such as walking and public transit.

Are certain ADUs exempt from parking requirements?

Yes. A local agency shall not impose parking standards on any of the following ADUs, pursuant to Government Code section 66322, subdivision (a):

- 1) ADUs located within one-half mile walking distance of public transit.
- 2) ADUs located within an architecturally and historically significant historic district.
- 3) ADUs that are part of the proposed or existing primary residence or an accessory structure.
- 4) When on-street parking permits are required but not offered to the occupant of the ADU.
- 5) When there is a car share vehicle located within one block of the ADU.
- 6) When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).

Parking requirements for ADUs may not exceed one parking space per ADU or per bedroom, whichever is less (Gov. Code, § 66314, subd. (d)(10)). ADUs which have no bedrooms because they are an “efficiency unit” or studio do not increase the bedroom count.

In addition, local agencies may not impose parking requirements on 66323 Units.

Is flexibility for siting ADU parking recommended?

Yes. Local agencies should be flexible when siting parking for ADUs. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made otherwise based on specific site or

regional topographical or fire and life safety conditions. (Gov. Code, § 66314, subd. (d)(10)(B).)

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced (Gov. Code, § 66314, subd. (d)(11)).

Permit Applications and Permitting Agencies

What is an ADU permitting agency?

A permitting agency is “any entity that is involved in the review of a permit for an accessory dwelling unit or JADU and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.” (Gov. Code, § 66313, subd. (k).) See also the Glossary section of this Handbook for this definition.

Are ADUs permitted ministerially?

Yes. ADUs subject to State ADU Law must be considered, approved or denied, and permitted ministerially, without discretionary review or a hearing (Gov. Code, § 66317, subd. (a)). Development standards must be objective to allow for ministerial review (Gov. Code, § 66314, subd. (b)(1)). Objective standards require a uniform benchmark or reference that is knowable by both the permit applicant and the permitting agency prior to the submission of an application to create or serve an ADU (Gov. Code, § 66313, subd. (i)).

What are considered objective standards for ministerial approval?

Examples include numeric and fixed standards such as heights or setbacks, or design standards such as specified colors or materials. See also the Glossary section of this Handbook for the definition of objective standards.

What would be considered subjective standards?

Subjective standards require independent judgement and are open to multiple interpretations. Language such as “privacy,” “compatibility with neighboring properties,” “promoting design harmony and balance,” “must maintain similar architecture style,” or requiring “high quality materials” are subjective and may not be imposed on ADU development (Gov. Code, § 66313, subd. (i)).

What is the process and timeline for reviewing and approving ADU and JADU applications?

Under the Permit Streamlining Act, and whether or not a local agency has adopted an ordinance, a local agency has 30 calendar days to determine whether or not an ADU application is complete. If an application is deemed incomplete, the local agency must provide an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency’s submittal requirement checklist. (Gov. Code, § 65943, subd. (a).)

If the application is complete, it must be approved or denied ministerially within 60 days from the date the permitting agency received the complete application (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a)). Applicants are responsible for paying all applicable processing and

permitting fees that may be due at the time of application.

What kind of environmental review is required for ADUs and JADUs?

ADUs and JADUs approved ministerially are statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA guidelines and Section 21080, subdivision (b)(1) of the Public Resources Code. In addition, ADUs can be categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA guidelines, authority cited under Public Resources Code Sections 21083 and 21084. ADU and JADU ordinances are statutorily exempt from CEQA pursuant to Section 21080.17.

What does ministerial review of a permit application involve?

A ministerial review ensures that the permit application meets all the applicable objective standards effective at the time of the review and uses no discretionary judgment, opinion, or subjective standards. Agency staff inspect the submitted application, site plan, and building plans for compliance with applicable standards. This often means that the permitting agency (i.e., planning, building, fire departments and utilities) reviews the application using only checklists. (Gov. Code, §§ 66316, 66317, 66320.)

Can an applicant delay the 60-day timeline?

Yes. If an applicant would like to request a delay on their application for any reason, they may do so. The 60-day period to approve or deny the permit shall be tolled for the period of the delay. (Gov. Code, § 66317, subd. (a).)

When is an ADU permit application “deemed approved” without formal review?

An ADU permit application is “deemed approved” when the permitting agency fails to approve or deny a completed application within 60 days of receiving a completed application (Gov. Code, §§ 66317, subd. (a); 66320, subd. (a)).

Do ADUs need a Certificate of Occupancy?

Yes, property owners must obtain a Certificate of Occupancy from the local agency prior to any residential occupancy of an ADU or JADU (Gov. Code, § 66328; 2022 CBC, § 111).

Can the local agency deny a permit application for an unpermitted ADU that was built before 2020?

A local agency shall not deny a permit for an unpermitted ADU that was constructed before January 1, 2020, due to the ADU being in violation of building standards, non-compliance with State ADU Law, or any local ordinance regulating ADUs (Gov. Code, § 66332, subd. (a)). However, the local agency may deny the permit if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure, or if the building is deemed substandard pursuant to section 17920.3 of the Health and Safety Code (Gov. Code, § 66332, subds. (b), (c)).

What happens when an application for an ADU is denied?

The permitting agency denying the application must provide the applicant a full set of comments listing items that are defective or deficient and include a description of how the application may be remedied. A full set of comments includes all comments from all reviewers,

from every permitting agency. The 60-day countdown continues until the complete list is provided. (Gov. Code, §§ 66317, 66320.) A local agency which has provided a complete set of correction comments has fulfilled this requirement. Following a denial, a subsequent application resets the 60-day period.

The applicant may address the proposed remedy and resubmit the application to the permitting agency. A local agency may charge a fee to process a resubmitted application. (Gov. Code, § 66335 subd. (c).)

How can I request technical assistance from HCD about the denial of my ADU application?

Questions and requests for technical assistance should be submitted through HCD's [ADU Portal](https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units), which is available on HCD's ADU webpage: <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>. To reach the portal, navigate to "Contact the ADU Team." Applicants should first work to address the denial with the permitting agency via the agency's process. HCD may provide technical assistance after an application has been submitted. However, HCD may not respond or follow up with a permitting agency if there is no pending application.

Rental Terms

Are rental terms allowed?

Yes. Local agencies may require that ADUs be used for rentals of terms longer than 30 days (Gov. Code, § 66315). ADUs created pursuant to Government Code section 66323 must be rented for terms longer than 30 days (Gov. Code, § 66323, subd. (e)).

Sales and Separate Conveyance

Can ADUs be sold or separately conveyed?

A local agency may adopt a local ordinance to allow separate conveyance of the primary unit and the ADU as condominiums if the ordinance meets specific requirements laid out in Government Code section 66342. In addition, Government Code section 66341 creates a narrow exception to allow separate conveyance of an ADU to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and meets other requirements specified in section 66341.

Senate Bill 9 (SB 9) (Chapter 162, Statutes of 2021)

How does SB 9 work with ADUs?

SB 9 (Gov. Codes, §§ 65852.21, 66411.7) and State ADU Law are complementary. Both laws can be implemented in ways that result in developments with both "SB 9 Units" and ADUs. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units and ADUs or JADUs. For example, when a lot split has not occurred, the lot is eligible to receive a second primary unit on the lot under SB 9 and to receive up to two ADUs under State ADU Law. When a lot split occurs under SB 9, each lot is

eligible for up to two units, including, for example, a primary unit and an ADU or JADU. In the case that a lot owner both splits a lot and builds two primary units on each resulting lot under SB 9, State ADU Law is superseded (i.e., neither lot is entitled to an ADU or JADU); in all other cases, State ADU Law applies, up to SB 9's four-unit cap. (Gov. Code, § 66411.7, subd. (j).)

Members of the public with SB 9 complaints are encouraged to share them to the [Housing Accountability Unit Portal](#). Please also see HCD's [SB 9 Fact Sheet](#).

Setbacks

Can setbacks be required for ADUs?

Yes. A local agency may impose objective development standards, such as setbacks, for the creation of ADUs. A setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU (Gov. Code, § 66314, subd. (d)(7)). Additional setback requirements may be required in the Coastal Zone if required by a local Coastal Program (Gov. Code, § 66329).

Are setbacks required for ADUs/JADUs created within an existing structure or replacing an existing structure?

No setback shall be required for an ADU or JADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location and to the same dimensions as an existing structure (Gov. Code, § 66314, subd. (d)(7)).

Can a local agency impose front setbacks?

Yes. A local agency may apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet from being built on the property, even if that ADU would exist partially or wholly within the front setback (Gov. Code, § 66321, subd. (b)(3)).

Can a local agency require an ADU be built in an alternate location to comply with front setback requirements?

Maybe. Local agencies may set objective standards, including front setbacks. However, a permitting agency may not require that an ADU of up to 800 square feet be built in an alternative location based on discretionary, or non-objective, standards. Requiring an alternative site, using objective standards, to comply with front setback requirements must not be overly burdensome such that it unreasonably restricts the ability of homeowners to create ADUs in zones in which they are authorized by local ordinance. (Gov. Code, §§ 66321, subd. (b)(3); 66311.)

Is there a distance requirement between an ADU and other structures on the lot?

State ADU Law does not address the distance between an ADU and other structures on a lot. A local agency may impose objective development standards for the creation of some ADUs, and all ADUs must comply with local building codes. However, development standards should not unreasonably restrict the creation of ADUs. (Gov. Code, § 66311.) Minimum distance or other requirements may not be applied if they would unreasonably restrict the creation of ADUs, unless they are a requirement of a Building or Fire Code (Gov. Code, § 66314, subd. (d)(8)).

Size Requirements and Restrictions

How is the square footage of an ADU or JADU calculated?

The CBC provides the minimum standards to which all buildings in California must be built (California Building Code, Vol. 2, 1.1.3). The CBC also allows local agencies to adopt amendments, additions, or deletions to the provisions of the CBC which are reasonably necessary and are more restrictive than the CBC's standards (California Building Code, Vol. 2, 1.1.8).

The CBC defines "Floor Area, Gross" as "[t]he floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts."

Government Code section 66314, subdivision (d)(8) states that a local ADU ordinance must require ADUs to comply with local building codes. Thus, when a local agency has not adopted specific changes to the CBC in its local building standards, then the CBC standards, and in this case the definition of floor area, shall apply. If the local agency has made specific amendments, additions, or deletions relating to the definition of "Floor Area" within its local building standards, then those altered definitions shall apply.

Can minimum lot size requirements be imposed on ADUs?

No. Local governments may not include minimum lot size requirements for ADUs (Gov. Code, § 66314, subd. (b)(1)).

Can lot coverage or floor area ratio preclude an ADU?

Limits on lot coverage or any floor area ratio requirements cannot preclude the creation of an ADU of at least 800 square feet that maintains four-foot rear and side setbacks. While floor area ratio and lot coverage requirements can be applied to other ADUs, such requirements must not unreasonably restrict the creation of ADUs. (Gov. Code, §§ 66321, subd. (b)(3); 66311.)

Can minimum and maximum unit sizes be established for ADUs?

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom. (Gov. Code, § 66321, subd. (b)(2).) For local agencies without a compliant ADU ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU (Gov. Code, § 66314, subd. (d)(4)) and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet) (Gov. Code, §§ 66314, subd. (d)(5); 66321, subd. (a)(3)). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits the development of an efficiency unit as defined in Health and Safety Code section 17958.1. An efficiency unit may be as small as 150 square feet in floor area (HSC, § 17958.1).

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. (Gov. Code, § 66323, subd. (a)(1).)

Can open space or landscaping requirements be used to limit the size of or deny an ADU permit?

No. A local agency's open space zoning requirements may not deny an ADU of at least 800 square feet with four-foot rear and side setbacks (Gov. Code, § 66321, subd. (b)(3)). In addition, 66323 Units are not subject to local open space and landscaping requirements in an ADU ordinance (Gov. Code, § 66323, subd. (b)).

Can a percentage of the primary dwelling be used to limit the maximum size of an attached ADU?

Yes. Local agencies may utilize a percentage (e.g., not greater than 50 percent) of the existing primary dwelling as a maximum unit size for attached ADUs, but only if it does not restrict an ADU's size to less than 850 square feet, or 1,000 square feet for ADUs with more than one bedroom (Gov. Code, §§ 66314, subd. (d)(4); 66321 (b)(2)).

Can maximum unit sizes exceed 1,200 square feet for ADUs?

Yes. Maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a less stringent local ADU ordinance. State ADU Law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. (Gov. Code, § 66325, subd. (b).)

Solar Requirements

Are solar systems required for newly constructed ADUs?

Yes, newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the California Energy Code requirement to provide solar systems.

Please refer to the CEC on this matter. For more information, see the CEC's website at www.energy.ca.gov. You may email your questions to title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD's website at <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>.

Tiny Homes

Are "tiny homes" considered ADUs?

Possibly. While State ADU Law does not specifically reference "tiny homes," "tiny home" is an industry term that can mean different structures or vehicles. If the unit meets the definition of an ADU in Government Code section 66313, subdivision (a), it is subject to ADU Law. For

more information on “tiny homes,” see Information Bulletin 2016-01 at <https://www.hcd.ca.gov/policy-research/docs/hcd-bulletin-tiny-home-ib-2016-01.pdf>. You may also contact HCD’s Division of Codes and Standards at ContactMH-FBH@hcd.ca.gov.

Types of ADUs

What are attached ADUs?

An attached ADU is a newly created (constructed) dwelling structure that structurally abuts (and connects to) an existing or proposed primary dwelling or accessory structure (Gov. Code, § 66314, subd. (d)(3)). This can be constructed on top of or below the primary dwelling. The attached ADU extends beyond the building plane of the existing or proposed primary dwelling unit. An attached ADU shall not exceed 50 percent of the existing primary dwelling’s floor area size. (Gov. Code, § 66314, subd. (d)(4).)

Examples of attached ADUs include, but are not limited to:

- An ADU addition to a duplex.
- An ADU built on top of an attached garage.
- An ADU built as a new second story of a single-family dwelling.
- An ADU built in a newly constructed basement.

What are converted ADUs?

Converted ADUs are dwelling units that are created from existing space within proposed or existing primary dwelling units or existing accessory structures. For single family residences, the converted ADU is created from the proposed or existing space of the single-family residence or the existing space of an accessory structure. For multifamily dwelling structures, the converted ADUs are created from portions of the multifamily dwelling structures that are not used as livable space (i.e., storage rooms, passageways, etc.). (Gov. Code, § 66323, subds. (a)(1), (a)(3)(A).)

What standards apply to ADU conversions?

Objective standards related to height, lot coverage, landscape, design, development, and architectural standards in the local ADU ordinance do not apply to ADU conversions. However, since ADU conversions are created within an existing structure, the height of ADU conversions are limited to the dimension of the original structure. ADU conversions are not subject to setback requirements because they are created within an existing living area or are constructed in the same location and to the same dimensions as an existing structure. (Gov. Code, § 66323, subds. (a)(1), (a)(3)(A).) ADU conversions are subject to all applicable building, health and safety, and fire standards for dwellings.

Can accessory structures be converted into an ADU?

Yes. The conversion of detached garages, sheds, and other existing detached accessory structures into ADUs is permitted by State ADU Law (Gov. Code, §§ 66314, subd. (d)(3); 66323, subds. (a)(1), (a)(3)(A)).

What are Detached ADUs?

Detached ADUs are newly constructed dwelling units that are created on a lot with an existing or proposed single-family or multifamily dwelling structure but are detached from the primary dwelling (Gov. Code, §§ 66314, subd. (d)(3); 66323, subds. (a)(1), (a)(2), (a)(4)(A)).

Can detached ADUs on multifamily lots be attached to each other?

Yes. Multifamily lots qualify for two detached, new construction ADUs on lots with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, not to exceed the total number of existing units on the lot. These ADUs are detached from the primary multifamily structure but do not have to be detached from each other or other accessory structures on the lot. (Gov. Code, § 66323, subd. (a)(4)(A).)

For more information on 66323 Units, please see the “66323 Units” section above.

Unpermitted Structures and ADUs

Can a local agency deny a permit for an unpermitted ADU or JADU built prior to January 1, 2020?

Local agencies may not deny a permit for an unpermitted ADU or JADU created prior to January 1, 2020. An inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards (Gov. Code, § 66332, subd. (f)). However, the local agency may deny a permit if it finds that the building is substandard. This does not preclude the local agency from pursuing enforcement action on these violations, and an applicant may be required to make alterations or repairs accordingly. (Gov. Code, § 66332.)

How does an applicant know what items are related to health and safety and may lead to needing corrections for an unpermitted ADU or JADU?

A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency’s internet website, which shall include both of the following: (1) a checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard, and (2) information that, before applying for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit’s existing condition or potential scope of building improvements (Gov. Code, § 66332, subd. (d)(1), (d)(2)).³

Can a local agency charge impact, connection, or capacity fees for an unpermitted ADU or JADU built prior to January 1, 2020?

No. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed

³ See the Department of Consumer Affairs’ Contractors State License Board’s contractor license check resource, available at <https://www2.cslb.ca.gov/online services/checklicenseII/checklicense.aspx>.

before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges to obtain a permit if they provide written evidence that their household income does not exceed the definition of a low- or moderate-income household, as defined in Section 50093 of the Health and Safety Code (Gov. Code, § 66332, subd. (e)).

Utilities

Can a local agency, special district, or water corporation require a new or separate connection for an ADU?

ADUs and JADUs created from the existing space of a primary dwelling or accessory structure pursuant to Government Code section 66323, subdivision (a)(1), cannot be required to install a new or separate connection unless the ADU is constructed concurrently with a new single-family dwelling. For all other ADUs not created pursuant to Government Code section 66323, subdivision (a)(1), a new or separate connection directly from the utility to the ADU may be required (Gov. Code, § 66324, subds. (d), (e)).

What if I have questions about electrical or gas utilities in connection with an ADU?

HCD does not have authority over issues related to gas and electrical services. If an applicant believes that a local utility provider is not complying with connection requirements, fee schedules, or other issues that impact the creation of or service of an ADU, the applicant can file a complaint with the appropriate agency.

For privately owned public utilities such as PG&E, contact the California Public Utilities Commission (CPUC) by using CPUC's online complaint form, by calling 1-800-649-7570, or by sending a letter to:

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

For publicly owned utilities such as SMUD, the applicant will need to contact the utility directly and follow their complaint process.

Zoning, Development, and Other Standards

Are ADUs allowed jurisdiction-wide?

No. Local agencies may, by ordinance, designate where ADUs are permitted within zones that allow residential use. However, any limits on where ADUs are allowed may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety. (Gov. Code, § 66314, subd. (a).)

Local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors. If a lot with a residence has been rezoned to a use that does not allow for residential uses, that lot is no longer eligible for an ADU. (Gov. Code, §§

66314; 66323, subd. (a).) Impacts on traffic flow should consider factors like lower car ownership rates for ADUs. Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns.

Can local agencies restrict ADUs based on Fire Hazard Severity Zones or other environmental hazards?

HCD understands that extreme weather conditions occur, and the threat of destructive wildfires cannot be ignored. Some agencies have used the High (HFHSZ) and Very High Fire Hazard Severity Zone (VHFHSZ) maps provided by CAL FIRE to mark areas where ADUs may be restricted or prohibited altogether. However, according to CAL FIRE, the HFHSZ and VHFHSZ maps are intended to govern building materials used in construction and defining zones of defensibility around structures. These are *not* intended to restrict housing development. The presence of a High Fire Hazard Severity Zone is not a conclusive rationale to warrant restricting ADUs. A restriction based on the threat to public safety should be supported with findings detailing the impact of ADUs on public safety. (Gov. Code, § 66314, subd. (a).)

Can an ADU application be denied due to lot density?

No. An ADU ordinance shall provide that ADUs do not exceed the allowable density on the lot (Gov. Code, § 66314, subd. (c)). Additionally, ADUs which conform to Government Code section 66314 shall not be considered to exceed the allowable density for the lot (Gov. Code, §§ 66314, subd. (c); 66319).

Can ADUs serve to qualify a project for a density bonus pursuant to State Density Bonus Law (SDBL), even though the general plan designation on the site allows less than five primary units?

Yes. A project initially qualifies under the SDBL when the project's "total units," as defined in the SDBL (i.e., the number of units in the project *before* a density bonus is received) meet or exceed five units (Gov. Code, § 65915, subd. (o)(8)). Although the SDBL makes no mention of ADUs in its text, it likewise does not expressly narrow the definition of unit to exclude ADUs. Provided they are counted within the total units of the project, ADUs are a type of housing unit that may be counted for the purposes of achieving the five total unit minimum.

If ADUs can be used to qualify a project under the SDBL's minimum total unit requirement, can they likewise be used to calculate a density bonus?

No. The calculation of a density bonus is based solely on a site's maximum allowable residential density, which does not include ADUs. A density bonus is defined as "a density increases over the otherwise maximum allowable gross residential density..." (Gov. Code, § 65915, subd. (f)). Maximum allowable residential density is defined as "the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan." (Gov. Code, § 65915, subd. (o)(6).) As an example, if the zoning ordinance allows up to two units and the general plan allows up to three, the applicable maximum allowable residential density (i.e., base density) on the site is three units, even though the addition of two ADUs brings the total units to five (see question above). The density bonus would then be calculated on top of a base density of three units, not five.

Can a local government apply design and development standards?

Yes. With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply objective development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards must be objective to allow ministerial review of an ADU. (Gov. Code, §§ 66314, subd. (b)(1); 66316.) ADUs created under Government Code section 66323 shall not be subject to design and development standards except for those that are specified in section 66323. (Gov. Code, § 66323, subds. (a), (b)).

Can an ADU be built in a historic district or if the primary residence is subject to historic preservation?

Yes. ADUs are allowed within a historic district and on lots where the primary residence is subject to historic preservation. State ADU Law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. (Gov. Code, § 66314, subd. (b)(1).)

As with non-historic resources, an agency may impose objective standards that do not unreasonably restrict the creation of ADUs (Gov. Code, § 66311). Local agencies are encouraged to incorporate these standards into their ordinances and to submit these standards along with their ordinances to HCD.

How should demolition of garages in conjunction with the permitting of an ADU be handled by a local or permitting agency?

The local or permitting agency must review and issue the demolition permit and ADU application at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of the garage unless the property is located in an architecturally and historically significant historic district. (Gov. Code, § 66314, subds. (e), (f).)

Resources



Changes to State ADU Laws

AB 2533

AB 2533 (Chapter 834, Statutes of 2024) made various changes to State ADU Law (Gov. Code, § 66332) regarding unpermitted ADUs and goes into effect on January 1, 2025. This bill:

- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for those violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard.
- Requires a local agency to inform the public about the provisions prohibiting denial of a permit for an unpermitted ADU or JADU.
- Requires this information to include a checklist of the conditions that deem a building substandard and to inform homeowners that, before submitting a permit application, the homeowner may obtain a confidential third-party code inspection from a licensed contractor.
- Prohibits a local agency from requiring a homeowner to pay impact fees or connection or capacity charges except under specified circumstances.
- Authorizes an inspector from a local agency, upon receiving an application for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, to inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards.

- Prohibits the local agency from penalizing an applicant for having the unpermitted ADU and would require the local agency to approve necessary permits to correct noncompliance with health and safety standards.

SB 1211

SB 1211 (Chapter 296, Statutes of 2024) made various changes to State ADU Law (Gov. Code, §§ 66313, 66314, 66323) with regard to replacement parking and 66323 Units on lots with existing or proposed multifamily dwellings and goes into effect on January 1, 2025. This bill:

- Defines “livable space” as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Specifies that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced.
- Authorizes up to eight detached ADUs on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot.
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a).

SB 477

SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of Government Code for State ADU and JADU Laws. The bill went into effect on March 25, 2024.

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
66314	65852.2 (a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9) 65852.2 (a)(2)

New Government Code Sections	Previous Government Code Sections
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
Article 3. Junior Accessory Dwelling Units	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)

Note: The statutory references below have been adjusted to the new numbering described above.

AB 976 and AB 1033

AB 976 (Chapter 751, Statutes of 2023) and AB 1033 (Chapter 1033, Statutes of 2023) made changes to State ADU Law (Gov. Code, §§ 66310-66342) regarding the occupancy, sale, and separate conveyance of ADUs and went into effect on January 1, 2024. These bills:

- Removed the existing 2025 sunset prohibition on a local agency imposing an owner-occupancy requirement on any ADU and would instead prohibit a local agency from requiring owner-occupancy for an ADU (Gov. Code, § 66315).
- Authorized a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342). Specifically:
 - Condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act.
 - Condominiums shall be created in conformance with the Subdivision Map Act.

- Requires a safety inspection of the ADU prior to recordation of the condominium plan.
- Requires lienholders' consent prior to recordation of the subdivision map or condominium plan.
- The local agency shall provide notice to consumers regarding requirements, establishment of condominium, and lienholder consent.
- Requires homeowner notice to utilities.
- The owner of a separate interest in an existing planned development must obtain express written authorization from the association.

AB 1332

AB 1332 (Chapter 759, Statutes of 2023) added section 65852.27 to the Government Code to expedite the approval of ADUs and went into effect on January 1, 2024. This bill:

- Requires the local agency to develop a program for the preapproval of ADU plans by January 1, 2025.
- Requires the local agency to accept ADU plan submissions for preapproval from any party and approve or deny applications pursuant to standards established in Government Code sections 66314-66342.
- Requires the local agency to post preapproved ADU plans and the contact information of the applicant on the local agency's internet website.
- Allows the local agency to also post plans pre-approved by other local or state agencies.
- Authorizes a local agency to charge a fee to an applicant for the preapproval of an ADU plan.
- Requires a local agency to approve or deny within 30 days an application for a detached ADU that utilizes either a plan preapproved by the local agency or another agency within the state, or a plan that is identical to a plan in a previously approved application for a detached ADU. The plans must be valid within the current triennial California Building Standards Code rulemaking cycle.

AB 434

AB 434 (Chapter 740, Statutes of 2023) modified amended Government Code section 65585, subdivision (j), by adding State ADU Law (Gov. Code, §§ 66310-66342) and SB 9 (Gov. Code, §§ 65852.21, 66411.7), among others, to the list of laws that HCD is authorized to enforce, including HCD's authority to notify a city, county, city and county, or the Attorney General when the planning agency of a city, county, or city and county fails to comply with those laws. The bill went into effect on January 1, 2024.

AB 345

AB 345 (Chapter 343, Statutes of 2021) built upon recent changes to State ADU Law, to require cities to allow the separate conveyance of ADUs from the primary dwelling in certain

circumstances, provided they meet certain conditions, including those listed below, found in Government Code section 66341:

- The ADU or primary dwelling was built or developed by a qualified nonprofit (Gov. Code, § 66341, subd. (a)).
- There is an enforceable restriction on the use of the property between the low-income buyer and nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code (Gov. Code, § 66341, subd. (b)).
- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer (Gov. Code, § 66341, subd. (c)).
- The property is held in a recorded tenancy in common agreement that meets certain requirements (Gov. Code, § 66341, subd. (c)).

AB 345 does not apply to JADUs, and local ordinances must continue to prohibit JADUs from being sold separately from the primary residence.

AB 3182

AB 3182 (Chapter 198, Statutes of 2020) built upon recent changes to ADU Law, specifically Government Code sections 66310-66342 and Civil Code Sections 4740 and 4741, to further address barriers to the development and use of ADUs and JADUs.

This legislation, among other changes, addressed the following:

- States that an application for the creation of an ADU or JADU shall be deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units (Civ. Code, § 4741, subd. (b)).

AB 68, AB 881, and SB 13

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019) built upon recent changes to State ADU and JADU Law and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size. (Gov. Code, § 66314, subd. (b)(1)).
- Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Authorizes HCD to notify the local agency if HCD finds that the local ADU ordinance is not in compliance with state law (Gov. Code, § 66326, subd. (b)(1)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy its Regional Housing Needs Allocation (RHNA) (Gov. Code, § 65583.1, subd. (a)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

AB 587, AB 670, and AB 671

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an

impact on State ADU Law, particularly through Health and Safety Code section 17980.12.

These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households. (Gov. Code, § 66340, 66341.)
- AB 670 provides that covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ. Code, § 4751)).
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs (Gov. Code, § 65583; HSC, § 50504.5)).

Summary Table of Statutory Changes

Bill	Statute Amended	Section	Year Effective
AB 670 (2019)	Civil Code	4751	2020
AB 671 (2019)	Government Code	65583 (c)(7)	2020
AB 671 (2019)	Health and Safety Code	50504.5	2020
AB 3182 (2020)	Civil Code	4740 4741	2021
AB 345 (2021)	Government Code	65852.26	2022
SB 9 (2021)	Government Code	65852.21 66411.7	2022
AB 1584 (2022)	California Civil Code	714.3	2022
SB1069 (2016) AB 2299 (2016) SB 229 (2017) AB 494 (2017) AB 881 (2019) AB 68 (2019) SB 13 (2019) AB 3182 (2020) AB 345 (2021) AB 2221 (2022) SB 897 (2022) AB 976 (2023) AB 1033 (2023)	Government Code	65852.2	2023
AB 2406 (2016) AB 881 (2019) SB 897 (2022)	Government Code	65852.22	2023
SB 897 (2022)	Health and Safety Code	17980.12	2023
AB 1332 (2023)	Government Code	65852.27	2024
AB 434 (2023)	Government Code	65585 (j)	2024
SB 477 (2024)	Government Code	65852.150 65852.2 65852.22 65852.23 65852.26	2024
AB 2533 (2024)	Government Code	66322	2025

SB 1211 (2024)	Government Code	66313 66314 66323	2025
AB 3057 (2024)	Public Resources Code	21080.17	2025
SB 1077 (2024)	Public Resources Code	30500.5	2026