



## **AGENDA - SPECIAL PLANNING COMMISSION MEETING**

**Thursday, December 4, 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. A Public Hearing to consider a Variance Permit (Application VAR25-01) for Battery Point Group's request for reduced setbacks located at 511 8th Street (APN 118-230-003).**

*Recommendation: Adopt Resolution No. PC2025-14: A Resolution of the Planning Commission of the City of Crescent City Approving a Variance Permit (Application VAR25-01) granting Battery Point Group's request for reduced setbacks.*

**-OR-**

*"Provide additional direction to staff regarding the requested variances"*

- 2. A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for Enoteca's request for a liquor license transfer located at 960 3rd Street (APN 118-120-026).**

*Recommendation: Adopt Resolution No. PC2025-15, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting Enoteca's liquor license transfer.*

### **PART V – STAFF UPDATES TO PLANNING COMMISSION**

### **PART VI – ADJOURNMENT:** to 5:30 pm Thursday, January 8, 2026

**CITY OF CRESCENT CITY PLANNING COMMISSION  
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE**

**POSTED** on December 1, 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](http://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](mailto: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](mailto: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



**DRAFT**  
**MINUTES - REGULAR PLANNING COMMISSION MEETING**  
**Thursday, July 10, 2025, at 5:30 P.M.**

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

**PART I – CALL TO ORDER & ROLL CALL**

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

Commissioners present: Chairman Steve Shamblin, Vice Chair Ray Walp,  
Commissioner Kristine DeCossio, Commissioner Shawna Hyatt

Staff present: Mayor Ray Altman, City Manager Eric Wier, City Attorney Martha Rice,  
Public Works Director Dave Yeager, Community Development Director Bob Brown,  
Contract Planner Ethan Lawton, City Clerk/Administrative Analyst Robin Altman,  
Community Development Specialist Heather Welton

**PART II - PUBLIC COMMENT PERIOD**

*There was no public comment.*

**PART III - APPROVAL OF MINUTES:**

Approve minutes from April 10, 2025 and May 15, 2025 Planning Commission meetings as presented.

*There was no public comment.*

*On a motion by Vice Chair Walp, seconded by Commissioner Decossio, and carried on a 4-0 polled vote, the Crescent City Planning Commission and Architectural Review Committee approved the minutes from April 10, 2025 and May 15, 2025 as presented.*

**PART IV - AGENDA ITEMS:**

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

*Ethan Lawton gave a slideshow presentation. He went over required criteria, zoning, general plan consistency and the sale of alcoholic beverage review process. He said its CEQA exempt.*

CITY OF CRESCENT CITY PLANNING COMMISSION  
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE

*Usage of the sidewalk out front of the facility was discussed on a commission level.*

*Applicant Matthew Fenner said he has fallen in love with Crescent City and the opportunity has presented itself to open the establishment. He went over how the facility would operate and be set up. He said he looks forward to hosting local bands to perform at the location. He said he serves their wine currently during the Downtown Divas Friday events.*

*Vice Chair Walp said he fully supports the wine tasting but does not support the drinking outside. How would the applicant prevent that from happening?*

*Applicant Matt said it would be the same as the Downtown Divas event, there would be barriers and signs posted with no alcohol beyond this point.*

*Building Owner Dr. John Kirk spoke about ABC and the process for alcohol and off-site consumption.*

*The following residents addressed the commission:*

*Blake Inscore, city resident- listed other similar businesses that were able to operate in city limits in the past.*

*Applicant Matt stated he will have the boundaries set very clearly where the people can drink wine in front of the store front.*

*On a motion by Commissioner Decossio, seconded by Vice Chair Walp, and carried on a 3-0 polled vote, with Chair Shamblin abstaining, the Crescent City Planning Commission and Architectural Review Committee Adopt Resolution No. PC2025-06, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-02) granting High Notes Winery's request for the sale of alcoholic beverages.*

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

*Ethan Lawton gave a brief background and presentation. He stated this was a citizen recommended item and not a city presented one. He went over the proposed amendments and options.*

*Outside advertisement was discussed on a commission level.*

*Applicant Dr. John Kirk presented the commission with a picture of the sign.*



CITY OF CRESCENT CITY PLANNING COMMISSION  
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE

*Director Yeager said the sign is currently being used as an advertisement sign with advertising for other businesses and birthdays. The issue is that the sign requires a permit through Cal Trans for advertising and it would probably not be allowable there.*

*Sign brightness was discussed on a commission level.*

*Applicant Dr John Kirk said he was told the sign was an issue, that's why he applied for the zoning amendment. He said he always thought a digital sign would be great, he said the company that installed the sign was Cirrus, and in retrospect he isn't happy with them. What he is asking is to match what the Fairgrounds did with their sign. He didn't know that a CalTrans permit was needed as the company said they were taking care of the permitting process. Beyond that, he thinks the sign is nice, it's helpful for other businesses.*

*Nits were discussed on a commission level.*

*The following residents addressed the commission:*

*Dan Schmidt, county resident- He thinks we should all be doing what we can to encourage and support local businesses and the tourists it attracts. He thinks the sign is tasteful and doesn't distract drivers. He's not offended by the idea the sign can promote other businesses, it's all positive and pro businesses. He said Dr. Kirk and his wife are wonderful assets to the community.*

*Roger Gitlin, city resident- He thinks the commission should support this sign, he said the advertising can also be public service announcements. He doesn't see the how sign is configured being a inconvenience to the neighborhood. He hopes the commission will embrace it.*

*Blake Inscore, city resident- He said the amendment does a simple thing in embracing a reality which will be the future of digital signs. It's not approving the bowling alley sign but it's part of the process of the city moving into a digital age. He thinks amending the zoning is progress.*

*On a motion by Chair Shamblin, seconded by Vice Chair Walp, and carried on a 4-0 polled vote, the Crescent City Planning Commission and Architectural Review Committee to continue the item to the next scheduled meeting and directed staff to bring back more information regarding Caltrans permitting and brightness examples and issues for consideration.*

**3.A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for the Lighthouse Cove Lower Cost Accommodations Project located at 900 Sunset Circle, Crescent City, CA 95531 (APN 118-020-031-000).**

*Ethan Lawton gave a slideshow presentation. He said this is an application from the city and the project is located at the city owned RV park.*

**CITY OF CRESCENT CITY PLANNING COMMISSION  
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE**

*Ethan made two clarifying comments, he said it does mention a renovation of the apartment and restrooms which are exempt to the CDP and CEQA process due to them being existing structures. Secondly, in the application there is a flood map, it is being worked with coastal commission for final placement of the modulars.*

*Insurance was discussed on a commission level.*

*The following residents addressed the commission:*

*Dan Schmidt, county resident- Thinks this is a wonderful idea and it's a great housing choice for someone who doesn't have a motorhome but would like to enjoy that area. People with RV's can invite other people down to stay in the cabins, in a sense larger groups can be there. He said go for it.*

*On a motion by Commissioner DeCossio, seconded by Vice Chair Walp and carried on a 4-0 polled vote, the Crescent City Planning Commission and Architectural Review Committee : Adopt Resolution No. PC2025-08, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting the City's request for installing two ADA cabins at the Lighthouse Cove RV Park.*

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

*Chair Shamblin said he was interested in being on the committee.*

*On a motion by Chair Shamblin, seconded by Vice Chair Walp, and carried on a 4-0 polled vote, the Crescent City Planning Commission and Architectural Review Committee nominated Chair Shamblin to be on the Downtown Specific Plan Steering Committee.*

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

*City Attorney Martha Rice presented maps to the commission with the current locations that are allowable to open dispensaries. She went over a few options to change the ordinance.*

*Caps on businesses and distance between businesses were discussed on a commission level.*

*Direction was to bring back a maximum cap of 8 storefront retail active permits and verbiage to cease cultivation permitting.*

*The following residents addressed the commission:*

**CITY OF CRESCENT CITY PLANNING COMMISSION  
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE**

*Janel Oberchain, city resident- She said from the point of view of someone that has moved here, she pointed out two zones and if they don't want digital signs then maybe not place the allowable zones in that area.*

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

*Ethan Lawton gave a slideshow presentation and said this is only for review, the discussion portion will take place at the City Council. He went over potential changes.*

*There was no public comment.*

**PART V - STAFF UPDATES TO PLANNING COMMISSION**

*City Manger- He said the Tolowa Coastal Walk its out to bid. Next summer the amphitheater will be out for bid. And the city received a grant for the coastal improvement trails.*

*Ray Walp asked about poetry and the sidewalks. He has a suggestion, he asked how about using a painting crew to paint some hop scotches around the parks and such in the sidewalks.*

*Staff said they will look into this further.*

*Planner Lawton- Wanted to thank Community Development Director Bob Brown for coming out tonight. He said next meeting ADU's, cannabis and fence ordinance will be discussed.*

**PART VI - ADJOURNMENT:**

There being no further business to come before the Commission, Chair Shamblin adjourned the meeting at 8:40 p.m. to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee scheduled for Thursday August 14, 2025 at 5:30 p.m.

**ATTEST:**

---

Heather Welton

Community Development Specialist

THIS PAGE WAS LEFT BLANK INTENTIONALLY

**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](http://www.crescentcity.org)

**STAFF REPORT**  
**AGENDA ITEM #1**

**TO:** Chairperson Shamblin and Members of the Planning Commission

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

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

**DATE:** Thursday, December 4, 2025

**SUBJECT:** A Public Hearing to consider a Variance Permit (Application VAR25-01) for Battery Point Group's request for reduced setbacks located at 511 8th Street (APN 118-230-003)

**SECTION 1: EXECUTIVE SUMMARY**

Battery Point Group LLC (Elk Creek Buildings / Red Sky Inc.) submitted a Variance Permit (Application VAR25-01) to request a reduction in setbacks for a proposed 4-plex multi-family residential development located at 511 8th Street (APN 118-230-003).

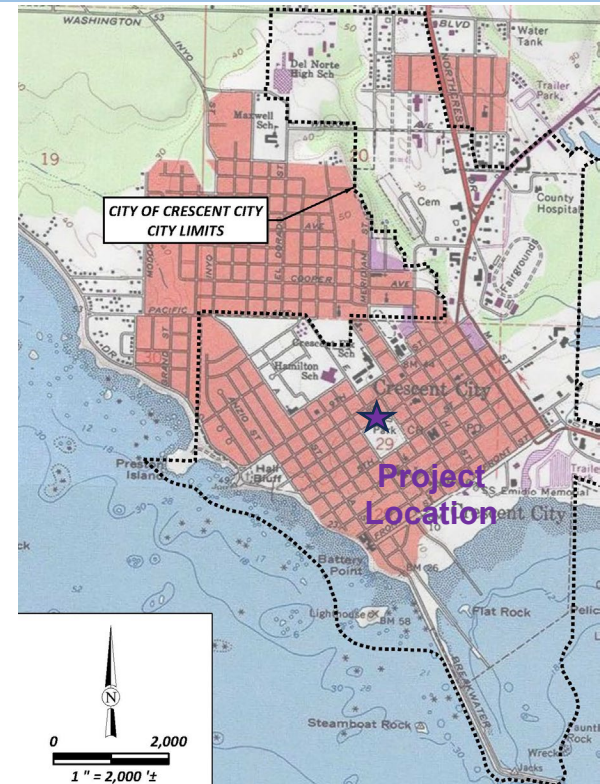
**STAFF RECOMMENDS:** "Motion to adopt Resolution No. PC2025-14: A Resolution of the Planning Commission of the City of Crescent City Approving a Variance Permit (Application VAR25-01) granting Battery Point Group's request for reduced setbacks."  
-OR-

"Provide additional direction to staff regarding the requested variances"

**ATTACHMENTS:**

- A) VAR25-01 Application
- B) VAR25-01 Conditions of Approval
- C) Resolution No. PC2025-14
- D) Public Comment

**FIGURE 1-1: PROJECT LOCATION MAP**



Source: Housing Element (December 2022)

## SECTION 2: BACKGROUND INFORMATION

The existing parcel consists of vacant parcel.

ADDRESS:	APN:	PARCEL SIZE:	PROJECT SIZE:
511 Eighth Street Crescent City, CA 95531	118-230-003-000	+/- 0.12 acres +/- 5,227 sf	0.12 acres 5,227 sf

**FIGURE 2-1: PROJECT PARCEL**



Source: Parcel Quest (November 2025)

The proposed project is located within the Multi-Family Residential 15-30-du per acre (MF 15-30) designation General Plan land use designation and within the High-Density Residential District (R-3) zoning designation (See Section 4: General Plan Consistency and Section 5: Zoning Consistency).

### 2.1. NOTICE OF PUBLIC HEARING:

A Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 11/17/25) to be published (on 11/20/25) in print/online circulation and provided to the Commissioners (on 11/17/25). A similar Notice of Public Hearing was mailed (on 11/17/25) to the property owners within 300-ft of the project location (CCMC § 17.46.050) as required (Cal. Gov. Code §§ 65090 & 65094).

### Public Notice Posting In Addition to Newspaper Publishing

A Notice of Public hearing was posted (on 11/19/25) at City Hall, Del Norte County Library, and the Flynn Center. The notice was also posted at the project location and on the City's website (<https://www.crescentcity.org/PublicNotices>).

### 2.2. REQUIRED FINDINGS BY THE COMMISSION:

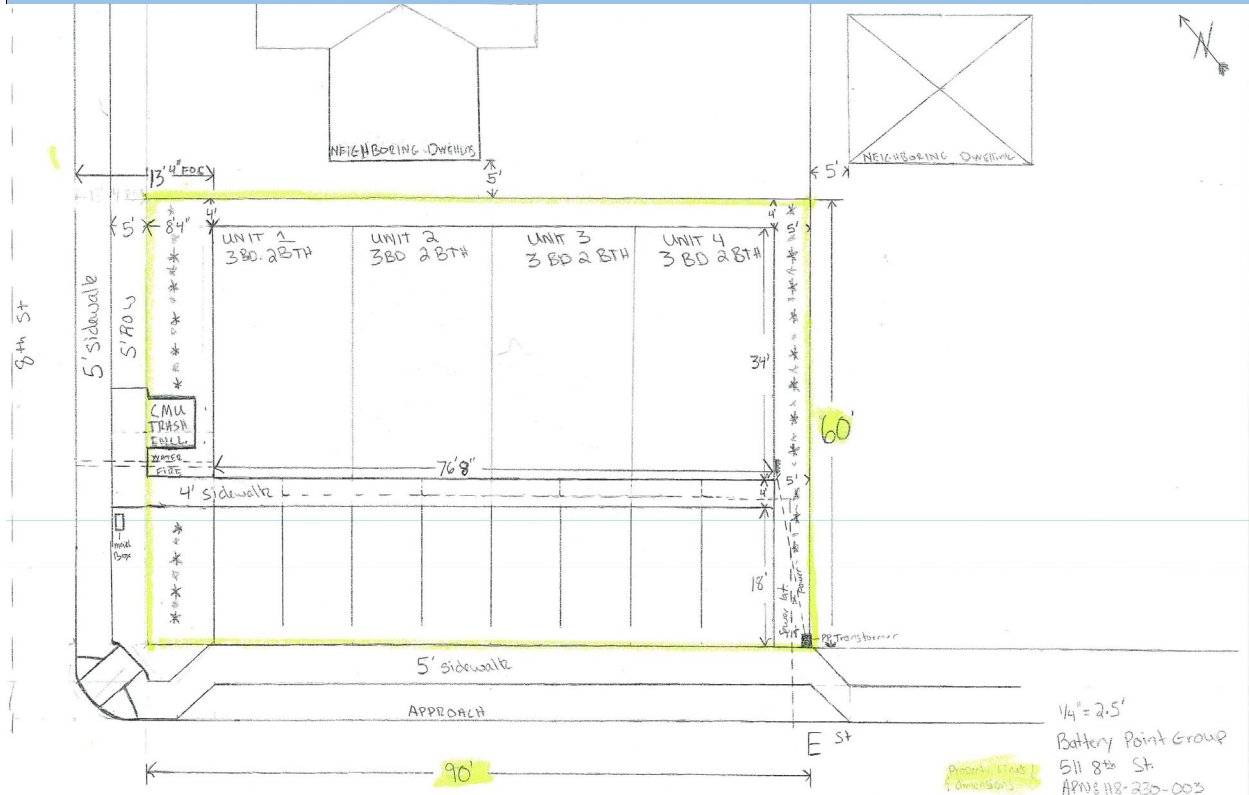
The Planning Commission has considered this proposed project on this date at a duly noticed public hearing, staff report, and public testimony.



### SECTION 3: PROPOSED PROJECT DESCRIPTION

The proposed project includes a 4-dwelling unit multi-family townhouse residential-only development with 8 off-street parking spaces. Each unit is proposed to have market rate (typically referred to as moderate-income at 80%-120% AMI) long-term rental, two-story dwelling, 3-bedrooms, 2-bathrooms, and 2 parking spaces.

**FIGURE 3-1: PROPOSED PROJECT**



Source: ATT. A. VAR25-01 Application (November 2025)

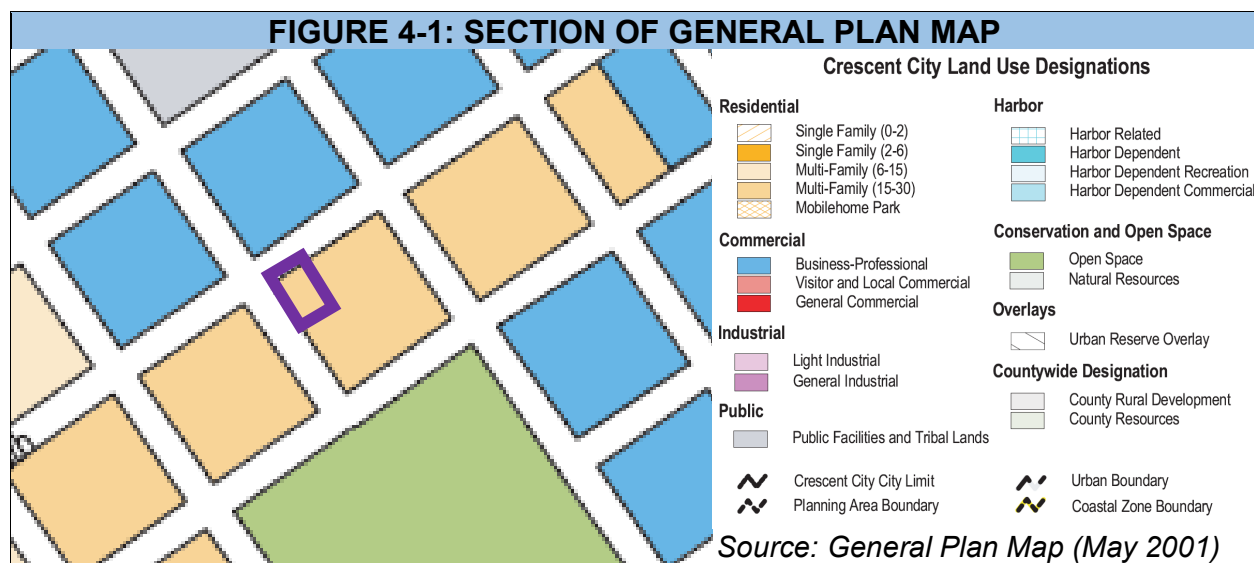
The applicant has submitted the Variance Permit (Application VAR25-01) on 10/13/25, with additional submittals on 10/30/25. The application was deemed complete on 10/30/25. The applicants met with City staff to discuss the project and City requirements on 11/28/25.

#### **3.1. REQUIRED FINDINGS BY THE COMMISSION:**

Battery Point Group LLC (Elk Creek Buildings / Red Sky Inc.) submitted a Variance Permit (Application VAR25-01) to request a reduction in setbacks for a proposed 4-plex multi-family residential development located at 511 8th Street (APN 118-230-003).

## SECTION 4: GENERAL PLAN CONSISTENCY

The requested reduced setbacks for a proposed 4-plex multi-family residential development on a vacant parcel is located on a vacant parcel within the Multi-Family Residential 15-30-du per acre (MF 15-30) General Plan land use designation (See Figure 4-1: Section of General Plan Map).



### 4.1. General Plan Land Use Designation:

The MF 15-30 General Plan land use designation principally permits “townhouses (row houses)” with “Residential densities range from a minimum of 15 to a maximum of 30 dwelling units per acre” as the intended uses “provides for high density residential development within the urban boundary.”

The requested reduced setbacks for a proposed 4-plex multi-family residential development on a vacant parcel is located on a vacant parcel is a use consistent with the MF 15-30 and is similar to some of the surrounding uses (See Table 4-1: Comparison of surrounding Properties).

TABLE 4-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Land Use Designation	Current Use
Project Property	MF 15-30 (Multi-Family Residential 15-30-du per acre)	Vacant
North	B-P (Business-Professional)	Rumiano Cheese
South	MF 15-30 (Multi-Family Residential 15-30-du per acre) & Open Space	Multi-Family & Single-family Residential & Peterson Park
East	MF 15-30 (Multi-Family Residential 15-30-du per acre)	Multi-Family & Single-family Residential



<b>West</b>	MF 15-30 (Multi-Family Residential 15-30-du per acre) & B-P (Business-Professional)	Multi-Family & Single-family Residential & Church of Christ
-------------	---	---

**4.2. SUPPORTING GENERAL PLAN GOALS & POLICIES:**

- Policy 1.A.2.** - *“The City shall encourage infill development that makes efficient use of existing public infrastructure and is compatible with existing development.”*
- Policy 1.A.3.** - *“The City shall encourage project sites to be designed to increase the convenience, safety, and comfort of people using public transportation, walking, or cycling.”*
- Goal 1.F** - *“To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Crescent City, while ensuring a high quality of residential development.”*
- Policy 1.F.2.** - *“The City shall ensure that infill development (either new or rehabilitated residential structures) is compatible with the overall established character of residential neighborhoods.”*
- Policy 1.F.3.** - *“The City shall encourage higher residential densities at locations where convenient access and adequate facilities, including parks and open space, are readily available.”*
- Policy 1.J.5.** – *“The City shall ensure that all new developments in the Crescent City area be of quality design and provide an adequate level of amenities.”*

**4.3. SUPPORTING HOUSING ELEMENT GOALS & POLICIES:**

- Policy HP-1.2.** - *“Encourage compatible multi-family developments on feasible lots in the Moderate Density (R-2), High Density Residential (R-3), Residential-Professional (RP), Downtown Business (C-1), General Commercial (C-2), and Commercial Waterfront (C-W) zones by adhering to minimum density standards and streamlining the application review process.”*

**4.4. REQUIRED FINDING BY THE COMMISSION:**

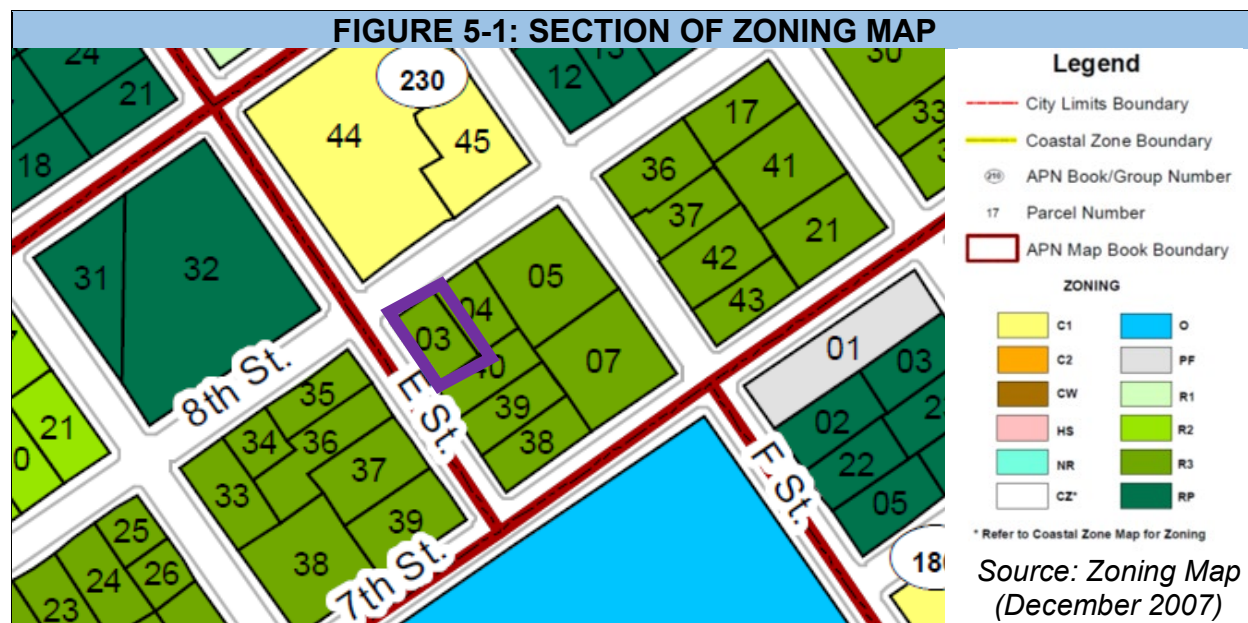
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan’s MF 15-30 (Multi-Family Residential 15-30-du per acre) land use designation, in that the proposed project:

- a) *Is categorized as “townhouses (row houses)” with “Residential densities range from a minimum of 15 to a maximum of 30 dwelling units per acre” within the MF 15-30;*
- b) *“Provides for high density residential development within the urban boundary” within the MF 15-30; and*
- c) *Is supported by the General Plan goal (1.F) and policies (1.A.2, 1.A.3, 1.F.2, 1.F.3, & 1.J.5).*
- d) *Is supported by the Housing Element policy HP-1.2.*

## SECTION 5: ZONING CONSISTENCY

The requested reduced setbacks for a proposed 4-plex multi-family residential development on a vacant parcel is located on a vacant parcel within the High-Density Residential District (R-3) Zone (See Figure 5-1: Section of Zoning Map).

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



**5.2. USE:** The R-3 Zoning District principally permits “*Dwelling groups consisting of one-family, two-family, or multiple-family dwellings*” (CCMC § 17.16.020(A)) as the intended uses “*provides for high density concentrations of dwelling units together with specific ancillary and complementary uses*” (CCMC § 17.16.010(A)).

**5.3. ZONING:** The requested reduced setbacks for a proposed 4-plex multi-family residential development on a vacant parcel is located on a vacant parcel is a use consistent with the R-3 Zoning District and is similar to some of the surrounding uses (See Table 5-1: Comparison of surrounding Properties).

TABLE 5-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Zoning District	Current Use
Project Property	R-3 (High-Density Residential)	Vacant
North	C-1 (Downtown Business)	Rumiano Cheese
South	R-3 (High-Density Residential) & O (Open Space)	Multi-Family & Single-family Residential & Peterson Park
East	R-3 (High-Density Residential)	Multi-Family & Single-family Residential

<b>West</b>	R-3 (High-Density Residential) & R-P (Residential-Professional)	Multi-Family & Single-family Residential & Church of Christ
-------------	--	--

## DEVELOPMENT STANDARDS & PROPOSED PROJECT:

**5.4. A. Conditional Use Permit:** No conditional use permit is required as the R-3 Zoning District principally permits “Dwelling groups consisting of one-family, two-family, or multiple-family dwellings” (CCMC § 17.16.020(A)).

**5.5. Height and Area Regulations:** All permitted uses within the R-3 Zoning District are subject to height and area regulations and are addressed below (See Table 5-2: Comparison of Height and Area Regulations).

TABLE 5-2: COMPARISON OF HEIGHT AND AREA REGULATIONS			
Standards	CCMC §	Regulation	Proposed
<b>Height</b>	17.16.030(A)(1)	35-ft	24-ft
<b>Front Yard</b>	17.16.030(B)(1)(a)	10-ft	22-ft
<b>[Exterior] Side Yard</b>	17.16.030(B)(2)(b)	10-ft	8-ft, 4-in
<b>[Interior] Side Yard</b>	17.16.030(B)(2)(a)	5-ft	5-ft
<b>Rear Yard</b>	17.16.030(B)(3)(a)	10-ft	4-ft
<b>Lot Area</b>	17.16.030(C)(1)	6,000-sf	0.12-ac / 5,227 sf
<b>Density</b>	17.16.030(D)(2)	30-du per acre	4-du
<b>Lot Coverage</b>	17.16.030(E)(1)	65%	~50%

The applicant has submitted a request to reduce rear setbacks (from 10-ft to 4-ft) and exterior side setbacks (from 10-ft to 8-ft, 4-in) which requires a Variance Permit. This item is further discussed under Section 7: Variance Permit Review below.

**5.6. Parking, Fencing, and Signs:** All permitted uses within the C-2 Zoning District are subject to the general requirements regarding Parking (CCMC § 17.16.070(C)), Fencing (CCMC § 17.16.070(D)), and Signs (CCMC § 17.16.070(E)). These items are further discussed under Section 6: Site Plan & Architectural Design Review below.

**5.7. Site Plan & Landscaping:** All development within the R-3 district shall be subject to Site Plan & Architectural Design Review (CCMC § 17.16.070(A)) and Landscaping (CCMC § 17.16.070(B)). These items are further discussed under Section 6: Site Plan & Architectural Design Review below.

## **5.8. REQUIRED FINDINGS BY THE COMMISSION:**

The Planning Commission finds that the proposed project (with a Variance Permit) is consistent with the Crescent City’s High-Density Residential District (R-3) Zoning Code, in that the proposed project:

- a) *Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*

*City of Crescent City – Special Planning Commission Meeting  
Staff Report - Agenda Item: #1*

- b) Is consistent with the “Dwelling groups consisting of one-family, two-family, or multiple-family dwellings” (CCMC § 17.16.020(A));*
- c) “Provides for high density concentrations of dwelling units together with specific ancillary and complementary uses” (CCMC § 17.16.010(A)); and*
- d) Is subject to all zoning regulations (CCMC § 17.16.010(B)).*

## **SECTION 6: SITE PLAN & ARCHITECTURAL DESIGN REVIEW**

The requested reduced setbacks for a proposed 4-plex multi-family residential development on a vacant parcel is located on a vacant parcel is a permitted use within the R-3 Zone (CCMC § 17.16.070(A)) requiring the scheduled public hearing for the Planning Commission to determine whether the proposed Site Plan & Architectural Design Review shall be approved or denied (CCMC §17.46.040(A)), based on the following standards:

### **6.1. Zoning (CCMC § 17.46.035(A)):**

The proposed project is considerate of existing and potential uses of the proposed location and is consistent with the Crescent City's High-Density Residential District (R-2) Zoning Code (with a Site Plan & Architectural Design Review and Variance Permit). (See Section 5: Zoning Consistency and Section 7: Variance Permit Review).

### **6.2. Parking (CCMC §§ 17.22.060(A) & 17.46.035(A)):**

The proposed project includes 8 off-street parking spaces which exceeds (by 2) the required 6 spaces. All residential developments with 3 or more units are required to provide 1.5 spaces per unit (CCMC 17.42.040(B)).

CCMC § 17.42.120(H)) allows the three-family dwelling's parking to back over sidewalks, thus the variance request is to allow the fourth dwelling to do as well. This item is further discussed under Section 7: Variance Permit Review below.

With the Variance Permit, the proposed project is consistent with parking requirements. The maintenance of off-street parking spaces is included in the Conditions of Approval (Attachment B).

### **6.3. Landscaping (CCMC §§ 17.46.035(A) & 17.43.010(B)):**

The proposed project site contains trees and low-lying plants (similar to the Roosevelt Estates) that are consistent with landscaping requirements. The maintenance of landscaping is included in the Conditions of Approval (Attachment B).

### **6.4. Fencing (CCMC §§ 17.22.060(B) & 17.46.035(A)):**

The proposed project does not include any proposed fencing, beyond screened trash collection (CCMC § 17.43.050(B)), and is therefore consistent with fencing requirements. Any future fencing would be subject to a fence permit.

### **6.5. Signage (CCMC §§ 17.22.060(C) & 17.46.035(A)):**

The proposed project does not include any signage. Therefore, the proposed signs are consistent with signage requirements. Any future signage will be subject to a sign permit.

### **6.6. Right-of-Way (CCMC §§ 17.46.035(A) & 17.46.070):**

The proposed project includes development of public sidewalks within City right-of-way in conjunction with Public Works Department and standards. Therefore, the proposed

project is consistent with sidewalk and street requirements.

**6.7. Utilities (CCMC §§ 17.46.035(A) & 17.46.070):**

The proposed project includes hook-ups to existing underground provisions of water, sewage, electrical, and drainage facilities accessible to the parcel. Therefore, the proposed project is consistent with public services requirements.

**6.8. REQUIRED FINDING BY THE COMMISSION:**

The Planning Commission finds that the proposed site plans and designs of structures (with the Variance Permit) satisfy the Site Plan & Architectural Design Review requirements (CCMC §§ 17.46.010 & 17.46.035), in that the structures:

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

## SECTION 7: VARIANCE PERMIT REVIEW PROCESS

The requested reduced setbacks for a proposed 4-plex multi-family residential development on a vacant parcel is a permitted use within the R-3 Zone (CCMC § 17.16.070(A)) which has submitted the following variance requests:

TABLE 7-1: COMPARISON OF VARIANCE REQUESTS				
#	Variance Request	Request	Standard	Difference
#1	Front Yard Setback	8-ft	10-ft	2-ft
#2	Rear Yard Setback	4-ft	10-ft	6-ft
#3	Off-Street Parking over sidewalks (1.5 spaces per unit)	4-du (8-spaces)	3-du (5-spaces)	1-du (3-spaces)

### Staff Analysis on Off-Street Parking:

The proposed project includes 8 off-street parking spaces which exceeds (by 2) the required 6 spaces. All residential developments with 3 or more units are required to provide 1.5 spaces per unit (CCMC 17.42.040(B)).

The proposed project includes a variance request for an off-street parking standard for off-street parking spaces that back over the sidewalks:

*“Ingress and egress across public sidewalks shall be made possible without the necessity of backing over the same except for property devoted exclusively to one-family, two-family or three-family dwellings. This requirement may be waived by the planning commission upon a showing of hardship and a finding that such waiver will not create a hazardous condition.”* (CCMC § 17.42.120(H))

This provision allows the three-family dwellings, thus the variance request is to allow the fourth dwelling’s parking to also back over sidewalks.

### **VARIANCE PURPOSE.**

The sole purpose of any variance shall be to prevent discrimination and undue hardship, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone (CCMC 17.56.010). When unreasonable and unnecessary hardships or results inconsistent with the general purpose of this title result through the strict and literal interpretation and enforcement of the provisions thereof, the planning commission of the city shall have authority as an administrative act subject to the provisions of this section, to grant upon such conditions as it may determine such variances from the provisions of this code as may be in harmony with its general purpose and intent so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done (CCMC 17.56.010).



The Variance requests required the scheduled public hearing for the Planning Commission to determine whether the proposed Variance Permit shall be approved or denied (CCMC §17.56.010(F)), based on the following standards:

**7.1. Exceptional and Extraordinary Circumstances (CCMC 17.56.010(A))**

That there are exceptional and extraordinary circumstances of conditions applicable to the property involved;

*“The property is uniquely constrained by its smaller lot size and dimensions, limiting the ability to comply with standard setbacks while still achieving the number of multi-family units permitted by zoning. The lot's shape and area make it difficult to design functional living space, parking, and required setbacks simultaneously. The requested variances are therefore essential to utilize the property in the manner intended under its zoning classification. Also, due to the layout to maximize the space of the lot, the building is facing E Street instead of 8th Street how it was in the past. Due to this, the rear set back changed due to the layout of the building, increasing the setback from 5' to 10' due to orientation of the building.”* (Provided by Applicant, see ATT.A Application VAR25-01).

**7.2. Necessary Property Right (CCMC 17.56.010(B))**

That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;

*“The requested variances are necessary to ensure the property owner enjoys the same substantial property rights as other nearby owners of multi-family lots. Several comparable properties in the immediate vicinity-such as the newer multi-family developments at 6<sup>th</sup> and D Streets and 5th and C Streets-have received similar variances for reduced setbacks and parking configurations. These projects have operated successfully without negative impact, establishing a precedent and demonstrating that granting this request would not provide any undue advantage but simply parity with surrounding developments.”* (Provided by Applicant, see ATT.A Application VAR25-01).

**7.3. Public Welfare (CCMC 17.56.010(C))**

That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located;

*“The requested variances will not be detrimental to the public welfare or injurious to nearby properties. The proposed rear and side setback reductions will maintain adequate open space, privacy, and visual harmony with surrounding structures. The parking variance is necessary because backing over the sidewalk is the only feasible parking configuration for a lot of this size and shape. Similar conditions exist throughout the neighborhood and have functioned safely without incident. Furthermore, the proposed backing area is located on E Street, a low-*



*traffic area, minimizing any potential safety concerns.” (Provided by Applicant, see ATT.A Application VAR25-01).*

#### **7.4. General Plan (CCMC 17.56.010(D))**

The granting of such variances will not adversely affect the general plan for Crescent City;

*“The requested variances are fully consistent with the Crescent City General Plan, which encourages development that supports housing availability and efficient land use. The proposed multi-family use aligns with the existing zoning and the predominant land use pattern of neighboring multi-family residences. Approval of this variance will contribute positively to local housing stock and neighborhood aesthetics, transforming currently vacant land into well-designed, livable housing that complements the community fabric.” (Provided by Applicant, see ATT.A. Application VAR25-01).*

Staff Analysis: The MF 15-30 General Plan land use designation principally permits “townhouses (row houses)” with “Residential densities range from a minimum of 15 to a maximum of 30 dwelling units per acre” as the intended uses “provides for high density residential development within the urban boundary.” Additionally, Policy 1.F.3. states that “the City shall encourage higher residential densities at locations where convenient access and adequate facilities, including parks and open space, are readily available.” The parcel is located where there is convenient access and adequate facilities. The designation allows 30-du per acre which permits 4-du on the proposed parcel. The variances would allow the 4-unit development for multi-family use. Otherwise, the development could be constructed at 35-ft height to accommodate the development standards.

#### **7.5. Public Hearing (CCMC 17.56.010(E))**

That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above; and

*“The applicant will participate in the required public hearing to provide any additional documentation or testimony to ensure that all required conditions have been met. We are committed to working collaboratively with the Planning Commission to ensure the proposal meets city objectives and meets community expectations” (Provided by Applicant, see ATT.A Application VAR25-01).*

Staff Analysis: A Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 11/17/25) to be published (on 11/20/25) in print/online circulation and provided to the Commissioners (on 11/17/25). A similar Notice of Public Hearing was mailed (on 11/17/25) to the property owners within 300-ft of the project location (CCMC § 17.46.050) as required (Cal. Gov. Code §§ 65090 & 65094). A Notice of Public hearing was posted (on 11/19/25) at City Hall, Del Norte County Library, and the Flynn Center. The notice was also posted at the project location and on the City's website

(<https://www.crescentcity.org/PublicNotices>). The applicant has submitted supporting comments for each of the items above (quoted from the application, see ATT.A. VAR25-01 Application). The planning commission is reviewing such requests and hearing the evidence finds that conditions of subsections A through E of this section have been met (CCMC 17.56.010(F)).

**6.9. REQUIRED FINDING BY THE COMMISSION:**

The Planning Commission finds that the proposed variance requests satisfy the Variance Permit Review requirements (CCMC §§ 17.56.010 (A through E)), in that the requests meet:

- a) *That there are exceptional and extraordinary circumstances of conditions applicable to the property involved (CCMC 17.56.010(A));*
- b) *That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question (CCMC 17.56.010(B));*
- c) *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located (CCMC 17.56.010(C));*
- d) *The granting of such variances will not adversely affect the general plan for Crescent City (CCMC 17.56.010(D));*
- e) *That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above (CCMC 17.56.010(E)); and*
- f) *That the planning commission is reviewing such requests and hearing the evidence finds that conditions of subsections A through E of this section have been met (CCMC 17.56.010(F)).*

## SECTION 8: ENVIRONMENTAL DETERMINATION SUMMARY

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

**8.1. Class 3 § 15303(b). New Construction of Small Structures**, consists of the proposed project:

**1. Within an urbanized area; and**

The proposed project is located within City limits and is surrounded by existing development.

**2. A multi-family residential structure totaling no more than six dwelling units.**

The proposed project consists of four dwelling unit multi-family residential structure.

**8.2. Class 5 § 15305(a). Minor Alterations in Land Use Limitations**, consists of the proposed project:

**1. Minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; and**

The proposed project is considered a minor alternation to setback limitations with a slope less than 20% and does not result in any changes to residential use or exceed density.

**2. Minor side yard and setback variances not resulting in the creation of any new parcel.**

The proposed project requests variances for minor side and rear yard setbacks which does not result in a new parcel.

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

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

The proposed project is consistent with the Crescent City General Plan's Multi-Family Residential 15-30-du per acre (MF 15-30) land use designation and is consistent with the Crescent City's High-Density Residential District (R-3) Zoning Code (with a Variance Permit);

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

The project site is located in the City of Crescent City, is approximately 0.12 acres, and is located adjacent to existing commercial uses;

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

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

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

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

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

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

**8.4. 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 3 § 15303(b) (New Construction of Small Structures), Class 5 § 15305(a) (Minor Alterations in Land Use Limitations), and Class 32 § 15332 (In-fill Development) of the CEQA Guidelines, in that the proposed project:

- a) *Is located within City limits and is surrounded by existing development;*
- b) *Consists of four dwelling unit multi-family residential structure;*
- c) *Is considered a minor alternation to setback limitations with a slope less than 20% and does not result in any changes to residential use or exceed density;*
- d) *Requests variances for minor side and rear yard setbacks which does not result in a new parcel;*
- e) *Is consistent with the Crescent City General Plan's Multi-Family Residential 15-30-du per acre (MF 15-30) land use designation and is consistent with the Crescent City's High-Density Residential District (R-3) Zoning Code (with a Variance Permit);*
- f) *Is located in the City of Crescent City, is approximately 0.12 acres, and is located adjacent to existing commercial uses;*
- g) *Is located on a site which has had past disturbances, contains existing development, and is surrounded by paved surfaces containing no habitat for rare, threatened, or endangered species;*
- h) *Is within a developed commercial area that already services commercial use and has a limited potential to result in significant traffic, noise, air quality, or water quality impacts; and*
- i) *Is surrounded by and is already adequately served by utilities and public services.*

## SECTION 9: INTER-DEPARTMENTAL PLANNING REFERRALS

The Inter-Departmental Planning Referrals were provided (on 11/04/25) to other City departments which included the following comments/conditions:

**9.1. Police Department:** Approved with “No comments or concerns.” (11/04/25)

**9.2. Fire and Rescue:** None

**9.3. Building Department:** None

**9.4. Public Works Department:** Approved with the following comments (11/18/25):

*1. For rear setback (east) against the property at 537 8th Street Public Works Building Department requests a fire wall on exterior wall facing east, with the rating (1-hr, 2-hr, 4-hr) as determined by building code and allowed by the City Fire Chief.*

*2. For setbacks adjustment to North and South side of the project, Public Works has no objection.*

*3. Regarding continuous roll-over sidewalk requested variance. Public Works is not in favor of allowing roll-over curb and continuous parking, as supported by the current ordinance. The loss of on-street parking and potential danger to pedestrians support the ordinance.*

*For this project the vehicle traffic and pedestrian traffic on E Street south of 8th Street is light. E Street is not deemed a collector street, and the addition of sidewalks on E Street and 8th Street as well as the ADA compliant ramp installed by this project will benefit pedestrian traffic.*

### **9.5. REQUIRED FINDING BY THE COMMISSION:**

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

## SECTION 10: PLANNING COMMISSION ACTION OPTIONS

The proposed reduced setbacks requires a Variance Permit within the R-3 Zone (CCMC § 17.90.010) has been scheduled for a public hearing to determine whether the proposed Variance Permit (Application VAR25-01) (See Attachment A) shall be approved or denied (CCMC § 17.54.030):

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

- **Recommended Motion: “I move to adopt Resolution No. PC2025-14: A Resolution of the Planning Commission of the City of Crescent City Approving a Variance Permit (Application VAR25-01) granting Battery Point Group’s request for reduced setbacks.”**
- Planning staff will send the applicant an approval letter after the 10-day appeal period (CCMC § 17.46.050), along with the resolution, as adopted by the Planning Commission during the public hearing. The applicant would be granted approval on request to reduce setbacks. Approved plans, together with such conditions, shall be signed, dated, and mailed to the applicant (CCMC § 17.46.040(C)). The planning commission secretary shall place one copy of the approved plans in the files of the planning commission (CCMC § 17.46.040(C)).

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

- **Motion Example: “I move to deny the Variance Permit (Application VAR25-01) 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 granted reduce setbacks and must resubmit a site plan that complies with standard setbacks.

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

- **Motion Example: “I move to request additional information regarding \_\_\_\_\_ be brought back to the January 8, 2026 (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, January 8, 2026, or a specific alternative Special Planning Commission meeting.

## SECTION 11: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #1: A Public Hearing to consider a Variance Permit (Application VAR25-01) for Battery Point Group's request for reduced setbacks located at 511 8th Street (APN 118-230-003)."
2. (Chair) "I will open the Public Hearing."
3. (Chair) "We will now receive the Presentation on the Staff Report from Planner Lawton."
4. (Chair) "Does any Commissioners have any clarifying questions for staff?"
  - a. (Chair) "Does the Applicant wish to address the Planning Commission?"
5. (Chair) "I will Open Public Comment, which we will receive at podium."
  - a. "We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project."
  - b. (Chair) "Any clarifying questions?"
6. (Chair) "I will Close Public Comment."
7. (Chair) "Is there any discussion on this item from the Commissioners?"
8. (Chair) "I believe a motion would be in order."
  - a. **(Commissioner) "I move to adopt Resolution No. PC2025-14: A Resolution of the Planning Commission of the City of Crescent City Approving a Variance Permit (Application VAR25-01) granting Battery Point Group's request for reduced setbacks."**
  - b. *Note: Any changes should be included in the motion.*
  - c. Or additional directions are provided to staff regarding the requested variances.
9. (Chair) "A motion has been made by Commissioner \_\_\_\_\_. Is there a second?"
10. (Chair) "It was seconded by Commissioner \_\_\_\_\_."
11. (Chair) "A motion was made and seconded to: **Adopt Resolution No. PC2025-14: A Resolution of the Planning Commission of the City of Crescent City Approving a Variance Permit (Application VAR25-01) granting Battery Point Group's request for reduced setbacks.**"
  - a. *Note: Any changes should be included in the motion.*
  - b. Or additional directions are provided to staff regarding the requested variances.
12. (Chair) "Is there any additional discussion from the Commissioners on the motion?"
13. (Chair) "Seeing as there is no further discussion, it is time for a vote on the motion, Clerk Altman, can you poll the vote?"
14. (Chair) "The motion passes (*or fails*) by a vote of \_\_\_\_-to-\_\_\_\_." (Example 4-0)

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

THIS PAGE WAS LEFT BLANK INTENTIONALLY



# 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 <b>Battery Point Group LLC</b>	Street Address <b>511 8th St</b>	City <b>Crescent City CA</b>	Zip Code <b>95531</b>	Day Phone <b>707-951-0776</b>
Representative (if any) <b>Elk Creek Builders LLC / Redsky Inc.</b>	Street Address <b>PO Box 1103</b>	City <b>Crescent City CA</b>	Zip Code <b>95531</b>	Day Phone <b>707-951-0791</b>
Property Owner <b>Kevin Hartwich</b>	Street Address <b>1225 Marshall St. #2</b>	City <b>95531</b>		Day Phone <b>707-951-0276</b>
Correspondence to be sent to <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Representative <input checked="" type="checkbox"/> Owner				

Project Address <b>511 8th St. Crescent City CA 95531</b>	Assessor's Parcel No. <b>118-230-003</b>
Description of proposed project (attach sheets if necessary) <b>New Construction of a 4 plex moderate income long term Rental property to consist of 4-3bed 2 bath units.</b>	
Existing Land Use <b>Vacant</b>	Adjacent Uses <b>Rental property</b>
Project Acreage <b>.13</b>	Project Height <b>24'</b>
Parking (number of spaces) <b>8</b>	Paved Area <b>1350 SF</b>
Building Coverage <b>4,772</b> sq.ft. existing	
Building Coverage <b>4,772</b> sq.ft. proposed	
Grading Required? <b>NO</b> (if yes, attach preliminary grading plan)	
<b>Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas.</b> (Attach biological report and preliminary grading plans.)	
<b>Land Division or Boundary Adjustment.</b> (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)	

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate.		Property Owner/Authorized Agent: I have read this application and consent to its filing	
Signed	Date <b>10/16/25</b>	Signed	Date <b>10-13-25</b>
TYPE OF APPLICATION	<input type="checkbox"/> Architectural Review	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Subdivision/Minor
	<input type="checkbox"/> CEQA Review	<input type="checkbox"/> Municipal Code Amendment/Rezone	<input type="checkbox"/> Subdivision/Major
	<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/> Parcel Merger	<input type="checkbox"/> Use Permit
	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> ROW or Street Abandonment	<input checked="" type="checkbox"/> Variance or Waiver <b>(Per set back)</b>
	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Special Review	<input type="checkbox"/> Other

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

\*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) <b>VAR 25-01</b>	Filing Fees <b>\$600-</b>	Date Filed <b>10/13/25</b>	Receipt # <b>8047905</b>
	Date Application Completed <b>10/30/25</b>	Zoning <b>R-3 (17.16)</b>	General Plan (LUP) <b>MF 15-30</b>	
	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

Elk Creek Builders, LLC  
Battery Point Group, LLC  
Red Sky, Inc

**Date:** 10/30/2025

**To:**

City of Crescent City Planning Commission  
377 J Street  
Crescent City, CA 95531

**Subject:** Variance Request – Rear Setback Reduction, Side Setback Reduction, and Off-Street Parking Waiver

**Property Address:** 511 8th Street Crescent City, CA 95531

---

**Dear Planning Commission Members,**

I am submitting this letter to formally request a variance for the property located at 511 8<sup>th</sup> Street Crescent City, CA 95531. The request includes the following items:

1. A waiver of the off-street parking standard for exceeding three parking spaces that currently back over the sidewalk.
2. Reduction of the side setback on the 8th Street side from 10 feet to 8 feet; and
3. Reduction of the rear setback from the standard 10 feet to 4 feet;

These variances are necessary to make feasible use of the property as zoned for multi-family development. Below are responses to the six findings required for granting a variance under Crescent City Code.

---

**a. Exceptional and Extraordinary Circumstances**

The property is uniquely constrained by its smaller lot size and dimensions, limiting the ability to comply with standard setbacks while still achieving the number of multi-family units permitted by zoning. The lot's shape and area make it difficult to design functional living space, parking, and required setbacks simultaneously. The requested variances are therefore essential to utilize the property in the manner intended under its zoning classification. Also, due to the layout to maximize the space of the lot, the building is facing E Street instead of 8<sup>th</sup> Street how it was in the past. Due to this, the rear set back changed

due to the layout of the building, increasing the setback from 5' to 10' due to orientation of the building.

---

#### **b. Preservation and Enjoyment of Substantial Property Rights**

The requested variances are necessary to ensure the property owner enjoys the same substantial property rights as other nearby owners of multi-family lots. Several comparable properties in the immediate vicinity—such as the newer multi-family developments at 6th and D Streets and 5th and C Streets—have received similar variances for reduced setbacks and parking configurations. These projects have operated successfully without negative impact, establishing a precedent and demonstrating that granting this request would not provide any undue advantage but simply parity with surrounding developments.

---

#### **c. No Material Detriment to Public Welfare or Neighboring Properties**

The requested variances will not be detrimental to the public welfare or injurious to nearby properties. The proposed rear and side setback reductions will maintain adequate open space, privacy, and visual harmony with surrounding structures.

The parking variance is necessary because backing over the sidewalk is the only feasible parking configuration for a lot of this size and shape. Similar conditions exist throughout the neighborhood and have functioned safely without incident. Furthermore, the proposed backing area is located on E Street, a low-traffic area, minimizing any potential safety concerns.

---

#### **d. Consistency with the General Plan**

The requested variances are fully consistent with the Crescent City General Plan, which encourages development that supports housing availability and efficient land use. The proposed multi-family use aligns with the existing zoning and the predominant land use pattern of neighboring multi-family residences. Approval of this variance will contribute positively to local housing stock and neighborhood aesthetics, transforming currently vacant land into well-designed, livable housing that complements the community fabric.



---

**e. Public Hearing**

The applicant will participate in the required public hearing to provide any additional documentation or testimony to ensure that all required conditions have been met. We are committed to working collaboratively with the Planning Commission to ensure the proposal meets city objectives and community expectations.

---

**f. Planning Commission Findings**

We respectfully request that, upon review of this application and supporting evidence, the Planning Commission find that the conditions outlined in subsections (a) through (e) have been satisfied and that approval of the requested variances is appropriate and in the public interest.

---

**Conclusion**

Granting this variance will allow the property to be developed in a manner consistent with surrounding multi-family homes, improve the appearance and utility of currently vacant land, and help address Crescent City's housing needs. The requested modifications are modest, well-supported by local precedent, and consistent with both the zoning intent and general plan.

Thank you for your time and consideration. Please contact me if additional information or supporting materials are needed prior to the hearing.

Sincerely,

A handwritten signature in blue ink, appearing to be "Sam Schauer", written over a horizontal line.

Sam Schauerman, Member  
Elk Creek Builders, LLC

**511 8th st. Crescent city Ca 95531**

4-plex materials to be used

#### EXTERIOR

- siding detail to be hardy concrete lap, staggered shingles, board and batten
- All exterior trim and fascia hardy concrete
- windows white simonton
- roofing black presidential
- white gutters
- exterior paint to be colors similar to Roosevelt estates pictures provided
- exterior doors to be solid fiberglass style similar to Roosevelt estates

#### LANDSCAPING

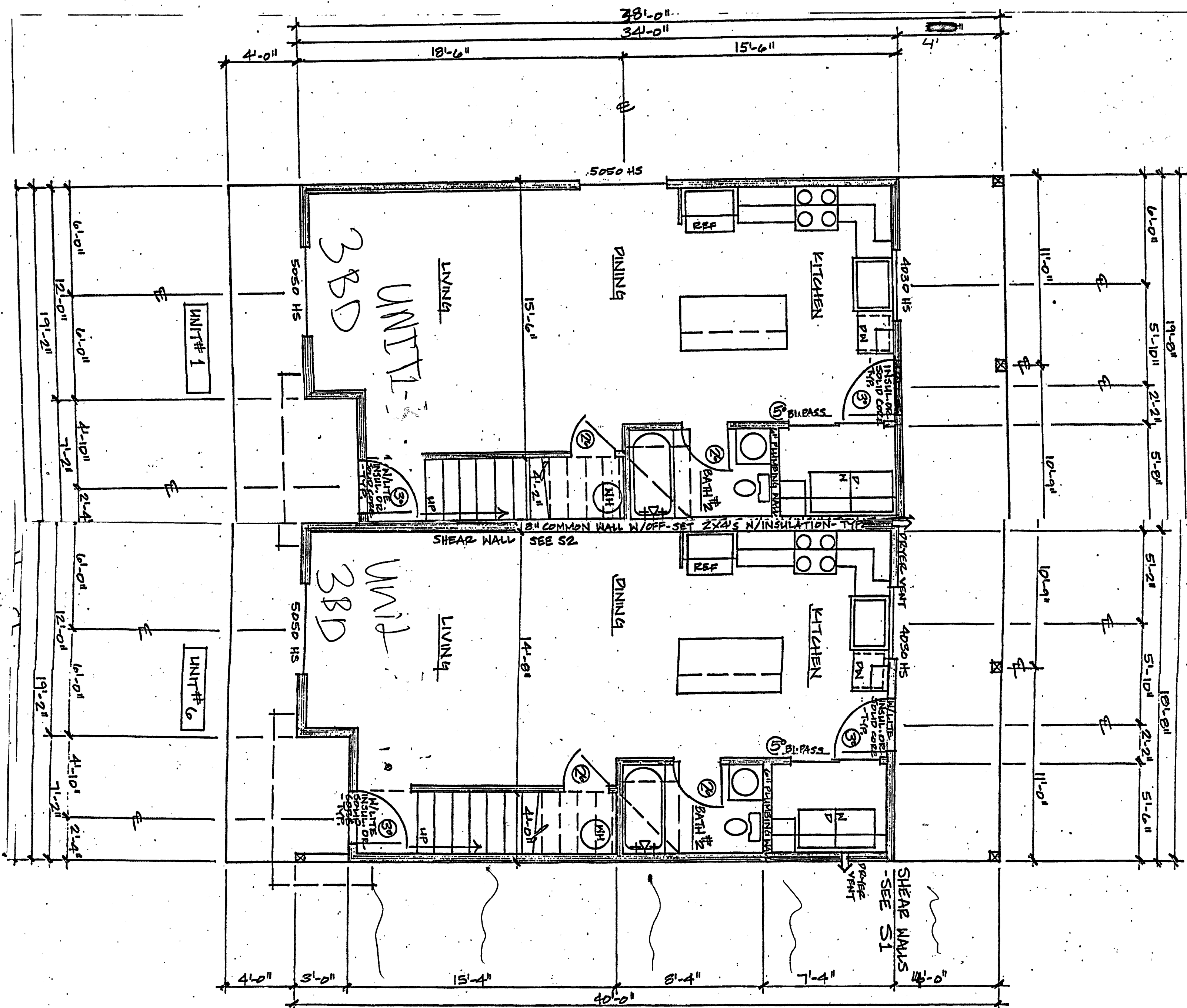
- exterior land surface to be covered by geotextile filter fabric covered by cobble stone
- Plants to be similar to Roosevelt estates with trees and low lying plants







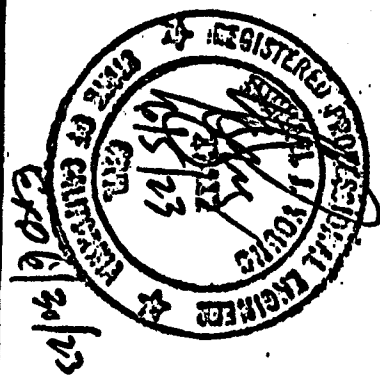
TOTAL BUILDING  
76'8"



# FIRST FLOOR PLAN

1ST FLOOR - SQUARE FOOTAGE: 1681  
2ND FLOOR - 562 X 4

TOTAL - 2248  
Grand total 4,772 sq ft



APARTMENTS

ELK CREEK BUILDERS #25-000177

APN 8 118-230-003-000

JANETTE MILLER  
1740 PARKWAY  
C.C. CA.  
727.951.9190

REVISIONS

Date 5-15-23  
Scale 1/4" = 1'-0"  
Drawn FIRST FLOOR  
Job PLAN  
Sheet 1 of 1  
9







511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:39 PM  
by Troy Duncan



511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:39 PM  
by Troy Duncan





**511 8th St • Crescent City, CA 95531**

*Oct 28, 2025, 3:24 PM  
by Troy Duncan*



**511 8th St • Crescent City, CA  
95531**

*Oct 28, 2025, 3:28 PM  
by Troy Duncan*





511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:24 PM  
by Troy Duncan



511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:24 PM  
by Troy Duncan





511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:23 PM  
by Troy Duncan



511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:24 PM  
by Troy Duncan





511 8th St • Crescent City, CA  
95531

---

Oct 28, 2025, 3:28 PM  
by Troy Duncan







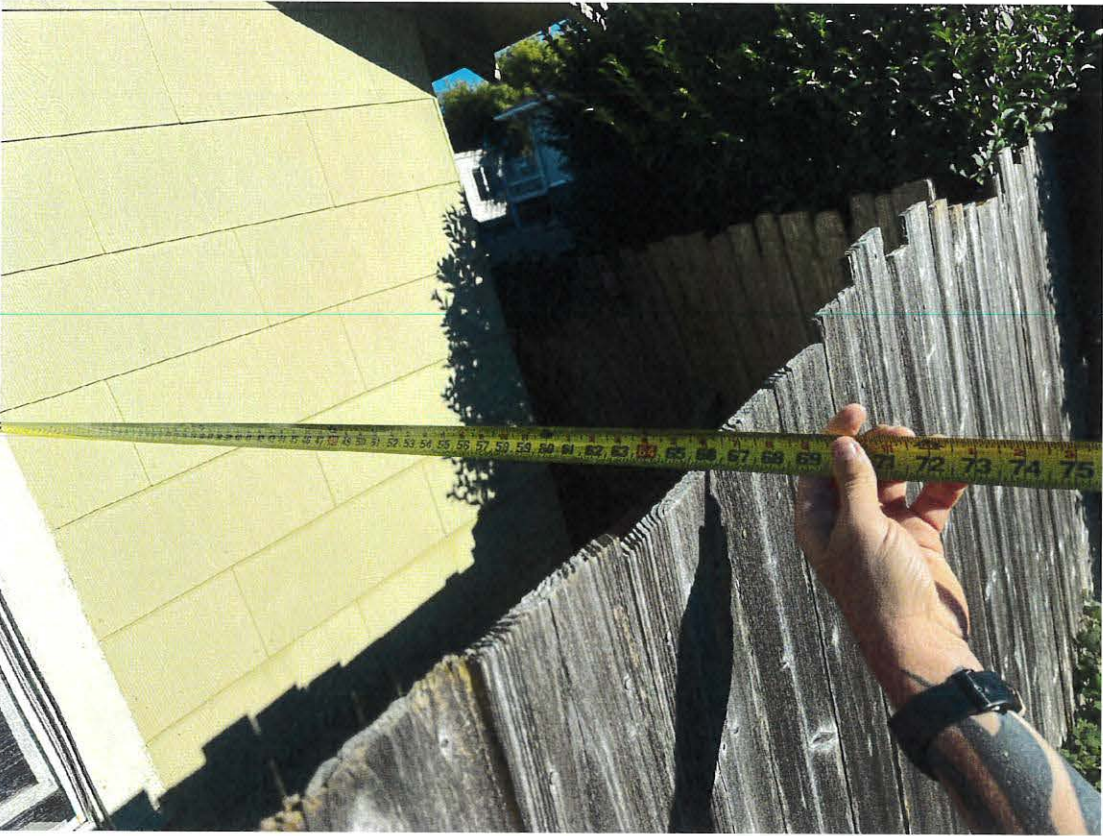






511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:22 PM  
by Troy Duncan



511 8th St • Crescent City, CA  
95531

Oct 28, 2025, 3:23 PM  
by Troy Duncan





**511 8th St • Crescent City, CA 95531**

*Oct 28, 2025, 3:22 PM  
by Troy Duncan*



**511 8th St • Crescent City, CA 95531**

*Oct 28, 2025, 3:22 PM  
by Troy Duncan*



## **DRAFT CONDITIONS OF APPROVAL**

### **Variance Permit – Application VAR25-01**

On December 4, 2025, the City of Crescent City's Planning Commission held a Public Hearing in which they voted to **APPROVE** (by adopting Resolution PC2025-14), to grant Battery Point Group LLC (Elk Creek Buildings / Red Sky Inc.) a Variance Permit (Application VAR25-01) for a proposed reduction in setbacks for a proposed 4-plex multi-family residential development on a vacant lot within the R-3 Zoning (High-Density Residential District) located at 511 8th Street (APN 118-230-003), subject to the following conditions:

1. **Zoning.** The applicant shall be required to maintain compliance with all requirements of the City's Municipal Code including, but not limited to, Chapter 17.16 (High-Density Residential District).
2. **Variance.** The approved project shall be limited according to the approved variance (VAR25-01) dated 10/13/25 or as modified by the Planning Commission.
3. **Site Plan & Architectural Design.** The approved project shall be constructed according to the approved site plan & architectural design dated 10/30/25 or as modified by the Planning Commission.
  - a. **Expiration.** A site plan or architectural design approval shall lapse and shall become void one year following the date on which approval by the committee, planning commission or city council became effective unless prior to the expiration of one year a building permit is issued by the building official, and the construction is commenced and diligently pursued toward completion on the site or structures which were the subject of the site plan or architectural design approval (CCMC §17.46.090(A)).
  - b. **Extension.** Approval may be extended for an additional period for periods of one year upon written application to the planning commission before expiration of the first approval (CCMC §17.46.090(B)).
  - c. **Transfer.** A site plan or architectural design approved pursuant to the provisions of chapter 17.46 shall run with the land and shall continue to be valid upon the change of ownership of the site which was the subject of the site plan or architectural design approval, subject to the provisions of Section 17.46.090 (CCMC §17.46.100).
  - d. **Revisions.** Any minor deviations from approved plans may be approved by the Director of the Community Development Department.

4. **Off-Street Parking.** It is unlawful for any person, firm or corporation who owns, leases or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required (CCMC §17.42.010).
  - a. **Required.** All off-street parking spaces shall be maintained in accordance with the Off-Street Parking regulations (CCMC §17.42.120(B)).
  - b. **Use.** No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces (CCMC §17.42.120(G)).
5. **Landscaping.** Property owners or occupants shall maintain landscaping to be free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases (CCMC §17.43.020(G)).
  - a. **Replacement.** The property owner shall immediately replace any plant material that dies, deteriorates, or is damaged by the causes listed above (CCMC §17.43.020(G)).
  - b. **Appearance.** Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance (CCMC §17.43.040(C)).
  - c. **Maintenance.** Trees, shrubs, hedges, and other plant materials shall be maintained so as not to create sight hazard as determined by the Director of Public Works (CCMC §17.43.040(D)).
6. **Departments.** The applicant shall comply with permit requirements of the City of Crescent City's Public Works Department, Police Department, Fire & Rescue, Finance Department, and Community Development Department, as applicable.
7. **Building Department.** The applicant shall comply with permit requirements of the City of Crescent City's Building Department.
  - a. **Building Permit.** Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the Planning Commission (CCMC §17.46.080(A)).
  - b. **Issuance.** The Building Permit shall not be issued until the effective date of this notice, shown below.
  - c. **Certificate of Occupancy.** Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter (CCMC §17.46.080(B)).



## DRAFT RESOLUTION NO. PC2025-14

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CRESCENT CITY APPROVING A VARIANCE PERMIT (APPLICATION VAR25-01) GRANTING BATTERY POINT GROUP'S REQUEST FOR REDUCED SETBACKS

**WHEREAS**, Battery Point Group LLC (Elk Creek Buildings / Red Sky Inc.) submitted a Variance Permit (Application VAR25-01) to request a reduction in setbacks for a proposed 4-plex multi-family residential development located at 511 8th Street (APN 118-230-003);

**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 MF 15-30 (Multi-Family Residential 15-30-du per acre) land use designation, in that the proposed project:

- a. *Is categorized as "townhouses (row houses)" with "Residential densities range from a minimum of 15 to a maximum of 30 dwelling units per acre" within the MF 15-30;*
- b. *"Provides for high density residential development within the urban boundary" within the MF 15-30; and*
- c. *Is supported by the General Plan goal (1.F) and policies (1.A.2, 1.A.3, 1.F.2, 1.F.3, & 1.J.5).*
- d. *Is supported by the Housing Element policy HP-1.2.*

**WHEREAS**, the Planning Commission finds that the proposed project (with a Variance Permit) is consistent with the Crescent City's High-Density Residential District (R-3) Zoning Code, in that the proposed project:

- a) *Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*
- b) *Is consistent with the "Dwelling groups consisting of one-family, two-family, or multiple-family dwellings" (CCMC § 17.16.020(A));*
- c) *"Provides for high density concentrations of dwelling units together with specific ancillary and complementary uses" (CCMC § 17.16.010(A)); and*
- d) *Is subject to all zoning regulations (CCMC § 17.16.010(B)).*

**WHEREAS**, the Planning Commission finds that the proposed site plans and designs of structures (with the Variance Permit) satisfy the Site Plan & Architectural Design Review requirements (CCMC §§ 17.46.010 & 17.46.035), in that the structures:

**VARIANCE PERMIT (APPLICATION VAR25-01)**

**For reduced setbacks**

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

**WHEREAS**, the Planning Commission finds that the proposed variance requests satisfy the Variance Permit Review requirements (CCMC §§ 17.56.010 (A through E)), in that the requests meet:

- a) *That there are exceptional and extraordinary circumstances of conditions applicable to the property involved (CCMC 17.56.010(A));*
- b) *That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question (CCMC 17.56.010(B));*
- c) *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located (CCMC 17.56.010(C));*
- d) *The granting of such variances will not adversely affect the general plan for Crescent City (CCMC 17.56.010(D));*
- e) *That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above (CCMC 17.56.010(E)); and*
- f) *That the planning commission is reviewing such requests and hearing the evidence finds that conditions of subsections A through E of this section have been met (CCMC 17.56.010(F)).*

**WHEREAS**, the Planning Commission finds that the proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Class 3 § 15303(b) (New Construction of Small Structures), Class 5 § 15305(a) (Minor Alterations in Land Use Limitations), and Class 32 § 15332 (In-fill Development) of the CEQA Guidelines, in that the proposed project:

- a) *Is located within City limits and is surrounded by existing development;*
- b) *Consists of four dwelling unit multi-family residential structure;*
- c) *Is considered a minor alternation to setback limitations with a slope less than 20% and does not result in any changes to residential use or exceed density;*
- d) *Requests variances for minor side and rear yard setbacks which does not result in a new parcel;*
- e) *Is consistent with the Crescent City General Plan's Multi-Family Residential 15-30-du per acre (MF 15-30) land use designation and is consistent with the Crescent City's High-Density Residential District (R-3) Zoning Code (with a Variance Permit);*
- f) *Is located in the City of Crescent City, is approximately 0.12 acres, and is located adjacent to existing commercial uses;*

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

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the City of Crescent City that the Variance Permit (Application VAR25-01) granting Battery Point Group's request for reduced setbacks at the address above be approved subject to the Conditions of Approval (Attachment B):

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Crescent City held on this 4th day of December 2025, by the following polled vote.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Steve Shamblin, Chairperson

ATTEST:

\_\_\_\_\_  
Heather Welton, Community Development Specialist

THIS PAGE WAS LEFT BLANK INTENTIONALLY



Ardette Esselstrom  
210 Sea View Circle  
Crescent City, CA 95531  
[ardette.esselstrom@gmail.com](mailto:ardette.esselstrom@gmail.com)  
707-951-0019  
November 23, 2025

City of Crescent City Planning Commission  
Community Development Dept. – Planning & Zoning  
377 J Street  
Crescent City, CA 95531

***Re: Formal Objection to Requested Rear Yard Setback Variance, 10 Foot Standard Reduced to 4 Feet, for  
Proposed Two-Story Fourplex at 511 8<sup>th</sup> Street, APN 118-230-003***

Dear Planning Commissioners,

I am writing to formally object to the requested variance to reduce the legally mandated rear yard ten (10) foot setback to four (4) feet for the proposed two-story fourplex development located at 511 8<sup>th</sup> Street which is adjacent to my property located at 537 8<sup>th</sup> Street.

My property is a single-family home, and this requested variance would create significant and unreasonable negative impacts on the resident's privacy, safety, and quality of life. The existing setback standards in Crescent City are intended to ensure compatibility between development and to protect neighboring properties from undue impacts related to building mass, height, fire risk, and privacy.

A two-story multi-unit structure built only four feet from my property line is not compatible with a single-story, single family house next door and undermines the purpose of the zoning ordinance.

**1. Loss of Privacy**

The reduced setback would eliminate reasonable privacy by creating direct sightlines from second-story windows into the home and backyard.

**2. Light and Air Impacts**

A two-story, multi-unit structure so close to the property line would significantly block natural light and airflow to the home and yard, creating a negative "wall" effect.

**3. Fire and Life Safety Risks**

The reduced separation between structures increases fire risk and limits emergency access. The current setback standards exist in part to provide adequate space between buildings for fire protection and public safety.

**4. Negative Impact on Property Value**

Placing a dense, two-story multi-family structure so close to my single-family home will negatively affect my property value.

## 5. Lack of True Hardship

A variance is intended for cases of genuine hardship related to parcel shape, topography, or unique physical constraints—not for the convenience of a developer or to maximize project density or profit. No such hardship appears to exist that would justify cutting the required setback by **60%**.

I respectfully request that the Planning Commission deny the requested variance and require the applicant to comply with the standard ten (10) foot setback as required by Crescent City Municipal Code.

Please include this letter in the official public record for this project. I also request to be notified of any public hearings or decisions regarding this application.

Thank you for your time and consideration.

Sincerely,

Ardette Esselstrom

CC: Shawna Hyatt, Commissioner  
Kris DeCossio, Commissioner  
Raymond Walp, Commissioner  
Steve Shamblin, Commissioner  
Eric Weir, City Manager  
Robin Altman, City Clerk

**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](http://www.crescentcity.org)

**STAFF REPORT**  
**AGENDA ITEM #2**

**TO:** Chairperson Shamblin and Members of the Planning Commission

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

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

**DATE:** Thursday, December 4, 2025

**SUBJECT:** A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for Enoteca's request for a liquor license transfer located at 960 3rd Street (APN 118-120-026).

**SECTION 1: EXECUTIVE SUMMARY**

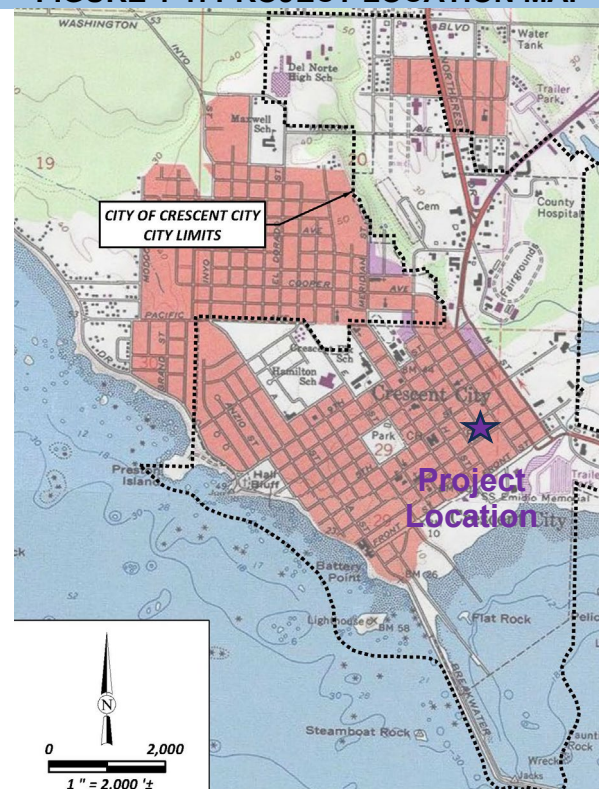
Darryl Winkelmann has submitted a Conditional Use Permit (Application UP25-03) to request a liquor license transfer for Enoteca, an existing commercial use within a developed parcel in the C-1 Zone (Downtown Business District) located at 960 3rd Street (APN 118-120-026).

**STAFF RECOMMENDS:** "Motion to Adopt Resolution No. PC2025-15, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting Enoteca's liquor license transfer."

**ATTACHMENTS:**

- A) UP25-03 Application
- B) UP25-03 Conditions of Approval
- C) Resolution No. PC2025-15

**FIGURE 1-1: PROJECT LOCATION MAP**



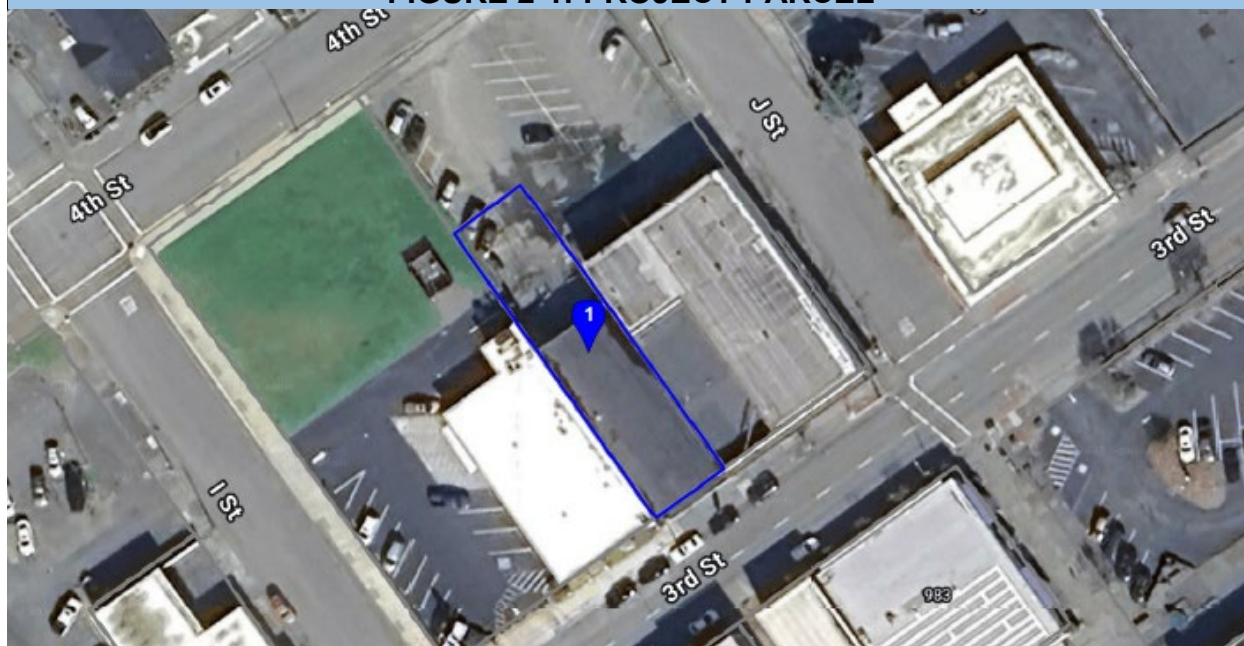
Source: Housing Element (December 2022)

## SECTION 2: BACKGROUND INFORMATION

The proposed project is on a developed parcel with an existing commercial structure operated by Enoteca Restaurant.

ADDRESS:	APN:	PARCEL SIZE:	PROJECT SIZE:
960 Third Street Crescent City, CA 95531	118-120-026-000	+/- 0.15 acres +/- 6,534 sf	0.15 acres 3,668 sf

**FIGURE 2-1: PROJECT PARCEL**



Source: Parcel Quest (November 2025)

The proposed project is located within the Business-Professional (B-P) General Plan land use designation and within the Downtown Business District (C-1) zoning designation (See Section 4: General Plan Consistency and Section 5: Zoning Consistency).

### 2.1. NOTICE OF PUBLIC HEARING:

A Notice of Public Hearing was submitted to the Del Norte Triplicate newspaper (on 11/17/25) to be published (on 11/20/25) in print/online circulation and provided to the Commissioners (on 11/17/25). A similar Notice of Public Hearing was mailed (on 11/17/25) to the property owners within 300-ft of the project location (CCMC § 17.46.050) as required (Cal. Gov. Code §§ 65090 & 65094).

### Public Notice Posting In Addition to Newspaper Publishing

A Notice of Public hearing was posted (on 11/19/25) at City Hall, Del Norte County Library, and the Flynn Center. The notice was also posted at the project location and on the City's website (<https://www.crescentcity.org/PublicNotices>).



**2.2. REQUIRED FINDINGS BY THE COMMISSION:**

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

**SECTION 3: PROPOSED PROJECT DESCRIPTION**

The proposed project includes the request liquor license transfer within an existing structure, with no proposed alterations to the square footage or height of the existing structure.

Enoteca has acquired the liquor license from North Woods Restaurant and has been coordinating with ABC to transfer to Enoteca. This will result in Enoteca's current Type 41 to be "upgraded" to Type 47 license with ABC.

**FIGURE 3-1: PROJECT PARCEL**



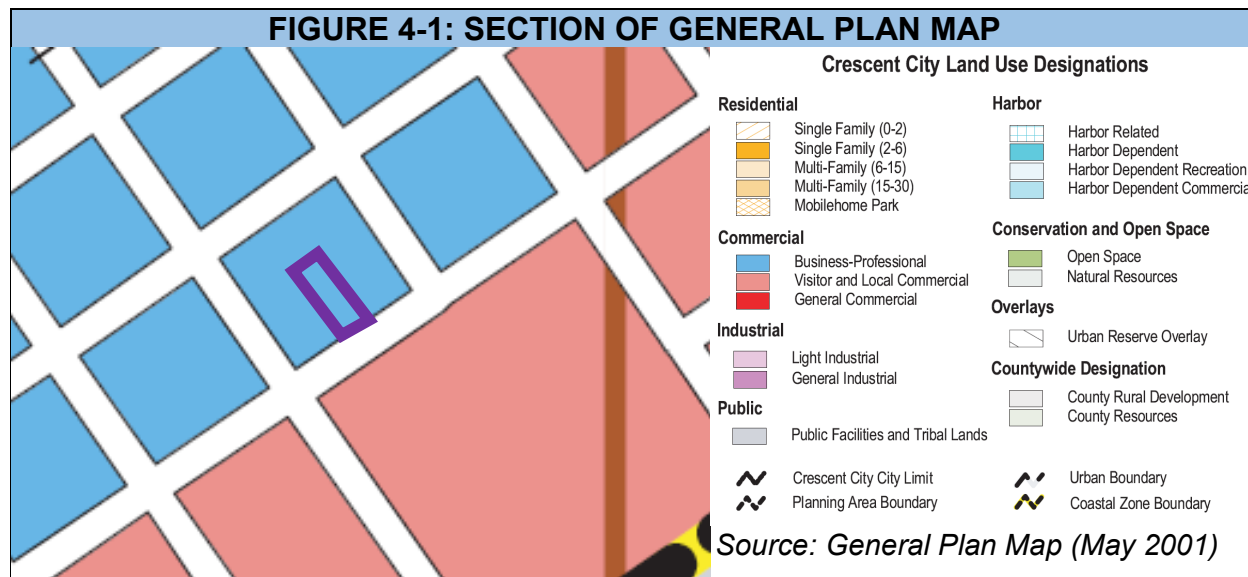
*Source: Google Maps (November 2025)*

**3.1. REQUIRED FINDINGS BY THE COMMISSION:**

Darryl Winkelmann has submitted a Conditional Use Permit (Application UP25-03) to request a liquor license transfer for Enoteca, an existing commercial use within a developed parcel in the C-1 Zone (Downtown Business District) located at 960 3rd Street (APN 118-120-026).

## SECTION 4: GENERAL PLAN CONSISTENCY

The requested liquor license transfer is located within the Business-Professional (B-P) General Plan land use designation (See Figure 4-1: Section of General Plan Map).



### 4.1. General Plan Land Use Designation:

The B-P General Plan land use designation principally permits “*restaurants*” and “*other uses requiring a conditional use permit*” like the sale of alcoholic beverages (See Section 5: Zoning Consistency) as the intended uses “*provides for a strong business/government/professional core in downtown Crescent City.*”

The proposed liquor license transfer is a use consistent with the B-P and is similar to some of the surrounding uses (See Table 4-1: Comparison of surrounding Properties).

TABLE 4-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Land Use Designation	Current Use
<b>Project Property</b>	B-P (Business-Professional)	Enoteca
<b>North</b>	B-P (Business-Professional)	Arsi Family Dentistry, Hearing Health Care, Residential
<b>South</b>	VLC (Visitor and Local Commercial)	Nort Coast Rape Crisis Team, The Cypress Co., T’s sweet Candle, Tsunami Beach company
<b>East</b>	B-P (Business-Professional)	Johnston’s Gift Garden Home, Vacant
<b>West</b>	B-P (Business-Professional)	Tri-Counties Bank

### 4.2. SUPPORTING GENERAL PLAN GOALS/POLICIES:

**-Goal 1.A. –** “*To encourage the overall economic and social growth of the City while maintaining its position of importance in the county and improving its overall aesthetic*

*appeal.”*

**-Policy 1.A.2.** - *“The City shall encourage infill development that makes efficient use of existing public infrastructure and is compatible with existing development.”*

**-Policy 1.A.3.** - *“The City shall encourage project sites to be designed to increase the convenience, safety, and comfort of people using public transportation, walking, or cycling.”*

**-Goal 1.G.** – *“To designate adequate land for commercial land and promote development of commercial uses compatible with surrounding land uses to meet the present and future needs of Crescent City residents, the regional community, and visitors and to maintain economic vitality.”*

**-Policy 1.G.1** – *“The City shall promote high quality design, visual attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated areas of the city.”*

**-Goal 1.I** – *“To maintain a healthy and diverse local economy that meets the present and future employment shopping, recreational, public safety, and services needs of Crescent City residents and to expand the economic base to better the need of residents.”*

**-Policy 1.I.10.** – *“The City shall actively and regularly solicit the views of the business community in matters affecting Crescent City’s economic climate and development.”*

**-Policy 1.I.12.** – *“The City further encourage the private development of visitor-serving facilities and supports private/public partnerships that build such facilities or that facilitate visitors activities.”*

#### **4.3. REQUIRED FINDING BY THE COMMISSION:**

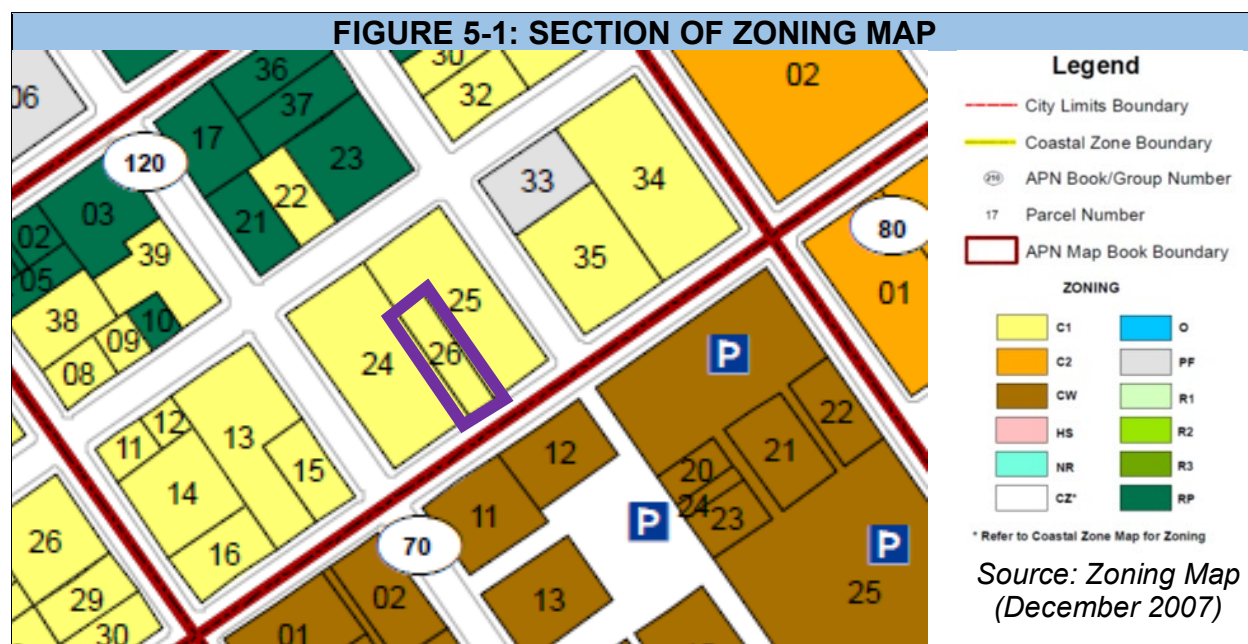
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan’s B-P (Business-Professional Commercial) land use designation, in that the proposed project:

- a) *Is categorized as “other uses requiring a conditional use permit” within the B-P;*
- b) *“provides for a strong business/government/professional core in downtown Crescent City” within the B-P; and*
- c) *Is supported by the General Plan goals (1.A, 1.G, 1.I) and policies (1.A.2, 1.A.3, 1.G.1, 1.I.10, & 1.I.12).*

## SECTION 5: ZONING CONSISTENCY

The requested liquor license transfer is located within an existing structure within the Downtown Business District (C-1) Zone (See Figure 5-1: Section of Zoning Map).

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



**5.2. USE:** The C-1 Zoning District principally permits “*Restaurants and Appurtenant Services. The restaurant and appurtenant services use type includes any establishment whose principal business is the preparation and sale of food and beverages consumed on premise or prepared to go*” (CCMC § 17.20.020(C)) as the intended uses “*provide for a vibrant business, government, and professional core in the downtown area and to serve as an overall mix of commercial and multifamily residential uses*” (CCMC § 17.20.010(A)). However, the “*sale of alcoholic beverages*” requires “*approval of a conditional use permit by the planning commission*” (CCMC § 17.90.010). This Item is further discussed under Section 6: Conditional Use Permit Review.

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

TABLE 5-1: COMPARISON OF SURROUNDING PROPERTIES		
Vicinity	Zoning District	Current Use
Project Property	C-1 (Downtown Business)	Enoteca



<b>North</b>	C-1 (Downtown Business) & R-P (Residential Professional)	Arsi Family Dentistry, Hearing Health Care, Residential
<b>South</b>	C-W (Waterfront Commercial)	Nort Coast Rape Crisis Team, The Cypress Co., T's sweet Candle, Tsunami Beach company
<b>East</b>	C-1 (Downtown Business)	Johnston's Gift Garden Home, Vacant
<b>West</b>	C-1 (Downtown Business)	Tri-Counties Bank

## DEVELOPMENT STANDARDS & PROPOSED PROJECT:

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

**5.5. Height and Area Regulations:** All permitted uses within the C-1 Zoning District are subject to height and area regulations and are addressed below (See Table 5-2: Comparison of Height and Area Regulations).

<b>TABLE 5-2: COMPARISON OF HEIGHT AND AREA REGULATIONS</b>			
<b>Standards</b>	<b>CCMC §</b>	<b>Regulation</b>	<b>Proposed</b>
<b>Height</b>	17.20.040(A)(1)	40-ft	No change
<b>Front Yard</b>	17.20.040(B)(1)	00-ft	No change
<b>[Exterior] Side Yard</b>	17.20.040(B)(2)(a)	00-ft	No change
<b>[Interior] Side Yard</b>	17.20.040(B)(2)(b)	00-ft	No change
<b>Rear Yard</b>	17.20.040(B)(3)	10-ft	No change
<b>Lot Area</b>	17.20.040(C)(1)	None	No change
<b>Lot Coverage</b>	17.20.040(E)(1)	85%	No change

**5.6. Parking, Fencing, and Signs:** All permitted uses within the C-1 Zoning District are subject to the general requirements regarding Parking (CCMC § 17.20.060(A)), Fencing (CCMC § 17.20.060(B)), and Signs (CCMC § 17.20.060(B)). The proposed project site maintains 2 existing off-street parking spaces and is adjacent to 25 shared off-street parking spaces. Additionally, the existing restaurant has been operating with the existing parking layout. No signs or fencing are proposed. Any future fencing or signage will be subject to a separate permit.

**5.7. Site Plan:** The proposed project does not require a Site Plan & Architectural Design Review as the primary use, "restaurant," is existing and principally permitted, and the sale of alcohol is accessory to the primary use with no changes to the building footprint or height.

**5.8. REQUIRED FINDINGS BY THE COMMISSION:**

The Planning Commission finds that the proposed project (with a Conditional Use Permit) is consistent with the Crescent City's Downtown Business District (C-1) Zoning Code, in that the proposed project:

- a) *Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*
- b) *Is consistent with the "sale of alcohol" which requires "approval of a conditional use permit by the planning commission" (CCMC § 17.90.010);*
- c) *Provides "for a vibrant business, government, and professional core in the downtown area and to serve as an overall mix of commercial and multifamily residential uses" (CCMC § 17.20.010(A); and*
- d) *Is subject to all zoning regulations (CCMC § 17.20.010(B)).*

**SECTION 6: CONDITIONAL USE PERMIT REVIEW**

The proposed liquor license transfer requires a Conditional Use Permit within the C-1 Zone (CCMC § 17.90.010) has been scheduled for a public hearing to determine whether the proposed Conditional Use Permit (Application UP25-03) (See Attachment A) shall be approved or denied (CCMC § 17.54.030), based on the following standards:

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

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

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

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

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

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

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

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

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

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

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

The proposed project site maintains 2 existing off-street parking spaces and is

adjacent to 25 shared off-street parking spaces. Additionally, the existing restaurant has been operating with the existing parking layout. The maintenance of off-street parking spaces is included in the Conditions of Approval (Attachment B).

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

The proposed project site is fully developed but maintains existing landscaping in planters. The maintenance of landscaping is included in the Conditions of Approval (Attachment B).

**6.8. REQUIRED FINDINGS BY THE COMMISSION:**

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

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

**SECTION 7: SALE OF ALCOHOLIC BEVERAGE REVIEW PROCESS**

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

**STANDARD REQUIREMENTS:**

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

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

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

See Section 6: Conditional Use Permit Review.

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

On Friday, November 7, 2025, at 10:50 AM, Richard Griffin, Chief of Police of the City of Crescent City, in correspondence with City Staff, stated, “I do not expect any changes in that relationship and the ability to work through any potential issues.”

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

The proposed project site has a proximity distance of ~1,365-ft from a school (Uncharted Shores Academy), ~610-ft from a park (Beachfront Park), ~610-ft from a playground (Beachfront Park), ~1,550-ft from a recreational center (Jedediah Smith Redwoods State Park Visitor Center), ~430-ft from a daycare (Del Norte Child Care Council), and ~1,400-ft from a similar use (Sea Quake Brewing).

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

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

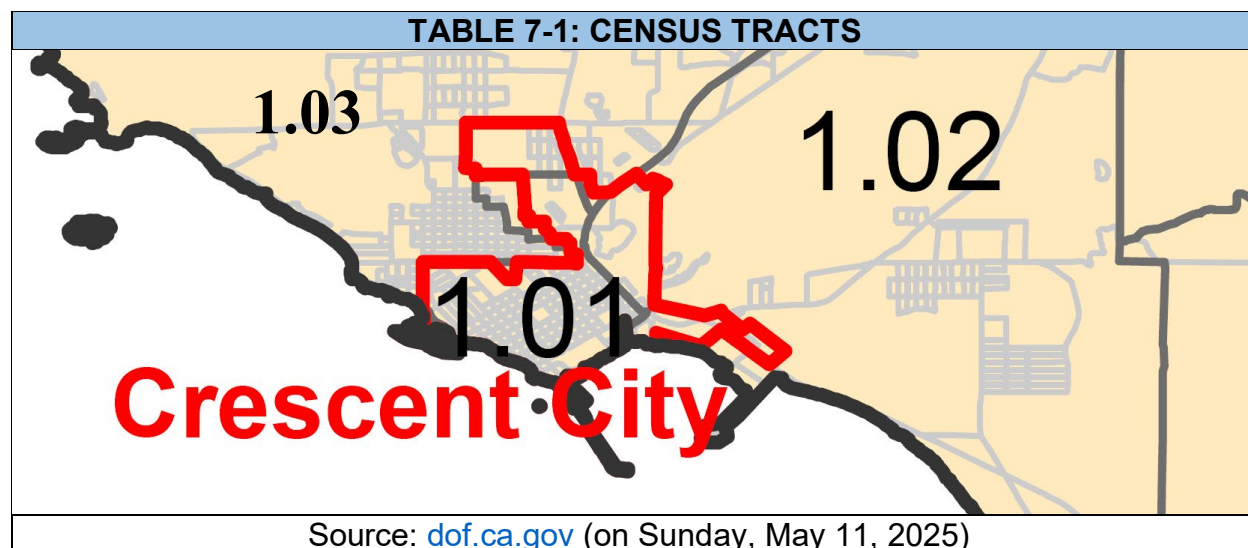
There are three Type 47 Licenses within 1,000-ft for the proposed location (Source: ABC website (<https://www.abc.ca.gov/licensing/licensing-reports/licenses-by-county-and-census-tract/>) on Wednesday, November 19, 2025):

- a) None

**STATE REQUIREMENTS:**

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

According to the ABC website on Sunday, May 11, 2025, the proposed project site is located within Census Tract 1.01 (See Table 7-1: Census Tracts) consisting of 2 existing On-Sale Type 47 Licenses.



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

Previously, the Department of Alcoholic Beverage Control in correspondence with City staff stated, “yes, *this location is overconcentrated.*”

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

Previously, the Department of Alcoholic Beverage Control in correspondence with City staff stated, *“For ABC’s purposes, I requested that the applicant write me to explain how issuing the license would serve public convenience or public necessity, and [the establishment] provided a letter of explanation which you can also find in the first attachment. Under the ABC Act, for a type 47, ABC can make the public convenience/necessity finding, and in this case, ABC will find that public convenience or necessity would be served by issuing the license. However, I understand that Crescent City’s Municipal Code may require the City to also make that finding for purposes of issuing a CUP.”*

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

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

7.9.2. Violations: The applicant has not operated a licensed establishment, which has been the subject of verified complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations. On Friday, November 7, 2025, at 10:50 AM, Richard Griffin, Chief of Police of the City of Crescent City, in correspondence with City Staff, stated, *“The owner has worked with CCPD very consistently with any issues that arise, which has been very minimal over the past several years.”*

7.9.3. Crime: The police department has reported that the proposed establishment would not be expected to add to crime in the area. On Friday, November 7, 2025, at 10:50 AM, Richard Griffin, Chief of Police of the City of Crescent City, in correspondence with City Staff, stated, *“I do not expect any changes in that relationship and the ability to work through any potential issues.”*

7.9.4. Incidental: The alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment (Enoteca restaurant).

**ADDITIONAL CONSIDERATIONS:**

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

The planning commission may take into consideration the proximity of the proposed alcohol retailer with parcels occupied by A) Schools (public or private): ~1,365-ft from a school (Uncharted Shores Academy), (B) Churches or other places of worship: ~660-ft (Calvary Chapel of the Redwoods); C) Hospitals, clinics, or other health care facilities: ~100-ft (Hearing Health Care); D) Public parks and playgrounds: ~610-ft from a playground (Beachfront Park) and other similar uses; E) Restaurant uses: ~1,400-ft from a similar use (Sea Quake Brewing).

### **7.11. Liquor License Cap**

The county has a liquor license cap which is currently maxed out. However, Enoteca has acquired the liquor license from North Woods Restaurant and has been coordinating with ABC to transfer to Enoteca. This will result in Enoteca's current Type 41 to be "upgraded" to Type 47 license with ABC.

### **7.12. REQUIRED FINDINGS BY THE COMMISSION:**

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

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



## SECTION 8: ENVIRONMENTAL DETERMINATION SUMMARY

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

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

**1. Interior or exterior alterations:**

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

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

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

The proposed project is consistent with the Crescent City General Plan's Business Profession (B-P) land use designation and is consistent with the Crescent City's Downtown Business District (C-1) Zoning Code;

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

The project site is located in the City of Crescent City, is approximately 0.15 acres, and is located adjacent to existing commercial uses;

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

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

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

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

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

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

**8.3. REQUIRED FINDING BY THE COMMISSION:**

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

- a) *Proposes a changed use within an existing structure.*
- b) *Is consistent with the Crescent City General Plan's VCL (Visitor and Local Commercial) land use designation and is consistent with the Crescent City's Downtown Business District (C-1) Zoning Code (with Conditional Use Permit);*
- c) *Is located in the City of Crescent City, is approximately 0.15 acres, and is located adjacent to existing commercial uses;*

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

## SECTION 9: INTER-DEPARTMENTAL PLANNING REFERRALS

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

**9.1. Police Department:** Approved with “No concerns with this transfer. The owner has worked with CCPD very consistently with any issues that arise, which has been very minimal over the past several years. I do not expect any changes in that relationship and the ability to work through any potential issues.” (11/07/25)

**9.2. Fire and Rescue:** Approved with no comments. (11/07/25)

**9.3. Building Department:** None

**9.4. Public Works Department:** None

**9.5. REQUIRED FINDING BY THE COMMISSION:**

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

## SECTION 10: PLANNING COMMISSION ACTION OPTIONS

The proposed liquor license transfer requires a Conditional Use Permit within the C-1 Zone (CCMC § 17.90.010) has been scheduled for a public hearing to determine whether the proposed Conditional Use Permit (Application UP25-03) (See Attachment A) shall be approved or denied (CCMC § 17.54.030):

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

- **Recommended Motion: “I move to adopt Resolution No. PC2025-15, A Resolution of the Planning Commission of the City of Crescent City to approve a Conditional Use Permit (Application UP25-03) to grant Enoteca a liquor license transfer.”**
- Planning staff will send the applicant an approval letter after the 10-day appeal period (CCMC § 17.46.050), along with the resolution, as adopted by the Planning Commission during the public hearing. The applicant would be granted approval on request for a liquor license transfer. Approved plans, together with such conditions, shall be signed, dated, and mailed to the applicant (CCMC § 17.46.040(C)). The planning commission secretary shall place one copy of the approved plans in the files of the planning commission (CCMC § 17.46.040(C)).

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

- **Motion Example: “I move to deny the Conditional Use Permit (Application UP25-03) due to the requirements not being fully satisfied, specifically regarding \_\_\_\_\_.”**
- Planning staff will send the applicant a denial letter stating why the application was denied. The applicant would not be granted the liquor license transfer.

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

- **Motion Example: “I move to request additional information regarding \_\_\_\_\_ be brought back to the January 8, 2026 (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, January 8, 2026, or a specific alternative Special Planning Commission meeting.

## SECTION 11: STAFF RECOMMENDATION

1. (Chair) "Agenized Item #2: A Public Hearing to consider a Conditional Use Permit (Application UP25-03) for Enoteca's request for a liquor license transfer located at 960 3rd Street (APN 118-120-026)."
2. (Chair) "I will open the Public Hearing."
3. (Chair) "We will now receive the Presentation on the Staff Report from Planner Lawton."
4. (Chair) "Does any Commissioners have any clarifying questions for staff?"
  - a. (Chair) "Does the Applicant wish to address the Planning Commission?"
5. (Chair) "I will Open Public Comment, which we will receive at podium."
  - a. "We request that (1) you state your name and residency, (2) subject to a three-minute comment be directed to the Planning Commission for consideration, and (3) please state if you are for-or-against the proposed project."
  - b. (Chair) "Any clarifying questions?"
6. (Chair) "I will Close Public Comment."
7. (Chair) "Is there any discussion on this item from the Commissioners?"
8. (Chair) "I believe a motion would be in order."
  - a. **(Commissioner) "I move to adopt Resolution No. PC2025-15, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting Enoteca's liquor license transfer."**
  - b. *Note: Any changes should be included in the motion.*
9. (Chair) "A motion has been made by Commissioner \_\_\_\_\_. Is there a second?"
10. (Chair) "It was seconded by Commissioner \_\_\_\_\_."
11. (Chair) "A motion was made and seconded to: **Adopt Resolution No. PC2025-15, A Resolution of the Planning Commission of the City of Crescent City approving a Conditional Use Permit (Application UP25-03) granting Enoteca's liquor license transfer."**
  - a. *Note: Any changes should be included in the motion.*
12. (Chair) "Is there any additional discussion from the Commissioners on the motion?"
13. (Chair) "Seeing as there is no further discussion, it is time for a vote on the motion, Clerk Altman, can you poll the vote?"
14. (Chair) "The motion passes (*or fails*) by a vote of \_\_\_\_-to-\_\_\_\_." (Example 4-0)

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

Print

# CITY OF CRESCENT CITY

## Development Permit Application

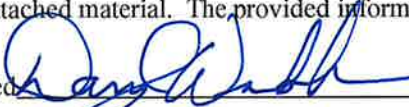
Return completed application to:  
Planning Department  
377 J Street  
Crescent City, CA 95531  
(707) 464-9506 (707) 465-4405 fax

TYPE OR PRINT CLEARLY

Applicant <b>Darryl Gene Winkelmann</b>	Street Address <b>960 3<sup>rd</sup> ST Crescent</b>	City <b>Crescent</b>	Zip Code <b>95531</b>	Day Phone <b>707-954-3320</b>
Representative (if any)	Street Address	City	Zip Code	Day Phone
Property Owner <b>SAME</b>	Street Address	City	Zip Code	Day Phone

Correspondence to be sent to ☐ Applicant ☐ Representative ☒ Owner

Project Address <b>960 3<sup>rd</sup> ST Crescent, City 95531</b>	Assessor's Parcel No. <b>118-120-026</b>	
Description of proposed project (attach sheets if necessary) <b>Liquor License transfer (from North Woods restaurant) Transfer ABC License (from type 41 to type 4) Adding to the capacity (Liquor beverage)</b>		
Existing Land Use	Adjacent Uses	Building Coverage _____ sq.ft. existing
Project Acreage	Project Height	Building Coverage _____ sq.ft. proposed
Parking (number of spaces)	Paved Area	Grading Required? _____ (if yes, attach preliminary grading plan)
Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas. (Attach biological report and preliminary grading plans.)		
Land Division or Boundary Adjustment. (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)		

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate.  Signed  Date <b>11/5/25</b>	Property Owner/Authorized Agent: I have read this application and consent to its filing  Signed _____ Date _____
--	--

TYPE OF APPLICATION	<input type="checkbox"/> Architectural Review	<input type="checkbox"/> Lot Line Adjustment/Parcel Merger	<input type="checkbox"/> Subdivision/Major
	<input type="checkbox"/> CEQA Review	<input type="checkbox"/> Municipal Code Amendment/Rezone	<input checked="" type="checkbox"/> Use Permit - Standard
	<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/> ROW or Street Abandonment	<input type="checkbox"/> Use Permit - Cannabis
	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Special Review	<input type="checkbox"/> Variance or Waiver
	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Subdivision/Minor	<input type="checkbox"/> Other

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

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

OFFICIAL USE ONLY	Application Number(s) <b>CUP 25-03</b>	Filing Fees <b>600-</b>	Date Filed <b>11/5/25</b>	Receipt # <b>8050912</b>
	Date Application Completed	Zoning <b>C-1 (17.20)</b>	General Plan (LUP) <b>B-P</b>	
	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

THIS PAGE WAS LEFT BLANK INTENTIONALLY





## **DRAFT CONDITIONS OF APPROVAL**

### **Conditional Use Permit – Application UP25-03**

On December 4, 2025, the City of Crescent City's Planning Commission held a Public Hearing in which they voted to **APPROVE** (by adopting Resolution PC2025-12), to grant Darryl Winkelmann a Conditional Use Permit (Application UP25-03) for a proposed liquor license transfer for Enoteca located at 960 3rd Street (APN 118-120-026), subject to the following conditions:

1. **Zoning.** The applicant shall be required to maintain compliance with all requirements of the City's Municipal Code including, but not limited to, Chapter 17.20 (Downtown Business District).
2. **Conditional Use Permit.** The approved project shall be operated according to the approved proposed use (UP25-03) submitted 05/11/25 or as modified by the Planning Commission.
  - a. **Transfer.** All use permits are not personal to the applicant and permission granted under a use permit is an incident of ownership of the property for which it is granted. The owner of the property shall be responsible for compliance with the terms and conditions of issuance of a use permit (CCMC §17.54.030(B)).
  - b. **Revocable.** All use permits are always revocable and may be made conditional and shall be issued by the planning commission or by the affirmative vote of the city council, upon appeal, for any of the uses for which a use permit is required (CCMC §17.54.020).
3. **Off-Street Parking.** It is unlawful for any person, firm or corporation who owns, leases or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required (CCMC §17.42.010).
  - a. **Required.** All off-street parking spaces shall be maintained in accordance with the Off-Street Parking regulations (CCMC §17.42.120(B)).
  - b. **Use.** No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces (CCMC §17.42.120(G)).
4. **Landscaping.** Property owners or occupants shall maintain landscaping to be free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases (CCMC §17.43.020(G)).
  - a. **Replacement.** The property owner shall immediately replace any plant

material that dies, deteriorates, or is damaged by the causes listed above (CCMC §17.43.020(G)).

- b. **Appearance.** Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance (CCMC §17.43.040(C)).
  - c. **Maintenance.** Trees, shrubs, hedges, and other plant materials shall be maintained so as not to create sight hazard as determined by the Director of Public Works (CCMC §17.43.040(D)).
5. **Departments.** The applicant shall comply with permit requirements of the City of Crescent City's Public Works Department, Police Department, Fire & Rescue, Finance Department, and Community Development Department, as applicable.
6. **Building Department.** The applicant shall comply with permit requirements of the City of Crescent City's Building Department.
- a. **Building Permit.** Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the Planning Commission (CCMC §17.46.080(A)).
  - b. **Issuance.** The Building Permit shall not be issued until the effective date of this notice, shown below.
  - c. **Certificate of Occupancy.** Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter (CCMC §17.46.080(B)).
7. **Sale of Alcoholic Beverages.** The sale of alcohol should ensure the compatibility with surrounding uses and properties and to avoid any negative impacts associated with such uses (CCMC §17.90.010) subject to Chapter 17.79 including:
- a. **Employee Training.** All employees must be trained with the knowledge and skills that will enable them to comply with their responsibilities under law (CCMC §17.90.040(A)) including, but not limited to:
    - i. State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws;
    - ii. The effects of alcohol on the body, and behavior, including how the

effects of alcohol affect the ability to operate a motor vehicle; and

- iii. Methods for dealing with intoxicated customers and recognizing underage customers.
- b. **Litter Free.** The premise subject to the Conditional Use Permit must be maintained free of litter (CCMC §17.90.040(B)).
- c. **Advertising.** No signs advertising the sale of alcoholic beverages may be displayed outside of the store (CCMC §17.90.040(C)).
- d. **Loitering.** Loitering of persons about the premises must not be tolerated or permitted (CCMC §17.90.040(D)).
- e. **Off-Site.** No sale of alcohol is allowed for off-site consumption, unless otherwise allowed by the ABC license (CCMC §17.90.040(E)(1)).
- f. **Noise.** The noise levels generated by the operation of such establishment must not negatively impact adjoining properties (CCMC §17.90.040(E)(2)).
- g. **Lighting.** Exterior lighting and interior lighting must be sufficient to provide illumination for security and safety and to make easily discernable the appearance and condition of persons. On-site lighting plans must be submitted for review and approval (CCMC §17.90.040(E)(3)).
- h. **Intoxicated Limits.** Alcohol must not be sold or served to any persons who are discernibly intoxicated (CCMC §17.90.040(E)(4)).
- i. **Landscaping.** No vegetation around the site that can be used as a hiding place (CCMC §17.90.040(E)(5)).
- j. **Minors.** A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting trespassing or public drinking must be posted (CCMC §17.90.040(E)(6)).
- k. **COA Copy.** A copy of these Conditions of Approval (COA) must be kept on the premises and available upon request (CCMC §17.90.040(E)(7)).
- l. **Permit Change.** Should the current alcohol permit be subject to change to include off-site establishment, the conditions of approval would be subject to change according to CCMC §17.90.040(E).
- m. **Liquor.** Should the current alcohol permit be subject to change to include liquor license, the conditions of approval may be subject to change according to CCMC §17.90.030(G).
- n. **Revocation.** If any of these Conditions of Approval are found to be disregarded, the Conditional Use Permit for alcohol sales will be subject to

*DRAFT CONDITIONS OF APPROVAL*  
*Conditional Use Permit – Application UP25-03*

revocation and if necessary, the Planning Commission may modify the Conditional Use Permit after holding a noticed public hearing and making applicable findings (CCMC §17.90.030(F)).

8. **Conditional Use Permit.** Before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages, the applicant must first obtain a Conditional Use Permit from the Planning Commission (CCMC §17.90.030).

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

**CITY OF CRESCENT CITY**  
**PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE**

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



Incorporated April 13, 1854

web: [www.crescentcity.org](http://www.crescentcity.org)

**DRAFT RESOLUTION NO. PC2025-15**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
CRESCENT CITY APPROVING A CONDITIONAL USE PERMIT  
(APPLICATION UP25-03) GRANTING ENOTECA'S LIQUOR LICENSE  
TRANSFER**

**WHEREAS**, Darryl Winkelmann has submitted a Conditional Use Permit (Application UP25-03) to request a liquor license transfer for Enoteca, an existing commercial use within a developed parcel in the C-1 Zone (Downtown Business District) located at 960 3rd Street (APN 118-120-026);

**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 B-P (Business-Professional Commercial) land use designation, in that the proposed project:

- a) *Is categorized as "other uses requiring a conditional use permit" within the B-P;*
- b) *"provides for a strong business/government/professional core in downtown Crescent City" within the B-P; and*
- c) *Is supported by the General Plan goals (1.A, 1.G, 1.I) and policies (1.A.2, 1.A.3, 1.G.1, 1.I.10, & 1.I.12).*

**WHEREAS**, the Planning Commission finds that the proposed project (with a Conditional Use Permit) is consistent with the Crescent City's Downtown Business District (C-1) Zoning Code, in that the proposed project:

- a) *Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*
- b) *Is consistent with the "sale of alcohol" which requires "approval of a conditional use permit by the planning commission" (CCMC § 17.90.010);*
- c) *Provides "for a vibrant business, government, and professional core in the downtown area and to serve as an overall mix of commercial and multifamily residential uses" (CCMC § 17.20.010(A); and*
- d) *Is subject to all zoning regulations (CCMC § 17.20.010).*

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

- a) *Is compatible with other existing and potential uses within the general area;*
- b) *Will not result in a significant impact on noise, smoke, dust, fumes, vibration, odors, and hazards;*

**CONDITIONAL USE PERMIT (APPLICATION UP25-03)**  
**For the Liquor License Transfer**

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

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

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

- a) Proposes a changed use within an existing structure.*
- b) Is consistent with the Crescent City General Plan's VCL (Visitor and Local Commercial) land use designation and is consistent with the Crescent City's Downtown Business District (C-1) Zoning Code (with Conditional Use Permit);*
- c) Is located in the City of Crescent City, is approximately 0.15 acres, and is located adjacent to existing commercial uses;*



CONDITIONAL USE PERMIT (APPLICATION UP25-03)  
For the Liquor License Transfer

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

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the City of Crescent City that the Conditional Use Permit (Application UP25-03) granting Enoteca's request for the liquor license transfer at the address above be approved subject to the Conditions of Approval (Attachment B):

**PASSED AND ADOPTED** at a special meeting of the Planning Commission of the City of Crescent City held on this 4th day of December 2025, by the following polled vote.

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
Steve Shamblin, Chairperson

ATTEST:

\_\_\_\_\_  
Heather Welton, Community Development Specialist

THIS PAGE WAS LEFT BLANK INTENTIONALLY