



CITY OF CRESCENT CITY

MAYOR ISAIAH WRIGHT
COUNCIL MEMBER RAY ALTMAN
COUNCIL MEMBER STEVE SHAMBLIN

MAYOR PRO TEM CANDACE TINKLER
COUNCIL MEMBER JASON GREENOUGH

AGENDA
SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF CRESCENT CITY
FLYNN CENTER BOARD CHAMBERS
981 H STREET
CRESCENT CITY, CA 95531

WEDNESDAY

JANUARY 14, 2026

5:30 P.M.

This meeting will be held in person at the location listed above. The City will broadcast the meeting on YouTube, however, if there is a technological issue with YouTube, the meeting will continue in person as scheduled. The public may access and participate in the public meeting by (1) attending the meeting in person and making public comment when called for by the Mayor or (2) by submitting a written comment via publiccomment@crecentcity.org or by filing it with the City Clerk at 377 J Street, Crescent City, California, 95531. All public comments (via email or mail) must be received by the City Clerk prior to 12:00 p.m. the day of the meeting. Please identify the meeting date and agenda item to which your comment pertains in the subject line. Public comments so received will be forwarded to the City Council and posted on the website next to the agenda. **Written public comments will not be read aloud during the meeting.**

Notice regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the City Clerk’s office at (707)464-7483, ext. 12. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II]. For TTYDD use for speech and hearing impaired, please dial 711. A full agenda packet may be reviewed at City Hall, 377 J Street, Crescent City, CA or on our website: www.crescentcity.org

OPEN SESSION

- Call to order**
- Roll call**
- Pledge of Allegiance**

PUBLIC HEARING

- 1. APPEAL OF VARIANCE PERMIT (APPLICATION VAR25-01) FOR DEVELOPMENT AT 511 8th STREET (APN 118-230-003)**
DESCRIPTION OF VARIANCES REQUESTED: Reduced rear yard setback, reduced exterior side yard setback, parking waiver for one additional unit to back over the sidewalk
POSSIBLE ACTION:
 - Motion to grant the Variance Permit (Application VAR25-01) with conditions and adopt Resolution No. 2026-02, A Resolution of the City Council of the City of Crescent City (or as amended by the City Council); or
 - Motion to deny the Variance Permit (Application VAR25-01); or
 - Motion to continue the hearing to receive additional information and provide direction to staff

ADJOURNMENT

Adjourn to the regular meeting of the City Council of the City of Crescent City on Tuesday, January 20, 2026 at 6:00 p.m. at the Flynn Center Board Chambers, 981 H Street, Crescent City, CA 95531.

POSTED:

January 9, 2025

/s/ Robin Altman, City Clerk/Administrative Analyst

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 –
Fiscally Responsible



CITY COUNCIL AGENDA REPORT

TO: MAYOR WRIGHT AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC WIER, CITY MANAGER

**BY: ETHAN LAWTON, CONTRACT PLANNER
MARTHA D. RICE, CITY ATTORNEY**

DATE: JANUARY 14, 2026

**SUBJECT: APPEAL OF VARIANCE PERMIT (APPLICATION VAR25-01) FOR
DEVELOPMENT AT 511 8th STREET (APN 118-230-003)**

RECOMMENDATION

- Open public hearing
 - Hear staff report / presentation
 - Receive testimony from Appellant
 - Receive testimony from Applicant
 - Receive public comment
 - Technical questions from the Council
- Further Council discussion
- Close public hearing
- Council deliberation
- Possible Motions:
 - Motion to grant the Variance Permit (Application VAR25-01) with conditions and adopt Resolution No. 2026-02, A Resolution of the City Council of the City of Crescent City Approving Variance Permit (Application VAR25-01) for Development at 511 8th Street (APN 118-230-003) (*or as amended by the City Council*)
 - Motion to deny the Variance Permit (Application VAR25-01)
 - Motion to continue the hearing to receive additional information and provide direction to staff

BACKGROUND

Applicant and property owner Battery Point Group, LLC submitted an application for a variance permit to allow for a reduction of the **rear yard setback from 10 feet to 5 feet** and a reduction of the **exterior side-yard setback from 10 feet to 8 feet 4 inches**. The applicant also requested a parking waiver to allow for **one additional driveway to back over the sidewalk (for a total of 4)**. The Planning Commission held a duly-noticed public hearing on December 4, 2025 and approved the Variance Permit (Application VAR25-01)

by way of Resolution No. PC2025-14. At that public hearing, appellant Ardette Esselstrom voiced her objection to the variance and submitted her objection in writing (included as part of Planning Commission Record). Following the public hearing and within the time allowed, Ms. Esselstrom filed an appeal of the Planning Commission decision. Subsequently, Ms. Esselstrom has submitted a revised appeal document, which is also attached to this staff report.

ITEM ANALYSIS

PUBLIC HEARING

While hearing this appeal, the City Council is sitting in its quasi-judicial capacity. This means that the Council is tasked with ascertaining if the relevant facts support the findings required to be made under the regulations for granting a variance. The Council's decision must be supported by "substantial evidence," generally defined as enough relevant information and reasonable inferences from that information that a fair argument can be made to support the conclusion, even though other conclusions might also be reached. This is standard that is very deferential to the decision-making body, the City Council. In addition to avoiding any conflicts of interest, Council Members are required to be fair and impartial when making a quasi-judicial decision.

The Council is limited to considering only evidence and information submitted as part of this public hearing, including the documents submitted as part of the agenda and any documents or testimony that may be presented at the public hearing. Council Members must disclose if they have had any communication regarding the variance application with either the applicant or the appellant and disclose the contents of those communications.

VARIANCE CRITERIA

Variances are covered by Chapter 17.56 of the Crescent City Municipal Code (included with this staff report for your reference). The purpose of a variance is to prevent discrimination and undue hardship. 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.

The criteria for granting a variance are as follows:

- A. That there are exceptional and extraordinary circumstances of conditions applicable to the property involved;
- 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;
- 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;
- D. The granting of such variances will not adversely affect the general plan for Crescent City;

JANUARY 14, 2026

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

F. The conditions of subsections A through E of this section have been met.

The applicant submitted arguments and evidence in support of its application for a variance, which are included in the Planning Commission Record. If the City Council agrees with the applicant that the proposed variances meet the criteria set forth in the municipal code, then the City Council will need to adopt a resolution. Staff have drafted a resolution using the applicant's arguments. If the City Council does not agree with the applicant that the proposed variances meet the criteria set forth in the municipal code, then the City Council simply needs to deny the application by motion.

EVIDENCE TO BE CONSIDERED

The City Council is to consider all of the evidence in the record to this point, which includes the attachments to this staff report, as well as any evidence and testimony given at the public hearing.

ENVIRONMENTAL DETERMINATION

If the City Council approves the variance, it will need to make a CEQA determination. Staff have prepared findings in the draft resolution finding the proposed project to be CEQA exempt 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.

ATTACHMENTS

1. Planning Commission Record for Variance Permit (Application VAR25-01)
2. Fire Chief Referral Response (was spoke about at PC hearing but was not included with packet)
3. Updated Site Plan (was spoke about at PC hearing but was not included with packet)
4. Resolution No. PC2025-14
5. Appeal from Ardette Esselstrom
6. Amended Appeal from Ardette Esselstrom
7. Crescent City Municipal Code Chapter 17.56
8. *Draft* Resolution No. 2026-02



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.

THE PUBLIC IS INVITED TO PARTICIPATE IN THE FOLLOWING MANNER:

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

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

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

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

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STAFF REPORT
AGENDA ITEM #1

TO: Chairperson Shamblin and Members of the Planning Commission

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

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

DATE: Thursday, December 4, 2025

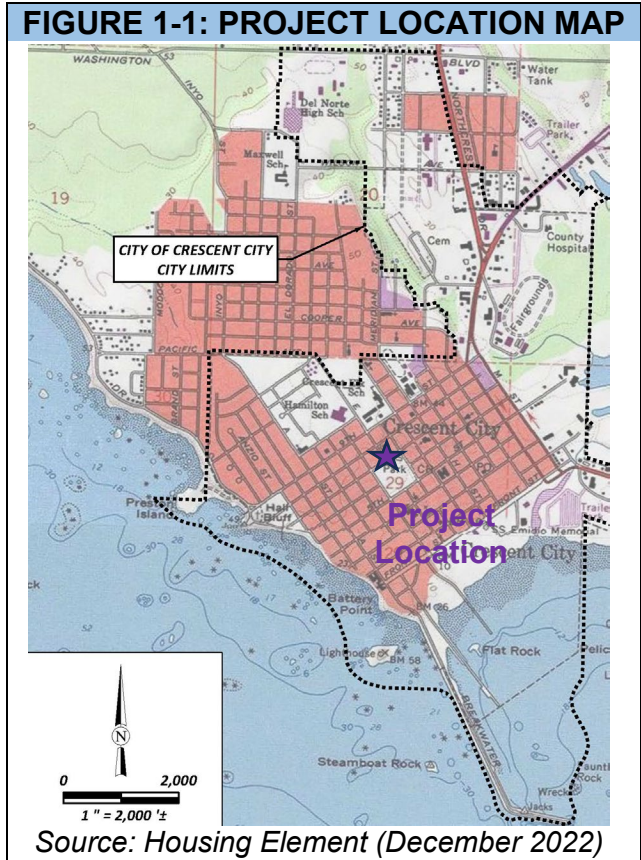
SUBJECT: A Public Hearing to consider a Variance Permit (Application VAR25-01) for Battery Point Group’s request for reduced setbacks located at 511 8th Street (APN 118-230-003)

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



SECTION 2: BACKGROUND INFORMATION

The existing parcel consists of vacant parcel.

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

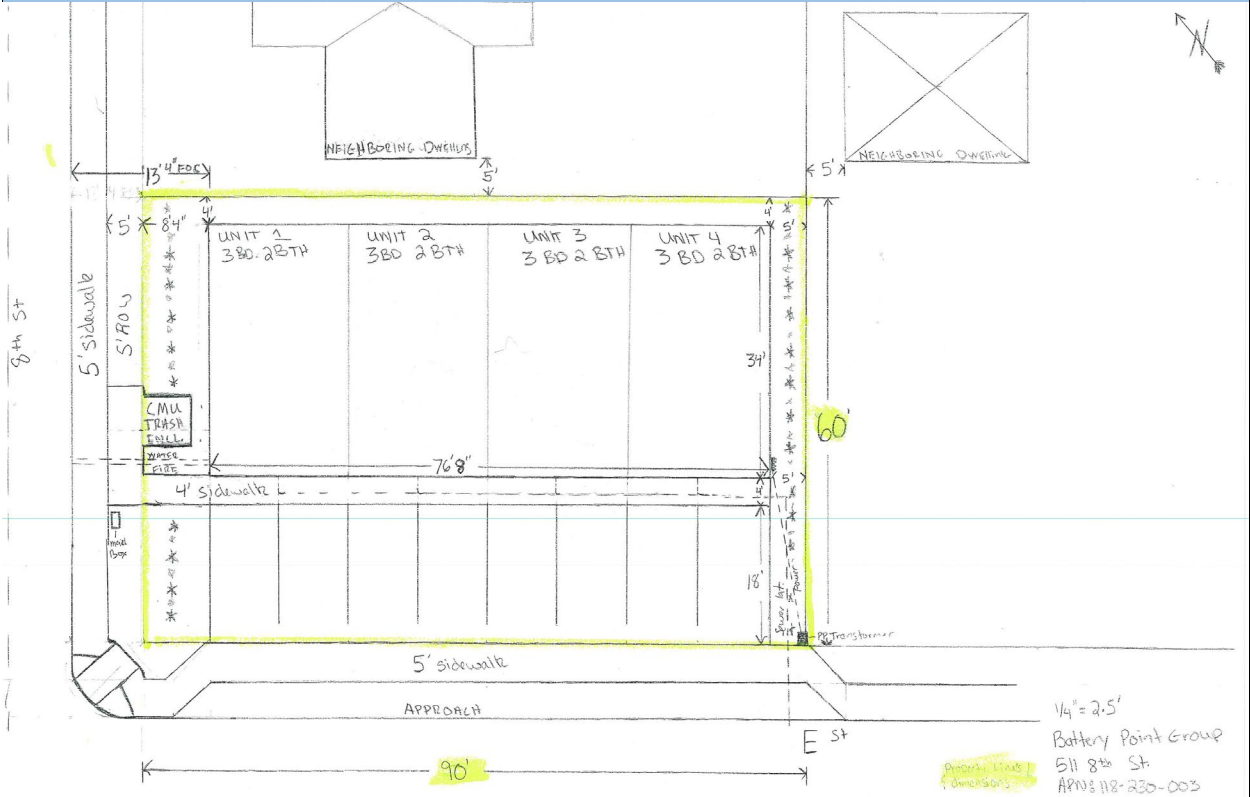
2.2. REQUIRED FINDINGS BY THE COMMISSION:

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)

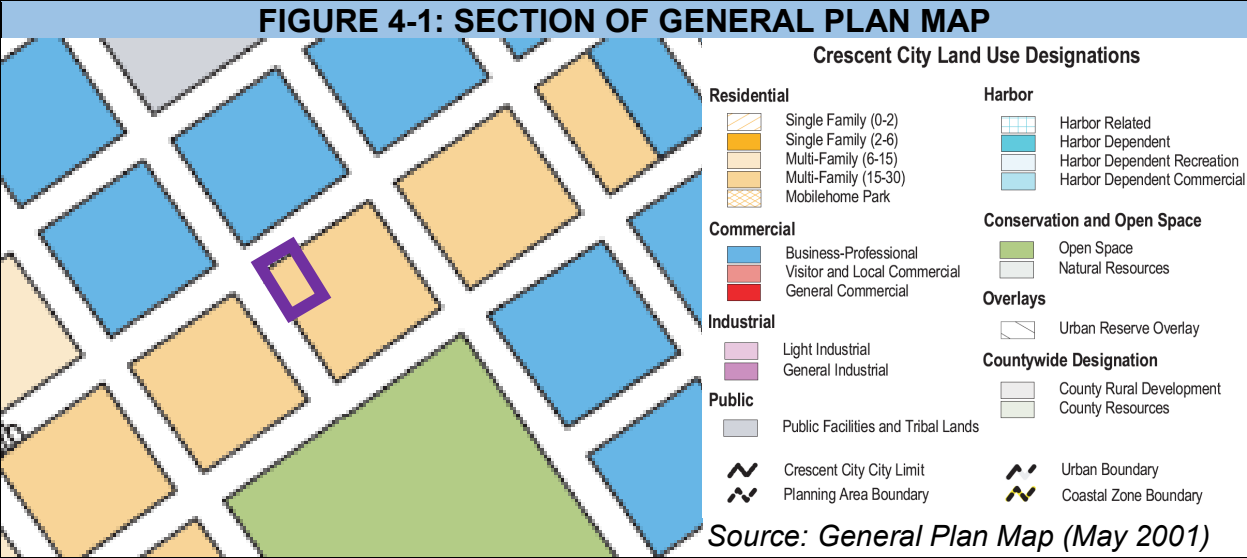
The applicant has submitted the Variance Permit (Application VAR25-01) on 10/13/25, with additional submittals on 10/30/25. The application was deemed complete on 10/30/25. The applicants met with City staff to discuss the project and City requirements on 11/28/25.

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

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

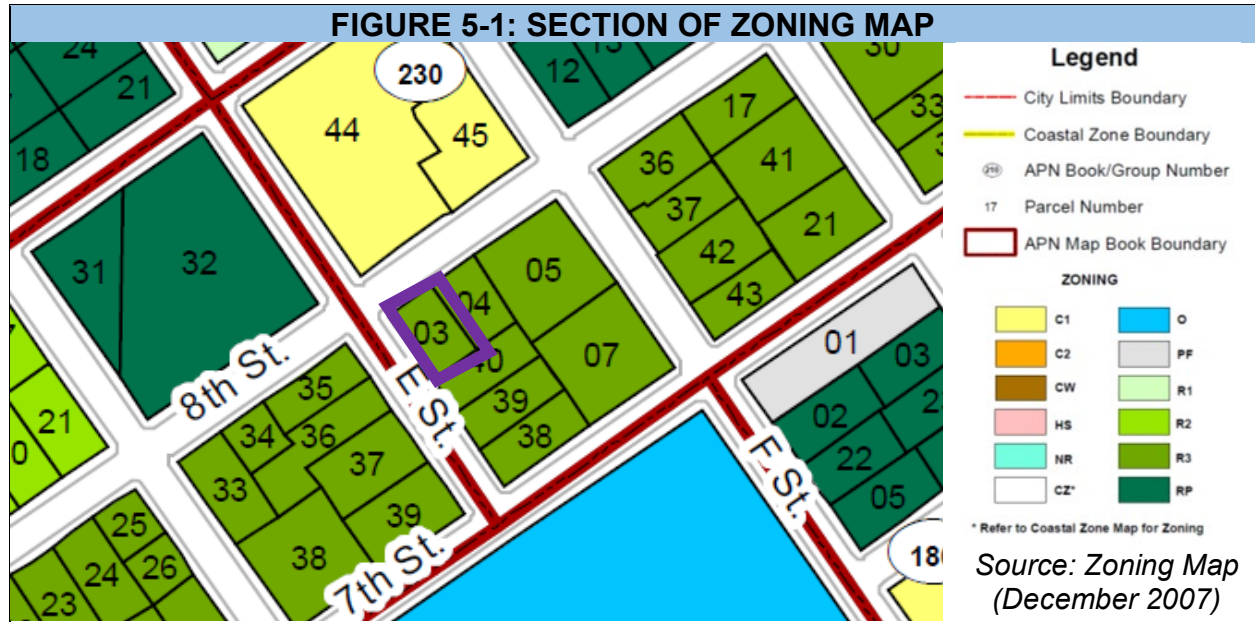
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan’s MF 15-30 (Multi-Family Residential 15-30-du per acre) land use designation, in that the proposed project:

- 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 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

West	R-3 (High-Density Residential) & R-P (Residential-Professional)	Multi-Family & Single-family Residential & Church of Christ
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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
Height	17.16.030(A)(1)	35-ft	24-ft
Front Yard	17.16.030(B)(1)(a)	10-ft	22-ft
[Exterior] Side Yard	17.16.030(B)(2)(b)	10-ft	8-ft, 4-in
[Interior] Side Yard	17.16.030(B)(2)(a)	5-ft	5-ft
Rear Yard	17.16.030(B)(3)(a)	10-ft	4-ft
Lot Area	17.16.030(C)(1)	6,000-sf	0.12-ac / 5,227 sf
Density	17.16.030(D)(2)	30-du per acre	4-du
Lot Coverage	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:

#	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 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.” (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 -----

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

Project Address 511 8th St. Crescent city CA 95531	Assessor's Parcel No. 118-230-003	
Description of proposed project (attach sheets if necessary) New construction of a 4 plex moderate income long term Rental property to consist of 4-3bed 2 bath units.		
Existing Land Use Vacant	Adjacent Uses Rental property	Building Coverage 0 sq.ft. existing
Project Acreage .13	Project Height 24'	Building Coverage 4,772 sq.ft. proposed
Parking (number of spaces) 8	Paved Area 1350 SF	Grading Required? NO (if yes, attach preliminary grading plan)
Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas. (Attach biological report and preliminary grading plans.)		
Land Division or Boundary Adjustment. (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)		

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate. Signed  Date 10/16/25	Property Owner/Authorized Agent: I have read this application and consent to its filing Signed  Date 10-13-25
---	---

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 (Rear setback)
	<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) VAR 25-01	Filing Fees \$600-	Date Filed 10/13/25	Receipt # 8047905	
	Date Application Completed 10/30/25	Zoning R-3 (17.16)	General Plan (LUP) MF 15-30		
	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 8th 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 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.

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,



Sam Schauerman, Member
Elk Creek Builders, LLC

511 8th st. Crescent city Ca 95531

4-plex materials to be used

EXTERIOR

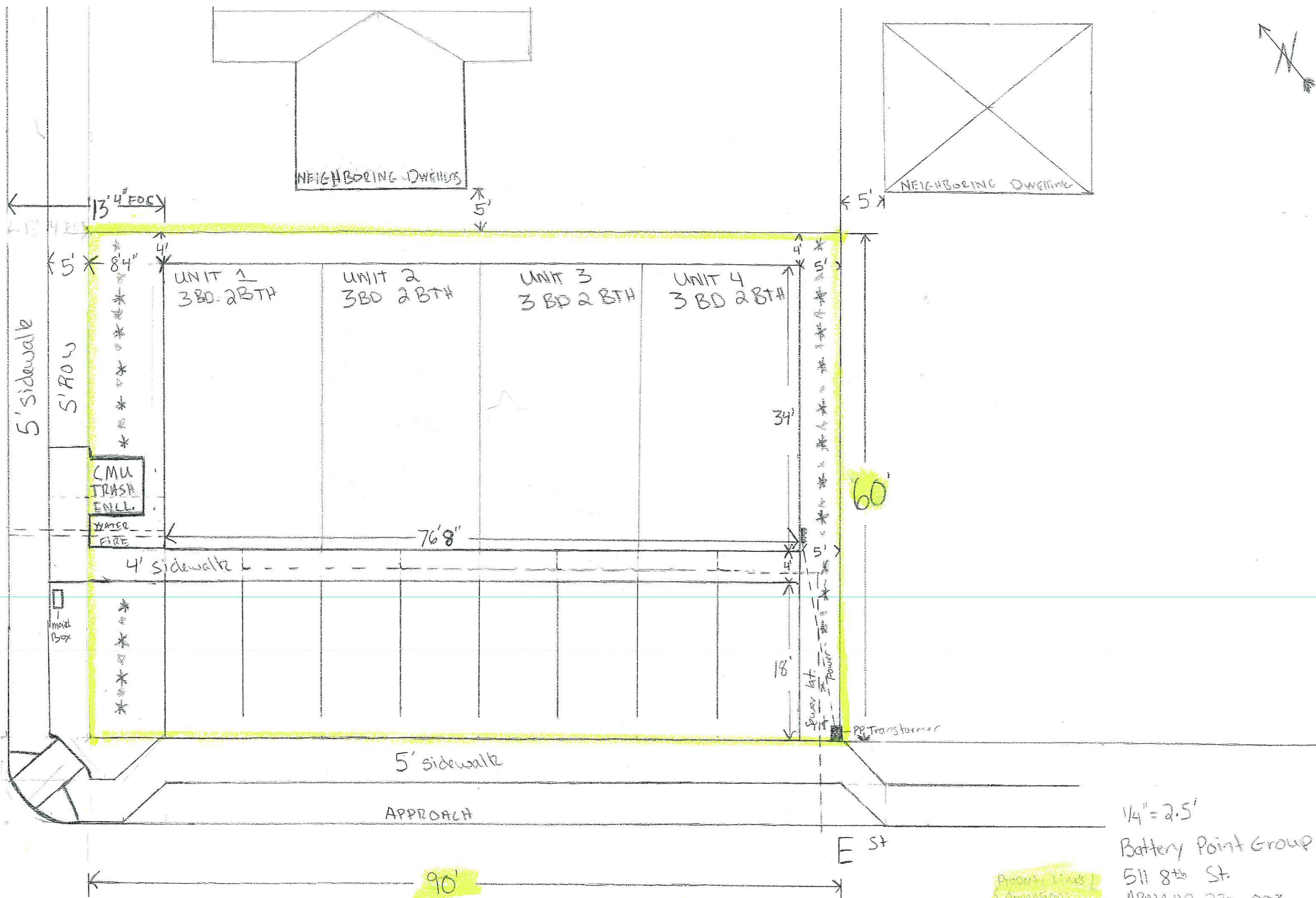
- siding detail to be hardy concrete lap, staggered shingles, board and batten
- All exterior trim and facia hardy concrete
- windows white simonton
- roofing black presidential
- white gutters
- exterior paint to be colors similar to Roosevelt estates pictures provided
- exterior doors to be solid fiberglass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

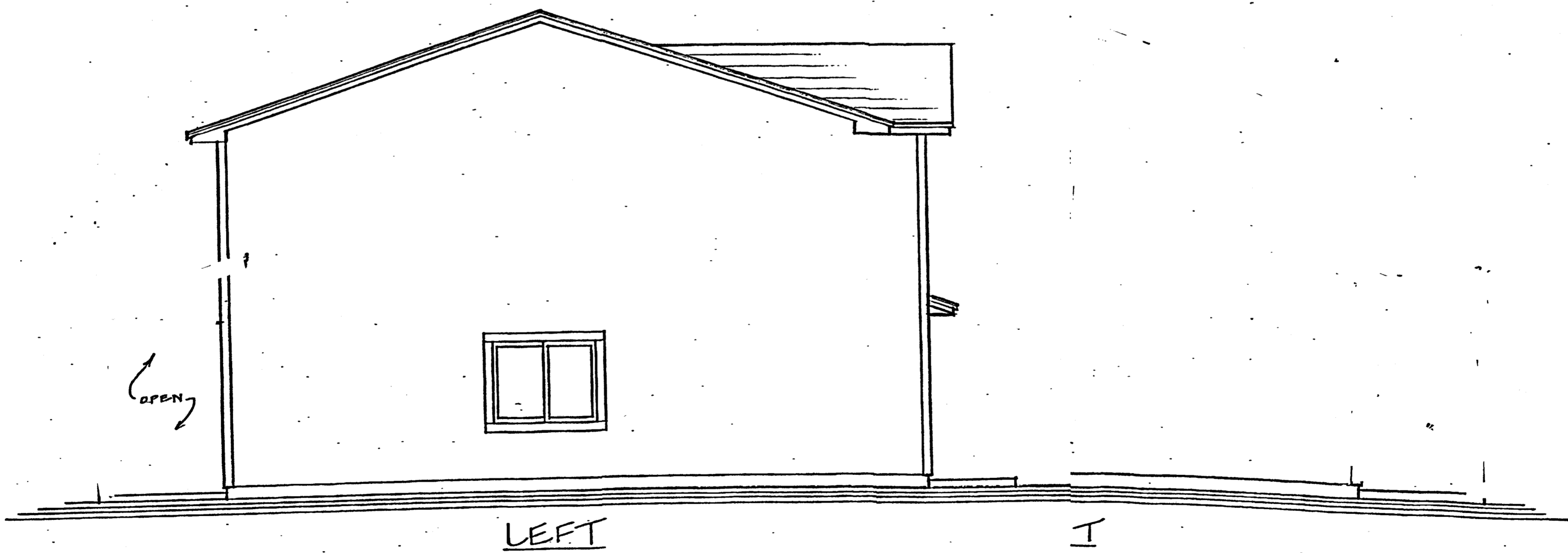


8th St

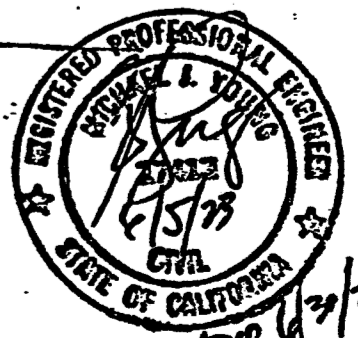


1/4" = 2.5'
 Battery Point Group
 511 8th St.
 APN: 118-230-003

Project Lines / Dimensions



ELEVATIONS



REVISIONS

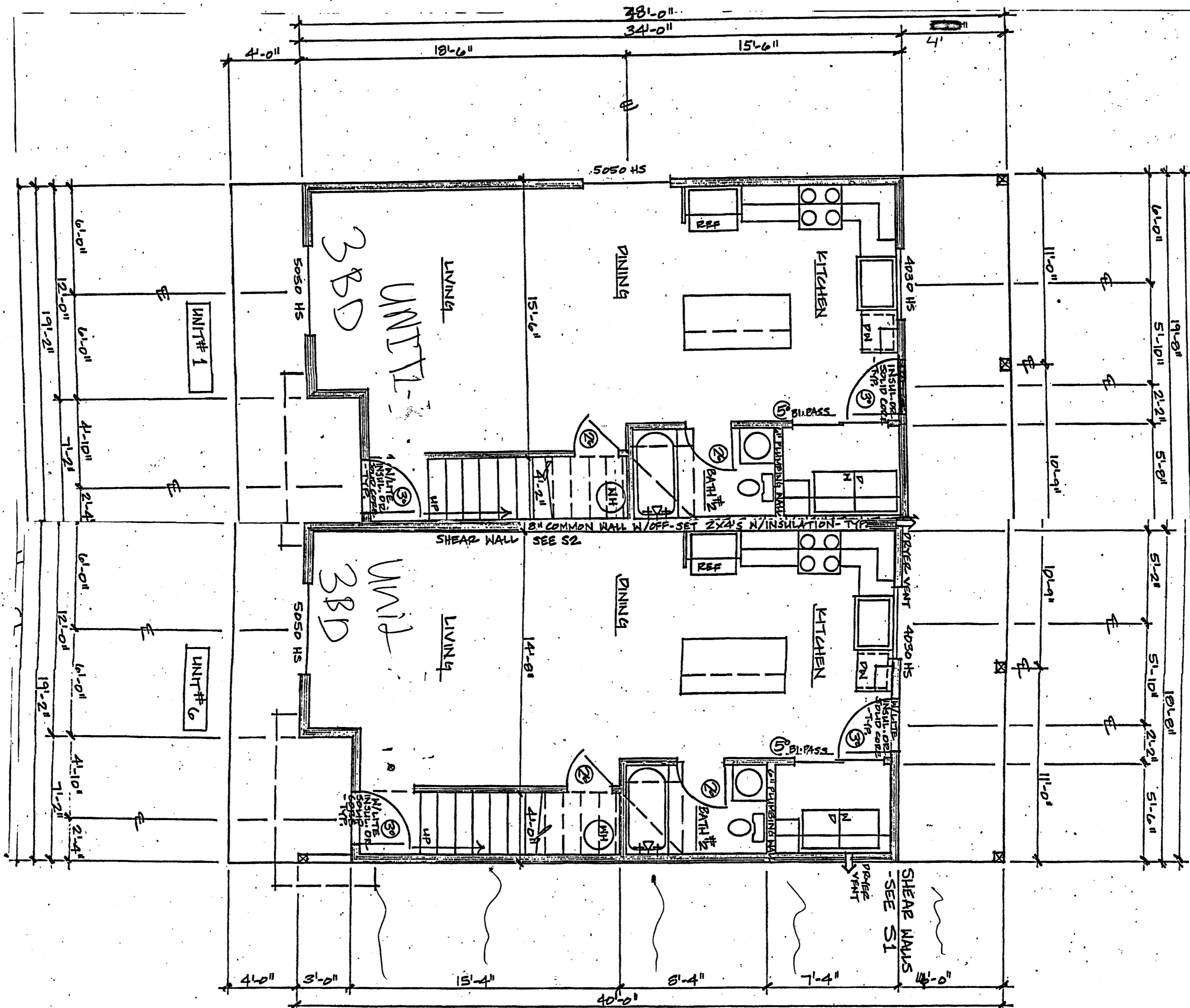
JANETTE MILLER
1749 PARKWAY
C.C.A. ASSOCIATES
ARCHITECTS

APN: 118-230-003

APARTMENTS
FLIK CREEK BUNGALOWS

Date 5-13-20
Scale 1/4"=1'-0"
Drawn ELEVATION
Job
Sheet 3
Of 3 Sheets

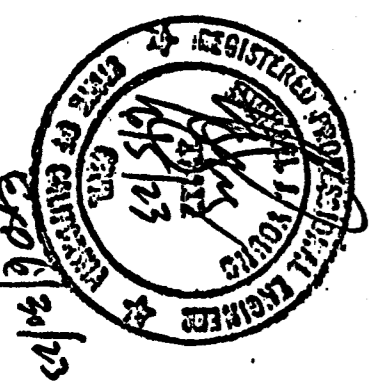
TOTAL BUILDING
76'8"



FIRST FLOOR PLAN

1ST FLOOR SQUARE FOOTAGE: UNIT 1-4 681
2ND FLOOR 562 X4

TOTAL 2524
2248 Grand total 4772 SF



APARTMENTS

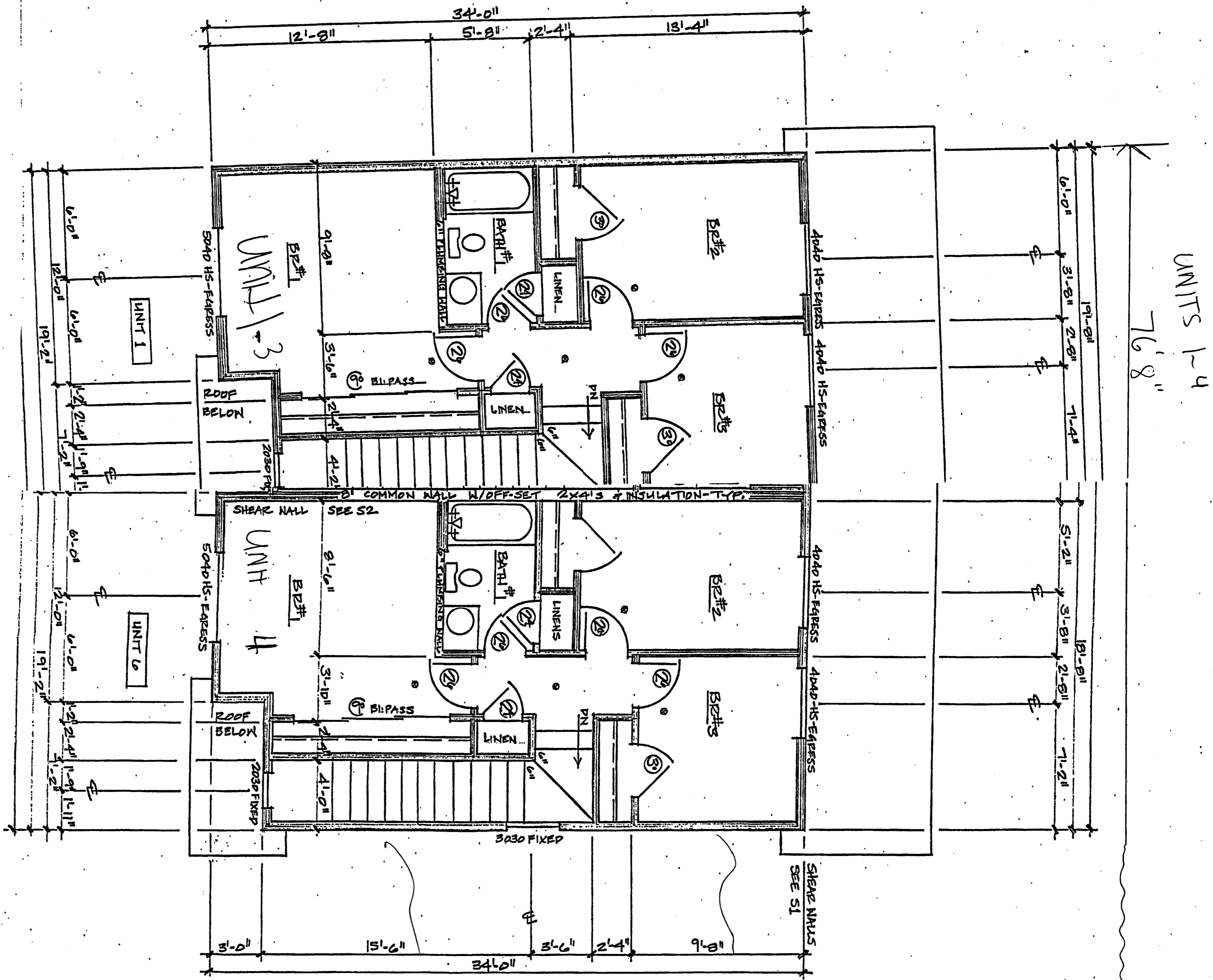
#25-000177 ELK CREEK BUILDERS

APR 08 118-230-003-000

JANETTE MILLER
1740 PARKWAY
C.C. CA.
727.951.9190

REVISIONS	D

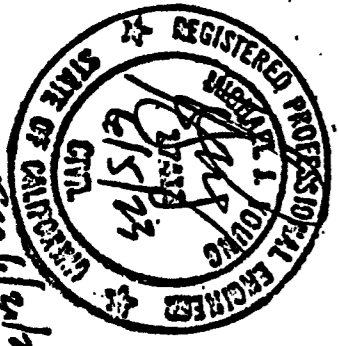
Date	5-15-23
Scale	1/4" = 1'-0"
Drawn	FIRST FLOOR
Job	PLAN
Sheet	1
Of	9



SECOND FLOOR PLAN

SQUARE FOOTAGE-SEE PAGE ONE

UNITS 1-4
76'8"



Date	5.14.23
Scale	1/4" = 1'-0"
Drawn	SECOND FLOOR PL
Job	
Sheet	2
Of	9

APARTMENTS
ELK CREEK BUILDERS

APN 118-230-003

JANETTE MILLER
1740 PARKWAY
C.I.C. CA.
707.951.9190

REVISIONS



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

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by Troy Duncan*



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

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by Troy Duncan*



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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





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



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



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by Troy Duncan*



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*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;*

VARIANCE PERMIT (APPLICATION VAR25-01)
For reduced setbacks

- 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

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Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531
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 8th 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 8th Street which is adjacent to my property located at 537 8th 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



PLANNING & ZONING REFERRAL FORM

Variance Permit – Application VAR25-01

The Department provides the following review regarding the submitted 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):

ON HOLD

APPROVED

DENIED

DEPARTMENT COMMENTS, QUESTIONS, CONCERNS, and/or CONDITIONS:

Fire has some concerns with this request. Please find my explanation below. In navigating around established laws and requirements for setbacks in residential scenarios, one must consider the perspective of responders in times of emergency.

1. Limited setback distance creates diminished access to critical areas of residential structures. These critical areas are often second story bedroom windows which also serve as required egress in case of a fire. In upper floor residential fires, stairwells or primary means of egress are often cut off for residents trying to evacuate.
2. Although the proposed project will be sprinkled, there remains an increase to the westerly exposure in fire conditions upon the residence to the east border boundary. Recommended solution: to increase requested setback variance to 5 or 7 feet. This will allow a fully equipped responder with fire hose or ladders to more safely navigate fire conditions or effect a victim rescue from upper floors of the structure.
3. Setting frequent precedence that becomes the norm for future residential building projects with little to no lot line setbacks. Recommended solution: consider at minimum, to make reasonable accommodation for responders access by considering 5-7' request. Additionally, if required setbacks are not kept, AHJ (fire marshal) can work with contractors to increase the fire/building code construction materials to be greater than 1 hour construction (including windows). This will further protect existing exposures if the setback variance is granted. It seems that changes to parking design or slightly less building square footage can remedy this variance request.

PROVIDED BY THE CITY OF CRESCENT CITY:

- Kevin Carey, Fire Chief, Fire and Rescue
- Dan Minges, Building Inspector, Building Department
- David Yeager, Public Works Director, Public Works Department
- Richard Griffin, Chief of Police, Police Department
- Other: _____

Signature: _____

Date: _____

12/2/25



NEIGHBORING DWELLING

NEIGHBORING DWELLING

8th St

13' 4" FOC

5' 8' 4"

5' sidewalk

5' ROW

CMU TRASH ENLL.

WATER FIRE

3' sidewalk

UNIT 1
3 BD 2 BTH

UNIT 2
3 BD 2 BTH

UNIT 3
3 BD 2 BTH

UNIT 4
3 BD 2 BTH

76' 8"

34'

60'

3'

18'

sewer lat. power

PP Transformer

5' sidewalk

APPROACH

E St

90'

1/4" = 2.5'

Battery Point Group 3

511 8th St.

APN: 118-230-003

Property Lines & Dimensions

CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

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



Incorporated April 13, 1854

web: www.crescentcity.org

RESOLUTION NO. PC2025-14

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;*

VARIANCE PERMIT (APPLICATION VAR25-01)
For reduced setbacks

- 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 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: DeCossio, Welp and Shamblin
NOES: Hyatt
ABSTAIN:
ABSENT:


Steve Shamblin, Chairperson

ATTEST:


Heather Welton, Community Development Specialist

APPEAL OF VARIANCE DECISION TO THE CRESCENT CITY COUNCIL

Date: December 10, 2025
Appellant / Plaintiff: Ardette Esselstrom
Property Address / 511 8th Street, Crescent City, APN 118-220-003
Real Party in Interest / Applicant: Battery Point Group
Variance in Question: Setback reduction and increased density (four-plex)
Planning Commission Decision Date: December 4th, 2025

I. INTRODUCTION AND LEGAL FOUNDATION

This appeal challenges the Planning Commission’s approval of a variance for 511 8th Street. The variance, as approved, violates multiple provisions of Crescent City codes, California state law, and controlling case law, and is legally and procedurally deficient.

Disregards procedural fairness, including limited time for the appellant and commissioner bias.

Adversely affects neighboring properties through shading, sunlight reduction, and potential devaluation.

Creates public safety risks, including increased fire hazard and reduced emergency access.

Fails to meet the five essential elements for a variance under California law.

Improperly relies on prior variances and similar properties as justification.

Misplaces reliance on parking surplus as a positive factor, which cannot cure other violations.

Confers special privilege on Battery Point Group, unavailable to other similarly situated property owners.

1. Violates Crescent City Municipal Code (CCMC) – R-3 Zoning District:

CCMC § 17.39.030 – Minimum lot size requirements

CCMC § 17.39.040 – Minimum front, rear, and side yard setbacks

CCMC § 17.46.010 – Minimum unit area per dwelling (1,500 sq ft/unit)

CCMC § 17.46.020 – Maximum density limits

2. Conflicts with California Government Code § 65906 – Variances must only be granted for unique circumstances; economic hardship, profit, or desired design alone is insufficient; variances cannot confer special privilege.

3. Contravenes Controlling Case Law:

Topanga Assn. v. Los Angeles County (1974) – Prior variances alone cannot justify new variances; substantial evidence required.

Stolman v. City of Los Angeles (2003) – Economic hardship alone is insufficient.

Orinda Assn. v. Board of Supervisors (1986) – Variances cannot confer special privileges or conflict with zoning purposes.

Hamilton v. Board of Supervisors (1981) – Profit-based hardship cannot justify a variance.

Whispering Pines v. County of Los Angeles (2001) – Desired occupancy or economic infeasibility does not satisfy variance standards.

Allen v. Humboldt County Board of Supervisors (1962) – Variances cannot grant special benefits to a single owner.

4. Was granted without substantial evidence or procedural fairness, and threatens public safety, shading, sunlight, and neighborhood character.

5. Creates special privilege for the applicant while harming neighboring property owners.

6. Fails to meet the five essential elements for a variance under California law.

7. Improperly relies on prior variances and similar properties as justification.

8. Misplaces reliance on parking surplus as a positive factor, which cannot cure other violations.

9. Confers special privilege on Battery Point Group, unavailable to other similarly situated property owners.

10. Relies on self-created and economic hardship claims with no supporting evidence

II. STATEMENT OF FACTS

1. Property Description: Lot: 60 × 90 ft (5,400 sq ft), zoned R-3.

2. Adjacent lots:

East: 60 × 90 ft, single-family dwelling, compliant.

South: 50 × 120 ft, four-unit dwelling, compliant.

3. Variance Request and Applicant's Claims

Reduce setbacks and construct a four-unit building with extra parking.

Claimed hardships: lot size, economic infeasibility, desire to enjoy property rights.

Claims made by Battery Point Group representative with no supporting documentation.

4. Planning Commission Proceedings

Findings delivered three days prior to the hearing.

Appellant had minimal time to speak; applicant's representative given extended time.

Commissioner commented favorably on Battery Point Group's work, indicating bias.

Planner findings incorrectly stated that a building could be constructed without a variance.

5. Planner Findings:

Planner Findings: Both the Planner and applicant relied on prior variances identified only by street corners, not addresses or APNs, creating ambiguity.

Page 9 of 19, Section 6.2: Notes project exceeds required six parking spaces by two.

Page 12 of 19, Section 7.2: Relies on other similar properties and prior variances to justify approval

6. Impacts on Neighborhood and Public Welfare

A. Shading and Sunlight: Four-unit structure exceeds R-3 lot coverage, reducing sunlight for neighbors.

B. Fire and Emergency Access: Reduced setbacks compromise emergency vehicle access and public safety. Increased density concentrates occupants and vehicles, raising fire risk.

Reduced setbacks impede emergency access and safe evacuation.

C. Property Values: Granting the variance creates an unequal playing field, potentially lowering values of neighboring properties.

D. Neighborhood Character: Building design and density are inconsistent with R-3 zoning intent.

7. Lot Size / Unit Area Calculations:

R-3 requires 1,500 sq ft/unit × 4 units = 6,000 sq ft required

Lot provides 5,400 sq ft → 600 sq ft deficit

Proposed variance cannot comply without violating

III. LEGAL STANDARD

California Government Code § 65906 governs variances statewide.

> “Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification, and such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.”

Key Case Law:

Topanga Assn. v. Los Angeles County (1974) – Requires substantial evidence of unique property circumstances; prior variances cannot justify a new variance; must not confer special privilege.

Stolman v. City of Los Angeles (2003) – Economic hardship alone is insufficient; hardship must arise from unique property characteristics.

Hamilton v. Board of Supervisors (1981) – Profit-based hardship cannot justify a variance.

Orinda Assn. v. Board of Supervisors (1986) – Variances cannot confer special privileges or conflict with zoning purposes.

Whispering Pines v. County of Los Angeles (2001) – Desired occupancy or economic infeasibility does not satisfy variance standards.

Allen v. Humboldt County Board of Supervisors (1962) – Variances cannot grant special benefits to a single owner.

IV. FAILURE TO MEET REQUIRED VARIANCE ELEMENTS AND LOT HARDSHIP

California law requires five elements for a valid variance:

1. Unique Circumstances – The property must be materially different from other properties in the same zone.
2. Not Self-Created Hardship – The hardship must arise from the property, not the applicant's design or profit preference.
3. No Special Privilege – Approval must not confer benefits unavailable to others.
4. Consistency with Zoning Intent – Conflicts with R-3 standards (Lot size, unite area, density, setbacks).
5. Substantial Evidence – Must be supported by credible, documented evidence.

IV.A. FAILURE TO PROVE LOT HARDSHIP WITH CASE LAW

Under California Government Code § 65906 and controlling case law (Topanga Assn., Stolman, Orinda Assn.), to legally establish a lot hardship for a variance, Battery Point Group was required to provide evidence demonstrating that a building fully compliant with R-3 zoning standards (setbacks, minimum unit area, density, and lot coverage) cannot be constructed on the lot.

Failure to Provide Evidence:

Battery Point Group submitted no architectural, engineering, or cost analysis documentation showing that a compliant building could not be built.

Reliance on prior variances or neighborhood comparisons is legally insufficient.

Case law confirms that economic preferences or desires for increased density do not constitute hardship (Stolman, Topanga).

Conclusion: The claimed lot hardship is self-created, unsupported, and fails the legal standard, so the variance cannot legally be justified.

V. GROUNDS FOR APPEAL

1. The applicant has not demonstrated any unique physical circumstances preventing a legally compliant structure.

2. Self-Created / Economic / Design Hardship

Applicant claimed economic infeasibility and that a four-unit building is necessary to enjoy property rights.

California courts hold that economic gain, desired occupancy, or preferred building design is not a legitimate hardship:

Stolman v. City of Los Angeles (2003)

Hamilton v. Board of Supervisors (1981)

Whispering Pines v. County of Los Angeles (2001)

Applicant's desire to build a four-plex on a lot that cannot support that many units is a self-created hardship.

3. Special Privilege

Granting the variance based on desired occupancy and size provides special privilege not available to similar properties in the vicinity.

4. Procedural Unfairness / Bias

Appellant given limited time to present concerns; applicant representative received extended time.

Commissioner comments indicated favoritism.

5. Conflict with Zoning and Public Welfare

Proposed building exceeds R-3 density, minimum unit area, and setback requirements.

Variance approval threatens shading, fire safety, and neighborhood character.

6. Substantial Evidence Missing

No documentation demonstrates that a legally compliant structure cannot be built.

Reliance on prior variances is legally insufficient (Topanga Assn., 1974).

7. Insufficient Evidence – No professional studies or documentation to support variance.

8. Minimum Unit Area Violations – Four units require 6,000 sq ft; lot is 5,400 sq ft.

10. Improper Reliance on Prior Variances – Planner findings and applicant letter rely on prior variances improperly.

11. Misplaced Reliance on Parking Surplus – Exceeding parking requirements does not cure violations of setbacks, density, or unit size.

12. The applicant has not demonstrated any unique physical circumstances preventing a legally compliant structure.

VI. CONCLUSION

The Planning Commission's approval, in its current form:

Violates Crescent City codes

Contravenes California law and controlling case law

Relies on self-created hardship

Threatens public safety and neighborhood character

Confers special privilege on Battery Point Group

Improperly relies on prior variances and parking surplus

Approved the variance despite procedural defects

1. The applicant has not demonstrated any unique physical circumstances preventing a legally compliant structure.

Topanga Assn. v. Los Angeles County (1974)

2. Self-Created / Economic / Design Hardship

Applicant claimed economic infeasibility and that a four-unit building is necessary to enjoy property rights.

California courts hold that economic gain, desired occupancy, or preferred building design is not a legitimate hardship:

Stolman v. City of Los Angeles (2003)

Hamilton v. Board of Supervisors (1981)

Whispering Pines v. County of Los Angeles (2001)

Applicant's desire to build a four-plex on a lot that cannot support that many units is a self-created hardship.

3. Special Privilege

Granting the variance based on desired occupancy and size provides special privilege not available to similar properties in the vicinity.

Topanga Assn. v. Los Angeles County (1974)

4. Procedural Unfairness / Bias

Appellant given limited time to present concerns; applicant representative received extended time.

Commissioner comments indicated favoritism.

5. Conflict with Zoning and Public Welfare

Proposed building exceeds R-3 density, minimum unit area, and setback requirements.

Variance approval threatens shading, fire safety, and neighborhood character.

6. Substantial Evidence Missing

No documentation demonstrates that a legally compliant structure cannot be built.

Reliance on prior variances is legally insufficient (Topanga Assn., 1974).

VII. Relief Requested

1. Vacate or suspend Planning Commission approval.
2. Declare the variance null and void.
3. Require full compliance with R-3 zoning (lot size, unit area, density, setbacks) for any amended proposal.
4. Protect public health, safety, and welfare.
5. Preserve appellant's right to supplement appeal after reviewing public records

6. Explicitly preserve the right to amend this appeal and request additional documents as necessary to ensure full compliance with zoning, public welfare, and procedural fairness.

VIII. Rights to Amend and Supplement

Appellant expressly reserves the right to supplement this appeal, amend its arguments, or submit additional evidence following review of any documents or records obtained through the California Public Records Act (Gov. Code § 6250 et seq.) or any other source. This includes, but is not limited to, records related to prior variances, planner findings, internal memoranda, or correspondence that may impact evaluation of this variance.

The Appellant, Ardetta Esselstrom, respectfully requests that the City Council reverse or suspend the variance approval, while preserving the right to supplement or amend this appeal and to request extensions of time as necessary, once additional relevant documentation is obtained.

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Ardette Esselstrom

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PROOF OF SERVICE

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On 1/7/26, I served the following document(s):

AMENDED ADMINISTRATIVE APPEAL AND PRESERVATION OF ISSUES FOR JUDICIAL REVIEW
Variance Permit VAR25-01
511 8th Street (APN 118-230-003)

together with all attached exhibits, on the following persons and entities by the method(s) indicated:

- City Clerk - City of Crescent City, 377 J Street, Crescent City, CA 95531
Planning Department - City of Crescent City, 377 J Street, Crescent City, CA 95531
City Planner - City of Crescent City, 377 J Street, Crescent City, CA 95531
City Attorney - City of Crescent City, 377 J Street, Crescent City, CA 95531
City Manager - City of Crescent City, 377 J Street, Crescent City, CA 95531
City Council Members - City of Crescent City, 377 J Street, Crescent City, CA 95531

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 1/7/26, at Crescent City, California.

[Handwritten signature]

[Name], Declarant ARDETTE ESTELSTROM

AMENDED ADMINISTRATIVE APPEAL

Variance Permit VAR25-01 – 511 8th Street

Filed With: Crescent City Clerk

For Distribution To: City Manager, City Attorney, City Planner, and City Council

Purpose: Administrative Appeal – City Council Hearing Record

AMENDED ADMINISTRATIVE APPEAL AND PRESERVATION OF ISSUES FOR JUDICIAL REVIEW

Variance Permit VAR25-01

511 8th Street (APN 118-230-003)

City of Crescent City, California

COVER PAGE

APPELLANT:

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RESPONDENT:

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

DECISION UNDER APPEAL:

Approval of Variance Permit VAR25-01 by the Crescent City Planning Commission on December 4, 2025

APPELLATE BODY:

Crescent City City Council

NATURE OF PROCEEDING:

Administrative Appeal of a Quasi-Judicial Land-Use Decision and
Preservation of Issues for Judicial Review
(Code Civ. Proc. §1094.5)

TABLE OF CONTENTS

- I. Introduction and Scope of Appeal
- II. Jurisdiction and Authority of City Council
- III. Applicable Standards of Review
- IV. The Variance Approval Is Void For Failure To Make Findings as Required by TOPANGA
- V. Statement of Issues Presented
- VI. Undisputed Site and Project Facts
- VII. Zoning and Density Violations (Minimum Lot Area per Unit)
- VIII. Failure to Satisfy Mandatory Variance Findings (CCMC §17.56.010)
- IX. Misuse of Infill Policy, Economic Infeasibility, and Housing Goals
- X. Unlawful Sidewalk Back-Over Parking Variance
- XI. CEQA Violations and Improper Reliance on Categorical Exemptions
- XII. Lack of Independent Judgment and Cut-and-Paste Findings
- XIII. Due Process Violations and Incomplete Administrative Record
- XIV. Improper Executive and Staff Advocacy, Decision-Maker Bias, and Failure to Apply Correct Legal Standards at The Hearing
- XV. Cumulative Error and Prejudicial Abuse of Discretion
- XVI. Relief Requested
- XVII. Exhibit Index

I. INTRODUCTION AND SCOPE OF APPEAL

This is an appeal of the December 4, 2025 decision of the Crescent City Planning Commission approving Variance Permit VAR25-01 for a proposed four-unit residential development located at 511 8th Street, Crescent City, California.

The approval constitutes a **quasi-judicial land-use determination** subject to strict statutory, constitutional, and evidentiary requirements. In reviewing this appeal, the City Council is required to independently determine whether the Planning Commission:

1. correctly applied the Crescent City Municipal Code;
2. made **all mandatory variance findings** required by law;
3. supported those findings with **substantial evidence** in the administrative record;
4. complied with the California Environmental Quality Act (CEQA); and
5. afforded due process consistent with California law.

This appeal further **expressly preserves all issues** for judicial review by petition for writ of mandate pursuant to Code of Civil Procedure §1094.5.

II. JURISDICTION AND AUTHORITY OF CITY COUNCIL

The Crescent City City Council has appellate jurisdiction over Planning Commission decisions approving or denying variance permits pursuant to the Crescent City Municipal Code.

As the appellate body in a quasi-judicial proceeding, the City Council must exercise **independent judgment**. It may not simply defer to the Planning Commission, staff recommendations, or applicant assertions. Failure to exercise independent judgment constitutes reversible error under California law.

III. APPLICABLE STANDARDS OF REVIEW

A. Administrative Appeal Standard

A variance is an extraordinary form of relief and may be granted **only if each** required finding set forth in CCMC §17.56.010 is made and supported by substantial evidence.

The absence of substantial evidence supporting **any single required finding** mandates denial of the variance.

B. Judicial Review Standard (Preserved)

On judicial review under Code of Civil Procedure §1094.5, a court will determine whether the City:

- a. proceeded in the manner required by law;
- b. made findings supported by substantial evidence; and
- c. abused its discretion.

Under Topanga Association for a Scenic Community v. County of Los Angeles, findings must disclose the **analytic route** between the evidence and the decision. Findings that are conclusory, boilerplate, or merely recite statutory language without explanation are legally insufficient.

IV. THE VARIANCE APPROVAL IS VOID FOR FAILURE TO MAKE FINDINGS AS REQUIRED BY TOPANGA

A. Governing Legal Standard

In Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, the California Supreme Court held that a zoning variance may not be approved unless the decision-making body articulates findings that bridge the analytical gap between the evidence in the record and the ultimate decision.

The requirement for findings is mandatory, not discretionary. Findings must:

Address each statutory criterion for a variance;

Be supported by evidence in the administrative record; and

Demonstrate reasoned decision-making rather than conclusory statements or outcome-driven approval.

A variance approved without findings, or with findings that merely restate conclusions, is void as a matter of law and constitutes a prejudicial abuse of discretion.

B. The Planning Commission Failed to Make Any Legally Sufficient Findings

Here, the Planning Commission approved the variance without making the findings required by law. The record reflects that:

1. No written findings were adopted;
2. No oral findings were articulated on the record;

3. No analysis was made linking evidence to the statutory variance criteria; and
4. No explanation was provided demonstrating why this project uniquely qualified for relief unavailable to similarly situated properties.

Instead, the Commission voted to approve the variance without deliberation reflecting independent judgment or reasoned analysis, in direct violation of Topanga.

C. The Violation Was Knowing and Prejudicial

Critically, Topanga was expressly cited on the record during the variance hearing, and the City Attorney was present. The Commission therefore knew or should have known that findings were legally required. Nevertheless, the Commission proceeded to approve the variance without complying with that standard.

This is not a technical or harmless error. Under Topanga, the absence of findings:

1. Prevents meaningful public participation;
2. Precludes effective administrative or judicial review; and
3. Renders the approval arbitrary and capricious as a matter of law.

A majority vote does not cure this defect, nor may staff opinion, generalized statements, or post-hoc rationalizations substitute for findings that were never made.

D. The Approval Must Be Vacated

Because the Planning Commission failed to comply with the mandatory requirements of Topanga, the variance approval is legally invalid. The only lawful remedy is to: Vacate the variance approval in its entirety; and

Remand the matter for a new public hearing, at which any approval must be supported by legally sufficient findings based on substantial evidence in the record.

Absent such action, the approval cannot stand.

E. Issue Preservation

Appellant expressly raises this violation to preserve all rights and remedies, including judicial review by petition for writ of mandate. The defect identified herein is structural and independently requires reversal, regardless of any other errors raised in this appeal.

V. STATEMENT OF ISSUES PRESENTED

1. Whether the City approved Variance Permit VAR25-01 absent **exceptional or extraordinary** circumstances applicable to the property, in violation of CCMC §17.56.010(A).
2. Whether the alleged hardships are **self-created** by project design, density maximization, and parking configuration choices, rendering the variance unlawful.
3. Whether the variance is **not necessary** to preserve any substantial property right enjoyed by other properties in the same vicinity and zone, where code-compliant alternatives exist.
4. Whether the approval grants a **special privilege** not shared by other R-3 properties, contrary to the variance limitations imposed by the Municipal Code.
5. Whether the City unlawfully waived pedestrian safety protections by approving **sidewalk back-over parking** in violation of CCMC §17.42.120(H).
6. Whether the approval violates California safety law, including Vehicle Code §22106, by approving a design requiring repeated backing movements across a public sidewalk without substantial evidence of reasonable safety.
7. Whether the project creates **ADA and state accessibility conflicts** that cannot be waived by variance or policy balancing.
8. Whether CEQA categorical exemptions were improperly applied despite **unusual circumstances** and a **fair argument** of significant pedestrian safety impacts.
9. Whether the Planning Commission failed to exercise independent judgment and relied on **cut-and-paste, applicant-supplied findings**, violating the analytic-route requirement of Topanga.
10. Whether undisclosed materials and failure to produce records violated due process, including violations of the Brown Act and the California Public Records Act.
11. Whether cumulative legal errors are prejudicial and require reversal or remand with binding directions.

VI. UNDISPUTED SITE AND PROJECT FACTS

- 1 Parcel size: approximately **5,227 square feet**
- 2 Dimensions: approximately **60 feet by 90 feet**
- 3 Configuration: **rectangular**
- 4 Topography: **flat**
- 5 Zoning designation: **R-3 (High Density Residential)**
- 6 General Plan designation: **MF 15–30**
- 7 Maximum permitted building height: **35 feet**
- 8 Proposed development: **four dwelling units**
- 9 Proposed parking: **eight off-street spaces**
- 10 Parking configuration: **vehicles required to back across a public sidewalk**

There are **no physical, environmental, or access constraints** that prevent development of the parcel in full compliance with applicable zoning standards.

****VII. ZONING AND DENSITY VIOLATIONS**

(MINIMUM LOT AREA PER DWELLING UNIT)**

A. Governing Municipal Code Requirements

Density within the R-3 (High Density Residential) zoning district is governed not only by generalized dwelling-units-per-acre ranges but also by **express minimum lot area per dwelling unit requirements** set forth in the Crescent City Municipal Code.

The Municipal Code requires a **minimum of 1,500 square feet of lot area per dwelling unit** for multi-family residential development within the R-3 zone.

This requirement operates as a **mandatory density control** and is intended to prevent over-intensification of development on undersized parcels, regardless of theoretical density ranges in the General Plan.

This standard is **not discretionary**, is **not advisory**, and is **not overridden** by policy goals favoring infill or housing production.

B. Application to the Subject Parcel

The subject parcel at 511 8th Street contains approximately **5,227 square feet** of total lot area.

Applying the Municipal Code’s minimum lot-area-per-unit requirement:

- 1 **3 dwelling units × 1,500 sq ft = 4,500 sq ft (compliant)**
- 2 **4 dwelling units × 1,500 sq ft = 6,000 sq ft (non-compliant)**

Because the parcel contains **less than 6,000 square feet**, the maximum number of dwelling units permitted **as of right** on this parcel is **three (3)**.

The proposed fourth unit **exceeds the maximum density permitted by code** and is therefore unlawful absent valid discretionary relief.

C. The Fourth Unit Is the Root Cause of All Requested Variances

The administrative record establishes a direct causal chain:

1. The parcel is too small to lawfully accommodate four units;
2. The fourth unit forces building footprint expansion;
3. The expanded footprint necessitates reduced setbacks;
4. Reduced setbacks eliminate compliant parking circulation;
5. The circulation failure is then used to justify backing vehicles across a public sidewalk.

California variance law does **not** permit an applicant to violate one code requirement and then request additional variances to mitigate the impacts of that violation. This practice is prohibited as a matter of law.

The appropriate remedy for density noncompliance is **unit reduction**, not cascading variances.

****VIII. FAILURE TO SATISFY MANDATORY VARIANCE FINDINGS
(CCMC §17.56.010)****

A variance is an extraordinary exception to zoning law and may be granted only if each required finding is satisfied and supported by substantial evidence in the record. Failure to satisfy any single finding requires denial.

****A. NO EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES
(CCMC §17.56.010(A))****

Legal standard:

Exceptional or extraordinary circumstances must arise from physical conditions of the property itself, not from zoning standards or development choices.

Undisputed facts:

- 1 Flat topography
- 2 Rectangular shape
- 3 Standard urban dimensions
- 4 No environmental constraints
- 5 No access limitations

Analysis:

These characteristics are **ordinary**, not exceptional. Small or standard-sized lots are common throughout Crescent City and the R-3 zone. If lot size alone constituted an extraordinary circumstance, the variance process would become a substitute for rezoning.

California courts have repeatedly rejected this reasoning.

A condition shared by many properties cannot be “exceptional” as a matter of law.

****B. VARIANCE NOT NECESSARY TO PRESERVE SUBSTANTIAL PROPERTY RIGHTS
(CCMC §17.56.010(B))****

Legal standard:

A variance must be necessary, not merely desirable, to preserve a substantial property right enjoyed by other properties in the same vicinity and zone.

Critical record evidence:

During the **December 4, 2025 Planning Commission hearing**, planning staff stated on the record that a **code-compliant project could be constructed on this parcel by utilizing the full 35-foot height limit**, including a three-story configuration.

Analysis:

This admission is dispositive.

Where a feasible, code-compliant alternative exists, a variance is **not necessary** as a matter of law. The applicant's preference for a wider, lower building footprint instead of vertical development does not create necessity.

Variance law protects **reasonable** use, not preferred design or maximum yield.

****C. SELF-CREATED HARDSHIP
(CCMC §17.56.010(C))****

Legal standard:

A hardship that results from the applicant's own actions, design choices, or density maximization is self-created and cannot support a variance.

Record facts:

- **Hardship arises only from adding a fourth unit;**
- **Parking conflicts disappear with redesign;**
- **Setback conflicts disappear with redesign;**
- **Sidewalk backing is unnecessary with redesign.**

Analysis:

The hardship is entirely the result of the applicant's decision to **exceed lawful density and pursue a footprint** that cannot accommodate safe circulation.

Self-created hardship is **legally insufficient** under California law and mandates denial.

****D. GRANT OF SPECIAL PRIVILEGE
(CCMC §17.56.010 & VARIANCE PURPOSE CLAUSE)****

Legal standard:

A variance may not grant a special privilege inconsistent with limitations imposed on other properties in the same zone.

Analysis:

Approving this variance allows the project to:

- externalize private circulation into the public right-of-way;
- convert a public sidewalk into a vehicle maneuvering zone; and
- avoid internal circulation standards required of other R-3 developments.

This constitutes a **special privilege** and violates the express purpose and limits of the variance authority.

****E. CONCLUSORY AND UNSUPPORTED FINDINGS
(TOPANGA VIOLATION)****

The findings adopted by the Planning Commission:

- largely repeat applicant assertions verbatim;
- rely on generalized housing and infill policy statements;
- fail to explain how evidence satisfies each variance element; and
- ignore contrary evidence, including Public Works safety objections.

This violates the analytic-route requirement established in Topanga Association for a Scenic Community v. County of Los Angeles and constitutes reversible error.

IX. MISUSE OF INFILL POLICY, ECONOMIC INFEASIBILITY, AND HOUSING GOALS

A. Infill Development Policy Does Not Override Zoning Law

The staff report and findings repeatedly invoke “infill development” and generalized housing policies as justification for approving the requested variances. This reliance is legally improper.

Infill development is a **policy preference, not a regulatory exemption**. Neither the Crescent City General Plan nor the Housing Element authorizes the City to waive mandatory zoning standards, safety ordinances, or variance findings on the basis of infill alone.

California law is clear: **policy goals cannot substitute for compliance with zoning law**, nor can they supply missing variance findings.

A variance must be justified by parcel-specific physical circumstances, not by generalized planning preferences.

B. Improper Use of Economic Infeasibility as Hardship

The applicant and staff implicitly rely on the premise that reducing the project from four units to three units would make the project economically infeasible or less viable.

This rationale is legally invalid.

Economic infeasibility, reduced profitability, or diminished return on investment **does not constitute hardship** for purposes of granting a variance. Variance law protects reasonable use of property, not maximum financial yield.

Courts have consistently rejected economic optimization as a basis for variance relief. See, e.g., Palmer v. City of Los Angeles.

Here, the record establishes that:

- a three-unit project is lawful and feasible;
- vertical development up to 35 feet is permitted; and
- the parcel is not deprived of reasonable use absent the variance.

Accordingly, any reliance on economic infeasibility is unlawful.

C. Housing Need and RHNA Targets Do Not Create Parcel-Specific Hardship

General housing shortages, RHNA targets, or Housing Element goals **cannot create the parcel-specific hardship required for a variance**.

Variance findings must be grounded in **physical characteristics unique to the property**, not regional or citywide housing needs. Allowing housing policy goals to substitute for variance findings would effectively eliminate the variance standard altogether.

The California Supreme Court has made clear that discretionary land-use decisions must adhere to statutory findings, even where housing policy goals are implicated. Policy considerations cannot override mandatory zoning criteria.

D. Improper Conflation of Density Allowance with Density Entitlement

The staff report incorrectly treats the General Plan's MF 15–30 designation as an entitlement to maximum unit yield.

This is a legal error.

A density **range** is not a guarantee of maximum density on every parcel. Density must be achieved in **compliance with all applicable zoning standards**, including minimum lot area per unit, setbacks, parking, and safety requirements.

Where a parcel cannot accommodate maximum density **without variances**, the proper conclusion is that the maximum density is **not achievable on that parcel**.

E. Circular Reasoning and Outcome-Driven Analysis

The record demonstrates circular reasoning:

1. The project is designed at four units;
2. The design creates setbacks and parking conflicts;
3. The conflicts are labeled “hardships”;
4. The hardships are then used to justify variances;
5. The variances are approved to support housing goals.

This approach reverses the legal analysis. Variances exist to relieve hardship caused by land, not to ratify a pre-selected project outcome.

Outcome-driven decision-making violates due process and the substantial evidence standard.

F. Staff's Three-Story Admission Undercuts All Policy-Based Justifications

As noted previously, planning staff expressly acknowledged during the December 4, 2025 hearing that a **code-compliant project could be constructed by utilizing the full 35-foot height limit, including a three-story configuration.**

This admission defeats any claim that variances are required to achieve:

- 1 reasonable use of the parcel;
- 2 housing production; or
- 3 infill development.

When compliance is possible, policy arguments cannot justify noncompliance.

X. UNLAWFUL SIDEWALK BACK-OVER PARKING VARIANCE

****A. Municipal Code Prohibition and Limited Exception (CCMC §17.42.120(H))****

The Crescent City Municipal Code establishes a clear rule protecting public sidewalks from vehicular backing movements.

CCMC §17.42.120(H) provides, in substance, that ingress and egress across public sidewalks shall be accomplished **without the necessity of backing over the sidewalk**, except for property devoted exclusively to **one-family, two-family, or three-family dwellings**, and only upon a showing of hardship and a finding that such waiver will **not create a hazardous condition**.

This ordinance reflects a legislative determination that backing vehicles across sidewalks is inherently hazardous and should be prohibited except in narrowly defined circumstances.

The subject project is a **four-unit** residential development. It therefore **falls outside the class of uses eligible** for the ordinance's limited exception. As a matter of plain language, the exception does not apply.

Approval of sidewalk back-over parking for a four-unit project exceeds the City's authority under its own code and constitutes legal error.

B. Failure to Make Required Safety Findings

Even if the limited exception were applicable (which it is not), CCMC §17.42.120(H) requires **two independent findings**:

1. A legitimate hardship; and
2. A finding, supported by substantial evidence, that the waiver will not create a hazardous condition.

The record contains **no competent safety analysis** addressing:

- a. pedestrian exposure;
- b. frequency of vehicle backing events;
- c. visibility limitations;
- d. weather or nighttime conditions; or
- e. impacts on disabled pedestrians.

Conclusory statements that the street is “low traffic” do not constitute substantial evidence of safety, particularly where the hazard involves **pedestrian use of a public sidewalk**, not vehicle-to-vehicle conflict.

C. Violations of California Vehicle Code §22106

California Vehicle Code §22106 provides:

“No person shall start a vehicle stopped, standing, or parked, nor shall any person back a vehicle on a highway, unless such movement can be made with reasonable safety.”

Public sidewalks are part of the public right-of-way and fall within the scope of this statute.

A project design that **requires** repeated backing movements across a public sidewalk, as a matter of routine daily operation, must demonstrate that such movements can be made with **reasonable safety under actual local conditions**.

The administrative record contains no substantial evidence supporting such a conclusion. To the contrary, **Exhibit G (Pedestrian & ADA Safety Risk Analysis)** quantifies thousands of annual vehicle-sidewalk conflict events and establishes foreseeable risk.

Approving a design that structurally depends on unsafe movements violates Vehicle Code §22106 and exceeds local discretionary authority.

D. ADA and State Accessibility Law Violations

Compliance with the **Americans with Disabilities Act (42 U.S.C. §12101 et seq.)**, implementing regulations (28 C.F.R. Part 35), and California Civil Code §§54–54.3 is **mandatory**.

There is **no variance authority** allowing a city to:

- 1 increase danger to disabled pedestrians;
- 2 degrade the functional safety of an accessible route; or
- 3 convert a pedestrian facility into a vehicle maneuvering zone.

Sidewalk users with mobility impairments, vision impairments, or other disabilities are disproportionately affected by backing vehicle conflicts due to limited reaction time and visibility.

The City failed to analyze ADA impacts, failed to make any findings regarding accessibility, and failed to demonstrate compliance. This omission alone renders the approval unlawful.

E. Public Works Department Objection — Ignored Contrary Evidence

The Public Works Department, in its inter-departmental referral comments included in the staff report, expressly stated that it was **not in favor of allowing continuous roll-over sidewalks**, citing:

- 1 pedestrian safety concerns; and
- 2 loss of on-street parking.

This constitutes **material, contrary evidence** in the administrative record.

The Planning Commission did not address, reconcile, or rebut this evidence in its findings. Ignoring contrary expert input violates the substantial evidence standard and demonstrates a failure to exercise independent judgment.

F. Improper Use of “Low Traffic” Assertions

Assertions that E Street experiences “low traffic” are legally insufficient and irrelevant to the core hazard.

The risk addressed by CCMC §17.42.120(H), Vehicle Code §22106, and ADA law is vehicle-pedestrian conflict, not vehicle-vehicle congestion. Even a single pedestrian on a sidewalk is entitled to protection.

Moreover, traffic conditions fluctuate by time of day, season, and weather. No study was conducted, and no evidence supports the assumption that conditions will remain low risk.

G. Structural Safety Defect, Not a Mitigable Detail

The sidewalk back-over condition is not a minor design feature that can be mitigated through conditions of approval. It is a **structural defect** inherent in the project layout.

Because the defect is caused by over-intensification of the site, it cannot be cured without: eliminating the fourth unit; or redesigning circulation to remove sidewalk backing entirely. Neither option was required or analyzed by the City.

XI. CEQA VIOLATIONS AND IMPROPER RELIANCE ON CATEGORICAL EXEMPTIONS

A. Governing CEQA Principles

CEQA requires environmental review whenever a project **may have a significant effect on the environment**. (Pub. Res. Code §21080; CEQA Guidelines §15064.)

Categorical exemptions are **narrow exceptions** to CEQA's broad mandate and are subject to mandatory exceptions. Under CEQA Guidelines §15300.2(c), a categorical exemption **may not be used** where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The **fair-argument standard** governs this determination. If substantial evidence supports a fair argument of a significant environmental effect, the agency must prepare an Initial Study and may not rely on an exemption.

B. Improper Reliance on Class 3 (§15303) — New Construction of Small Structures

Class 3 applies to routine, small-scale construction that does not depend on discretionary relief undermining zoning or safety standards.

This project does **not** qualify because it:

- 1 depends on **multiple variances** to legalize density and setbacks;
- 2 requires a **waiver of a pedestrian-safety ordinance** (CCMC §17.42.120(H));
- 3 introduces **recurring vehicle–pedestrian** conflicts across a public sidewalk.

Courts have held that projects relying on discretionary approvals that create new impacts are not “routine” and fall outside Class 3. A project is not categorically exempt where the exemption is used to **paper over safety impacts created by the approval itself**.

C. Improper Reliance on Class 5 (§15305) — Minor Alterations in Land Use Limitations

Class 5 applies only to **minor** alterations that do not create new or increased environmental impacts.

Here, the alterations are not minor:

- 1 they enable **over-intensification** beyond what the parcel lawfully supports;
- 2 they convert a **public sidewalk** into a vehicle maneuvering area;
- 3 they waive an ordinance enacted specifically to prevent **hazardous pedestrian conditions**.

A safety-critical waiver that increases pedestrian exposure cannot be characterized as a “minor” alteration as a matter of law.

D. Improper Reliance on Class 32 (§15332) — Infill Development Projects

Class 32 requires all **five statutory criteria** to be satisfied. This project fails multiple prongs.

1. Consistency With Applicable Zoning and Regulations

Class 32 requires that the project be consistent with applicable zoning and regulations. Consistency exists only because of **variances and safety waivers**. A project that is non-compliant absent discretionary relief that creates new impacts is not categorically consistent.

2. No Significant Effects Relating to Traffic or Safety

Pedestrian safety impacts fall squarely within CEQA’s traffic and safety concerns. The record contains substantial evidence— including **Public Works’ safety objection and Exhibit G (Pedestrian & ADA Safety Risk Analysis)**—demonstrating a reasonable possibility of significant pedestrian safety impacts.

3. Adequate Public Services Without Significant Effects

Degrading the safety and accessibility of sidewalks diminishes pedestrian level of service and accessibility. This is a significant effect on public infrastructure use and safety. Because Class 32 requires **all criteria** to be met, failure of any one criterion bars the exemption.

E. Unusual Circumstances Are Present

Unusual circumstances exist where a project presents features that distinguish it from typical projects in the exempt class.

Here, unusual circumstances include:

- 1 a **four-unit** project requiring **eight parking spaces** to back across a **public sidewalk**;
- 2 a safety ordinance waiver specifically intended to prevent hazardous pedestrian conditions;
- 3 **documented opposition from Public Works** on pedestrian safety grounds;
- 4 a **quantified exposure-based analysis** demonstrating thousands of annual vehicle-sidewalk conflict events.

These circumstances are not common to routine infill or small residential construction.

Under Berkeley Hillside Preservation v. City of Berkeley, once unusual circumstances are shown, the question becomes whether substantial evidence supports a fair argument of significant effects.

F. Fair Argument of Significant Pedestrian and ADA Safety Impacts

Substantial evidence supporting a fair argument includes:

the **Public Works Department's written objection** citing pedestrian danger;

- 1 the project's **structural dependence** on sidewalk backing;
- 2 the **Pedestrian & ADA Safety Risk Analysis (Exhibit G)** quantifying frequent exposure events;
- 3 the absence of any competent safety study rebutting this evidence.

Under CEQA, the presence of such evidence **mandates preparation of an Initial Study**. The City may not resolve evidentiary conflicts in favor of exemption.

G. Failure to Conduct an Initial Study Is Prejudicial

- 1 By improperly invoking categorical exemptions, the City:
- 2 avoided analyzing pedestrian and ADA safety impacts;
- 3 avoided identifying feasible mitigation measures; and
- 4 foreclosed informed decision-making and public review.
- 5 This failure is prejudicial and constitutes a clear violation of CEQA.

XII. LACK OF INDEPENDENT JUDGMENT AND DEFECTIVE FINDINGS

A. Legal Requirement of Independent Judgment

In a quasi-judicial land-use decision, the decision-making body must exercise **independent judgment**. This obligation applies to both the Planning Commission and the City Council on appeal.

Independent judgment requires that:

- 1 the decision-maker evaluate the evidence presented,
- 2 reconcile conflicting evidence, and
- 3 explain how the evidence supports each required finding.

Merely reciting statutory language or adopting staff or applicant conclusions does not satisfy this duty.

B. Analytic-Route Requirement Under California Law

Under Topanga Association for a Scenic Community v. County of Los Angeles, findings must “bridge the analytic gap” between raw evidence and ultimate conclusions.

The purpose of this requirement is to:

- 1 ensure reasoned decision-making;

- 2 allow meaningful appellate and judicial review; and
- 3 prevent outcome-driven approvals.

Findings that fail to disclose the analytic route are legally insufficient and require reversal.

C. Findings Here Are Applicant-Derived and Conclusory

The findings adopted for Variance Permit VAR25-01 exhibit the following defects:

1. Mirroring Applicant Assertions

Key findings repeat, often verbatim or in substance, statements supplied by the applicant regarding hardship, neighborhood compatibility, and lack of safety impacts.

2. Reliance on Policy Slogans

Findings invoke “infill,” “housing needs,” and “efficient land use” without explaining how those policies satisfy the specific statutory variance criteria.

3. Absence of Evidence-Based Reasoning

The findings do not explain how a flat, rectangular parcel constitutes an exceptional circumstance, nor how sidewalk backing is reasonably safe.

These defects demonstrate adoption of conclusions rather than independent evaluation.

D. Failure to Address Contrary Evidence

Independent judgment requires confronting and reconciling contrary evidence in the record.

Here, the Planning Commission failed to address:

- 1 the Public Works Department’s written objection to sidewalk roll-over parking due to pedestrian danger;
- 2 the absence of any safety or traffic study supporting “reasonable safety” findings; and
- 3 the quantified pedestrian exposure evidence presented in **Exhibit G**.

Ignoring contrary evidence violates the substantial-evidence standard and independently constitutes reversible error.

E. Staff's Three-Story Admission Was Ignored

During the December 4, 2025 hearing, planning staff stated that the parcel could be developed in compliance with zoning by utilizing the full 35-foot height limit, including a three-story configuration.

This admission directly undermines:

- 1 the necessity finding,
- 2 the hardship finding, and
- 3 the claim that variances are required to achieve reasonable use.

The adopted findings do not acknowledge or reconcile this admission. Failure to address dispositive evidence further demonstrates lack of independent judgment.

F. Mechanical Adoption of Findings Is Structural Error

The cumulative defects—cut-and-paste language, ignored evidence, and absence of analytic reasoning—demonstrate that the findings were **mechanically adopted** to justify a pre-selected outcome.

Such structural error is not cured by after-the-fact rationalizations and requires reversal under Topanga and Code of Civil Procedure §1094.5.

XIII. DUE PROCESS VIOLATIONS AND INCOMPLETE ADMINISTRATIVE RECORD

A. Due Process in Quasi-Judicial Land-Use Proceedings

Quasi-judicial land-use decisions must comply with constitutional due process. At minimum, due process requires:

1. **Notice** of the evidence to be considered;
2. A meaningful **opportunity to be heard**; and
3. A decision based on the **record disclosed to the parties and the public**.

When a city relies on undisclosed materials, or proceeds with an appeal on an incomplete record, the affected party is deprived of a meaningful opportunity to challenge the decision. Such defects are structural and presumptively prejudicial.

B. Reliance on Undisclosed Written Materials — Brown Act Violation

Written materials provided to a legislative body in connection with a quasi-judicial hearing and relied upon in decision-making must be disclosed to the public and made part of the record.

Here, the Planning Commission relied on a **written Fire Chief letter** addressing project conditions during the December 4, 2025 hearing. That letter was **not disclosed to the appellant or the public** prior to or during the hearing.

Reliance on undisclosed written materials violates the **Brown Act's transparency requirements** and denies due process by preventing meaningful rebuttal. The defect cannot be cured by later disclosure because the decision was already made without public participation.

C. Prejudice From Undisclosed Fire Safety Evidence

The Fire Chief letter was material because it:

- 1 addressed safety conditions directly related to the variances; and
- 2 was relied upon to support approval conditions.

Because the document was not disclosed, the appellant was deprived of the opportunity to:

- a. review its contents;
- b. challenge its assumptions;
- c. cross-reference it against contrary evidence; or
- d. argue its legal insufficiency.

This constitutes prejudicial error requiring reversal or remand.

D. California Public Records Act (CPRA) Noncompliance

Following approval of VAR25-01, the appellant timely submitted a **California Public Records Act request** seeking records necessary to prepare and present a meaningful appeal, including but not limited to:

- 1 the audio recording and/or minutes of the December 4, 2025 Planning Commission hearing;
- 2 all written materials relied upon by staff or the Planning Commission; and
- 3 inter-departmental communications related to the variance.

Despite proper service and receipt, these records were **not produced** prior to the scheduling of the City Council appeal hearing.

Proceeding with the appeal without production of requested records results in an **incomplete administrative record** and violates both the CPRA and due process.

E. Incomplete Administrative Record Prejudices the Appeal

An appeal cannot be meaningful where:

- 1 the appellant lacks access to the hearing record;
- 2 relied-upon documents are missing; and
- 3 the basis for the original decision cannot be fully evaluated.

The absence of the hearing audio/minutes is particularly prejudicial, as it prevents confirmation of:

- a. staff admissions (including the three-story compliance statement);
- b. the substance of commissioner deliberations; and
- c. the precise reliance on undisclosed materials.

Proceeding under these circumstances deprives the appellant of a fair hearing.

F. Conditional Preservation Regarding Housing Metrics and Grant Considerations

To the extent any consideration of **RHNA compliance, Housing Element benchmarks, or grant eligibility** informed the decision-making process in this quasi-judicial approval, such information would constitute **material evidence** required to be disclosed and included in the administrative record to ensure due process.

No allegation of improper motive is made. This objection is preserved solely to prevent waiver if undisclosed reliance is later revealed through record production.

G. Failure to Cure Procedural Defects Requires Reversal or Remand

Due process violations, Brown Act noncompliance, and an incomplete administrative record are not harmless errors. They undermine the integrity of the proceeding and independently require:

- 1 reversal of the approval; or
- 2 remand with directions to disclose all relied-upon materials, complete the administrative record, and afford a new hearing with full procedural protections.

XIV. IMPROPER EXECUTIVE AND STAFF ADVOCACY, DECISION-MAKER BIAS, AND FAILURE TO APPLY CORRECT LEGAL STANDARDS AT THE HEARING

The Planning Commission's approval of the variance is invalid because the hearing process was compromised by improper executive and staff advocacy, reliance on extra-record information by a decision-maker, and the failure of legal counsel to provide independent guidance on applicable law.

A. City Manager Advocacy During a Quasi-Judicial Hearing

At the original hearing, the City Manager made oral comments in support of approving the variance. The City Manager is not the decision-maker, was not presented as an expert witness, and did not submit any written analysis or evidence into the administrative record. These comments were not included in the noticed staff report and were not subject to advance public disclosure or meaningful rebuttal.

In a quasi-judicial variance proceeding, executive staff may not advocate for approval or influence the Commission through unsworn, extra-record commentary. To the extent the Commission relied on the City Manager's supportive remarks, the decision is unsupported by substantial evidence and violates due process requirements.

B. Repeated Advocacy and Legal Conclusions by the City Planner

During the hearing, the City Planner made multiple oral statements advocating for approval of the variance. Rather than limiting comments to neutral explanation of the staff report, the Planner responded to objections by asserting that the variance was legally justified and that the project “qualified” for a variance.

When specifically questioned by a Planning Commissioner regarding how the project was legal in light of the City’s 1,500 square-foot-per-unit density standard, the City Planner responded that the project “qualified” under the General Plan.

This response constituted a legal conclusion offered during a quasi-judicial proceeding and reflects a misapplication of variance law. Consistency with, or reference to, the General Plan does not substitute for the mandatory statutory findings required to approve a variance. General Plan consistency does not establish the existence of a special circumstance, does not demonstrate unnecessary hardship, and cannot independently justify a variance under Government Code section 65906.

This **unsworn legal conclusion** was **not supported** by any **written analysis** in the administrative record, was not included in the noticed staff report, and was not subject to advance public disclosure or meaningful rebuttal.

By offering a legal justification for approval during the hearing itself, **executive staff improperly advocated** for the project and **influenced the Commission’s deliberations**, depriving appellants and the public of a fair and impartial decision-making process.

These oral legal conclusions were not supported by the written record and improperly influenced the Commission.

C. Decision-Maker Reliance on Extra-Record Information and Predisposition

During deliberations, a Planning Commissioner stated words to the effect that he had seen the builder’s prior work and that it was “good work.” This statement reflects reliance on personal knowledge and considerations outside the administrative record and demonstrates predisposition toward the applicant.

Variance decisions must be based solely on evidence in the record and findings specific to the property and project at issue, not on the reputation or past work of the applicant. Reliance on extra-record information undermines the neutrality required in quasi-judicial proceedings and constitutes a due process violation.

D. Failure of the City Attorney to Provide Independent Legal Guidance

When the legality of the variance was questioned during the hearing, the City Attorney did not provide an independent legal analysis or clarification of the applicable variance standards and instead deferred to the City Planner. Questions of statutory interpretation and legal compliance must be addressed by legal counsel and cannot be delegated to planning staff.

By failing to correct misstatements of law or advise the Commission on the proper legal standards governing variances, the City Attorney allowed an incorrect legal framework to guide the Commission's decision-making.

E. Prejudice and Abuse of Discretion

As a result of improper executive and staff advocacy, reliance on extra-record information, misstatements of variance law, and the absence of independent legal guidance, the Planning Commission failed to proceed in the manner required by law.

The Commission relied on improper commentary and legally erroneous standards rather than independent findings supported by substantial evidence. The approval therefore constitutes an abuse of discretion under Code of Civil Procedure section 1094.5 and must be reversed or remanded.

XV. CUMULATIVE ERROR AND PREJUDICIAL ABUSE OF DISCRETION

A. Cumulative Error Doctrine Applies to Quasi-Judicial Land-Use Decisions

In reviewing quasi-judicial land-use approvals under Code of Civil Procedure §1094.5, courts consider not only isolated errors, but whether the cumulative effect of multiple legal and procedural defects deprived the appellant of a fair proceeding or resulted in an outcome not supported by law.

Even where a single defect might arguably be characterized as harmless, multiple interrelated errors affecting findings, evidence, and procedure constitute prejudicial abuse of discretion.

B. Interrelated Substantive Errors Compounded the Approval

The approval of Variance Permit VAR25-01 rests on a series of interdependent legal errors, including:

1. Unlawful Density Over-Intensification

The project exceeds the minimum lot-area-per-unit requirement, making the fourth unit unlawful as proposed.

2. Failure to Satisfy Mandatory Variance Findings

No exceptional circumstances exist; hardship is self-created; necessity is defeated by feasible compliant alternatives (including a three-story design); and a special privilege was granted.

3. Illegal Sidewalk Back-Over Parking Waiver

The project falls outside the limited exception in CCMC §17.42.120(H) and violates state safety and accessibility law.

4. Misuse of Infill and Housing Policy

Policy preferences were substituted for parcel-specific findings required by law.

5. Improper CEQA Exemption Reliance

Categorical exemptions were applied despite unusual circumstances and substantial evidence supporting a fair argument of significant pedestrian and ADA safety impacts.

Each of these substantive errors reinforced the others, producing an approval that could not lawfully stand on any independent ground.

C. Procedural Errors Further Prejudiced the Decision-Making Process

In addition to substantive defects, the proceeding was tainted by procedural violations, including:

- 1 reliance on undisclosed written materials (Fire Chief letter);
- 2 failure to produce requested public records prior to appeal;
- 3 an incomplete administrative record; and
- 4 lack of meaningful opportunity to challenge evidence relied upon.

These procedural failures prevented informed participation and meaningful appellate review.

D. Lack of Independent Judgment Amplified All Other Errors

The Planning Commission's failure to exercise independent judgment magnified the impact of both substantive and procedural errors.

By:

- 1 adopting applicant-supplied language;
- 2 ignoring contrary evidence from Public Works; and
- 3 failing to reconcile staff admissions regarding compliant alternatives,

the Commission transformed what should have been a rigorous quasi-judicial analysis into a **rubber-stamp approval**.

This structural failure is itself prejudicial and cannot be cured by post hoc rationalizations.

E. Prejudice Is Established as a Matter of Law

Prejudice exists where it is reasonably probable that a different result would have occurred absent the errors.

Here, absent the errors:

- 1 the fourth unit would have been reduced or denied;
- 2 sidewalk backing would not have been approved;
- 3 an Initial Study would have been required under CEQA; or
- 4 the variance would have been denied outright.

Accordingly, the errors were **outcome-determinative**.

F. Standard for Relief Is Satisfied

Under Code of Civil Procedure §1094.5, the City abused its discretion by:

- 1 failing to proceed in the manner required by law;
- 2 making findings not supported by substantial evidence; and
- 3 rendering a decision tainted by procedural unfairness.

The cumulative effect of these errors requires reversal or remand with binding directions.

XVI. RELIEF REQUESTED

For the reasons set forth in Sections I through XIII, the appellant respectfully requests that the City Council grant the following relief.

A. Primary Relief — Reversal

The City Council should reverse the Planning Commission's December 4, 2025 approval of Variance Permit VAR25-01 in its entirety, based on:

Failure to satisfy mandatory variance findings under CCMC §17.56.010;

1. Unlawful density over-intensification;
2. Illegal sidewalk back-over parking approval;
3. Violation of state safety and accessibility law;
4. Improper reliance on CEQA categorical exemptions; and
5. Procedural and due process violations.

Reversal is the appropriate remedy where findings are unsupported by substantial evidence and the agency failed to proceed in the manner required by law.

B. Alternative Relief — Remand With Binding Directions

If the City Council declines outright reversal, it must **remand with binding directions**, not discretionary guidance, to cure the legal defects identified.

Any remand must require, at minimum, the following:

1. Lawful Application of Density Standards

- a. Require compliance with the **minimum 1,500 square feet of lot area per dwelling unit** requirement;

- b. Prohibit approval of a fourth unit absent lawful code compliance;
- c. Prohibit use of variances to cure density violations.

2. Elimination of Sidewalk Back-Over Parking

- a. Prohibit any parking configuration requiring vehicles to back across a public sidewalk;
- b. Require redesign of circulation to eliminate pedestrian-vehicle conflict in the public right-of-way;
- c. Prohibit reliance on CCMC §17.42.120(H) for four-unit developments.

3. Proper Variance Analysis

Require new variance findings that:

- a. address each element of CCMC §17.56.010 separately;
- b. reconcile contrary evidence;
- c. expressly address the feasibility of compliant alternatives, including vertical development up to 35 feet; and
- d. are supported by substantial evidence.

4. CEQA Compliance

Require preparation of an Initial Study addressing:

- a. pedestrian safety impacts;
- b. ADA and accessibility impacts;
- c. circulation and sidewalk conflicts; and
- d. feasible alternatives and mitigation measures.

Prohibit reliance on categorical exemptions unless supported by substantial evidence and consistent with CEQA Guidelines §15300.2(c).

5. Procedural Due Process Cure

- a. Require disclosure of all written materials relied upon in decision-making, including the Fire Chief letter;
- b. Require completion and certification of the entire administrative record;
- c. Provide adequate time for public and appellant review before any rehearing.

C. Prohibition on Piecemeal or Conditional Re-Approval

The City Council should expressly prohibit:

- 1 piecemeal approvals;
- 2 post-hoc rationalizations; and
- 3 conditional re-approval without first curing all identified legal defects.

Any rehearing must occur only after compliance with zoning, CEQA, and due process requirements.

D. Preservation of Judicial Remedies

The appellant expressly preserves all rights to seek judicial review by petition for writ of mandate under Code of Civil Procedure §1094.5 if the City Council

- 1 affirms the approval;
- 2 fails to cure the defects identified; or
- 3 proceeds on an incomplete administrative record.

XVII. EXHIBIT INDEX

The following exhibits are incorporated by reference and form part of the administrative appeal record. Each exhibit is identified for clarity and ease of judicial review.

Exhibit A — Planning Commission Staff Report (VAR25-01)

Includes staff analysis, recommended findings, inter-departmental referrals, and conditions of approval adopted on December 4, 2025.

Exhibit B — Variance Application and Applicant Submissions

Includes the variance request letter, project justification, and applicant-supplied findings language relied upon by staff.

Exhibit C — Crescent City Municipal Code Provisions (Relevant Excerpts)

Including but not limited to:

R-3 zoning standards;

minimum lot area per dwelling unit (1,500 sq ft per unit);

variance standards (CCMC §17.56.010); and

sidewalk back-over parking prohibition and limited exception (CCMC §17.42.120(H)).

Exhibit D — General Plan and Housing Element Excerpts

MF 15–30 designation language and housing policy provisions cited by staff.

Exhibit E — Inter-Departmental Referral Comments

Including the Public Works Department comments objecting to continuous roll-over sidewalks and identifying pedestrian safety concerns.

Exhibit F — Site Plans, Parking Layouts, and Photographs

Project drawings and photographs illustrating the sidewalk back-over parking configuration and site context.

Exhibit G — Pedestrian & ADA Safety Risk Analysis

Independent exposure-based analysis quantifying vehicle–sidewalk conflict frequency and foreseeable pedestrian and accessibility risks under local conditions.

Exhibit H — CPRA Requests and Correspondence

Certified mail receipts, proof of service, and correspondence documenting requests for records related to VAR25-01 and the appeal.

Exhibit I — Brown Act Objection and Procedural Timeline

Written objection to consideration of undisclosed materials (including the Fire Chief letter) and a date-certain procedural timeline.

XVI. ASSEMBLY CHECKLIST (DO THIS IN ORDER)

Use this checklist to assemble the single, final document without losing anything:

Section 1 — Cover Page, Table of Contents, Authority, Standards, Issues, Facts

Section 2 — Zoning & Density + Variance Findings (A–E)

Section 3 — Infill Misuse, Economic Infeasibility, Housing Policy Errors

Section 4 — Sidewalk Back-Over Parking, Vehicle Code, ADA, Public Works

Section 5 — CEQA Violations (Class 3 / 5 / 32, Unusual Circumstances, Fair Argument)

Section 6 — Lack of Independent Judgment & Defective Findings

Section 7 — Due Process, Brown Act, CPRA, Record Incompleteness

Section 8 — Cumulative Error & Prejudicial Abuse of Discretion

Section 9 — Relief Requested & Binding Remand Directions

Section 10 — Exhibit Index & Assembly Checklist (this section)

VAR25-01 — Exhibits Packet (A-I)

Administrative Appeal — 511 8th Street (APN 118-230-003)

Prepared for filing and hearing preparation. Date generated: January 06, 2026.

Contents: Exhibits A through I (descriptions and intended contents).

Note: Where an exhibit references underlying documents (e.g., staff report PDF, plans, CPRA letters), attach the actual documents behind the exhibit cover sheet when assembling your final packet.

Table of Contents

Exhibit	Title
Exhibit A	Planning Commission Staff Report, Resolution, and Conditions of Approval
Exhibit B	Variance Application, Applicant Justification, and Supporting Materials
Exhibit C	Crescent City Municipal Code — Zoning, Density, Variance, and Parking Provisions
Exhibit D	General Plan & Housing Element (Limited Excerpts)
Exhibit E	Inter-Departmental Comments and Agency Referrals
Exhibit F	Project Site Plans and Parking Configuration
Exhibit G	Pedestrian & ADA Safety Risk Analysis — Back-Over Parking Across Public Sidewalk
Exhibit H	CPRA Requests, Correspondence, and Proof of Non-Production
Exhibit I	Objection to Consideration of Undisclosed Materials and Procedural Timeline

EXHIBIT A

Planning Commission Staff Report, Resolution, and Conditions of Approval

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit consists of the official materials relied upon by the Planning Commission in approving Variance Permit VAR25-01 on December 4, 2025. These documents constitute the core administrative record and establish the factual and legal basis asserted by the City in support of the approval.

II. DOCUMENTS INCLUDED

1. Planning Commission Staff Report (dated December 4, 2025), including all sections, tables, figures, staff analysis, and staff-recommended findings.
2. Resolution No. PC2025-14 approving Variance Permit VAR25-01, including all adopted findings and conditions.
3. Conditions of Approval as approved by the Planning Commission, including parking, site design, and operational conditions.

III. PURPOSE AND RELEVANCE

This exhibit is submitted to establish the exact findings relied upon; the extent to which findings were conclusory or applicant-derived; reliance on CEQA categorical exemptions; approval of sidewalk back-over parking despite contrary evidence; and the absence of independent analytical reasoning required by law.

IV. LIMITATION

This exhibit is presented without interpretation or commentary. Legal analysis of these materials is contained in the body of the appeal.

V. RECORD STATUS

These documents are public records and form part of the administrative record for VAR25-01. To the extent additional materials were relied upon but not included here, such omission supports the claim of an incomplete administrative record.



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.

THE PUBLIC IS INVITED TO PARTICIPATE IN THE FOLLOWING MANNER:

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

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

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

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

Mission: The purpose of our city is to promote a high quality of life, leadership and services to the residents, businesses, and visitors we serve. The City is dedicated to providing the most efficient, innovative and economically sound municipal services building on our diverse history, culture and unique natural resources.

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

CITY OF CRESCENT CITY
PLANNING COMMISSION & ARCHITECTURAL DESIGN REVIEW COMMITTEE

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



Incorporated April 13, 1854

web: www.crescentcity.org

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

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STAFF REPORT
AGENDA ITEM #1

TO: Chairperson Shamblin and Members of the Planning Commission

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

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

DATE: Thursday, 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).

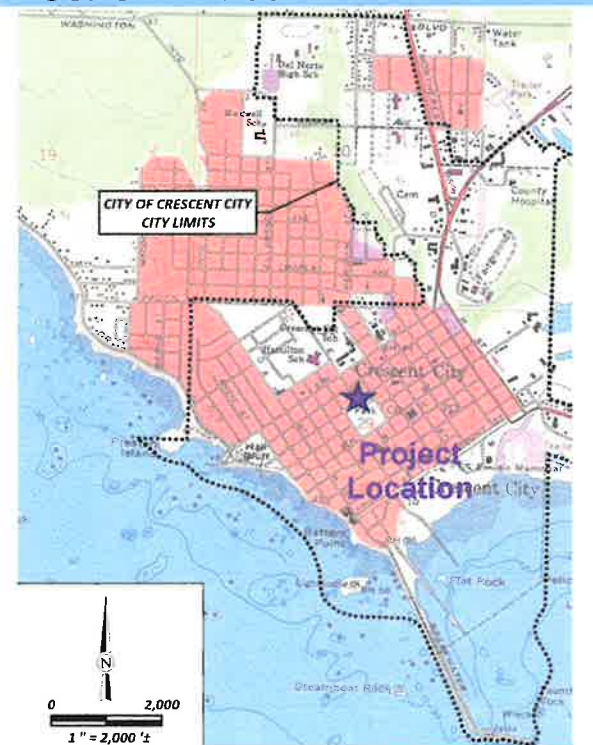
STAFF RECOMMENDS: "Motion to adopt Resolution No. PC2025-14: A Resolution of the Planning Commission of the City of Crescent City Approving a Variance Permit (Application VAR25-01) granting Battery Point Group's request for reduced setbacks."
-OR-

"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



SECTION 2: BACKGROUND INFORMATION

The existing parcel consists of vacant parcel.

ADDRESS: 511 Eighth Street Crescent City, CA 95531	APN: 118-230-003-000	PARCEL SIZE: +/- 0.12 acres +/- 5,227 sf	PROJECT SIZE: 0.12 acres 5,227 sf
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FIGURE 2-1: PROJECT PARCEL



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

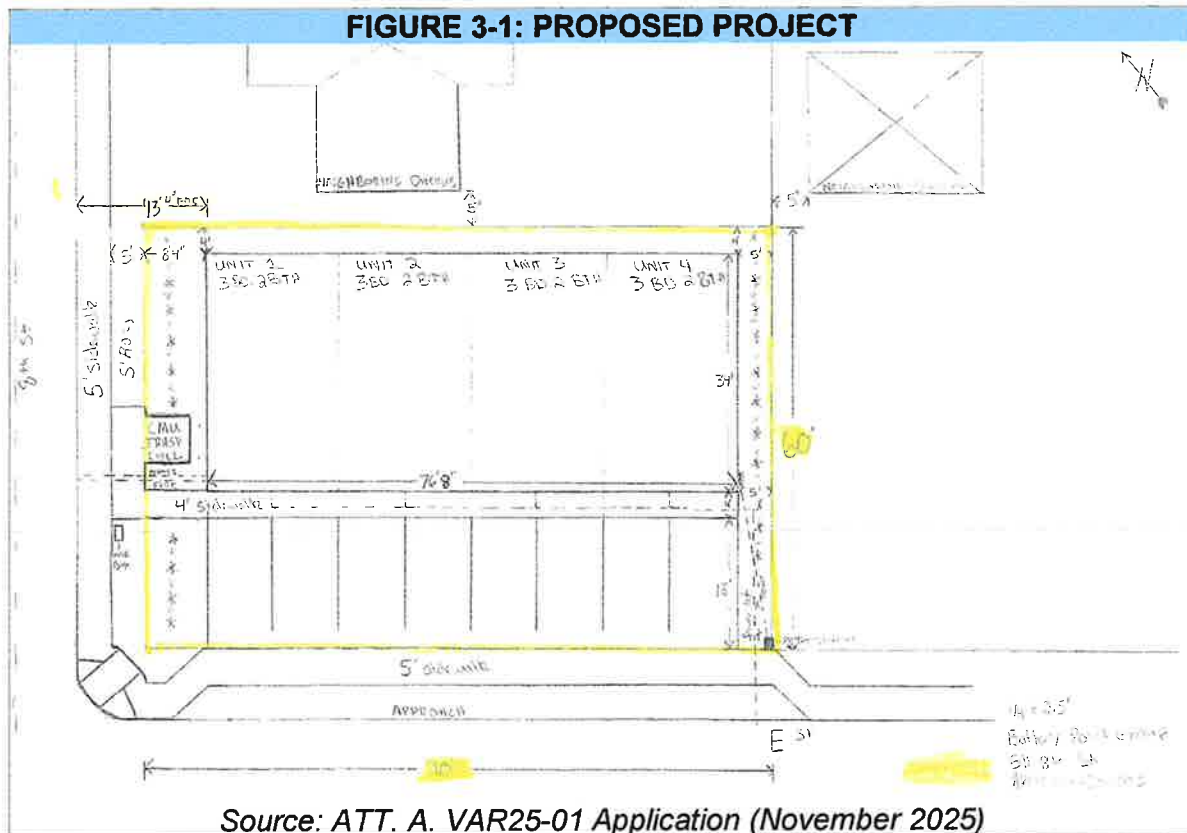
A Notice of Public hearing was posted (on 11/19/25) at City Hall, Del Norte County Library, and the Flynn Center. The notice was also posted at the project location and on the City’s website (<https://www.crescentcity.org/PublicNotices>).

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.



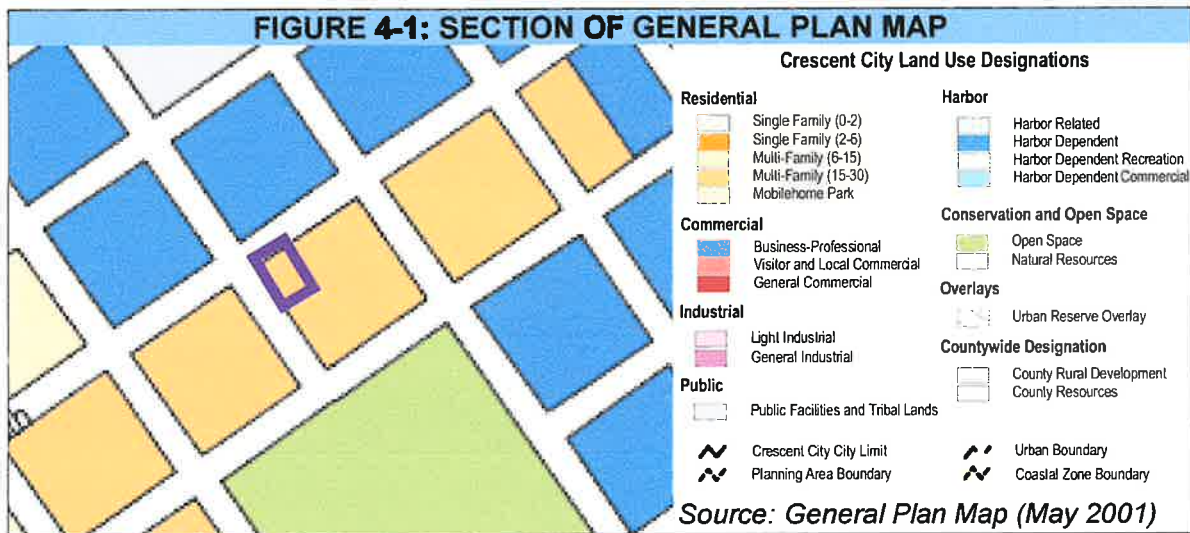
The applicant has submitted the Variance Permit (Application VAR25-01) on 10/13/25, with additional submittals on 10/30/25. The application was deemed complete on 10/30/25. The applicants met with City staff to discuss the project and City requirements on 11/28/25.

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

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

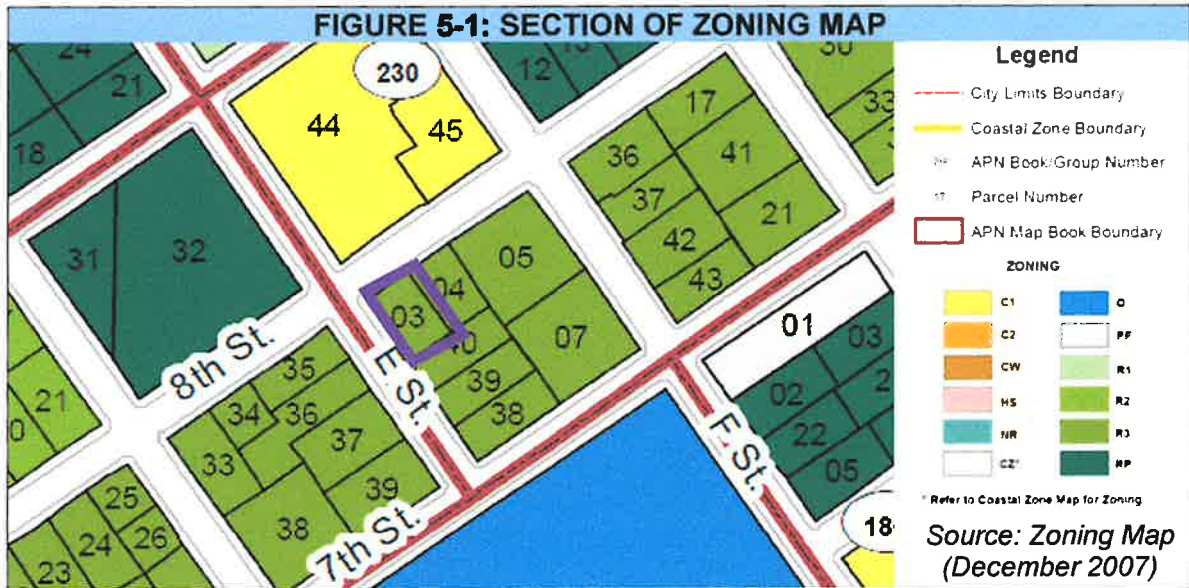
The Planning Commission finds that the proposed project is consistent with the Crescent City General Plan’s MF 15-30 (Multi-Family Residential 15-30-du per acre) land use designation, in that the proposed project:

- 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

West	R-3 (High-Density Residential) & R-P (Residential-Professional)	Multi-Family & Single-family Residential & Church of Christ
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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
Height	17.16.030(A)(1)	35-ft	24-ft
Front Yard	17.16.030(B)(1)(a)	10-ft	22-ft
[Exterior] Side Yard	17.16.030(B)(2)(b)	10-ft	8-ft, 4-in
[Interior] Side Yard	17.16.030(B)(2)(a)	5-ft	5-ft
Rear Yard	17.16.030(B)(3)(a)	10-ft	4-ft
Lot Area	17.16.030(C)(1)	6,000-sf	0.12-ac / 5,227 sf
Density	17.16.030(D)(2)	30-du per acre	4-du
Lot Coverage	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 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.” (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 -----

EXHIBIT B

Variance Application, Applicant Justification, and Supporting Materials

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit consists of materials submitted by the applicant in support of Variance Permit VAR25-01 and relied upon by staff and the Planning Commission. These documents reflect the applicant's stated basis for the requested variances, project design choices, and justifications adopted by staff.

II. DOCUMENTS INCLUDED

1. Variance Permit Application (VAR25-01) including application form, project description, and identification of requested variances.
2. Applicant variance justification letter requesting rear setback reduction, side setback reduction, and a waiver allowing sidewalk back-over parking for a four-unit project; including narrative statements addressing required variance findings.
3. Applicant-supplied findings language addressing alleged exceptional circumstances, claimed necessity to preserve property rights, asserted lack of public detriment, and claimed consistency with the General Plan.
4. Project plans and supporting materials as submitted, including site plans showing setbacks and parking layout and any elevations/design materials referenced by staff.

III. PURPOSE AND RELEVANCE

This exhibit establishes the scope of variances requested; the project design choices giving rise to claimed hardship; reliance on economic feasibility/unit maximization rather than physical constraints; absence of evidence demonstrating exceptional site conditions; and the source of language later adopted verbatim or substantially verbatim in staff findings and the approval resolution.

IV. LEGAL SIGNIFICANCE

The materials demonstrate that alleged hardship is self-created by project design and density decisions; variances are sought to increase unit yield and convenience, not to address unavoidable constraints; economic preference is advanced as justification; and

applicant narrative was relied upon without independent evidentiary analysis.

V. LIMITATION

This exhibit is presented as evidence of what the applicant submitted, not as an endorsement of accuracy or sufficiency. Evaluation of legal adequacy is contained in the appeal.

VI. RECORD STATUS

These documents were submitted as part of the VAR25-01 application and form part of the administrative record relied upon in approving the variance.

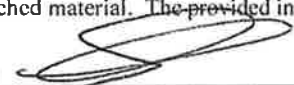

CITY OF CRESCENT CITY Development Permit Application

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

Project Address 511 8th St. Crescent City CA 95531	Assessor's Parcel No. 118-230-003	
Description of proposed project (attach sheets if necessary) New Construction of a 4 plex moderate income long term Rental property to consist of 4-3bed 2 bath units.		
Existing Land Use Vacant	Adjacent Uses Rental property	Building Coverage 0 sq ft. existing
Project Acreage .13	Project Height 24'	Building Coverage 4,772 sq ft. proposed
Parking (number of spaces) 8	Paved Area 1350 SF	Grading Required? NO (if yes, attach preliminary grading plan)
Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas. (Attach biological report and preliminary grading plans.)		
Land Division or Boundary Adjustment. (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)		

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate. Signed  Date 10/10/25	Property Owner/Authorized Agent: I have read this application and consent to its filing. Signed  Date 10-13-25
---	--

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 (Per setback)
	<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"/> Application Fee	<input type="checkbox"/> Project site plans (buildings, parking, etc.)
	<input type="checkbox"/> Supplemental Application Forms (variance home occupation, etc.)	<input type="checkbox"/> Building floor plans and elevations
	<input type="checkbox"/> Project property deed(s)	<input type="checkbox"/> Preliminary grading/drainage plans
	<input type="checkbox"/> Proof of applicant's legal interest in the property (escrow, etc.)	<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	

*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) VAR 25-01	Filing Fees \$600 -	Date Filed 10/13/25	Receipt # 8047905	
	Date Application Completed 10/30/25	Zoning R-3 (17.16)	General Plan (LUP) MF 15-30		
	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 8th 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 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.

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,



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

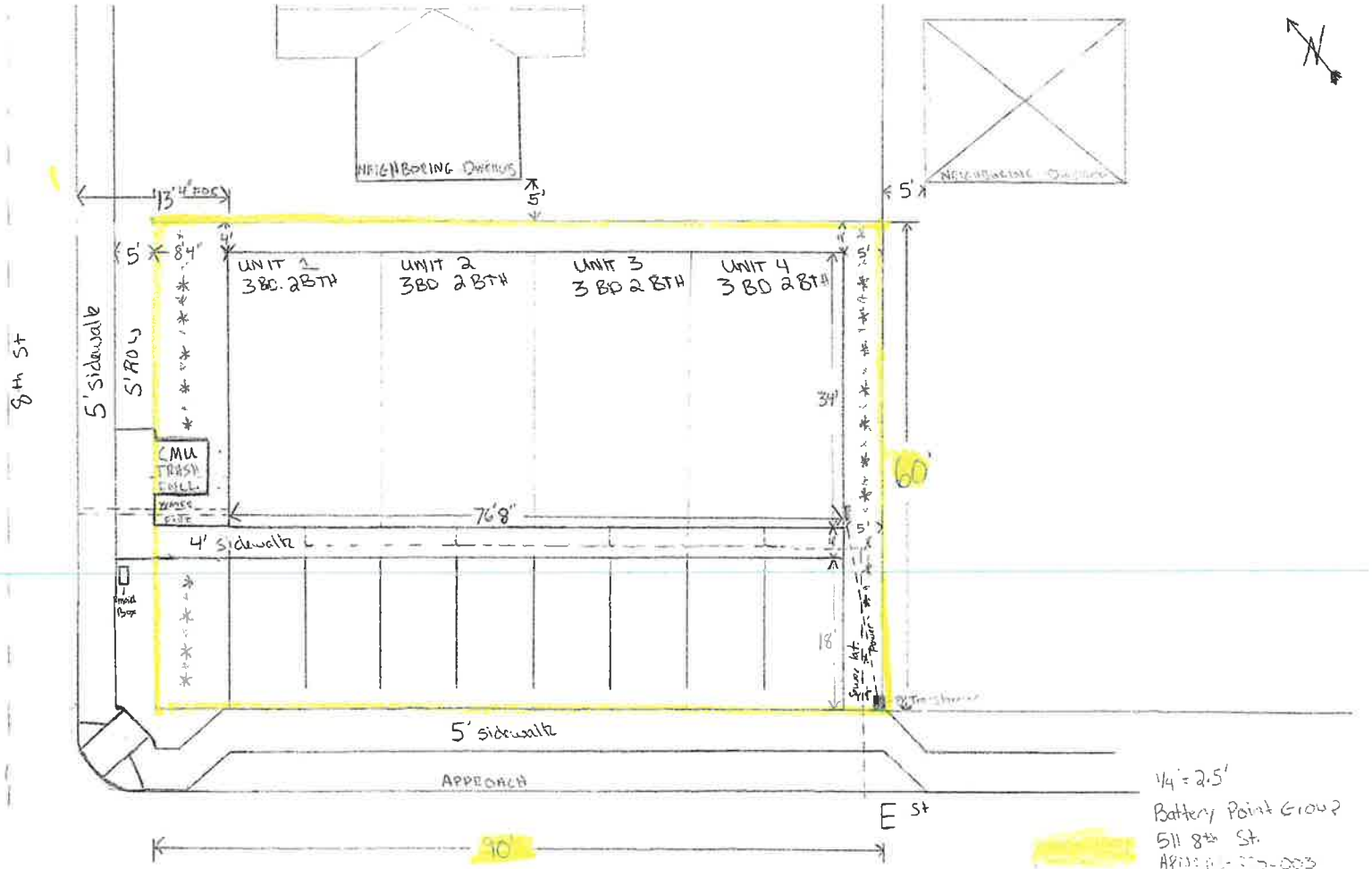
•white gutters

•exterior paint to be colors similar to Roosevelt estates pictures provided

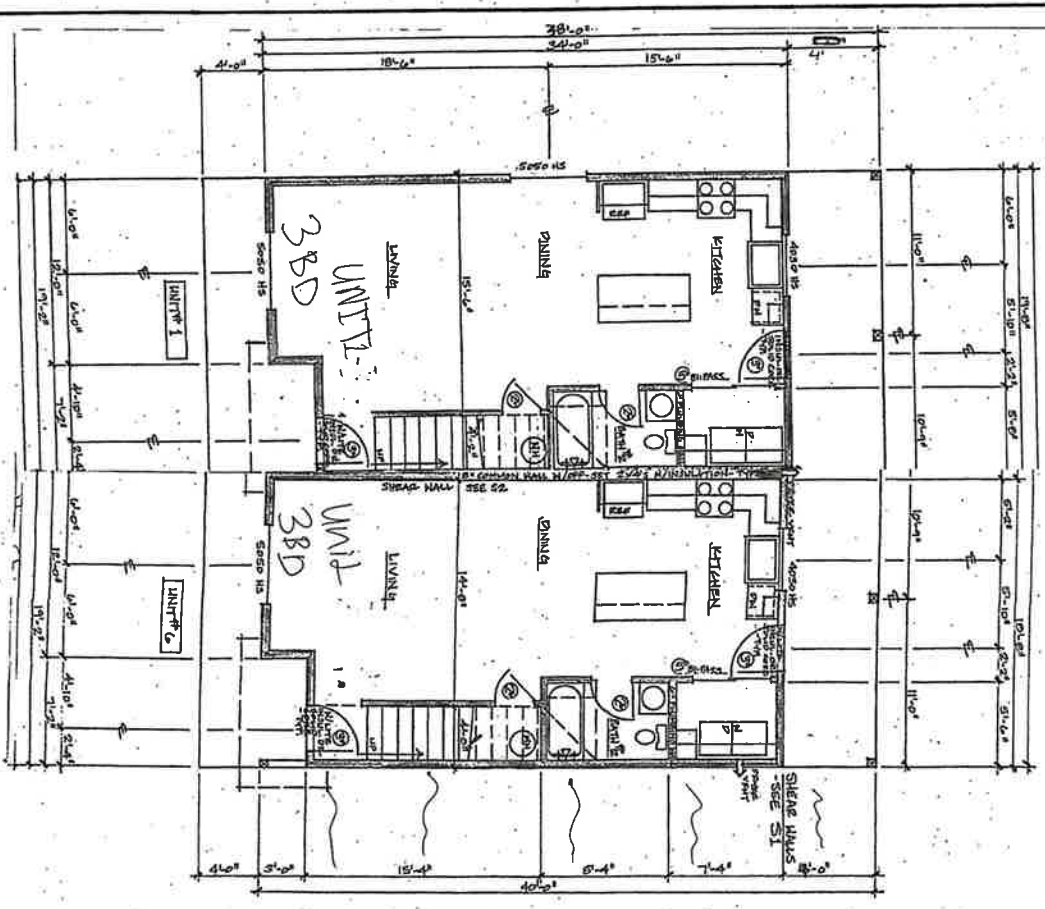
•exterior doors to be solid fiberglass style similar to Roosevelt estates

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
 UNIT 1-4 681
 UNIT 5-8 542
 TOTAL 1223

3rd & Grand Blvd 47724



DATE	1-15-78
BY	J.M.
FOR	ELK CREEK BUILDERS
PROJECT	APARTMENTS
NO.	1
SHEET	9

APARTMENTS

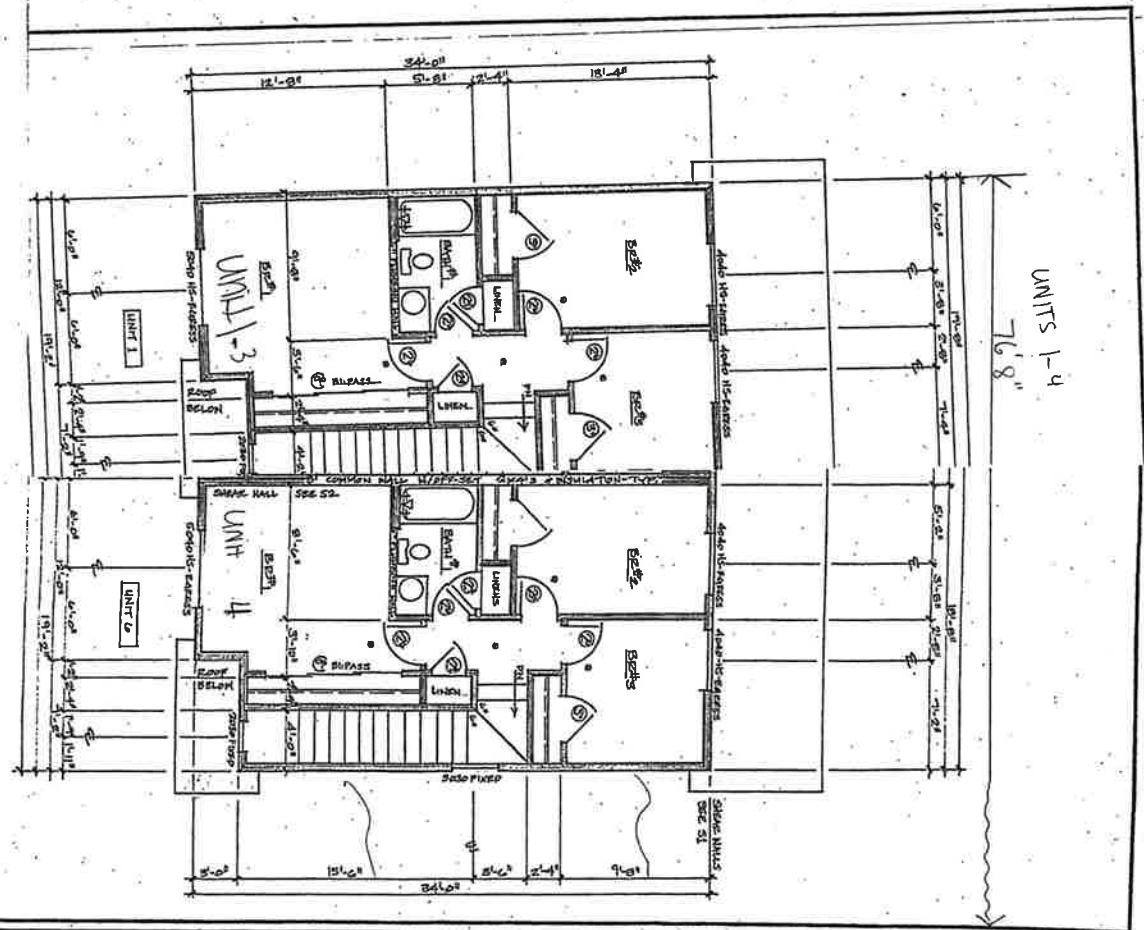
#25-000177
 ELK CREEK BUILDERS

APR 8 118-230-003-082

JANETE MILLER
 1748 PARKWAY
 C.G. CA.
 712-951-9190

REVISIONS	
NO.	
DATE	
DESCRIPTION	

SECOND FLOOR PLAN



APARTMENTS

ELK CREEK BUILDERS

APR 118-230-003

JANETTE MILLER
1740 PARKWAY
C.C. CA.
707.951.9190

DATE	5/14/23
SCALE	1/4" = 1'-0"
PROJECT	ELK CREEK BUILDERS
BY	JANETTE MILLER
CHECKED	
DATE	
BY	
CHECKED	
DATE	

29

REVISIONS



511 8th St • Crescent City, CA
95531

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by Troy Duncan*



511 8th St • Crescent City, CA
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by Troy Duncan*



511 8th St • Crescent City, CA 95531

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by Troy Duncan*



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by Troy Duncan*



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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.

*CONDITIONS OF APPROVAL
Variance Permit - Application VAR25-01*

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;*

VARIANCE PERMIT (APPLICATION VAR25-01)
For reduced setbacks

- 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

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EXHIBIT C

Crescent City Municipal Code – Zoning, Density, Variance, and Parking Provisions

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit consists of relevant provisions of the Crescent City Municipal Code governing the R-3 High-Density Residential zoning district; minimum lot area and density requirements; variance standards and limitations; and off-street parking and sidewalk back-over restrictions. These provisions establish the mandatory legal framework applicable to VAR25-01.

II. CODE PROVISIONS INCLUDED

A. R-3 High-Density Residential District: Chapter 17.16 (R-3 High-Density Residential District) — purpose/intent, permitted uses, maximum height (35 feet), and applicable development standards.

B. Minimum lot area / density standard: R-3 district density provisions regulating minimum lot area per dwelling unit, including the 1,500 square feet per dwelling unit standard (to be inserted with precise section citation from the City code text).

C. Variance authority and mandatory findings: CCMC §17.56.010 (Variances) — sole purpose, requirement that all findings be satisfied, prohibition on special privilege, and limitations on variance authority.

D. Off-street parking and sidewalk back-over restriction: CCMC §17.42.120(H) — general prohibition on backing across public sidewalks and limited exception for one-, two-, or three-family dwellings upon specific findings.

III. PURPOSE AND RELEVANCE

This exhibit establishes the mandatory nature of density and lot-area standards; strict limits on variance authority; the narrow scope of the sidewalk back-over exception; and the legal constraints the Planning Commission was required to follow.

IV. LIMITATION

This exhibit contains only applicable law text. No interpretation is included here; legal analysis appears in the appeal.

V. RECORD STATUS

The Municipal Code is an official public record and is judicially noticeable. Excerpts reflect provisions in effect at the time of the December 4, 2025 decision.

EXHIBIT D

General Plan & Housing Element (Limited Excerpts)

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit consists of limited excerpts from the Crescent City General Plan and Housing Element only to the extent expressly cited or relied upon by planning staff and the Planning Commission in approving VAR25-01. The excerpts are provided solely to show the policy language invoked, not to expand the record or introduce independent housing data.

II. DOCUMENTS INCLUDED

A. General Plan — Land Use Element excerpts establishing the MF 15-30 designation and infill/compatibility/design policies cited in the staff report.

B. Housing Element — policy language only, limited to the generalized policies cited by staff.

Explicitly excluded: RHNA tables, production targets, grant criteria/funding materials, and quantitative compliance metrics.

III. PURPOSE AND RELEVANCE

This exhibit establishes the policy language relied upon by staff; the distinction between policy guidance and mandatory zoning standards; and the limited role of housing policy in a parcel-specific, quasi-judicial variance decision.

IV. LIMITATION

This exhibit is not offered to prove housing need, RHNA compliance, or entitlement to funding. It is offered only to demonstrate how policy language was invoked in the approval under appeal.

V. RECORD STATUS

The General Plan and Housing Element are official City policy documents and judicially noticeable public records. Excerpts reflect provisions referenced in connection with VAR25-01.

EXHIBIT E

Inter-Departmental Comments and Agency Referrals

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit consists of comments and referrals provided by City departments in connection with VAR25-01. These materials constitute internal City evidence regarding public safety, infrastructure, and compliance considerations and form part of the administrative record reviewed by the Planning Commission.

II. DOCUMENTS INCLUDED

A. Public Works Department comments, including objections to continuous roll-over sidewalks/back-over parking; pedestrian safety concerns; acknowledgment that the ordinance disfavors sidewalk backing configurations; and recognition that sidewalk and street design implicates public safety.

B. Fire / Building Department comments (as disclosed) addressing building/fire code requirements tied to setback reductions and any disclosed conditions.

C. Police Department comments (if any), including “no comments/concerns” where documented.

III. PURPOSE AND RELEVANCE

This exhibit establishes contrary evidence within the City’s own record; that Public Works identified safety concerns; and that findings failed to reconcile such evidence, supporting the claim that findings are unsupported by substantial evidence.

IV. LIMITATION

This exhibit contains only the comments as provided by City departments. Legal analysis appears in the appeal.

V. RECORD STATUS

These documents were generated by City departments as part of the VAR25-01 review process and form part of the administrative record.

EXHIBIT F

Project Site Plans and Parking Configuration

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit consists of project site plans and parking layout drawings submitted by the applicant and relied upon by staff and the Planning Commission. These materials depict the physical configuration of the project, including setbacks, building footprint, and the off-street parking arrangement requiring vehicles to back across a public sidewalk.

II. DOCUMENTS INCLUDED

1. Site Plan showing property boundaries, building footprint/orientation, setbacks, and sidewalks/right-of-way.
2. Parking Layout Plan showing eight off-street spaces, circulation paths, and areas where vehicles must reverse across the public sidewalk.
3. Right-of-way interface details (if shown) such as sidewalk alignment, curb/access points, and driveway connections.

III. PURPOSE AND RELEVANCE

This exhibit establishes the parking configuration approved; that vehicles must back across a public sidewalk; the relationship between project design/density and the need for variances; and the absence of physical constraints preventing alternative compliant layouts.

IV. LIMITATION

This exhibit is presented without annotation. Legal analysis appears in the appeal.

V. RECORD STATUS

These drawings were submitted as part of the VAR25-01 application and form part of the administrative record.

EXHIBIT G

Pedestrian & ADA Safety Risk Analysis — Back-Over Parking Across Public Sidewalk

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. PURPOSE OF EXHIBIT

This exhibit demonstrates that the approved parking configuration requiring vehicles to back across a public sidewalk creates foreseeable, recurring pedestrian and accessibility hazards that violate safety standards, conflict with ADA obligations, and preclude reliance on CEQA categorical exemptions. The analysis is based on the project's design and local conditions, not speculation or outside comparisons.

II. PROJECT DESIGN ELEMENT AT ISSUE

- Parking spaces: 8
- Configuration: vehicles reverse across a public sidewalk to enter/exit stalls
- Sidewalk status: public right-of-way
- Exception claimed: CCMC §17.42.120(H)

III. APPLICABLE LEGAL STANDARDS

- A. Vehicle Code §22106 (reasonable safety).
- B. Vehicle Code §§21663 and 21950 (pedestrian priority).
- C. ADA and California Civil Code §§54-54.3 (non-discretionary accessibility duties).
- D. CEQA Guidelines §15300.2(c) (exemptions do not apply where significant public safety impacts may occur).

IV. SITE-SPECIFIC CONDITIONS

Frequent rain and wet pavement, fog and reduced visibility, and long periods of darkness materially increase backing maneuver risk.

V. EXPOSURE-BASED CONFLICT ANALYSIS

Assumptions: 8 spaces; 2 turnovers per space per day; 2 sidewalk crossings per vehicle (in + out).

Annual conflicts: $8 \times 2 \times 2 \times 365 = 11,680$ vehicle-sidewalk conflicts/year.

Even conservative probability ranges yield non-trivial expected incidents; local conditions further increase risk.

VI. FINDINGS

Under conservative assumptions, the design creates foreseeable, recurring pedestrian and ADA conflict risk that is not speculative or de minimis.

VII. LEGAL CONCLUSIONS

The configuration cannot satisfy reasonable safety under Vehicle Code §22106 when local visibility conditions are considered; conflicts with pedestrian-priority statutes; ADA obligations cannot be waived; and the hazard precludes categorical CEQA exemptions.

VIII. RELEVANCE TO APPEAL

Supports denial of the parking variance; rejection of CEQA exemptions; and failure of public welfare findings.

EXHIBIT H

CPRA Requests, Correspondence, and Proof of Non-Production

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit documents the appellant's requests for public records related to VAR25-01 and the City's failure to produce core materials prior to the scheduled appeal hearing, establishing an incomplete administrative record and due process prejudice.

II. DOCUMENTS INCLUDED

1. CPRA request seeking records including hearing audio/minutes and materials relied upon in approving VAR25-01.
2. Proof of service/delivery (certified mail receipt, delivery confirmation).
3. City acknowledgment/correspondence (if any).
4. Documentation of non-production as of the appeal scheduling/hearing date.

III. PROCEDURAL TIMELINE

Dec 4, 2025: Planning Commission approval.

Dec 10, 2025: Appeal filed.

Dec 11, 2025: CPRA request served.

Dec 15, 2025: City received CPRA request.

As of hearing notice: core records not produced.

IV. PURPOSE AND RELEVANCE

Shows diligence, non-disclosure, prejudice, and inability to meaningfully prepare/participate.

V. LIMITATION

Offered solely to document request and non-production; does not speculate about

contents of withheld materials.

Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531
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 8th 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 8th Street which is adjacent to my property located at 537 8th 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

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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

Crescent City, CA 95531

CERTIFIED MAIL Fee \$15.30

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 10.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage \$1.07

Total Postage and Fees \$16.37

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 3187 9435 18

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

Crescent City, CA 95531

CERTIFIED MAIL Fee \$15.30

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 10.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions




SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF CRESCENT CITY
CITY CLERK
377 J STREET
CRESCENT CITY, CA 95531



9590 9402 9679 5199 5840 22

2. Article Number (Transfer from envelope label)

9589 0710 5270 3187 9435 18

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Addressee Agent

B. Received by (Printed Name) C. Date of Delivery


ROBBI ACTMAN 12-15-25

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Delivery Restricted Delivery | |
| <input type="checkbox"/> All Restricted Delivery | |

USPS TRACKING#



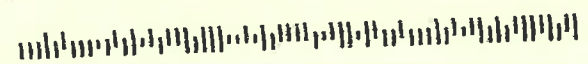
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United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*

ARDETTE ESHELSTROM
210 SEA VIEW CIRCLE
CRESCENT CITY, CA 95531

First-Class Mail Postage & Fees Paid USPS Permit No. G-10



PROOF OF SERVICE

Documents Request For Variance Appeal 511 8th Street Crescent City CA 95531

I, Ardette Esselstrom, declare:

I am over the age of 18 and not a party to this action. My address is:

210 Sea View Circle
Crescent City, CA 95531

On December 11, 2026, I served the attached California Public Records Act Request on the following individual by certified mail, return receipt requested:

Recipient:

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

I am informed and believe that the person(s) served are the person(s) identified above and authorized to receive records requests.

Method of Service:

Certified Mail, Return Receipt Requested

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 11, 2026, at Crescent City, California.

Signature:  12/11/25

Ardette Esselstrom



Reply to [redacted] <[redacted]@[redacted]>

FW: Formal Objection to Request for Setback Variance, APN 118-230-003

[redacted]

Robin Altman <realtman@crescentcity.org>

Mon, Nov 24, 2025 at 4:03 PM

To: SHAWNA HYATT <shawnahyatt@msn.com>, Kris DeCossio <krisdec@sbcglobal.net>, Steve Shamblin <steveshamb1@gmail.com>, "pjestlund@gmail.com" <pjestlund@gmail.com>, Ray Walp <raywalp0727@gmail.com>
Cc: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>, David Yeager <dyeager@crescentcity.org>, Bob Brown <bbrown@shn-engr.com>, Ethan Lawton <elawton@shn-engr.com>, Eric Wier <ewier@crescentcity.org>, Heather Welton <hwelton@crescentcity.org>

Good afternoon Chairman Shamblin and Commissioners,

The attached is public comment received for the proposed project on 8th Street.

****In consideration of the Brown Act, do not reply to all****

Robin Altman

City Clerk/Administrative Analyst

City of Crescent City

From: Ardette Esselstrom <ardette.esselstrom@gmail.com>

Sent: Monday, November 24, 2025 2:57 PM

To: publiccomment@crescentcity.org

Subject: [EXTERNAL] Formal Objection to Request for Setback Variance, APN 118-230-003

Some people who received this message don't often get email from ardette.esselstrom@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following attached letter is my objection to the request for a setback variance on APN 118-230-003, at 511 Eighth

Street.

Ardette Esselstrom

707-951-0019

2 attachments



Formal Objection to Request for Setback Variance.docx
15K



Request for setback variance.pdf
4002K

Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531
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 8th 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 8th Street which is adjacent to my property located at 537 8th 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.

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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

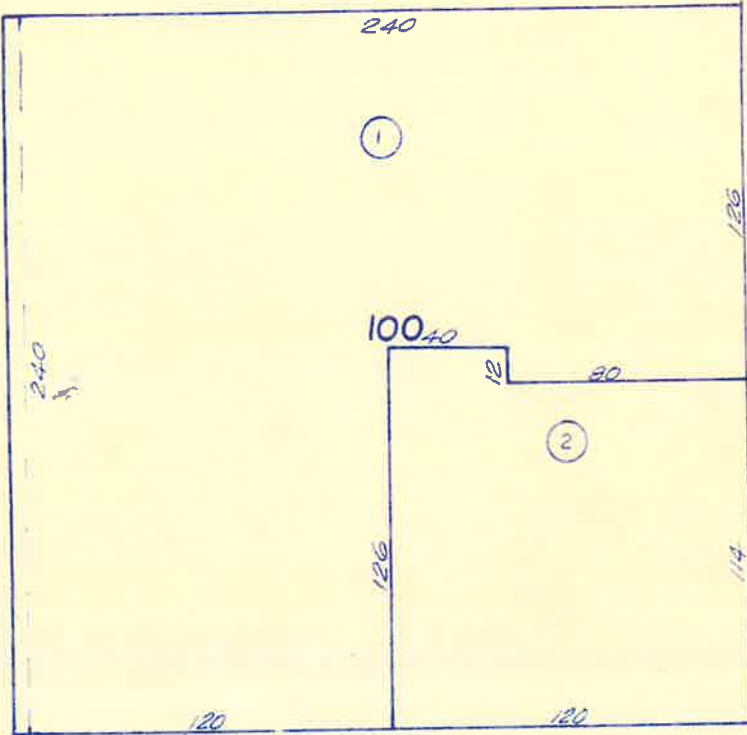
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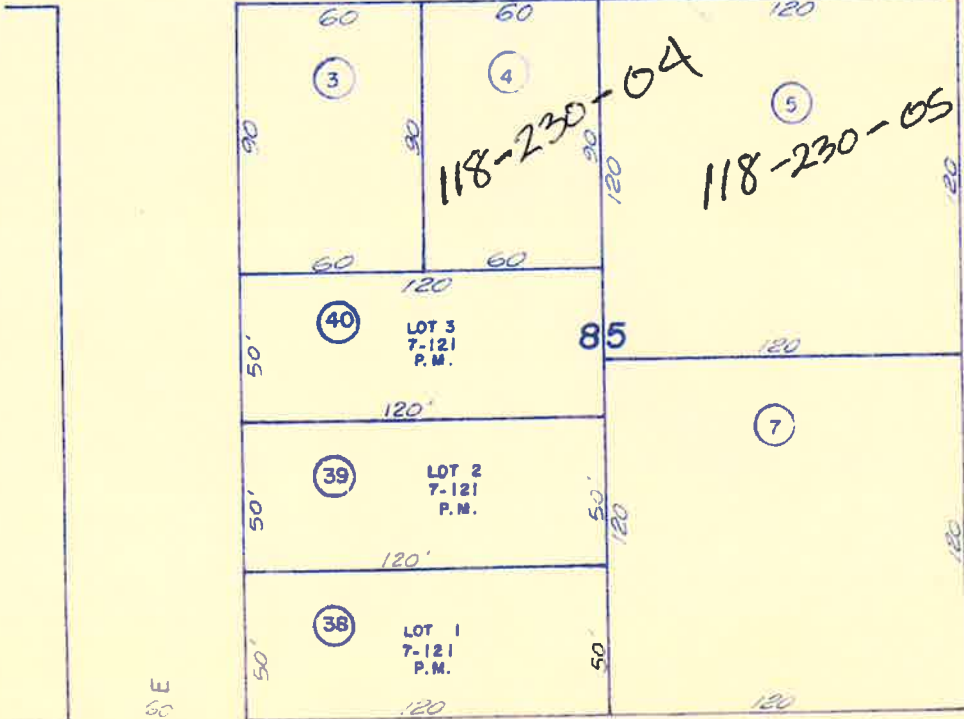
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118-230-04

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(02)

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



Incorporated April 13, 1854

(Website) www.crescentcity.org

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION MEETING

NOTICE IS HEREBY GIVEN:

On **Thursday, December 4, 2025, at 5:30 PM**, the **Crescent City Planning Commission** will be holding a **Public Hearing**, during the special scheduled meeting, located at the **Wastewater Treatment Plant Conference Room (210 Battery St, Crescent City, CA, 95531)** on the following applications and items:

AGENDA 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).

The requested reduced setbacks for a proposed residential development on a vacant parcel within the R-3 Zone (High-Density Residential District) and MF 15-30 (Residential Multi-Family 15-30-du per acre) General Plan land use designation. The proposed project is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15303(b) (New Construction of Small Structures), § 15305(a) (Minor Alternation in Land Use Limitations), and § 15332 (In-Fill Development Projects).

PUBLIC PARTICIPATION:

You are invited to provide comments either **In-Person** (a 3-minute public comment at the podium will be allowed during the meeting) or **In-Writing** (prior to 12:00 PM the day of the meeting, by emailing publiccomment@crescentcity.org or submitting to 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 need any accommodation for the meeting, please contact the City Clerk's office (707-464-7483, ext. 223) at least 48 hours prior to the meeting. For TTYDD use for speech and hearing impaired, please dial 711.

ADDITIONAL INFORMATION:

Any questions regarding the permit process, submission of materials, other information not specific to this project, and general questions regarding the Planning Commission may be directed to Ethan Lawton, the Contract City Planner, by email (elawton@shn-engr.com) or phone (707-269-1073).



Arlette Esselstrom <ardette.esselstrom@gmail.com>

Automatic reply: [EXTERNAL] Formal Objection to Request for Setback Variance, APN 118-230-003

message

Heather Welton <hwelton@crescentcity.org>
To: Arlette Esselstrom <ardette.esselstrom@gmail.com>

Mon, Nov 24, 2025 at 3:00 PM

I will be out of the office Monday November 24th through Wednesday November 26th.

City offices will be closed Thursday November 27th and Friday November 28th.

If you need assistance during business hours, please call 707-464-9506.

Thanks,
Heather Welton



Ardette Esselstrom <ardette.esselstrom@gmail.com>

Formal Objection to Request for Setback Variance, APN 118-230-003

1 message

Ardette Esselstrom <ardette.esselstrom@gmail.com>
To: publiccomment@crescentcity.org

Mon, Nov 24, 2025 at 2:57 PM

The following attached letter is my objection to the request for a setback variance on APN 118-230-003, at 511 Eighth Street.

2 attachments

 **Formal Objection to Request for Setback Variance.docx**
15K

 **Request for setback variance.pdf**
4002K

Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531
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 8th 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 8th Street which is adjacent to my property located at 537 8th 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

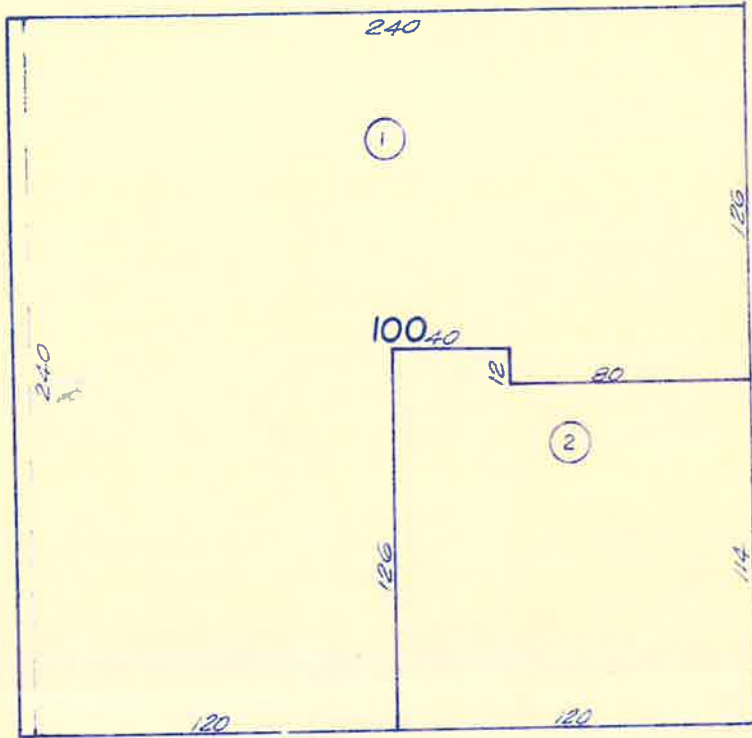
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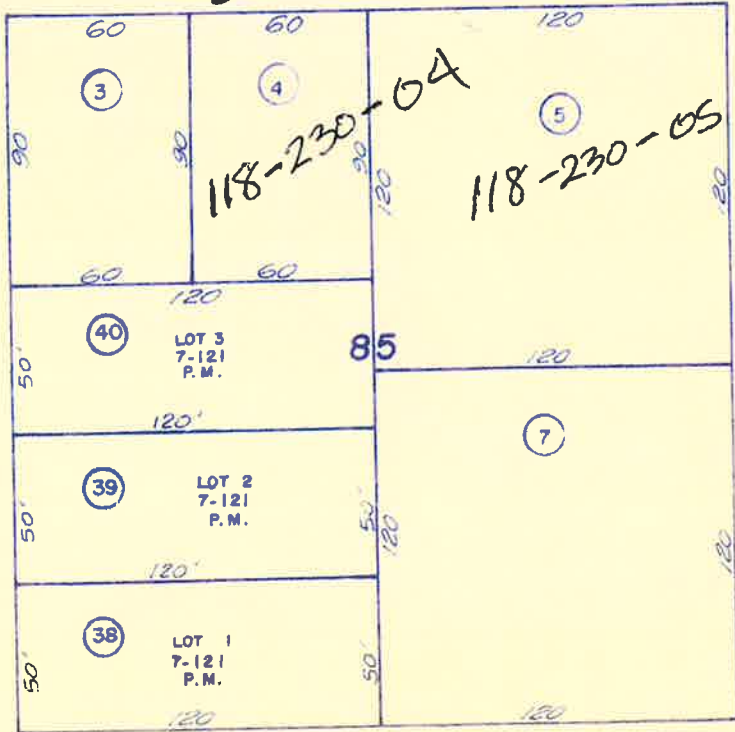


(22)

EIGHTH

537 - 8th ST

575



60 E

60 F

SEVENTH

(02)

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



Incorporated April 13, 1854

(Website) www.crescentcity.org

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION MEETING

NOTICE IS HEREBY GIVEN:

On **Thursday, December 4, 2025, at 5:30 PM**, the **Crescent City Planning Commission** will be holding a **Public Hearing**, during the special scheduled meeting, located at the **Wastewater Treatment Plant Conference Room (210 Battery St, Crescent City, CA, 95531)** on the following applications and items:

AGENDA 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).

The requested reduced setbacks for a proposed residential development on a vacant parcel within the R-3 Zone (High-Density Residential District) and MF 15-30 (Residential Multi-Family 15-30-du per acre) General Plan land use designation. The proposed project is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15303(b) (New Construction of Small Structures), § 15305(a) (Minor Alternation in Land Use Limitations), and § 15332 (In-Fill Development Projects).

PUBLIC PARTICIPATION:

You are invited to provide comments either **In-Person** (a 3-minute public comment at the podium will be allowed during the meeting) or **In-Writing** (prior to 12:00 PM the day of the meeting, by emailing publiccomment@crescentcity.org or submitting to 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 need any accommodation for the meeting, please contact the City Clerk's office (707-464-7483, ext. 223) at least 48 hours prior to the meeting. For TTYDD use for speech and hearing impaired, please dial 711.

ADDITIONAL INFORMATION:

Any questions regarding the permit process, submission of materials, other information not specific to this project, and general questions regarding the Planning Commission may be directed to Ethan Lawton, the Contract City Planner, by email (elawton@shn-engr.com) or phone (707-269-1073).



Ardette Esselstrom <ardette.esselstrom@gmail.com>

Second Letter of Objection to Setback Variance Permit Request, APN 118-230-003

1 message

Ardette Esselstrom <ardette.esselstrom@gmail.com>
To: publiccomment@crescentcity.org

Mon, Dec 1, 2025 at 3:10 PM

I am submitting a second letter of Objection to the Request for a setback variance at 511 8th Street listing additional issues with the proposed two-story fourplex.

Sincerely,
Ardette Esselstrom



Formal Objection Letter.docx
20K

Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531
ardette.esselstrom@gmail.com
707-951-0019
November 30, 2025

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

Re: Opposition to Setback Variance Request — 511 8th Street, Crescent City, CA 95531

Dear Members of the Crescent City Planning Commission,

I am writing to formally oppose the request for a setback variance reducing the required 10-foot setback to only 4 feet for the proposed apartment development at 511 8th Street, Crescent City, CA. This variance should not be approved because it violates the requirements of California Government Code §65906, conflicts with California Fire Code and Building Code safety standards, and creates significant drainage, fire safety, and environmental risks that do not exist under compliant 10-foot setbacks.

1. The Variance Violates California Government Code §65906

A variance may only be approved when:

- a. There are unique physical characteristics of the property,
- b. Strict application of the code creates a genuine hardship,
- c. The variance is the minimum necessary, and
- d. The variance does not create hazards or special privileges.

In this case:

- a. No unique lot shape or hardship exists
- b. Nothing about the lot at 511 8th Street is unusual. The applicant's desire to build closer to the property line is a self-created design choice, not a legitimate hardship.
- c. The reduction is not the "minimum necessary"
- d. Reducing the setback to 4 ft grants a prohibited "special privilege"

Nearby R-3 properties comply with the 10-foot setback. Granting this reduction would give this developer a special advantage specifically forbidden under §65906.

A 60% reduction (10 ft → 4 ft) is extreme and clearly not the smallest adjustment needed to develop the property.

2. The Variance Conflicts With California Fire Safety Standards

A 4-foot setback cannot meet the required fire separation or defensible space for multi-unit residential buildings under:

- a. California Fire Code (CFC)
- b. California Building Code (CBC)
- c. State Fire Marshal standards for multi-family structures

Fire hazards created by reducing setback to 4 ft:

- a. Insufficient separation for fire spread prevention between structures
- b. Blocked or restricted firefighter access
- c. Eliminated defensible space required for residential structures
- d. Increased risk to adjacent homes and occupants

Fire code separation exists to save lives and prevent structure-to-structure ignition. A 4-foot setback does not meet the required clearances for safe operations and violates State Fire Code intent.

3. The Variance Creates Serious Drainage and Foundation Safety Issues

California Building Code requires positive drainage away from structures — typically 5% slope for 10 ft (or approved engineered alternatives). Reducing the setback from 10 ft to 4 ft removes the space needed to maintain:

- a. Safe drainage
- b. Proper foundation setback
- c. Protection of adjacent properties
- d. Prevention of soil saturation and erosion

This can cause:

- a. Water runoff onto neighboring property
- b. Structural settlement
- c. Moisture intrusion
- d. Environmental damage to existing soil and vegetation

Granting a 4-foot setback creates the very “special conditions” and hazards that state law prohibits.

4. The Variance Creates Negative Environmental and Community Impacts

A reduced setback creates overcrowding, loss of privacy, noise impacts, shadowing on the adjacent home and reduced property enjoyment.

California variance law explicitly forbids granting changes that harm neighboring properties or the community.

5. Lot Size and Density Noncompliance

The parcel measures 5,400 sq ft (90 x 60) which does not meet the R-3 zoning minimum of 6,000 sq ft or the density requirement of 1 unit per 1,500 sq ft. The lot is not in compliance to support the proposed multi-unit density.

Conclusion

For the reasons above — including conflict with state law, building code safety requirements, and negative property-impact hazards — I respectfully request that the City deny the proposed 4-foot setback variance at 511 8th Street.

Thank you for your 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



REPLY | REPLY ALL | UNREPLY ALL | UNREPLY ALL | UNREPLY ALL

December 4, 2025 Agenda

1 message

Heather Welton <hwelton@crescentcity.org>

Mon, Dec 1, 2025 at 4:41 PM

To: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>

Cc: Robin Altman <realtman@crescentcity.org>, Ethan Lawton <elawton@shn-engr.com>, Crescent City Planning <crescentcityplanning@shn-engr.com>

Hi Ardette,

Per your request please see the below link to this Thursday's Planning Commission meeting agenda.

[35969.pdf](#)

Thanks,

Heather Welton

Community Development Specialist

City of Crescent City

377 J Street

Crescent City, CA 95531

P:(707) 464-9506 ext.35 | F:(707) 465-4405

Email: hwelton@crescentcity.org



Arlette Esselstrom <ardette.esselstrom@gmail.com>

Objection to Battery Point LLC Request for Variances

Arlette Esselstrom <ardette.esselstrom@gmail.com>
To: publiccomment@crescentcity.org

Thu, Dec 4, 2025 at 12:43 PM

This is in response to the Agenda package for the special planning commission meeting scheduled for December 4, 2025 which I received on Monday night. After receiving these materials and doing further research I wanted to further address in greater detail my objection to this proposed project.

Please see attachment letter and parcel map.

2 attachments

 **Legal Brief.docx**
19K

 **Parcel Map .pdf**
1791K

In Opposition to Variance Application – Crescent City Planning Commission

Submitted by: Ardette Esselstrom, Adjacent Property Owner

Date: December 4, 2025

I. INTRODUCTION

My name is Ardette Esselstrom, and I am the owner of the apartment buildings located at 8th and F Streets in Crescent City, as well as the adjacent residence immediately west of the proposed development site. I respectfully submit this written opposition to the requested variances sought by Battery Point Group LLC for the vacant R-3 parcel located on 8th Street.

The applicant seeks multiple variances from established R-3 zoning regulations, including:

- Reducing the rear setback adjacent to my property from 10 feet to 4 feet
- Increasing allowable lot coverage beyond the 65% maximum
- Additional departures that collectively increase density and intensity of use beyond what the zoning code permits

As discussed below, the requested variances do not satisfy the legal requirements under California Government Code § 65906 or applicable case law, would cause adverse physical and safety impacts to my property, and were noticed in a procedurally deficient manner. For these reasons, I respectfully request that the Planning Commission deny the variance application in full, or in the alternative, continue the hearing to allow adequate review of the late-released materials.

II. LEGAL STANDARD FOR VARIANCE

Under California Government Code § 65906, a variance may be granted only when the applicant demonstrates:

1. Special circumstances applicable to the property that
 - are unique to the parcel, and
 - do not apply to other properties in the zone;
2. Strict application of zoning regulations would result in practical difficulties or unnecessary hardship;
3. The variance does not constitute a special privilege inconsistent with limitations on similar properties; and
4. The variance is consistent with public welfare, safety, and the general plan.

The California Supreme Court in *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506 held that:

- Agencies must make explicit findings supported by substantial evidence for every element of § 65906;
- Variances cannot be based on broad policy goals (e.g., “housing need”); and
- A variance cannot be used to circumvent zoning rules simply because a proposed development does not fit within them.

Other controlling cases include:

- *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916 – Hardship must relate to the land, not applicant preference or economic motive.
- *Whispering Pines Mobile Home Park v. City of Scotts Valley* (1986) 180 Cal.App.3d 152 – Variance denial proper where project adversely impacts neighbors’ light, air, privacy, and fire safety.
- *Hamilton v. Board of Supervisors* (1988) 202 Cal.App.3d 1244 – Late or inadequate notice constitutes a due-process violation and may invalidate land-use decisions.

III. APPLICATION OF LAW TO THIS VARIANCE REQUEST

A. No Unique Hardship Has Been Shown

The applicant has provided no evidence of any physical circumstances unique to this parcel that prevent full use under the existing R-3 zoning requirements.

The only “hardship” presented is the applicant’s desire to build four units on a lot that does not accommodate that density without violating multiple development standards. This is a self-created design choice and cannot support a variance under Topanga or Stolman.

B. The Variance Would Grant an Improper Special Privilege

Reducing the rear setback to 4 feet and allowing greater lot coverage would provide this one parcel with development benefits not available to any similarly situated R-3 properties.

Such special privileges are expressly prohibited by § 65906.

If approved, this variance would open the door to similar requests in the neighborhood, weakening the integrity of the zoning district.

C. The Variance Undermines Public Safety, Light, Air, and Fire Access

R-3 zoning standards — including the 10-foot rear setback and 65% lot coverage maximum — are essential to:

- Maintain fire separation and access for emergency personnel
- Protect airflow, ventilation, and light to adjacent properties
- Ensure privacy
- Prevent overcrowding

- Preserve neighborhood character

Reducing the setback to 4 feet substantially increases fire-spread potential, obstructs emergency lateral access, and imposes privacy and crowding impacts on my property. These are precisely the harms recognized in Whispering Pines as valid grounds for variance denial.

D. Procedural Concerns: Inadequate Notice and Late Materials

While I received an initial notice approximately two weeks ago, the 80-page Planning Commission agenda packet, including staff reports and exhibits necessary for meaningful review, was not made available until earlier this week.

This late disclosure does not provide sufficient time to:

- Review the technical material
- Consult experts
- Prepare substantive responses

Under *Hamilton v. Board of Supervisors*, such last-minute disclosures can constitute a due-process violation and warrant a continuance.

IV. REQUEST FOR RELIEF

For the reasons stated above, I respectfully request that the Planning Commission:

1. DENY the variance application in full, because:

- The applicant has not demonstrated any unique hardship;
- The variance would grant an improper special privilege;

- The project would adversely affect safety, light, air, privacy, and neighborhood character;
- The request is inconsistent with R-3 zoning purposes and the general plan.

OR, IN THE ALTERNATIVE:

2. CONTINUE the hearing to a later date, on the grounds that:

- The voluminous materials were released too late to allow meaningful review and participation;
- Additional time is required to evaluate impacts to safety, fire access, and adjacent properties.

V. CONCLUSION

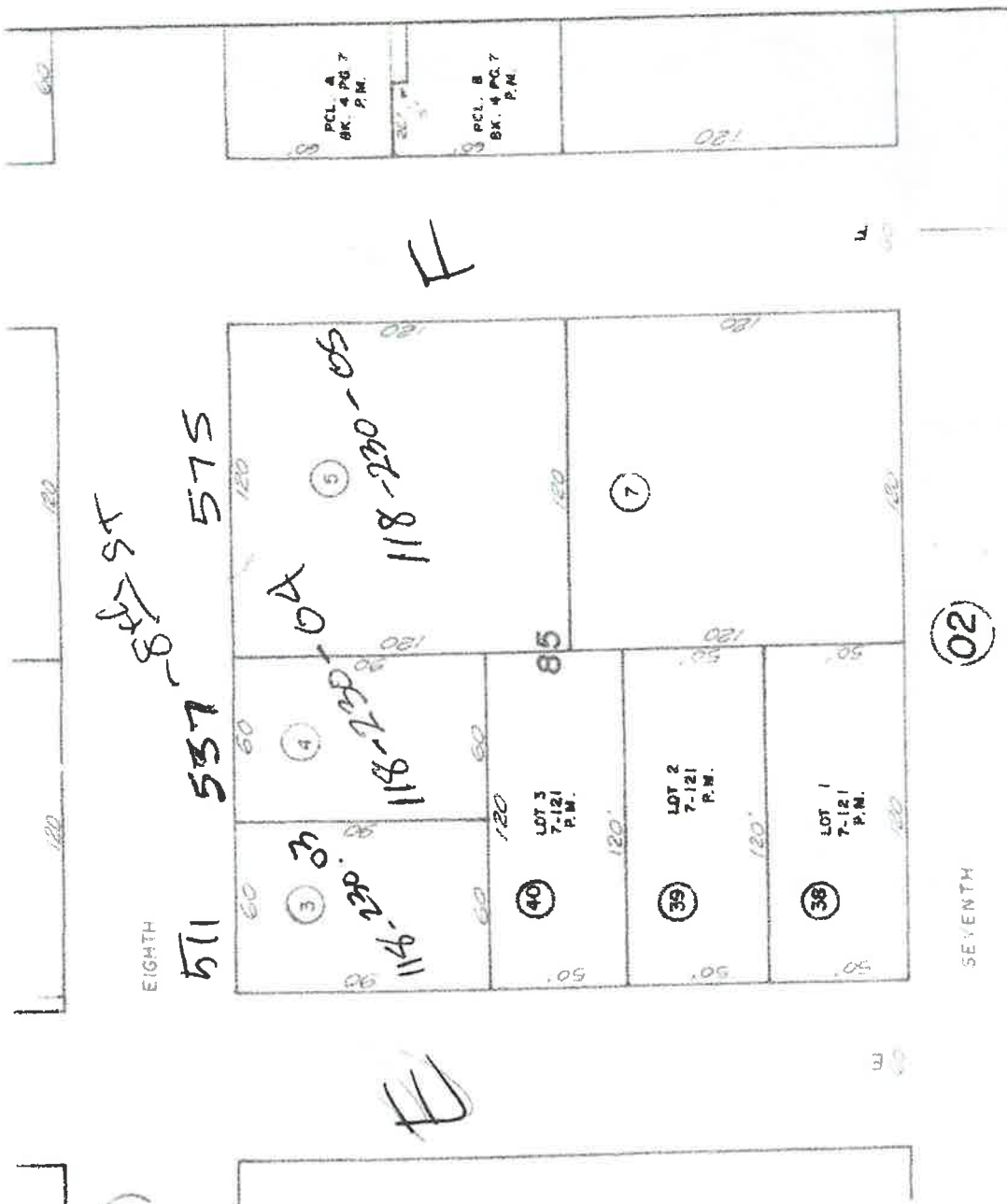
The requested variances fail to meet the legal requirements under Government Code § 65906 and established California case law, and approval would create significant adverse impacts to my property and the surrounding neighborhood. For these reasons, I respectfully ask the Planning Commission to deny the request or continue the matter for proper review.

Submitted respectfully,

Ardette Esselstrom

Adjacent Property Owner

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



PCL. A
BK. 4 PG. 7
P.M.

PCL. B
BK. 4 PG. 7
P.M.

EIGHTH

SEVENTH

(22)

(02)



Account Deleted: ardette.esselstrom@gmail.com

Re: Appeal to Variance Permit granted at 511 8th Street

Ethan Lawton <elawton@shn-engr.com>

Mon, Dec 8, 2025 at 11:42 AM

To: Ardette Esselstrom <ardette.esselstrom@gmail.com>

Cc: Martha Rice <mrice@crescentcity.org>, Robin Altman <realman@crescentcity.org>, Heather Welton <hwelton@crescentcity.org>, Crescent City Planning <CrescentCityPlanning@shn-engr.com>, Penelope Kirsch <pkirsch@shn-engr.com>, Bob Brown <bbrown@shn-engr.com>

Hi Ardette,

Your appeal inquiry for Planning Commission approval (12/4/25) of the Variance Permit (VAR25-01) has been received (12/8/25). I've attached the **Appeal Process document** for your information.

A few notable items:

- **Timing.** The appeal period closes at the end-of-day (5:00 PM) on Monday, December 15, 2025.
- **Submittal.** The filing of such appeal, in writing, within such limit shall stay the effective date of the order of the Planning Commission until such time as the City Council has acted on the appeal (CCMC §17.46.060(B) and §17.56.030).
- **Content.** The appeal shall state specifically where it is claimed that there was an error or abusive discretion by the Commission and wherein its decision was not supported by evidence in the record (CCMC §17.46.050(A)).
- **Form.** Such a request shall be on forms prescribed by the City Council (CCMC §17.46.060(A)). Robin or Martha (cc'd) may have a appeal form or may provide additional direction on submittal.
- **Findings/Resolution.** I recommend the written submit address the findings that the Planning Commission made. I've attached the Resolution that was approved (signed version will be sent soon).
- **Submittal Fee.** \$189.00 payable to the City of Crescent City (Resolution 2024-52)

Next Steps: If/when ready, please submit your written appeal to Robin (City Clerk) at City Hall with the submittal fee.

Please don't hesitate to email (elawton@shn-engr.com) or call (707-269-1073) with any questions that you may have.

Ethan
Contract City Planner
Crescent City

Ethan Lawton

Associate Planner



Civil Engineering, Environmental Services,
Geosciences, Planning, and Surveying

shn-engr.com (707) 441-8855 w (707) 269-1073 c

From: Ardette Esselstrom <ardette.esselstrom@gmail.com>
Sent: Monday, December 8, 2025 9:43 AM
To: Ethan Lawton <elawton@shn-engr.com>
Subject: Appeal to Variance Permit granted at 511 8th Street

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ethan,

I want to file an appeal to the Variance Permit that was passed on Thursday night, 12/4/25.
Please let me know what the process is.

Thank you,

Ardette Esselstrom
ardette.esselstrom@gmail.com
707-951-0019

2 attachments

CC_AppealDoc.pdf
183K

ATT.C_ResolutionPC2025-14.pdf
211K



Public Records Request recieved

Public Records Request recieved

Robin Altman <realtman@crescentcity.org>

Mon, Dec 15, 2025 at 3:25 PM

To: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>

Good afternoon Ardette,

Please accept this email as receipt of your public records request attached to this email. Due to the volume of records you are requesting, it will take additional time over the 10 days for public records requests.

Robin Altman

City Clerk/Administrative Analyst

City of Crescent City

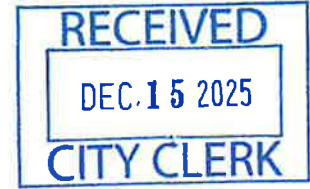
 **Ardette Esselstrom PRA.pdf**
234K

PROOF OF SERVICE:

Documents Request For Variance Appeal 511 8th Street Crescent City CA 95531

I, Ardette Esselstrom, declare:

**I am over the age of 18 and not a party to this action. My address is:
210 Sea View Circle
Crescent City, CA 95531**



On December 11, 2026, I served the attached California Public Records Act Request on the following individual by certified mail, return receipt requested:

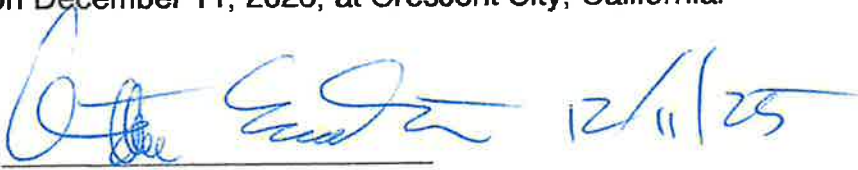
**Recipient:
City of Crescent City, City Clerk
377 J Street
Crescent City, CA 95531**

I am informed and believe that the person(s) served are the person(s) identified above and authorized to receive records requests.

**Method of Service:
Certified Mail, Return Receipt Requested**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 11, 2026, at Crescent City, California.

Signature: 
Ardette Esselstrom

COMPREHENSIVE CPRA REQUEST & EVIDENCE PRESERVATION NOTICE

To:

City Clerk, City of Crescent City

Planning Department Staff

Building Department Staff

City Manager

City Council Members

From: Ardette Esselstrom

Date: 12/11/2025

Subject: California Public Records Act Request & Evidence Preservation Notice – Variances, Grant-Funded Projects, Staff & City Council Calendars, Conflicts, Communications, and Recordings

I. Purpose

This request is submitted under the California Public Records Act (CPRA), Gov. Code §§ 7920–7931, and all related California laws requiring preservation and disclosure of public records.

The purpose of this request is to obtain all records necessary to assess the legality, consistency, and compliance of variance approvals, grant-funded projects, planning decisions, and conflicts of interest, including prior variances which are ambiguous (referencing 3 previous approvals without APNs or addresses).

No fees or costs are authorized without prior written approval (Gov. Code § 6253.9), and all records must be provided electronically in standard formats. No copyright claims may be asserted under 17 U.S.C. § 102 or any other law.

II. Legal Authority

This request is made pursuant to:

California Public Records Act (Gov. Code §§ 7920–7931)

Gov. Code § 6253.9 – fee waiver for public interest requests

Gov. Code § 6200 et seq. – preservation of public records

17 U.S.C. § 102 – copyright cannot block disclosure of public record

Supporting Case Law:

City of San Jose v. Superior Court, 2 Cal.5th 608 (2017) – electronic communications, including email, are public records

Williams v. Superior Court, 3 Cal.3d 531 (1970) – duty to preserve records relevant to foreseeable litigation

Haynie v. Superior Court, 26 Cal.4th 1061 (2001) – public agencies have a duty to disclose public records

Provident Life & Accident Ins. Co. v. Superior Court, 26 Cal.3d 30 (1980) – agency may not evade CPRA obligations by invoking internal processes

Failure to comply may result in civil motions to compel, sanctions, attorney fees, and criminal liability.

III. Immediate Record Preservation / Anti-Spoliation Notice

All recipients are legally directed to preserve all responsive records immediately. This includes, but is not limited to:

Emails, texts, Slack/Teams/WhatsApp/Signal/Messenger messages

Private social media messages (X/Twitter, Facebook, Instagram, LinkedIn)

Voicemails, audio/video recordings

Staff and Council calendars, notes, drafts, internal memos

Blueprints, surveys, GIS files, metadata, server logs, backups

Drafts, revisions, communications on external media

No deletion, alteration, destruction, or overwriting is permitted.

Violations constitute spoliation of evidence, enforceable through civil and criminal proceedings.

IV. Mandatory Compliance

Staff Calendars: Must be produced within 10 calendar days. Includes Planning, Building, Contract Planners, and City Manager.

Rolling Production: All other records may be produced on a rolling schedule; a proposed production schedule must be submitted.

Format: Electronic, in native format or PDF/MP4/WAV/Excel, with full metadata preserved.

V. Records Requested

A. 511 8th Street, Crescent City, CA 95531 APN: 118-230-003 Variance: VAR25-01, Battery Point Group – Request for Reduced Setbacks In addition, I request all supporting records for the two prior variances cited as precedent for this approval, all information that supports these two variances including prior variances identified by the following street intersections:

1. 6th Street and D Street

2. 5th Street and C Street

B. R3-Zoned Variances (2015–Present)

Applications, submitted/withdrawn/incomplete

Planner and staff reports

Internal memos, emails, notes

Planning Commission packets, agendas, minutes, resolutions

Hearing recordings (audio/video)

Conditions of approval, appeals, supporting documentation (blueprints, surveys, GIS layers)

C. All Building Variances (All Zones, 2015–Present)

Applications and supplemental materials

Planner and staff reports, emails, internal communications

Hearing recordings, approvals, denials, appeals

D. Grant-Funded Projects (2015–Present)

Grant applications, award letters, agreements, compliance documents

Communications with funding agencies

Scoring sheets, evaluation forms

Records showing whether variance approvals influenced funding eligibility

E. Timing of Grant Funding Relative to Variances

Evidence whether grants were applied before or after variance approval

Internal communications discussing the effect of variance approvals on grant eligibility, scoring, or housing quotas

F. Conflict-of-Interest Records (Staff, City Planner, & City Council)

FPPC Form 700 filings (annual and supplemental)

Written disclosures, recusals, advisory memos

Emails, memos, communications referencing conflicts, gifts, or preferential treatment

City Council: meetings, communications, or campaign contributions from developers/applicants

G. Communications (Staff & City Council)

Emails, texts, Slack, Teams, WhatsApp, Signal, Messenger

Private social media messages (X/Twitter, Facebook, Instagram, LinkedIn)

Voicemails, transcripts, internal memos

Topics: variances, planning decisions, grant-funded projects, housing quotas/incentives

Timeframe: 2015–Present

H. Audio/Video Recordings

Planning Commission, Design Review, variance hearings

Staff development review meetings, pre-application or internal planning meetings

I. R3 Zoning Maps, Lot Dimensions, and APNs

Official zoning maps, lot dimensions, APNs

GIS layers used by Planning Department

J Ambiguity Clause

Tow prior variances referenced in recent approvals lack APNs or addresses, creating ambiguity. All supporting records are required to assess legality, consistency, and compliance.

VI. Metadata and Electronic Records

All emails, documents, spreadsheets, databases, GIS layers, and calendars must be produced with full metadata preserved.

Server logs, backups, revision histories, and drafts must also be retained and produced if responsive.

VII. Anti-Copyright and No-Fee Clause

No copyright or intellectual property claim may be asserted to deny access to these records.

Fees are waived under Gov. Code § 6253.9, unless prior written consent is obtained.

VIII. Consequences for Non-Compliance

Failure to comply with this request may result in:

Motions to compel production in court

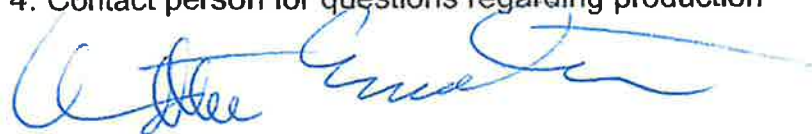
Civil and criminal liability for spoliation of evidence

Sanctions, attorney fees, or other remedies available under California law

IX. Required Response

Please provide, in writing at 210 View Circle Crescent City CA. 95531 or electronically at Ardette.Esselstrom@Gmail.com

1. Acknowledgment of receipt
2. Confirmation that staff calendars will be produced within 10 calendar days
3. Proposed rolling production schedule for all remaining records
4. Contact person for questions regarding production



Ardette Esselstrom



Re: [Redacted]

PRA

Robin Altman <realtman@crescentcity.org>
To: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>

Mon, Dec 15, 2025 at 3:34 PM

Good afternoon again Ardette,

I have some follow up questions on your records request.

III. Immediate Record Preservation/Anti Spoilation Notice – please give a timeframe you are looking for, for these records.

IV. Staff calendars – timeframe needed

For items H & I, you are requesting records for 511 8th St, correct?

Robin Altman

City Clerk/Administrative Analyst

City of Crescent City



https://mail.google.com/mail/u/0/?ik=c5034a2e9d&view=pt&search=a...-a:r-4887211422519819964&simpl=msg-a:r-4887211422519819964&mb=1

Re: PRA

Ardette Esselstrom <ardette.esselstrom@gmail.com>
To: Robin Altman <realtman@crescentcity.org>

Tue, Dec 16, 2025 at 5:13 PM

III. From 2015 to present.

IV. From 2015 to present.

H & I For all variances for setbacks and parking. From 2015 to present.

On Mon, Dec 15, 2025 at 3:34 PM Robin Altman <realtman@crescentcity.org> wrote:

Good afternoon again Ardette,

I have some follow up questions on your records request.

III. Immediate Record Preservation/Anti Spoilation Notice – please give a timeframe you are looking for, for these records.

IV. Staff calendars – timeframe needed

For items H & I, you are requesting records for 511 8th St, correct?

Robin Altman

City Clerk/Administrative Analyst

City of Crescent City



Arlette Esselstrom <ardette.esselstrom@gmail.com>

Crescent City Public Records Act Request - Follow UP

Martha Rice <mrice@crescentcity.org>
To: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>
Cc: Robin Altman <realtman@crescentcity.org>

Wed, Dec 17, 2025 at 4:39 PM

Ms. Esselstrom,

I have received your request for public records. I am seeking some clarification on the records being sought. Please see the attached letter.

Thank you,

Martha D. Rice
City Attorney



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

PH: 707.464.7483 ext. 11

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 **Esselstrom PRA Letter 12.17.25.pdf**
167K



Office of the City Attorney

Martha D. Rice, City Attorney
City of Crescent City
377 J Street
Crescent City, CA 95531

707.464.7483 ext. 11
mrice@cityofcrescentcity.org

December 17, 2025

VIA EMAIL ONLY: ardette.esselstrom@gmail.com

Ms. Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531

RE: Public Records Act Request

Dear Ms. Esselstrom:

I am in receipt of your public records request executed on December 11, 2025. I received your request on December 15, 2025. I am writing to clarify your requests as they are quite broad. Narrowing the scope of the request will assist the City in locating and producing records in a more efficient manner. In addition, this will aid in producing the records you seek and not inundate you with records that are not relevant to the matters you are interested in. I will organize my questions according to your numbered requests under paragraph "V. Records Requested" in your letter.

Request A states "511 8th Street, Crescent City, CA 95531 APN: 118-230-003 Variance: VAR25-01, Battery Point Group – Request for Reduced Setbacks." What records are you requesting with respect to this subject matter?

Requests contained in paragraphs B and C are sufficiently detailed to provide responses. At this point, I do not know how many variances have been granted in the past 10 years, so I cannot give estimate of how long it will take to compile these records.

Paragraph D requests records for all grant-funded projects from 2015 to present. The City has received over 150 grants in the past 10 years. I need to better understand what information you are seeking to respond to this request. Are you seeking grants the City has received or grants the City has passed along to others? Are you seeking grants that are related to housing developments? I think that a conversation could really help us identify records responsive to your inquiry.

Paragraph E requests records for all grant funding relative to variances. Under this general description, are the statements, "[e]vidence whether grants were applied before or after variance approval," and "[i]nternal communications discussing the effect of variance approvals on grant eligibility, scoring, or housing quotas." I need clarification on these requests. Again, I think a conversation would be productive. Clarifications such as what grant? What project? What variance?

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Paragraph H requests “audio/video recordings of planning commission, design review, variance hearings.” For clarification, are you requesting recordings of variance hearings of the planning commission and/or design review committee? Or are you requesting all recordings regardless of the topic? For what time period are you seeking recordings?

Lastly, your letter states that you want to receive records in electronic format. Would you like the records shared via email or would like them put on a thumb drive? Either route is fine. Emailed records will not cost any money. If you prefer a thumb drive, then you will need to pay the cost of the thumb drive(s).

I would really appreciate the opportunity to have a conversation with you regarding these clarifications as I think it will be much more productive than letters back and forth. You can call me on my direct line at 707-458-8008. I will be out of the office December 19th and will not return until December 29th.

Sincerely,

Martha D. Rice



Account: ardette.esselstrom@gmail.com

Re: Crescent City Public Records Act Request - Follow UP

Ardette Esselstrom <ardette.esselstrom@gmail.com>

Fri, Dec 19, 2025 at 10:47 AM

To: Martha Rice <mrice@cityofcrescentcity.org>

The attached letter is in response to your clarification request.

Ardette Esselstrom

On Wed, Dec 17, 2025 at 4:39 PM Martha Rice <mrice@cityofcrescentcity.org> wrote:

Ms. Esselstrom,

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Thank you,

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City Attorney



City of Crescent City
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 **Response to Records Request Clarification.docx**
18K

Dear Ms. Rice,

This is in response to your email requesting clarification of the Public Records Act request submitted on December 11, 2025.

The following includes clarified and narrowed scopes for each portion of the original request, limited to the period January 1, 2015 through present. Unless otherwise specified below, responsive records should include projectspecific material such as applications, staff reports, findings of fact, resolutions, correspondence, and related documentation.

1. Variances and Rezoning (Paragraph A & Related Items)

Please produce all records related to variance and rezoning actions considered or approved by the Planning Commission and/or City Council from 2015 through present that involve:

A. Variance approvals, including but not limited to:

The variance request at 511 Eighth Street, Crescent City (VAR2501) for reduced setbacks and offstreet parking waiver, as included in the Planning Commission agenda packet for December 4, 2025.

Any other variance application, whether for setback, lot size, parking, or other dimensional relief, in that time period.

B. Rezoning actions and zoning map or General Plan amendments, including:

Planning Commission recommendations and City Council ordinances approving rezoning.

Rezoning petitions submitted to the City, including staff reports and hearing documentation.

This request includes a complete index or list of all variances and rezoning cases from 2015–present, including:

Project address,

Applicant/owner,

Date of approval,

Case number,

Type of action.

2. HousingRelated Grants and Reporting (Paragraph D & E)

Please produce: A. Records of all housingrelated grant applications and awards (state, federal, or local) where residential development, housing production, or housing capacity was a factor in eligibility, scoring, or reporting.

B. Records showing whether projects approved with variances or rezoning actions have been included in any housing quota reporting, RHNA progress, or grant applications, including attachments or exhibits submitted with grant proposals.

C. Any documents addressing whether variance or rezoning approvals were considered in evaluating housing grant eligibility or scoring.

For clarity, this includes but is not limited to:

Proposals submitted for housing grants,

Grant scoring sheets,

Housing production reports submitted to any state or federal agency.

3. Internal Communications (Paragraph G & E)

Please produce all internal communications, memoranda, or reports discussing:

The relationship between variance approvals or rezoning actions and housing quotas, housing production reports, or grant eligibility/scoring;

Policy discussions regarding how variances or rezoning actions might affect housing goals or funding.

This includes correspondence among staff, planning consultants, city council liaisons, or between staff and elected officials relating to these topics.

4. ConflictofInterest Records (Paragraph F)

Please produce: A. Form 700 (Statement of Economic Interests) filings for:

City Planner(s),

Planning Commissioners,

City Councilmembers serving from 2015 to present.

B. Written disclosures, recusals, advisory opinions, or conflict analyses related to landuse decisions, including variance or rezoning actions.

C. Records of campaign contributions or communications from applicants/developers associated with variance or rezoning approvals (e.g., those related to 511 Eighth Street and other variance cases) to elected officials or planning staff relevant to those decisions.

5. Public Meeting Recordings (Paragraph H)

Please produce:

Audio or video recordings of Planning Commission and City Council hearings where variance or rezoning cases were discussed or decided, from 2015 through present.

To clarify, this includes recordings of public hearings for:

Planning Commission variance hearings (e.g., 511 Eighth Street, VAR2501),

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Format and Delivery

I prefer to receive records electronically via email where feasible. If certain categories must be provided on physical media, please advise in writing with associated costs prior to production.

Thank you for your assistance. If further clarification is needed in writing, I am happy to provide it.

Respectfully,
Ardette Esselstrom



From: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>

Fw: Crescent City Public Records Act Request - Follow UP

1 message

Martha Rice <mrice@crescentcity.org>

Wed, Dec 31, 2025 at 3:31 PM

To: "ardette.esselstrom@gmail.com" <ardette.esselstrom@gmail.com>

Cc: Robin Altman <realtman@crescentcity.org>

Ms. Esselstrom,

I am resending this letter as I have not heard back from you. I also left you a voicemail with my phone number.

Martha D. Rice
City Attorney



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

PH: 707.464.7483 ext. 11

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From: Martha Rice**Sent:** Wednesday, December 17, 2025 4:39 PM**To:** ardette.esselstrom@gmail.com <ardette.esselstrom@gmail.com>**Cc:** Robin Altman <realtman@crescentcity.org>**Subject:** Crescent City Public Records Act Request - Follow UP

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Thank you,

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City Attorney



City of Crescent City
377 J Street
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 **Esselstrom PRA Letter 12.17.25.pdf**
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Office of the City Attorney

Martha D. Rice, City Attorney
City of Crescent City
377 J Street
Crescent City, CA 95531

707.464.7483 ext. 11
mrice@crescentcity.org

December 17, 2025

VIA EMAIL ONLY: ardette.esselstrom@gmail.com

Ms. Ardette Esselstrom
210 Sea View Circle
Crescent City, CA 95531

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Arlette Esselstrom <ardette.esselstrom@gmail.com>

Fwd: Crescent City Public Records Act Request - Follow UP

Arlette Esselstrom <ardette.esselstrom@gmail.com>

Thu, Jan 1, 2026 at 10:28 AM

To: Martha Rice <mrice@crescentcity.org>, Robin Altman <realtman@crescentcity.org>

----- Forwarded message -----

From: **Arlette Esselstrom** <ardette.esselstrom@gmail.com>

Date: Fri, Dec 19, 2025 at 10:47 AM

Subject: Re: Crescent City Public Records Act Request - Follow UP

To: Martha Rice <mrice@crescentcity.org>

In response to your email dated December 31, 2025, I am resending my letter of clarification for records request that I emailed on Friday, December 19, 2025.

Arlette Esselstrom

The attached letter is in response to your clarification request.

Arlette Esselstrom

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Respectfully,
Ardette Esselstrom

EXHIBIT I

Objection to Consideration of Undisclosed Materials and Procedural Timeline

Administrative Appeal - Variance Permit VAR25-01

511 8th Street (APN 118-230-003) — City of Crescent City, California

I. DESCRIPTION OF EXHIBIT

This exhibit documents the appellant's objection to consideration of undisclosed written materials relied upon in connection with VAR25-01 and provides a date-certain procedural timeline demonstrating due process prejudice.

II. UNDISCLOSED MATERIALS AT ISSUE

During the December 4, 2025 hearing, references were made to written Fire Department / Fire Chief input concerning setback or fire-related conditions that was not disclosed to the appellant or the public and has not been produced in response to a records request. This exhibit does not speculate as to content beyond what is documented in the record.

III. FORMAL OBJECTION

The appellant objects to consideration of any document or written communication provided to or relied upon by staff/decision-makers that was not disclosed to the appellant and the public.

IV. PROCEDURAL TIMELINE

Dec 4, 2025: Hearing and approval; references to undisclosed Fire input.

Dec 10, 2025: Appeal filed.

Dec 11, 2025: CPRA request served.

Dec 15, 2025: CPRA received by City.

As of appeal notice: referenced Fire material not produced/disclosed.

V. LIMITATION

Offered solely to preserve procedural objections; no allegation of motive or misconduct.

Chapter 17.56 VARIANCES

§ 17.56.010 Purpose.

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. 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. Before any variance may be granted the planning commission or the city council on appeal, it shall be shown:

- A. That there are exceptional and extraordinary circumstances of conditions applicable to the property involved;
- 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;
- 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;
- D. The granting of such variances will not adversely affect the general plan for Crescent City;
- E. That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above; 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.

(Prior code § 30-502)

§ 17.56.020 Application—Notice and hearing.

Upon the filing of a written application for a variance by a property owner or by a lessee with the consent of the owner, the planning commission shall give notice to properties which are immediately adjacent and opposite from the property in question. Such notice shall give intention to consider at a public hearing the granting of the variance. Upon the filing of an application for variance the secretary of the commission shall either place the matter on the agenda for consideration by the commission at a subsequent meeting, then give notice by mail of the time, place and purpose thereof to the applicant as well as to the public in general. No more than twenty days following the termination of the public hearing on a variance the planning commission shall announce its findings by a formal report, and such report shall recite among other things the facts and reasons which, in its opinion, made the granting or denial of the variance necessary to carry out the provisions and general purpose of this chapter, and shall order that the variance be granted or denied, and if such report orders that the variance be granted it shall also recite such conditions and limitations as it may impose. The formal report of the planning commission announcing its findings and orders after a hearing on an application for variance shall become a permanent record in the files of the planning commission. No later than ten days following the rendering of a decision ordering that a variance be granted or denied a copy of the report shall be mailed to the applicant and any other person requesting such report.

(Prior code § 30-502.1)

§ 17.56.030 Appeal.

The order of the planning commission in granting or denying a variance shall become final and effective ten days after the rendering of its report granting or denying the variance unless within such ten day period an appeal in writing is filed with the council by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such limit shall stay the effective date of the order of the planning commission until such time as the council has acted on the appeal.

(Prior code § 30-502.2)

§ 17.56.040 Council action—Granting or denial.

- A. Upon request of a written appeal filed with the council as provided herein, the planning commission shall transmit to the council the planning commission's complete record of the case. The city council shall, within a period not to exceed forty days following receipt of the written appeal, conduct a duly advertised public hearing, public notice of which shall be given as provided in Section 17.58.040.
- B. The council shall announce its findings and decision by formal resolution not more than forty days following the termination of proceedings of the hearing. Such resolution shall recite among other things the facts and reasons which, in the opinion of the council, make the granting or denial of the variance necessary to carry out the general purpose of this chapter and shall order that the variance be granted or denied or modified subject to such conditions or limitations that it may impose.

(Prior code § 30-502.3)

§ 17.56.050 Copies of resolution for applicant and commission.

Not later than ten days following the adoption of a resolution ordering that a variance be granted or denied, a copy of such resolution shall be mailed to the applicant and any other parties requesting notice of the action and one copy shall be attached to the planning commission's file on the case and such file returned to the planning commission for permanent filing.
(Prior code § 30-502.4)

RESOLUTION NO. 2026-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY APPROVING VARIANCE PERMIT (APPLICATION VAR25-01) FOR DEVELOPMENT AT 511 8TH STREET (APN 118-230-003)

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

WHEREAS, the application also requested a parking waiver for an additional driveway to back over the sidewalk (a total 4 rather than the 3 that are allowed by the Zoning Code); and

WHEREAS, the Planning Commission considered and approved the application on December 4, 2025 during a duly noticed public hearing; and

WHEREAS, the decision of the Planning Commission was timely appealed by a member of the public who objected to the variance application at the public hearing; and

WHEREAS, the City Council held a duly noticed public hearing on January 14, 2026 wherein the Council heard evidence and testimony submitted by the applicant, the appellant, the public and a presentation from staff; and

WHEREAS, the City Council considered the evidence and hearing and deliberated on the matter.

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

1. FINDINGS. The City Council makes the following findings:

1.1 General Plan Consistency. 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:

1.1.1 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 which equates to a minimum of 2 and a maximum of 4 dwelling units for the parcel;

1.1.2 “*Provides for high density residential development within the urban boundary*” within the MF 15-30 by constructing the maximum allowable units (4) on the parcel; and

1.1.3 Is supported by the General Plan 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” by making use of a vacant parcel zone high density residential and filling a local need for market rate housing (no income restrictions); and

- 1.1.4** Is supported by General Plan Policy 1.A.2. - *“The City shall encourage infill development that makes efficient use of existing public infrastructure and is compatible with existing development”* because the vacant parcel is within a developed area of town and has ready access to public utilities and infrastructure.
- 1.1.5** Is supported by General Plan 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”* because this project is centrally located with access to grocery stores, retail stores, restaurants, entertainment, recreation and public services by way of walking, biking, or taking public transportation.
- 1.1.6** Is supported by General Plan 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”* as this neighborhood is has several multi-family developments.
- 1.1.7** Is supported by General Plan 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”* as Peterson Park is approximately one block from the project.
- 1.1.8** Is supported by General Plan 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”* because the applicant has submitted renderings and a list of quality design materials (including hardy concrete siding) consistent with some of the contractor’s previous projects.
- 1.1.9** Is supported by the Housing Element 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” because this project exceeds the minimum density standards.

1.2 Zoning Code Consistency. 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:

1.2.1 *Is not located within the Coastal Zone and is not appealable to the Coastal Commission;*

1.2.2 *Is consistent with the “Dwelling groups consisting of one-family, two-family, or multiple-family dwellings” (CCMC § 17.16.020(A)) as the proposed project is a multi-family dwelling;*

1.2.3 *“Provides for high density concentrations of dwelling units together with specific ancillary and complementary uses” (CCMC § 17.16.010(A)) as the proposed project includes the maximum density of dwelling units; and*

1.2.4 *Is subject to all zoning regulations (CCMC § 17.16.010(B)).*

1.3 Variance Requirements. The proposed variance requests satisfy the Variance Permit Review requirements (CCMC §§ 17.56.010 (A through E)), as follows:

1.3.1 *There are exceptional and extraordinary circumstances or conditions applicable to the property involved (CCMC 17.56.010(A)) because the shape and small size of the parcel make it difficult to design functional living space, parking and required setbacks simultaneously while also achieving the number of dwelling units allowed by its zoning designation;*

1.3.2 *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)) because multiple comparable properties in the vicinity (e.g., multi-family developments at 6th & D Streets and 5th & C Streets) have received similar variances for reduced setbacks and parking configurations without reports of negative impacts;*

1.3.3 *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)) because (1) the setback reductions will maintain adequate open space, privacy, and visual harmony with surrounding structures, (2) the parking variance is necessary because backing over the sidewalk is the only feasible parking configuration for a lot of his size*

and shape, and (3) similar conditions exist throughout the neighborhood and have functioned safety, and (4) the proposed backing area is located on E Street, a low-traffic road;

1.3.4 *The granting of such variances will not adversely affect the general plan for Crescent City (CCMC 17.56.010(D)) because the proposed project is consistent with the general plan as stated in Section 1.1; and*

1.3.5 *A public hearing wherein the applicant is heard and in which he substantiated all of the conditions cited above (CCMC 17.56.010(E)) was held January 14, 2026.*

1.4 CEQA Determination. The proposed project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guidelines:

1.4.1 Class 3 § 15303(b) (New Construction of Small Structures) in that the proposed project is (1) *within an urbanized area* (within the city limits and surrounded by existing development); and (2) *a multi-family residential structure totaling no more than six dwelling units* (project is 4 dwelling units).

1.4.2 Class 5 § 15305(a) (Minor Alterations in Land Use Limitations) in that the proposed project consists of “*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*” because the setback limitations with a slope less than 20% does not result in any changes to residential use or exceed density; and “*minor side yard and setback variances not resulting in the creation of any new parcel*” because the requested variances are for minor side and rear yard setbacks and a parking waiver, none of which will result in a new parcel.

1.4.3 Class 32 § 15332 (In-fill Development) in that the proposed project:

- a.** 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) as stated in Sections 1.1 and 1.2;
- b.** Is located in the City of Crescent City, is approximately 0.12 acres, and is located adjacent to existing commercial uses;
- c.** Is located on a site which has had past disturbances, contains existing development, and is surrounded by paved surfaces

containing no habitat for rare, threatened, or endangered species;

- d. Is within a developed commercial area that already services commercial use and the four dwelling unit multi-family residential structure has a limited potential to result in significant traffic, noise, air quality, or water quality impacts;
- e. Is surrounded by and is already adequately served by utilities and public services, including water, sewer and power;
- f. Qualifies as a Class 3 exemption as stated in Section 1.4.1; and
- g. Qualifies as a Class 5 exemption as stated in Section 1.4.2.

2. VARIANCE APPROVAL. Variance Permit (Application VAR25-01) for development at 511 8th Street (APN 118-230-003) is approved as follows:

- 2.1** Rear yard setback is reduced to 5 ft (minimum).
- 2.2** Exterior side yard setback is reduced to 8 ft 4 in (minimum).
- 2.3** One additional driveway is permitted to back over the sidewalk (4 total).
- 2.4** Subject to the Conditions of Approval attached hereto.

PASSED AND ADOPTED at a meeting of the City Council of the City of Crescent City held on this 14th day of January 2026, by the following polled vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Isaiah Wright, Mayor

ATTEST:

Robin Altman, City Clerk

CONDITIONS OF APPROVAL

Variance Permit – Application VAR25-01

Parcel: 511 8th Street (APN 118-230-003), Crescent City, CA

Zoning: R-3 (High-Density Residential)

Owner: Battery Point Group LLC

Variance(s) Granted:

1. Rear yard setback reduced to 5ft (minimum).
2. Exterior side yard setback reduced to 8ft 4 in (minimum).
3. One additional driveway is permitted to back over the sidewalk (4 total).

Variations are 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 (R-3 High-Density Residential District).
2. **Variance.** The approved project shall be limited according to the approved variance (VAR25-01) by the City Council.
3. **Site Plan & Architectural Design.** The approved project shall be constructed according to the approved site plan & architectural design.
 - 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 approval.
 - 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)).
