



FORMAL NOTICE TO CRESCENT CITY

Recurring Approval and Compliance-Control Defects

Demand for independent investigation, corrective action, agency referral, and preservation of records

Date: September 8, 2026

From: Thomas Beers, Crescent City resident

To: Eric Wier, City Manager

Copies: Martha Rice, City Attorney; Robin Altman, City Clerk; Ethan Lawton, Contract City Planner; Mayor Isaiah Wright; Mayor Pro Tem Candace Tinkler; Council Members Ray Altman, Jason Greenough, and Steve Shamblin

Subject: Actual written notice of recurring approval-control defects affecting local, state, federal, accessibility, and grant-compliance obligations

Notice and purpose

This notice advises the City of recurring defect categories and unresolved compliance questions identified across multiple land-use and publicly funded projects. Some defects are established by the materials reviewed; others require confirmation from the complete administrative or funding record. It demands a documented, independent investigation and corrective action at both the project and system levels. The recurrence—not any single error—is the basis for requiring a systemwide response.

This notice is intentionally an umbrella notice. Project-specific audits, evidence, and referrals will be submitted separately so that each matter is evaluated under the law and funding instruments actually applicable to it.

1. Nature of the recurring defects

- • Incorrect, mismatched, or copied project descriptions that do not accurately describe the project being approved.
- • Inconsistent or duplicate permit numbers, project identifiers, dates, and descriptions that impair the integrity and traceability of the administrative record.
- • Mandatory findings stated in conclusory language without identifying the evidence supporting each finding or explaining the analytical connection between evidence and decision.
- • Missing or unsupported analyses involving traffic, circulation, loading, pedestrian safety, environmental review, density-bonus eligibility, parking, project intensity, and consistency with the General Plan and Municipal Code.

- • Accessibility issues involving buildings, housing, parking, sidewalks, curb ramps, pedestrian routes, public rights-of-way, and access to City programs or services, without a demonstrated review under every applicable accessibility standard.
- • Unresolved differences between the project approved by the City and the project described in grant applications, loan agreements, covenants, agency representations, amendments, reimbursement requests, and compliance reports.
- • Approval procedures that do not reliably verify project identity, governing law, required findings, supporting evidence, accessibility review, funding conditions, or later project changes before approval.

2. Compliance frameworks requiring review

The City must determine applicability before declaring a violation. The audit must nevertheless test each project against every governing requirement, including:

- • Local law: Crescent City Municipal Code, zoning and permit procedures, conditions of approval, the General Plan, adopted plans and policies, and the City's appeal and enforcement requirements.
- • California law: the Planning and Zoning Law, Housing Accountability Act where applicable, Density Bonus Law, CEQA and its Guidelines, Subdivision Map Act where applicable, California Building Code accessibility provisions, and state traffic, safety, public-works, and housing requirements.
- • Federal accessibility and housing law: ADA Title II and 28 C.F.R. part 35 for City programs, services, facilities, and public rights-of-way; Section 504 of the Rehabilitation Act and the applicable funding- agency regulations when federal financial assistance is involved; Fair Housing Act design-and- construction requirements for covered multifamily dwellings, including developer or owner duties and any City duty actually imposed by law or agreement; and any project-specific federal accessibility covenant or award term.
- • Funding compliance: grant and loan agreements, notices of funding availability, regulatory agreements, affordability covenants, eligible-cost rules, environmental conditions, procurement requirements, representations, draw and reimbursement certifications, amendments, reporting duties, monitoring, and record-retention requirements.
- • Administrative-law requirements: where findings and record support are legally required, the decision must be supported by the applicable evidentiary standard and must disclose the analytical path connecting the evidence to the decision.

To the extent any affected approval, housing unit, affordability commitment, development capacity, funding award, or project milestone was relied upon in the City's Housing Element, sites inventory, housing programs, Annual Progress Reports, or representations to HCD, the City must determine whether the identified defects require correction, amendment, updated reporting, replacement capacity, or notice to HCD.

3. Downtown Redwoods is one documented example

Downtown Redwoods, AR26-02, illustrates why independent review is necessary. The materials reviewed raise material, document-based questions concerning a major-transit-stop finding for which those materials do not identify the required route-frequency evidence; transit-dependent density, parking, and height benefits; incorrect project-description language; the separate affordability showing required for the claimed density-bonus category; and consistency of the final 36-unit project with \$1,032,371.43 in PLHA/PIP loan funding and the governing covenant.

This notice does not assert that every density-bonus benefit automatically fails or that public funds were misused or must be repaid. It states that the supporting findings and funding compliance must be demonstrated from the controlling records. A separate evidence-supported referral will be submitted to the California Department of Housing and Community Development.

Downtown Redwoods is not presented as the only affected project. Other project-specific audits and evidence will be submitted separately to the government agencies having jurisdiction.

4. Systemwide significance without overstatement

The present review does not establish that every City approval is unlawful, that every suspected defect is a final violation, or that any person acted with unlawful intent. Working audit classifications are not judicial or agency determinations. Each conclusion must be validated against the complete project record.

The repeated appearance of the same material defect categories across multiple approvals is nevertheless sufficient to place the City on notice of a potential systemwide failure in its approval, accessibility, recordkeeping, and grant-compliance controls. Continuing to rely on the same processes without independent review would leave known risks unaddressed.

5. Demands for investigation and corrective action

1. Open a written citywide compliance investigation, assign or identify a tracking number or reference, and identify the official responsible for receiving project-specific notices, coordinating preservation, and tracking corrective action.
2. Retain an independent reviewer with no responsibility for preparing or approving the matters under review. The reviewer should have authority to examine planning, legal, accessibility, engineering, environmental, and grant-compliance records.
3. Audit each noticed project separately for accurate project identity; complete permit history; applicable local, state, and federal law; required findings; evidentiary support; accessibility review; conditions of approval; later changes; and grant or loan compliance.
4. Issue written, project-specific determinations identifying what is proven, what is not proven, what remains under investigation, the governing authority, the evidence relied upon, and the corrective measure required.
5. Where an approval lacks a required finding or evidentiary basis, determine and undertake the lawful corrective procedure, which may include correction of the record, supplemental analysis, reconsideration, modification, enforcement, a noticed hearing, or referral to another agency. Do not predetermine the remedy without examining the governing law and procedural posture.

6. Conduct an ADA, Section 504, Fair Housing, California Building Code, and public-right-of-way accessibility review wherever those requirements and City responsibilities apply. Identify separately any developer or owner duties, physical barriers, procedural failures, immediate safety or access issues, and the responsible party and correction schedule.
7. Reconcile each grant- or loan-funded project with its executed agreements, covenants, approved scope, affordability obligations, environmental documents, amendments, eligible costs, draw records, reimbursement certifications, reporting, and agency communications.
8. Reconcile every affected project relied upon for Housing Element implementation with the sites inventory, housing programs, Annual Progress Reports, affordability commitments, development capacity, and representations to HCD; make any correction, amendment, replacement-capacity showing, updated report, or agency notice that governing law requires.
9. Implement written approval controls requiring verification of project identity, code citations, statutory prerequisites, evidence for every mandatory finding, accessibility sign-off, funding- condition review, version control, and supervisory or legal quality assurance.
10. Preserve the complete paper and electronic record described below, consistent with applicable record-retention requirements and any duty to preserve, and prevent routine destruction of materials reasonably related to the identified matters.
11. The undersigned requests that, within ten business days, by September 22, 2026, the City confirm receipt, provide the investigation or tracking reference and responsible official, state the immediate preservation measures taken, and provide a schedule for the independent audit and written corrective-action plan.
12. If Council authorization is required, place the matter on a future public agenda. This request does not ask the Council to take unagendized final action during public comment.

6. Records-preservation notice

Preserve potentially relevant paper and electronic records for Downtown Redwoods, the approval processes identified here, and each additional project when a project-specific notice is received. This includes approval and funding files, applications, plans, calculations, staff reports and drafts, reviewer comments, routing and quality-control records, permit databases, resolutions, conditions, minutes and recordings, City-system communications, consultant and inspection files, accessibility evaluations, complaints, enforcement records, covenants, amendments, draws, certifications, reports, and agency communications. This request is subject to applicable retention and preservation duties and does not accuse anyone of destroying records.

7. External referrals and proof of notice

Project-specific audits will be transmitted to the government entities having jurisdiction. Downtown Redwoods will be referred separately to HCD. Other referrals will be based on the law, funding source, program, facility, and evidence applicable to each project. No statement in this notice should be read as claiming that a referral has already been completed unless accompanied by proof of transmission.

Please include this notice as written public comment for the September 8, 2026 Council meeting, retain it in the public record, distribute it to every listed recipient, and provide written confirmation of receipt and distribution.

8. Scope and reservation

This notice is based on records presently available and may be corrected or supplemented. It distinguishes documented defects from apparent defects and unresolved questions. It does not replace any separately required project-specific appeal, claim, complaint, or statutory notice, and it waives no remedy, public- records right, accessibility complaint, funding referral, or other right.

A handwritten signature in black ink, appearing to read "Thomas A. Bell". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.