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TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert Merrill, North Coast District Manager
Ruby Pap, Coastal Planner

SUBJECT: **City of Point Arena LCP Amendment No. PTA-MAJ-1-01 (LCP Update)
(Meeting of April 14, 2006)**

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The proposed LCP amendment consists of a comprehensive update of the City's currently certified Land Use Plan (LUP) through the submittal of its recently adopted General Plan and an update of the City's zoning code (IP). Several sections of the LUP text and policies are proposed to be modified, including those related to land use and development, hazards, coastal resources, and public access and recreation. There are also several new chapters added, including community health and safety, economic development, traffic and circulation, noise, and open space and conservation, and permitting procedures. The updated LUP text is more reflective of current conditions, as well as of coastal resource concerns, such as environmentally sensitive habitat areas, agricultural land conversion, hazards, and visual resources. The proposed amendment also includes a revised combined LUP and Zoning Map, now called the "Land Use and Development Map," and contains several proposed changes to land use and zoning designations. The proposed amendment provides for development opportunities that have not existed heretofore. This includes allowing and fostering mixed commercial and residential uses, increasing the land area available for multiple-family housing, and opening up opportunities for expanding retail and commercial service uses within the Downtown and along Highway 1 at the north and south ends of the city. Within areas designated commercial the predominant uses are proposed to be retail commercial,

personal and professional service uses, and tourist-oriented activities. Also proposed are a mixing in with commercial uses of live-work and studio spaces, limited residential units, and offices.

While these proposed land use changes include some site specific residential density increases, there are other specific areas that would result in a decrease in density. The overall residential buildout in the City is approximately 1,350 dwelling units, an increase of approximately 100 dwelling units over the currently certified buildout, which is largely the result of the new proposed allowance of second dwelling units in the RA, SR, UR, and AE (for farmer housing only) zones.

SUMMARY OF STAFF RECOMMENDATION

The proposed LCP amendment consists of a comprehensive update of the City's currently certified Local Coastal Program. Staff recommends that the Commission deny both the Land Use Plan (LUP) and Implementation Plan (IP) portions of the amendment as submitted, and then certify both portions of the amendment if modified to incorporate the suggested modifications listed below.

The City's LCP was certified in 1981. Although there have been numerous amendments, the LCP has never been comprehensively updated until now. Most of the staff recommended suggested modifications are intended to supplement and enhance the proposed policies and standards to reflect current policy and standard language that has been applied in more recently adopted LCPs and LCP amendments throughout the coastal zone. These updated policies and standards reflect current practices of the Commission in implementing Chapter 3 policies of the Coastal Act in the Commission's review of coastal development permit applications. For example, many of the staff recommended suggested modifications would modify the proposed LCP policies and standards in this amendment dealing with the protection of water quality, environmentally sensitive habitat, avoiding geologic hazards to reflect the considerable refinement in the Commission's program over the last 25 years in these areas.

Other recommended suggested modifications are designed to make the proposed policies and standards consistent with state law. For example, the permit appeal and permit exemption standard in the zoning ordinance have been modified to ensure consistency with the Coastal Act and the Commission's implementing regulations. As another example, modifications are recommended to the City's proposed ordinance on second units to reflect recent changes in state housing law.

Staff's principal concern in the review of the proposed LCP update has been with regard to ensuring the LCP does not allow for development that exceeds the capacity of water, sewer, and road capacity to serve the development. Under the currently certified LCP, Point Arena has an existing problem with respect to the adequacy of water supply to support ultimate buildout, and there is uncertainty as to whether sewage disposal

services (municipal or private) and traffic capacity could support ultimate City buildout. The proposed LCP amendment does not appreciably increase housing density at buildout over that which would occur under the existing certified LCP. However, buildout or residential units that could be allowed under the proposed LCP would still exceed available capacity. Moreover, City calculations of buildout and demand for services and service capacity studies do not take into account the needs for commercial development, including the service needs for priority uses, such as visitor-serving facilities, commercial fishing, and recreational boating. Coastal Act Section 30254 states that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Therefore, since there is evidence that existing services would not be able to accommodate residential buildout as proposed, and since service capacity studies did not include priority uses, it can be reasonably concluded that as proposed, there would not be available public works facilities to accommodate priority uses, such as coastal dependent, public recreation, commercial, and visitor serving land uses, inconsistent with Coastal Act Section 30254.

However, if modified as recommended by staff to (1) restrict further density increases, through the imposition of restrictions on subdivisions unless adequacy of available services are demonstrated prior to approval, (2) include stronger policies on the establishment of adequate services prior to approval of any new development, (3) include policies that reserve services for priority uses, and (4) clarify that there is no automatic right to develop at full potential buildout large, undeveloped properties, such as the Hay Annexation Area, the proposed LCPA would prevent future development occurring without adequate services and would presser services for priority uses consistent with the priority use and new development provisions of the Coastal Act.

Staff believes that with the suggested modifications recommended by staff, the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment conforms with and is adequate to carry out the LUP as modified.

ADDITIONAL INFORMATION

For further information please contact Ruby Pap at the North Coast District Office (707)445-7833. Correspondence should be sent to the District Office at the above address.

EXHIBITS

1. Regional Location Map
2. Proposed LUP
3. Proposed IP
4. Proposed Changes to LCP (policy matrix and land use change maps)
5. Existing certified LUP
6. Existing certified IP
- 7 – 18. Certified amendments to existing LCP
19. Resolution of transmittal
20. Residential build out charts

Click on the link at left to
go to the exhibits.

The exhibits to the staff report are very large and were not sent to all interested parties to save paper. The entire staff report including exhibits can be downloaded from the Commission's website at coastal.ca.gov. Hard copies of the report and exhibits can be requested by calling the North Coast District Office.

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 I. COMMISSION RESOLUTION ON CITY OF POINT ARENA LAND USE PLAN AMENDMENT 1-01	

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Motion #1

I move that the Commission **CERTIFY** City of Point Arena Land Use Plan Amendment PTA-MAJ-1-01 as submitted.

Staff Recommendation for Denial

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

Resolution for Denial

The Commission hereby **DENIES** certification of City of Point Arena Land Use Plan Amendment 1-01 as submitted and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and is not in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act as there are feasible mitigation measures and alternatives that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

Motion #2

I move that the Commission **CERTIFY** City of Point Arena Land Use Plan Amendment PTA-MAJ-1-01 if modified as suggested in this staff report.

Staff Recommendation for Certification

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the land use plan with suggested modification and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution for Certification with Suggested Modifications

The Commission hereby certifies the Land Use Plan Amendment PTA-MAJ-1-01 for the City of Point Arena if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation

measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

II. COMMISSION RESOLUTION ON CITY OF POINT ARENA IMPLEMENTATION PLAN AMENDMENT 1-01

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Motion #3

I move that the Commission reject Implementation Program Amendment No. PTA-MAJ-1-01 for the City of Point Arena as submitted.

Staff Recommendation of Rejection:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution for denial:

The Commission hereby denies certification of the Implementation Program Amendment No. PTA-MAJ-1-01 as submitted for the City of Point Arena and adopts the findings set forth below on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

Motion #4

I move that the Commission certify Implementation Plan Amendment No. PTA-MAJ-1-01 for the City of Point Arena if it is modified as suggested in this staff report.

Staff Recommendation for Certification

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution for Certification with Suggested Modifications

The Commission hereby certifies the Implementation Plan Amendment for the City of Point Arena if modified as suggested and adopts the findings set forth below on grounds that the implementation plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. LAND USE PLAN SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed LUP amendment be adopted. The language shown in double underline represent language that the Commission suggests be added and the language shown in ~~double-strike through~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the City are shown in *italics*.

CHAPTER I: OVERVIEW

1. 1.1. Scope, Format and Contents

The General Plan consists of ~~two~~ four maps and the following text.

Included as part of and incorporated into the General Plan are the following maps:

The Land-Use and Development Map

The Opportunities and Constraints Maps: (1) Scenic Corridors; (2) Natural Hazards; and (3) Biological Resources and Trails.

...

This 2001 General Plan is also intended to serve as the policy and program basis for the Local Coastal Program (LCP), which program is required by the California Coastal Act. The General Plan and comprises the LCP must be consistent with each other, and the LCP must be certified by the California Coastal Commission. The 2006 certified (LCP) consists of the 2001 General Plan, not including the Housing Element, the 2001 Zoning Ordinance (No. 179) and the 1997 Second Dwelling Unit Ordinance (No. 166).

The Housing Element is ~~presented~~ drafted in a different format and style than the other elements, in order to satisfy the requirements and guidelines of the California Department of Housing and Community Development, which agency has reviewed a preliminary Housing Element draft and submitted its comments on it. The Housing Element is not currently part of the LCP, but will be submitted to the California Coastal Commission at a future date for certification.

CHAPTER II: COMMUNITY CHARACTER AND OVERALL GOALS

2. **2.8. Goal #8: Assist in Implementing the California Coastal Act**

In addition to the goals enumerated above, the city shall, to the extent required by law, ~~and to the extent that is practicable, work toward implementing~~ implement relevant California Coastal Act policies through its certified Local Coastal Program regarding including, but not limited to, policies for preserving marine resources; protecting the quality of coastal waters, streams, and wetlands; regulating the diking, filling and dredging of open coastal waters, wetlands and estuaries; protecting environmentally-sensitive habitat areas; giving priority to coastal-dependent uses on or near the coastline; limiting oil and gas developments in accordance with state and local statutes; and, maintaining the viability of existing agricultural uses in accordance with the provisions of Sections 30241 - 30243 of the California Coastal Act.

2.5. Goal #5: Promote Affordable Housing

...

The second way to deal with housing needs is to include provisions in the General Plan and Zoning Ordinance that affordable housing shall be provided as a proportion of major private development projects. Incentives for property owners/developers to build affordable housing shall be a community goal; incentives can be in the form of density bonuses if such bonuses can be found consistent with all applicable provisions of the certified LCP.

Also, as a condition of approval of large residential subdivisions a proportion of the new lots and/or housing units should be reserved for affordable housing...a common practice throughout California to enlist the private sector in affordable housing solutions through the project-approval process. To accomplish this goal may require mandates as well as residential density-bonus incentives. Implementation of new policies to promote affordable housing will require certification of LCP amendments....

3. 5. MAPS

...Development proposals in or adjacent to environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats including, but not limited to those shown on the Land Use Map and Opportunities and Constraints Map: "Biological Resources and Trails" shall be subject to special review to determine the current extent of the sensitive resource and appropriate development controls and mitigation measures consistent with the applicable policies of the LCP...

4. 6. INTRODUCTION TO THE ELEMENTS OF THE GENERAL PLAN

To achieve the Overall Goals of this ~~1994~~ 2001 Point Arena General Plan there are eight General Plan Elements. In this chapter the specific goals, policies, and programs of each of the following elements are set forth...

CHAPTER III: LAND USE AND DEVELOPMENT

5. 5. OPPORTUNITIES AND CONSTRAINTS MAP

In addition to the "Land-Use and Development Map", the "Opportunities and Constraints Maps" ~~serve as an~~ overlays, the purpose of which ~~is~~ are to depict the City's intentions and policies regarding open spaces, creeks and stream beds, riparian areas, view sheds and view corridors, conservation areas, safety and seismic safety considerations, natural habitat areas, and trails.

The Maps ~~is~~ are an "early-warning" depiction of matters that ~~must~~ shall be attended to as part of project planning and review; they are further described in the text of this General Plan. Not all wetland and environmentally sensitive habitat areas (ESHA) can be shown on the maps and the determination of what constitutes wetland and/or ESHA shall not be limited to what is mapped. Any areas meeting the definitions of ESHA and wetlands in the certified LCP shall be subject to the policies and standards of the certified LCP regarding the protection of ESHA and wetlands, respectively.

6. 7. Overall Citywide Land-Use Policies and Programs

1. The City shall encourage and allow new development in those areas of the city where adequate water supply and sewer sewage disposal capacity, and traffic capacity facilities exist to serve both the new development and future priority uses planned throughout the City ~~are available or where they will be guaranteed during the project review process and provided as a part of the development process.~~

4. No new development shall be allowed within riparian vegetation as depicted on the Opportunities and Constraints Map, or within the Riparian Buffer Zone along Arena Creek which is defined in Chapter 10 and the Glossary, or elsewhere where mapped in any other riparian area whether mapped or not, including, but not limited to: vegetation removal, grading, filling, soils or refuse dumping, or alteration of creek banks, without first obtaining ~~appropriate permits, a coastal development permit.~~ New development in riparian areas shall be consistent with all the relevant policies of the Point Arena Local Coastal Program, including but not limited policies pertaining to environmentally sensitive habitat areas in Chapter X Section 2.4. Biological analyses of development plans affecting or likely to affect any creek, stream, or riparian area shall be submitted for review and approval. Pre-existing buildings and non-conforming uses within riparian corridors may continue as legally non-conforming, but no additions that encroach closer to the stream or creek within said corridor shall be permitted ~~with the following exceptions: except for:~~
~~a) decks and porches provided that added areas do not exceed ten percent of the area of the existing structure, subject to securing a use permit and a coastal development permit; and~~
a) accessory structures located at the City's waste water reclamation facility situated entirely within the developed fenced area, subject to securing a coastal

development permit consistent with all other applicable provisions of the certified LCP.

5. ~~Important~~Sensitive habitat areas shall be preserved.

9. All required qualifying investigations for grading, site preparation and development in hazardous and constrained areas shall be conducted by a ~~registered licensed engineering geologist or professional registered civil engineer~~ with expertise in soils or foundation engineering, ~~or a certified engineering geologist~~, and mitigation measures identified in these studies shall be required as a condition of all land preparation and development approvals, as per Sections 5.15, 5.20, and 5.21 of the Zoning Ordinance.

10. ~~Within the limits of its jurisdiction~~ The City shall prohibit diking, dredging and filling operations which may negatively impact streams, water and marine resources, and sensitive habitats, and all diking, dredging, and filling operations shall conform with all applicable provisions of the LCP. Necessary permits from the California department of Fish and Game and from the Water Resources Control Board shall be required on all such projects before any city permits are issued. Any alteration of wetlands, including diking, filling, and dredging, shall meet all provisions and mitigation requirements of State planning laws, the California Coastal Act, the U.S. Army Corps of Engineers regulations, ~~and federal and state statutes governing wetlands and the protection of endangered species, and all other applicable provisions of the LCP.~~

11. Continuing agricultural uses of lands which have the soils, acreage and water capability to sustain such operations are encouraged but not required. The maximum amount of prime agricultural land (see glossary for definition) shall be maintained in agricultural production; conflicts shall be minimized between agricultural and urban land uses; and lands suitable for agricultural use shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible. All actions undertaken by the City governing use and conversion of agricultural lands shall be governed by Sections 30241, 30241.5, 30242, and 30243 of the California Coastal Act.

12. Individual mobile homes qualify as permissible single-family dwellings, and are permitted by right in all residential zones except in the Multi-Family Residential (MR) Zone. Mobile home parks or projects (two or more mobile homes on one parcel of land) may be permitted in the Highway Commercial (HWC) zone only, and are subject to securing a use permit, ~~and to the City's mobile home regulations (Ordinance # 118)~~ Zoning Ordinance Section 5.30) and to coastal development permit requirements and all applicable policies of the LCP, including, but not limited to visual resource protection policies and water quality policies.

15. Lot splits or minor subdivisions (the subdivision of lots into four or less parcels) shall be subject to city coastal development permit approval and to the provisions of the city's Subdivision Ordinance, ~~and~~ the State's Subdivision Map Act, and the California Coastal Act.

17. Approval of new subdivisions and other developments shall ~~also be~~ consistent with the policies and standards of the LCP in addition ~~and be subject~~ to the provisions of the California Subdivision Map Act and city requirements for the dedication of land for streets, trails and pathways, parks and other public improvements, and shall be subject to the improvement and design standards of the City's subdivision and other development regulations.

20. Site and building designs shall comply with the requirements of the LCP, including but not limited to Zoning Ordinance provisions governing signs, landscaping and screening, site preparation and development, and building design, and visual resource protection policies of Chapter X and Chapter VI of the General Plan/LUP, and shall be subject to review and approval by the Design Assistance Committee, as provided in the Zoning Ordinance.

21. A second dwelling unit ordinance shall be prepared and enacted into law in accordance with State planning law. Second dwelling units may be allowed by use permit on legally-conforming residential properties, ~~for rental purposes only,~~ where there is an existing single-family home, but only in accordance with State planning law and all applicable provisions of the LCP.

22. No signs shall be erected ~~until~~ unless in compliance with all applicable provisions of the LUP, including , but not limited to, the signing regulations of the Zoning Ordinance and ~~a coastal development permit is first obtained~~ requirements.

~~24. The maximum amount of prime agricultural land (see glossary for definition) shall be maintained in agricultural production; conflicts shall be minimized between agricultural and urban land uses; and lands suitable for agricultural use shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible. All actions undertaken by the City governing use and conversion of agricultural lands shall be governed by Sections 30241, 30241.5, 30242, and 30243 of the California Coastal Act.~~

25. A system of coastal trails shall be ensured and coastal bluffs shall be protected by setbacks that meet the criteria established by Sections 5.20 and 5.21 of the Zoning Ordinance. ~~California coastal Commission's "Statewide Interpretive Guidelines for Geologic Stability of Blufftop Development."~~

30. In addition to the Chapter 3 policies of the Coastal Act, the following Public Trust resource management policies of the State of California shall be adhered to:

a. Fishing: Facilities serving recreational fishing shall be identified and shall be protected and where feasible upgraded.

b. Scenic Resources: The scenic resources of public trust lands and resources shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect scenic views associated with public trust lands and resources.

c. Recreation: Areas suited for water-oriented recreational activities, that cannot readily be provided on other lands, shall be protected for such uses unless such uses would interfere with an existing public trust use that has not or does not adversely affect the resource or result in negative impacts to public trust uses or values.

The use of private lands, adjacent or integral to uses on public trust lands, suitable for recreational facilities designed to enhance public water-oriented recreation, shall have priority over private residential, general industrial or commercial development, but not over other appropriate public trust uses.

d. Marinas and Recreational Boating: Allow new recreational, commercial and marina developments only to the extent that, based upon a carrying capacity study, no significant negative impacts to public trust values, human, ecological or water quality, will result.

e. Public Access Provisions: Require public access to and along the shoreline in all new developments adjacent to such waterfronts consistent with statutory and constitutional requirements (Government Code Section 66478.1, et seq; Article X, Section 4 of the California Constitution; and Sections 6210.4 and 6210.5 of the Public Resources Code). Requirements for Public Access shall comply with Section 5.10 of the Zoning Ordinance. ~~A suggested public access plan would include the following provisions:~~

~~—dedication requirements to guarantee permanent access (e.g. dedication of fee, easement or deed restriction);~~

- ~~—a maintenance and operations plan specifying how accessways shall be maintained and operated and by what agencies;~~
- ~~—a priority acquisition element specifying the location of accessways for acquisition by in-lieu fees; and~~
- ~~—accessway standards consistent with state and federal law and state standards of agencies accepting jurisdiction for such accessways.~~

31. Adopt a Zoning Ordinance measure that requires development proposals to be planned in a manner to avoid removing trees, if feasible. At least two trees shall be planted for every one removed to accommodate development facilitated by the General Plan. The planting of trees shall be performed in a manner that protects public views to and along the ocean and scenic coastal areas, consistent with the visual resources policies of the LCP. Visually attractive native trees species, such as bishop pine and sargent cypress, shall be the preferred species used, as they require less water, herbicides, pesticides, and are valuable wildlife resources.

36. (a) The Opportunities and Constraints Map: Biological Resources and Trails. ~~Maps~~ depicting sensitive habitats of the General Plan area shall be updated to include all the riparian habitat in the area as well as associated north-facing slopes with coastal scrub vegetation. ~~This represents a more accurate description of the~~ North-facing slopes with coastal scrub vegetation shall be identified on the maps as habitat of the Point Arena Mountain Beaver. Riparian habitat along the entire length of Point Arena Creek within the city boundary shall be designated on the updated map, as well as the north-facing slopes south of the creek in the southeastern portion of the annexation area. A buffer zone for the Point Arena mountain beaver shall be designated in coordination with CDFG and the USFWS. Other riparian zones not represented on existing maps include two tributaries of Hathaway Creek: one in the north-central portion of the city and one in the northeastern corner of the annexation area. Riparian vegetation also exists along ephemeral drainage in the city that drain north to south into Point Arena Creek and shall also be mapped.

(b) All updates to this map or future maps shall be submitted to the California Coastal Commission for certification. All habitat maps shall include a note that states that "the maps may be updated as appropriate and may not include all areas that constitute ESHA."

37. Suburban development on SR-1 lots proposed for the northeastern portion of the annexation area shall be clustered in flatter, grassy areas or clustered in planned ~~unit residential~~ developments to reduce grading and cutting on slopes. Consideration shall be given to allowing planned development design based on the natural landform. The yield of the total land area would be one unit to the acre but the forested steep slopes and the riparian canyon bottom would be maintained in a natural state. In this fashion, the same number of residences could be built in the area while avoiding impacts of vegetation removal, wildlife habitat reduction, and potential impacts to sensitive species.

38. North-facing slopes south of Point Arena Creek in the annexation area is confirmed Point Arena Mountain Beaver habitat that shall be set aside for protection of the small populations of this sensitive species. Development proposed in this area, zoned for residential agriculture (two-acre lots), shall be reviewed vigorously to ensure conformance with policies of the General Plan and preservation of the populations of Point Arena mountain beaver that inhabit the area.

40. The City of Point Arena shall ~~seek to avoid, where possible,~~ developing any road crossings of Arena Creek. ~~Development of any road crossings of Arena Creek may require a streambed alteration agreement with the CDFG.~~

7. 8. LAND-USE CATEGORIES AND DESCRIPTIONS

(Page 13):

~~... Notwithstanding the listing of permissible and conditional uses set forth below under each land use category, the City Council may approve a proposed land use or activity regardless of whether the specific proposed use or activity is specifically listed in this general plan element. Prior to such approval the following findings must be made:~~

~~1. The proposed use is consistent with the intent of the California Coastal Act and the Point Arena General Plan;~~

~~2. The proposed use does not constitute the equivalent of a general plan amendment, in which case the process leading to an official amendment (a legislative act) must be followed;~~

~~3. The proposed use is consistent with the intent of the applicable zone in which the use or activity lies;~~

~~4. The proposed use is very similar to a use listed; and~~

- ~~5. The proposed use is in no way inconsistent with any other section of this General Plan or the Zoning Ordinance.~~
8. ***Table 1 on page 15 shall be deleted and "City of Point Arena 1980 & 2006 Land Use Classification – Acreage Comparison" completed by PlanWest in March 2006 shall be inserted.***
9. **(A) Agriculture Exclusive--(AE)**

Applies to properties which are to be reserved primarily for agricultural uses and associated structures, including the following uses by right:

Permissible uses by right

Single-family residence, if incidental to the agricultural use of the land and for the residence of the farmer or for employees engaged in the agricultural use of the land; farming, dairying and grazing; agriculturally-associated and necessary auxiliary buildings; keeping of animals; barns and greenhouses; one home occupation; stable; roadside stands

Maximum residential density by right: one dwelling unit on each twenty-acre parcel.

Minimum lot size: 20 acres.

By use permit

~~one additional second dwelling unit~~ not to exceed 1200 square feet of floor area for the owner's family, a farm working lessee or employees, which may be a mobile home or manufactured home subject to the Second Unit Ordinance and State Law and only where there is an existing single-family home; bed & breakfast inn; roadside stands used for the sale of agricultural products, provided the structures are temporary.

Septic system and wells are acceptable.

Properties in this land-use category are intended to be maintained in agricultural production in order to assure the area's agricultural economy and agricultural usage on a continuing basis. Conversion of agricultural lands to non-agricultural uses and removal of lands from the AE Zone shall be predicated on a conversion analysis and findings in accordance with provisions of the California Coastal Act provisions 30241, 30241.5, 30242, and 30243 and LUP Chapter X Section 2.5.

10. **(B) Residential Agriculture-Two Acres--(RA 2)**

Applies to properties suitable for limited agriculture and very low-density residential purposes on large lots. This land use designation also allows for buffer areas between exclusive agriculture areas and higher density residential areas, and including It includes the following permissible uses by right:

Permissible uses by right:

Dairying, farming, grazing, keeping of animals, barns, greenhouses, auxiliary buildings associated with and essential to agricultural uses; one dwelling unit, which may be a mobile home or a manufactured home; one home occupation.

Maximum residential density by right: one dwelling unit for each two-acre parcel.

Minimum lot size: two acres.

By use permit

bed and breakfast inns; animal hospital and kennel; commercial stable; ~~one additional dwelling unit one live-work space, not to exceed 1200 square feet one "granny" unit;~~ one second dwelling unit or one live-work space or one "granny" unit, not to exceed 1200 square feet subject to the City's Second Dwelling Unit Ordinance and State Law and only where there is an existing single-family home; residential care facility

Septic system and wells are acceptable.

11. **(C) Suburban Residential-One Acre--(SR 1)**

Applies to properties suitable for low-density residential development.

Permissible uses by right:

one dwelling unit, which may include a mobile or manufactured home; tot lot; one home occupation; truck gardening, small-scale farming and grazing; structures associated with truck gardening, small-scale farming and grazing including outbuildings and sheds not exceeding 1,000 square feet.

Maximum residential density by right: one dwelling unit for each one-acre parcel.

Minimum lot size: one acre, except for a Planned Residential Development (PRD) project, in which case lot and building site sizes may vary and be less provided the overall resulting density does not exceed the allowable density.

By use permit:

Bed and breakfast inns; live-work spaces/studios in-lieu of ~~a the one~~ permissible single-family house; churches; schools; libraries; day care centers; ~~one "granny" unit; or one second unit subject to the City's Second Dwelling Unit Ordinance and State Law and only where there is an~~ existing single-family home; one "granny" unit or one second dwelling unit subject to the City's Second Dwelling Unit Ordinance and State Law and only where there is an existing single-family home; shared living facility; rooming and boarding; residential care facility

Development proposals on lots (initial planning areas) of ten (10) acres or more or any 2 or more abutting parcels of less than 10 acres in the same ownership or under the same control which total 10 acres or more shall be processed as Planned Residential Developments (PRD).

Septic system and/or wells may be acceptable in lieu of connection to the city sewer system and to the water system only if in compliance with City ordinance(s) and Mendocino County Environmental Health regulations in effect at time of permit application.

12. 8.2. URBAN AREAS AND USES

...This ~~1994~~ 2001 General Plan provides for development opportunities that have not existed heretofore. They consist of allowing and fostering mixed commercial and residential uses, increasing the land area available for multiple-family housing, and opening up opportunities for expanding retail and commercial service uses within the Downtown and along Highway 1 at the north and south ends of the city...

13. (A) Urban Residential--(UR)

Suitable for single-family residential uses, including manufactured homes, individual mobile homes, and co-housing projects, in protected residential settings where both city-approved water and sewer services are provided or ~~will~~ shall be provided.

Permissible uses by right:

single-family residential units, including a manufactured home or mobile home; co-housing projects; one home occupation

Maximum residential density by right: one dwelling unit per 8625 square foot parcel (5.05 DU per acre).

Minimum lot size: 8625 square feet.

By use permit:

live-work spaces and studios in lieu of a permissible single-family dwelling; churches; schools; libraries; day care facilities; bed and breakfast inns; rooming and boarding; ~~one granny unit or a second dwelling unit where there is an existing single family home, in accordance with provisions of the City's second unit ordinance and State Housing Law and California Government Code Section 65852), which unit must be for rental purposes only;~~ one granny unit or a second dwelling unit where there is an existing single-family home, subject to the City's second unit ordinance and State Law; residential care facility

Development proposals on lots (initial planning areas) of ten (10) acres or more or any 2 or more abutting parcels of less than 10 acres in the same ownership or under the same control which total 10 acres or more shall be processed as Planned Residential Development (PRD) projects.

Connections to municipal water and sewer systems ~~are~~ shall be required. Appropriate and adequate water and sewer services as well as adequate roadway capacity must be demonstrated prior to approval of development in these areas.

14. **(B) Multi-Family Residential--(MR)**

Reserved and suitable for multi-family medium-density apartment developments, or mixed residential building types, including offices under certain circumstances, with city-approved water and sewer services and a high-level of residential design and amenities in residential settings.

Permissible uses by right:

All types of living units and residential building types, including shared living and co-housing facilities, and live-work spaces, except mobile home parks and mobile homes, in any mix, provided the maximum residential density limits are not exceeded; tot lots and mini parks; home occupations

Maximum residential density: One dwelling unit for each 5800 square feet of lot area (7.5 dwelling units per acre) which may include live-work spaces or any mix of single-family dwellings, multiple dwellings, town houses, duplexes or apartments, including manufactured housing.

Minimum lot size: 5800 square feet.

By use permit:

churches; schools; libraries; day care centers; inns, bed and breakfast inns and boarding houses; professional offices provided they do not exceed 50% of a project's total building floor area, subject to design standards that ensure a predominantly residential character throughout the development; nursing homes, hospices and convalescent hospitals.

Open Space Requirement:

Fifteen percent of each lot shall be reserved for use as Multi-Family Useable Open Space, in addition to required yards, and private decks and patios associated with a living unit, and in addition to required off-street parking, and in addition to any open space that may be set aside and not useable due to hazardous conditions or excessive slope.

Connections to municipal water and sewer systems ~~are~~ shall be required. Appropriate and adequate water and sewer services as well as adequate roadway capacity must be demonstrated prior to approval of development in these areas.

15. **8.3. COMMERCIAL AREAS AND USES**

(A) Core Commercial--(C)

Applies to urban core types of retail and consumer/professional service uses that are appropriate for the maintenance of the city's Downtown purposes and character and which will further the objective of strengthening Downtown as a viable commercial, business and cultural center. To achieve these objectives Downtown uses may also include a limited number of dwelling units, and shall include adequate off-street parking, including improved commercial or public parking lot with easy access from Main Street. It shall also be a public objective to maintain the unique and historic small-town character of the Downtown by maintaining and preserving the architecture, scale, building heights, and building designs of the area and by ensuring that new designs and renovations conform with an architectural style appropriate for Downtown and to respect the area's historic building resources and designs.

Permissible uses by right

general retail goods and services; offices; existing dwellings and dwelling units; public and quasi-public uses, services and facilities: restaurants; delis and food stores; visitor-serving facilities and services including but not limited to hotels, motels, hostels and inns; bed and breakfast inns; medical and dental offices and clinics; other small businesses if entirely enclosed; public or quasi-public library; churches; public offices and facilities; tot lots and mini parks; dance studios and fitness centers; art galleries; farmers' markets; flea markets

Commercial activities by use permit:

commercial and public parking facilities; restaurants with bars; second hand stores; brew pubs; small-scale vehicle repair and services; emergency shelter and transitional housing; commercial recreation and social halls; the outdoor display and sale of locally-produced or created arts and crafts; nursing homes and hospices.

Dwelling units by use permit:

Dwelling units of any type and mixture, including live-work spaces, but excluding mobile home parks and mobile homes, provided that (1) the full amount of required off-street parking for each use or activity is provided on site or fees in lieu thereof are paid in accordance with the City's Zoning Ordinance and schedule of fees in effect on the date of the use permit; (2) all yard, landscaping and screening requirements as set forth in the Zoning Ordinance are adhered to. The Planning Commission ~~may~~ shall require that a Comprehensive Development Plan be submitted for review and approval before any development consisting of dwelling units and/or multiple uses including live/work spaces begins.

The Planning Commission may deny applications for new dwelling units within the Core area if a finding is made that such units will not advance the principal purposes of the Downtown or are sited or designed in a fashion that is incompatible with the City's architectural design or historic preservation standards. The Planning Commission shall deny applications for new dwelling units within the Core area for any inconsistency with the provisions of the LCP, including, but not limited to a lack of appropriate and adequate water and sewage disposal services or traffic capacity to support the proposed development, or that the proposed development would displace present or future priority uses, inconsistent with Coastal Act Sections 30222, 30223, and 30255.

Connections to municipal water and sewer systems ~~are~~ shall be required. Appropriate and adequate water and sewer services as well as adequate

roadway capacity must be demonstrated prior to approval of development in these areas.

(B) Highway Commercial--(HWC)

Applies to areas requiring maximum exposure along Highway 1 on larger lots, with ease of access and all parking provided on site.

Minimum lot size and frontage: 10,000 square feet and 100 feet.

Permissible uses by right

all uses permitted by right in the C Commercial Core district plus small truck, vehicle, and boat sales; physical fitness facility; emergency shelters and transitional housing

By Use Permit

Very light goods production and assembly, and very light industrial uses, provided production, assembly, repair work and storage are enclosed and screened and are found not to negatively impact adjoining or nearby properties or become an eyesore to those travelling on Highway 1, nor impact negatively on adjoining commercial or residential properties, nor create any noticeable noise; vehicle storage and repair garages; mortuaries; nursing homes and convalescent hospitals; brew pubs; business parks; used vehicle sales; automobile and other vehicle services; hardware and lumber sales; social halls and commercial recreation, including bowling alleys; warehouses provided goods are largely stored within buildings and where stored outside are screened and landscaped; animal-care hospitals and clinics; short-term RV parks (RV timeshares are not permissible); comprehensively- planned mobile home parks and associated facilities; the production and sale of locally- manufactured or -created goods or crafts for sale to the passing public; farmers' markets.

Also by use permit, ~~or~~ in accordance with a Comprehensive Development Plan:

Multi-family dwellings of any type or mixture, including a mobile home park, provided that (1) said units occupy no more than 25% of the land area of any lot and the units are situated on the rear 40% of said parcel; (2) all required off-street parking is provided on site; (3) all yard, landscaping and screening requirements set forth in the Zoning Ordinance are adhered to; (4) for each residential project at least 15% of the residential project area is reserved for and improved as "multiple-family useable open space"; (5) the project density is no greater than 15 dwelling units per acre, which requires that for each dwelling unit there must be at least 2900 square feet of residential land area; and (6) a Comprehensive

Development Plan" for the entire parcel is submitted for review and approval before any development begins.

Connections to municipal water and sewer systems shall be required;
Appropriate and adequate water and sewer systems as well as adequate
roadway capacity shall be demonstrated prior to approval of the permit.

The Planning Commission shall deny applications for new dwelling units within the Highway Commercial area for any inconsistency with the provisions of the LCP, including, but not limited to a lack of appropriate and adequate water and sewage disposal services or traffic capacity to support the proposed development, or that the proposed development would displace present or future priority uses, inconsistent with Coastal Act Sections 30222, 30223, and 30255.

16. **8.4. SPECIAL AREAS**

(A) Harbor Commercial--(HC)

This area comprises Arena Cove and is suitable and is to be reserved for commercial activities in conjunction with commercial and recreational fishing and other coastal-dependent activities, including visitor-serving uses. It is also an area of exceptional environmental and ecological significance due to the joining of Arena Creek, the wetlands, the Ocean, the coastal bluffs, and the beach. It is also an area of significant economic and fiscal benefit to the city, and of historical and communitywide significance.

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided in the California Coastal Act, coastal developments shall not be sited in the wetland areas of Arena Cove. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced and shall be protected unless it is found written findings are made that present and foreseeable future the demand for the facilities that could be accommodated on the property no longer exists or adequate substitute space has been provided is already adequately provided for in the area. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry (Sec. 30234 California Coastal Act).

Permissible and Preferred Uses by right:

Boat launching and public facilities related to coastal dependent activities;
boat building and repair; retail sales or rentals of fishing supplies, scuba

supplies and surf-related sports supplies; purchasing, selling, and processing of fish and shellfish; coastal-dependent aquaculture facilities; visitor-serving uses already at the cove (24-room inn with mgr's. residence; 10-room bed and breakfast inn with mgr's. residence; two-story commercial building containing restaurants and gift shops).

Uses Subject to Securing a Use Permit or Comprehensive Development Plan approval:

Other visitor-serving uses: bed and breakfast inns; restaurants; restaurants with bar; cafes; hotels, motels and inns; campground; campground with short-term R/V use; short-term R/V park for seasonal uses (not to exceed a total of 44 RV spaces overall), with R/V timeshares being impermissible; housing units in each case for the owner or manager; art galleries; non-coastal-dependent aquaculture activities; gift and antique shops; City-managed public facilities; expansion of existing visitor-serving uses.

Land Use and Development Guidelines:

Uses are to be located and designed so as not to inhibit access to the ocean and riparian areas. Uses may include roads, trails, parks, and parking facilities. ~~Iversen and Port Road are to be widened and improved, and a bicycle path~~ shall be established on Iversen and Port Road to ensure the safety of pedestrians and bicyclists, provided it is consistent with the wetland and ESHA policies of the LCP and Section 30233 of the Coastal Act ~~for future road widening and a dedicated pathway/trail.~~ A small public park/picnic area near the creek, and a dedicated trail along the creek, shall be provided. The safety of pedestrians and bicyclists is to be ensured.

Uses shall be sited to ensure that they neither interfere with existing coastal-dependent uses nor preclude potential coastal-dependent uses in the Cove area. Generally, development in the flats near Arena Cove ~~should~~ shall not preclude coastal-dependent uses.

All federal, ~~and state,~~ and LCP regulations pertaining to wetlands and endangered species (if any) shall be adhered to and permits gained prior to any earth moving or site preparation or development.

Property owners and/or applicants ~~should~~ shall prepare and the City shall review for consistency with all applicable provisions of the LCP, and shall approve Comprehensive Development Plans for each parcel or all parcels in one ownership, before a coastal development permit for any new development is approved. ~~proceeds.~~

In the near future a Specific Plan shall be prepared by the City and shall serve as the City's policy statement and basis for public programs and the review of private development plans. The above guidelines shall be incorporated into the Specific Plan, and the Plan, upon adoption, shall govern all private and public actions within the HC area. The Specific Plan shall be submitted to the Coastal Commission for certification as an amendment to the LCP.

Connection to municipal water and sewer systems shall be required and the availability of adequate municipal water and sewer systems as well as adequate roadway capacity shall be demonstrated prior to approval of the permit.

17. (B) Industrial--(I)

This land use exists in order to accommodate non-nuisance industrial activities that are not suitable by virtue of their performance for location in commercial districts or proximate to living and tourist areas, and can be expected to contribute to Point Arena's economic development and tax revenues. All uses shall be by conditional use permit.

By use permit:

Because environmental quality concerns must be accommodated this plan provides that all uses are subject to obtaining a Conditional Use Permit, and that findings shall be required in each instance, in addition to the other required findings in Section 6.08 of the Zoning Ordinance, that the proposed development will not create any significant negative environmental impacts which can not be mitigated within the industrial area and upon surrounding areas, such as noxious or offensive emissions including noise, glare, dust, dirt, chemical pollutants; and that all manufacturing, repairing, and fabricating shall be enclosed in buildings; and that all equipment and materials storage areas shall be screened, except from other industrial use areas, by sight-obscuring fences, berms, or plant materials to a height of not less than six (6) feet.

Retail, professional service, and office uses should be excluded unless directly associated with an industrial activity.

Septic system and/or wells may be acceptable in lieu of connection to the city sewer system and to the water system only if in compliance with City ordinance(s) and Mendocino County Environmental Health regulations in effect at time of permit application, and the adequacy and availability of water supply and sewage disposal to serve the proposed use shall be substantiated prior to approval of the permit.

18. ~~(F) Special Planned Development (SPD)~~

~~The City Council may zone a property Special Planned Development SPD after a Development Agreement has been executed according to provisions of California Planning Law (Government Code Sections 65864 – 65869.5). The land use, density and other provisions of the Development Agreement shall be binding on both parties and on their heirs and assigns, and Development Agreements shall be recorded with the County Recorder and shall supersede all other agreements and zoning provisions that may have been in effect prior to execution and adoption of the agreement. Agreements shall be in conformity and consistent with the General Plan and other plans and ordinances in effect at the time of the agreement's execution and may shall require certification by the California Coastal Commission. The terms of the agreement shall be open and available to the public in city hall. The Zoning Map shall designate the properties so zoned. No action to amend any of the terms of an Agreement may be taken by the City without the mutual agreement of all other parties to the Agreement.~~

19. **8.5. SPECIAL NOTE**

Assessor's parcels # 027-081-18 and # 027-101-23 total approximately 16.30 acres. A maximum total of three (3) dwelling units may be permitted within this total acreage, subject to the execution of a mutually-binding Development Agreement (as defined in this General Plan and in California Planning Law) by the City and the property owner, and subject to the provisions of the Planned Residential Development Procedure and to the fifty percent open space requirement. Upon and shall require the execution and recording of the Development Agreement, this property shall be designated on the City's Zoning Map as Special Planned Development (SPD). The development of residential units and other developments shall require a coastal development permit and only development consistent with the Certified LCP may be approved.

20. Table 2 (page 28)
Table 2 on page 28 shall be deleted and "City of Point Arena 2006 LCP Amendment Residential Buildout Calculations" created by PlanWest in March 2006 (see exhibit 20) shall be inserted.

21. **9. PROJECT REVIEW PROCEDURES**

...In both cases land use and development plans are also subject to coastal development permit requirements, environmental review determinations according to the provisions of the California Environmental Quality Act (CEQA); design review by the City's Design Assistance Committee, according to Section

5.15 of the Zoning Ordinance; and geologic studies as specified in the Safety Element of this plan and in the Zoning Ordinance, and to site and development standards set forth in the Zoning Ordinance, Subdivision Ordinance, ~~and~~ other applicable city ordinances, and all other applicable provisions of the LCP...

22. **10. PLANNED RESIDENTIAL DEVELOPMENTS (PRD)**

This procedure shall be applied to any proposed development, including land divisions, on residential parcel ~~of that is~~ ten (10) acres or more, or where any two or more abutting parcels of less than ten acres are each in the same ownership or under the same control and total ten acres or more ~~and are found to be an integral part of any proposed development.~~ Owners of parcels less than ten acres may also apply for PRD approval.

PRD is an "overlay" land-use and zoning technique. It sets forth opportunities for the flexible application of development standards associated with zoning districts, and is a procedure for arriving at development permits for large project areas. It is to be complied with in connection with the underlying residential zones (SR, UR and MR) except that the Planning Commission may not require strict adherence to the zone's yard, set-back and building height limit and ~~other~~ minimum lot size requirements of the zone and is hereby authorized to encourage innovative mixtures of permissible land uses, building types, and site layouts.

The residential density limits established for the underlying zone shall remain in effect and may not be exceeded, although density bonuses for providing very-low, low- and moderate-income, and senior, housing units may be approved in accordance with provisions of California's codes governing density bonuses (Sections 65915 - 65918 of the Government Code) and Implementation Action No. 6 of Section 2 of Chapter 11 of the LUP. ~~and of the city's Housing Element.~~

...

Unimproved properties which are zoned SR, UR or MR and are ten acres or more in size or where any two or more abutting parcels of less than ten acres are each in the same ownership or under the same control and total ten acres or more shall be treated as Planned Residential Developments (PRD), in which case a Comprehensive Development Plan shall be prepared and approved as a prerequisite for filing a proposed Parcel Map, Tentative Subdivision Map, or Coastal Development Permit. A PRD designation "overlays" the underlying residential zone and signals that the following shall apply:

1. Residential densities (number of dwelling units per acre of land) shall be the same as in effect for the underlying zone, although lot sizes may vary
2. Common Open Space shall make up fifty (50) percent of the subdivision or development
3. Approved Comprehensive Development Plans may suffice in lieu of required use permits.

23. **11. COMPREHENSIVE DEVELOPMENT PLAN**

...The purpose of the Plan is to supply all of the relevant information about the property and the proposed uses and development as may be necessary for the public and the Planning Commission to evaluate the merits and consequences of the proposal. It is also intended to facilitate creative and flexible modifications of the adopted standards associated with the base zone of the Zoning Ordinance, provided that greater public benefits will be achieved by such modifications ~~deviations~~. Such benefits may include, but are not limited to, improved and innovative site and building designs, provisions for housing to meet special needs, provision of special amenities, and provisions for protecting valuable natural and coastal resources.

Comprehensive Development Plans are a part of the coastal development permit application, and may be ~~valid~~ approved only if found to be consistent with all policies and provisions of the General Plan and the Local Coastal Program. The Planning Commission may require that (1) both conceptual (generalized) plans and precise plans be submitted and approved; (2) development proceed in phases; (3) plan approval lapse within a reasonable period of time if the approved project is not initiated; (4) Development Agreements between the City and the property owner are signed and recorded...

24. **12. MEMO OF UNDERSTANDING ASSOCIATED WITH THE HAY ANNEXATION**

On April 13, 1990, the California Coastal Commission certified the successful completion of the City's Local Coastal Plan Amendment No. 1-89. This amendment, known as the "Hay Annexation", rezoned 20 acres located within the eastern-most boundary of the City limits and then annexed an additional 156 acres to it. In order to finalize the annexation/amendment, a Memo of Understanding (dated 11/14/89 with an amendment dated 2/27/90) was executed between the developer and the City which sets forth certain conditions necessary to ensure an orderly progression for development and infrastructure. The City hereby reaffirms its intent to uphold the terms of this Memo of Understanding.

The following policies shall apply to proposed development in the Hay annexation area:

12.1 Where required, the necessary extension of road, water, and sewer services within the Mill Street/Hay Annexation area shall be in two phases, as shown on Exhibit B of the Memo of Understanding City of Point Arena/Hay Annexation as amended dated January 10, 1990. Phase I includes: 13 acres of Urban Residential, 3 acres of Multifamily, and 20 acres of Suburban Residential Zoned lands. Phase II includes: 10 acres of Suburban Residential (1/2 acre minimum), 32.6 acres of Suburban Residential (1-acre minimum) and 62 acres of Residential Agriculture zoned lands. Phase 1 would commence upon approval by the City Council of necessary permits needed for construction of road and utility installations. Subdivision plans would be processed. Phase II can commence no earlier than 2 years from the commencement of Phase I and when the developer can provide verification that 50% of the Phase I site have been sold.

12.2 All lands and acreages described in the MOU and policy 12.1 above represent the maximum potentially allowable development, and neither the MOU nor Policy 12.1 represent an entitlement to develop. Any and all proposed development or development agreements in the Hay annexation area shall conform to all applicable provisions of the certified LCP.

12.3 All proposed developments in the Hay annexation area, including subdivisions, shall be processed according to the Planned Residential Development Process. While construction may proceed in phases as required by policy no. 12.1, approval of any development proposals and comprehensive development plans related to the Hay annexation area shall include plans for all lands in common contiguous ownership, and shall be processed at one time. A coastal development permit shall not be approved unless all residential lands in the Hay annexation area are included in a single proposed development, and unless the proposal conforms with all applicable provisions of the LCP.

25. 13. ANNEXATION OF THE COVE

To better serve the public interest the City shall research the possibility of annexing submerged lands totalling all water area within sight of the Pier running from the south point to the farthest north point in Arena Cove. The annexation will connect existing City boundaries from south to north on the City's western boundary. The City finds that annexation of this territory will improve protection of this natural resource, improve management of the harbor facilities and activities, and foster enforcement through City ordinances and by City personnel of boating and other activities within the cove. This annexation is recommended

by the State Lands Commission, which agency's approval is required prior to annexation taking effect. All proposed development on any submerged lands, tidelands, or on public trust lands in the Cove, whether filled or unfilled, shall obtain a coastal development permit from the Coastal Commission.

CHAPTER IV: ECONOMIC DEVELOPMENT ELEMENT

26. 4. POLICIES AND PROGRAMS TO PROMOTE ECONOMIC DEVELOPMENT

4. Develop Tourist Facilities. Encourage development and expansion or upgrading of tourist facilities, and opportunities, and prioritize lower cost visitor and recreational facilities, in the core area, along Highway 1 and at the Cove, including bed and breakfast inns in residential areas by use permit.

27. 5. PROVISIONS OF THE GENERAL PLAN PERTAINING TO ECONOMIC DEVELOPMENT

2. Directly related to the first policy/program is the "upzoning" of properties adjoining the Downtown core in order to establish a total of 20.86 acres of land for multi-family uses. Within this zone (MR) it would be possible to create multi-family structures at residential densities of ~~45~~ 7.51 units per acre, as well as combined residential and office projects. The purposes are to "redevelop" now undeveloped parcels or parcels currently developed at less than their full potential by increasing the economic incentive to do so, and to establish over time a residential and working population within walking distance of Downtown, which population will enliven the core with new activity, increase local in-town buying power and property values, and minimize the home-to-work commute.

4. Home occupations, often essential for some people's livelihood, will continue to be permitted in residential districts provided no negative environmental or coastal resource impact or parking problems will result, and provided the home occupation in no way changes the predominantly residential character, appearance, peace, quiet or tranquility of the residential neighborhood.

6. Coastal-dependent activities with an emphasis on fishing and the harvesting and processing of ocean products, coastal- dependent commercial and public recreation, and related activities, including lower cost overnight accommodations, are encouraged and permitted within the Harbor Commercial (HC) zone at the Cove. Further changes in land forms, Arena Creek, and the wetlands shall be subject to City LCP policies and regulations, and may be subject to federal and state wetlands and endangered species acts.

CHAPTER V: TRAFFIC AND CIRCULATION ELEMENT

28. 3.2. Parking Policies and Programs

7. New developments in the cove area shall be required to provide off-street parking to serve the approved use in order to minimize impacts to public parking available for coastal access and recreation and in order to distribute parking throughout the area.

29. 3.3. Street Capacity Policies and Programs

6. Traffic studies shall be required for all major development proposals and may be required at the discretion of the city under other circumstances where there may be significant effects on the street system overall and including but not limited to whenever the City processes Planned Residential Development (PRD) or ~~Planned C-~~commercial development proposals or tentative subdivision maps or when any proposal would potentially increase a Level of Service. Traffic studies shall identify, as a minimum:

(a) the amount of traffic to be added to the system by the proposed development

(b) other known planned projects and their effects on the street system

(c) the direct, indirect, and cumulative adverse impacts of project traffic on street system operations, ~~and safety,~~ and public access to the coast.

(d) mitigation measures necessary to provide for project traffic while maintaining city level-of-service standards

(e) the responsibility of the developer to provide improvements

(f) the timing of all improvements.

7. Direct, indirect, and cumulative adverse impacts to Highway 1 capacity in the rural areas surrounding Point Arena shall be considered during the review of proposed LCP amendments that would increase density or change land use classifications to ensure that Highway 1 in rural areas remains a scenic two-lane road.

30. 3.4. Street Network Completion Policies and Programs

1. Development of a north-south collector street between Port Road and State Route 1, and development of an alternative access road to Arena Cove from Highway 1 north should be pursued if technically and financially feasible, and if consistent with the policies of the certified LCP, including but not limited to the wetland and ESHA policies.

3. Port Road is very narrow and should be widened from the intersection of Port Road and Iversen westward, and the junction at State Route 1 should be improved immediately. Any and all improvements to Port Road shall be consistent with the policies of the LCP, including, but not limited to the ESHA and wetland fill policies.

4. "Devil's Cutoff" and/or "Harper Easement" should be improved sufficiently to allow emergency access to and from Arena Cove in a manner consistent with the policies of the certified LCP, including, but not limited to, the wetland and ESHA policies.

31. 3.5. Non-Motorized Transportation Policies and Programs

4. Improvement of a pedestrian walkway within the right-of-way along Port Road/Iversen Avenue to and from the Cove should receive initial priority attention. Any and all improvements to the pedestrian walkway within the right-of-way along Port Road shall be consistent with LCP ESHA policies, including, but not limited to, those policies governing wetland fill.

32. 4. IMPLEMENTATION OF THE TRAFFIC CIRCULATION ELEMENT

5. The City shall ~~assess the feasibility of, and possibly~~ implement the following measures:

a. Require traffic studies for all new development ~~contributing 50 peak hour traffic trips to Main Street, School Street, or any intersection of State Route 1,~~ except for an application for one single family residence, and including but not limited to, whenever the City processes Planned Residential proposals or tentative subdivision maps or when any proposal would potentially increase a Level of Service or where there would be significant direct, indirect, or cumulative impacts to Highway One traffic capacity in rural areas north and south of the City.

b. Require new development to pay a pro-rata share of all traffic improvements needed as a result of project implementation.

c. Apply to all future transportation projects, where applicable, the recommended mitigation measures outlined in the State Route 1 Corridor Study for the County of Mendocino, prepared by TJKM Transportation Consultants.

CHAPTER VI: OPEN SPACE AND CONSERVATION ELEMENT

33. 4. OPEN SPACE AND CONSERVATION GOALS:

5. To protect all sensitive and endangered habitats ~~of significance from unnecessary or unacceptable changes~~, grading, diking, dredging, filling and development, and from water and air pollutants.

34. 5. OPEN SPACE AND CONSERVATION POLICIES

4. The City shall protect the non-developed flat areas of Arena Cove as a flood basin, wildlife habitat, and critical link in the Arena Creek life-chain, insofar as possible given the objective of enhancing the area's economic development potential. Any portions of this area that are environmentally sensitive habitat areas (ESHAs) as defined in Section 30107.5 of the Coastal Act shall be subject to the policies and standards of the certified LCP regarding the protection of ESHA.

8. ~~No uses or development~~ Only resource dependent uses such as public nature trails shall be allowed within the riparian corridor of any stream or creek except those which can be found to be compatible with protection of said waterways, such as agriculture, grazing, hiking and related recreation, provided that (1) the length of the trail within the riparian corridor shall be minimized, (2) the trail crosses the stream at right angles to the maximum extent feasible, (3) the trail is kept as far up slope from the stream as possible, (4) trail development involves a minimum of slope disturbance and vegetation clearing, and (5) the trail is the minimum width necessary. Development in areas adjacent to environmentally-sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

10. The City shall strive to stabilize where necessary the banks of Arena Creek and ensure a continuous strip of native vegetation along the creek, through direct city actions and by regulating private developments, consistent with LCP policies, including but not limited to the LCP wetland and ESHA policies.

13. Riparian buffer areas shall be maintained to preserve and protect the valuable wildlife habitats provided by riparian areas (riparian corridors) along

streams and creeks shown on the official General Plan maps, as well as unmapped streams and creeks that meet the definition of an environmentally sensitive habitat area (ESHA). Uses and use restrictions pertaining to riparian buffers shall be regulated by Sections 5.22 and 5.23 of the Zoning Ordinance, and pre-existing non-conforming uses and structures may continue in the buffer area, be permitted, but no additions that may encroach upon the buffer area shall be permitted, with the following exception:

a. accessory structures located at the City's waste water reclamation facility situated entirely within the developed, fenced area subject to securing a coastal development permit consistent with all other applicable provisions of the certified LCP.

16. The City shall ensure that new development proposals include provisions for public parks and/or recreation facilities, the need for which must be found to be generated by the new development and intended to serve the development, and ~~may shall~~ be open to the public.

24. ~~No building should~~ development may be situated closer to a cliff edge along an ocean bluff than is absolutely safe, ~~normally not closer than 100 feet, and~~ such development may only be approved if it will not engender the need for a shoreline protective device.

25. ~~If a determination is made that any lands at the Cove are "wetlands" as defined by federal or state statutes,~~ The City shall be obliged to advise affected property owners in the Cove that any proposed development is subject to securing a coastal development permit, and they may be required to conduct a wetland delineation. If wetlands are discovered, they shall be required to obtain the appropriate federal and/or state permits, as well as a Coastal Development Permit, prior to undertaking any earth moving, diking, dredging, land alterations, re-vegetation, fill or other development activity, ~~and that they~~ In addition, all property owners shall comply with all of the policies and standards of the certified LCP, including but not limited to the General Plan's wetland policies, and if the wetland is also an environmentally sensitive habitat area (ESHA), they shall also comply with the General Plan's ESHA policies and Sections 5.22, 5.23 and 5.27 of the City's Zoning Ordinance. regarding required mitigation measures.

Furthermore, the marine environment of Point Arena shall be governed by Coastal Act Policies, particularly Section 30233, which shall hereby be incorporated into this document by reference. The requirements of Section 30233 are detailed in Chapter X Section 2.3.

~~28. On shore facilities within the limits of Point Arena which support off shore oil and gas exploration and development shall be prohibited, except upon a positive vote of the electorate. (City Ordinance # 124). The City shall require a general plan amendment for any proposed on-shore facility to support off-shore oil and gas exploration or development. Any such amendment shall not be effective until a majority of the voters in Point Arena, in a general or special election, approve the proposed amendment, unless such amendment is approved by the Coastal Commission pursuant to Section 30515 of the Coastal Act.~~

~~29. As a condition of approval for any development the landowner shall offer to dedicate a strip of land for public access in the form of a twenty five (25) foot easement along any trail depicted on the official General Plan maps or Zoning Map, in accordance with Section 6.10 5.10 of the Zoning Ordinance.~~

29. Consistent with Section 5.10 of the Point Arena Zoning Ordinance, the City of Point Arena shall require a 25-foot-wide easement along all trails designated on the Opportunities and Constraints Map as a condition of approval to mitigate impacts of development that would require a coastal development permit where such impacts cannot be avoided. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the City. Offers of dedication shall last for a period of 21 years from the date of recordation of the offer.

...

32. The City shall establish the following system of interconnecting trails and pathways (also see the Land-Use and Development Map and the Opportunities and Constraints Map) in a manner consistent with LCP policies, including but not limited to the LCP wetland and ESHA policies:

- a. From Downtown to Harper Park
- b. From Harper Park to the Cove
- c. Along Devil's Cutoff
- d. From School Street to Harper Park
- e. From the Hay Annexation to Downtown
- f. Along the bluffs, and connecting to the system, as

shown on said map

33. The City shall Facilitate or support establishment of the following trails within county territory:

- a. Mote Creek to the Cove
- b. The Cove to the Lighthouse

34. The City shall maintain the very-low building density, scenic qualities and open space character of the bluff tops north and south of Arena Cove.

35. The City shall adopt a Zoning Ordinance measure that requires development proposals to be planned in a manner to avoid removing trees, if feasible. At least two trees shall be planted for every one removed to accommodate development facilitated by the General Plan. The planting of trees shall not block public views to the ocean, consistent with the visual resources policies of the LCP. Visually attractive native trees species, such as bishop pine and sargent cypress, shall be the preferred species used, as they require less water, herbicides, pesticides, and are valuable wildlife resources.

36. New development shall (a) be sited and designed to protect views to and along the ocean and scenic coastal areas (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of surrounding areas.

Move the following policy from Section 6 “action programs,” as modified:

37. Suburban development on SR-1 lots proposed for the northeastern portion of the annexation area shall be clustered in flatter, grassy areas or clustered in planned residential developments to reduce grading and cutting on slopes. Consideration shall be given to allowing planned development design based on the natural landform. The yield of the total land area would be one unit to the acre but the forested steep slopes and the riparian canyon bottom would be maintained in a natural state. In this fashion, the same number of residences could be built in the area while avoiding impacts of vegetation removal, wildlife habitat reduction, and potential impacts to sensitive species.

Add the following policy:

38. New development shall protect and preserve archaeological and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.

Move the following policy from Section 6 “action programs,” as modified:

39. The City shall require a determination of the significance of all archaeological finds discovered during development activity to determine appropriate actions taken.

Add the following policies:

40. Coastal Development Permits for new development within archaeologically sensitive areas shall be conditioned upon the implementation of appropriate mitigation measures:

If there is the potential that prehistoric traces such as human remains, artifacts, or concentrations of shell, bone, or ash may be encountered during development activity, the City shall require the following actions be taken as a condition of any CDP approval:

a. All construction activities on the project site shall be halted and the Planning Commission and a qualified archaeologist shall be consulted immediately. Prompt evaluation of the importance of the find shall be made and the proper course of action, acceptable to all parties concerned, shall be adopted.

b. If human remains are encountered, the county coroner and the Mendocino County Archaeological Commission shall be contacted immediately. If the county coroner or archaeological commission officials determine that the remains are those of a Native American, local representative Native American organizations shall be consulted as to courses of action.

41. New development on sites identified as archaeologically sensitive shall include on-site monitoring of all grading, excavation and site preparation that involve earth moving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).

35. 6. ACTION PROGRAMS

Delete the following from the action program section, which have been added to the policy section above:

~~2. Establish the following system of interconnecting trails and pathways (also see the Land Use and Development Map and the Opportunities and Constraints Map):~~

- ~~a. From Downtown to Harper Park~~
- ~~b. From Harper Park to the Cove~~

- ~~— c. Along Devil's Cutoff~~
- ~~— d. From School Street to Harper Park~~
- ~~— e. From the Hay Annexation to Downtown~~
- ~~— f. Along the bluffs, and connecting to the system, as~~
- ~~— shown on said map~~

~~3. Facilitate or support establishment of the following trails within county territory:~~

- ~~— a. Mote Creek to the Cove~~
- ~~— b. The Cove to the Lighthouse~~

9. Prepare a "Habitat Conservation Plan" for the Point Arena Mountain Beaver in accordance with the provisions of the US Endangered Species Act, for Coastal Commission certification as an LCP amendment, which includes specifications governing the issuance of permits where endangered species habitats are determined to be included in or affected by a proposed development; and enforce Section 6.25 5.13, 5.22, 5.23, 5.24, and 5.27 of the City's Zoning Ordinance which requires mitigation measures in wetlands and sensitive habitat areas. governs development in and adjacent to environmentally sensitive habitat areas.

10. Establish a process whereby a project proponent is notified that that in addition to obtaining a coastal development permit a "Stream Bed Alteration Permit" must be obtained from the California Department of Fish and Game prior to commencing any development project that may alter any stream, and that such development shall be consistent with the Local Coastal Program.

Delete the following from the action program section, which has been added to the policy section above:

~~11. Maintain the very low building density, scenic qualities and open space character of the bluff tops north and south of Arena Cove.~~

13. Adopt specific regulations and procedures governing dredging, diking, damming, channelization, filling or similar activities within any floodplain or stream in the city, the proposals for which shall be subject to securing a Coastal Development Permit and to Sections 5.13, 5.23, and 5.27 of the City's Zoning Ordinance and all other applicable policies of the LCP.

Delete the following from the action program section, which have been added to the policy section above:

~~16. Adopt a Zoning Ordinance measure that requires development proposals to be planned in a manner to avoid removing trees, if feasible. At least two trees shall be planted for every one removed to accommodate development facilitated by the General Plan. Visually attractive native trees species, such as bishop pine and sargent cypress, shall be the preferred species used, as they require less water, herbicides, pesticides, and are valuable wildlife resources.~~

~~18. New development shall (a) be sited and designed to protect views to and along the ocean and scenic coastal areas (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of surrounding areas.~~

19. (a) Maps depicting sensitive habitats of the General Plan area shall be updated to include all the riparian habitat in the area as well as associated north-facing slopes with coastal scrub vegetation. ~~This represents a more accurate description of the~~ North-facing slopes with coastal scrub vegetation shall be identified on the habitat maps as habitat of the Point Arena Mountain Beaver. Riparian habitat along the entire length of Point Arena Creek within the city boundary shall be designated on the updated map, as well as the north-facing slopes south of the creek in the southeastern portion of the annexation area. A buffer zone for the Point Arena mountain beaver shall be designated in coordination with CDFG and the USFWS. Other riparian zones not represented on existing maps include two tributaries of Hathaway Creek: one in the north-central portion of the city and one in the northeastern corner of the annexation area. Riparian vegetation ~~also exists~~ along ephemeral drainages in the city that drain north to south into Point Arena Creek shall also be mapped.

(b) Updated habitat maps shall be submitted to the California Coastal Commission for certification. All habitat maps shall include a note that states that "the maps may be updated as appropriate and may not include all areas that constitute ESHA."

Delete the following from the "action program" section, which has been moved to the policy section above:

~~20. Suburban development on SR-1 lots proposed for the northeastern portion of the annexation area shall be clustered in flatter, grassy areas or clustered in planned unit developments to reduce grading and cutting on slopes. Consideration shall be given to allowing planned development design based on the natural landform. The yield of the total land area would be one unit to the acre but the forested steep slopes and the riparian canyon bottom would be maintained in a natural state. In this fashion, the same number of residences could be built in the area while avoiding impacts of vegetation removal, wildlife habitat reduction, and potential impacts to sensitive species.~~

~~23. The City of Point Arena shall seek to avoid, where possible, developing any road crossings of Arena Creek. Development of any road crossings of Arena Creek may require a streambed alteration agreement with the CDFG.~~

Delete the following from the "action program" section, which have been added to the policy section above:

~~24. The City shall require a determination of the significance of all archaeological finds discovered during development activity to determine appropriate actions taken.~~

~~25. In the event that prehistoric traces such as human remains, artifacts, or concentrations of shell, bone, or ash are encountered during development activity, the City shall require the following actions be taken:~~

~~a. All construction activities on the project site shall be halted and the Planning Commission and a qualified archaeologist shall be consulted immediately. Prompt evaluation of the importance of the find shall be made and the proper course of action, acceptable to all parties concerned, shall be adopted.~~

~~b. If human remains are encountered, the county coroner and the Mendocino County Archaeological Commission shall be contacted immediately. If the county coroner or archaeological commission officials determine that the remains are those of a Native American, local representative Native American organizations shall be consulted as to courses of action.~~

CHAPTER VII: COMMUNITY HEALTH AND SAFETY

36. 3. COMMUNITY SAFETY POLICIES AND PROGRAMS

Add the following policies:

1. New development shall:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

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

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

2. All proposed land divisions, including lot line adjustments, shall be prohibited unless potential future development on all proposed parcels can be demonstrated to be safe from flooding, erosion, and geologic hazards and will be provided with a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.

37. 3.1. Seismic Safety Policies and Programs

3. The City shall avoid placement of critical facilities and habitable structures in areas prone to ground failure during an earthquake or within areas subject to Tsunami wave run-up.

4. The City shall prepare a more detailed Seismic Safety sub- element that translates general plan seismic safety policies into specific programs, mitigation measures, and specifications... largely with respect to potentially seismically-hazardous buildings constructed prior to enactment of codes requiring earthquake-resistant design. The sub-element shall be submitted to the Coastal Commission as an LCP amendment for certification.

5. The City shall determine the precise location and map the Hathaway Creek Fault as generally shown on the "Natural Hazards" Opportunities and Constraints Map of the General Plan. The City shall ~~and~~ require site-specific qualifying engineering studies for all new construction within ~~the~~ any fault zone. The map shall be submitted to the Coastal Commission as an LCP amendment for certification.

Add the following policies:

6. The City shall review local- and distant-source tsunami inundation maps for Point Arena and adjacent coastal communities as they are developed to identify susceptible areas, plan evacuation routes or location suitable for vertical evacuation and make evacuation plans available to all emergency responders and other appropriate parties.

7. The City shall identify and map potential tsunami inundation zones for land use planning. Maps should identify generalized tsunami inundation zones on a probabilistic basis (e.g., 100-year event). These maps shall be submitted to the Coastal Commission for certification.

8. The City shall periodically review and update tsunami preparation response policies/practices to reflect current inundation maps and design standards, and submit these updated policies to the Coastal Commission for certification.

9. If new development is proposed within a potential tsunami inundation zone as identified by policy nos. 6 and 7, the City shall require a site-specific hazard analysis for a 100-year tsunami event. Where feasible, development shall be sited outside of the area identified as a tsunami inundation zone in the site specific wave runup analysis.

10. If it is not feasible to site new development outside of tsunami inundation zones identified by the site-specific analysis required in policy no. 8, development shall be located and designed to minimize tsunami losses and damage.

11. The City shall avoid where feasible siting new critical facilities, including fire and police stations and hospitals in tsunami inundation zones. If it is necessary to site such facilities in tsunami inundation zones to provide adequate population protection, new critical facilities shall be located and configured to be functional immediately after a 100-year tsunami event.

12. The City shall develop a local response plan and/or participate in any regional effort to develop and implement workable response plans for distribution of information on tsunami alerts, watches, and warnings, to appropriate emergency responders and City personnel.

13. The City shall include tsunami evacuation route information as part of any overall evacuation route sign program implemented in the City. Evacuation routes should be clearly posted. An evacuation route traffic monitoring system that provides real-time information on the traffic flow at critical roadways should be considered.

14. The City shall develop and implement a tsunami educational program for residents, visitors, and people who work in the susceptible areas.

15. The City shall require that overnight visitor-serving facilities in susceptible areas to provide tsunami information and evacuation plans.

38. ***All “Unstable” (i.e. Santa Lucia) soils shall be depicted on the Opportunities and Constraints Map: Natural Hazards***

39. 3.2. Flood Hazard Policies and Programs

~~2. The City shall regulate land uses in flood-prone areas and should allow development within such areas only when appropriate mitigation measures that reduce potential hazards to acceptable levels are assured.~~

2. Buildings within floodprone areas subject to inundation or erosion shall be prohibited unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.

40. 3.3. Slope Stability Policies and Programs

~~1. The City shall continue to require soil and geologic investigations as required in Sections 5.20 and 5.21 of the City's zoning ordinance prior to the commencement of grading or development. Applications for new development, where applicable and as required in the Sections 5.20 and 5.21 of the City's ordinance, shall include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be conducted by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE). Both on-site and off-site hazardous impacts should shall be considered.~~

3. The City ~~will~~ shall encourage clustering of developments away from areas unsuitable for development because of slope instability problems.

4. Replanting of non-invasive vegetation following development ~~may~~ shall be required on slopes prone to instability, and drought –resistant non-invasive plants shall be used for landscaping slopes where excessive watering might induce landslides or erosion.

Add the following policies:

5. On ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where an adequate factor of safety can be provided, consistent with the applicable provisions of Section 5.21 of the City's zoning ordinance.

6. The remediation or stabilization of landslides that affect existing structures or that threaten public health or safety may be permitted. Alternative remediation or stabilization techniques shall be analyzed to determine the least environmentally damaging alternative. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts

to resources.

7. Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 40 percent (2.5:1), except that driveways and/or utilities may be located on such slopes, where there is no less environmentally damaging feasible alternative means of providing access to a building site, provided that the building site is determined to be the preferred alternative and consistent with all other policies of the LCP.

8. New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

8.5 New development shall: (1) avoid creating concentrated runoff, particularly over steep slopes and bluff faces, by installing energy dissipating devices, (2) create drainage swales, detention, and retention basins, (3) control the timing and manner of new construction so that there are no bare soil slopes during the rainy season.

9. All swimming pools proposed near coastal bluffs and within 100 feet of fault zones shall contain double wall construction with drains and leak detection systems.

10. New development on or along the shoreline or a coastal bluff requiring on-site waste disposal systems shall site systems as far landward as possible in order to avoid the need for protective devices to the maximum extent feasible.

11. New development in the cove or on an oceanfront bluff shall be sited outside areas subject to inundation or wave uprush at any time during the full projected 75-year economic life of the development. If complete avoidance of hazard areas is not feasible, all new cove or oceanfront bluff development shall be elevated above the base Flood Elevation (as defined by FEMA) and setback as far landward as possible. All development shall be setback a minimum of 10 feet landward of the most landward surveyed mean high tide line. Whichever setback method is most restrictive shall apply. Development plans shall consider hazards currently affecting the property as well as hazards that can be anticipated over the life of the structure.

12. All new development located on a blufftop shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 75- year economic life. Stability shall be defined as maintaining a minimum factor of safety against sliding of 1.5. This requirement shall apply to the principle structure and

accessory or ancillary structures. Ancillary structures such as decks, patios and walkways that do not require structural foundations may extend into the setback area to a minimum distance of 15 feet from the bluff edge. Ancillary structures shall be removed or relocated landward when threatened by erosion. Slope stability analyses and erosion rate estimates shall be performed by a licensed Certified Engineering Geologist or Geotechnical Engineer.

13. All new ocean-front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach and bluff erosion hazards without requiring a shoreline protection structure at any time during the life of the development.

14. As a condition of approval of new development on a vacant ocean-front or blufftop lot, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed to not require a shoreline protection structure as part of the proposed development or at any time during the life of the development, the property owner shall be required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235.

15. No permanent structures shall be permitted on a bluff face, except for engineered stairways or accessways to provide public beach access. Such structures shall be constructed and designed to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.

16. Existing shoreline protection structures which do not conform to the provisions of the LCP may be repaired and maintained to the extent that such repairs and/or maintenance conform to the provisions of Title 14 CCR Section 13252 and Section 6.11(B)(5) of the Zoning Ordinance.

17. Land divisions, including subdivisions, lot splits, lot line adjustments, and certificates of compliance which create new shoreline or blufftop lots, shall not be permitted unless the subdivision can be shown to create lots which can be developed without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time during the full 75-year life of the development.

18. Siting and design of new shoreline development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 75-year economic life of the structure.

41. 3.4. Fire Protection Policies and Programs

3. An adequate and safe supply of water to meet firefighting needs shall be ensured. The city ~~should~~ shall allow new development only in areas where adequate water supply and pressure for fire suppression is available, in accordance with applicable fires safety regulations.

4. When brush clearance is required for fire safety, brushing techniques that minimize impacts to native vegetation, ESHA and that minimize erosion, runoff, and sedimentation shall be utilized.

5. Applications for new development, which require fuel modification, shall include a fuel modification plan for the project, prepared by a landscape architect or resource specialist that incorporates measures to minimize removal of native vegetation and to minimize impacts to ESHA, while providing for fire safety, consistent with the requirements of the applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division.

42. 6. WATER SUPPLY AND WATER QUALITY POLICIES AND PROGRAMS

Modify paragraph 3 as follows:

Under the current water permits, a maximum of 1,385 people may be served (90,000 gallons per day maximum at 65 gallons per person). ~~By reducing the Urban Residential (UR) and Multi-Family Residential (MFR) zoning density and recognizing that all zones are not required to connect to city water, water supply will be sufficient to accommodate buildout....~~

A. The following policies governing the supply, and delivery ~~and quality~~ of water shall apply:

Add the following policies:

12. New water wells shall minimize individual and cumulative adverse impacts on groundwater, streams, springs, or seeps, and their associated riparian habitats.

13. The construction of a new water well may only be permitted where it will not have significant adverse individual or cumulative impacts on groundwater, streams, or ESHA.

43. ***The following water quality policies shall be added Chapter VII, Section 6, after policy 13 (above):***

B. The following policies governing water quality shall apply:

Minimize Introduction of Pollutants and Increases in Runoff

1. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) to the maximum extent practicable.

2. Development shall be designed and managed to minimize increases in runoff volume and peak runoff flow rate, to avoid detrimental water quality impacts caused by excessive erosion and sedimentation.

3. Consistent with section 30230 and 30231 of the Coastal Act, development shall not result in the degradation of coastal waters caused by the introduction of pollutants, or by changes to the landscape that adversely impact the quality, quantity, and flow dynamics of coastal waters. Development shall not discharge runoff in a manner that adversely impacts the biological productivity and the quality of coastal waters appropriate to maintain optimum populations of marine organisms and protect human health.

Coastal Act Policies:

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health

shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Incorporate Site Design and Source Control BMPs; add Treatment Control BMPs as Required

4. All development shall incorporate Site Design and Source Control Best Management Practices (BMPs) to the maximum extent practicable, to minimize polluted runoff and water quality impacts resulting from the development. BMPs shall be selected to mitigate both construction-phase and post-construction water quality impacts. Where required (see 4.3), structural Treatment Control BMPs shall supplement Site Design and Source Control BMPs as necessary to protect coastal water quality.

The definitions of Site Design, Source Control, and Treatment Control BMPs are as follows:

Site Design BMPs: Project design features that reduce the generation of pollutants or reduce the alteration of natural landscape features that protect water quality (e.g., minimizing impervious surfaces, or minimizing grading).

Source Control BMPs: Practices that reduce the entrainment of pollutants in runoff (e.g., covering trash receptacles, or minimizing the use of landscaping chemicals and irrigation).

Treatment Control BMPs: Structural systems designed to remove pollutants from runoff (using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, biological process) and/or to reduce runoff volume and peak flow rates (using systems such as grassy swales, infiltration basins, detention ponds, or dry wells).

5. The selection of appropriate BMPs to protect water quality shall be guided by the California Stormwater Quality Association (CASQA) *Stormwater BMP Handbooks* dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development.

6. All development shall be evaluated by the City during the Coastal Development Permit (CDP) review process for potential adverse impacts to water quality. The applicant shall submit information that details how Site Design and Source Control BMPs will manage or mitigate polluted runoff and water quality

impacts resulting from the development, consistent with Zoning Ordinance Section 5.33. These proposed measures shall be submitted for review and approval as part of the CDP application, or prior to issuance of the CDP.

7. All Coastal Development Permit approvals shall include conditions requiring the continued application, inspection, and maintenance of required BMPs as necessary to ensure their effective operation for the life of the development.

Developments of Special Concern

8. Certain categories of development have a greater potential for adverse coastal water quality impact, due to the development size, type of land use, or proximity to coastal waters. A development in one or more of the following categories shall be considered a Development of Special Concern, and shall be subject to additional requirements (see Policy 9, below) to protect coastal water quality:

Developments of Special Concern:

- a. Housing development of ten units or more
- b. Hillside residential development on slopes > 20 percent (as indicated on the "Natural Hazards" Opportunities and Constraints Map) Industrial developments
- c. Commercial development if such development creates more than 5,000 square feet of impermeable surface or increases the impermeable surface on the property by more than 10%
- d. Retail gasoline outlet or automotive service facility
- e. Restaurant
- f. Parking lot of 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces
- g. Re-development project that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site Commercial or industrial outdoor storage area
- h. All development within 200 feet of the Pacific Ocean, or of a stream or river (including Point Arena Creek and Hathaway Creek), or discharges directly to a surface water (including wetlands, streams, or other coastal waters), if such development creates more than 2,500 square feet of impermeable surface or increases the impermeable surface on the property by more than 10% Development that discharges directly to the Pacific Ocean

9. All Developments of Special Concern (as identified in Policy 8, above) shall be subject to the following three additional requirements to protect coastal water quality:

a. The applicant for a Development of Special Concern shall be required to submit a Water Quality Management Plan (WQMP), certified by a California Registered Civil Engineer, estimating increases in pollutant loads and runoff flows resulting from the proposed development, and detailing the BMPs that will be implemented to minimize post-construction water quality impacts.

b. If the combination of Site Design and Source Control BMPs proposed for a Development of Special Concern is not sufficient to protect water quality, structural Treatment Control BMPs shall also be required. The Treatment Control BMPs to be implemented will be specified in the WQMP.

c. Structural Treatment Control BMPs required for Developments of Special Concern shall be sized according to the following numerical design standard:

Where structural BMPs are required for post-construction treatment of runoff, structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

10. In addition to all other applicable water quality requirements, developments with land use activities that have a high potential for generating pollutants shall be required to incorporate BMPs to address the particular pollutants of concern. For example:

a) Require parking lots to incorporate BMPs to minimize runoff of oil, grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to receiving waters.

b) Require commercial developments to incorporate BMPs to minimize polluted runoff from structures, landscaping, parking areas, repair and maintenance areas, loading /unloading areas, and vehicle/equipment wash areas.

c) Require automotive service stations, car washes, and vehicle repair facilities to incorporate BMPs to minimize runoff of oil, grease, solvents, car battery acid, coolant, gasoline, and other pollutants to the stormwater conveyance system from areas including fueling areas, repair and maintenance areas, loading/unloading areas, and vehicle/equipment wash areas.

d) Require restaurants to incorporate BMPs to minimize runoff of oil, grease, solvents, phosphates, suspended solids, and other pollutants.

- e) Require outdoor material storage areas to be designed (e.g., with a roof or awning cover) to minimize runoff of toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants.
- f) Require roof or awning covers over trash storage areas to minimize off-site transport of trash and other pollutants.

Other Land Use Activities

11. New development shall be encouraged to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers), and thus reduce polluted runoff. New commercial development shall be required to use native plant species for all landscaping.

12. Development shall be sited and designed to avoid, where feasible, construction on areas particularly susceptible to erosion, such as steep slopes. Development in these areas shall incorporate both construction and post-construction BMPs to reduce erosion and sedimentation.

Municipal Activities

14. The City should promote both the protection of good water quality and the restoration of impaired water quality. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increase in runoff discharge rate, generation of dry weather runoff, and alteration of physical, chemical, or biological features of the landscape.

15. The City should encourage and support public outreach and education regarding the water quality impacts of development. The City shall coordinate with other agencies in the watershed area, as feasible, to develop public education programs on urban runoff issues and the appropriate roles of individuals, businesses, and government in the implementation of BMPs for pollution prevention.

16. Storm drain stenciling or signage shall be provided for all new storm drain construction, to discourage dumping and other illicit discharges into the stormwater conveyance system.

17. The city should ensure that municipal maintenance activities and other public projects not requiring a Coastal Development Permit also integrate appropriate water quality BMPs.

Preserve Functions of Natural Drainage Systems

18. Development shall be sited and designed to preserve the infiltration, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable.

19. Drainage conveyed from the developed area of the site shall be conveyed in a non-erosive manner, to protect downstream areas from erosion and sedimentation.

20. Development shall be sited and designed to comply with the following principles to help protect water quality:

- a) Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and/or that are susceptible to erosion and sediment loss;
- b) Analyze the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;
- c) Preserve and protect riparian corridors, creek channels, wetlands, and buffer zones;
- d) Minimize disturbance of natural areas, including significant trees, native vegetation, and root structures;
- e) Ensure adequate setbacks from creeks, wetlands, Pacific Ocean, and other surface waters;
- f) Promote clustering of development on the most suitable portions of a site, taking into account geologic constraints, sensitive resources, and natural drainage features.

Minimize Impervious Surfaces

21. New development shall minimize the creation of impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Redevelopment shall increase the area of pervious surfaces, where feasible.

22. The City shall promote the use of permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, and permeable concrete).

Infiltrate Runoff

23. To the maximum extent practicable, development shall maximize on-site infiltration of runoff (to preserve natural hydrologic conditions, recharge groundwater, and prevent transport of pollutants), except where site conditions

preclude infiltration (e.g., where geologic instability would be exacerbated, or pollutant concentrations are high). In developments where infiltration is precluded, appropriate Treatment Control BMPs such as filtration shall be implemented to reduce the discharge of polluted runoff. Single family residences are excluded from the requirement for treatment control BMPs where infiltration is precluded, unless the development is a Development of Special Concern.

24. Development shall divert runoff resulting from new impervious surfaces into landscaped areas or permeable surface areas, wherever feasible, to increase onsite infiltration and attenuate runoff.

25. To the maximum extent practicable, development shall limit the use of curb drains to avoid conveying runoff directly to the City's stormwater conveyance system.

Minimize Polluted Runoff from Construction

26. Development shall minimize erosion, sedimentation, and other polluted runoff from construction-related activities, to the maximum extent practicable.

27. All development shall address construction-phase erosion and sedimentation, as well as other potential pollutants from construction sites (e.g., paint, solvents, vehicle fluids, and debris). Such measures shall include controls on timing of grading, BMPs for storage and disposal of construction materials, and/or design specifications for sedimentation basins.

28. Grading shall be prohibited during the rainy season (from October through April) in areas with slopes of 20 percent or greater (as indicated on the "Natural Hazards" Opportunities and Constraints Map), except in response to emergencies.

Minimize Land Disturbance During Construction

29. Construction shall minimize land disturbance activities (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and in erosive soils), to minimize the water quality impacts of excessive erosion and sedimentation.

30. Construction shall minimize disturbance of natural vegetation (including significant trees, native vegetation, and root structures), and other physical or biological features important for preventing erosion and sedimentation.

31. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible, including, but not limited to, revegetation of graded or disturbed areas.

44. **7. SEWAGE COLLECTION AND DISPOSAL POLICIES**

10. The City shall adopt an ordinance which requires that sewer laterals be tested when a building is sold and that leaky laterals be repaired or replaced and that adequate cleanouts be installed.

14. The City shall establish a protocol for visually observing the flows in various branches of the sewer system so that this information will be available for future sewer system analysis.

15. The City shall measure and map the depth of solids in the aeration basins on a yearly basis to determine rate of increase and estimate when solids will need to be removed, and test solids to help estimate cost of solids removal.

16. All sewer improvement programs shall conform with the provisions of the environmentally sensitive habitat areas (ESHA) policies, including but not limited to the riparian buffer zone for Point Arena Creek.

CHAPTER X: COASTAL ELEMENT

45. 1.1. The Coastal Act

Modify the narrative as follows:

The City of Point Arena is located in the County of Mendocino ~~along the California coast~~ and is entirely within the Coastal Zone and is subject to the regulations (see Title 14 CCR 13000 et. sec.) set forth by the California Coastal Act of 1976 as amended. The California State Legislature enacted the California Coastal Act to ~~provide for~~ regulate the conservation and development of California's coastline and established the California Coastal Commission as a permanent state coastal management and regulatory agency to assure that public concerns of state wide importance are reflected in local decisions about coastal development.

46. 1.2. The Local Coastal Program (LCP)

Modify the narrative as follows:

Local governments are to incorporate the Coastal Act policies into their own Local Coastal Program (LCP). LCPs are the specific long-term management plans prepared by each of the state's coastal cities and counties for its section of the coast located within the Coastal Zone, which in this case is the entire City of Point Arena. Each LCP consists of a land use plan, and implementation plan, which includes zoning ordinances and other implementing actions.

The City of Point Arena's LCP shall be a combined document of this General Plan, and its subsequent Zoning Ordinance (with associated maps). Thus, as referenced herein, LCP refers to the City's General Plan, otherwise known as the Land Use Plan, including the Opportunities and Constraints Maps but not including the Housing Element, the Land Use and Development Map and associated support documents, and the Implementation Plan (IP), which includes the Zoning Ordinance, Zoning Map, and Second Dwelling Ordinance. ~~including this Coastal Element and the Zoning Ordinance.~~

...

~~Additional~~ General policies regarding the LCP and General Plan:

a. Development shall be consistent with all of the policies of the LCP. Where policies within the ~~General Plan~~ LCP overlap or conflict, the policy which on balance is the most protective of coastal resources shall take precedence.

~~b. Where there are conflicts between policies set forth in this Coastal Element and those set forth in any other element of the City's General Plan or existing ordinances, the policies of this Coastal Element shall take precedence.~~

47. **1.3. Adoption, Certification and Implementation**

Modify the narrative on page 4, starting with the 4th paragraph:

~~The Coastal Commission shall determine in hearings whether any aspect of the combined General Plan Land Use Plan and Zoning Ordinance does not comply with the Coastal Act. If no substantial issue of conformity with the act is found, the Commission shall certify the LCP.~~

(a) The certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the City, which includes the City adoption of this General Plan/Land Use Plan and Zoning Ordinance, but no such amendment shall take effect until it has been certified by the commission.

(b) Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Public Resources Code Sections 30512 and 30513, except that the commission shall make no determination as to whether a proposed amendment raises a substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200) as would otherwise be required by Section 30512. In no event shall there be more than three of these submittals of proposed amendments in any calendar year. However, there are no limitations on the number of amendments included in each of the three submittals.

(c) The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Except as proved in paragraph (1) of subdivision (a) of Coastal Act Section 30512, a decision to certify shall require a majority vote of the appointed membership of the commission. The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

(d) Proposed amendments to a certified local coastal program may be reviewed and designated by the executive director of the commission as being minor in nature or as requiring rapid and expeditious action. Proposed amendments that are designated as being minor in nature or as requiring rapid and expeditious action shall not be subject to (b) or PRC Sections 30512 and 30513 and shall take effect on the 10th working day after designation. Amendments that allow changes in uses shall not be so designated. A minor amendment to an LCP includes but is not limited to, the following:

(1) changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

(2) for annexed or detached areas, certification of zoning ordinances, zoning district maps or other implementing actions where either:

(i) the certified land use plan and zoning designations of the city and county jurisdictions for the geographic area are equivalent; or

(ii) the Commission has certified proposed pre-annexation zoning for the annexing jurisdiction.

(3) change in the notification and hearing procedures that is consistent with the requirements of the Coastal Act.

(4) for land use plans:

(i) revisions or deletion of housing policies certified pursuant to [Public Resources Code Section 30213](#) prior to January 1, 1982.

(ii) correction, reorganization, revisions, or deletion of certified language which when taken together does not change the kind, location, intensity or density of use or modify the resource protection measures for any area or property.

(iii) additions or revisions to certified policies which impose further conditions, restriction or limitations on any use which might adversely affect the resources of the coastal zone, if those amendments do not conflict with any policy of [Chapter 3 of the Coastal Act](#) or with any other certified land use plan policy.

(iv) changes in the kinds, location, intensity or density of uses covering areas specifically certified by the Commission as acceptable alternative land uses that become effective upon the occurrence of specific events authorized in a certified LCP or LRDP, such as annexations or the availability of water or sewer services.

The executive director of the Coastal Commission or the Commission may determine whether or not a proposed amendment is minor in nature. If the executive director determines the proposed amendment is minor, notice of such determination including a summary of procedures set forth in Article 15 of Title 14 of the CCR shall be mailed to all parties the executive director has reason to know may be interested in the amendment to the LCP. The executive director shall report in writing to the Coastal Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within ten (10) working days of the posting of notice. The report shall include sufficient description of the proposed amendment to allow the Commission to understand the proposal. If one-third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with [Section 13555\(b\) of Title 14 of the CCR](#). Proposed amendments that are designated as minor amendments by the executive director with concurrence by the Commission or the Commission shall take effect upon completion of the requirements of [Section 13547](#) of Title 14 of the CCR.

If the executive director or the Commission determine that the proposed amendment is not minor, the application shall be processed by the Commission after notice to all parties the executive director has reason to know may be

interested in the matter. Amendments that are not designated minor in nature shall be subject to the provisions of this Article and Articles 9-12 OF Title 14 of the CCR.

(e)(1) The executive director of the Coastal Commission may determine that a proposed local coastal program amendment is de minimis if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3 (commencing with Section 30200), and meets the following criteria:

(A) The City, at least 21 days prior to the date of submitting the proposed amendment to the executive director, has provided public notice, and provided a copy to the commission, that specifies the dates and places where comments will be accepted on the proposed amendment, contains a brief description of the proposed amendment, and states the address where copies of the proposed amendment are available for public review, by one of the following procedures:

(i) Publication, not fewer times than required by Section 6061 of the Government Code, in a newspaper of general circulation in the area affected by the proposed amendment. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice by the City both onsite and offsite in the area affected by the proposed amendment.

(iii) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(B) The proposed amendment does not propose any change in land use or water uses or any change in the allowable use of property.

(2) At the time that the City submits the proposed amendment to the executive director of the Coastal Commission, the City shall also submit to the executive director of the Coastal Commission any public comments that were received during the comment period provided pursuant to subparagraph (A) of paragraph (1).

(3)(A) The executive director of the Coastal Commission shall make a determination as to whether the proposed amendment is de minimis within 10 working days of the date of submittal by the City. If the proposed amendment is determined to be de minimis, the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the commission, in accordance with Section 11125 of the Government Code, and any public comments forwarded by the City shall be made available to the members of the Coastal Commission.

(B) If three members of the Coastal Commission object to the executive director's determination that the proposed amendment is de minimis, the proposed

amendment shall be set for public hearing in accordance with the procedures specified in subdivision (b), or as specified in subdivision (c) if applicable, as determined by the executive director of the Coastal Commission, or, at the request of the local government, returned to the City. If set for public hearing under subdivision (b), the time requirements set by Sections 30512 and 30513 shall commence from the date on which the objection to the de minimis designation was made.
(C) If three or more members of the Coastal Commission do not object to the de minimis determination, the de minimis local coastal program amendment shall become part of the certified local coastal program 10 days after the date of the commission meeting.

...

Modify the Commission appeals provisions (page 4):

...Following certification of the LCP, ~~certain proposed new developments, defined in Section 30603(a) of the Coastal Act, may be appealed by any interested party to the State Coastal Commission. These include: an action taken by the City on a coastal development permit application may be appealed to the Commission for only the following types of developments:~~

1. Developments approved by local government between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, which ever is the greater distance.
2. Developments approved by local government not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary or stream...
3. Developments approved by local government not included within paragraph (1) or (2) located within 300 feet of the top of the seaward face of any coastal bluff.
4. Developments approved by local government that are located in a sensitive coastal resource area.
5. Any development which constitutes a major public works project or a major energy facility.

...Any ~~development approval action~~ action shall become final ~~after the~~ at the close of business on the 10th working day ~~from~~ after the date which the Coastal Commission receives notice of local action taken, unless an appeal is filed with the Coastal Commission within that time. The city shall send notification of its

final action on a coastal development permit application to the Commission by certified mail within seven calendar days from the date of taking the action.

CHAPTER X SECTION 2.1 PUBLIC ACCESS

48. (D) Goals

Develop policies, programs and land use designations to carry out the provisions of the Coastal Act regarding public access. Require new development projects to provide public access to the shoreline and along the coast. Develop policies and programs to address and provide for upgrades to Port Road, including widening and improving sight distances provided they are consistent with the LCP ESHA policies.

49. (E) Policies

1. The City of Point Arena shall require ~~an offer to dedicate~~ a 25-foot-wide easement along all trails designated on the Opportunities and Constraints Map as a condition of approval to mitigate impacts of for any development that would require a coastal development permit where such impacts cannot be avoided. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the City. These easements shall only take effect when a public or private party accepts the responsibility for improvement, maintenance and liability of the access easement. Offers of dedication shall last for a period of 21 years from the date of recordation of the offer, unless the offer is accepted by a public or private party within the 21-year period.

2. For all grants of easement to the City, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and

maintaining the accessway, or the City shall grant the easement to a private nonprofit association that is willing to accept, maintain and operate the accessway.

3. For all grants of easement from the City to a private non-profit association, the City shall require the submittal of a management plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded grant of easement, and that the association will open the easement to the public as soon as is feasible.

4. For all offers to dedicate an easement that are required as conditions of Coastal Development Permits approved by the City, the City has the authority to approve a private association that seeks to accept the offer. Any government agency may accept an offer to dedicate an easement if the agency is willing to operate and maintain the easement. The City shall approve any private association that submits a management plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate the easement.

25. The City shall pursue improvements to Port Road, or an alternate route, in order to complete a safe pedestrian and bike path from downtown to the cove. This shall include the adoption of a Development Impact Fee schedule and a Capital Improvement Program. Any improvements to Port Road shall be consistent with LCP ESHA policies, including, but not limited to, those policies governing wetland fill.

36. The City shall pursue the development of "Devil's Cutoff" as an emergency or alternate vehicular access to the cove.

76. New developments in the cove area shall be required to provide off-street parking for to serve the approved use in order to minimize impacts to public parking available for coastal access and recreation and in order to distribute parking throughout the area; and, if appropriate and feasible, the City shall encourage additional public parking.

78. The City shall protect, encourage, and, where feasible, encourage provide lower-cost visitor and recreation facilities in the Cove area and other areas in the Town. The City shall encourage, and give preference to, developments providing public recreational opportunities, including a public park in Arena Cove.

Add the following policies:

9. The City shall strive to complete the links in the California Coastal Trail (CCT) by participating and consulting with the National Park Service, the State Department of Parks & Recreation, the State Coastal Conservancy, Mendocino County, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the Point Arena California Coastal Trail (CCT) segment, including opening trails for vertical access designated on the Opportunities and Constraints Map: Biological Resources and Trails.

10. The CCT shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent Coastal jurisdictions (Mendocino County).

11. The CCT shall be designed and implemented to achieve the following objectives:

- Provide a continuous walking and hiking trail as close to the ocean as possible;
- Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
- Maximize connections to existing and proposed local trail systems;
- Ensure that all segments of the trail have vertical access connections at reasonable intervals;
- Maximize ocean views and scenic coastal vistas;
- Provide an educational experience where feasible through interpretive facilities.

12. CCT Siting and Design Standards:

The trail should be sited and designed to be located along or as close to the shoreline where physically and aesthetically feasible. Where it is not feasible to locate the trail along the shoreline due to natural landforms or legally authorized development that prevents passage at all times, inland bypass trail segments located as close to the shoreline as possible should be utilized. Shoreline trail segments that may not be passable at all times should provide inland alternative routes.

13. Where gaps are identified in the trail, interim segments should be identified to ensure a continuous coastal trail. Interim segments should be noted as such, with provisions that as opportunities arise, the trail shall be realigned for ideal siting. Interim trail segments should meet as many of the CCT objectives and standards as possible.

14. The CCT should be designed and located to minimize impacts to environmentally sensitive habitat areas to the maximum extent feasible. Where appropriate, trail access should be limited to pass and repass. Where necessary to prevent disturbance of nesting birds, sections of the trail may be closed on a seasonal basis. Alternative trail segments shall be provided where feasible.

15. The CCT should be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible.

16. To provide a continuously identifiable trail along the base and shoreline of Mendocino County, the trail should be integrated with the CCT in Mendocino County which borders the City.

17. The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance. In locations where the trail must cross a roadway, appropriate directional and traffic warning signing should be provided.

18. CCT Acquisition and Management:

A. Trail easements should be obtained by encouraging private donation of land, by public purchase, or by dedication of trail easements. Trail easement dedications shall be required as a condition of approval of a Coastal Development Permit for development on property located on the CCT route or on designated vertical accessways to the route, when the dedication will mitigate adverse impacts on public access and/or recreation by the project.

B. The CCT plan should identify the appropriate management agency(s) to take responsibility for trail maintenance.

19. CCT Signage Program Standards:

A. The trail should provide adequate signage at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads which incorporate the CCT logo (to be designed).

B. The trail should provide adequate safety signage, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments. Where appropriate signs should be developed in

coordination with Caltrans and/or City and County Public Works Departments and any other applicable public agencies.
C. Signs shall be posted in Spanish and in English.

20. CCT Support Facilities:
To maximize access to the CCT, adequate parking and trailhead facilities should be provided.

21. CCT Mapping:
A. The final CCT map shall identify all planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed restricted sections and sections subject to an Offer-to-dedicate (OTD). The map shall be updated on a regular basis.
B. The CCT shall be identified on all applicable City Trail Maps contained in the LCP Access Component.

22. Inclusion of CCT in LCP:
The LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.

23. New development shall be sited and designed to minimize impacts to public access and recreation along the shoreline and trails. If there is no feasible alternative that can eliminate or avoid all access impacts, then the alternative that would result in the least significant adverse impact shall be required. Impacts may be mitigated through the dedication of an access or trail easement where the project site encompasses an LCP mapped access or trail alignment, where the City, County, State, or other public agency has identified a trail used by the public, or where there is substantial evidence that prescriptive rights exist. Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development.

24. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.

25. Public prescriptive rights may exist in certain areas along the shoreline and trails within the City. Development shall not interfere with the public's right of access to the sea where acquired through historic use or

legislative authorization. These rights shall be protected through public acquisition measures or through permit conditions for new development, which incorporate measures to provide or protect access when there is substantial evidence that prescriptive rights exist.

26. Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer-to-Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities e.g. parking, construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.

27. The City shall not close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for unless determined to be necessary for public safety without first obtaining a Coastal Development permit. Any accessway which the City or any other managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway for public use.

CHAPTER X COASTAL ELEMENT SECTION 2.2 RECREATION

50. (E) Policies

1. The City shall reaffirm the policy statement of establishing the priority of marine/coastal dependent development in the wharf area, such as commercial and recreational fishing, boat mooring, storage and launching, and surfing. The cove shall be protected for such uses: "The City of Point Arena, recognizing the key role that commercial and recreational fishing and boating plays in the local and regional coastal economy, shall continue to encourage the enhancement of coastal dependent industry at Arena Cove by assigning a high priority status to improvement and/or expansion of existing coastal or marine dependent uses at Arena Cove as well as encouraging new uses which directly enhance or supplement the existing commercial/recreational boating and fishing opportunities at the Cove."

4. The use of private lands in the cove suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

5. Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

6. Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.

7. Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

51. **Section 2.3 Marine Environment and Wetlands:**

52. **(E) Policies**

4. The City recognizes that the main values of Arena Creek are its biologic importance, its aesthetic qualities, ~~its potential as a trail site,~~ its natural habitats, and its contribution to the biology of the waters of Arena Cove, and shall strive to protect this resource.

7. The City shall protect the non-developed flat areas of Arena Cove as a flood basin, wildlife habitat, and critical link in the Arena Creek life-chain, insofar as possible given the objective of enhancing the area's economic development potential. Any portions of this area that are environmentally sensitive habitat areas (ESHAs) as defined in Section 30107.5 of the Coastal Act shall be subject to the policies and standards of the certified LCP regarding the protection of ESHA.

11. The City shall ~~continue to require that on-shore facilities for oil development must be approved by voters. (Ordinance #124)~~ require a general plan amendment for any proposed on-shore facility to support off-shore oil and gas exploration or development. Any such amendment shall not be effective until a majority of the voters in Point Arena, in a general or special election, approve the proposed amendment, unless such amendment is approved by the Coastal Commission pursuant to Section 30515 of the Coastal Act.

12. The City should support the establishment of the California Ocean Sanctuary, ~~and any other appropriate measures designed to prohibit off-shore oil development in this area.~~

13. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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

15. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

16.
(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 of the Coastal Act, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

17. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

18. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

19. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

20. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

21. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

22. As set forth in Section 2.4 (Environmentally Sensitive Habitat Areas), any marine area that meets the ESHA criteria, including, but not limited to, kelp beds, Areas of Special Biological Significance and Marine Protected Areas (as designated by the California Department of Fish and Game) is ESHA, and shall be subject to the policies and standards of the certified LCP regarding the protection of ESHA.

23. Marine ESHAs shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential, commercial, or institutional uses shall not be considered resource dependent uses.

24. Permitted land uses or developments shall have no significant adverse impacts on marine ESHA.

25. Development on beach or ocean bluff areas adjacent to marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the Environmentally Sensitive Habitats Areas. All uses shall be compatible with the maintenance of the biological productivity of such areas.

26. New development shall prevent or reduce non-point source pollution in the near shore environment through implementation of the non-point source pollution and private sewage disposal system policies in Chapter VII Sections 6 and 7 respectively.

27. Grading and landform alteration shall be limited to minimize impacts from erosion and sedimentation on marine resources.

28. Marine mammal habitats, including haul-out areas shall not be altered or disturbed by development of recreational facilities or any other new land uses.

29. Efforts by the California Department of Fish and Game and Regional Water Quality Control Board to increase monitoring to assess the conditions of near shore species, water quality and kelp beds, and to rehabilitate or enhance areas that have been degraded by human activities shall be encouraged and allowed.

30. Near shore shallow fish habitats and shore fishing areas shall be preserved, and where appropriate and feasible, enhanced.

31. Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens shall be designated as wetland. Both mapped and unmapped areas that meet these criteria are wetlands and shall be accorded all of the protections provided for wetlands in the LCP. The determination of what constitutes a wetland shall not be limited to areas that are mapped. Any mapped wetland area or otherwise determined to have previously been wetlands shall not be deprived of protection, as required by the policies and provisions of the LCP, on the basis that the wetland habitat has been illegally removed, filled or degraded.

32. Where the required initial site inventory indicates the presence or potential for wetland species or indicators, the City shall require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas

on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations.

33. Wetland delineations will be conducted according to the definitions of wetland boundaries contained in section 13577(b) of Title 14 California Code of Regulation. A preponderance of hydric soils or a preponderance of wetland indicator species will be considered presumptive evidence of wetland conditions. The delineation report will include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the consultant doing the delineation.

CHAPTER X COASTAL ELEMENT SECTION 2.4 ESHA

53. **(B) Background**

Section 30107.5 of the California Coastal Act defines "environmentally sensitive areas" as "areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." ~~Areas of special significance include, but are not limited to,~~ certain coastal wetlands, and lagoon tide pools, creeks and riparian habitat, off-shore rocks, and kelp beds...

54. **(D) Goals**

...To protect other sensitive habitat areas within the city including, but not limited to, seasonal creeks, vernal pools, marshes, certain wetlands, and other riparian habitats, Point Arena Mountain Beaver habitat, rare plant habitat, off-shore rocks, and kelp beds...

55. **(E) Policies**

1. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development adjacent to

environmentally sensitive habitat areas shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitat areas and shall be compatible with the continuance of these habitat areas.

~~4.2.~~ The City shall indicate to the County that important sensitive habitat areas adjacent to its boundaries are of direct interest to Point Arena and emphasis of planning should be directed toward maintaining and enhancing fishery resources in the Garcia River watershed.

~~2.3.~~ To the maximum extent feasible, the City shall map environmentally sensitive habitat areas inside the city including, but not limited to, certain wetlands, seasonal creeks, and springs, habitat for rare, threatened, or endangered species, and riparian habitat. The determination of what constitutes ESHA shall not be limited by what is mapped. Restrictions shall apply to development in and adjacent to environmentally sensitive habitat areas. Any area not designated on the LUP ESHA Map that meets the ESHA criteria is ESHA and shall be accorded all the protection provided for ESHA in the LCP. Revisions to the map depicting ESHA shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission.

Any area mapped as ESHA shall not be deprived of protection as ESHA, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated.

The following areas shall be considered ESHA:

- Any habitat area that is rare or especially valuable from a local, regional, or statewide basis.
- Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations.
- Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

~~3.~~ 4. The City shall ~~incorporate~~ implement Best Management Practices (BMP) ~~for to to control~~ non-point source pollution ~~regarding from~~ the storm drain system and Point Arena Creek. New development shall be required to mitigate Non-point Source (NPS) pollution caused by the development.

4.5. Development restrictions apply to the Riparian Buffer Zone along Arena Creek (see "Overall City-wide Land-Use Policies and Programs".) The Riparian Buffer Zone is defined in the Glossary of this General Plan as ~~fifty (50) feet outward from the center line of the creek.~~ a minimum of 100 feet from the outward edge of riparian vegetation on each side of the Creek. ~~No new development will be allowed in the Riparian Buffer Zone.~~ Only resource dependent uses such as public nature trails shall be allowed in the riparian area and buffer zone including public access trail crossings provided that (1) the length of the trail within the riparian corridor shall be minimized, (2) the trail crosses the stream at right angles to the maximum extent feasible, (3) the trail is kept as far up slope from the stream as possible, (4) trail development involves a minimum of slope disturbance and vegetation clearing, and (5) the trail is the minimum width necessary. Pre-existing non-conforming uses may continue in the buffer area, but no additions that may encroach upon the Buffer Zone shall be permitted, with the following exceptions:

~~a. decks and porches that are not greater than 10% of the existing structure, subject to obtaining a Coastal Development Permit.~~

~~b.~~ a. accessory structures located at the City's waste water reclamation facility situated entirely within the developed, fenced area subject to securing a coastal development permit consistent with all other applicable provisions of the certified LCP.

~~5.6.~~ 6. Additional development restrictions ~~may~~ shall apply within the Mountain Beaver Buffer Area along Arena Creek (measured 500 feet from the centerline of the creek). The city has incorporated the development restrictions recommended by the recommendations from U.S. Fish & Wildlife Service Mountain Beaver Recovery Plan into its Section 5.24 of the Zoning Ordinance.

~~6.7.~~ 7. The City may require the establishment of conservation easements along streams, or require an "offer to dedicate" easements at the time of development.

~~7.8.~~ 8. The City shall protect the non-developed flat areas of Arena Cove as a flood basin, wildlife habitat, and critical link in the Arena Creek life-chain, insofar as possible given the objective of enhancing the area's coastal dependent uses consistent with the Coastal Act. ~~economic potential.~~ Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that could significantly degrade the

environmentally sensitive habitat areas and shall be compatible with the continuance of these habitat areas.

8.9. The City will work with the county to insure the clean-up of the illegal dump located upstream from the city water supply well.

9. 10. The City shall continue to oppose the development of a breakwater at Arena Cove.

10.11. The City shall ~~continue to require that on-shore facilities for oil development must be approved by voters.~~ require a general plan amendment for any proposed on-shore facility to support off-shore oil and gas exploration or development. Any such amendment shall not be effective until a majority of the voters in Point Arena, in a general or special election, approve the proposed amendment, unless such amendment is approved the Coastal Commission pursuant to Section 30515 of the Coastal Act.

12. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

13. Public nature trails are considered a resource dependent use provided that (1) the length of the trail within the riparian corridor shall be minimized, (2) the trail crosses the stream at right angles to the maximum extent feasible, (3) the trail is kept as far up slope from the stream as possible, (4) trail development involves a minimum of slope disturbance and vegetation clearing, and (5) the trail is the minimum width necessary.

14. Interpretive signage may be used in ESHA accessible to the public to provide information about the value and need to protect sensitive resources.

15. "Environmentally sensitive area" shall be defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

16. North-facing slopes south of Point Arena Creek in the annexation area are confirmed Point Arena Mountain Beaver habitat. Development proposed in this

area, zoned for residential agriculture, shall be reviewed to ensure compliance with policies of the General Plan, Zoning Ordinance, and LCP regarding the protection of environmentally sensitive habitat areas to ensure the preservation of the populations of Point Arena Mountain Beaver that inhabit the area. Wherever the Planned Residential Development procedure is required for development in this area, the Comprehensive Development Plan shall include provisions to protect Point Arena Mountain Beaver habitat consistent with the certified LCP regarding the protection of environmentally sensitive habitat area.

17. New septic systems shall be sited and designed to ensure that impacts to ESHA are minimized, including those impacts from grading and site disturbance as well as the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect ESHA and to prevent lateral seepage from the leachfield(s) or seepage pit(s) into stream waters or the ocean.

18. Land divisions of property, including certificates of compliance and lot line adjustment, which include area within or adjacent to an ESHA or parklands shall only be permitted if each new parcel being created could be developed (including construction of any necessary access road), without building in ESHA or ESHA buffer, or removing ESHA for fuel modification.

19. Earthmoving during the rainy season (extending from October 15 to April 15) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 20%. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the City determines that completion of grading would be more protective of resources.

20. Where grading is permitted during the rainy season (extending from October 15 to April 15), erosion control measures such as sediment basins, silt fencing, sandbagging, installation of geofabrics, shall be implemented prior to and concurrent with grading operations. Such measures shall be maintained through final grading and until landscaping and permanent drainage is installed.

21. Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.

22. Cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:

(a) Plantings shall be native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.

(b) Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.

(c) Landscaping or revegetation shall provide 90 percent coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for restoration.

(d) Any landscaping, or revegetation shall be monitored for a period of at least five years following the completion of planting. Performance criteria shall be designed to measure the success of the plantings. Midcourse corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.

23. Disturbed ESHAs shall not be further degraded, and if feasible, shall be restored. If new development removes or adversely impacts native vegetation, measures to restore any disturbed or degraded habitat on the property shall be included as mitigation.

24. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor. Fencing adjacent to ESHA shall be sited and designed to be wildlife permeable, enabling wildlife to pass through.

25. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHA in order to minimize impacts on wildlife. High intensity perimeter lighting and lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA is prohibited.

26. To protect seabird-nesting areas, no pedestrian access shall be provided on bluff faces except along existing, formal trails or stairways. New structures shall be prohibited on bluff faces, except for stairs or accessways to provide public beach access.

27. The conversion of vacant land in ESHA or ESHA buffer to a new use, including an agricultural use, shall not be permitted. Existing, legally established agricultural uses shall be allowed to continue.

Development Adjacent to ESHA:

28. Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide

distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers shall be a minimum of 100 feet in width and shall be larger if necessary to protect the resources of the particular habitat area from significant degradation caused by the proposed development. No buffers may be less than 100 feet unless it can be demonstrated, based on criteria in Zoning Code Section 5.22 and after City consultation with the California Department of Fish and Game, that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant degradation caused by the proposed development. No buffer area may be less than 50 feet in width.

29. Required buffer areas shall extend from the following points:

- . The outer edge of the canopy of riparian vegetation for riparian ESHA.
- . The upland edge of a wetland for a wetland ESHA.
- . The top of bluff for coastal bluff ESHA
- . The outer edge of the plants that comprise the rare plant community for rare plant community ESHA

30. Modifications to required development standards that are not related to ESHA protection (street setbacks, height limits, etc.) shall be permitted where necessary to avoid or minimize impacts to ESHA

31. Development on beach or ocean bluff areas adjacent to marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the Environmentally Sensitive Habitats Areas. All uses shall be compatible with the maintenance of the biological productivity of such areas.

CHAPTER X COASTAL ELEMENT SECTION 2.5 AGRICULTURAL LAND CONVERSIONS

56. (C) Goals

...To change existing non-conforming AE designations of small size parcels to more realistic zoning designations only if consistent with the agricultural protection provisions of the Coastal Act, ~~while not significantly increasing density but allowing for continued agricultural use....~~

57. (D) Policies

1. The maximum amount of prime agricultural land shall be maintained in agricultural production; and conflicts shall be minimized between agricultural and urban land uses; and lands suitable for agricultural use shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not ~~foreseeable~~ feasible. All actions undertaken by the City governing use and conversion of agricultural lands shall be governed by Sections 30241, 30241.5, 30242 and 30243 of the Coastal Act.

2. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas, agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

a. Stable boundaries and buffer areas where necessary shall be established separating urban and agriculturally zoned areas, including, where necessary, clearly defined buffer areas on residential lands abutting Mendocino County rangelands, utilized to minimize conflicts between agricultural and urban land uses.

b. Agricultural lands around the periphery of urban areas shall not be converted to non-agricultural uses unless the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development;

c. Lands not suited for agriculture shall be developed prior to the conversion of agricultural lands;

d. Public service and facility expansions and nonagricultural development shall not impair agricultural viability, either through increased assessment costs or degraded air and water quality;

e. All divisions of prime agricultural lands except those conversions approved pursuant to subdivision (a), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

3. Lands suitable for agriculture shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 of the Coastal Act. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

~~24.~~ The City shall encourage the recombination of agricultural parcels ~~in key scenic or visual areas,~~ through Conservancy or other appropriate action.

~~35.~~ The City shall not encourage the change of existing non-conforming (less than minimum size) parcels on the south bluffs from AE zoning to RA-10, ~~predicated on~~ unless a conversion analysis and findings made in accordance with the provisions of ~~the~~ Coastal Act Sections 30241, 30241.5, 30242, and 30243 show that continued agricultural use is no longer feasible, or shall encourage the recombination of said parcels.

~~46.~~ Lands may not be converted from AE in order to change an existing non-conforming use into a conforming use ~~shall not be changed to a higher density, or more intensive use, than needed to accomplish this goal, and shall require~~ unless a conversion analysis is conducted and findings are made in accordance with the provisions of the Coastal Act, and such conversion is certified by the Coastal Commission as an LCP Amendment.

~~57.~~ Stable boundaries shall be established separating urban and rural areas, including, where necessary, clearly defined buffer areas utilized to minimize conflicts between agricultural and urban land uses. Conversion of agricultural lands around the periphery of urban areas shall be limited to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and where the conversion of the land would be consistent with Section 30250 of the Coastal Act.

8. Confined animal facilities shall be sited and designed to manage, contain, and dispose of animal waste using BMPs to insure that waste is not introduced to surface runoff or groundwater.

CHAPTER X COASTAL ELEMENT SECTION 2.6: LOCATING NEW DEVELOPMENT

58 . (A) Findings

~~2. The capacity of the City sewer plant is adequate to serve the projected population at build out. However,~~ The treated sewage percolation ponds are not adequate to deal with the peak flows caused by infiltration during major storms.

~~3. PAWW has a permit from the Department of Water Resources to divert a maximum of 100 ac/ft per year from the underflow of the Garcia River. The density of residential zoning has been reduced to fit within this limitation,~~

~~therefore this amount is believed to be sufficient to supply water for the projected population at build-out.~~

59. (E) Policies:

1. Public Services for New Development

~~Residential~~ Development ~~will~~ may only be allowed approved where it has been demonstrated that adequate services are available, ~~or where they will be guaranteed~~ during the project review process and provided as a condition of development consistent with the provisions of Policy 2.5 below.

2.2 The City will implement plans to increase the capacity of the treated sewage percolation system and reduce infiltration. Any proposed development to improve the sewage percolation system and reduce infiltration shall be consistent with the policies of the certified LCP.

2.3 The City will implement plans to correct potential traffic problems at the Highway 1/Iversen Rd. intersection, as recommended in the July 1999 study by TJKM Transportation Consultants. Any proposed development at the intersection shall be consistent with the policies of the certified LCP.

2.4 As a precautionary measure, when the population reaches 50% of projected build-out, ~~or in 50 years~~ when the LCP is next updated (which ever comes first) the City shall undertake steps necessary to reassess and insure the continued ability to meet infrastructure requirements through build-out.

2.5 No permit for development shall be approved unless the applicant has demonstrated that such development will be served upon completion with adequate services, including but not limited to water, sewer, and road facilities when applicable to the proposed development.

a. Demonstration of adequate sewer facilities shall include either (i) a written commitment from the managers of the municipal sewage system that adequate capacity exists within the system to serve the development and that the municipal system will provide such service for the development; or (ii) a septic system site evaluation study and a preliminary approval from the Mendocino County Environmental Health Division that a septic system site meeting Division standards adequate to serve the proposed development exists on the subject property.

b. Demonstration of adequate water shall include either (i) a written commitment from the Point Arena Water Works or its successor that that adequate capacity exists within the water system to serve the development and that the water purveyor will provide such service for the development; or (ii) evidence that the Mendocino County Division of Environmental Health has determined that the water quality of a proposed well or spring water source meets the chemical and bacteriological standards of the California Domestic Water Regulations and that a water quantity test performed consistent with the Division's requirements indicates that sufficient water is available to serve the proposed development.

c. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies and (ii) that the traffic generated by the proposed development will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS (E).

Lack of adequate services to serve the proposed development shall be grounds for denial of the development or reduction in the density otherwise indicated in the Land Use Plan.

2.6. Certain development, including but not limited to (i) Land divisions, including lot line adjustments, mergers and issuance of conditional certificates of compliance, (ii) multi-family dwellings allowed by use permit in areas designated with the Highway Commercial or Core Commercial land use classification, and (iii) mobile home parks allowed by use permit in areas designated with the Highway Commercial, land use classification may be approved only if (a) adequate services exists to serve the proposed parcels and building sites consistent with the requirements of Policy 2.5 above, and (b) adequate service capacity would be retained to accommodate existing and projected future coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in HC, HWC, and Commercial areas within the City allowed under the Land Use Plan. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Lack of adequate services to serve the proposed development and existing and projected future priority uses shall be grounds for denial of the development or a reduction in the density otherwise indicated in the Land Use Plan.

2.7 The following policies shall apply to proposed development in the Hay annexation area:

(a) Where required, the necessary extension of road, water, and sewer services within the Mill Street/Hay Annexation area shall be in two phases, as shown on Exhibit B of the Memo of Understanding City of Point Arena/Hay Annexation as amended dated January 10, 1990. Phase I includes: 13 acres of Urban Residential, 3 acres of Multifamily, and 20 acres of Suburban Residential Zoned lands. Phase II includes: 10 acres of Suburban Residential (1/2 acre minimum), 32.6 acres of Suburban Residential (1-acre minimum) and 62 acres of Residential Agriculture zoned lands. Phase 1 would commence upon approval by the City Council of necessary permits needed for construction of road and utility installations. Subdivision plans would be processed. Phase II can commence no earlier than 2 years from the commencement of Phase I and when the developer can provide verification that 50% of the Phase I site have been sold.

(b) All lands and acreages described in the MOU and policy 2.7(a) above represent the maximum potentially allowable development, and neither the MOU nor policy 2.7(a) represent an entitlement to develop. Any and all proposed development or development agreements in the Hay annexation area shall conform to all applicable provisions of the certified LCP.

(c) All proposed developments in the Hay annexation area, including subdivisions, shall be processed according to the Planned Residential Development Process. While development may proceed in phases as required by policy no. 2.7(a), approval of any development proposals and comprehensive development plans related to the Hay annexation area shall include plans for all lands in common contiguous ownership, and shall be processed at one time. A coastal development permit shall not be approved unless all residential lands in the Hay annexation area are included in a single proposed development, and unless the proposal conforms with all applicable provisions of the LCP.

2.8 (a) New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

2.9 The location and amount of new development shall maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

2.10 New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

2.11 Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

60. 3. Protection of Visual Resources

3.0 Section 30251 of the Coastal Act set forth below, is incorporated herein as a policy of the Land Use Plan.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible

with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

3.1 No new development ~~will~~ shall be allowed in the Riparian Buffer Zone along Arena Creek. Pre-existing non-conforming uses may continue, but no additions that may encroach upon the Buffer Zone shall be permitted, with the following exceptions:

- ~~a. Decks and porches that are not greater than 10% of the existing structure, subject to obtaining a Coastal Development Permit.~~
- b. Accessory structures located at the City's waste water reclamation facility situated entirely within the developed fenced area subject to coastal development permitting requirements.

3.2 No new development, excluding trails, ~~will~~ shall be allowed closer than 100 feet from the edge of a cliff or bluff top.

~~3.3 A special condition shall be attached to all coastal permits for blufftop development, requiring recordation of a deed restriction that states the following:~~

- ~~a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;~~
- ~~b. The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;~~
- ~~c. The landowner shall not construct any bluff or shoreline protective devices to protect the subject residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future;~~
- ~~d. The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.~~

3.3. Five view sheds and scenic corridors are depicted on the Opportunities and Constraints Map and shall be protected from development that would significantly block views or would not be subordinate to the character of its setting. These viewsheds/view corridors are: to the south from School Street; along Windy Hollow Road; along and from Riverside Drive; along Port Road; at Arena Cove.

3.4 The City shall analyze proposed property developments on the crest of hills and bluffs, and in canyons, in relation to views potentially lost, in order to preserve important view corridors and viewsheds, scenic roadways, gateways to the city, and the integrity and merits of existing land forms.

3.5 Places on and along public roads, trails, parklands, and beaches that offer scenic vistas are considered public viewing areas. Existing public roads where there are views of the ocean and other scenic areas are considered Scenic Roads. Public parklands and riding and hiking trails which contain public viewing areas. The LUP Opportunities and Constraints Map: "Biological Resources and Trails" shows public trails and other areas accessible to the public that serve as public viewing areas.

3.6 Places on, along, within, or visible from scenic roads, trails, beaches, parklands and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons and other unique natural features are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions and existing commercial development.

3.7 New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.

3.8 All proposed divisions of land and boundary line adjustments shall be analyzed for consistency of potential future development with the visual resource protection policies of the LCP, and no division of land or boundary line

adjustment shall be approved if development of resulting parcel(s) would be inconsistent with these policies.

3.9 New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

3.10 Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views.

3.11 Existing offsite outdoor advertising billboards shall be phased out and the construction of new billboards is prohibited.

61. 4. Off-shore Oil and Gas Development

In 1987 the City enacted Ordinance No. 124 which provides that development of on-shore facilities intended to support off-shore oil and gas exploration must be approved by a majority of voters in an election.

~~The City will continue to oppose all offshore oil and gas development on the northern California coast.~~

The City shall require a general plan amendment for any proposed on-shore facility to support off-shore oil and gas exploration or development. Any such amendment shall not be effective until a majority of the voters in Point Arena, in a general or special election, approve the proposed amendment, unless such amendment is approved by the Coastal Commission pursuant to Section 30515 of the Coastal Act.

CHAPTER XI: GENERAL PLAN IMPLEMENTATION

62. 2. STATE-MANDATED PLAN-IMPLEMENTATION ACTIONS

2. Updating of the city's Subdivision Ordinance to reflect the land-use element and other policies of the General Plan, which policies and plan provisions must be set forth in ordinance form (a legislative act) and certified by the Coastal Commission before they are effective. According to State planning law this must

occur within "a reasonable time" after General Plan adoption. The target date is hereby established as within six months of General Plan adoption.

Revising the city's subdivision regulations and procedures should include setting forth land division policies and standards, design standards, and conditions precedent to Tentative and Final subdivision map approval, including requirements for dedications, exactions, and development fees.

The city's subdivision ordinance must comply with the State's Subdivision Map Act (Government Code Section 66410 et seq) with respect to land subdivisions, lot splits, and minor subdivisions (parcel maps), and with respect to all procedural and filing matters. The ordinance must also comply with and be adequate to carry out the provisions of the Local Coastal Program, and it must be submitted to the California Coastal Commission for certification before it is effective. In the meantime the city may establish interim measures to process subdivisions provided they do not conflict with State law, and provided they are consistent with the General Plan and the Certified Local Coastal Program.

State law mandates that tentative maps shall not be approved if they fail to be consistent with the State's Subdivision Map Act and the city's general plan/certified LCP (Government Code Section 66473.5). The specific requirements that must be met are set forth in the chapter on permitting of this General Plan document and in the certified zoning ordinance. As is the case with all other development, subdivisions shall only be approved if they are consistent with all of the applicable provisions of the certified LCP.

~~6. By law (Section 65915) providing by local ordinance incentives to developers proposing to include low and very low income housing in their projects. These incentives shall provide for a density bonus and at least one other regulatory incentive if and when a developer proposes to reserve at least twenty (20) percent of the units in the development for low income residents. It is the city's decision as to how much of a density bonus is warranted, but it may not be less than twenty five (25) percent. Incentives may include a reduction in the site development standards or approval of mixed use zoning.~~
When required by Government Code Section 65915, the City shall grant a density bonus that allows the applicant to build a minimum of 25% and a maximum of 35% more units than a property's zoning would ordinarily allow, if the City finds:

- A. The project is for any one of the types of residential projects described in Government Code Section 65915(b):

- B. The project complies with all standards set forth in Government Code Section 65915;
- C. The project is a housing development consisting of five or more units.

In accordance with Government Code Section 65915 (g), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the zoning ordinance and land use plan certified by the Coastal Commission.

Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall only grant a density increase if the City determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the City shall not grant the density increase.

In addition to a density bonus, the City shall grant to a housing development that complies with the provisions of Section A. above, one of the incentives or concessions identified in Government Code Section 65915(h), unless the City finds that an incentive or concession is not required in order to provide for affordable housing costs or rents. In reviewing a proposed incentive or concession, the City shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The City shall only grant an incentive or concession if the City determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The City may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the City shall not grant any incentive or concession.

For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

12. Adhering to the provisions of the present Zoning Ordinance (Section ~~7.09~~ 6.08) with respect to the making of findings prior to granting variances and use permits and coastal development permits, which provisions are consistent with the mandates of California case law governing situations whereby the City must issue written findings in certain circumstances.

63. 3. ADDITIONAL IMPLEMENTATION ACTIONS REQUIRED TO IMPLEMENT THIS GENERAL PLAN

6. Adopt an ordinance or procedure permitting the use of the Specific Plan provisions of the Government Code Sections 65450- 65457, which allow for the preparation and adoption of detailed plans and programs for special areas or projects, including projects involving the use of Development Agreements. Specific Plans may be prepared and submitted by property owners for consideration by the City, or may be prepared and adopted by the City for special planning areas. In both cases Specific Plans can supersede or serve as a substitute for standard zoning regulations for the property in subject to the plan, however Specific Plans shall be submitted to the Coastal Commission for certification as an LCP amendment before they are effective.

CHAPTER XII. PROJECT REVIEW & PERMITTING: REQUIREMENTS & PROCEDURES

64. 1. Zoning Regulations and Permits. Every parcel of land in Point Arena has a zoning classification, and for each classification, with the exception of the Industrial zone, there are listings of principal permitted uses (uses permitted by right) and conditional uses (uses permitted only by use permit if certain conditions are met, at the discretion of the planning commission/city council). As well, in the Zoning Ordinance, each zone has been assigned certain "standards of development" that must be adhered to, such as, for example, building set back and yard requirements, building height limits, open space provisions, landscaping and screening...All development, whether for a principal permitted use or conditional use, shall require a coastal development permit that may be approved with conditions.

2. Subdivision Regulations and Approvals/Denials. All parcels for which there are proposals to subdivide into two or more parcels are subject to the city's subdivision ordinance and to coastal development permitting requirements. ~~To the extent that the city's ordinance is inconsistent with the State's Subdivision~~

Map Act the latter, by State law, shall apply and govern. All subdivisions are subject to the provisions and policies of the Certified LCP, and require a coastal development permit.

Parcels may be subdivided only if consistent with the Subdivision Map Act, California Coastal Act, and the City's certified LCP. at the discretion of the City Council, subject to a process that is outlined in detail by the State act. The State Subdivision Map act is absolute and specific with respect to (a) the time frames within which decisions must be made by the City, and (b) situations mandating denial by the City of a Tentative Map.

...

Since proposed subdivisions are defined as "projects" under CEQA they also are subject to environmental review prior to approval of tentative and parcel maps, and findings must be made regarding potential environmental damage. In addition, since subdivisions are "development" as defined by the Coastal Act, they are subject to coastal development permitting requirements.

The California Subdivision Map Act sets forth in detail specific requirements which may be imposed by local ordinance, including but not limited to dedications of lands for public purposes, fees for various public purposes, certain investigations and reports,, grading and erosion control standards, public access to public resources, energy conservation, standards and criteria for public improvements, various design and improvement standards, and environmental protection standards.

The Coastal Act sets forth in Section 30600(a) that a coastal development permit must be obtained before development is undertaken in the coastal zone. "Development" is defined in Coastal Act Section 30106 to expressly include subdivisions. That statute provides in relevant part that development includes:

...change in the density or intensity of the use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits.

Thus, in addition to any approval required by the California Subdivision Map Act, the Coastal Act requires a CDP before lands within the coastal zone may be subdivided.

65. 5. Coastal Development Permits. Since all of Point Arena is within the State coastal zone, coastal development permits are required under provisions of the California Coastal Act for all proposed "development" as defined in Section 30106 of the Coastal Act and as listed in the General Plan/LCP glossary and in all circumstances set forth in the Act. The ~~frame of reference~~ standard of review when considering an application for or appeal of a CDP is the City's "Local Coastal Program" (LCP), which is comprised of the ~~Land Use and Coastal Elements of this~~ the General Plan, otherwise known as the Land Use Plan, including the Opportunities and Constraints Maps and not including the Housing Element, the Land Use and Development Map and associated support documents and the Implementation Plan (IP), which includes the Zoning Ordinance, ~~and~~ Zoning Map, ~~and~~ Second Dwelling Ordinance. The standard of review for projects located between the first through road and the sea shall be the certified LCP and the public access and recreation policies of the Coastal Act. The City shall attach conditions to ensure compliance with the LCP and shall "make findings" as a precedent to adopting any conditions. Actions taken by the City to amend the ~~General Plan or any of its land use related elements or ordinances~~ LCP are not legally final, nor may development ~~proceed~~ be approved under the proposed amended provisions, until the Commission has certified the LCP or any amendment to it and such certification becomes effective consistent with Section 13544 of Title 14 of the California Code of Regulations. (See Sections 6.02 and 6.03 of the Zoning Ordinance.) ...

City ordinances should be amended where appropriate to place a two-year time limit ~~on~~ for commencement of development authorized by Coastal Development Permits, with extensions possible with City Council approval.

66. 6. Site Preparation Permits. The removal of existing residential buildings, the alteration of existing land forms including tree removal and any grading, or any action that might affect any stream or riparian area, or natural habitat, shall not proceed without ~~an appropriate~~ a coastal development and any other necessary permits first being secured from the City to do so, subject to all applicable policies and provisions of the LCP. ~~Such permits may be conditional.~~

~~A comprehensive ordinance to this effect, based on policies set forth in the General Plan, and especially in the Conservation Element, and now in effect in the Zoning Ordinance, which ordinance by law must also incorporate state coastal zone policies, shall be prepared and adopted by the City as soon as possible after adoption of this General Plan. To be incorporated into the new ordinance shall be current policies on diking, dredging and filling, and protection of riparian buffer areas, as set forth in Sections 5.13, 5.22 and 5.23 of the existing Zoning Ordinance.~~

67. 7. Use Permits and Variances. Where use permits are required by the Zoning Ordinance, the public policy intent is to give the City discretion as to whether a "conditional use permit" may be acceptable, and if so under what specific conditions. Conditional uses, as contrasted to principal permitted uses, are not allowed by right. ~~land owner rights...~~
68. 9. Planned Residential Developments. In all instances where the initial planning area (parcel, portion of a parcel, one or more entire parcels or portions of one or more parcels, as shown on the latest County Assessor's rolls) is ten (10) acres or more or any two or more abutting parcels of less than 10 acres in the same ownership or under the same control totals 10 acres or more, the Planned Residential Development procedure as defined in the Zoning Ordinance and Glossary shall be followed and adhered to...

In all such planned development proposals the City may also require that "development agreements" (as defined by Sections 65864-65869.5 of the California Government Code and as summarized in the Glossary) be executed between itself and the land owner/developer. However, any such development agreement may only be approved consistent with the provisions of the certified LCP.

69. **2. THE NECESSITY FOR FINDINGS**

Under the following circumstances the City is required by California case law and the California Coastal Act to set forth in writing how it arrives at certain land-use decisions...especially when acting in a non- legislative capacity...

Findings of fact are required in the following circumstances: when the City issues a variance, conditional use permit, tentative subdivision map approval or denial, development agreement approval, design review approval, planned residential or commercial development approval, or any other permit relating to matters addressed in the General Plan and required by a city ordinance. For all approvals of Coastal Development Permits, the City must make findings that the proposed development is in conformity with the Local Coastal Program, and for development between the nearest public road and the sea, shall also include a specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

70. **3. MONITORING AND ENFORCEMENT**

...With respect to State laws, such as the Subdivision Map Act, the Coastal Act, and the California Environmental Quality Act (CEQA), the City is obliged not only to act within the laws and to implement them locally, but also to ensure that they are lived up to in all their particulars. Reference is made to each act for the

provisions that detail enforcement procedures, including Coastal Act Sections 30800 – 30822. ...

71. **4. CONSISTENCY IS REQUIRED**

...Consistency must exist between tentative and final map approvals, zoning ordinance and map changes, and a host of other actions. It must also exist among the various elements of the General Plan itself, including the Coastal Element, given that the entire City of Point Arena is in the Coastal Zone. ...

Consistency with the General Plan (and consistency findings also may be required) is either required or advised when the City Council adopts or approves any of the following:

amendments to the zoning ordinance or map; subdivision and other General Plan implementing ordinances; adoption of any new General Plan element; adoption of a capital improvement program; creation of a redevelopment project area and plan; adoption of the State-mandated open space action program; approval of assisted housing programs and projects; adoption of any ordinance requiring dedications, fees, and exactions in connection with any development approval or permitting procedures; development agreements; specific plans as the term is defined by state planning law; issuance of conditional use permits; adoption of design review procedures, criteria and standards of design; project review under CEQA; tentative subdivision map approval, including requirements to reserve land for public purposes.

All proposed amendments to the Certified Local Coastal Program shall be submitted to the California Coastal Commission for certification. Such certification shall become effective consistent with Section 13544 Title 14 CCR. Amendments to the Land Use Plan shall be consistent with the California Coastal Act. Amendments to the Implementation Plan (i.e. Zoning Ordinance) shall adequately conform with and carry out the Land Use Plan.

72. **5. RIGHTS OF THE REGULATED**

...Furthermore, the City is obligated to avoid land-use regulations that are unduly restrictive so that an action or decision causes a "taking" of a landowner's property without just compensation. As well, land-use regulations must substantially advance a legitimate public purpose or interest. The issue of unlawful "takings" is the subject of much litigation throughout the United States and is not discussed here, except to make two valid statements: (a) "too much regulation" can be the basis for legal action, but "too much" is difficult to define except on a case- by-case basis, and (b) the courts tend toward giving cities the

benefit of the doubt with respect to the adoption of local regulations, provided they do not damage property through a taking, violate civil rights, or deny due process and equal protection. Consistent with Coastal Act Section 30010, the Point Arena Certified LCP is not intended, and shall not be construed as authorizing the City to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. The LCP is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

CHAPTER XIII. GENERAL PLAN REVIEW AND AMENDMENT

73. Once adopted, the General Plan is the official statement of policies and programs required by California planning law to direct and guide decision-makers in determining the city's appropriate physical development. However, it is not a fixed and static document in that it may and should be amended from time to time, and should be updated approximately each five years.

Once certified by the California Coastal Commission, the General Plan and all its associated maps and subsequent amendments will become the Land Use Plan (LUP) portion of the Point Arena Local Coastal Program (LCP) as required by the California Coastal Act.

State law permits up to four General Plan amendments per year. (Section 65358[b]). The California Coastal Act permits no more than three LCP amendment applications to the California Coastal Commission per calendar year (Coastal Act Section 30514). Any citizen wishing to amend the plan should follow the rules and procedures for doing so that may be adopted from time to time by the city council and which are incorporated into the zoning ordinance. The council shall be governed and guided by the same rules and procedures. Environmental review as required by the California Environmental Quality Act (CEQA) will be required of every proposed General Plan amendment.

No amended land-use designation or zoning map change, or Zoning Ordinance amendment, or other proposal to amend a land-use ordinance, or to adopt any new land-use policies or regulations, may be processed without there first being a General Plan amendment. Any such change shall be accompanied by a development plan, or other documentation, of sufficient scope and detail as to make it possible for the public and the city council to ascertain the potential impacts of the proposed use, project, or change on the site, the surrounding area, and the city as a whole. What constitutes "sufficient detail" shall be determined by the planning commission and city council and shall include information consistent with the definitions of Land Use Plan and Implementing Actions contained in Sections 30108.5 and 30108.4 of the Coastal Act and shall include the filing information required for a Local Coastal Program amendment pursuant to Section 13553 of Title 14 California Code of Regulations. Any decision on a General Plan amendment must be supported by findings that the proposed amendment is (a) in the public interest, (b) is consistent with the rest of the General Plan, (c) will not cause negative environmental impacts, and (d) has been processed in accordance with the applicable planning provisions of the California Government Code and CEQA. Any and all amendments to the Local Coastal Program must be certified by the California Coastal Commission for certification before the amendment can take effect.

GLOSSARY

74. Aquaculture. ~~A form of agriculture that is devoted to the controlled growing and harvesting of fish, shellfish and plants in marine, brackish, and fresh water.~~ Aquaculture means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.
75. Bluff. A scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this plan, "bluff" is limited to those features having vertical relief of ten feet or more. "Bluff edge" is the upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Where a coastal bluff curves landward to become a canyon bluff, the termini of the coastal

bluff edge, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the coastal bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the canyon facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

76. Density. For housing, density is the number of permanent residential dwelling units per gross amount of land. All densities specified in the General Plan are expressed in maximum number of units per gross acre or square feet. Density can be controlled through zoning in the following ways: minimum lot-size requirements, floor area ratio, land use-intensity ratio, setback and yard requirements, minimum house-size requirements, ratios comparing number and types of housing units to land area, limits on units per acre, and other means. Maximum allowable density often serves as the major distinction between residential districts.
77. Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity, or inclusion of affordable housing units, at the same site or at another location. Density bonuses governed by Government Code Section 65915 are defined as a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b) of Government Code Section 65915.
78. Design Assistance/Design Review. The process of subjecting a development proposal to technical and public scrutiny and review, and to possible modification, in order to ensure that suitable attention is given in site and building design to landscaping and screening, preservation of natural resources, ~~and~~ preservation of architectural and significant historic resources, preservation of coastal resources, and to site planning. A "design assistance committee" is authorized by the Zoning Ordinance to carry out the city's design assistance and review functions.
79. Developable Land. Land which is suitable as a location for structures or uses and which can be developed free of development hazards, and without disruption of, or significant impact on, natural resource areas and coastal resources.

80. Developer. The person, group of persons, corporation, partnership, firm or association proposing to undertake a development as defined in this ~~ordinance~~ General Plan.
81. Development Agreement. A legal and enforceable instrument binding the city and a developer equally, which may specify conditions, terms, restrictions and regulations pertaining to all aspects of a development. Development agreements are subject to: public hearings, the making of findings as to consistency with the city's general plan, and recordation with the County Recorder. If consistent with the certified LCP, development agreements ~~They~~ are authorized by California Planning Law as a means for "locking in" the specific terms of a city-developer arrangement and for formalizing vested rights in a development plan.
82. Environmentally Sensitive Habitat Area (ESHA). Area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities and developments.
83. ESHA Buffer Zone. A native vegetation buffer provided around environmentally sensitive habitat areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The ESHA buffer is a sufficient size to ensure the biological integrity and preservation of the ESHA it is designed to protect. All buffers are a minimum of 100 feet in width and shall be larger if necessary to protect the resources of the particular habitat area from possible significant degradation caused by the proposed development. No buffer may be less than 100 feet unless it can be demonstrated, based on criteria in Zoning Code Section 5.22 and after City consultation with the California Department of Fish and Game, that 100 feet is not necessary to protect the resources of the particular habitat area from significant degradation caused by the proposed development. The buffer area may be less than 50 feet in width.
84. Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
85. Fill. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed on any lands, including submerged areas.

86. Geologic Review. The analysis of geologic hazards, including all potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, flooding, tsunamis, and the potential for erosion and sedimentation.
87. "Granny" Unit. A dwelling unit for the sole occupancy of one adult or two adult persons who are age 62 of age or over. The area of floor space, in the case of an attached unit, may not exceed 30% of the existing living area; the area of floor space of a detached "granny unit" may not exceed 1200 square feet. "Granny units" are authorized by and subject to Section 65852.1 of the California Government Code, and are subject to coastal development permitting requirements.
88. Guest House. A structure accessory to a dwelling with sleeping and bathroom facilities that is not continuously occupied for residential purposes, and lacking any kitchen facilities clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.
89. Height. The vertical distance from the average finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof, whichever is the highest.
90. Implementation. Actions, procedures, programs, or techniques that carry out policies. "Implementing actions" means the ordinances, regulations, or programs which implement the policies of the certified local coastal program and which have been certified by the Coastal Commission.
91. Land-Use and Development Map. One of the official maps of the Point Arena General Plan, certified by the California Coastal Commission, which depicts the land-use and traffic circulation policies of said plan. Also known as the Land Use Plan Map.
92. Land-Use Categories. A classification system for the designation of appropriate and legal use of properties. Land-use categories are used on the General Plan Land Use and Development Map to designate permissible uses, and in the City's Zoning Ordinance.
93. Land-Use and Development Element. A Land Use ~~Plan~~ and Development Element is a basic component of the General Plan/LUP, it combines text and maps to designate the future use or reuse of land within the City's planning area. The land-use and development element serves as a guide to the structuring of zoning and subdivision controls and capital improvement programs, and to official

decisions regarding the distribution and intensity of development and the location of public facilities and open spaces.

94. Land-Use Plan. The relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions. The Land Use Plan for Point Arena is a component of the Point Arena Local Coastal Program (LCP) which was adopted by the Point Arena City Council and certified by the State Coastal Commission in 1980, and is scheduled for re-certification upon adoption of the ~~1992~~ 2001 General Plan. Subjects required in the Land-Use Plan include: Coastal access, marine/water resources, sensitive habitats, hazard areas, recreational/ commercial boating, public works/agriculture, recreation/visitor-serving facilities, industrial/energy facility development, housing, visual resources, planning/locating new development and diking, dredging and filling. Once certified by the Coastal Commission, the 2001 General Plan, not including the Housing Element, will be the Point Arena Land Use Plan.
95. Lands Suitable for Agriculture:
Lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.
96. Local Coastal Program (LCP). A local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource area, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act. ~~The California Coastal Act's mandated collection of plans and programs for preparation and adoption by the City and certification by the California Coastal Commission. Point Arena's LCP must be consistent with the City's General Plan Coastal Act, and upon re-certification must be adhered to, implemented by the City, and monitored by the Coastal Commission. [The pre-2006 LCP consisted of the 1981 Land Use Plan and the Zoning Ordinance. The 2006 certified LCP consists of the General Plan/LUP, not including the Housing Element, the Zoning Ordinance, and the Second Dwelling Unit Ordinance].~~
97. Lot Area. The total horizontal area included within lot lines excluding any street rights of way.
98. Motel. A building or group of buildings comprising ~~individual living quarters or~~ dwelling units for the accommodation of transient guests, which is designed so that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto court, tourist court, and motor hotel; but does not include a hotel, accommodations for mobile homes or trailers.

99. Mountain Beaver Buffer Area. A 500 feet wide area measured from the centerline of Point Arena Creek or the edge of or centerline of (if a creek) any other area which may contain species of the Point Arena Mountain Beaver and where special consideration may be necessary if signs of the mountain beaver are found within this radius.
100. Non-conforming Sign. A sign lawfully erected, established and maintained prior to the effective date of this Ordinance, but which could no longer be allowed due to changing sign code restrictions, ~~or a sign that does not conform to the code restrictions.~~
101. Opportunities and Constraints Maps. ~~One~~ Three of the ~~two~~ four official maps of the ~~1992~~ 2001 General Plan, which depicts sites, areas, conditions and situations which may constrain development, or suggest opportunities, which constraints and opportunities shall be taken into account in the project planning process and prior to commencing any development. The Opportunities and Constraints Maps include: (1) the Scenic Corridors map; (2) the Natural Hazards map; and (3) the Biological Resources and Trails map.
102. Parcel. A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development (also see "Lot").
103. Parcel Map. A map depicting the establishment of up to four new lots by splitting a recorded lot. Parcel maps are subject to the California Subdivision Map Act and the City's subdivision regulations, the Coastal Act and the CDP requirements of the certified LCP.
104. ~~Planned Development. At one time (pre 1992 General Plan) a low density zoning district as well as a set of approval procedures. A technique for comprehensively planning and establishing procedures for approving development on large parcels of land "by agreement" without adhering strictly to standard local development and zoning standards.~~
105. Planned Commercial Development (PCD). Same as Planned Residential Development (PRD), except pertains to properties designated on the Zoning Map as commercial.
106. Planned Community. A large-scale development whose essential features are a definable boundary; a consistent, but not necessarily uniform,

character; overall control during the development process by a single development entity and in accordance with a comprehensive development plan; private ownership of recreation amenities; and enforcement of covenants, conditions, and restrictions by a master community association.

107. Policy. A specific statement of principle ~~or of guiding actions~~ which implies clear commitment. A duly-adopted directive that ~~the City will follow in order to meet its goals and objectives by undertaking specific action programs.~~ (See also "Program.") all development in the City must satisfy.
108. Riparian Buffer Zone. That portion of a riparian corridor directly adjacent to a stream or creek, ~~fifty feet~~ 100 feet from the outward edge of riparian vegetation ~~outward from the center line of the creek~~, the regulations for which are set forth in the Zoning Ordinance.
109. Riparian Corridor. A general term for lands running parallel to and along a creek, which lands constitute the ecosystem and potentially sensitive habitat for animal and plant life for said creek or stream, ~~and which are depicted on the Opportunities and Constraints Map of the General Plan.~~ A riparian corridor includes both a riparian habitat area and an adjacent riparian buffer area on either side of the riparian habitat area.
110. Second Dwelling Unit. A technical term defined in the California Government Code (Section ~~65252.150~~ - 65852.2) referring to legal second residential units in residential zones on existing lots that contain an existing single-family dwelling that conforms to all local codes, which second unit may be rented but not sold and must not exceed in floor area 30% of an existing living area if attached, or exceed 1200 square feet of floor area if a detached structure.
111. Sensitive Habitat Area. Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities and developments, ~~including coastal and river marshes, wetlands, lagoon tidepools, off-shore rocks, kelp beds, and riparian corridors.~~
112. Specific Plan. A tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s) or a portion thereof or for designating, in a comprehensive and detailed fashion, the City's or a developer's intentions

with respect to a property's use and development. (Authorized and further defined in California Planning, Zoning, and Development Laws, Article 8., Sections 65450 through 65457.). Specific plans shall be part of the City's certified LCP and are subject to California Coastal Commission Certification.

113. Stream. A stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. Channelized streams not having significant habitat value should not be considered streams.
114. Tentative Map. The initial map setting forth in detail a proposed land subdivision, which map must comply with the City's subdivision and zoning regulations, the LCP, and the state Subdivision Map Act. The subdivision of land depicted on the tentative map does not take effect until approval and recordation of the Final Map.
115. Urban Limit Line. That line drawn on a map and officially designated by the City which designates the extent to which urban services will be provided. Any change to the urban limit line is subject to certification by the California Coastal Commission.
116. Use by Right. Refers to land uses and activities which are designated in the City's General Plan, LCP & Zoning Ordinance as acceptable and legally permissible within a particular zoning district or land-use category, subject only to standards of development set forth in the general plan, LCP, said ordinance, and to the provisions of CEQA, the city's design review requirements, the building code and other pertinent ordinances, and not otherwise conditional. (See "Use, Principal Permitted".)
117. Use, Principal Permitted. The primary use of land or of a main building, which use is intrinsically compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee, or other person who has legal right to use the land has a vested right to conduct such principal

permitted use in accordance with the other zoning regulations and policies of the General Plan/LUP, without securing special permission (i.e. a use permit) therefore, subject only to design and environmental and coastal resource impact review procedures and a Coastal Development Permit if in the Coastal Zone.

118. Vested Right. The right to proceed with a development project or to continue with a project in progress. A vested right is achieved only when prior to February 1, 1973, a building permit has been obtained and substantial work has been done, and substantial liability has been incurred, all in good faith reliance upon permits obtained, provided the project complies and permits issued comply with all laws applicable at the time permits are issued. Once a land owner has secured a vested right, governmental bodies may not, by virtue of a change in zoning laws, prohibit construction duly and properly authorized by the permit upon which the developer relied. Vested rights may be achieved by the filing of "vesting tentative maps" and "development agreements," which are consistent with all of the provisions of the certified LCP.

119. Wetland.
(1)Wetland means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands are usually lands where the water table is at, near or above the land surface long enough to do either of the following: a) promote the formation of (hydric) soils that are saturated with water at or near the surface and are deficient of oxygen long enough during the growing season to result in soil properties that reflect dominate wetness characteristics near the soils surface (within 10"); or b) support the growth of hydrophytic plants which grow in water or in wet habitats, and include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. The upland limit of a wetland shall be defined as:

(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

- (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
- (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- (2) The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:
 - (A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
 - (B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

OPPORTUNITIES AND CONSTRAINTS MAP

120. ***Wetlands recently delineated along port road and in the City park, other riparian areas not represented on existing map, including the tributary of Hathaway Creek in the northeastern corner of the annexation area, and the riparian vegetation on the ephemeral drainages in the City that drain north to south into Point Arena Creek, and the north facing slopes with coastal scrub vegetation associated with riparian habitats (habitat for PAMB) shall be added to the Opportunities and Constraints Map: Biological Resources and Trails. A map note that says: "The map may be updated as appropriate and may not include all areas that constitute ESHA" shall be added to the map.***

IV. IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed IP amendment be adopted. The language shown in double underline represent language that the Commission suggests to be added and the language shown in ~~double strike through~~ represents language that the Commission suggests to be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the City are shown in ***bold italics***.

ARTICLE 4: REGULATIONS FOR THE PRINCIPAL ZONES

1. Sec. 4.02 Suburban Residential or SR Zones: The Suburban Residential Zones apply to properties designated on the Zoning Map that are suitable for the provision of low-density single-family residential development.

- I. Suburban Residential--One Acre (SR 1)

- A. Principally permitted uses

...

- 4) One Home occupations

...

- B. Conditionally permitted uses

...

- 6) Live-work spaces/studios in lieu of a principally permitted single-family dwelling

- 7) ~~One granny unit or one second unit, not to exceed 1,200 square feet, subject to the Second Dwelling Unit Ordinance~~ One granny unit or one second unit, not to exceed 1,200 square feet, subject to the City's Second Dwelling Unit Ordinance and State Law only where there is an existing single-family home

...

- C. Other regulations

...

- 6) Required planned residential: development proposals on

existing lots (initial planning areas) of ten (10) acres or more shall be processed as Planned Residential Developments (PRD), as provided for in Section 6.12 of this Ordinance.

- 7) Water and waste water: septic systems and/or wells may be acceptable in lieu of connections to the municipal sewer system and to the water system and only if in compliance with city ordinances and Mendocino County Environmental Health regulations in effect at the time of permit application. Appropriate and adequate water supply and septic capacity to support the proposed development shall be substantiated prior to approval of any CDP.
- 8) Residential densities: ultimate lot sizes may be no less than one acre, except that lot sizes may vary and/or be less than prescribed herein provided the overall resulting residential densities (dwelling units per acre) do not exceed the allowable densities (dwelling units per acre), and provided the subdivision or development is processed in accordance with and conforms to the provisions of the Planned Residential Development (PRD) section of this Ordinance.
- 9) Adequate traffic capacity shall be substantiated prior to approval of any CDP.

II. Suburban Residential--One-half Acre (SR 1/2)

C. Other regulations

- 1) Minimum lot area: one-half (1/2) acre.
- 2) Minimum lot width: 125 feet.
- 3) Maximum lot depth: 3 times lot width.
- 4) Minimum yards: front, 20 feet, rear, 15 feet; side, 10 feet.
- 5) Maximum building height, 35 feet, except that the Planning Commission may require a lesser height as provided in Section 5.15.
- 6) Required planned residential: development proposals on existing lots (initial planning areas) of ten (10) acres or more shall be processed as Planned Residential Developments (PRD), as provided for in Section 6.12 of this Ordinance.
- 7) Water and waste water: septic systems and/or wells may be acceptable in lieu of connections to the municipal sewer and water systems, on parcels greater than one acre in size, and only if in compliance with city ordinances and Mendocino County Environmental Health regulations in effect at the time of permit application. Appropriate and adequate water supply and septic capacity as well as adequate traffic capacity to support the proposed development shall be substantiated prior to approval of any CDP. Parcels less than one acre must connect to the municipal sewer system.

- 8) Residential densities: ultimate lot sizes may be no less than one-half acre, except that lot sizes may vary and/or be less than prescribed herein provided the overall resulting residential densities (dwelling units per acre) do not exceed the allowable densities (dwelling units per acre), and provided the subdivision or development is processed in accordance with and conforms to the provisions of the Planned Residential Development (PRD) section of this Ordinance, when applicable.

9) Adequate traffic capacity shall be substantiated prior to approval of any CDP.

2. Sec. 4.03 Urban Residential or UR Zone: The urban residential zone applies to properties designated on the Zoning Map which are suitable for single-family residential uses, including co-housing projects. These areas ~~are~~ shall ~~be~~ served by municipal sewer and water. Securing all appropriate and adequate services is a condition precedent to approval of development in these areas. This land-use designation promotes the infilling of development and provides for concentration of development in the Downtown and adjacent areas

B. Conditionally permitted uses

...

- ~~6) A "granny" unit, not to exceed 1,200 square feet, or a second unit in lieu of a granny unit, where there exists a single family dwelling, subject to the Second Dwelling Unit Ordinance~~ A "granny" unit, not to exceed 1,200 square feet, or a second dwelling unit in lieu of a granny unit, where there exists a single-family dwelling, subject to the Second Dwelling Unit Ordinance and State Law.

...

C. Other regulations

...

- 6) Required planned residential: development proposals on existing lots (initial planning areas) of ten (10) acres or more or any 2 or more abutting parcels of less than 10 acres in the same ownership or under the same control totaling 10 acres or more shall be processed as Planned Residential Developments (PRD), as provided for in Section 6.12 of this Ordinance.

...

3. Sec. 4.04 Multifamily Residential or MR Zone: The multifamily residential zone applies to properties designated on the zoning map where it is reasonable to permit multi-family medium-density apartment developments, mixed residential building types, and offices under certain circumstances. Developments in these areas shall be served by municipal water and sewer. Securing all appropriate and adequate water and sewer services is a condition precedent to approval of development in these areas. Adequate traffic capacity must also be demonstrated.

...

4. Sec. 4.05 Agriculture Exclusive or AE Zone: The agriculture exclusive zone applies to properties designated on the Zoning Map ~~which~~ where it is necessary to protect for agricultural uses. This designation applies to areas in which agriculture shall be the predominant use and in which the only other uses allowed are those which support the maintenance of agricultural lands in permanent agricultural production.

A. Principally permitted uses

- 1) Farming, dairying, grazing or breeding of cattle, horses, or sheep, raising, or keeping of poultry, fowl, rabbits, or goats or similar animals.
- 2) Crop, vine or truck farm, greenhouses constructed on non-permanent foundations (e.g. perimeter foundations), horticulture.
- 3) Farm and ranch buildings including stables, barns, pens, corrals, coops, windmills, silo.
- 4) A single family dwelling incidental to the agricultural use of the land, for the residence of the ~~owner or lessee~~ farmer or for employees engaged in agricultural use of land.
- 5) ~~The maintenance of land in its natural state for the purpose of preserving land for passive recreation, or for plant, animal or mineral preserves.~~
- 6) Roadside stands used for the sale of agricultural products provided the structures are temporary.
- 7) One home occupation
- 8) Private wells and septic systems to support agricultural uses that are associated with any principally permitted use, when consistent with applicable Health Department regulations.

B. Conditionally permitted uses

- 1) Hog farms, turkey farms, frog farms, and fur farms.
- 2) Animal feed yards and sales yards.
- 3) Riding stables to rent or board horses
- 4) Water storage tanks, reservoirs and distribution lines.

- 5) One ~~additional~~ second dwelling unit incidental to the agricultural use of the land, which may be a mobile or manufactured home, for the residence of the owner or lessee or for employees engaged in agricultural use of the land, not to exceed 1,200 square feet in area; ~~and~~, subject to the Second Dwelling Unit Ordinance and State Law and only where there is an existing single-family home.
- 6) Scientific research and associated structures.
- 7) Wastewater ponds; spray irrigation
- 8) Satellite TV Receiving Dish (four feet diameter or larger).
- 9) Emergency services communications facilities of a limited nature.
- ~~10) Bed and breakfast activities within the principally permitted residence.~~

C. Other regulations

- 1) Minimum lot area: 20 acres.
- 2) Maximum lot depth: 3 times lot width
- 3) Minimum yards: front, 30 feet; rear, 20 feet; side, 10 feet.
- 4) Maximum building height: 35 feet. Farm outbuildings shall not be less than 20 feet from any dwelling unit. The Planning Commission may require a lesser height as provided in Section 5.15.
- 5) Appropriate adequate water supply and septic capacity as well as adequate traffic capacity to support residential use without diminishing water supplies for agricultural uses shall be substantiated prior to approval of the CDP.

5. Sec. 4.06 Residential Agriculture or RA-2 Zone: The residential agriculture zone applies to properties designated on the Zoning Map which are suitable for very low-density residential use and limited agricultural activities and contribute to maintaining the city's rural and small-town character and small-scale agricultural activities. This land use designation also allows for buffer areas between exclusive agriculture areas and higher density residential areas. Septic systems and wells are permitted.

A. Principally permitted uses

- 1) Farming, dairying, grazing, breeding of cattle, horses, or sheep, raising or keeping of poultry, fowl, rabbits, or goats or similar animals.
- 2) Crop, vine or truck farm, greenhouses constructed on non-permanent foundations (e.g. perimeter foundations), horticulture.
- 3) Accessory structures such as barns, pens, coops, stables, not used for commercial purposes.
- 4) Windmills.
- 5) Greenhouses and other nursery structures.

- 6) One single-family dwelling, which may be a mobile home or a manufactured home.
- 7) One home occupation.
- ~~8) Private wells and septic systems that are associated with any principally permitted use, when consistent with applicable Health Department regulations.~~

B. Conditionally permitted uses

- 1) Water storage tanks, reservoirs, and water distribution lines.
- 2) Animal hospitals, kennels.
- 3) Commercial stables.
- 4) Satellite TV Receiving Dish (four feet diameter or larger).
- 5) Bed and Breakfast activities within the principally-permitted residence.
- ~~6) One additional dwelling unit or one live-work space not to exceed 1,200 square feet, and subject to the Second Unit Ordinance.~~
One second dwelling unit or one live-work space or one "granny" unit not to exceed 1,200 square feet, subject to the Second Unit Ordinance and State Law and only where there is an existing single-family home.

- 7) Residential care facility.

C. Other regulations

- 1) Minimum lot area: two (2) acres.
- 2) Minimum lot width: 250 feet.
- 3) Maximum lot depth: 3 times lot width.
- 4) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet.
- 5) Maximum building height: 35 feet, except the Planning Commission may require a lesser height as provided for in Section 5.15.
- 6) Private wells and septic systems that are associated with any principally or conditionally permitted use must be consistent with applicable Health Department regulations. Appropriate adequate water supply and septic capacity as well as adequate traffic capacity to support the proposed development shall be substantiated prior to approval of any CDP.
- 7) Adequate traffic capacity shall be substantiated prior to approval of any CDP.

6. Sec. 4.07 Core Commercial or C Zone: The commercial core zone is intended to be applied to properties so designated on the Zoning Map which are most suitable for the provision of goods and services for residents and visitors at a scale appropriate to the traditional small-scale downtown area. Development in these areas should promote commercial

uses, offices, cultural activities, and urban housing while maintaining the city's unique and historic small-town character. Connection to municipal water and sewer systems shall be required. Appropriate and adequate water and sewer services as well as adequate traffic capacity must be demonstrated prior to approval of development in these areas.

A. Principally permitted uses

- 1) General retail goods and services including cafes and restaurants, delis, food stores, convenience sales, markets, bakeries, pharmacies.

...

B. Conditionally permitted uses

- 1) Bars, restaurants with bars.
- 2) Second-hand stores.
- 3) Commercial and public off-street parking facilities.
- 4) Brew pubs.
- 5) Small-scale vehicle repair and servicing.
- 6) Animal clinics and hospitals.
- 7) Theaters, commercial recreation facilities, and social halls.
- 8) Nursing homes and hospices.
- 9) Emergency shelters and transitional housing.
- 10) Temporary outdoor display and sale of locally-produced or -created arts and crafts.
- 11) Satellite TV receiving dish.
- ~~12) Other uses not listed, if findings can be made in accordance with Section 6.08 (A), (B), and (D)~~

C. Conditionally permitted dwelling units

...

The Planning Commission may deny applications for new dwelling units within the Core area if a finding is made that such units will not advance the principal purposes of the Downtown or are sighted or designed in a fashion that is incompatible with the City's architectural design or historic preservation standards. The Planning Commission shall deny applications for new dwelling units within the Core area for any inconsistency with the provisions of the LCP, including,

but not limited to a lack of appropriate and adequate water and sewage disposal services or traffic capacity to support the proposed development, or that the proposed development would displace present or future priority uses, inconsistent with Coastal Act Sections 30222, 30223, and 30255...

7. Sec. 4.08 Highway Commercial or HWC:

...

A. Principally permitted uses

- 1) All uses principally permitted in the Core Commercial (C) Zone.
- 2) Small vehicle, truck, and boat sales.
- 3) Physical fitness facilities.
- 4) Emergency shelters and transitional housing.

B. Conditionally permitted uses

- 1) Very light goods production and assembly, and very light industrial uses, provided production, assembly, repair work and storage are enclosed and screened and are found not likely to negatively impact adjoining or nearby properties or become an eyesore to those travelling on Highway 1, nor impact negatively on adjoining commercial or residential properties, nor create any noticeable noise.

...

~~15) Other uses not listed, if findings can be made in accordance with Sections 6.08 (A), (B), and (D)~~

C. Conditionally permitted residential uses

In accordance with a duly-adopted Comprehensive Development Plan, the following new residential uses and developments may be permitted, by use permit:

- 1) Mobile home park in accordance with the mobile home regulations of Section 5.2930 of this ordinance.
- 2) Multi-family dwellings of any type or mixture, except mobile homes, provided that:

...

f) Connections to municipal water and sewer systems shall be required, and the availability of adequate municipal water

and sewer systems shall be determined prior to approval of the permit.

The Planning Commission shall deny applications for new dwelling units within the Highway Commercial area for any inconsistency with the provisions of the LCP, including, but not limited to a lack of appropriate and adequate water and sewage disposal services or traffic capacity to support the proposed development, or that the proposed development would displace present or future priority uses, inconsistent with Coastal Act Sections 30222, 30223, and 30255. ...

8. Sec. 4.09 Harbor Commercial or HC Zone:

...

C. Other regulations

...

- 6) The visitor-serving uses conditionally allowed under Section 4.09 (B) (2) & (3) of this Ordinance shall be cited so as to ensure that they neither interfere with existing coastal-dependent uses nor preclude potential coastal-dependent uses in the harbor area. Generally, development in the flats near Arena Cove would preclude coastal-dependent uses whereas development on the hillslope would not preclude any coastal-dependent uses. In no case shall more than 25% of the flats portion of any parcel, excluding ~~the riparian corridor~~ environmentally sensitive habitat areas, be utilized for visitor-serving uses. The flats shall be defined as the area from the toe of the north bank to the toe of the south bank. The toe shall be defined as where the bottom of the bluff meets the flats.
- 7) Each and all parcels in one ownership at the date of adoption of this Ordinance shall be subject to the requirement that no tree removal, earth moving or grading, and no development, may take place until a Comprehensive Development Plan has been reviewed and approved in accordance with provisions of Section 6.13 of this Ordinance. Also ~~refer to proposed development shall comply with~~ Section 8.4(A) of the Land Use and Development Element of the Point Arena General Plan.
9. Sec. 4.10 Industrial or I Zone: The industrial zone applies to properties so designated on the Zoning Map that are suitable for non-nuisance industrial activities which are not suitable by virtue of their performance for location in commercial districts or proximate to living and tourist areas, and can be expected to contribute to Point Arena's economic development and tax

revenues. All development in the Industrial Zone shall avoid impacts to the immediate area from noxious or offensive emissions such as noise, glare, dust, odor, chemical pollution, or other pollution. All uses require a conditional use permit.

A. Other regulations

...

- 7) Septic systems and wells may be permitted, when consistent with applicable health department regulations and city ordinances and the adequacy and availability of water supply and sewage disposal to serve the proposed use shall be substantiated prior to approval of the permit.

10. Sec. 4.11 Public Facility or PF Zone: The Public Facility designation applies to properties so designated on the Zoning Map that are suitable for use for public purposes such as recreational, educational, and cultural activities and for specific public utility purposes, including publicly-owned parking lots and facilities, storage yards, sewer facilities, and community centers, but not including publicly-owned parks, recreation areas, open spaces, and trails. All uses require a conditional use permit.

A. Conditionally permitted uses include but are not limited to the following

...

~~13) Other uses not listed, if findings can be made in accordance with Sections 6.08 (A), (B), and (D).~~

B. Other regulations

- 1) Minimum lot area, depth, setbacks, and building heights to be determined by the Planning Commission

2) The availability of adequate water supply and sewage disposal capacity to serve proposed development shall be substantiated prior to approval of a coastal development permit.

11. Sec. 4.12 Park or P Zone: The Park or P Zone applies to properties designated on the Zoning Map which are suitable for permanent use as parks, playfields, playgrounds, outdoor recreation, and recreational facilities open to the public and owned by a public or quasi-public agency, including trails, but excluding tot lots, and including associated off-street parking areas, structures and buildings.

A. Principally permitted uses

- 1) Parks, playfields, playgrounds and associated facilities and activities, trails, and recreational facilities, including picnic areas; public golf course and driving range; beach.
- 2) Associated vehicle parking.
- 3) Associated and compatible recreational structures and buildings.

B. Other Regulations

- 1) The availability of adequate water supply and sewage disposal capacity to serve the proposed development shall be demonstrated prior to approval of a coastal development permit.

12. Sec. 4.13 Open Space or OS Zone: The Open Space or OS Zone applies to properties which are owned by a public agency or are dedicated to a public agency or quasi-public agency or public utility, or are set aside permanently by deed or by a bona fide home owners' association or equivalent, or otherwise permanently set aside by an owner as and for open space purposes only. An open space designation subjects the property to such restrictions on the use as may be adopted by the City Council at the time of an open space designation but no buildings shall be permitted except for purposes of public safety and maintenance.

A. Principally permitted uses

- 1) public and private undeveloped areas devoted to active outdoor recreation, passive recreation, pasture, grasslands.
- 2) beaches, trails, viewing areas, and nature study areas, bluffs.

B. Conditionally permitted uses

- 1) camping and picnic areas, benches
- 2) ~~golf course and driving range~~

13. ~~Sec. 4.14 Special Planned Development or SPD Overlay Zone: The Special Planned Development or SPD Zone applies to properties which the City Council finds have special characteristics requiring the application of unique and special land use and development regulations, or to properties characterized as having special circumstances that are not provided for in this Zoning Ordinance. The intent of this provision is to craft a set of specific agreements between the City and the property owner that will be consistent with the City's General Plan, contribute to its implementation, and advance the general welfare.~~

~~In each case, a designation must occur after review and approval of a Development Agreement pursuant to a Comprehensive Development Plan (see Section 6.13); and final action must be entirely consistent with the General Plan and other duly adopted official plans, policies, programs, and~~

~~ordinances. Properties shall retain the existing densities of the underlying zoning classification.~~

~~The City may initiate action to designate a property SPD or may take action to do so upon the application of a property owner.~~

ARTICLE 5: GENERAL PROVISIONS AND EXCEPTIONS

14. Sec. 5.06 Home Occupation: Home occupations, including but not limited to sewing, music studios, desktop publishing, art studios, computer programming, professional offices, home and health care product distributors, bookkeeping, rooming and boarding of not more than 2 persons including tourists, may be permitted as an accessory use to any dwelling, subject to the following conditions and to the provisions of the zone in which the occupation is proposed, and coastal development permits, where the use constitutes "development" as defined in the Glossary and Appendix A of the Zoning Ordinance. ...

B. Not more than 1 non-illuminated sign not to exceed 3 sq. ft. in area and attached to the dwelling.

...

G. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspect of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises

H. There shall be no changes, resulting from the home occupation, in the outside appearance of the building or premises, or visible evidence of the conduct of such occupation, other than the sign stipulated in (B).

I. The sale of merchandise not produced on the premises (except mail order businesses) shall be clearly incidental and accessory to the merchandise or service produced by the home occupation, and shall not be advertised in any manner.

J. No equipment or process used shall create noise, vibration, fumes, dust, odors, smoke, electrical interference, or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

K. Home Occupations shall not include manufacturing, processing or transportation of flammable, combustible, explosive, toxic or other hazardous materials.

15. Sec. 5.10 Public access to the shoreline:

A. DEFINITIONS

1. Development

"Development" means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes; kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

2. New Development

For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this Section, "new development" includes "development" as defined above except for the following:
(a) Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, is sited in the same location on the affected property as the destroyed structure and does not extend the

replacement structure seaward on a sandy beach or beach fronting bluff lot. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners.

(b) Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not block or impede public access, that the reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beach fronting bluff lot and that the reconstructed residence does not include or necessitate a shoreline protective device.

(c) Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, which do not result in a seaward encroachment by the structure and which do not include or necessitate a new or enlarged shoreline protective device.

(d) Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610(d) and California Code of Regulations Section 13252, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

(e) Reconstruction and/or repair of a seawall, revetment, retaining wall or other shoreline protective device: The reconstruction or repair of any shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to public access or other shoreline resources than those of the existing structure.

3. Sea

"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

B. TYPES OF PUBLIC ACCESS AND RECREATION:

1. Lateral public access provides public access and use along or parallel to the sea or shoreline.
2. Bluff top access provides public access and coastal viewing along a coastal bluff top area.
3. Vertical access provides a public access connection between the first public road, trail, or public use area nearest the sea and the publicly owned shoreline, tidelands or established lateral access.
4. Trail access provides public access (i.e. hiking and equestrian) along a coastal or mountain recreational path, including to and along canyons, rivers, streams, wetlands, lagoons, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland trails or recreational facilities to the shoreline.
5. Recreational access provides public access to coastal recreational resources through means other than those listed above, including but not limited to parking facilities, viewing platforms and blufftop parks.

C. CHARACTER OF ACCESSWAY USE

1. Pass and repass refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 5.10(G) of the Point Arena Zoning Ordinance establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner. This subsection shall not apply to lateral public access requirements or dedications along the shoreline.
2. Passive recreational use refers to the right of the public to conduct activities normally associated with beach use, such as walking, swimming, jogging, sunbathing, fishing, surfing, picnicking, but not including organized sports, campfires, or vehicular access other than for emergencies or maintenance.
3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized.

D. ACCESS REQUIRED

As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in 1 - 4 of this section, except as provided in Section 5.10 (E) of the Point Arena Zoning Ordinance for any development which requires a Coastal Development Permit, the

landowner shall a offer to dedicate a 25 foot wide easement for public access one or more of the types of access identified in Section 5.10(A)(1-5) of the Point Arena Zoning Ordinance along any trail designated in the Point Arena General Plan or any area or adopted specific plan or on the Zoning Map as indicated on the subject property. shall be required and shall be supported by findings required by Section 5.10(G) of the Point Arena Zoning Ordinance; provided that no such condition of approval shall be imposed if the analysis required by Sections 5.10(G)(3) of the Point Arena Zoning Ordinance establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the City.

1. New Development along any trail designated in the Point Arena General Plan or any area or adopted specific plan or on the Zoning Map as indicated on the subject property.
2. New development between the nearest public roadway and the sea.
3. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
4. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

E. EXCEPTIONS

Section 5.10(D) of the Point Arena Zoning Ordinance shall apply except in the following instances:

1. Projects excepted from the definition of "new development" at Section 5.10(A) of the Point Arena Zoning Ordinance.

2. Where findings required by Sections 5.10(G)(3) and 5.10(H)(1) of the Point Arena Zoning Ordinance establish any of the following:

(a) Public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources.

(b) Adequate access exists nearby.

3. Exceptions identified in (2) shall be supported by written findings required by Section 5.10(G)(3) of this ordinance.

F. STANDARDS FOR APPLICATION OF ACCESS CONDITIONS

1. General Standards

A. Existing motorized access shall not be enlarged. There shall be no access for motorized vehicles where such use is not now provided.

B. Foot trail portion of ~~the~~ public access easements shall not exceed twelve (12) feet in width.

C. Existing foot trails should be used except when design or stability problems require a change.

D. Buffer zone areas on the unutilized portions of the foot path shall not be opened to the public.

2. Lateral Public Access

The public access required pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall conform to the standards and requirements set forth in Sections 5.10(F) through (G) of the Ordinance.

(a). Minimum requirements. [Also to be used for blufftop access or trail access, as applicable.] A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential

development. Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 5.10(G)(2) of the Point Arena Zoning Ordinance. Lateral access shall be legally described as required in Section 5.10(F)(8).

3. Vertical Public Access

(a) Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified Local Coastal Program for future vertical access, or (2) located in a site for which the City has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the Point Arena Local Coastal Program.

(b) A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 5.10 (D) of the Point Arena Zoning Ordinance shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 5.10(G)(2) of the Point Arena Zoning Ordinance.

(c) Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in Section 5.10(F)(8) of the Point Arena Zoning Ordinance. The access easement shall be a minimum of 25-feet-wide wherever feasible. If a residential structure is proposed, the accessway should be sited along

the border or side property line of the project site or away from existing or proposed development and should not be sited closer than 10 feet to the structure wherever feasible. Exceptions to siting a vertical accessway along a border or side property line or not closer than 10 feet to a structure may be required where topographical, physical or other constraints exist on the site.

4. Blufftop Access

(a) Minimum requirements. A condition to require public access to or along a bluff top as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.

(b) The bluff top access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 5.10(G)(2) of the Point Arena Zoning Ordinance.

(c) Each bluff top accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland or [greater or lesser] as determined to be necessary for public safety or geologic stability. However, wherever feasible, the accessway should not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the 100-year life expectancy of the improvements plus an added geologic stability factor of 1.5. In no case shall the setback be less than 100 feet from the bluff edge which may be reduced to 50 feet if recommended by a Certified Engineering Geologist and the 100 year economic life of the structure with the geologic safety factor can be met provided that the setback will result in a minimum distance of 10 feet between the structure and the accessway for the life of the structure.

(d) The accessway shall be legally described as required in Section 5.10(F)(8) of the Point Arena Zoning Ordinance, with the furthest

inland extent of the area possible referenced as a distance from a fixed monument in the following manner:

"Such easement shall be a minimum of 25 feet wide located along the bluff top as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."

5. Trail Access

Minimum requirements. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 5.10(G)(2) of the Point Arena Zoning Ordinance. The trail access shall be legally described as required by Section 5.10(F)(8) of the Point Arena Zoning Ordinance.

6. Recreational Access

Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Sections 5.10(F)(1-5) of the Point Arena Zoning Ordinance as applicable. The accessway shall be legally described as required in Section 5.10(F)(8) of the Point Arena Zoning Ordinance.

7. Protection of Historic Public Use

(a). Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

1. The public must have used the land for a period of five years or more as if it were public land.
2. Without asking for or receiving permission from the owner.
3. With the actual or presumed knowledge of the owner.
4. Without significant objection or bona fide attempts by the owner to prevent or halt the use.
5. The use must be substantial, rather than minimal.
6. The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

(b) Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:

1. Substantial evidence does not warrant the conclusion that public prescriptive rights exist.
2. There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights.
3. There is substantial evidence of the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.
4. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.
5. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring siting development away from the area used by the public protects the rights of the public.

(c) Siting and design requirements. Development shall be sited and designed in a manner which does not interfere with or diminish any public right of access which may exist based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the accessway or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and

intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required in accordance with Sections 5.10(F)(2 - 6) above of the Point Arena Zoning Ordinance. Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.

(d) Minimum requirements. An access condition shall not serve to extinguish or waive public prescriptive rights that may exist. The following language shall be included in any access condition required in a permit:

"The terms and conditions of this permit do not authorize any interference with prescriptive rights in the areas subject to the easement prior to acceptance of the offer."

8. Legal description of an accessway: recordation

(a) An access dedication (offer to dedicate or grant of easement) required pursuant to Section 5.10(D) of the Point Arena Zoning Ordinance shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows: (1) for lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as dripline of deck. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation; (2) for blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail; (3) for vertical access: extending from the road to the mean high tide line (or bluff edge).

(b) Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and record a document in a form and content acceptable to the Coastal

Commission [or local agency authorized pursuant to 14 Cal. Code of Regulations Section 13574(b)], consistent with provisions of Section 5.10(H)(1) of the Point Arena Zoning Ordinance, irrevocably offering to dedicate (or grant an easement) to a public agency or private association approved by the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] an easement for a specific type of access as described in Section 5.10 (B) and a specific character of use as described in Section 5.10 (C) of the Point Arena Zoning Ordinance, as applicable to the particular condition.

(c) The recorded document shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.

(d) The recorded document shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] determines may affect the interest being conveyed. The grant of easement or offer to dedicate or shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

9. Implementation

(a) For any project where a public access easement is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the City.

(b) For all grants of easement to the City, the City shall open the easement to the public as soon as is feasible, and shall be responsible

for operating and maintaining the accessway, or the City shall grant the easement to a private nonprofit association that is willing to accept, maintain and operate the accessway.

(c) In the case of an Offer to Dedicate or where the City grants an easement to a private nonprofit association, an accessway shall not be required to be opened to public use until a public agency or private association approved in accordance with Section 5.10(F)(7) of the Point Arena Zoning Ordinance agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction. New offers to dedicate public beach or trail access easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.

(d) Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) shall be as wide as necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.

(e) For all grants of an easement or offers to dedicate that are required as conditions of Coastal Development Permits approved by the City, the City has the authority to approve a private association that seeks to accept the offer or the grant of easement. Any government agency may accept an offer to dedicate or grant of an easement if the agency is willing to operate and maintain the easement. The City shall approve any private association that submits a plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate or grant the easement. For all offers to dedicate or grant of an easement that were required as conditions of Coastal Development Permits approved by the Coastal Commission, the Executive Director of the Commission retains the authority to approve a government agency or private association that seeks to accept the offer or grant of easement.

(f) The appropriate agency or organization to accept and develop trail dedication offers or grants of easement resulting from City issued CDPs shall be determined through coordination, where applicable, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Mendocino County, and

nonprofit land trusts or associations. Public agencies and private associations which may be appropriate to accept offers to dedicate include, but shall not be limited to, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the County, the City, the Mendocino Land Trust, and other nongovernmental organizations.

(g) Grants of public access easements or offers to dedicate shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within five (5) years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. A Coastal Development Permit that includes a grant an easement or offer to dedicate for public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private association that requests such transfer, if the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.

(g) Facilities to complement public access to and along the shoreline and trails shall be permitted where feasible and appropriate. This may include parking areas, restrooms, picnic tables, or other improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessway or trail OTD or grant of easement or as a precondition to the opening or construction of the accessway or trail. Where there is an existing, but unaccepted and/or unopened public access OTD, easement, or deed restriction for lateral, vertical, bluff or trail access or related support facilities, necessary access improvements shall be permitted to be constructed, opened and operated for the intended public use.

(h) Any accessway which the managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway in a condition suitable for public use.

(i) All public access mitigation conditions or terms required by a CDP shall include, as a compliance component, a requirement that the permittee submit a detailed and surveyed map, drawn to scale, locating any proposed or required easements or deed restricted areas.

10. Title Information

As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 5.10(F)(8) of the Point Arena Zoning Ordinance determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement.

G. REQUIRED FINDINGS AND SUPPORTING ANALYSIS FOR PUBLIC ACCESS DEDICATIONS

1. Required Overall Findings

(a) Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea (whether development or new development). Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of projects (whether development or new development) where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 5.10(G)(2) of the Point Arena Zoning Ordinance and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 5.10(G)(2) of the Point Arena Zoning Ordinance. The type of affected public access and recreation opportunities shall be clearly described.
2. An analysis based on applicable factors identified in Section 5.10(G)(2) of the Point Arena Zoning Ordinance of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.
3. A description of the legitimate governmental interest furthered by any access condition required.
4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.

2. Required Project-Specific Findings

In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.

(a) Project effects on demand for access and recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

(b) Shoreline processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development.

Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project -- alone or in combination with other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.

(c) Historic public use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, Lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

(d) Physical obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

(e) Other adverse impacts on access and recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

3. Required Findings for Public Access Exceptions

Any determination that one of the exceptions of Section 5.10(E) of the Point Arena Zoning Ordinance applies to a development shall be

supported by written findings of fact, analysis and conclusions which address all of the following:

- (a) The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the public safety concern, or the military facility which is the basis for the exception, as applicable.
- (b) Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.
- (c) Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

H. REVIEW OF RECORDED ACCESS DOCUMENTS

1. Standards and Procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

- (a) The executive director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.
- (1) Upon completion of permit review by the City and prior to the issuance of the permit, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies:

- (2) The executive director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;
- (3) The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period;
- (4) If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or
- (b) If the City requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City identifies the City department that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits subject to the following: Upon completion of the recordation of the documents the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the executive director of the Commission.

I. CDP PERMITTING AND APPLICATION

In addition to permit and application submittal requirements established elsewhere in this LCP New Development pursuant to Sections 5.10(A)(1) and 5.10(A)(2) of the Point Arena Zoning Ordinance shall be subject to the following additional permit and/or application requirements:

1. In order to maximize public access and recreation opportunities at existing public beaches or parks limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a Coastal Development Permit.
2. The City shall not close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for unless determined to be necessary for public safety without first obtaining a Coastal Development Permit.
3. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a

Coastal Development Permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game and U.S. Fish and Wildlife. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.

4. No signs shall be posted on a beachfront or on public beach unless authorized by a Coastal Development Permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral or vertical access easement areas is restricted shall not be permitted.

5. Improvements and/or opening of accessways already in public ownership or that are accepted pursuant to an offer to dedicate required by a Coastal Development Permit shall be permitted regardless of the distance from the nearest available vertical accessway.

6. No new structures or reconstruction, except for routine repair and maintenance or to replace a structure destroyed by natural disaster in accordance with PRC Section 30610(d) and (g), shall be permitted on a bluff face, except for engineered staircases or accessways to provide public shoreline access where no feasible alternative means of public access exists.

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

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

~~These public easements shall only take effect when a public agency, a suitable private, non-profit agency approved by the City, or the City of Point Arena accepts responsibility for liability and the improvement and maintenance of the access easement. These offers of dedication shall be recorded prior to the issuance of the Coastal Development Permit. The City shall make a nexus finding regarding the need to offer a dedication, prior to permit approval. The following restrictions shall apply to the dedicated 25-foot easement:~~

~~A. Existing motorized access shall not be enlarged. No access for motorized vehicles where such use is not now provided.~~

~~B. Foot trail portion of the easement shall not exceed twelve (12) feet in width.~~

~~C. Existing foot trails should be used except when design or stability problems require a change.~~

~~D. Buffer zone areas on the unutilized portions of the foot path shall not be opened to the public.~~

~~Offers of dedication for access along designated trails in the General Plan or any adopted area or specific plan shall last for a period of 21 years at which time the offer shall become void if not previously accepted by a public agency or the City of Point Arena.~~

16. Sec. 5.12 Swimming pools:

...

C. All swimming pools proposed near coastal bluffs and within 100 feet of fault zones shall contain double wall construction with drains and leak detection systems.

17. Section 5.13 Diking, Dredging, and Filling:

The following regulations shall apply to any dredging, diking, damming, channelization, filling or similar activity in any wetland, open coastal waters, estuary, or area less than 20 feet above the mean low water or within the 100 year floodplain of any perennial stream in the City:

Before any dam, dike, fill, dredging, diversion, channelization or similar activity is constructed or undertaken within the City, the applicant or lead agency shall provide the City with a project description, wetland delineation, environmental analysis and evaluation of the potential impacts of the project on the character and function of the affected environment, the social and economic character and function of the City and its residents. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in section 13577(b) of Title 14 the California Code of Regulation. A preponderance of hydric soils or a preponderance of wetland indicator species will be considered

presumptive evidence of wetland conditions. The delineation report will include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the consultant doing the delineation.

Such uses shall be subject to a Coastal Development Permit. The permit shall not be granted unless the Planning Commission determines that the project conforms with the General Plan, Zoning Ordinance, and Local Coastal Program, and will not create undesired impacts on the environment or the community. Additionally, such projects within or adjacent to wetlands, open coastal waters, estuaries, or within the riparian corridor shown on the zoning map and the Opportunities and Constraints Maps, or such projects located adjacent to or within other environmentally sensitive habitat areas shall be subject to the requirements and restrictions contained in Sec. 5.22, 5.23, and 5.24 of this Ordinance. ~~Section 6.11 (B) and (C) lists projects not requiring a Coastal Development Permit."~~

18. Sec. 5.14 Landscaping and screening: These regulations are intended to protect individual properties from the negative effects of traffic and to improve the appearance and environmental quality of Point Arena. In order to achieve these objectives, new developments in the MR, C, HWC, HC, and I zones shall be required to submit for approval as part of any Coastal Development or other permit application landscaping and screening plans that meet the following criteria.

...

F. Plantings shall blend with the existing natural vegetation and natural habitats on the site.

G. Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.

19. Sec. 5.15 Site Development and Architectural Review: The following regulations shall apply in all zones:

A. Purpose. The small scale of the community and its unique townscape, affording spectacular views of the coastline and ocean horizon, define the character of Point Arena.

Maintaining this character is essential to the continued desirability and viability of the City. The Planning Commission is established to review new developments in order to ensure their consistency with the character of the City and to minimize their impact on important vistas. The Planning Commission will also assess existing buildings for architectural or historical significance. A Design Assistance Committee, appointed by the City Council may be established to provide design review recommendations to the Planning Commission.

B. Applicability. Relocation, construction, external remodeling or additions to structures, and alteration of the natural contours of the land shall not be undertaken until approved by the Planning Commission. Any such work shall require a Coastal Development Permit as prescribed in Article 6. Approval from the Planning Commission need not be obtained for remodeling which does not affect the external profile or appearance of an existing structure.

C. Development Siting Criteria. The Planning Commission shall be guided by the following criteria when evaluating development, including land form alterations and construction of structures:

1. New development shall be sited and designed to minimize adverse impacts on scenic areas from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.
2. Where there is no feasible alternative that is not visible from scenic highways or public viewing areas, the development area shall be restricted to minimize adverse impacts on views from scenic highways or public viewing areas.
3. Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over

landscape screening. Landscape screening, as mitigation of visual impacts shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures.
4. Prominent ridgelines and other intervening ridgelines that are visible from a public road, a beach, public viewing areas, or public hiking trails, shall be protected by setting structures below the ridgeline to avoid intrusions into the skyline where feasible. Where there are no feasible alternative building sites below the ridgeline or where the only alternative building site would result in unavoidable adverse impacts to ESHA, structures shall be limited to one-story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts.

ED. Design Criteria. The Planning Commission shall be guided by the following criteria when evaluating development, including land form alteration and construction of structures:

1. The alteration of natural landforms caused by cutting, filling and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.
2. Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.
3. Materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g., standard fast food restaurant designs) shall be avoided.
4. Plant materials should be used to integrate the man-made and natural environments, to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used, and native vegetation shall be used to the maximum extent practicable. Invasive plant species that tend to supplant native species and natural habitats shall be prohibited. Landscaping for MR, C, HW, HC and I zones shall conform with the provisions of Section 5.14.

5. On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area.

6. New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk, and make use of compatible colors and materials.

7. Off-site advertising signs are not allowed unless erected by a public agency. Such signs should be well designed and be clustered at appropriate locations. Sign clusters should have a single design theme. The Construction of new billboards is prohibited.

8. When reviewing the design of commercial or residential buildings, the Planning Commission shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual, open character of the community. In particular, residences of more than 2,000 Square feet in floor area and multiple-family dwellings or commercial buildings of more than 4,000 square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.

9. Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible and shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials is prohibited.

10. If a ~~residence structure~~ is removed, or destroyed by fire or other natural causes, on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous ~~residence structure~~ even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.

11. Developments shall be planned to avoid removing trees, if feasible. At least two trees shall be planted for every one removed to accommodate development facilitated by the General Plan. Visually attractive native trees species, such as bishop pine and sargent cypress, shall be the preferred species used, as they require less water, herbicides, pesticides, and are valuable to wildlife resources.

12. In order to protect the natural setting of the hillsides that surround the city, hillside or ridgeline development shall be scrutinized with "view from the valley floor" considerations. Proposed development on the crest of bluffs or canyons shall be specifically analyzed in relation to views from the low-lying areas of the city, important view corridors, and scenic gateways. Development shall not silhouette against the ridgeline without adequate visual buffers, and development on lower slopes shall be visually screened by existing or landscaped vegetation to minimize visual impact.

13. Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over landscape screening.

Landscape screening, as mitigation of visual impacts shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures.

14. All new development shall be sited and designed to minimize alteration of

natural landforms by:

- a. Conforming to the natural topography
- b. Preventing substantial grading or reconfiguration of the project site.
- c. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.
- d. Requiring that man-made contours mimic the natural contours.
- e. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- f. Minimizing grading permitted outside of the building footprint.
- g. Clustering structures to minimize site disturbance and to minimize development area.
- h. Minimizing height and length of cut and fill slopes.
- i. Minimizing the height and length of retaining walls.
- j. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

15. The length of on-site roads or driveways shall be minimized, except where a longer road or driveway would allow for an alternative building site location that would be more protective of visual resources or ESHA. Driveway slopes shall be designed to follow the natural topography.
Driveways that are visible from a scenic road, a beach, a public viewing area, or public hiking trail shall be a neutral color that blends with the surrounding landforms and vegetation.

16. All new structures shall be sited and designed to minimize impacts to visual resources by:

- a. Ensuring visual compatibility with the character of surrounding areas.
- b. Avoiding large cantilevers or understories.

- c. Setting back higher elements of the structure toward the center or uphill portion of the building.

17. Where feasible, long continuous retaining walls shall be broken into sections or shall include undulations to provide visual relief.

Where feasible, retaining walls supporting a structure should be incorporated into the foundation system in a stepped or split level design.

Retaining walls visible from scenic highways, trails, parks, and beaches should incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.

18. Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.

19. Public works projects along scenic roads that include hardscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts shall incorporate veneers, texturing, and colors that blend with the surrounding earth materials or landscape.

20. Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by:

- a. Clustering the building sites to minimize site disturbance and maximize open space.
- b. Prohibiting building sites on ridgelines.
- c. Minimizing the length of access roads and driveways.
- d. Using shared driveways to access development on adjacent lots, where feasible.
- e. Reducing the maximum allowable density in steeply sloping and visually sensitive areas.
- f. Minimizing grading and alteration of natural landforms

- g. Landscaping or revegetating all cut and fill slopes, and other disturbed areas at the completion of grading
- h. Incorporating interim seeding of graded building pad areas, if any, with native plants unless construction of approved structures commences within 30 days of the completion of grading.

21. Subsequent development on a parcel created through a land division shall conform to all provisions of the approved coastal development permit that authorized the land division, or any amendments thereto.

22. Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading.

Landscape plans shall provide that:

- a. Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, to the maximum extent practicable.
- b. Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.
- c. Lawn shall not be located on any geologically sensitive area such as coastal blufftop.
- d. Landscaping or revegetation shall provide 90 percent coverage within five years.

23. No permanent structures shall be permitted on a bluff face, except for engineered stairways to accessways to provide public beach access. Such structures shall be designed and constructed to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.

24. Landscaping permitted on a bluff face or hillside for restoration, revegetation or erosion control purposes shall consist of native, drought-tolerant plant species endemic to the area.

25. Where necessary to insure the protection of scenic and visual resources in accordance with the policies and standards provided herein, a Coastal Development Permit shall be conditioned to require the recordation of a deed restriction or other legal document which provides that any or all future development beyond that authorized by the CDP, including that which would ordinarily be exempt from a CDP, shall be subject to a new CDP or permit amendment.

D. Review Procedures. The Planning Commission shall prescribe application forms and information requirements for use by those proposing activities. Applications for new development in scenic areas as defined in LUP Chapter X Policy 3.6, and/or visible from public viewing areas and scenic roads, as defined in LUP Chapter X Policy 3.5 or those located in a scenic corridor as depicted on the City of Point Arena Scenic Corridors Map, shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.
2. Cross sections of the project site showing the proposed grading and structures.
3. Line of sight analysis showing the view of the project site from public viewing areas.
4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading.
5. An analysis of the potential impacts of the proposed development on the identified public views.
6. Project alternatives designed to avoid and minimize impacts to visual resources.
7. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

E. Standards for Determination. All applications for a Coastal Development Permit shall be subject to an on-site investigation in order to determine whether the proposed project has the potential to cause adverse impacts upon Scenic Areas as defined in LUP Chapter X Policy

3.6, or from or along Scenic Roads or Public Viewing Areas as defined in LUP Chapter X Policy 3.5. Where applicable, proposed structures shall be accurately indicated as to footprint, height and rooflines by story poles with flags. All proposed grading and the proposed location of access roads or driveways, including the centerline top of cut and toe of fill, shall be accurately indicated by stakes. Both poles and stakes shall remain in place for the duration of the approval process. The applicant may also be required to provide other visual aides such as photographs with superimposed structures. These requirements may be waived by the City staff where it is determined through onsite investigation, evaluation of topographic maps or photographic evidence, or by other means that there is no possibility that the proposed development will create or contribute to adverse impacts upon Scenic Areas.

F. Required Findings and Analysis. Written findings of fact, analysis and conclusions addressing scenic or visual resources must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon Scenic Areas from or along Scenic Roads and Public Viewing Areas. Such findings shall address the specific project impacts relative to the applicable development standards identified in Section 5.15 and 5.16 of the Point Arena Zoning Ordinance. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. Findings for approval or conditional approval shall conclude that the project as proposed, or as conditioned, conforms to the certified Local Coastal Program. A Coastal Development Permit for the proposed development shall only be granted if the City's decision-making body is able to find that:

1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.
2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.
3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.
4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.
5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

If found to be necessary to conform to the development standards contained in this chapter or any other applicable policy or standard of the certified LCP the proposed development shall be modified, by special condition, relative to height, size, design, or location on the site and may be required to incorporate landscaping or other methods to avoid or minimize the adverse scenic impacts of the proposed development. If special conditions of approval are required in order to bring the project into conformance with the certified LCP, the findings shall explain how the special condition(s) alleviate or mitigate the adverse effects which have been identified. Mitigation shall not be permitted to substitute for implementation of a feasible project alternative that would lessen or avoid impacts to scenic and visual resources.

20. Sec. 5.20 Determination of Geologic Stability: The following applies to developments in all zones:

A report by a registered geologist or a certified engineering geologist shall be provided at the applicant's expense as part of an application for earth moving, permanent structure, septic disposal system, drive-way, parking area, or other ~~use~~ development permitted within the Unstable Soils as mapped on the "Natural Hazards" Opportunities and Constraints Map, and can be identified as Santa Lucia soils which occupy slopes of 9% to 75%, properties located on or adjacent to ~~Hazardous Coastal~~ Bluffs, ~~and~~ areas within 100 feet of the Hathaway Creek Fault shown on the Opportunities and Constraints Map, or within 100-feet of other faults. Before the ~~Planning Commission approves~~ a development is approved, the ~~approving authority~~ it shall determine that the proposed development will minimize risks to life and property and will not create or significantly increase erosion and slope instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, and that any potential adverse impacts have been mitigated to the maximum extent feasible.

A. The report shall be based on an on-site inspection in addition to a review of the general character of the area using a currently acceptable engineering stability analysis method, and according to the procedures outlined in Section 5.21, where applicable. The report shall take into consideration all potential impacts, including but not limited to impacts from construction activities such as grading, drainage (from septic leach fields, on-site water use, increased runoff from impervious surfaces), roadways, and vegetation disturbance.

B. The report shall contain a professional opinion stating the following:

1. The area covered in the report is sufficient to demonstrate the geotechnical hazards of the site consistent with the geologic, seismic, hydrologic and soil conditions at the site;
2. The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including but not limited to ground saturation and shaking caused by the maximum credible earthquake, landslides, and tsunamis;
3. The effect the project could have on the stability of any bluff, including but not limited to the introduction of subsurface effluent discharges from proposed septic systems;
4. How the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability through the economic lifespan of the project (a 75-year economic lifespan shall be used for new single-family residences);
5. A description of the degree of uncertainty of analytical results due to assumptions and unknowns;
6. Recommended bluff setbacks, if applicable as determined by the procedures outlined in Section 5.21. The development must conform to the recommended setbacks. No variance permit may be issued to grant exception to the minimum setback requirement.
7. Recommended mitigation measures and design criteria to avoid or minimize geologic instability, during and after construction of the project.
8. Foundation design requirements

9. The need for a shoreline protection structure over the life of the project;

10. Alternatives for protection of the septic system;

11. The FEMA Base Flood Elevation and other mapped areas (A,B, or V zones);

12. The effect of future sea level rise on the development;

13. Slope stability and bluff erosion rate determination performed as outlined in Section 5.21 of the Point Arena Zoning Ordinance.

C. In general, the Zoning Ordinance intends that structures shall be built in the most stable areas of a parcel. The entire footprint of a structure, including decks, shall be to the landward side of the setback lines.

21. Sec. 5.21 Coastal Bluff Retreat/Erosion Setback Guidelines. ~~As a general rule the area of demonstration of stability includes the base, face and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 45 degree angle from a horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater. However, the Commission may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist. The Commission may designate a greater area of demonstration or exclude development entirely in areas of known high instability.~~

~~A report should indicate the location of the cliff or bluff edge, the toe of the cliff or bluff and other significant geologic features by distance from readily identified fixed monuments such as the centerline of the road nearest the bluff or cliff.~~

All new development located on a bluff top shall be setback from the bluff edge a sufficient distance to ensure that it will not be endangered by erosion or threatened by slope instability for a projected 75 year economic life of the structure. This requirement shall apply to the principle structure and

accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems etc. Ancillary structures such as decks, patios and walkways that do not require structural foundations may extend into the setback area but in no case shall be sited closer than 15 feet from the bluff edge. Ancillary structures shall be removed or relocated landward when threatened by erosion. Slope stability analyses and erosion rate estimates shall be performed by a licensed Certified Engineering Geologist and/or Geotechnical Engineer, or a Registered Civil Engineer with experience in soil engineering. Generally, one of two conditions will exist:

1. If the bluff exhibits a factor of safety of less than 1.5 for either gross or surficial landsliding, then the location on the bluff top at which a 1.5 factor of safety exists shall be determined. Development shall be set back a minimum distance equal to the distance from the bluff edge to the 1.5 factor-of-safety-line, plus the distance that the bluff might reasonably be expected to erode over 75 years. These determinations, to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer, or Geotechnical Engineer, shall be based on a site-specific evaluation of the long-term bluff retreat rate at this site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise.

2. If the bluff exhibits both a gross and surficial factor of safety against landsliding of greater than 1.5, then development shall be set back a minimum distance equal to the distance that the bluff might reasonably be expected to erode over 75 years plus a ten foot buffer to ensure that foundation elements are not actually undermined at the end of this period. The determination of the distance that the bluff might be expected to erode over 75 years is to be made by a state licensed Certified Engineering Geologist, Registered Civil Engineer or Geotechnical Engineer, and shall be based on a site-specific evaluation of the long-term bluff retreat rate at the site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise.

For the purpose of this section, quantitative slope stability analyses shall be undertaken as follows:

a. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.

b. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined.

c. The effects of earthquakes on slope stability (seismic stability) may be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.15g, and should be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Conditions for Analyzing and Mitigating Landslide Hazards in California."

d. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength parameters shall be supported by direct shear tests, triaxial shear test, or literature references.

e. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.

f. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for each orientation shall be supported by reference to pertinent direct shear tests, triaxial shear test, or literature.

g. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices.

h. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references.

i. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Conditions for Analyzing and Mitigating Landslide Hazards in California." (Mark?) when selecting shear strength parameters and the selection should be based on these guidelines.

For the purpose of this section, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge, as defined in Article 2 of the Point Arena Zoning Ordinance, through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, and 1997-1998.

3. Measures to remediate or stabilize landslides or unstable slopes that endanger existing structures or threaten public health shall be designed to be the least environmentally damaging alternative, to minimize landform alteration, and to be visually compatible with the surrounding natural environment to the maximum feasible extent. Maximum feasible mitigation measures shall be incorporated into the design and construction of slope stabilization projects to minimize adverse impacts to sensitive resources to the maximum feasible extent.

4. All recommendations of the consulting CEG or GE and/or the City staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans must be reviewed and approved for compliance with geologic recommendations by the consulting CEG or GE and the City staff.

5. New development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of stormwater runoff in compliance with all water quality requirements contained in Section 5.33

6. Final plans approved by the consulting CEG or GE and the City staff shall be in substantial conformance with the plans approved by the final City decision making body relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the City which may be required by the project consultants or City staff shall require an amendment to the permit or a new coastal development permit.

7. Development on or near the shoreline or bluffs, including the construction of a shoreline protection device, shall include measures to insure that: No stockpiling of dirt or construction materials shall occur on the shoreline; All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation; Measures to control erosion shall be implemented at the end of each day's work; No machinery shall be allowed in the intertidal zone at any time to the extent feasible; All construction debris shall be removed from the beach.

8. A special condition shall be attached to all coastal permits for development on ocean-front or blufftop lots ~~development, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed not to require a shoreline protection structure as part of the proposed development at any time during the life of the development,~~ requiring ~~recording on the property owner to record~~ of a deed restriction against the property that states the following:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;
- b. The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;
- c. The landowner shall not propose or construct any bluff or shoreline protective devices to protect the subject residence, guest cottage, garage, septic system, or other development approved improvements in the event that these structures are subject to damage, or other natural hazards in the future and expressly waives any future right to construct such structures that may exist pursuant to Public Resources Code Section 30235;
- d. The landowner shall remove the ~~house and its foundation~~ development when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.

22. Section 5.22 ~~Riparian Corridor, Riparian Buffer Zone~~ Development In or Adjacent to Environmentally Sensitive Habitat Areas (ESHA)

No new development shall be allowed within or adjacent to riparian corridors along Arena Creek, or other environmentally sensitive habitat areas (ESHA) ~~riparian corridors elsewhere~~ where mapped (on the Opportunities and Constraints Map: Biological Resources and Trails) or other unmapped ESHAs that meet the ESHA criteria contained in LUP Chapter X Section 2.4 without first obtaining appropriate permits. New development includes, but is not limited to, vegetation removal, grading, filling, soils or refuse dumping, and the alteration of creek banks. ~~A biological analysis of development plans affecting or likely to affect any creek or riparian habitat area shall be submitted to the City for its review and approval.~~

New development adjacent to ESHA shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The Riparian ESHA Buffer Zone is defined in Appendix A of this Zoning Ordinance. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive ~~riparian~~ habitats from significant degradation resulting from future development. Vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation may not be permitted within buffers. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. ~~The width of the Riparian Corridor Buffer Zone shall be a minimum of 100 feet. The buffer area shall be a minimum of 100 feet and shall be larger if necessary to protect the resources of the particular habitat area from possible significant degradation caused by the proposed development. No buffer may be less than 100 feet unless it can be demonstrated, based on the criteria below and after City consultation with the California Department of Fish and Game, that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant degradation caused by the proposed development. No buffer area may be~~ shall not be less than 50 feet in width.

Standards for determining an appropriate width of the buffer area are as follows.

(a) Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).

Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.

(b) Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:

(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;

(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;

(iii) An assessment of the impact and activity levels of the proposed development on the resource.

(c) Susceptibility of Parcel to Erosion. The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

(d) Use of Natural Topographic Features to Locate Development. Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.

(e) Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

(f) Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.

(g) Type and Scale of Development Proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

The buffer area shall be measured from the nearest outside edge of the ESHA. For a wetland the buffer shall be measured from the upland edge of the wetland. For riparian areas, the buffer shall be measured from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. For Coastal Bluff ESHA, the buffer shall be measured from the bluff edge (as defined in Appendix A). For plant community ESHAs, the buffer shall be measured from the outer edge of the plants that comprise the plant community. For Point Arena Mountain Beaver ESHA, see Section 5.24 for development guidelines and buffer policies.

New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.

Pre-existing buildings and non-conforming uses within riparian ~~corridors~~ buffer zones may continue as legally non-conforming, but no additions that encroach closer to the stream or creek within said ~~corridor~~ buffer zone shall be permitted, with the following exceptions contingent upon the four required findings described below:

~~A. decks and porches that are not greater than 10% of the internal floor area of the existing structure; or~~

AB. accessory structures located at the City's waste water reclamation facility situated entirely within the

developed fenced area subject to a coastal development permit consistent with all other applicable provisions of the certified LCP.

Required findings

1. the proposed development has been sited and designed to prevent significant impacts to the habitat values, functional capacity, and species diversity of the adjacent riparian habitat area, and
2. the proposed development is compatible with the continuance of such habitat areas.
3. Soils and vegetation removal and disturbances shall be minimized.
4. Non-native vegetation shall not be planted except for the continuance of existing agricultural practices.

22.5 *The Section 5.22 figure depicting the riparian buffer shall be deleted*

23. Sec. 5.23 Required wetland and environmentally sensitive habitat impact and mitigation review:

~~In all cases where a Coastal Development Permit is required, Applicants for coastal development permits shall submit with development applications specific information and data shall be submitted~~ to ensure to the Planning Commission's satisfaction that impacts to bluffs, wetlands, rivers, streams, and ponds, and riparian areas thereof, and to environmentally sensitive habitat areas, as a result of earth moving, tree removal, or any development, diking, dredging, filling, or excavation are identified and mitigation measures proposed, all in accordance with Sec. 5.27 of this Ordinance. New development applications shall include an inventory of the plant and animal species and habitat present on the project site. Potential sensitive species to be included in the survey shall include, but are not limited to: Point arena mountain beaver, northern closed cone coniferous forest, coast lily, north coast riparian scrub, northern coastal bluff scrub, northern coastal scrub, and coastal terrace prairie, Mendocino paint brush, coastal bluff morning glory, and habitat for

Behren's silverspot butterfly, or plants designated "1B" or "2" by the California Native Plant Society.

If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required. A detailed biological analysis, prepared by a qualified biologist, of development plans affecting or likely to affect any ESHA shall be submitted to the City for its review and approval, that includes the following:

A. A study identifying biological resources, both existing on the site and potential or expected resources; and

B. Photographs of the site; and

C. A discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and migration corridors; and

D. A wetland delineation in full conformance with Section 5.13 if there are indications that wetlands may be present on the site; and

E. A map depicting the location of biological resources; and

F. An identification of rare, threatened, or endangered species, that are designated or are candidates for listing under State or Federal Law, an identification of "fully protected" species and/or "species of special concern", and an identification of any other species for which there is compelling evidence of rarity, for example, plants designated "1B" or "2" by the California Native Plant Society, that are present or expected on the project site; and

G. An analysis of the potential impacts of the proposed development on the identified habitat or species; and

H. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition; and

I. Project alternatives designed to avoid and minimize impacts to sensitive resources; and

J. Mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives;

K. An analysis of buffer width based on the buffer width criteria of Section 5.22

24. Sec. 5.24 Point Arena Mountain Beaver and the Mountain Beaver Buffer Area:

...

Threats to the Point Arena mountain beaver that may result in a "take" include but are not limited to: livestock grazing, road construction and maintenance,

public access and recreational use (camping and hiking trails), rodent control, exotic plant expansion, housing developments, storm water run-off and irrigation, predation by feral and pet cats and dogs, withdrawal of crucial water supplies for residential use and agricultural use...

To minimize and mitigate disturbance to Point Arena mountain beavers, noise-generating or habitat-modifying projects within the Mountain Beaver Buffer Area (MBBA) ~~should~~ shall be surveyed. The MBBA is designated on the Point Arena Opportunities and Constraints Map as a 1,000 foot strip along Arena Creek, 500 feet from the centerline. Surveys ~~should~~ be done by a qualified biologist and should cover all of the mountain beaver habitat from the perimeter of the project out to a distance of 500 feet. If mountain beaver sign (trails, burrows, digging, etc.) is detected within this radius, additional project, mitigation, or the development of a habitat conservation plan ~~may~~ shall be required. Fences are prohibited within 15-feet of the center line of the creek to allow for wildlife migration along the travel corridor, and disturbance of the streambed is prohibited.

The City shall periodically review the Opportunities and Constraints map and update the map to reflect current information on Point Arena Mountain Beaver habitat, and the MBBA adjusted accordingly. The map shall include a map note that states that "The map may be updated as appropriate and may not include all areas that constitute Point Arena Mountain Beaver habitat. Revisions to the map depicting Point Arena Mountain Beaver habitat shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission.

Any area mapped as MBBA shall not be deprived of protection as ESHA, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated.

Any area not designated as MBBA on the Opportunities and Constraints Map that contains Point Arena Mountain Beaver Habitat, is ESHA and shall be accorded all the protection provided for the MBBA in this section and all the relevant ESHA provisions in the LCP. Coastal scrub/riparian habitats, steep north-facing slopes, and protected gulches are considered viable habitat for PAMB, and all applications on properties containing these vegetation types shall be surveyed by a qualified biologist for PAMB habitat.

Mitigation for noise generating projects within 500 feet of occupied habitat ~~will~~ shall include the following restrictions from December 15 through June 15:

- A. The action and related activities ~~will~~ shall be greater than 100 feet from occupied habitat.

B. Noise-generating activities ~~will~~shall be limited to the use of hand tools and light power-tools (e.g. axe, ~~chainsaw~~, etc.)

C. No tools ~~will~~shall be used that require an air compressor.

D. No power tools ~~will~~shall be operated while in direct contact with the ground.

25. Sec. 5.25 Locating New Development. Approval of development proposals shall be given to areas contiguous to existing urbanized areas prior to the approval of projects which require extensions of water, sewer, and road services. This will minimize the loss of agricultural land, reduce the costs of service extensions, and encourage the development within areas of existing development before extending service to outlying areas. With the exception of the Hay Annexation Area (LCP Amendment #1-89), and properties located at the northern end of the City, the City sewer and the PAWW water system is presently available to the following zones: Urban Residential, Multi-family Residential, Suburban Residential-1/2, Suburban Residential-1, Commercial Core, Highway Commercial, Harbor Commercial, Public Facilities, and Park. Priority shall be given as follows:

1st priority: Developed lots for which sewer and water connection is available.

2nd priority: Undeveloped lots for which sewer and water connection is available.

3rd priority: Developed lots for which sewer and water lines must be extended.

4th priority: Undeveloped lots for which sewer and water lines must be extended.

Adequate sewer and water capacity ~~will~~shall be reserved for first and second priority lots. A Memorandum of Understanding associated with the Hay Annexation provides for orderly extension of infrastructure, including sewer system, to be extended to Phase 1 of the annexation. No sewer and water service will be extended to the Agricultural Exclusive Zone or areas outside the Urban Limit Line.

Supplemental Application Requirements for Land Divisions, Conditionally Permitted Multi-Family Dwellings Within Highway Commercial or Core Commercial areas, and Conditionally Permitted Mobile Home Parks in Highway Commercial Areas:

The following information shall be submitted with all applications for a coastal development permit for (i) Land divisions, including lot line adjustments, mergers and the issuance of conditional certificates of compliance, (ii) multi-family dwellings allowed by use permit in areas designated with the Highway Commercial or Core Commercial land use classification, and (iii) mobile home parks allowed by use permit in areas designated with the Highway Commercial, land use classification:

- (1) Evidence that adequate services exist to serve the proposed development consistent with the requirements of LUP Policy 2.5
- (2) Evidence that for existing and projected future priority uses, adequate service capacity will be reserved to accommodate existing and projected future coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in HC, HWC, and Commercial areas within the City allowed under the Land Use Plan.

26. Sec. 5.27 Mitigation Measures:

Permissible development shall be sited and designed to avoid adverse impacts to ESHA. If there is no feasible alternative that can eliminate all adverse impacts, then the alternative that would result in the fewest or least significant adverse impacts shall be selected. Residual adverse impacts to ESHA shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Coastal Commission as an amendment to the Point Arena LCP. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

The Planning Commission or City Council shall as a condition for a Coastal Development Permit, require that a developer mitigate for impacts to ESHA. ~~wetland, other sensitive habitat areas, or riparian areas.~~ The permit shall include conditions that require implementation of all feasible mitigation measures that would significantly reduce adverse impacts of the project.

When mitigation measures are required for impacts to ESHA, such measures including habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually

and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least 2 years without any maintenance or remediation activities other than exotic species control. At the City's discretion, final performance monitoring will be conducted by an independent monitor or civil servant with the appropriate classification, supervised by the city biologist and paid for by the applicant. If success criteria are not met within 10 years, the applicant shall submit an amendment proposing alternative mitigation. The permit shall include conditions that impose these requirements.

A. Environmentally Sensitive Habitat Impact Mitigation:

All permissible development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance, except as provided in Section 5.27(B) of the Zoning Ordinance for impacts to wetlands. The acreage of habitat impacted shall be determined based on the size of the approved development area, road/driveway area, required fuel modification on the project site, and required brush clearance, if any, on adjacent properties.

B. Wetlands

(1) Any new development that includes dike or fill development in wetlands for a use permitted under the Coastal Act and the LCP shall include mitigation for unavoidable impacts to wetland habitat. Wetland impact mitigation shall include, at a minimum, creation or substantial restoration of wetlands of the same type as the affected wetland or similar type. The acreage of wetland habitat mitigation shall be determined based on the approved project and the type of wetland affected.

(2) Prior to issuance of the coastal development permit, the applicant shall identify an area of disturbed or degraded wetland habitat of equivalent type and with acreage sufficient to provide mitigation of the wetland impacts.

(3) Mitigation ratios will often be greater than 2:1. However, in no event will the mitigation ratio be less than 2:1 unless, prior to the development impacts, the wetland creation or restoration proposed as project mitigation is completed and is empirically demonstrated, based upon a report provided by the applicant from a qualified biologist or resource specialist, to meet

performance criteria that establish that the created or restored wetlands are functionally equivalent or superior to the impacted wetlands.

(4) Prior to issuance of the coastal development permit, the applicant shall submit wetland habitat creation, restoration, management, maintenance and monitoring plans for the proposed wetland mitigation area prepared by a qualified biologist and/or resource specialist. The plans shall provide a 100 foot restored buffer as measured from the upland limit of the wetland area, and at a minimum include ecological assessment of the mitigation site and surrounding ecology; goals, objectives and performance standards; procedures and technical specifications for wetland and upland planting; methodology and specifications for removal of exotic species; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than 5 years. The City shall determine that the proposed restoration site is of equivalent type and acreage to the impacted wetland habitat.

(5) The area of wetland habitat to be restored shall be restricted from future development and permanently preserved through the recordation of an open space deed restriction that applies to the entire restored area and buffer. The open space deed restriction shall be recorded prior to issuance of the coastal development permit. The habitat restoration shall be carried out prior to or concurrently with construction of the development project. In any case, the wetland restoration or creation project shall be complete prior to the issuance of certificates of occupancy for any structures approved in the coastal development permit.

~~Mitigation for activities such as diking, dredging, filling or excavating in wetlands, other sensitive habitat areas or riparian areas shall include the restoration of an area of land of at least equal size and equal habitat value to that being disturbed. Mitigation might include open space dedications, dike or fill removal, and plantings of riparian vegetation.~~

~~A. The Coastal Development Permit shall not be approved until adequate mitigation measures are incorporated into the proposed development plan.~~

~~B. The Coastal Development Permit shall not be approved until it can be determined that there is no feasible less environmentally damaging alternative,~~

~~which can include an alternate project or an alternate location for the proposed project.~~

~~C. A Coastal Development Permit shall not be approved for diking, filling, and dredging in a wetland unless it is for one or more of the permissible uses allowed under Section 30233 of the Coastal Act.~~

27. Section 5.29 Signs

F. Prohibited signs.

...

2. Off-site advertising is prohibited except signs erected by public agencies. Existing offsite outdoor advertising billboards shall be phased out and the construction of new billboards is prohibited.

....

5. Placement of signs other than traffic or public safety signs, utilities, or other accessory equipment that obstruct views to the ocean, beaches, parks, or other scenic areas, from public viewing areas and scenic roads shall be prohibited.

28. Sec. 5.30 Mobile Home Regulations: The following provisions shall apply to the placement of mobile home units on lots within the city limits.

...

F. Minimum lot area ~~is 7500 square feet.~~ must be consistent with the lot area requirements of the zoning district.

G. Minimum lot width ~~is 60 feet~~ must be consistent with the minimum width requirements of the zoning district.

H. Maximum depth is 3 times the lot width.

I. Minimum yards: ~~20 foot front yard; 10 foot side yard; 15 foot rear yard~~ must be consistent with the yard requirements of the zoning district.

...

29. Sec. 5.32 On-Shore Facilities for the Support of Off-shore Oil and Gas Exploration or Development.

~~On shore facilities for the support of off shore oil and gas exploration or development are currently not allowed in any Point Arena Zoning Districts. When any person proposes to undertake the development within Point Arena of any on-shore facility relating to the exploration or development of off-shore oil or gas resources, and requests an amendment of the City's Certified Local Coastal Program to facilitate such development, a determination by the City Council that the proposed amendment is in conformity with the policies of the Coastal Act and that the Certified Local Coastal Program should be amended to incorporate such development shall not be effective unless a majority of the electors of Point Arena, in a general or special election, approve the proposed amendment. Any such application must comply with all provision of Ordinance No. 124 and any amendments thereto.~~

a general plan amendment is required. Any such amendment shall not be effective until a majority of the voters in Point Arena, in a general or special election, approve the proposed amendment, unless such amendment is approved by the Coastal Commission pursuant to Section 30515 of the Coastal Act.

30. Sec. 5.33 Subdivision Application Requirements

A. Application Requirements (General)

1. A Tentative Map or a Tentative Parcel Map
2. Proof of applicant's interest in the property.
3. Current Title Report for the property, less than 30 days old.
4. Filing fee, application form, and indemnification/hold harmless agreement.
5. Completed Redwood Coast Fire Protection District application form.

B. Map Form

1. The Tentative Map or Tentative Parcel Map shall be clearly and legibly drawn.
2. Minimum sheet size shall be 18 x 26 inches.
3. Minimum scale shall be 1 inch = 100 feet, unless otherwise approved by the City Engineer.

C. Map Content

The Tentative Map or Tentative Parcel Map shall include all information necessary for the planning body to make an informed decision regarding the subdivision. It shall include, at a minimum, the following information:

1. Date map was prepared, north point and scale.
2. Name, address and phone of owner, applicant and engineer, surveyor or other person who prepared the map.
3. A site map indicating the approximate location of the proposed subdivision of land in relation to the surrounding area.
4. An ownership map showing all land continuous to the land proposed for division in which the applicant or agent or joint venture has held any ownership interest within the past five (5) years.
5. Assessors' parcel numbers for all contiguous properties owned by the applicant.
6. All property lines and Assessors' parcel boundaries within the proposed subdivision.
7. An outline of the proposed subdivision to be shown clearly with distinctive symbols and so designated.
8. Names of owners of all adjacent parcels.
9. All existing and proposed easements, clearly stating purpose and width and restrictions.
10. The location, names, existing widths, approximate gradients and approximate curve radii of all existing streets through, adjacent to, or abutting the proposed subdivision. Indicate whether roads are public or private and type and location of street improvements.
11. The location, names, existing widths, approximate gradients and approximate curve radii of all proposed streets within the proposed subdivision. Indicate whether roads will be public or private and type and location of street improvements.
12. A drainage plan, which indicates the direction of slopes and approximate grade or sufficient contour lines designating the slope of the land. Contour interval shall not exceed two (2) feet unless otherwise authorized by the City Engineer.
13. The proposed lot layout, approximate dimension, and approximate area of all lots or parcels. All proposed lots or parcels shall be numbered consecutively.
14. The location and approximate dimension of all parcels to be offered for dedication, clearly stating the purpose of dedication.
15. The outline of any existing buildings to remain in place and their location in relation to existing and proposed lot lines.
16. The approximate location of areas subject to inundation or within a 100-year flood plain.

17. The location, width and direction of flow of all significant water courses or water bodies, existing and proposed. Show with the same degree of accuracy as roads and other improvements.

18. The approximate location of property line fences, wells, cesspools, sewers, culverts, drainpipes, major excavations, underground structures, overhead structures or other hazards within the land to be divided or one hundred (100) feet adjacent.

ARTICLE 6: PROCEDURES AND ADMINISTRATION

31. Sec. 6.01 Amendments to Zoning Ordinance and Zoning Map: The Point Arena Zoning Ordinance and Zoning Map, as adopted by the Point Arena City Council, may be amended pursuant to the requirements of this Article and provisions of the Government Code of both the Coastal Act and the State of California.
32. Sec. 6.04 Notification requirements for amendments: In addition to notification required by Sec. 6.19, notice of proposed amendments to the Point Arena Zoning Ordinance shall be mailed to the California Coastal Commission and other interested public agencies and persons at least 10 working days prior to the date of the first public hearing before the Planning Commission. The City Council shall not take final action on an amendment until at least ~~30 days~~ six weeks after notices have been sent except in the case of an LCP amendment that the Executive Director of the Commission determines to be de minimus pursuant to Section 30514(d) of the Coastal Act, in which case the City shall not submit the proposed amendment to the Executive Director until at least 21-days after notices have been sent.
33. Sec. 6.05 Effective date of amendments and incorporation in Local Coastal Program: Within 5 working days of the adoption of the amending ordinance the City Clerk shall forward to the executive director of the California Coastal Commission a copy of the amending ordinance together with materials sufficient for a thorough review as well as the City Council resolution contained in Section 6.03 of this ordinance. ...

An amendment to the Commission-certified Local Coastal Program shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Chapter 6, Article 2, of the California Coastal Act and is effectively certified by the California Coastal Commission pursuant to Section 13551 et seq. of the California Code of Regulations.

34. Sec. 6.07 Required hearings: The Planning Commission shall consider all applications for Variances, Conditional Use Permits, Coastal Development Permits, Design Review approval, ~~Planned Residential Development Permits, and Comprehensive Development Plans.~~

At least one public hearing shall be held on each application for a Variance, Conditional Use Permit, Design Review or Coastal Development Permit, Planned Residential Development Permit, or Comprehensive Development Plan, thereby affording any persons the opportunity to appear at the hearing and inform the City of the nature of their concerns regarding the project.

Where a development involves applications for a combination of permits, the required hearings may be scheduled concurrently. No hearing shall be required for coastal development permit applications for 2nd dwelling units proposed in UR, SR, and RA zones or administrative permits for signs.

Hearings will be set for the earliest available meetings, satisfying the requirements of section 6.19 of ~~the~~ this Ordinance and any other county, state or federal agency minimum noticing requirements. At the public hearings, the Planning Commission shall hear any person interested in the proposal. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearings may be continued from time to time provided that the notice of the time of the continued public hearing shall be distributed to the persons and in the manner provided for ~~is given at the hearing or in the manner provided for in Section 6.19 of this ordinance. and provided that failure to act within time period prescribed in Section 65950 of the Government Code shall not be deemed to be approval of the application on that date. The applicant may waive the time limitation in writing if additional time is needed to consider the application.~~

An applicant's request for postponement, shall be granted at the City's discretion. The City shall, to the extent feasible, notify all persons the City knows to be interested in the public hearing of the postponement. The City shall not grant a request for postponement unless it determines that sufficient time remains under applicable deadlines for its action on the application.

Any request for postponement of a hearing by the applicant shall be in writing or stated on the record in a Planning Commission or City Council meeting and shall include a waiver of any applicable time limits for City action on the application. Where a request for postponement is granted pursuant to this section, the applicant shall provide another set of stamped, addressed envelopes consistent with the requirements of section [6.19](#).

The one hundred eighty (180) day time period described in Section 65950 of the Government Code may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the City.

35. Sec. 6.08 Findings:

A. Coastal Development Permit findings: A coastal development permit may only be granted if the following written findings can be made. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. Findings for approval or conditional approval shall conclude that the project as proposed, or as conditioned, conforms to the certified Local Coastal Program. If special conditions of approval are required in order to bring the project into conformance with the certified LCP, the findings shall explain how the special condition(s) alleviate or mitigate the adverse effects which have been identified.

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Point Arena's certified Local Coastal Program and will not adversely affect coastal resources; and

2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code). ; and

3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; and

~~24.~~ The proposed use is consistent with the purposes of the zone in which the site is located; and

~~35.~~ The proposed development is in conformance with the City of Point Arena's General Plan; and

~~46.~~ The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public

health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.

8. Supplemental findings for projects involving geologic, flood, and fire hazards:

(a) The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons; and

(b) The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions; and

(c) There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

...

~~D. Findings of consistency: The Planning Commission or City Council may approve a proposed development within the C, HWC, or PF zones regardless of whether the specific proposed use is listed as a principal permitted use or a conditionally permitted use. Prior to such approval the following findings shall be made:~~

~~1. The proposed use is consistent with the intent of the California Coastal Act and the Point Arena General Plan;~~

~~2. The proposed use does not constitute the equivalent of a general plan amendment, in which case the process leading to an official amendment (a legislative act) must be followed;~~

~~3. The proposed use is consistent with the intent of the applicable zone in which the use or activity lies;~~

~~4. The proposed use is very similar to a use listed; and~~

~~5. The proposed use is in no way inconsistent with any other section of this General Plan or the Zoning Ordinance.~~

36. Sec. 6.09 Conditions: In granting a variance, conditional use permit, Coastal Development Permit or design review, ~~Planned Residential Development Permit, or Comprehensive Development Plan~~ the Planning Commission shall impose conditions as deemed necessary to carry out the intent and purpose of this Ordinance. The violation of any specification or condition so imposed shall constitute a violation of this Ordinance and may constitute grounds for revocation of permit(s).

37. Sec. 6.10 A. Effective dates of permits local actions other than on coastal development permit applications: Planning Commission or City Council approval of ~~Coastal Development Permits, Variances and Conditional Use Permits, Planned Residential Development Permits, and Comprehensive Development Plans~~ shall become final 10 working days from the date action is taken and findings in support of the action are adopted, unless an appeal to the City Council has been taken within that time. Failure of the Planning Commission to act within the time limits established in the California Government Code Section 65950 and 65957.1 shall be considered approval of the application on the date the time limitation expires, and the approval shall become final in 10 working days unless appealed to the City Council.

City Council action on an appeal shall become final 10 working days from the date action is taken and findings in support of the action are adopted, unless it is appealed to the Coastal Commission.

B. Effective date of local action on a coastal development permit application. The City's final decision on a coastal development permit application for an appealable development shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless either of the following occur: (1) an appeal is filed in accordance with Title 14 CCR Section 13111 and pursuant to Section 6.16 of the Zoning Ordinance; or (2) the notice of final local government action does not meet the requirements of Title 14 CCR Section 13571 and;

When either of the circumstances in Section 6.10(B)(1) or (2) occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended. Section 6.16.

38. Sec. 6.11 Coastal Development Permits

A. Permit, when required: In conformance with Section 30600 of the California Coastal Act, in addition to any other approval or permit required under this Ordinance and as specifically excluded in subpart (B) below, a Coastal Development Permit shall be required for any use, building or other development, as defined in California Coastal Act Code Section 30106.

Each coastal development permit application shall be submitted with all of the application requirements contained in relevant sections of Article 5 and all other applicable provisions in the subject development's zoning district.

~~Upon approval of all required variances, conditional use permits or design review for any proposed use or building, a Coastal Development Permit shall be deemed approved and shall take effect 10 working days after the final approval unless within that time the approval is appealed to the City Council.~~

~~If a Coastal Development Permit action is appealed to the City Council, notice as prescribed in Section 6.19 shall be provided by the City Clerk to all interested persons and the Coastal Commission. Approval of a Coastal Development Permit by the City Council on appeal shall become effective 10 working days after approval and adoption of findings. However, when the subject property is located within the Coastal Commission's appealable area and the development qualifies under the appealable grounds criteria as outlined in Section 30603 of the California Coastal Act, the Council's action may be appealed to the California Coastal Commission within 10 working days after receipt of Notice of Final Action, by the Coastal Commission. If a valid appeal is filed with the Coastal Commission within that time, City approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within 5 working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the City Clerk shall deliver to the Commission staff all relevant documents and materials used by the Planning Commission and City Council in their deliberations. An appeal of a Coastal Development permit to the Coastal Commission shall be deemed valid if the appellant has exhausted all appeals as provided herein.~~

B. Developments not requiring a permit: The following categories of development shall not require a coastal development permit but shall not occur where prohibited by this ordinance:

- ~~1) Except in areas seaward of the first public road, construction of auxiliary buildings of less than 500 sq. ft. in floor area and less than 15 ft. in height.~~

~~2) Fences up to six feet (6') and freestanding masonry walls up to thirty six (36") in height.~~

~~3) Temporary structures built in conjunction with special events.~~

~~4) Any construction, enlargement, alteration repair, moving, improvement, removal, conversion or demolition of any structure less than any of the following criteria:~~

~~a) curbs, retaining walls and planter boxes up to eighteen inches (18") in height.~~

~~b) a small tool or storage cabinet with not more than 120 square feet of projected roof area. Multiple cabinets shall require permit approval. Lot line setbacks are to be observed.~~

~~c) television and radio antennas supported on roofs.~~

~~d) decks under thirty six inches (36") in height.~~

~~5) Any excavation or fill, or combination thereof, less than all of the following criteria;~~

~~Changes in landscaping and site excavation or filling more than 100 ft. from any perennial stream or near high tide line which will not change the existing elevation more than 2 ft. at any point.~~

~~1000 sq. ft. of surface area including the removal of ground cover - this does not include ground cover removed for agricultural purposes or grading for road and trail maintenance purposes.~~

~~50 cu. yds of material. This shall not apply to any excavation or fill;~~

~~a) Within a Riparian Corridor, or Unstable Area shown in the Point Arena General Plan. This does not include ground cover removal for road and trail maintenance purposes.~~

~~b) Within a public sewer, water main storm drain or power line easements, and within public streets.~~

~~c) Which will encroach upon or alter in any way a drainage channel tidal area water course, flood plain or area subject to~~

~~inundation. This does not include the maintenance of existing ditches.~~

~~6) Routine maintenance at Point Arena Wharf: Annual maintenance operations at Point Arena Wharf including parking lot leveling, bulkhead reconstruction or repair, dock repair,~~

~~7) Repair or maintenance activities including tree trimming and removal, and replacement of poles, that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, that if the Planning Commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation require that a permit be obtained under this ordinance.~~

~~8) The installation, testing, and placement or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, that the Planning Commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. Mitigation may include a requirement that utility lines be placed underground in any zone.~~

1. Improvements to existing single-family residences except as noted below in (a). For purposes of this section, the terms "Improvements to existing single-family residences" includes all fixtures and structures directly attached to the residence and those structures normally associated with a single family residence, such as garages, swimming pools, fences, storage sheds and landscaping but specifically not including guest houses or accessory self-contained residential units.

a. The exemption in 1 above shall not apply to the following classes of development which require a coastal development permit because they involve a risk of adverse environmental impact:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or within 50 feet of the edge of a coastal bluff.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

- (3) The expansion or construction of water wells or septic systems;
(4) On property not included in subsection (B)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the City or Coastal Commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to this section or Public Resources Code section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
(5) In areas which the City or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.
(6) Any improvement to a single-family residence where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or City indicated that any future improvements would require a development permit.

2. Improvements to any structure other than a single-family residence or a public works facility except as noted below in c. For purposes of this section, where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:

- a. All fixtures and other structures directly attached to the structure.
b. Landscaping on the lot.
c. The exemption in subsection a. above shall not apply to the following classes of development which require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policies of the LCP.
(1) Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; or within 50 feet of the edge of a coastal bluff;

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, or in an environmentally sensitive habitat area;

(3) The expansion or construction of water wells or septic systems;

(4) On property not included in subsection c(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the LUP, an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to section (2) above or Public Resources Code section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

(5) In areas which the City or the Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;

(6) Any improvement to a structure where the coastal development permit issued for the original structure by the City or the Coastal Commission indicated that any future improvements would require a development permit;

(7) Any improvement to a structure which changes the intensity of use of the structure;

(8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

3. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

4. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, except as provided in (5) below.

a. The exemption 4. above shall not apply to the following extraordinary methods of repair and maintenance which require a coastal development permit because they involve a risk of adverse environmental impact:

(1) Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective works;

(c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

(d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

(2) Any method of routine maintenance dredging that involves:

(a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(b) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

(c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the City or the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally

sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

(4) All repair and maintenance activities governed by these provisions shall be subject to the LCP permit regulations. These provisions shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

(5) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, (as measured by 50% of the exterior walls), seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

(6) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(7) (a) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(b) As used in this subdivision:

"Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

"Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

"Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(8) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

~~C. Permit Exclusions: The following types of projects are not development within the meaning of this section or Section 30106 of the California Coastal Act, and do not require a Coastal Development Permit:~~

~~1) Exterior painting and maintenance.~~

~~2) Remodeling, which does not affect the external profile or appearance of the structure.~~

~~3) Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over Two thousand dollars (\$2,000.00) in valuation in any twelve (12) month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:~~

~~a) Re-roofing.~~

~~b) Replacement of windows or doors where there is no change to the window or door opening.~~

~~c) Re-siding or changing of siding materials, except on architecturally or historically significant structures or structures located within historic districts.~~

~~4) Awnings projecting not more than six feet (6') attached to the exterior walls of buildings.~~

C. Categorical Exclusion

1. Geographical Area: Categorical Exclusion Order No. E-81-3 issued by the Commission on May 6, 1981 is intended to exempt from Coastal Permit requirements the following defined categories of developments within all zones of the City of Point Arena except as provided in this Section.

2. Categories of Development

(a) Except in areas seaward of the first public road, construction of accessory structures or buildings of less than 500 sq. ft. in floor area and less than 15 ft. in height, changes in landscaping and site excavation or filling more than 100 feet from any perennial stream or mean high tide line which will not change the existing elevation more than 2 ft. at any point.

"Accessory structure or building" shall mean: A detached and subordinate building or structure, other than a sign, or the use of which is incidental to that of a main building or use on that lot. On any lot on which is located a dwelling, any building or structure which is incidental to the conducting of any agricultural use.

(b) Except in designated Riparian Corridors or Unstable Areas identified in the LCP:

(i) Fences up to six feet (6') and freestanding masonry walls up to thirty-six inches (36") in height.

(ii) Standard electroliers not over thirty-five feet (35') in height above finish grade.

(iii) Temporary structures build in conjunction with special events.

(c) Any construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any building or structure less than any of the following criteria:

(i) Curbs, retaining walls and planter boxes up to eighteen inches (18") in height.

(ii) A small tool or storage cabinet with not more than 100 square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed.

(d) Except within a Geologically Unstable Area or area within 100 feet of the Hathaway Creek Fault, discussed in Section 5.20 (renumbered from 6.21) of the Zoning Ordinance of the City of Point Arena, or a Riparian Buffer Area described in sec. 5.22 (renumbered from 6.22) of the same Ordinances. (The geologic and riparian areas are clearly designated in the City of Point Arena Land Use Plan.): any excavation or fill or combination thereof, less than both of the following criteria:

(i) 1000 sq. ft. of surface area including the removal of ground cover – this does not include ground cover removed for agricultural or grading for road and trail maintenance purposes.

(ii) 50 cu. yds. of material.

This shall not apply to any excavation or fill:

(i) Within public sewer, water main, storm drain or power line easements, and within public streets.

(ii) Which will encroach upon or alter in any way a drainage channel, tidal area, water course, flood plain or area subject to inundation. This does not include the maintenance of existing ditches.

Ground cover removal for road and maintenance purposes in a Riparian Corridor or Unstable Area is not subject to this section.

3. Conditions

(a) Any amendment to the certified LCP which affects the land area to which this exclusion applies shall require the approval of the

California Coastal Commission pursuant to Commission Regulations and the Coastal Act of 1976 (PRC Section 30514)

(b) The City of Point Arena shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request pursuant to Section 00154 of the Commission LCP Regulations.

(c) This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to PRC Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state, or local government agency.

(d) This exclusion shall not apply to tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claim maps, or wetlands as identified in the power plant siting wetland resource maps.

D. Planned Residential Development (PRD): Planned residential developments shall require a coastal development permit, and shall conform with all the provisions below. The Planned Residential Development procedure shall be required for any proposed use, development or project, including land divisions, proposed on parcels of record of ten (10) acres or more or on any 2 or more abutting parcels of less than 10 acres that are in the same ownership or under the same control and which total 10 acres or more, and zoned SR, UR or MR. All uses principally or conditionally permitted in those zones may be included.

The purposes of this procedure are (a) to encourage and allow flexibility in site design, building layouts and design, and land usage, and in the application of development standards; (b) to ensure that open spaces and natural features are preserved and integrated into new developments, and (c) to allow careful and comprehensive public review of proposed large-scale projects. A Comprehensive Development Plan shall be submitted in connection with a coastal development permit application for a PRD, and may be submitted in other circumstances involving less than ten (10) acres where the proposal is limited to planned residential projects within the SR, UR or MR zones.

A coastal development permit for a PRD may be granted in lieu of any required variances, conditional use permits, and design review approvals, and shall be granted prior to or concurrently with any required tentative subdivision map, and/or parcel map, for any or all of the parcel or parcels for which there is a CDP application for a PRD.

Residential density and other standards: Residential densities calculated in number of dwelling units per acre shall be the same as in effect for the underlying zone, although individual lot sizes and yard, setback and building height requirements, may vary from the strict requirements of said zones. Common open space shall make up fifty percent (50%) of the subdivision or residential development project. For proposed developments within MR zoning district, the 50% open space requirement shall supersede and be required in place of the 15% useable open space regulation set for in Section 4.04 (C) (7).

1. Comprehensive Development Plans

Comprehensive Development Plans shall be prepared to describe and support land use or development proposals in connection with a CDP application for a PRD for large lots and projects, as well as under circumstances as may be defined and required in this Ordinance, and may be prepared in other circumstances at the discretion of the property owner. Comprehensive development plans must include all parcels in common contiguous ownership totaling 10 acres or abutting parcels under the same control totaling 10 acres, so that development for all such parcels can be planned for comprehensively. Plans are expected to consist of text and maps sufficient to describe the overall concept of the proposal (the concept plan), and in sufficient detail as to also provide the Planning Commission with complete information about the proposal and its impacts. Comprehensive Development Plans shall adhere to the provisions of the underlying zoning district to which they attach, except as provided herein.

The purposes of the Plan is to supply all of the relevant information required for comprehensive review, and, if appropriate and warranted, to facilitate creative and flexible modifications of standards and requirements of the underlying zones of this Ordinance, and to ensure that greater public benefits will be achieved, to encourage the preservation of open space and to protect coastal resources, by preparing and adhering to an overall

plan for the use of property in one or joint ownership than would otherwise be the case.

(a) General requirements: Comprehensive Development Plans shall consist of maps and a text describing in detail all features of the land use or development proposal on a lot or assemblage of commonly-held contiguous lots.

(b) Specific requirements

(i) Uses permitted: all uses principally permitted or conditionally permitted in the underlying zone.

(ii) Standards for development shall be those of the underlying zone, provided however that said standards may be modified by the Planning Commission or City Council as they relate to height, required yards, building heights, and minimum ultimate lot sizes. Modifications of said standards shall only be approved upon the Planning Commission or City Council making written findings that such modifications are in the public interest and that greater public benefits will be assured, that coastal resources will be protected and enhanced, and that coastal resources, including, but not limited to visual resources, will not be adversely impacted. Such benefits include but are not limited to improved or innovative site and architectural design; greater public and private open spaces; preservation of natural resources, species, features, and habitats; preservation of view sheds; and preservation of historic features.

(iii) Information that must be submitted for all parcels totaling 10 acres or more if in common contiguous ownership or abutting parcels under the same control:

(1) a proposed plot plan for the development, including project boundary designation, perimeter of the ownership, location and dimensions of any existing property lines and easements

(2) precise dimensions and locations of proposed land uses, structures, roads, trails, parking, yards, pathways, opens spaces, easements and other public and private facilities, as well as architectural elevations for

buildings, signs, and fencing, including material and color specifications.

(3) architectural sketches of proposed buildings, fencing, and signing.

(4) the width and location of surrounding and adjoining streets, roads and trails, and proposed street and trail alignments.

(5) the use of adjoining properties and buildings within fifty feet of the property line.

(6) existing features of and proposed changes in the topography of the site, including the location and extent of any grading or earth moving, drainage channels, or water courses.

(7) the locations and capacities of existing utilities.

(8) the location of existing structures and of trees in excess of three inches in diameter.

(9) the approximate timetable and phasing of proposed site preparation and development activities.

(10) proposed open space plan including landscaping and type of plant materials.

(11) proposed parking, recreational areas, common areas.

(12) other information as applicable, which may include but not be limited to economic/market analyses, habitat inventory and plan, archeological analysis, visual quality analysis, public services and facilities plan, utility services plan, land subdivision plan, showing exterior lighting, roof plans, noise abatement measures, view sight lines, location of ESHAs, geologic hazard areas, and other features necessary to evaluate the specific proposal and judge it in reference to this Ordinance, other relevant city Ordinances, and the General Plan.

(13) geologic studies as otherwise provided for in this Ordinance (Sec. 5.20).

(14) a landscaping plan including all details and methods of irrigation and maintenance.

(15) engineering plans showing site grading, including finished grades and drainage.

(16) a proposed parcel or subdivision map, if subdivision is proposed.

(17) such mitigation measures as may be specified as a consequence of environmental impact studies.

iv.. Phased Developments: In the Event that the applicant intends to ~~develop the proposal~~ construct the development that has been approved under the Planned Residential Development process in phases, and the Planning Commission or City Council approves phased ~~development construction at the time it approves the coastal development permit, said plans shall remain in effect so long as~~ not more than two years lapses should pass between the end of one phase and the beginning of the next phase.

E. Sign ~~Permits~~ Permits--Streamlined Administrative Process. Coastal development permit applications for signs which may be found Categorically Exempt under CEQA Guidelines shall be granted under the administrative process set forth in Section 6.20 of this Ordinance except that local actions on coastal development permit applications for signs that are appealable to the Commission shall be subject to the hearing process set forth under Section 6.19 of this ordinance. Coastal development permit applications for signs which are not found to be Categorically Exempt from CEQA shall also be subject to the hearing process set forth under Section 6.19 of this Ordinance.

39. Note: the following deleted sections are modified and moved to 6.11

~~Sec. 6.12 Planned Residential Development Permits~~

~~A. Permit, when required: In addition to any other approval or permit required under this Ordinance, a Planned Residential Development~~

~~Permit (PRD) shall be required for any proposed use, development or project, proposed on parcels of record of ten (10) acres or more and zoned SR, UR or MR. All uses principally or conditionally permitted in these zones may be included.~~

~~The purposes of this procedure are (a) to encourage and allow flexibility in site design, building layouts and design, and land usage, and in the application of development standards; (b) to ensure that open spaces and natural features are preserved and integrated into new developments, and (c) to allow careful and comprehensive public review of proposed large scale projects. A Comprehensive Development Plan shall be submitted in connection with an application for a PRD permit, and may be submitted in other circumstances involving less than ten (10) acres where the proposal is limited to planned residential projects within the SR, UR or MR zones.~~

~~A PRD permit may be granted in lieu of any required variances, conditional use permits, and design review approvals, and shall be the basis of any required tentative subdivision map, parcel map, or Coastal Development Permit for any or all of the parcel or parcels for which there is a PRD permit application.~~

~~B. Residential density and other standards: Residential densities calculated in number of dwelling units per acre shall be the same as in effect for the underlying zone, although individual lot sizes and yard, setback and building height requirements, may vary from the strict requirements of said zones, and density bonuses for very low, low, and moderate income housing, and for senior citizen housing, may be allowed in accordance with the density bonus provisions of the Density Bonus Ordinance and the General Plan. Common open space shall make up fifty percent (50%) of the subdivision or residential development project. For proposed developments within MR zoning district, the 50% open space requirement shall supersede and be required in place of the 15% useable open space regulation set for in Section 4.04 (C) (7).~~

~~Sec. 6.13 Comprehensive Development Plans~~

~~A. Definition and purposes: Comprehensive Development Plans shall be prepared to describe and support land use or development proposal for large lots and projects, as well as under circumstances as may be defined and required in this Ordinance, and may be prepared in other circumstances at the discretion of the property owner. Plans are expected to consist of a text and maps sufficient to describe the overall~~

~~concept of the proposal (the concept plan), and in sufficient detail as to also provide the Planning Commission with complete information about the proposal and its impacts. Comprehensive Development Plans shall adhere to the provisions of the underlying zoning district to which they attach, except as provided herein.~~

~~The purposes of the Plan are to supply all of the relevant information required for comprehensive review, and, if appropriate and warranted, to facilitate creative and flexible modifications of standards and requirements of the underlying zones of this Ordinance, and to ensure that greater public benefits will be achieved, by preparing and adhering to an overall plan for the use of property in one or joint ownership than would otherwise be the case.~~

~~B. General requirements: Comprehensive Development Plans shall consist of maps and a text describing in detail all features of the land use or development proposal on a lot or assemblage of commonly held contiguous lots. Said maps and text shall be submitted first to the Planning Commission for public hearing and review, and the Planning Commission shall forward said Plan to the City Council with a recommendation for such final action as may be required by the Council and this Ordinance.~~

~~C. Specific requirements~~

~~1) Uses permitted: all uses principally permitted or conditionally permitted in the underlying zone.~~

~~2) Standards for development shall be those of the underlying zone, provided however that said standards may be modified by the Planning Commission or City Council as they relate to height, required yards, building heights, and minimum ultimate lot sizes. Modifications of said standards shall only be approved upon the making findings that such deviations are in the public interest and that greater public benefits will be assured, and that. Such benefits include but are not limited to improved or innovative site and architectural design; greater public and private open spaces; preservation of natural resources, species, features, and habitats; preservation of view sheds; preservation of historic features; and the provision of housing for the elderly and low- to moderate-income individuals and families.~~

~~D. Concept plan: A "concept plan" shall be prepared and submitted for review, and approved, as the first step in the process leading to any~~

~~permit or approval that requires a Comprehensive Development Plan. A Concept Plan shall serve as the basis for any precise plan or land use/development permit approval otherwise required by the provisions of this Ordinance~~

~~1) Contents of the conceptual plan:~~

~~a) a proposed plot plan for the development, including project boundary designation, perimeter of the ownership, location and dimensions of any existing property lines and easements, tentative location of existing and proposed uses, buildings, roads, parking, and open space areas.~~

~~b) the width and location of surrounding and adjoining streets, roads and trails, and proposed street and trail alignments.~~

~~c) the use of adjoining properties and buildings within fifty feet of the property line.~~

~~d) existing features of and proposed changes in the topography of the site, including the location and extent of any grading or earth moving, drainage channels, or water courses.~~

~~e) the locations and capacities of existing utilities.~~

~~f) the location of existing structures and of trees in excess of three inches in diameter.~~

~~g) the approximate timetable and phasing of proposed site preparation and development activities.~~

~~h) sketches showing architectural concepts of proposed buildings, fencing, and signing.~~

~~i) proposed open space plan including landscaping and type of plant materials.~~

~~j) proposed parking, recreational areas, common areas.~~

~~k) other information as required by the Planning Commission, which may include but not be limited to economic/market analyses, habitat inventory and plan, archeological analysis,~~

~~visual quality analysis, public services and facilities plan, utility services plan, conceptual land subdivision plan.~~

~~l) geologic studies as otherwise provided for in this Ordinance (Sec. 5.20).~~

~~E. Concept Plan Approval: Concept plans shall be subject to final approval or denial by the City Council after a duly noticed public hearing, which hearing shall first be preceded by Planning Commission review and a public hearing, and recommendation. City Council approval may be conditional. An approval signals that steps may be taken to proceed with preparing precise plans in conformity with the Concept Plan.~~

~~F. Precise Plans Required: Upon approval by the City Council of a Concept Plan, where no conceptual approval is required, a Precise Plan or plans shall be submitted showing the details of property improvement and uses and activities to be conducted on the site or sites. Precise Plans shall be processed in accordance with procedures for a Conditional Use Permit as set forth elsewhere in this Ordinance.~~

~~1) Precise Plan content: Precise plans shall be prepared containing all of the information required of concept Plans, which has been further developed to a precise level of detail. Any data or calculations necessary to evaluate precise plans shall contain the following minimum information:~~

~~a) precise dimensions and locations of proposed land uses, structures, roads, trails, parking, yards, pathways, opens spaces, easements and other public and private facilities, as well as architectural elevations for buildings, signs, and fencing, including material and color specifications.~~

~~b) a landscaping plan including all details and methods of irrigation and maintenance.~~

~~c) engineering plans showing site grading, including finished grades and drainage.~~

~~d) miscellaneous plans, as appropriate, showing exterior lighting, roof plans, noise abatement measures, view sight lines, and other features necessary to evaluate the specific~~

~~proposal and judge it in reference to this Ordinance, other relevant city Ordinances, and the General Plan.~~

~~e) a tentative parcel or subdivision map, if required.~~

~~f) such mitigation measures as may be specified as a consequence of environmental impact studies.~~

~~G. Precise Plan Approval: The Planning commission in considering approval or denial shall make the findings required by Sections 6.08 (A) and (B) of this Ordinance, and shall also find that Precise Plans are in substantial conformance with the Concept Plan. These findings shall be confirmed by the City Council after a public hearing.~~

~~H. Expiration of Plans: Where a Concept Plan is required, precise plans must be submitted to Planning Commission within two years from the date of City Council approval. Without further action, which could include an extension of an additional year, Concept Plans become null and void.~~

~~Precise Plans shall expire two years from the date of approval if not initiated.~~

~~I. Phased Developments: In the Event that the applicant intends to develop the proposal in phases, and the Planning Commission or City Council approves phased development, said plans shall remain in effect so long as not more than two years lapses between the end of one phase and the beginning of the next phase.~~

40. Sec. 6.14 Time limitations on permits: A two-year limitation applies to all coastal development, variance, conditional use, design review, Planned Residential Development, or Comprehensive Development Plan permits. If ~~vested rights have not been enacted~~ development has not commenced within two years from the granting of a permit, the permit shall be void.

41. Sec. 6.15 A. Revocation of permits other than coastal development permits: In any case where the terms and conditions of a grant of a variance, conditional use permit, ~~Coastal Development Permit~~ or design review, ~~Planned Residential Development Permit, or Comprehensive Development Plan~~ are not complied with, the Planning Commission shall give notice to the holder of such permit of its intention to revoke such permit. Permits may also be revoked if the Planning Commission determines that the notification requirements in Sec. 6.19 were not satisfied by the applicant. Procedures for the revocation of a permit shall be the same as for the original

consideration except that the City Clerk shall assume all notification responsibility. ~~If a Coastal Development Permit has been appealed to, and approved by, the Coastal Commission, the Commission may also initiate revocation proceedings pursuant to the requirements of the Coastal Act.~~

B. Revocation of Coastal Development Permits

Grounds for revocation of a coastal development permit shall be:

(1) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the City finds that accurate and complete information would have caused the City to require additional or different conditions on a permit or deny an application;

(2) Failure to comply with the notice provisions of Section 6.19, where the views of the person(s) not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions on a permit or deny an application.

(3) Initiation of Proceedings. Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's intentional inclusion of inaccurate information or failure to provide adequate public notice as specified in Section 6.15(B)(1) & (2) may request revocation of a permit by application to the City Clerk specifying, with particularity, the grounds for revocation. The City Clerk shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The City may initiate revocation proceedings on its own motion when the grounds for revocation have been established pursuant to the provisions of Section 6.15(B)(1) & (2).

(4) Suspension of Permit. Where the City Clerk determines in accord with Section 6.15(B)(3), that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the City Planning Commission votes to deny the request for revocation. The City Clerk shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in this article, to the address shown in the permit application. The City Clerk shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the LCP and subject to the penalties set forth in Section 7.02.

(5) Hearing on Revocation.

(a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the City Clerk has reason to know would be interested in the permit or revocation, the City Clerk shall report the request for revocation to the commission with a preliminary recommendation on the merits of the request.

(b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.

(c) The Planning Commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Planning Commission wishes the City Clerk or the City Attorney to perform further investigation.

(d) A permit may be revoked by a majority vote of the members of the Planning Commission present if it finds that any of the grounds specified in section 6.15(B)(1) & (2) exist. If the Planning Commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

42. Sec. 6.16 Appeals of local actions other than a coastal development permit:
In the case of any Variance, Conditional Use Permit, ~~Coastal Development Permit~~ or Design Review, ~~Planned Residential Development Permit, Sign Permit, or Comprehensive Development Plan~~ or denial of a proposed change in the Zoning Map by the Planning Commission, and in the case of any order, requirement, decision or other determination made by any city employee, the procedures for appeals shall be as provided herein:

A. Administrative actions appealable: Any person aggrieved by a determination, interpretation, decision, decree, judgment, or similar action taken by a city employee under the provision of this ordinance may appeal such action to the Planning Commission within 10 working days of being notified of the decision.

B. Planning Commission actions appealable: An action, or appellate determination, taken by the Planning Commission on a variance, conditional use permit or design review shall become final after the 10th working day ~~following receipt by the Coastal Commission of a notice of action taken,~~ unless the action of the Planning Commission is appealed to the City Council within that time.

C. City Council actions: An action, or appellate determination, taken by the City Council on a ~~non-~~appealable coastal development variance, conditional use permit or design review shall become final ~~after the 10th working day following receipt by the Coastal Commission of a Notice of Final Action. Likewise, actions on all other permits shall become final after the 10th working day from the date the permit is approved.~~upon said action.

~~An action, or appellate determination, taken by the City Council on an appealable coastal development permit shall become final after the 10th working day following receipt by the Coastal Commission of a Notice of Final Action taken, unless that action is appealed to the Coastal Commission within that time.~~

~~Appeals to the Coastal Commission shall be for the reasons cited in Section 30603 of the Coastal Act, and if the subject property is located within the area described in Section 30603.~~

D. Filing requirements: Appeals to the Planning Commission or City Council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office of the City Clerk within the appeal period provided in Sec. 6.10(A). There shall be no fee for filing an appeal. The City Clerk shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments.

E. Notice of a public hearing: A public hearing shall be conducted on all appeals. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Sections 6.17, 6.18 and 6.19, and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

F. Time limitation and vote: The Planning Commission or City Council shall determine an appeal not later than 60 days following the date of the hearing. If both the applicant and the appellant consent in writing, the time limitation for a decision may be extended from time to time. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the appellate body.

G. Failure of appellate body to act: Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

H. Conditions and findings: The appellate body may impose or prescribe conditions as are in its opinion necessary to serve the objectives of this Ordinance and the Point Arena General Plan. The appellate body shall make a written determination of its decision together with its findings in support of the decision.

43. Sec. 6.16.5 Appeals for local actions on coastal development permit applications.

A. Planning Commission actions appealable: An action taken by the Planning Commission on a coastal development permit application may be appealed to the City Council within 10 working days of such action.

D. Filing requirements: Coastal development permit appeals to the Planning Commission or City Council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office of the City Clerk within the appeal period provided in Sec. 6.10. There shall be no fee for filing an appeal. The City Clerk shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments.

E. Notice of a public hearing: A public hearing shall be conducted on all appeals. The notice and conduct of

hearings by the appellate body shall be governed by the provisions of Sections 6.17, 6.18 and 6.19, and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

F. Time limitation and vote: The Planning Commission or City Council shall determine an appeal not later than 60 days following the date of the hearing. If both the applicant and the appellant consent in writing, the time limitation for a decision may be extended from time to time. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the appellate body.

G. Failure of appellate body to act: Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

H. Conditions and findings: The appellate body may impose or prescribe conditions as are in its opinion necessary to ensure conformance with this Ordinance and the Point Arena General Plan. The appellate body shall make a written determination of its decision together with its findings in support of the decision.

I. Finality of City action. A local decision on an application for a coastal development permit shall not be deemed complete until (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of [Chapter 3 of the Coastal Act](#), and (2) when all local rights of appeal have been exhausted as defined in Title 14 CCR 13573.

J. Final City action – notice.

(1) Notice after final local decision. (This section shall not apply to categorically excluded developments.) Within seven (7) calendar days of the City completing its review and meeting the requirements of Section 16.6.5(I), the City shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and

the procedures for appeal of the local decision to the Coastal Commission.

(2) Failure to Act-Notice.

(i) Notification by Applicant: If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the local government and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

(ii) Notification by City: When the City determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the City shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 6.16.5(J)(1) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to Title 14 CCR Section 13110 et seq. (This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)

K. City Action-Effective Date.

The City's final decision on an application for an appealable coastal development permit shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:

(1) an appeal is filed in accordance with Title 14 CCR Section [13111](#);

(2) the notice of final local government action does not meet the requirements of Section 6.16.5(J);

When either of the circumstances in Section 6.16(K)(1) & (2) occur, the Commission shall, within five (5) calendar days of receiving notice of

that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

44. Sec. 6.17 Application form: Applications for Variance, Conditional Use Permit, Coastal Development Permit or Design Review, Planned Residential Development Permit, Comprehensive Development Plans, Signs, and amendment to the text of this Ordinance or the Zoning Map shall be submitted to the City Clerk's office upon a prescribed form. 10 copies of maps, drawings and such other information as specified on the application forms shall be provided unless additional copies are specified. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his/her authorized agent, attesting to the truth and correctness of all facts, statements and information presented. If multiple permits are required, the Coastal Development Permit shall become the main or overriding permit and all other permits will become a part of the Coastal Development Permit.

The coastal development permit application form shall require at least the following items:

(a) An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the LCP, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the City will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.

(b) A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.

(c) A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the

application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.

(d) In addition to full size drawings, maps, photographs, and other exhibits drawn to scale, either one (1) copy of each drawing, map, photograph, or other exhibit approximately 8 1/2 in. by 11 in., or if the applicant desires to distribute exhibits of a larger size, enough copies reasonably required for distribution to those persons on the City's mailing lists and for inspection by the public in the City office. A reasonable number of additional copies may, at the discretion of the City, be required.

(e) Any additional information deemed to be required by the City for specific categories of development or for development proposed for specific geographic areas.

(f) The form shall also provide notice to applicants that failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by these regulations may result in delay in processing the application or may constitute grounds for revocation of the permit.

45. Sec. 6.19 Hearing Notification Requirements:

A. For actions initiated by one or more property owners for a variance, conditional use, ~~Planned Residential Development, Comprehensive Development Plan~~, Coastal Development Permit, or appeal from any of the foregoing, the following notification shall be required:

1. City notice of public hearings for variances, conditional use permits, or appeals for local actions on items other than coastal development permits.

The notice shall indicate the date that an application has been filed, the number assigned to the application, and the applicant's name, ~~a statement that the development is in the coastal zone~~, a description of the development and its proposed location, and the date, time and place of the City hearing, a brief description of the general procedure of the City concerning the conduct of hearing and local actions, and the system for local, including local fees required. The notice shall be prepared by the City Clerk.

2. City notice of a public hearing of coastal development permit applications appealable to the Coastal Commission.

Within ten (10) calendar days of accepting an application for an appealable coastal development permit or at least seven (7) calendar days prior to the first public hearing on the development proposal, the City shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed and to the Commission. The notice shall contain the following information:

- (a) a statement that the development is within the coastal zone;
- (b) the date of filing of the application and the name of the applicant;
- (c) the number assigned to the application;
- (d) a description of the development and its proposed location;
- (e) the date, time and place at which the application will be heard by the local governing body or hearing officer;
- (f) a brief description of the general procedure of local government concerning the conduct of hearing and local actions;
- (g) the system for local and Coastal Commission appeals, including any local fees required.

3. City notice for coastal development permits not appealable to the Coastal Commission.

(a) Notice of public hearings for coastal development permits not appealable to the Coastal Commission but do require a public hearing shall provide at a minimum: Notice of developments shall be given at least ten (10) calendar days before the hearing in the following manner: (i) if the matter is heard by the Planning Commission notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction; (ii) notice by first class mail to any person who has filed a written request therefore; (iii) notice by first class

mail to property owners within 300 feet; (iv) notice by first class mail to residents within 100 feet of the proposed project; (v) notice by first class mail to the Coastal Commission; (vi) the notice shall contain a statement that the proposed development is within the coastal zone. The City may, instead, elect to provide notice in accordance with Section 6.19(A)(2).

(b) Notice of developments which are not appealable to the Coastal Commission and which do not require a public hearing (and which are not categorically excluded) shall be provided as follows: Within (10) calendar days of accepting an application for a non-appealable coastal development permit or at least seven (7) calendar days prior to the local decision on the application, the City shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City, to all property owners or residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information: (1) a statement that the development is within the coastal zone; (2) the date of filing of the application and the name of the applicant; (3) the number assigned to the application; (4) a description of development and its proposed location; (5) the date the application will be acted upon by the City or decision-maker; (6) the general procedure of the City concerning submission of public comments either in writing or orally prior to the decision; (7) a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

24. Local Noticing Requirements by Applicant. Applicant noticing requirements. The applicant shall furnish to the City Clerk one stamped envelope addressed to the owner of each parcel of record within 300 feet of each boundary of the subject property for application. The applicant shall ascertain the names and addresses of the owners from the latest equalized assessment roll of the County Assessor, or any other records of the county assessor or tax collector which contain more recent information than the assessment roll.

Between the time the application is accepted for filing and the date when notices must be mailed, the applicant must post two notices, at a conspicuous places, easily read by the public, and as close as possible to the subject property. The City shall furnish the applicant with a standardized form to be used for such posting.

If the applicant fails to so post the notice form, distribute notices, or to sign the declaration of posting and distribution no less than 10 days prior to a hearing, or it is determined that the application is incomplete, the City Clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

~~3. City Clerk noticing requirements. The City Clerk shall provide notice in accordance with Section 6.19(A), use the envelopes provided by the applicant to mail notice of the hearing at least 10 days before the date of the hearing. In addition to mailing notices to all those for whom envelopes have been provided the City Clerk shall provide notice at least 10 days prior to the hearing in the following manner:~~

~~a) to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant;~~

~~b) to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, including the California Coastal Commission.~~

~~c) to any person who has filed a written request for notice with the Clerk.~~

~~d) publish the notice one time in a newspaper of general circulation.~~

B. Determination of Applicable Notice and Hearing Procedures for Local Action on Coastal Development Permits. The determination of whether a development is categorically excluded from coastal development permitting requirements, non-appealable or appealable to the Coastal Commission for purposes of notice, hearing and appeals procedures shall be made by the City at the time the application for development is submitted. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or the City has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

(1) The City shall make its determination as to what type of development is being proposed (i.e. categorically excluded,

appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by any designated local government employee(s) or any local body as provided in City procedures.

(2) If the determination of the City is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination as to the appropriate designation, the City shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion:

(3) The executive director shall, within two (2) working days of the City request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable:

(4) Where, after the executive director's investigation, the executive director's determination is not in accordance with the local government determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the City request.

CB. Notice and hearings for General Plan and Zoning Amendments. For actions associated with amendments to the Zoning Ordinance, Zoning Map, or General Plan, the Planning Commission shall review and recommend action on the proposed amendment(s). The Planning Commission shall hold at least one public hearing before approving a recommendation. The City Clerk shall publish a notice of the public hearing at least 10 days prior to the public hearing one time in a newspaper of general circulation.

And, if the proposed zoning ordinance amendment affects the permitted uses of real property, or if the proposed general plan amendment affects the permitted uses or intensity of uses of real property, notice shall also be given pursuant to 6.19(A) of this ordinance.

After a hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing. The City Clerk shall publish a notice of the public

hearing at least 10 days prior to the public hearing one time in a newspaper of general circulation. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed ordinance or general plan amendment by the City Council not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, shall be deemed to be approval of the proposed modification.

Before approval of any LCP Amendment, the City Council must make the finding that such amendment meets the requirements of, and is in conformity with, the LCP and the policies of Chapter 3 the California Coastal Act.

Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30510, 30512, 30513 and 30514 of the Public Resources Code and Sections 13551 and 13552 of Title 14 of the California Code of Regulations.

An amendment to the Commission-certified Local Coastal Program shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and is effectively certified by the California Coastal Commission pursuant to Chapter 6, Article 2, of the California Coastal Act.

46. Sec. 6.20 Administrative process: coastal development permits for signs, which may be found Categorically Exempt under CEQA Guidelines. Upon submission and acceptance of the prescribed application form and fees, an application for a coastal development permit for a sign, which may be found Categorically Exempt under CEQA Guidelines, shall be placed on the Planning Commission's Agenda for consideration. The Planning Commission shall hear comments from interested members of the public and will consider approval of the sign permit application, with or without conditions. The hearing requirements set forth in Section 6.19 above shall not be a requirement unless the local action on the CDP is for a sign that is appealable to the Coastal Commission. If a coastal development permit application for a sign can not be found to be Categorically Exempt from CEQA Guidelines, the hearing requirements set forth in Section 6.19 shall be required.

Whether the permit application is for a sign that is categorically exempt from CEQA or not, the Planning Commission shall review the coastal development permit application for conformity with the policies and standards of the General Plan and LCP, including but not limited to the visual resource protection policies in Chapters X and of the LUP and Section 5.14 and 5.15 of the Zoning Ordinance.

47. ~~Sec. 6.21~~ Notice of Final Decision:

~~A. This section shall not apply to action on any development which is excluded pursuant to Sec. 6.11 (B), (C), and (D) of this Zoning Ordinance.~~

~~B. Within 7 calendar days of a final action on any Coastal Development Permit the City Clerk shall provide notice of its action by first class mail to the California Coastal Commission and to any person who specifically requested such notice pursuant to Sec. 6.19. Such notice shall include conditions of approval, written findings, a location and description of the project, and the procedures for appeal of the local decision to the Coastal Commission.~~

~~C. If the City has failed to take a final action on any Coastal Development Permit within the time limits set forth in Government Code Section 65950 through 65957, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957 shall notify in writing the City Clerk and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.~~

~~D. If the City Council determines that the time limits established pursuant to Government Code Sections 65950 through 65957 have expired, the City Clerk shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to paragraph (b) that it has taken final action by operation of law pursuant to Government Code Sections 65950 through 65957. The appeal period for developments approved by operation of law shall begin to run only upon the receipt of the City's notice in the Commission office. (This section shall also~~

~~apply to any judicial determination that the development has been approved by operation of law.)~~

48. Sec. 7.01 Responsibility for enforcement: All employees of the City of Point Arena vested with the duty or authority to issue permits, shall conform to the provision of this ordinance and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance; and any such permits, certificates or licenses issued in conflict with the provisions of this Ordinance shall be null and void. It shall be the duty of the City Council to enforce the provisions of this Zoning Ordinance, the General Plan, and the Local Coastal Program, pertaining to ~~the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure~~ all development.
49. Sec. 7.02 Civil Penalties: Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Zoning Ordinance, shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00). Such person firm or corporation, shall be deemed to have committed a separate violation for each and every day during any portion of which any violation of this Ordinance is committed, continued or permitted by such person, firm, or corporation and shall be penalized as herein provided. The total amount of civil penalty imposed in any single action brought by the City to enforce the provisions of this Zoning Ordinance shall not exceed the total costs to the City of such enforcement, including but not limited to the following: attorney's fees, filing fees, telephone charges, postage, photocopying costs, facsimile transmission costs, and travel expenses.

In addition to all other available remedies, the City may seek to enforce the provisions of the LCP.

Any person who performs or undertakes development in violation of the LCP or inconsistent with any coastal development permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code Division 20 Section 30820.

Pursuant to Public Resources Code section 30811, the Coastal Commission may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the appropriate authority, the development is inconsistent with the provisions of the Coastal Act, and the development is causing continuing resource damage. Pursuant to Public Resources Code section 30821.6, any person who intentionally or negligently violates a restoration order may be civilly liable for a penalty for each day in which the violation persists.

ARTICLE 8. ENACTMENT

50. Sec. 8.02 Effective date: This Ordinance shall become effective upon effective certification by the California Coastal Commission of the LCP Amendment incorporating this ordinance into the Local Coastal Program; ~~and, in any event, no less than thirty (30) days from the date of its adoption by the City Council.~~

SECOND DWELLING UNIT ORDINANCE (NO. 166)

51. II. Second Dwelling Unit Development Standards

Second Dwelling Units shall be conditionally permitted in the SR 1/2, SR 1, RA-2, and AE zoning districts where there is a single-family residence existing on a lot and ~~are~~ subject to securing a conditional use permit and the following development standards. Second dwelling units in the AE zoning district shall only be allowed for the residence of the farmer or for employees engaged in the agricultural use of the land. Second Dwelling Units shall be conditionally permitted in the UR and SR zoning district in lieu of a Granny Unit. All second dwelling units require a coastal development permit.

...

5. Second dwelling units must meet all standards of the zoning district. ~~The total lot coverage of all structures shall not exceed that which is allowed in the particular zoning district.~~

...

7. Total lot coverage of all structures and pavings shall not exceed 50% of total lot size or shall not exceed that which is allowed in the particular zoning district, whichever is smaller.

...

12. Where one single-family dwelling unit exists on a lot that is less than or equal to 1200 square feet and less than 20-feet-high, a larger second unit may be constructed as the principal dwelling unit provided the new unit meets all the development standards required for the district in which it is located, and total lot coverage of all structures and pavings shall not

exceed 50% of total lot size or shall not exceed that which is allowed in the particular zoning district, whichever is smaller.

13. Services. The applicant shall provide evidence of services to serve the second dwelling unit including water supply, sewage disposal, and roadway capacity consistent with the provisions of LUP Chapter X Policy 2.5(a).
14. Public Access. Second dwelling units shall not obstruct public access to and along the coast, or public trails.
15. Visual Resources. Second dwelling units shall not obstruct public views from any public road, trail, or public recreation area to, and along the coast.
16. Environmentally Sensitive Habitat Areas and wetlands. Any permissible development associated with second dwelling units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or wetland.
17. Agricultural Lands. Any permissible development associated with second dwelling units shall be prohibited on prime agricultural soils, and where there are no prime soils, be sited so as to minimize impacts to ongoing agriculturally-related activities.

52. III. Granny Unit Development Standards

Granny units are subject to the requirements for a second dwelling unit as detailed above in Section II of this ordinance. In addition, Granny Units are intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over. Granny Units shall be permitted in the UR and SR zoning district, in lieu of a second dwelling unit. All granny units require a coastal development permit.

APPENDIX A: SUPPLEMENTARY DEFINITIONS

- 53. *Where definitions are provided for the same terms in the LUP glossary, Appendix A definitions shall conform to the LUP definitions as modified. Where new definitions are added to the LUP glossary through suggested modification, Appendix A shall incorporate these definitions also. The***

following exception applies: The Appendix A definition for riparian buffer zone shall be:

Riparian Buffer Zone. That portion of a riparian corridor directly adjacent to a stream or creek which is measured 100 feet from the outside edge of the ~~environmentally sensitive~~ riparian vegetation. The width of the buffer area shall be a minimum of 100 feet and shall be larger if necessary to protect the habitat from significant degradation caused by proposed development. No buffer may be less than 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game and the City, that 100 feet is not necessary to protect the resources of that particular habitat area from ~~possible~~ significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive riparian habitat area and ~~shall~~ may not be less than 50 feet in width. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive riparian vegetation from significant disruption of habitat values, functional capacity, and species diversity as a result of future development.

V. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: *“(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.”*

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission must act by majority vote of the Commissioners present when making a decision on the implementing portion of a local coastal program.

VI. BACKGROUND

Point Arena is a small incorporated city located entirely within the coastal zone in the southern coastal region of Mendocino County. It presently occupies 839 net acres of land area, which includes undeveloped coastal bluffs, Arena Cove (a historical commercial fishing area that is set apart from the bulk of the town), a downtown “urban core” surrounded by residential neighborhoods generally concentrated around Highway One, and 176 acres of mostly undeveloped residential lands located east of Highway One and east of the City’s commercial core. Development within the City is currently concentrated within an existing 282-acre urban service area located along both sides of Highway One, which bisects the city. The City was once about 2.5 times its present size, but the size was reduced by voters back in the late 1940s because the City could not afford to provide necessary services.

The high, sheer bluffs characterizing the Point Arena coastline are broken only at the Arena Cove wharf area, where Arena Creek flows from the east and empties into the ocean. The Cove supports commercial and recreational fishing, and a small commercial area, while the majority of the City is located on inland coastal zone lands, where Highway One cuts east and away from the coast.

According to the 1990 U.S. Census, Point Arena's population was at that time 407 living in approximately 200 dwelling units. The in-city growth rate is judged to be extremely modest throughout the near term, although the general market-area population (persons living within the city limits plus those living in the surrounding County territory) is likely to increase somewhat. According to the proposed LCP amendment, the date by which build-out might occur is unknown and it is an event that will occur very far into the future.

The Local Coastal Program (LCP) for the City of Point Arena, including the Land Use Plan (LUP) and Implementation Plan (IP) (Zoning Ordinance) were effectively certified on December 3, 1981. The LCP was subsequently amended and certified multiple times, however none of these amendments included a comprehensive update to the entire LCP.

The City has been working on updating its LCP for over ten years, through the adoption of its first General Plan and an updated Zoning Ordinance, a new Second Dwelling Ordinance, and a new Land Use and Development Map. Starting in the early 1990s, Commission staff began working with the City on the draft General Plan, by reviewing drafts and providing comments in January 1992, October 1994, and January 11, 1995. On January 24, 1995, the City Council formally adopted the City's first General Plan.

On August 12, 1997 the City Council approved an updated Zoning Ordinance, Zoning Map, Land Use and Development Map, and a new Second Unit Ordinance. The City transmitted the General Plan, Land Use and Development Map, environmental impact report, the updated Zoning Ordinance and Zoning Map, and the Second Unit Ordinance to the Commission for consideration as a comprehensive Local Coastal Program Amendment.

Subsequently, Commission staff reviewed the submittal, determined that the application was incomplete, and provided a lengthy written response requesting additional substantive information and analysis on several issues, including: (a) clarification on what is proposed to constitute the land use plan and the implementation plan; (b) apparent inconsistencies between the LUP and IP; (c) completion of maps; (d) criteria and assumptions used to determine "buildout" figures; (d) the adequacy of water and sewer services to accommodate "buildout"; and (e) a traffic analysis.

In light of the number of recommended changes and additional analyses requested, the City withdrew the application and completed additional studies. On August 28, 2001 the City Council formally amended the General Plan and Zoning Ordinance and on October 2, 2001, the Commission received the new LCP amendment application. This submittal included the General Plan (not including the Housing Element) and Land Use and Development Map with associated support documents, the Zoning Ordinance and Zoning Map, and the Second Unit Ordinance. The Land Use and Development Map and Zoning Map are combined into one single map. As submitted, the LUP would consist of

the General Plan (not including the Housing element) and the Land Use and Development Map and the IP would consist of the Zoning Ordinance, Zoning Map, and Second Unit Ordinance.

Commission staff subsequently reviewed the submittal, determined that the application was incomplete, and requested additional information on the City's water supply, and a full submittal of all the proposed LCP maps referenced in the General Plan. Over the next two years, Commission staff continued to work with the City on the information needed to complete the application.

On January 28, 2005, the Executive Director determined that the County's LCP amendment transmittal was in proper order and the application was deemed submitted. Pursuant to Sections 30512 and 30514 of the Coastal Act, an amendment to a certified LCP affecting the land use plan must be acted on by the Commission within 90 days after the submittal request has been deemed to be in proper order for filing. The 90th day for this LCP amendment was April 28, 2005. Section 30517 of the Coastal Act allows the Commission to extend, for good cause, the 90-day time limit for up to one year. Commission staff requested an extension to allow additional time to evaluate the submittal, due to the broad scope of the proposed amendment and a shortage of staff in the Commission's North Coast office. On April 1, 2005 the Commission granted a time extension and extended the deadline for Commission action from to April 28, 2006.

VII. SUMMARY OF PUBLIC PARTICIPATION

The preparation of the General Plan was guided with the participation of eight Citizens Advisory Committees formed in 1991. These committees met regularly on the various elements of the General Plan, and provided their findings to the City Council.

The first version of the proposed LCP was submitted to the Commission in 1997 after the City Council conducted public hearings on the first draft of the General Plan (first Commission submittal) on 1/19/93, 1/26/93, and 2/9/93 as well as public hearings on the final draft of the General Plan and draft EIR on 9/24/94 and 9/27/94. In addition, the Planning Commission conducted public hearings on the Zoning Ordinance, Zoning Map, Land Use and Development Map, and new Second Unit Ordinance on 5/13/97, 5/27/97, 6/10/97, and the City Council approved these items after conducting public hearings on 7/28/97, 7/22/97, and 8/12/97.

After the first version of the proposed LCP was withdrawn, the City amended various documents of the LCP, and the City Council conducted public hearings on the currently proposed LCP on 7/24/01, 7/31/01, and 8/28/01. Notice of the 7/24/01 hearing was published in the Independent Coast Observer on May 18th and 25th, 2001. Documents

were made available at the Point Arena City Hall and the Coast Library in Point Arena, and the Public Review Period began on May 25, 2001.

Proper notification of the public hearings was provided in accordance with the City of Point Arena's Zoning Ordinance, Section 15087 of the State CEQA Guidelines, and Section 65350 et. seq. of the California Government Code.

VIII. FINDINGS FOR DENIAL OF THE CITY OF POINT ARENA'S LAND USE PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

A. Amendment Description

The proposed LCP amendment consists of a comprehensive update of the City's currently certified Land Use Plan (LUP) through the submittal of its recently adopted General Plan. Several sections of the LUP text and policies are proposed to be modified, including those related to land use and development, hazards, coastal resources, and public access and recreation. There are also several new chapters added, including community health and safety, economic development, traffic and circulation, noise, and open space and conservation, and permitting procedures. The updated LUP text is more reflective of current conditions, as well as of coastal resource concerns, such as environmentally sensitive habitat areas, agricultural land conversion, hazards, and visual resources.

The proposed updated LUP document has a significantly changed format, and is organized by General Plan "element." The first two chapters include an expanded "overview" of the plan and a detailed discussion of community character and overall goals. These are then followed by "elements," which include: (III) Land Use and Development; (IV) Economic Development; (V) Traffic and Circulation; (VI) Open Space and Conservation; (VII) Community Health and Safety; (VIII) Noise; (X) Coastal; (XI) General Plan Implementation; (XII) Project Review and Permitting; and (XIII) General Plan Review and Amendments.

The proposed amendment also includes a revised combined LUP and Zoning Map, now called the "Land Use and Development Map," and contains several proposed changes to land use and zoning designations (exhibit 2 and 4). The proposed amendment provides for development opportunities that have not existed heretofore. This includes allowing and fostering mixed commercial and residential uses, increasing the land area

available for multiple-family housing, and opening up opportunities for expanding retail and commercial service uses within the Downtown and along Highway 1 at the north and south ends of the city. Within areas designated commercial the predominant uses are proposed to be retail commercial, personal and professional service uses, and tourist-oriented activities. Also proposed are a mixing in with commercial uses of live-work and studio spaces, limited residential units, and offices.

While these proposed land use changes include some site specific residential density increases, there are other specific areas that would result in a decrease in density. The overall residential buildout in the City is approximately 1,350 dwelling units, an increase of approximately 100 dwelling units over the currently certified buildout (see exhibit 20), which is largely the result of the new proposed allowance of second dwelling units in the RA, SR, UR, and AE (for farmer housing only) zones.¹ Key aspects of these land use changes are summarized below.

(1) A proposed change from Community Commercial (C-2) to Public Facility (PF) in the northwest portion of the City on the west side of Highway One. This would conform the parcel where the City's administrative offices are located to a more appropriate zone (see exhibit 4 [PlanWest's map change exhibit 1]);

(2) A proposed wholesale change from Planned Development to Suburban Residential – 1-acre minimum (SR-1). The City proposes to eliminate the PD designation from the LUP. This designation has a 1 dwelling unit/acre density minimum. The proposed replacement by SR-1 would have the same density requirement. Further, the aspects of the PD zone that allowed for flexible planning such as clustering to preserve open spaces would be preserved through the City's proposed Planned Residential Development (PRD) process (see proposed LUP Chapter III, Section 10, exhibit 2).

(3) A proposed change from Agriculture Exclusive (AE) to PF on two small parcels located south of Iversen Avenue (see exhibit 4 [PlanWest's map change exhibit 3]). The City's sewer plant operations have been located in these areas for at least 22-years, hence no agricultural activities have occurred there, nor are there any potential future agricultural activities that could occur there, therefore, the proposed public facility designation would give match these parcels to the public facility designation.

¹ Buildout figure is based on an 80% build out assumption for SR-1, SR-1/2, MR, and UR, subtracting 20% for buildout limitations from roads, setbacks, and other constraints. It also assumes 25% of the Commercial (C) acreage for conditional residential development, and for Highway Commercial (HWC), residential buildout is calculated at 15 du/acre but must be located on the rear 40% of the lot and cannot occupy more than 25% of the lot.

(4) A proposed change from PD to Park (P) on a small parcel located in the center of the City just north of Iversen Ave (see exhibit 4 [PlanWest's map change exhibit 3]);

(5) Proposed changes from Urban Residential (UR) to Multi-Family Residential (MFR) in the center of the City between Port Road and Iversen Ave, just south of Highway One, near its junction with Main Street, in the center of the City (see exhibit 4 [PlanWest's map change exhibits 3 and 5]), and east of downtown at the end of Mill Street (see exhibit 4 [Plan West's map change exhibits 5 and 6]). This would be a decrease in density from 15 dwelling units/acre to 7.5 dwelling units/acre.

(6) A proposed change from PD to UR just west of downtown, north of Port Road (see exhibit 4 [PlanWest's map change exhibit 5]). This would be an increase in density from 1 dwelling unit/acre to 5 dwelling units/acre.

(7) A proposed change from UR to Core Commercial (C) on a few small parcels located downtown; and (8) a wholesale change of the C-1 (Neighborhood Commercial Core) and C-2 (Community Commercial) to C (Core Commercial) in the downtown area (see exhibit 4 [PlanWest's map change exhibit 5]). The new proposed Core Commercial designation is roughly equivalent to the currently certified C-1 designation, allowing for the same range of commercial uses suitable for the downtown area, but expanding the allowable commercial uses to accommodate mixed use commercial developments and conditional residential units, such as live-work units. As proposed the conditional residential density would increase from 5 DU/acre to 15 DU/acre.² The small change from UR to C in the same downtown area would serve to decrease residential and open up more development opportunities for priority uses, such as visitor-serving uses.

(9) A proposed change from MFR to UR south of Mill Street in the downtown area (see exhibit 4 [PlanWest's map change exhibit 5 and 6]) which would decrease density from 15 dwelling units/acre to 5 dwelling units/acre.

(10) A proposed change from Suburban Residential (1/2 acre minimum) (SR) to Multi-Family Residential (MFR), east of downtown located on the south side of Riverside Drive (see exhibit 4 [PlanWest's map change exhibits 5 and 6]), which would be an increase in density from 2 dwelling units/acre to 7.5 dwelling units/acre.

(11) A proposed change from MFR to AE southeast of downtown (see exhibit 4 [PlanWest's map change exhibit 6]), which would be a decrease in density from 15 DU/acre to 1 DU/20 acres, would be congruent with the AE designation south of the City, and provide more open lands appropriate for the riparian buffer area on the south side of Point Arena Creek.

² Residential buildout figures are based on the assumption that 25% of the C acreage would be developed for residential uses

(12) A proposed change to the C-2 designations, located on Highway One just north and south of the City, to the new Highway Commercial (HWC) designation. The new proposed HWC designation is roughly equivalent to the currently certified C-2 designation, allowing for the same range of commercial uses suitable for the highway area, but expanding the allowable commercial uses to accommodate mixed use commercial developments and other commercial developments suitable for the highway area, such as small truck, vehicle, and small boat sales. With the new HWC designation, residential density could increase to 15 dwelling units/acre from 5.81 dwelling units/acre with the proposed conditionally allowable residential uses.³

The proposed LUP also includes three new "Opportunities and Constraints Maps," depicting: (1) Scenic Corridors; (2) Natural Hazards; and (3) Biological Resources and Trails.

The Housing Element (IX), while included in the General Plan, has not been transmitted to the Commission for certification as part of the LUP. Therefore, Chapter IX would not be part of the LUP. The City has indicated its desire to submit a more recent housing element, recently approved by the State Department of Housing and Community Development (HCD), to the Commission for certification at a future date.

While the proposed LUP includes a separate Coastal Element that details background information and policies related to public access, recreation, marine environment, environmentally sensitive habitat areas, agricultural land conversion, and locating new development, the proposed LUP is not limited to this chapter. In addition to the policies contained in the Coastal Element, there are several policies and discussions relating to coastal resources scattered throughout the general plan, including, but not limited to the Community Health and Safety Element (VII), Land use and Development (III), and Open Space and Conservation (VI). Therefore, the proposed LUP consists of the entire General Plan, not including the Housing Element and the Land Use and Development Map.

B. Findings

1. Locating New Development

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close

³ Residential buildout figures are calculated at 15 du/acre for HWC, but taking into account regulations that would require that the residential development be located on the rear 40% of the lot and cannot occupy more than 25% of the lot.

proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Section 30254 of the Coastal Act states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30210 (maximum public access):

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 (development not to interfere with public access):

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30221 (oceanfront land for recreational use)

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 (private lands for recreation)

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30224 (recreational boating)

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234 (Commercial fishing)

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30250 of the Coastal Act requires that new development be located within, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, the development that would be accommodated by a proposed LCP amendment should be limited insofar as possible to the availability of water and sewer services, as well as traffic capacity to serve such development.

Water

Point Arena's currently certified residential buildout is 1245⁴ dwelling units. This buildout includes zones that are served by the municipal water and sewer system: Urban Residential (UR), Multi-family Residential (MFR), Commercial Core (C1), and Community Commercial (C2); and zones that are served by private wells and septic

⁴ Buildout figure is based on an 80% build out assumption, subtracting 20% for buildout limitations from roads, setbacks, and other constraints

systems: Agriculture Exclusive (AE), Residential Agriculture (RA), Suburban Residential (SR), and Planned Development (PD).

The Point Arena Water Works municipal water company currently has water permits to pump water from the Garcia River to serve 1,385 people. Approximately 1013 dwelling units would need to connect to the municipal water system under the currently certified build out. Assuming each household would contain approximately 2.236 people (according to the 1990 census), approximately 2,265 people would need to be served by the municipal water system under the currently certified buildout. Therefore, as certified the LCP has an urban residential build would exceed capacity of the municipal water system by approximately 400 dwelling units.

In regards to those areas that could be served by private wells, the total potential dwelling units that could be served by wells at existing certified buildout is 232. A recent groundwater study conducted by Questa assumed that approximately 244 residential units that could be served by wells, and concluded that the groundwater capacity was adequate. Therefore, based on the groundwater studies currently certified residential buildout in those zones that could be served by wells would be adequately served by those systems.

In summary, in regards to water supply, Point Arena's existing certified residential buildout in urban areas of the City is over-capacity and would not be adequately served by the existing municipal water system's capacity.

As proposed, the total residential buildout in Point Arena would be approximately 1,350⁵ dwelling units, including the proposed 2nd dwelling units. This buildout includes zones that are served by the municipal water and sewer system: UR, MFR, HWC (Highway Commercial), and C (Core Commercial), the latter two zones allowing for some conditional residential uses (live-work spaces, etc.).

As discussed above, the Point Arena Water Works municipal water company currently has water permits to pump water from the Garcia River to serve 1,385 people. Approximately 1016 dwelling units would need to connect to the municipal water system under proposed build out, approximately the same as what is currently certified. Assuming each household would contain approximately 2.236 people (according to the 1990 census), approximately 2,271 people would need to be served by the municipal water system under the proposed buildout. Therefore, as is already the case for the existing certified urban buildout, as proposed, the LCP has an urban residential build

⁵ Buildout figure is based on an 80% build out assumption for SR-1, SR-1/2, MR, and UR, subtracting 20% for buildout limitations from roads, setbacks, and other constraints. It also assumes 25% of the Commercial (C) acreage for conditional residential development, and for Highway Commercial (HWC), residential buildout is calculated at 15 du/acre but must be located on the rear 40% of the lot and cannot occupy more than 25% of the lot.

out would exceed capacity of the municipal water system by approximately 400 dwelling units.

In regards to those areas that could be served by private wells as proposed, the total potential dwelling units that could be served by wells as proposed would increase to 349 because of the proposed allowance of second dwelling units. As discussed above, a recent groundwater study by Questa conducted to evaluate the adequacy of groundwater to support the proposed LCP was based on a figure of 244 residential units that could be served by wells. It is unclear how this figure was determined, as well as how water demand was estimated. Because of these study inaccuracies, it appears that groundwater capacity to support the proposed rural buildout that would be served by wells is inadequate.

In summary, the City's municipal water system is not capable of serving the existing certified or proposed urban buildout for Point Arena, and it is uncertain as to whether the proposed increase in rural buildout would be adequately served by groundwater capacity, based on existing information.

Septic

Zones within the urban limits of Point Arena are served by the City's municipal wastewater system. As with water, these zones include existing UR, MFR, C-1 and C-2 and proposed UR, MFR, C, and HWC. Suburban Residential zones would have the option to connect to the City's system or utilize a private sewage disposal system. In 1996, as part of the current LCPA submittal, the City commissioned a wastewater system capacity analysis for the municipal wastewater system. This study concluded that the wastewater system has adequate capacity to handle and treat the highest foreseeable flows and biochemical oxygen demand loads that would be generated under the proposed LCP, however, this study was based on an urban buildout figure of 643 dwelling units. As discussed above, for those zones that must connect to the City sewer, the existing certified buildout is 1013 dwelling units, and the proposed buildout is 1016 dwelling units. Therefore, under existing certified buildout conditions, and as proposed, the future buildout of the LCP would be underserved by the City's sewer system.

In regards to those "rural" zones that would utilize private sewage disposal systems, the City did not submit a soils analysis to substantiate whether private sewage disposal systems would be feasible at buildout.

Traffic

The City commissioned TJKM Transportation Consultants to conduct the "State route 1 Corridor Operation at General Plan Buildout" study to support the current LCPA

submittal. While the study concluded that at “buildout”, rural Highway 1 south of the City would be at level of service (LOS) E and rural Highway 1 north of the City would be between LOS D and E, and Route 1 through the City would remain at LOS A, with various intersections, such as Main Street and Iversen Ave, would be at LOS D, these conclusions were based on an inaccurate buildout figure of 864 dwelling units. As proposed, the City’s buildout (including “urban” and “rural” areas) would be 1350 dwelling units, an increase of 105 dwelling units over the existing certified LCP.

Discussion

As outlined above, Point Arena has an existing problem with respect to the adequacy of water supply to support ultimate buildout (this is especially evident with respect to the availability of municipal water supply), and there is uncertainty as to whether sewage disposal services (municipal or private) and traffic capacity could support ultimate City buildout. As proposed for the LCP amendment, the overall buildout would increase by approximately 100 units, thereby exacerbating the strain on available services, inconsistent with Coastal Act Section 30250, which requires new development to be located in areas that have adequate services available to accommodate it and will not have individual or cumulative adverse impacts on coastal resources. In addition, submitted buildout figures do not take into account additional dwelling units that could be built under the proposed density bonus policies, and the total potential for second dwelling units (submitted build out figures assumed that only 50% of the potential second dwellings would be built in certain residential zones). Further, the calculations for available services above assumed that Suburban Residential zones would not connect to the City systems. However, as proposed the Suburban Residential (SR) zones within the urban limit would have the option of either connecting to the municipal water supply and sewer system or constructing a private wells and septic disposal system. Therefore, the municipal water and sewer systems could be over-taxed even further if developments in these zones were to exercise their option to connect. The City has proposed a zoning policy (Section 5.25) giving priority to those lots with available connections, however, there is no mechanism provided how the priority connections would be monitored, or enforceable mechanism proposed that would avoid allowing the suburban zones taking away City services from those urban zones that do not have the option of having private systems, inconsistent with Coastal Act Section 30250.

Moreover, City calculations of buildout and demand for services and service capacity studies do not take into account the needs for commercial development, including the service needs for priority uses, such as visitor-serving facilities, commercial fishing, and recreational boating. Coastal Act Section 30254 states that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Therefore, since there is evidence that existing services would not be able to accommodate residential buildout as proposed, and since service capacity studies did not include priority uses, it

can be reasonably concluded that as proposed, there would not be available public works facilities to accommodate priority uses, such as coastal dependent, public recreation, commercial, and visitor serving land uses, inconsistent with Coastal Act Section 30254.

The City has taken several steps to concentrate development and reduce density in order to keep development at pace with available services. This includes the proposed allowance of conditional residential uses in the urban core and highway commercial areas and the allowance of second residential units on existing lots, thereby concentrating development in the urban area and on existing lots; and proposing to reduce density in the Urban Residential zone from 15 units/acre to 5 units/acre (see exhibit 20) and Multi-family Residential from 15 units/acre to 7.5 units/acre. Indeed, these measures have brought the total proposed buildout to within 100 units of what is currently allowable under the certified LCP. However, as discussed above, according to concrete information on the availability of water and a lack of adequate information on the availability of sewage disposal and traffic capacity, existing services are not adequate to serve the existing potential buildout or potential priority uses, such as visitor serving facilities, commercial fishing, and recreational boating, in the City. As such, the new potential buildout associated with the proposed LCP would be faced with the same problems, inconsistent with Section 30250 and 30254.

Preserving, protecting, and enhancing priority uses in the coastal zone, such as coastal-dependent land uses, visitor serving facilities, commercial fishing, and recreational boating, are key aspects of the Coastal Act, as evidenced in Sections 30250, 30254, 30220, 30221, 30222, and 30224, and 30234. In addition, preserving, protecting and enhancing the public's ability to access the coast, which includes reserving traffic capacity for public access purposes, is a key component of the Coastal Act, as evidenced by Sections 30211 and 30210. As proposed, the Point Arena LCP would not reserve adequate water supply, sewage disposal capacity, or traffic capacity for these priority uses, and would also be inadequate to serve residential development, and therefore, must be denied.

However, if modified to restrict further density increases, through the imposition of restrictions on subdivisions unless adequacy of available services are demonstrated prior to approval, to include stronger policies on the establishment of adequate services prior to approval of any new development, to include policies that reserve services for priority uses, as shown by the attached suggested modifications, and to clarify that large, undeveloped properties, such as the Hay Annexation Area, must be processed according to the Planned Residential Development (PRD) approval process, that the prior memorandum of understanding (MOU) for this area does not represent an automatic right to develop at full buildout potential and that any development agreement

must be consistent with all applicable provisions of the LCP, the proposed LCPA would be consistent with the priority use, public access, and new development provisions of the coastal act.

Hay Annexation Area

On April 13, 1990, the Commission certified Point Arena LCPA No. 1-89. This amendment, known as the "Hay Annexation", rezoned 20 acres located within the eastern-most boundary of the City limits and then annexed an additional 156 acres to it. In order to finalize the annexation/amendment, a Memo of Understanding (dated 11/14/89 with an amendment dated 2/27/90) was executed between the developer and the City which sets forth certain conditions necessary to ensure an orderly progression for development and infrastructure. This MOU represents the maximum potentially allowable development in the Hay annexation area, but does not represent an automatic right to develop it to its ultimate potential. The Hay annexation ultimate buildout potential has been figured into the overall residential buildout figure for the City, and the same limitations on service capacity discussed above apply to this area. The area remains undeveloped, no coastal development permits have been approved, and water, sewage disposal, and road infrastructure has not been extended to the area. However, this land remains a large area of potential residential development for the City. To ensure consistency with LCP policies on locating new development and health and safety, development proposals in this area will have to demonstrate adequate services prior to approval of a CDP. In addition, proposed development will have to go through the proposed Planned Residential Development (PRD) review process, which applies to residential parcels of 10-acres or more and all lands in common contiguous ownership, which is the case with the Hay area.

Because of the concerns about adequacy of services to support proposed City buildout, and the fact that the Hay annexation lands is an area with large development potential that could further exacerbate the availability of services to support priority uses, the Commission attaches suggested modifications, which clarify that despite the MOU describing the phased extension of services to the area, that MOU does not represent an automatic right to develop at the lands maximum zoning potential, that all development agreements are subject to the provisions of the certified LCP, and all development proposals, including subdivision proposals, are subject to the PRD review process and, consistent with the proposed PRD process, all lands in common contiguous ownership must be included in the development plan. These suggested modifications are attached as policies to Chapter III Section 12: Memo of Understanding with the Hay Annexation. These modifications are necessary because as proposed, the section describes the MOU, but does not state that these lands are subject to all the requirements of the LCP, including that the acreages described in the MOU may not be developable consistent with the LCP because of infrastructure, ESHA, or other potential constraints, inconsistent with Coastal Act 30250. As modified however, the proposed

LCPA in regards to the Hay annexation area would be consistent with Coastal Act 30250.

Therefore, the Commission finds that the proposed LCPA as modified in regards to the availability of adequate services to support new development and the reservation of adequate capacity for priority uses, is consistent with Coastal Act Sections 30250, 30254, 30220, 30221, 30222, 30234, 30210, and 30211.

2. Affordable Housing Density Bonuses

In several areas of the proposed LUP/General Plan, the City proposes the use of density bonuses as incentives to developers providing low-income housing, in accordance with Government Code 65915. This includes Implementation Action No. 6 of Chapter X1, in the narrative on page five of Chapter II, "Community Goals", and in the Planned Residential Development (PRD) description of Chapter III "Land Use and Development."

Government Code Section 65915 requires local governments to provide residential density increases to developers who agree to develop low-income and senior housing. The statute currently requires that local governments grant a density bonus of at least a 20% increase over the maximum allowable density when a developer agrees to construct at least 10% of the total units in a housing development for lower-income households, or 5% for very low income households, or to construct a senior housing project. The density bonus further rises up to 35% if more than the above-stated minimums of affordable housing are provided. Government Code Section 65915(b) also requires local governments to grant at least one other incentive, in addition to the density bonus, unless the local government finds that the additional incentive is not necessary to allow for affordable housing.

The Commission notes that Government Code Section 65915 has been amended since the City submitted the subject LCP amendment, resulting in various discrepancies among target unit and bonus percentages in the proposed amendment and Code requirements. Therefore, attached suggested modify the language describing the density bonus to be consistent with Government Code Section 65915. The Government Code currently requires local governments to provide at least a 20% density increase and allows up to a 35% density increase when additional affordable units are provided. The City is proposing a minimum 25% increase over density ranges, but does not specify a maximum allowable density increase. Therefore, the Commission attaches suggested modifications which would modify the proposed LUP language to specifically state the minimum 25% and maximum 35% allowable density increase consistent with the reference to the current Government Code section.

The County's proposed LUP amendment, as submitted, that would include provisions for a residential density bonus does not indicate how density increases and development incentives would be applied consistent with the resource protection policies of the Coastal Act.

As discussed above, Government Code Section 65915(b) requires local governments to grant developers of affordable housing not only a density bonus, but also at least one of the concessions or incentives identified in Section 65915(h) unless the local government finds that the additional concession or incentive is not required to make the development economically feasible. However, Government Code Section 65915 does not indicate how a local government is to choose which incentive to provide. Therefore, the type of incentive to grant is discretionary under the Government Code. Additionally, the Government Code does not specify how the density bonus is to be accommodated. Similarly, how the density increase is accommodated and whether to provide an increase beyond 20% are within the local government's discretion.

The means of accommodating the density bonus and development incentives are not specifically laid out by the proposed LUP amendment. The City's proposed residential density bonus language does not explicitly include incentives for affordable housing that rest on the relaxation of development standards intended to protect coastal resources. In other words, the City has not specifically proposed to encourage affordable housing by allowing construction in or near sensitive coastal resource areas where residential development would ordinarily be prohibited by other policies of the LCP. As development incentives would be determined on an individual project basis, and because the policies allow for City discretion in considering which incentives to grant, the proposed LUP amendment could be implemented in a manner inconsistent with resource protection provisions of the Coastal Act. For example, the proposed policy language could be interpreted as allowing otherwise prohibited fill of a wetland to accommodate an increase in residential density. Therefore, the proposed LUP amendment would not be consistent with the Chapter 3 policies of the Coastal Act.

Government Code Section 65915 was specifically amended in 2002 to include subsection (m) that states, "*Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coast Act (Division 29 (commencing with Section 30000) of the Public Resources Code).*" Therefore, although the Government Code requires local governments to provide certain density bonus and development incentives to encourage affordable housing, the City may not grant such bonuses or incentives if they would result in adverse impacts to coastal resources. For example, if it is determined that the density bonus could be accommodated only by filling coastal wetlands, or by reducing buffer widths needed to protect environmentally sensitive habitat areas in a manner that would lessen the effect of LCP policies intended to protect such resources, the density increase could not be granted.

Therefore, to ensure that the means of accommodating the density bonus standards of Government Code Section 65915 would not have adverse impacts on coastal resources, and would be consistent with the Chapter 3 policies of the Coastal Act, the Commission attaches a suggested modification would require the City to identify all feasible means of accommodating the density increase with specific consideration toward the effects of such means on coastal resources when reviewing a proposed density increase. The City shall only grant a density increase if it is determined that the means of accommodating the density increase proposed by the applicant would not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the density increase proposed by the applicant would have an adverse effect on coastal resources, the City shall not grant the density increase.

Therefore, as modified, the Commission finds that the proposed density bonus provisions are consistent with the Chapter 3 policies of the Coastal Act.

3. Water Quality

Section 30231 of the Coastal Act states:

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

The Commission shares responsibility for regulating nonpoint water pollution in the Coastal Zone of California with State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB have been co-leads in development and implementing the January 2000 Plan for California's Nonpoint source Pollution Control Program (Plan), which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. Some of these management measures are best implemented at the local City planning and permitting level, since they can be most cost effective during the design stage of development.

The City of Point Arena is located along the northern bank of Point Arena Creek, which originates in the coastal hills approximately 2.5 miles east of downtown Point Arena and flows out into the Pacific Ocean at the western edge of the City. Portions of the City also affect the Garcia River watershed as Hathaway Creek drains into the Garcia River. The

Garcia River flows east and north of Point Arena in the canyon created by the San Andreas Fault.

Storm drainage in Point Arena is accomplished by a limited system of street gutters, culverts, and drainage ditches. Almost all of the storm drainage flows into Point Arena Creek. Where storm drainage is not carried by gutters or ditches, the runoff flows overland in natural drainages.

The growth of new development facilitated by the proposed LCPA would increase storm drainage requirements in a number of ways. New development normally results in the creation of impermeable surfaces. This increases runoff because less water is able to seep into the ground. Some water uses associated with development, such as landscape irrigation, would also increase runoff by adding to the amount of artificial water sources. Development can also alter drainage courses and have adverse effects on drainage patterns if the development is improperly designed. In addition, alteration of existing drainage patterns can result in erosion and siltation problems if not designed properly, which increases as the amount of runoff increases. The increased development facilitated by the LCPA could also increase the amount of pollutants potentially entering waterways. Sources of pollutants in runoff could include these point and non-point sources: grease and oils from roads and pavement; pesticides and fertilizers from agricultural runoff; sediments from erosion; and various other pollutants in runoff from industrial, commercial, and residential areas. The increased development would also increase demands on the limited supply of water, potentially leading to an increased concentration of pollution in water supplies. These impacts reduce the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health, inconsistent with Coastal Act policy 30231

The proposed Point Arena LCPA includes some policies aimed at the protection of water quality, including (1) Chapter X ESHA policy 3, requiring the City to incorporate Best Management Practices (BMP) for non-point source pollution from the storm drain system and Point Arena Creek, and requiring new development to mitigate Non-point Source (NPS) pollution caused by the development; (2) Chapter III, policy 6, which states that no development and no activity on any property, including site preparation work, earth moving and grading, shall be allowed to discharge harmful pollutants or untreated runoff into the waters at the Cove, or into any creek, or into the air; and (3) several policies governing the water supply for domestic consumption in Chapter VII.

While these policies provide some guidance and authority to protect water quality, they lack the specifics needed to implement actual management measures on the ground, at the development stage through enforceable coastal development permit requirements, and are hence inadequate to maintain water quality. Therefore, as proposed, the Point

Arena LCPA would not maintain or restore water quality, inconsistent with Coastal Act Section 30231, and must be denied. However, if modified by the attached suggested modifications requiring specific BMP policies relating to the siting and design of the project, the construction phase of the project, and the post-construction phase of the project; as well as specific requirements for "developments of special concern" such as housing developments of 10 units or more or industrial developments; the LCPA would be consistent with Coastal Act 30231.

Therefore, the Commission finds that in regards those provisions of the LCPA dealing with the protection of water quality, the proposed Point Arena LCPA, as modified, is consistent with Coastal Act 30231.

4. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The City of Point Arena contains a rich variety of environmentally sensitive habitats. Point Arena Creek, is a small year round stream descending to Arena Cove from three miles east of the City. It bisects the southern portion of the City, following a deep draw to the harbor. In past years there was an abundant steelhead population, of which only a remnant remains. The creek was substantially impacted by the direct discharge of sewage wastes over the years, until the early 1980's. The riparian plant community consists of willows interspersed with alders and various sedges and berry vines along its length. The western section runs through a potential wetland area, near Point Arena Cove. The stream bed near the mouth was re-routed in 1989/90 and has been the subject of an investigation by the Army Corp. of Engineers.

The eastern section of Point Arena creek runs through pasture lands in the Hay Annexation area (east of Highway One), where existing grazing cows have unrestricted access to the creek. Most of this land is zoned Residential Agriculture (RA-2) (with no proposed land use changes) and has considerable residential development potential

The Point Arena Mountain Beaver, a federally listed Endangered Species, resides in burrows in the Arena Creek canyon, primarily on north facing slopes.

Another important riparian area located in the northeastern portion of the City, the Hathaway Creek riparian habitat provides abundant cover for a variety of wildlife species, including Point Arena Mountain Beaver.

There are also numerous small springs, seasonal creeks, marsh, vernal pools and other sensitive wetlands throughout the City.

The City proposes several new LUP policies for the protection of environmentally sensitive habitat areas (ESHA) as part of the proposed LCPA. These policies are contained in LUP Chapter X (Coastal), LUP Chapter III (Land Use and Development) Chapter VI (Open Space), and Chapter XII (Project Review & Permitting). The City also proposes a new "Opportunities and Constraints: Biological Resources and Trails" map, which maps some ESHAs, such as streams and Point Arena Mountain Beaver (PAMB) habitat.

Coastal Act Section 30240 provides criteria for development within and adjacent to environmentally sensitive habitat areas. Only those uses that are dependent on the resource shall be allowed within the ESHA, and development adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade those areas and be compatible with the continuance of the habitat. In practice, the Commission has considered limited amounts of public access and trails, as long as they do not degrade the ESHA, to be "resource dependent" uses, and to protect ESHAs from adjacent developments, the practice has been to require stable buffer areas between the ESHA and the development. In practice, 100-foot buffer widths have been considered standard buffer widths to protect the ESHA.

As proposed, Point Arena's ESHA policies provide important guidance for the protection of ESHAs, including the Point Arena Creek riparian corridor and the federally endangered Point Arena Mountain Beaver. However, the proposed policies do not provide sufficient detail and guidance with which to regulate development decisions regarding development within ESHA and adjacent to ESHA, inconsistent with the requirements of Section 30240.

As examples, Chapter X, Section 2.6, proposed policy no. 4 requires a "riparian" buffer zone for Point Arena Creek, but does not require buffers for other non-riparian ESHAs, such as rare plant habitat or certain wetland ESHAs. Further, proposed policies geared towards mapping ESHAs do not make clear that those habitats which meet the substantive criteria of ESHA under the definition of ESHA (which the City has incorporated into their proposed LCP), but which may not be mapped, must also be protected. Additionally, in regards to the specific numeric ESHA buffer width, policy no. 4 establishes a numerical buffer of 50-feet measured from the centerline of the Creek. Fifty-feet measured from the centerline of the Creek would provide little protection to the riparian vegetation located on either side of the creek, and in practice in the surrounding

Mendocino County LCP, a 50-foot buffer width is typically considered the absolute minimum buffer, to be utilized after consultation with the CA Department of Fish and Game, and 100-foot buffers measured from the outside of the ESHA are typically required to protect the ESHA.

In regards to limitations for development within ESHA, which is required under Section 30240(a), proposed LUP policies do not clarify what can be considered a “resource dependent use” and therefore would be allowed within the ESHA, and the proposed riparian buffer policy (4) would allow non-resource dependent uses, such as decks and porches that are not greater than 10% of the existing structure to encroach into ESHA, inconsistent with 30240.

In addition, the proposed ESHA policies do not adequately anticipate potential specific development impacts on ESHA that in practice have posed complexities development permitting decisions, and have hence prompted the inclusion of more specific policies in other LCPs, in order to ensure clarity, and better protection of ESHA, consistent with Coastal Act Section 30240. These include ESHA policies on land divisions, grading, septic systems, landscaping and revegetation, disturbed ESHAs, fencing and walls in and adjacent to ESHA, exterior night lighting, the conversion of vacant land in ESHA to new uses. Without these policies, the proposed Point Arena LUP provides limited guidance in making land use and development decisions for these specific and complex situations, inconsistent with Coastal Act Section 30240.

Therefore, for all the reasons discussed above, the Commission finds that the proposed LUP amendment is inconsistent with Section 30240 in regards to proposed ESHA protection policies, and must be denied. However, if modified as suggested the LUP would be consistent with Section 30240. These suggested modifications (1) clarify that all ESHAs afford equal protection under the ESHA protection policies, (2) clarify that “resource dependent uses” within ESHA include public access trail crossings, with specific criteria designed to protect the ESHA from the impacts associated with trails and recreation, (3) establish a 100-foot minimum numerical buffer between new development and ESHA, with a minimum of 50-feet allowed if an analysis based on recognized criteria is conducted that demonstrates that a reduced buffer would not adversely affect the resource, and (4) provide specific requirements for specific developments to avoid degradation of ESHA.

The Commission finds that as modified, the proposed LUP is consistent with Coastal Act Section 30240.

5. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Section 30212.5:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The high, sheer bluffs characterizing the Point Arena coastline are broken only at the Arena Cove wharf area, where Arena Creek flows from the east and empties into the ocean. The coastal bluffs to the north and south of the cove are under private ownership.

Primary vehicular public access to the ocean in Point Arena is achieved by way of Iversen Avenue (at Highway 1) to Port Road, which extends approximately one mile to the harbor and wharf at Arena Cove. Because of the steep character of coastal bluffs within the City, Port Road is the only vehicular access route currently available. Facilities and/or spaces to accommodate vehicle parking are essential parts of the City's proposed public access policies. Parking is currently available at Arena Cove and serves a variety of uses, including off-street parking which serves the Arena Cove commercial complex and a public parking area which serves mixed recreational and coastal dependent uses, as well as a designated area for commercial boat storage. Levels of use and demand for public parking varies seasonally with boat launching, abalone diving, and urchin diving placing the heaviest demand on available parking.

A pedestrian path runs from Main Street through the City Park to Port Road. Pedestrian access to the ocean via this road is currently available only by walking along and in the road, which has neither sidewalk nor improved shoulders. The City has just approved a CDP for a new pedestrian bike path along this route. There are several potential public access trails indicated on the proposed Opportunities and Constraints Map: "Biological Resources and Trails," which are a mixture of those that have been established by historic use and new trails that could be "formalized" into a City Trail System. The location of trails on the Opportunities and Constraints Map are meant as a planning guide and exact trail placement must take into account geography, safety, and environmentally sensitive habitat area (ESHAs) and other issues.

The bluff top to the south of Arena Cove affords spectacular views of the ocean and surrounding coastal lands. Most of the parcels are undeveloped, except for a few single family homes. The zoning is AE (20 acre minimum). Access to the bluffs south of the cove is via Blufftop Road, a private road owned and maintained by land owners, including the City. There is an existing "Offer to Dedicate" a portion of a trail along the south bluffs. The Mendocino County General Plan Coastal Element plans for an eventual trail connecting Schooner Gulch State Beach in the south and the City of Point Arena's southern boundary.

The bluff top to the north of Arena Cove also affords spectacular views of the ocean and surrounding coastal lands, including the Point Arena Lighthouse, as well as foot access to small coves and beaches. There is currently no public trail access. The zoning is AE (20 acre minimum), and vehicular access is via a private road along the City's northern boundary. The Mendocino County General Plan Coastal Element plans for an eventual trail connecting the City of Point Arena's northern boundary and Manchester State Beach. Other lateral access points along this route are also planned.

The City's proposed public access provisions are located in Chapter X Section 2.1. Proposed Policy No. 1 is an amendment of its original policy requiring a 25-foot-wide easement as a condition of approval of coastal development permits. The proposed amendment would require an "offer to dedicate" for the easement, and it would apply to development along all trails depicted on the Opportunities and Constraints map. The City also proposes policies to pursue improvements to Port Road and to construct a pedestrian and bike path along the road, a policy to protect and encourage low-cost visitor serving and recreational facilities, and requiring new developments in the Cove to provide off-street parking.

To eliminate or reduce potential impacts from development on public access and recreation, the Commission, in numerous permit actions, has often required that public access to or along the shoreline be provided in new development projects as mitigation for adverse impacts to public access. This form of required mitigation has often been accomplished through an offer-to-dedicate (OTD) an easement to public use.

The requirement for the recordation of an OTD, however, does not ensure public access; the offers must be accepted by a managing entity, and, for vertical easements which often require some form of physical improvement, be "opened" for public use. Data and information assembled by Commission staff have shown that, over the years, while development has been allowed to proceed, the mitigation has, in many cases, not been fully satisfied (ReCap, 1999). Furthermore, an OTD is valid for a limited time period. OTDs, in many cases, are not required to be made available for public use until the easement is accepted for management by a public agency or non-profit organization. According to Point Arena City staff, Point Arena currently has public access OTDs for public accessways that are close to expiration. The time delay associated with OTDs, coupled with the fact that often times many of the public accessways are never accepted or opened, makes the use of OTDs alone to mitigation tool can leave impacts to public access not fully mitigated, inconsistent with public access Coastal Act provisions. Further, Point Arena's proposed public access policies do not stipulate that public access mitigation, such as the OTDs that are proposed, should be employed only when there is no feasible alternative that can eliminate or avoid all access impacts from proposed development and do not address what to do when public prescriptive rights exist on or near a development's proposed site. Without adequate policy mechanisms regulating a development's impact on public access either through formal accessways or public prescriptive rights, and by policies stipulating that

feasible alternatives to avoid impacts must be explored before mitigation, the LUP is inconsistent with Coastal Act provisions 30210-30212.

A major obstacle to maximum public access in Point Arena is a lack of lateral connections along the bluffs to help complete the California Coastal Trail with the rest of Mendocino County, and a lack of vertical accessways to get the public from the City out to the bluffs. As proposed, the City's LUP does not incorporate policies that encourage the completion of the California Coastal Trail or policies adequate to achieve maximum public access to the coastal bluffs, such as encouraging the City use of innovative methods such as participating and collaborating with other agencies such as the coastal conservancy, or incorporating CCT siting and design standards in anticipation of the extension of the CCT in the City.

Therefore, because the proposed Point Arena access policies do not provide for a mitigation tool other than OTDs to fully mitigate impacts to public access and because the proposed policies do not provide for the encouragement and active participation in the completion of the California Coastal Trail, the Commission finds that the proposed LUP is inconsistent with the public access provisions of the Coastal Act and must be denied.

However, if modified to add language to proposed Policy No. 1, requiring that for any project where public access mitigation is required, the preferred implementation be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City, who is willing to accept the easement and willing to operate and maintain the accessway or trail; and modified to add new policies requiring that for all grants of easement the City open the easement to the public as soon as feasible or shall grant the easement to a nonprofit association willing to accept and operate the accessway, and other policies stipulating that such mitigation shall not substitute for implementation of feasible project alternatives that would avoid impacts to public access; and if modified to include policies encouraging the completion of the California Coastal Trail in Point Arena to include policies protecting public prescriptive rights, then the LUP would be consistent with the public access provisions of the Coastal Act. Therefore, the Commission imposes the attached suggested modifications. As modified, the Commission finds the proposed LUP public access provisions are consistent with the Coastal Act.

6. Conclusion

The Commission finds that the proposed LUP amendment as submitted is inconsistent with the Chapter 3 policies of the Coastal Act and must be denied. If modified as suggested in this staff report, the proposed LUP amendment would be consistent with the Chapter 3 policies of the Coastal Act.

IX. FINDINGS FOR DENIAL OF THE CITY OF POINT ARENA'S IMPLEMENTATION PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

A. Amendment Description

The proposed amendment consists of a comprehensive update of the City's currently certified Zoning Ordinance, which was updated after the City adopted the updated LUP and General Plan. As such, several sections of the zoning text are proposed to be substantially modified, including zone regulations, general provisions, procedures, enforcement, and definitions. The proposed amendment also includes a new second dwelling unit ordinance.

1. Second Dwelling Unit Ordinance

Government Code (and AB1866) Second Unit Requirement Background

Signed by former Governor Davis on September 29, 2002, AB 1866 added three new provisions to Section 65852.2 of the Government Code that are particularly significant for the purposes of reviewing proposed second units in residential zones within the coastal zone. The law now:

- 1) Requires local governments that adopt second unit ordinances to consider second unit applications received on or after July 1, 2003 "ministerially without discretionary review or a hearing." (Government Code Section 65852.2(a)(3))
- 2) Requires local governments that have not adopted second unit ordinances to "approve or disapprove the [second unit] application ministerially without discretionary review." (Government Code Section 65852.2(b)(1))
- 3) Specifies that "nothing in [Section 65852.2] shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act ... except that the local government shall not be required to hold public hearings for coastal development permit applications for second units." (Government Code Section 65852.2(j))

Thus, AB 1866 significantly changes one component of local government procedures regarding coastal development permits for second units in residential zones (public hearings), but does not change the substantive standards that apply to coastal development permits for such second units.

Pursuant to AB 1866, local governments can no longer hold public hearings regarding second units in residential zones. This prohibition applies both to initial local review and any subsequent local appeals that may be allowed by the LCP. The restriction on public hearings, however, does not apply to the Coastal Commission itself. The Commission can continue to conduct public hearings on proposed second units located in areas where the Commission retains permitting jurisdiction and when locally approved coastal development permits are appealed to the Commission.

AB 1866 does not change any other procedures or the development standards that apply to second units in residential zones located within the coastal zone. Rather, it clarifies that all requirements of the Coastal Act apply to second units, aside from requirements to conduct public hearings. Thus, for example, public notice must be provided when second unit applications are filed and members of the public must be given an opportunity to submit comments regarding the proposed development. When a second unit application is appealable, local governments must still file a final local action notice with the Commission and inform interested persons of the procedures for appealing the final local action to the Commission. In addition, all development standards specified in the certified LCP and, where applicable, Chapter 3 of the Coastal Act apply to such second units.

Second Dwelling Unit Amendment Description

The City proposes a new second dwelling unit ordinance, to be incorporated into the City's LCP Implementation Plan (IP). This ordinance would implement proposed LUP provisions allowing second units or granny units to be conditionally permitted in the residential zones, SR 1/2, SR 1, RA-2, and UR and establishes regulations and development standards governing the second dwelling units, including that they provide complete and independent living facilities, that it may not be sold unless legally subdivided, that it meet all the standards of the underlying zoning district, and establishes limitations on total lot coverage and size of the second dwelling unit. The proposed ordinance would also impose the same development standards for the currently allowed and Commission certified second dwelling unit in the agriculture exclusive (AE) zone, which the Commission certified as part of the original LCP in 1981.

The purpose of the second dwelling unit ordinance is to "provide affordable housing for family members, students, the elderly, in-home health care providers, the disabled, and others." The LUP defines a second dwelling unit as:

A technical term defined in the California Government Code (Section 65852.2) referring to legal second residential units in residential zones on existing lots that contain an existing single-family dwelling that conforms to all local codes, which second unit may be rented but not sold and must not exceed in floor area 30% of an existing living area if attached, or exceed 1200 square feet of floor area if a detached structure.

Relevant LUP Policies

Chapter X Section 2.6 Policy 1 (as modified) states:

1. Public Services for New Development

Development may only be approved where it has been demonstrated that adequate services are available during the project review process and provided as a condition of development consistent with the provisions of Policy 2.5 below.

Chapter X Section 2.4 Policy 1 states (as modified):

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitat areas and shall be compatible with the continuance of these habitat areas.

Chapter X Section 2.6 Policy 3.0 (as modified)/Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Chapter X Section 2.5 Agriculture Policies state (as modified):

1. The maximum amount of prime agricultural land shall be maintained in agricultural production; and conflicts shall be minimized between agricultural and urban land uses; and lands suitable for agricultural use shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible. All actions undertaken by the City

governing use and conversion of agricultural lands shall be governed by Sections 30241, 30241.5, 30242 and 30243 of the Coastal Act.

Analysis

The proposed Second Dwelling Unit Ordinance raises several issues with regard to its ability to conform with and adequately carry out the LUP, including (1) unclear standards as to when a coastal development permit is required, (2) lack of clear requirements for adequate public services to serve new development, and (3) the potential for impacts to coastal resources including visual, and agricultural resources.

To clarify permit requirements for second dwelling units, the Commission attaches Suggested modifications which clarify that all second units would require a coastal development permit. As modified to clarify that all second units require a coastal development permit the Second Dwelling Unit Ordinance would be consistent with Coastal Act coastal permit requirements.

The LUP requires that new development be located within or near existing developed areas, or in other areas with adequate public services able to accommodate it. Construction of a second dwelling unit on a site where a primary residence exists inherently intensifies the use of the subject parcel. The intensified use creates additional demands on public services such as water, sewage, electricity, and roads and poses the need for new, or additional public services beyond those necessary to serve the primary residence. To reduce cumulative impacts as a result of residential second units, the Second Dwelling Unit Ordinance sets forth development regulations and standards for second units such as minimum lot size and total floor area, but does not explicitly require demonstration of adequate water and sewer service or septic capability to serve the proposed second unit.

To effectively conform with and implement LUP policies regarding new development, second dwelling units would need to be supported by adequate services and facilities. Without such requirement, the proposed IP provisions regarding second dwelling units would allow a class of development that could displace services that are directed by the LCP to higher priority uses, and/or draw on public services even if there aren't adequate services available.

Therefore, the proposed Implementation Plan amendment would not conform with and carry out certified LUP and must be denied. To make the necessity for adequate services and facilities explicit, the Commission attaches modifications to add an additional development standard requiring that an applicant for a second dwelling unit provide evidence of adequate services to serve the second residential unit including water and sewer/septic capabilities. The Commission finds that as modified, the IP amendment is consistent with the LUP.

Agricultural Resources

The City's LUP policies set forth provisions for the protection of agricultural land and minimizing conflicts between agricultural and urban land uses by, in part, limiting the conversion of agricultural land for non-agricultural uses and by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability.

The proposed second dwelling unit ordinance would allow second units in Residential Agricultural Zone (RA-2) and include the same development standards required for second dwelling units in the residential zones to second dwelling units in the agriculture exclusive (AE) zone, where second dwelling units are already allowed under the existing certified LCP. In the RA-2 zone, existing parcels of this nature are characterized as large single-family residential properties that allow for the use of agriculture. However, agricultural uses are not the dominant land use in this district. In the AE zone, however, the purpose of the zone is to reserve lands for agricultural purposes. While having a second dwelling unit in an RA or AE zone could assist farmers in keeping agricultural lands productive by housing farm employees or family members of the farmer, siting a residential second unit within an agriculturally zoned area that is used agriculturally could adversely affect agricultural productivity if the unit is sited on prime agricultural soils, for example, inconsistent with LUP policies. Therefore, the proposed Implementation Plan amendment would not conform with or carry out the certified LUP and must be denied. However, the Commission finds that the amendment could be modified to conform with the LUP. Therefore, the Commission attaches suggested modifications to add an additional development standard to the Second Dwelling Unit Ordinance to protect agricultural productivity. The suggested modification would prohibit all development associated with second dwelling units from encroaching onto prime agricultural soils and where there are not prime soils be sited so as to minimize impacts to ongoing agriculturally related activities. In addition, the Commission attaches a suggested modification to make it clear that all residential second units must conform to these standards to be permitted.

Therefore, as suggested to be modified, the IP amendment would be adequate to conform with and carry out the LUP policies regarding the protection of agricultural resources.

Visual Resources

LUP policies state that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting. LUP policies also require that development be sited and designed to avoid individual and cumulative impacts on coastal resources.

To ensure that visual resources are protected consistent with the existing LUP visual policies, a suggested modification which adds a development standard that requires that second dwelling units not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.

Therefore, the Commission finds that the proposed amendment to the IP regarding second dwelling units, as modified, conforms with and is adequate to carry out the policies of the LUP regarding visual resources.

Environmentally Sensitive Habitat Areas and wetlands

LUP policies require that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. LUP policies also provide general policies which require development adjacent to ESHA, to be regulated to avoid adverse impacts on habitat resources, including measures such as setbacks, buffers, grading and water quality controls. Additionally the LUP and Zoning Ordinance provide specific development standards by ESHA type.

To ensure that all new second dwelling unit development is consistent with the environmentally sensitive habitat protection policies of the certified LUP, the Commission attaches a suggested modification which inserts a development standard that prohibits second units from being sited within 100 feet of ESHA or the average setback of existing development as determined by the string line method, consistent with existing buffer policies of the certified LCP.

Therefore, the Commission finds that the proposed amendment to the IP regarding second dwelling units as modified, conforms with and is adequate to carry out the policies of the LUP regarding environmentally sensitive habitat.

Public Access/Recreation

To carry out the requirement of Section 4 of Article X of the California Constitution, Coastal Act Section 30210 and LUP policies provide that maximum access and recreational opportunities be provided consistent with public safety, public rights, private property rights, and natural resource protection. Coastal Act Section 30211 and LUP policies also require that development not interfere with the public's right of access to the sea with certain exceptions. LUP ESHA policies further require that development adjacent to parks and recreation areas be sited and designed to prevent impacts. To ensure that public access and recreation are protected consistent with the existing LUP policies described above, a suggested modification adds a development standard which requires that second dwelling units not obstruct public access to and along the coast, or public trails. Therefore, the Commission finds that the proposed amendment to the IP

regarding second dwelling units as modified, conforms with and is adequate to carry out the policies of the LUP regarding public access and recreation.

For the reasons above, the Commission finds that the proposed IP amendments concerning second units are not consistent with or adequate to carryout the provisions of LUP Policies with respect to new development, prime agricultural soils, environmentally sensitive habitat areas, and public access unless modified as suggested above.

2. Conclusion

The Commission finds that the proposed Implementation Plan as submitted does not conform with and is not adequate to carry out the certified Land Use Plan, as modified. If modified as suggested in this staff report, the proposed Implementation plan would be adequate to carry out the certified Land Use Plan, as modified.