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F9a & F9b

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CITY OF POINT ARENA

FEBRUARY 12, 2021

APPENDICES

Appendix A– Compilation of Excerpts from the City of Pt. Arena Local Coastal Program

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APPENDIX A

EXCERPTS FROM THE CITY OF POINT ARENA'S CERTIFIED LCP

RELEVANT LAND USE PLAN (LUP) POLICIES

(emphasis added)

III. LAND USE AND DEVELOPMENT ELEMENT

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7. OVERALL CITYWIDE LAND-USE POLICIES AND PROGRAMS

...

4. No new development shall be allowed within or adjacent to riparian corridors along Arena Creek or other environmentally sensitive habitat areas (ESHA) where mapped (on the Opportunities and Constraints Map: Biological Resources and Trails) or within or adjacent to other unmapped ESHAs that meet the ESHA criteria contained in LUP Chapter X Section 2.4 without first obtaining appropriate permits...

...

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 ESHA Buffer Zone is defined in the Glossary and Appendix A of the Zoning Ordinance. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive 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 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 less than 50 feet in width. Standards for determining an appropriate width of the buffer area are set forth in Zoning Ordinance Section 5.22...

...

5. Sensitive habitat areas shall be preserved.
6. 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.
...
9. All required qualifying investigations for grading, site preparation and development in hazardous and constrained areas shall be conducted by a licensed engineering geologist or registered civil engineer with expertise in soils or foundation engineering, 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.
...
14. Public views, viewsheds, view corridors, buildings of architectural and historical merit, existing topographic features, and existing important clusters of trees, shall be preserved and maintained.
...
23. Home occupations shall be principally permitted uses in residential districts subject to securing a "Home Occupation Permit" and a city business license, and subject to meeting the performance standards for home occupations found in the Zoning Ordinance.
...
33. 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.
...
36. (a) The Opportunities and Constraints Map: Biological Resources and Trails 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. North facing slopes of the 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.
...

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.

...

8. LAND-USE CATEGORIES AND DESCRIPTIONS

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8.1. AGRICULTURAL AND SUBURBAN AREAS AND USES

The following land-use and zoning classifications accommodate low-density residential activities and agriculture, and contribute to maintaining Point Arena's rural and small-town character and small-scale agricultural activities.

...

(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. 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 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.

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VI. OPEN SPACE AND LAND CONSERVATION ELEMENT

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5. OPEN SPACE AND CONSERVATION POLICIES

The following policies shall guide and regulate the actions of the City, other public agencies, property owners, and developers in order that the open space and conservation goals of this general plan are achieved:

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.

...

12. New development should be required to: (a) avoid creating concentrated runoff, particularly over steep slopes and bluff faces, by installing energy dissipating devices, (b) create drainage swales, detention, and retention basins, (c) control the timing and manner of new construction so that there are no bare soil slopes during the rainy season, etc.

...

14. Since the Point Arena Mountain Beaver was listed as an endangered species on December 12, 1991, with beaver habitat potentially located along Point Arena Creek, the City shall establish a 500 feet riparian setback area ("Mountain Beaver Buffer Area") from the centerline of the stream as recommended by the United States Fish and Wildlife Service (USFWS). In addition, fences are prohibited within 15 feet of the center line to allow for wildlife migration along the travel corridor. Disturbance of the streambed is prohibited. Through zoning and subdivision regulations, the City shall restrict development in areas which contain identified rare or endangered species of plants and animals, including the Point Arena Mountain Beaver.

...

20. The City shall require that developers give consideration to the impacts on wildlife and the natural landscape of their development plans, and consider the use of native plant species that provide wildlife cover and food sources while also requiring low maintenance and low water usage.

...

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.

...

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

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VII. COMMUNITY HEALTH AND SAFETY ELEMENT

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3. COMMUNITY SAFETY POLICIES AND PROGRAMS

The following are the City's policies and programs with respect to community health and safety, by category of concern:

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.

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3.3. Slope Stability Policies and Programs

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The following policies and programs apply:

1. 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 shall be considered.

...

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.

3.4. Fire Protection Policies and Programs

Fire hazards in Point Arena are either site-specific or generalized. In the case of site-specific fires, the local volunteer fire department is capable of responding adequately, and the combination of personnel, infrastructure (hydrants) and equipment is adequate to yield a rating of "8" or "9" on the general fire insurance rate schedule.

The most significant risk of fire in town is to the Downtown area where there are a number of older buildings and relatively high building densities. On a more generalized level the California Department of Forestry rates the area as having a "moderate" rating on the Fire Hazard Severity Scale during the peak summer season. This is because of the usually higher humidity levels and low fuel vegetation components of coastal terrace lands.

...

The following policies and programs apply:

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3. An adequate and safe supply of water to meet fire fighting needs shall be ensured. The City shall allow new development only in areas where adequate water pressure for fire suppression is available.

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10. The City should require all new building and remodeling plans to be in conformance with applicable building and fire code standards. Prior to commencement of grading or construction, plans shall be submitted for approval to the City of Point Arena.

...

6. WATER SUPPLY AND WATER QUALITY POLICIES AND PROGRAMS

The Point Arena Water Works, a privately-owned utility under California Public Utility Commission oversight, supplies water to most of Point Arena. The exceptions are users who have individual wells. The major source of water is a well adjacent to the Garcia River. The main storage tank is just east of Downtown. It is estimated that the present system produces 33,000 gallons per day and delivers water to approximately 179 homes and businesses.

...

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...

...

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...

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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.

...

Infiltrate Runoff

22. 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.
23. 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.

...

Minimize Polluted Runoff from Construction

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

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VIII. NOISE ELEMENT

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4. NOISE CONTROL POLICIES AND PROGRAMS

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3. New development in all zones must not raise the ambient noise levels in any residential zone within the city. Where residential zoning is adjacent to other zones, the lower residential noise limits will apply.

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- 9. To mitigate interior sound levels, due to transportation or other sources, for new residential or other new projects, consideration shall be given to an increased setback distance and use of barriers, insulation measures applied to the building skins, including appropriate designs for windows, walls, doors, roof/ceiling assemblies, weather seals, and other components.

Vegetative barriers do not generally provide substantial reductions in noise levels.

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X. COASTAL ELEMENT

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2. COASTAL POLICIES

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2.3. Marine Environment and Wetlands

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(B) Background

There are four important biological marine related resources in the Point Arena area that are dealt with in this section. They are:

- 1. Arena Cove
- 2. Arena Creek
- 3. Hathaway Creek
- 4. The Garcia River

...

2. Arena Creek

...

The Point Arena Mountain Beaver, a federally listed Endangered Species, resides in burrows in the Arena Creek canyon, primarily on north facing slopes.

...

(E) Policies

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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.

...

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.

...

2.4. Environmentally Sensitive Habitat Areas (ESHA)

...

(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.

...

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, 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 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.

...

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 a minimum of 100 feet from the outward edge of riparian vegetation on each side of the Creek...
6. Additional development restrictions 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 U.S. Fish & Wildlife Service Mountain Beaver Recovery Plan into Section 5.24 of the Zoning Ordinance.

...

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.

...

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...

...

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.

...

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.

...

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.

...

2.6. Locating New Development

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(E) Policies

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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.

...

3.7 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.

...

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

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XII. PROJECT REVIEW & PERMITTING: REQUIREMENTS & PROCEDURES

1. PERMITS

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3. Environmental Review (CEQA actions). The environmental review process is mandated by State law (The California Environmental Quality Act - CEQA) and is administered by the City on behalf of the State in order to implement State environmental goals and in order to ensure that the public is fully informed as to

possible negative environmental impacts associated with a proposed land use or development project whether public or private. The process can be complicated and time consuming where a large-scale, potentially environmentally-damaging or controversial project is under consideration, or where mitigation measures require continuing study and/or agreements between the project proponent and the City. For most small projects the environmental review process is handled in connection with securing a zone change, minor subdivision approval, or use permit.

The process for review is set forth in the State's "CEQA Guidelines", as are the obligations of the City to conduct proper environmental review. The City must follow CEQA procedures, and ensure that Environmental Impact Reports (EIRs) or Negative Declarations are objective, that they are prepared by individuals or firms acceptable to the City Council, and that the environmental document reflects the independent judgment of the City, which is responsible for the adequacy and objectivity of any EIR or Negative Declaration.

...

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 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 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, 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.

...

10. Geologic Studies. As required by Sections 5.20 and 5.21 of the city's existing Zoning Ordinance, proposed development approval in all zones shall continue to be subject to a determination by the Planning Commission that proposed developments shall not significantly increase erosion and slope instability, or be subject to risk from ground shaking, and that all adverse environmental impacts will have been mitigated prior to or as part of the development process. The Planning Commission's determination shall be based on an independent report by a registered geologist, a certified engineering geologist, or a professional civil engineer with expertise in soils or foundation engineering.

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3. MONITORING AND ENFORCEMENT

Requirements and conditions attached to permits issued by the city often require compliance by the permittee and imply monitoring and enforcement by city officials. Section 6.09 of the existing Zoning Ordinance states that "violation of any specification or condition...imposed shall constitute a violation of this ordinance and may constitute grounds for revocation of the...permit". Section 6.15 sets forth the procedure for permit revocation. Sections 7.01 through 7.05 further prescribe the duties and authority of the City Clerk to enforce the Zoning Ordinance. (Section 7.01 shall be amended to include all land-use violations).

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...

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GLOSSARY

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Environmentally Sensitive Area. 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 development.

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.

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.

...

Home Occupation. A use, which may be a commercial enterprise, customarily conducted within a dwelling or accessory building by the inhabitants of the dwelling and which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the character of the dwelling, premises or neighborhood, or cause significant impact or nuisance.

Home Occupation Permit. A permit that the City may issue to a home owner or renter on a conditional basis to authorize a home occupation, which permit becomes valid upon the paying of a business license fee.

...

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.

...

Riparian Buffer Zone. That portion of a riparian corridor directly adjacent to a stream or creek, 100 feet from the outward edge of riparian vegetation, the regulations for which are set forth in the Zoning Ordinance.

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. A riparian corridor includes both a riparian habitat area and an adjacent riparian buffer area on either side of the riparian habitat area.

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RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

(emphasis added)

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ARTICLE 4. REGULATIONS FOR THE PRINCIPAL ZONES

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.

...

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.

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ARTICLE 5. GENERAL PROVISIONS AND EXCEPTIONS

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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:

- A. No more than two (2) employees other than members of the resident family.
- B. Not more than 1 non-illuminated sign not to exceed 3 sq. ft. in area and attached to the dwelling.
- C. No outside display of merchandise.
- D. Electrical motors only, and not to exceed a total of three horsepower each.
- E. No radio or television interference, amplified music, or noise audible beyond the boundaries of the site.
- F. No significant increase in automobile and truck traffic over normal residential use.
- 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.

...

Sec. 5.09 Accessory structures: With the exception of garages, wells, and pumphouses, accessory structures shall be located in the area between side property lines from the rear lot line to the rear of the front yard. Accessory structures shall not be closer than 10 feet to any on-site building and not closer than 15 feet to any side lot line abutting a street...

...

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 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 Coastal Bluffs, 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 development is approved, the approving authority 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...

...

Sec. 5.22: 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) 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.

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 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 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 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 less than 50 feet in width...

...

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.

...

Sec. 5.24 Point Arena Mountain Beaver and the Mountain Beaver Buffer Area: The Point Arena Mountain Beaver (*Aplodontia Rufa Nigra*) was listed as an endangered species on December 12, 1991 (56 Federal Register 64716), under the Endangered Species Act. Section 9 of the Endangered Species Act prohibits the "take" of any federally listed species. As defined in the Act, take means "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Harm" has been further defined to include habitat destruction when it kills or injures a listed species by interfering with essential behavioral patterns, such as breeding, foraging or resting. Indirect adverse impacts, such as construction of buildings, roads or fences, that interrupt or prohibit the movement patterns of a listed species could be considered "take" under the Act. Take incidental to an otherwise lawful activity may be authorized under Section 7 of the Act if a Federal agency is involved with the project.

If a Federal agency is not involved with a project, and there is a possibility of a "take" as part of the project, then an "incidental take permit" pursuant to section 10(a) of the Act would need to be obtained. The Fish and Wildlife Service may issue such a permit upon completion of a satisfactory habitat conservation plan for the listed species that would be affected by the project. If an incidental take permit is not obtained and an unauthorized take does occur, the responsible entity will be liable under the enforcement provisions of the Act.

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. The Fish and Wildlife Service believes that the mountain beaver may be particularly sensitive to disturbances in the form of noise and ground vibrations and that actions involving noise-generating activities, within 500 feet of occupied habitat, have the potential to harm the animals, especially during the breeding season of December 15 to June 15.

To minimize and mitigate disturbance to Point Arena mountain beavers, noise-generating or habitat-modifying projects within the Mountain Beaver Buffer Area (MBBA) 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 shall 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 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...

...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 shall include the following restrictions from December 15 through June 15:

- A. The action and related activities shall be greater than 100 feet from occupied habitat.
- B. Noise-generating activities shall be limited to the use of hand tools and light power-tools (e.g. axe, etc.)

- C. No tools shall be used that require an air compressor.
- D. No power tools shall be operated while in direct contact with the ground.

...

Sec. 5.26 Control of noise: New development shall conform to noise control policies set forth in the Noise Element of the General Plan or in any noise ordinance that may be in effect and in conformance therewith, and the Planning Commission may require that noise studies be prepared as a condition of any permit review, and may also require that a developer mitigate for negative noise impacts.

...

Sec. 5.34 Water Quality: All development shall be evaluated for potential adverse impacts to water quality, and the applicant shall incorporate Site Design, Source Control, and where required, Treatment Control Best Management Practices (BMPs) to minimize polluted runoff and water quality impacts resulting from the development...

...

ARTICLE 6. PROCEDURES AND ADMINISTRATION

...

Sec. 6.07 Required hearings: The Planning Commission shall consider all applications for Variances, Conditional Use Permits, Coastal Development Permits, and Design Review approval.

At least one public hearing shall be held on each application for a Variance, Conditional Use Permit, Design Review or Coastal Development Permit, 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 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 in Section 6.19 of this ordinance.

...

Sec. 6.11 Coastal Development Permits

...

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

...

(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.

...

Sec. 6.19 Notification Requirements:

- A. For actions initiated by one or more property owners for a variance, conditional use, Coastal Development Permit, or appeal from any of the foregoing, the following notification shall be required:

...

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.

...

4. Local Noticing Requirements by Applicant. .

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 place, 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.

...

- D. California Environmental Quality Act (CEQA). If CEQA requires a public review period, then the proposed CEQA action will be included in the hearing notices for permit applications. If the public review period for the proposed CEQA action is a greater period of time than what is required for the hearing notices as described in Sections 6.19 (A) & (B), then the public review period shall conform to the CEQA requirements.

...

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Appendix B: Substantive File Documents

Substantive File Documents:

Appeal File # A-1-PTA-20-0028

Appeal File # & A-1-PTA-20-0074

USFW Point Arena Mountain Beaver Draft Survey Guidelines

The City of Point Arena's Certified Local Coastal Plan

The City of Point Arena's Local Record

APPENDIX C

EXCERPTS FROM THE CITY OF POINT ARENA'S CERTIFIED LCP IN RELATION TO ESHA AND POINT ARENA MOUNTAIN BEAVER

RELEVANT LAND USE PLAN (LUP) POLICIES

(emphasis added)

Land Use and Development element, Section 7 includes the following policies related to protection of Point Arena Mountain Beaver (PAMB) habitat and other types of ESHA:

4. No new development shall be allowed within or adjacent to riparian corridors along Arena Creek or other environmentally sensitive habitat areas (ESHA) where mapped (on the Opportunities and Constraints Map: Biological Resources and Trails) or within or adjacent to other unmapped ESHAs that meet the ESHA criteria contained in LUP Chapter X Section 2.4 without first obtaining appropriate permits...

...

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 ESHA Buffer Zone is defined in the Glossary and Appendix A of the Zoning Ordinance. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive 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 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 less than 50 feet in width. Standards for determining an appropriate width of the buffer area are set forth in Zoning Ordinance Section 5.22...

...

- 36.(a) The Opportunities and Constraints Map: Biological Resources and Trails 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. North facing slopes of the habitat of the Point Arena Mountain Beaver. Riparian habitat along the entire length of 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 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.

...

38. North-facing slopes south of 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.

LUP Chapter VI (Open Space and Land Conservation) includes the following additional policies related to PAMB and ESHA protection:

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.

...

14. Since the Point Arena Mountain Beaver was listed as an endangered species on December 12, 1991, with beaver habitat potentially located along Arena Creek, the City shall establish a 500 feet riparian setback area ("Mountain Beaver Buffer Area") from the centerline of the stream as recommended by the United States Fish and Wildlife Service (USFWS). In addition, fences are prohibited within 15 feet of the center line to allow for wildlife migration along the travel corridor. Disturbance of the streambed is prohibited. Through zoning and subdivision regulations, the City shall restrict development in areas which contain identified rare or endangered species of plants and animals, including the Point Arena Mountain Beaver.

...

The LUP Chapter X (Coastal Element) Section 2.4 referenced above includes the following additional policies related to PAMB and ESHA protection:

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.

...

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, 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 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.

- ...6. Additional development restrictions 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 U.S. Fish & Wildlife Service Mountain Beaver Recovery Plan into Section 5.24 of the Zoning Ordinance.

1. 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.

...

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 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...

...

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.

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

(emphasis added)

Applicable Standards from the Implementation Plan (IP):

Sec. 5.22: 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) 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...

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 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 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 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 less than 50 feet in width.

APPENDIX D

EXCERPTS FROM THE CITY OF POINT ARENA'S CERTIFIED LCP IN RELATION TO GRADING

RELEVANT LAND USE PLAN (LUP) POLICIES

(emphasis added)

Applicable Policies from the LUP:

Land Use and Development element, Section 7 includes the following policies related to grading and water quality protection:

6. 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.

...

9. All required qualifying investigations for grading, site preparation and development in hazardous and constrained areas shall be conducted by a licensed engineering geologist or registered civil engineer with expertise in soils or foundation engineering, 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.

...

LUP Chapter VI (Open Space and Land Conservation) includes the following additional policies related runoff control and stabilizing bare soils:

12. New development should be required to: (a) avoid creating concentrated runoff, particularly over steep slopes and bluff faces, by installing energy dissipating devices, (b) create drainage swales, detention, and retention basins, (c) control the timing and manner of new construction so that there are no bare soil slopes during the rainy season, etc.

...

LUP Chapter VII (Community Health and Safety Element) includes the following policies related to Slope Stability (sec. 3.3) and Water Supply/Water Quality (sec. 6):

1. 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 shall be considered.

...

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.

...

6. WATER SUPPLY AND WATER QUALITY POLICIES AND PROGRAMS

...

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...

...

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.

...

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.

...

Minimize Polluted Runoff from Construction

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

...

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS (emphasis added)

Applicable Standards from the IP:

Sec. 5.34 Water Quality

All development shall be evaluated for potential adverse impacts to water quality, and the applicant shall incorporate Site Design, Source Control, and where required, Treatment Control Best Management Practices (BMPs) to minimize polluted runoff and water quality impacts resulting from the development...

...

Sec. 6.11 Coastal Development Permits

...

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

...

(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.

APPENDIX E

EXCERPTS FROM THE CITY OF POINT ARENA'S CERTIFIED LCP IN RELATION TO POTENTIAL HOME OCCUPATION USE

RELEVANT LAND USE PLAN (LUP) POLICIES

(emphasis added)

Applicable Policies from the LUP:

LUP Chapter III (Land Use and Development Element) section 7 includes the following policy related to Home Occupations:

23. Home occupations shall be principally permitted uses in residential districts subject to securing a "Home Occupation Permit" and a city business license, and subject to meeting the performance standards for home occupations found in the Zoning Ordinance.

...

(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. 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...

Definition of "Home Occupation" from the LUP glossary:

"A use, which may be a commercial enterprise, customarily conducted within a dwelling or accessory building by the inhabitants of the dwelling and which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the character of the dwelling, premises or neighborhood, or cause significant impact or nuisance."

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS (emphasis added)

Applicable Standards from the IP:

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:

- A. No more than two (2) employees other than members of the resident family.
- B. Not more than 1 non-illuminated sign not to exceed 3 sq. ft. in area and attached to the dwelling.
- C. No outside display of merchandise.
- D. Electrical motors only, and not to exceed a total of three horsepower each.
- E. No radio or television interference, amplified music, or noise audible beyond the boundaries of the site.
- F. No significant increase in automobile and truck traffic over normal residential use.
- 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.

...

APPENDIX F

EXCERPTS FROM THE CITY OF POINT ARENA'S CERTIFIED LCP IN RELATION TO NOTICING REQUIREMENTS

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS (emphasis added)

Applicable Standards from the IP:

Sec. 6.07 Required hearings:

The Planning Commission shall consider all applications for Variances, Conditional Use Permits, Coastal Development Permits, and Design Review approval.

At least one public hearing shall be held on each application for a Variance, Conditional Use Permit, Design Review or Coastal Development Permit, 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 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 in Section 6.19 of this ordinance.

...

Sec. 6.19 Notification Requirements:

- A. For actions initiated by one or more property owners for a variance, conditional use, Coastal Development Permit, or appeal from any of the foregoing, the following notification shall be required:

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.

...

4. Local Noticing Requirements by Applicant. .

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 place, 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.