

**CITY OF POINT ARENA
ORDINANCE NO. 243**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POINT ARENA RESCINDING IN ITS ENTIRETY, TITLE 18, ZONING, OF THE CITY OF POINT ARENA MUNICIPAL CODE AND ADOPTING A NEW TITLE 18, ZONING (SECTIONS 18.05.010 THROUGH 18.45.145) TO REORGANIZE THE ZONING ORDINANCE, IMPLEMENT STATE HOUSING LAWS, STREAMLINE PERMITTING PROCEDURES, AND MODIFY DEVELOPMENT STANDARDS TO ENCOURAGE HOUSING DEVELOPMENT

The City Council of the City of Point Arena, ordains as follows:

Section 1. Title 18, Zoning, of the City of Point Arena Municipal Code, also known as the "zoning ordinance of the City of Point Arena" as established by Ordinance 179, adopted in 2001, and as amended from time to time, is hereby rescinded in its entirety in order for the City to enact an updated zoning ordinance to address changes in State housing laws, implement the City's Housing Element policies, encourage more housing development within the City of Point Arena, and reorganize the zoning ordinance to make it more user-friendly.

Section 2. A new Chapter 18.05, "Adoption, Short Title and Purpose" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.05.010 Adoption.

There is hereby adopted a zoning ordinance for the city of Point Arena, state of California, as provided by Title 7 of the Government Code of the state of California. This title constitutes precise regulations for the use of land in conformity with the Point Arena general plan.

The provisions of this title shall apply to all lands and all owners of lands within the incorporated area of the city of Point Arena. [Ord. 179 § 1.01, 2001; Ord. 243 § 2.01, 2024]

18.05.015 Short title.

This title shall be known and cited as the "zoning ordinance of the city of Point Arena." In any administrative action taken by any public official under the authority set forth in the title the use of the term "zoning ordinance," unless further modified, shall refer to and mean this title and the zoning map. [Ord. 179 § 1.02, 2001; Ord. 243 § 2.02, 2024]

18.05.020 Purpose.

This title is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare, to provide a plan for sound and orderly development, and to ensure social and economic stability within the various zones hereby established. In addition, it is the purpose of this title to implement the policies and programs of the Point Arena general plan and the coastal element thereof. [Ord. 179 § 1.03, 2001; Ord. 243 § 2.03, 2024]

18.05.025 Consistency with Point Arena general plan and coastal element.

The Point Arena zoning ordinance is based upon, and is intended to be consistent with the policies, programs and land use designations of the Point Arena general plan, the coastal element thereof, and the opportunities and constraints map. If the Point Arena general plan is amended and is no longer consistent with the ordinance, then the zoning ordinance shall also be amended so that it is consistent with the amended Point Arena general plan. Amendments to the zoning ordinance adopted by the city council shall be consistent with the policies, programs, and land use designations of the Point Arena general plan. [Ord. 179 § 1.04, 2001; Ord. 243 § 2.04, 2024]

18.05.030 Procedure.

Until such time as there is a duly constituted planning commission, the city council shall act as the planning commission. Any decision made by the city council acting as the planning commission shall be final and there shall be no further administrative remedy under this title. [Ord. 179 § 1.05, 2001; Ord. 243 § 2.05, 2024]

18.05.035 Applicability and consistency.

Property in each and every zone shall be subject to the requirements and regulations set forth in this title for each of the zones. Uses and activities otherwise permitted or conditionally permitted shall conform to and be consistent with the policies and provisions of the Point Arena general plan, and relocation, construction, external remodeling or additions to structures, and alteration of land forms and grading shall not be undertaken until: (a) findings are made to that effect; and (b) said activities are consistent with and take into account provisions of the opportunities and constraints map of the general plan. [Ord. 179 § 5.01, 2001; Ord. 243 § 2.06, 2024]

Section 3. A new Chapter 18.10, "Establishment and Designation of Zones" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.10.010 Principal zones.

The several zones hereby established, and into which the city is divided, are as follows:

ZONE	DESIGNATION
Suburban Residential (1 acre)	SR 1
Suburban Residential (1/2 acre)	SR 1/2
Residential Agriculture	RA-2
Urban Residential	UR
Multifamily Residential	MR
Agriculture Exclusive	AE
Core Commercial	C
Highway Commercial	HWC
Harbor Commercial	HC
Industrial	I
Public Facility	PF
Park	P
Open Space	OS
Special Planned Development (overlay)	SPD

[Ord. 179 § 3.01, 2001; Ord. 243 § 3.01, 2024]

18.10.015 Location and boundaries of zones.

The designation, location and boundaries of the aforesaid zones shall be delineated on the zoning map of the city. Said map and all notations, references, data and other information shown thereon shall be a part of these regulations and subject thereto, and such map shall constitute Section 18.15.020. [Ord. 179 § 3.02, 2001; Ord. 243 § 3.02, 2024]

18.10.020 Zoning map.

This section consists of the zoning map of the city, which map may be amended in whole or in part in accordance with the amendment procedure set forth in Chapter 18.35. The zoning map shall be kept on file in the office of the city clerk and copies shall be made available upon request. [Ord. 179 § 3.03, 2001; Ord. 243 § 3.03, 2024]

18.10.050 Determining uncertain boundaries.

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- (1) Streets or Alleys. Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such streets or alleys shall be construed to be the boundaries of such zone.
- (2) Lot Lines. Where the zoning boundaries are not shown to be streets or alleys, and where property has been or may hereafter be divided into blocks and lots, the zoning boundaries shall be construed to be lot lines; and where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.
- (3) Scale on Map—Determination by Commission. Where property is indicated on the zoning map as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on said zoning map shall be determined by scale contained on such map and where uncertainty exists, the zone boundary line shall be determined by the planning commission. In the event property shown as acreage on the zoning map has been or is subsequently subdivided into lots or blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the zone boundaries were established, or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on the zoning map, the planning commission, after notice to the owners of the property affected thereby, may interpret the map and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the zoning map shall be changed to conform thereto.
- (4) Vacated Street or Alley. In the event a dedicated street or alley shown on the zoning map is vacated by resolution or ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former centerline of the vacated street or alley.
- (5) Land Division. When a land division requires the planning commission/city council to make a minor readjustment in zoning district boundaries, a map of this readjustment shall be sent to the Coastal Commission for a determination as to whether it requires an amendment to the zoning map. If no amendment is required, the readjustment shall become effective immediately. If an

amendment is required, the requirements of Sections 18.35.220 through 18.35.320 apply. [Ord. 179 § 3.04, 2001; Ord. 243 § 3.04, 2024]

18.10.030 Applies to all territory.

All incorporated territory of the city shall be classified as specified by the zoning map adopted as a part of these regulations. [Ord. 179 § 3.05, 2001; Ord. 243 § 3.05, 2024]

18.10.035 Establishment of limitations on land use and structures.

(1) Use Requirements. No building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land be altered or graded; nor shall any building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than as for purposes and in a fashion that is consistent with the uses hereinafter listed as permitted in the zone in which such buildings, land, or premises are located.

(2) Height Requirements. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located except as provided in Chapter 18.35.

(3) Area Requirements. No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located.

(4) Duplicate Use of Open Space and Yards. No yard or other spaces provided about any buildings for the purpose of complying with provisions of these regulations shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted elsewhere in these regulations. [Ord. 179 § 3.06, 2001; Ord. 243 § 3.06, 2024]

18.10.040 Zoning of annexed properties.

All lands or waters, which shall be annexed to the city of Point Arena, shall be prezoned. The owner of any land, prior to filing a petition for annexation to the city of Point Arena, or in the event a proposed annexation shall be instituted by the city or other property owners, may file an application for prezoning by complying with the provisions, procedures and paying the fees set forth in Chapter 18.35 for amendments to the zoning ordinance. The zoning established by the city shall be submitted to the California Coastal Commission for approval. The zoning approved by the city and the Coastal Commission shall become effective at the same time that the annexation becomes effective. Required fees may be waived by the city council when the annexation is instituted by the city. [Ord. 179 § 3.07, 2001; Ord. 243 § 3.07, 2024]

Section 4. A new Chapter 18.15, "Regulations for the Principal Zones" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.15.010 Conflict of regulations.

In addition to the regulations specified in this chapter for each of the principal zones, the general regulations set forth throughout this title shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this chapter and the general regulations set forth throughout this title, the more restrictive regulations shall apply. In

doubtful cases, the planning commission shall determine which of the conflicting regulations shall be applicable. [Ord. 179 § 4.01, 2001; Ord. 243 § 4.01, 2024]

18.15.015 Suburban residential or SR zone.

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.

(1) Suburban Residential—One Acre (SR 1).

(a) Principally Permitted Uses.

- (i) Single-family dwellings, including a mobile or manufactured home, employee housing including farmworker housing for six (6) or fewer employees, supportive and transitional housing, and group homes that provide licensable services to six (6) or fewer residents;
- (ii) Truck gardening, small-scale farming and grazing;
- (iii) Structures associated with truck gardening, small-scale farming and grazing including outbuildings and sheds not exceeding 1,000 square feet;
- (iv) One home occupation;
- (v) Tot lot;
- (vi) One ADU and/or one JADU, in compliance with Section 18.25.055;
- (vii) Employee housing, including farmworker housing, consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household meeting the requirements of Section 18.25.070.

(b) Conditionally Permitted Uses.

- (i) Water storage tanks, reservoirs, and water distribution lines;
- (ii) Noncommercial livestock stables or corrals;
- (iii) Day care centers;
- (iv) Satellite TV receiving dish (four feet diameter or larger);
- (v) Bed and breakfast inns;
- (vi) Live-work spaces/studios in lieu of a principally permitted single-family dwelling;
- (vii) Shared-living facility, rooming and boarding, group homes serving seven or more persons and requiring State licensing, including but not limited to residential care facility facilities;
- (viii) Churches, schools, libraries.

(c) Other Regulations.

- (i) Minimum lot area: one acre;
- (ii) Minimum lot width: 125 feet;
- (iii) Maximum lot depth: three times lot width;
- (iv) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet;

- (v) Maximum building height, 35 feet, except that the planning commission may require a lesser height as provided in Section 18.35.130;
 - (vi) 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;
 - (vii) 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) chapter of this title;
 - (viii) Adequate traffic capacity shall be substantiated prior to approval of any CDP.
- (2) Suburban Residential—One-Half Acre (SR 1/2).
- (a) Principally Permitted Uses. All principally allowed uses in the SR 1 zone.
 - (b) Conditionally Permitted Uses. All conditionally allowed uses in the SR 1 zone.
 - (c) Other Regulations.
 - (i) Minimum lot area: one-half acre;
 - (ii) Minimum lot width: 125 feet;
 - (iii) Maximum lot depth: three times lot width;
 - (iv) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet;
 - (v) Maximum building height, 35 feet, except that the planning commission may require a lesser height as provided in Section 18.35.130;
 - (vi) 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. Parcels less than one acre must connect to the municipal sewer system. 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;
 - (vii) 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 development (PD) chapter of this title, when applicable;
 - (viii) Adequate traffic capacity shall be substantiated prior to approval of any CDP.

[Ord. 179 § 4.02, 2001; Ord. 242 § 1, 2023; Ord. 243 § 4.02, 2024]

18.15.020 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 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.

(1) Principally Permitted Uses.

- (a) Single-family dwelling, including a mobile or a manufactured home, employee housing including farmworker housing for six (6) or fewer employees, supportive and transitional housing, and group homes that provide licensable services to six (6) or fewer residents;
- (b) Rooming and boarding of not more than two persons not employed on the premises;
- (c) One home occupation;
- (d) Keeping of no more than four household pets on each lot.
- (e) ADUs and/or JADUs, in compliance with Section 18.25.055.

(2) Conditionally Permitted Uses.

- (a) Day care facilities;
- (b) Live-work spaces in lieu of permissible single-family dwellings;
- (c) Satellite TV receiving dish (four feet diameter or larger);
- (d) Bed and breakfast inns;
- (e) Rooming and boarding;
- (f) Group homes serving seven or more persons and requiring State licensing, including but not limited to residential care facilities;
- (g) Residential care facilities;
- (h) Churches, libraries, schools.

(3) Other Regulations.

- (a) Minimum lot area: 8,625 square feet;
- (b) Minimum lot width: 60 feet;
- (c) Maximum lot depth: three times lot width;
- (d) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet;
- (e) Maximum building height: 35 feet, except the planning commission may require a lesser height as provided in Section 18.35.130;
- (g) Sidewalks are required.

[Ord. 179 § 4.03, 2001; Ord. 242 § 2, 2023; Ord. 243§ 4.03, 2024]

18.15.025 Multifamily residential or MR zone.

The multifamily residential zone applies to properties designated on the zoning map where it is reasonable to permit multifamily 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.

(1) Principally Permitted Uses.

- (a) Single-family and multifamily dwellings, including shared living and cohousing facilities, live-work spaces, employee housing including farmworker housing for six (6) or fewer employees, supportive and transitional housing, supportive housing developments, single room occupancy housing, and group homes that provide licensable services to six (6) or fewer residents; except mobile homes- and mobile home parks-are not permitted;
- (b) Tot lots;
- (c) Home occupations;
- (d) Keeping of not more than two household pets for each dwelling unit.
- (e) ADUs and/or JADUs, in compliance with Section 18.25.055.

(2) Conditionally Permitted Uses.

- (a) Inns, bed and breakfast inns, boarding houses;
- (b) Professional offices, provided they do not exceed 50 percent of a project's total building floor area;
- (c) Satellite TV receiving dish (four feet diameter or larger);
- (d) Churches, libraries, schools;
- (e) Day-care center;
- (f) Nursing homes, hospices, and convalescent hospitals.

(3) Other Regulations.

- (a) Minimum lot area: 5,800 square feet;
- (b) Minimum lot width: 60 feet;
- (c) Maximum lot depth: three times lot width;
- (d) Minimum yards: front, 20 feet; rear, 10 feet; side, five feet;
- (e) Maximum building height: 35 feet, except the planning commission may require a lesser height as provided in Section 18.35.130;
- (f) Maximum residential density: one dwelling unit for each 2,900 square feet of land area;
- (g) Usable open space: 15 percent of each lot shall be reserved, in addition to required yards and private patios/decks and parking, and in addition to any open space that may be set aside and not useable due to hazardous conditions in slopes, as open space;
- (h) Special yards for dwelling groups: the distance between separate buildings of a dwelling group shall be not less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of the dwelling unit in the group and any side lot line shall not be less than 12 feet. All of the above distances shall be increased by two feet for each two feet that any building on the lot exceeds two stories;

- (i) Sidewalks are required.

[Ord. 179 § 4.04, 2001; Ord. 242 § 3, 2023; Ord. 243§ 4.04, 2024]

18.15.030 Agriculture exclusive or AE zone.

The agriculture exclusive zone applies to properties designated on the zoning map 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.

(1) Principally Permitted Uses.

- (a) Farming, dairying, grazing or breeding of cattle, horses, or sheep, raising, or keeping of poultry, fowl, rabbits, or goats or similar animals;
- (b) Crop, vine or truck farm, greenhouses constructed on nonpermanent foundations (e.g., perimeter foundations), horticulture;
- (c) Farm and ranch buildings including stables, barns, pens, corrals, coops, windmills, silo;
- (d) A single-family dwelling incidental to the agricultural use of the land, for the residence of the farmer or for employees engaged in agricultural use of land;
- (e) Employee housing, including farmworker housing, consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household meeting the requirements of Section 18.25.070.
- (e) One ADU and/or one JADU, in compliance with Section 18.25.055.
- (f) Roadside stands used for the sale of agricultural products provided the structures are temporary;
- (g) One home occupation;
- (h) Private wells and septic systems to support agricultural uses, when consistent with applicable health department regulations.

(2) Conditionally Permitted Uses.

- (a) Hog farms, turkey farms, frog farms, and fur farms;.
- (b) Animal feed yards and sales yards;
- (c) Riding stables to rent or board horses;
- (d) Water storage tanks, reservoirs and distribution lines;
- (e) Scientific research and associated structures;
- (f) Wastewater ponds; spray irrigation;
- (g) Satellite TV receiving dish (four feet diameter or larger);
- (h) Emergency services communications facilities of a limited nature.

(3) Other Regulations.

- (a) Minimum lot area: 20 acres;
- (b) Maximum lot depth: three times lot width;
- (c) Minimum yards: front, 30 feet; rear, 20 feet; side, 10 feet;

- (d) 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 18.35.130;
- (e) 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.

[Ord. 179 § 4.05, 2001; Ord. 242 § 4, 2023; Ord. 243 § 4.05, 2024]

18.15.035 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.

(1) Principally Permitted Uses.

- (a) Farming, dairying, grazing, breeding of cattle, horses, or sheep, raising or keeping of poultry, fowl, rabbits, or goats or similar animals;
- (b) Crop, vine or truck farm, greenhouses constructed on nonpermanent foundations (e.g., perimeter foundations), horticulture;
- (c) Accessory structures such as barns, pens, coops, stables, not used for commercial purposes;
- (d) Windmills;
- (e) Greenhouses and other nursery structures;
- (f) One single-family dwelling, employee housing including farmworker housing for six (6) or fewer employees, supportive and transitional housing, and group homes that provide licensable services to six (6) or fewer residents, which may be a mobile home or a manufactured home;
- (g) Employee housing, including farmworker housing, consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household meeting the requirements of Section 18.25.070.
- (h) One ADU and/or one JADU, in compliance with Section 18.25.055;
- (i) One home occupation.

(2) Conditionally Permitted Uses

- (a) Water storage tanks, reservoirs, and water distribution lines;
- (b) Animal hospitals, kennels;
- (c) Commercial stables;
- (d) Satellite TV receiving dish (four feet diameter or larger);
- (e) Bed and breakfast activities within the principally-permitted residence;
- (f) Group homes serving seven (7) or more persons and requiring State licensing, including but not limited to residential care facilities.

(3) Other Regulations.

- (a) Minimum lot area: two acres;
- (b) Minimum lot width: 250 feet;
- (c) Maximum lot depth: three times lot width;
- (d) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet;
- (e) Maximum building height: 35 feet, except the planning commission may require a lesser height as provided for in Section 18.35.130;
- (f) 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;
- (g) Adequate traffic capacity shall be substantiated prior to approval of any CDP.

[Ord. 179 § 4.06, 2001; Ord. 242 § 5, 2023; Ord. 243 § 4.06, 2024]

18.15.040 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.

(1) Principally Permitted Uses.

- (a) General retail goods and services including cafés and restaurants, delis, food stores, convenience sales, markets, bakeries, pharmacies;
- (b) Personal and professional services including beauty and barber shops, self-service laundries, dry cleaners, tailors, travel agencies, real estate sales, fitness centers, dance studios;
- (c) Offices, professional offices, banks, medical offices, and clinics;
- (d) Hardware, appliance, clothing, furniture, television and electronic stores, florists, video sales and rentals, antique and art galleries and sales, bookstores;
- (e) Libraries and art galleries;
- (f) Public offices including public safety facilities, post office;
- (g) Visitor-serving facilities such as hotel, motel, inns, and hostel;
- (h) Churches;
- (i) Existing dwellings and living quarters;
- (j) Supportive Housing Developments and Low Barrier Navigation Centers.
- (k) ADUs and/or JADUs, in compliance with Section 18.25.055;
- (l) Tot lots and mini parks;
- (m) Outdoor farmers' market; flea market;

- (n) Vehicle service station;
 - (o) Other small businesses when entirely enclosed and capable of emitting only minimum noise or pollutants, including, but not limited to, cabinet shops, plumbers, electricians, photographic and blueprint processing, print shops.
- (2) Conditionally Permitted Uses.
- (a) Bars, restaurants with bars;
 - (b) Second-hand stores;
 - (c) Commercial and public off-street parking facilities;
 - (d) Brew pubs;
 - (e) Small-scale vehicle repair and servicing;
 - (f) Animal clinics and hospitals;
 - (g) Theaters, commercial recreation facilities, and social halls;
 - (h) Nursing homes and hospices;
 - (i) Emergency shelters and ~~transitional~~ single room occupancy housing;
 - (j) Group homes; employee housing including farmworker housing; supportive housing that does not meet all of the requirements of a supportive housing development; and transitional housing.
 - (k) Temporary outdoor display and sale of locally-produced or -created arts and crafts;
 - (l) Satellite TV receiving dish.
- (3) Conditionally Permitted Dwelling Units. Dwelling units of any type and mixture, including live-work spaces, but excluding ADUs, JADUs, mobile home parks and mobile homes, provided that: (a) 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; (b) all yard, landscaping and screening requirements as set forth in the zoning ordinance are adhered to. The planning commission shall require that a comprehensive development plan be submitted for review and approval for any proposed development consisting of multiple mixed uses including live/work spaces.
- 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.
- (4) Other Regulations.
- (a) Minimum yards: front, none, except that where frontage is partially in a residential zone, the front yard shall be the same as that required in such residential zone; rear, 15 feet; side, none, except that a side yard abutting a residential zone shall not be less than the front yard of such residential zone;

- (b) Maximum building height, 35 feet, except that the planning commission may require a lesser height as provided in Section 18.35.130;
- (c) Sidewalks are required.

[Ord. 179 § 4.07, 2001; Ord. 242 § 6, 2023; Ord. 243 § 4.07, 2024]

18.15.045 Highway commercial or HWC zone.

The highway commercial zone applies to properties so designated on the zoning map which require and benefit from locations along Highway 1 in order to provide goods and services in association with ease of access and off-street parking. Connections to municipal water and sewer systems shall be required.

(1) Principally Permitted Uses.

- (a) All uses principally permitted in the core commercial (C) zone;
- (b) Small vehicle, truck, and boat sales;
- (c) Physical fitness facilities;
- (d) Supportive Housing, Emergency shelters and Low Barrier Navigation Centers.

(2) Conditionally Permitted Uses.

- (a) 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 traveling on Highway 1, nor impact negatively on adjoining commercial or residential properties, nor create any noticeable noise;
- (b) Vehicle storage and repair garages;
- (c) Mortuaries;
- (d) Nursing homes and convalescent hospitals;
- (e) Brew pubs;
- (f) Business parks;
- (g) Used vehicle sales; automobile and other vehicle services;
- (h) Hardware and lumber sales;
- (i) Social halls and commercial recreation, including bowling alleys;
- (j) Warehouses provided goods are largely stored within buildings and where stored outside are screened and landscaped;
- (k) Animal-care hospitals and clinics;
- (l) Short-term RV parks (RV timeshares are not permissible);
- (m) Comprehensively-planned mobile home parks and associated facilities;
- (n) Production and sale of locally manufactured or created goods or crafts for sale to the passing public.

(3) Conditionally Permitted Residential Uses. The following new residential uses and developments may be permitted; by use permit:

- (a) Mobile home park in accordance with the mobile home regulations of Section 18.25.040 of this title;
- (b) Live-work spaces;
- (c) Single room occupancy housing; group homes; employee housing including farmworker housing; supportive housing that does not meet the requirements of a supportive housing development; and transitional housing.
- (d) Multifamily dwellings of any type or mixture, except mobile homes, provided that:
 - (i) All required off-street parking is provided on site,
 - (ii) All yard, landscaping and screening requirements as set forth in this title are adhered to,
 - (iii) For each residential project at least 15 percent of the project area is set aside as permanent usable open space, which space shall be in addition to patios, decks, and yards,
 - (iv) The project residential density is no greater than 15 dwelling units per acre, which requires that for each dwelling unit there must be at least 2,900 square feet of residential land area,
 - (v) 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.

(4) Other Regulations.

- (a) Minimum lot area: 10,000 square feet;
- (b) Minimum lot width: 100 feet;
- (c) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet;
- (d) Maximum building height: 45 feet.

[Ord. 179 § 4.08, 2001; Ord. 243 § 4.08, 2024]

18.15.050 Harbor commercial or HC zone.

The harbor commercial zone applies to properties at Arena Cove so designated on the zoning map which are most suitable for commercial activities in conjunction with commercial and recreational fishing and other coastal-dependent activities. This land use designation provides for visitor-serving uses which will enhance the public's enjoyment and utilization of the area. Coastal-dependent activities shall have priority over other developments on or near the shoreline and shall not be sited in wetland areas. Connection to water and sewer systems shall be required.

(1) Principally Permitted Uses.

- (a) Boat launching, boat building and boat repairs;

- (b) Retail sales or rentals of fishing supplies, scuba supplies and surf-related surf supplies;
 - (c) Purchasing, selling, and processing of fish and shellfish;
 - (d) Coastal-dependent aquaculture facilities;
 - (e) Existing visitor-serving uses;
 - (f) Public facilities related to coastal dependent activities.
- (2) Conditionally Permitted Uses.
- (a) Public parking lot;
 - (b) The following visitor-serving uses:
 - (i) Bed and breakfast inns,
 - (ii) Restaurant/café,
 - (iii) Hotel/motel/inn,
 - (iv) Campground, and campground with short-term recreational vehicle use,
 - (v) Antique, art, and gift shops; art galleries,
 - (vi) Short-term recreational vehicle park (44 spaces, maximum), with R/V timeshares impermissible,
 - (vii) Housing unit for the owner or manager of the use listed in subsection (i), (iii), (iv) or (vi);
 - (c) Expansion of existing visitor-serving uses;
 - (d) Noncoastal dependent aquaculture facilities;
 - (e) City-managed public facilities;
 - (f) Satellite TV receiving dish.
- (3) Other Regulations.
- (a) Minimum lot area: 7,500 square feet;
 - (b) Minimum lot width: 60 feet;
 - (c) Maximum lot depth: three times lot width;
 - (d) Minimum yards: front, 20 feet; rear, 15 feet; side, 10 feet, except that the planning commission may modify setback requirements as provided in Section 18.35.130;
 - (e) Maximum building height: 25 feet, except the planning commission may require a lesser height as provided in Section 18.35.130;
 - (f) The visitor-serving uses conditionally allowed under subsections (2)(b) and (2)(c) 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 hill slope would not preclude any coastal-dependent uses. In no case shall more than 25 percent of the flats portion of any parcel, excluding 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.

- (g) Each and all parcels in one ownership at the date of adoption of this title shall be subject to the requirement that no development; may take place until a coastal development permit has been reviewed and approved in accordance with provisions of Chapter 18.35. Also proposed development shall comply with Section 8.4(A) of the land use and development element of the Point Arena general plan.

[Ord. 179 § 4.09, 2001; Ord. 243 § 4.09, 2024]

18.15.055 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.

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

(1) Other Regulations.

- (a) Minimum lot area: 10,000 square feet;
- (b) Maximum building height: 45 feet, except the planning commission may require a lesser height as provided in Section 18.35.130;
- (c) Minimum lot width: 80 feet;
- (d) Maximum lot depth: three times lot width;
- (e) Minimum setbacks: front, 30 feet; rear, 20 feet; sides, 20 feet;
- (f) Special regulations: All manufacturing and fabricating areas shall be enclosed in buildings, and all equipment and materials storage areas shall be screened by walls, fences or adequate plantings to a height of not less than six feet;
- (g) 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.

[Ord. 179 § 4.10, 2001; Ord. 243 § 4.10, 2024]

18.15.060 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.

- (1) Conditionally permitted uses include, but are not limited to, the following:

- (a) Public services and administrative offices such as police and fire stations, post offices, public parking lots, City Hall;
 - (b) Schools and libraries;
 - (c) Publicly-owned museums, art galleries;
 - (d) Public meeting halls and recreation centers;
 - (e) Public utility structures of a limited nature such as radio, television transmission facilities, pumping stations, sewage treatment plants, corporation and storage yards;
 - (f) Public cemeteries;
 - (g) Public utility warehouse, gas holders, and substations;
 - (h) Reservoirs;
 - (i) Telephone, cable television exchanges;
 - (j) Transformer stations;
 - (k) Service yards and storage yards;
 - (l) Satellite TV receiving dish.
- (2) Other Regulations.
- (a) Minimum lot area, depth, setbacks, and building heights to be determined by the planning commission;
 - (b) 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.

[Ord. 179 § 4.11, 2001; Ord. 243 § 4.11, 2024]

18.15.065 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.

- (1) Principally Permitted Uses.
- (a) Parks, playfields, playgrounds and associated facilities and activities, trails, and recreational facilities, including picnic areas; public golf course and driving range; beach;
 - (b) Associated vehicle parking;
 - (c) Associated and compatible recreational structures and buildings.
- (2) Other Regulations. 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. [Ord. 179 § 4.12, 2001; Ord. 243 § 4.12, 2024]

18.15.070 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.

(1) Principally Permitted Uses.

- (a) Public and private undeveloped areas devoted to active outdoor recreation, passive recreation, pasture, grasslands;
- (b) Beaches, trails, viewing areas, and nature study areas, bluffs.

(2) Conditionally Permitted Uses.

- (a) Camping and picnic areas, benches.

[Ord. 179 § 4.13, 2001; Ord. 243 § 4.13, 2024]

Section 5. A new Chapter 18.20, "General Development Standards" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.20.010 Height limitations and modifications.

Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof; but, chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. [Ord. 179 § 5.07, 2001; Ord. 243 § 5.01, 2024.]

18.20.015 Access to public road.

All lots created subsequent to the adoption of these regulations shall have 25 feet of frontage on a public road, or 25 feet of frontage on a public easement at least 25 feet wide from the lot to a public road. Lots existing on the effective date of these regulations not having such access to a road may be used for the purposes provided in these regulations if a use permit is first obtained incorporating such conditions as the planning commission deems necessary to ensure sufficient access to a public road. [Ord. 179 § 5.08, 2001; Ord. 243 § 5.02, 2024.]

18.20.020 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. Accessory structures for non-household animals shall not be located closer than 50 feet to any dwelling.

Accessory buildings in MR, SR, and UR zones shall not exceed 15 feet in height. Accessory structures shall conform to all setbacks in the zoning district in which they are built.

Fences are covered by separate regulations as set forth in Section 18.20.025. [Ord. 179 § 5.09, 2001; Ord. 243 § 5.03, 2024.]

18.20.025 Yards, fences, walls and hedges.

The minimum yard requirements set out in Chapter 18.15 shall be subject to the regulations of this section.

- (1) Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into a side yard and four feet into a front, rear, or street side yard. Uncovered porches, decks, balconies, stairways, fire escapes or landings may extend a maximum of eight feet into front, street side, or rear yards and three feet into side yards.
- (2) In residential zoning districts, the street side yard on a corner lot shall be 15 feet.
- (3) Sight-obscuring fences, freestanding walls or hedges more than two and one-half feet in height and located within a required front yard or required side yard adjacent to a street shall not be located closer than 15 feet to the point where the edge of a driveway crosses the property line. Fences located within a required front yard, or side yard adjacent to a street, shall not exceed four feet in height.
- (4) Fences and freestanding walls located within a required interior side yard or required rear yard shall not exceed eight feet in height.
- (5) Fences and freestanding walls located within the buildable portion of a lot shall not exceed 15 feet in height.
- (6) For corner lots, within the area lying between the front and street side lot lines and a line connecting points on these lot lines 20 feet from their intersection, sight obscuring fences, walls and vegetation shall not exceed two and one-half feet in height above the established grade of either street. Tree trunks, posts or columns not exceeding 18 inches in cross sectional width, measured at three feet above the established grade of either street, shall be permitted provided that tree branches are removed up to eight feet above the grade of either street. Heritage trees may be excepted.
- (7) Limitations on fence height shall not be deemed to prohibit non-sight-obscuring safety or security fences of any height necessary for public playgrounds, public utilities, and other public installations.
- (8) Sight obscuring fences shall not be constructed in public viewsheds as depicted on the opportunities and constraints map. [Ord. 179 § 5.11, 2001 ; Ord. 243 § 5.04, 2024.]

18.20.030 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:

- (1) Maintenance. All required planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All screening, and trees, shall be in sound functional condition, or, whenever necessary, repaired and replaced.
- (2) Materials. Where trees are required in a new development they shall be of a species, degree of maturity, and spacing acceptable to the planning commission. Where dense landscaping to a specified height is prescribed, it shall be of a type that will provide a year-round barrier to the prescribed heights and shall be so spaced that vision of objects on the opposite side is effectively eliminated.

(3) Dense landscaping or a solid wall or fence of a minimum height of six feet shall be provided along the rear and side property lines of any nonresidential use which abuts on a residential use; to screen any open area used for the storage of goods, materials, or waste from view from abutting properties and from public right-of-way; to screen any open area used to display goods or materials for sale from abutting properties.

(4) Prescribed fences, walls or dense landscaping need not be provided along a lot line if a permanent fence, wall or dense landscaping of at least equivalent height, density and maintenance exists immediately abutting and on the opposite side of said lot line.

(5) Perimeter landscaping shall be provided between parking spaces and adjacent street right-of-way whenever five or more parking spaces are required. Such landscaping area shall be at least four feet wide and protected from damage by a curb or header adjacent to the parking area. In addition, whenever five or more parking spaces are required one tree shall be provided, with an additional tree required for every 10 additional required parking spaces. Such trees shall be planted in tree wells at least four feet by four feet, protected by a curb or header. Whenever five or more parking spaces are required, at least four percent of the parking area, including the above required landscaping, shall be landscaped.

(6) Plantings shall blend with the existing natural vegetation and natural habitats on the site.

(7) Invasive plant species that tend to supplant native species and natural habitats shall be prohibited. [Ord. 179 § 5.14, 2001; Ord. 243 § 5.05, 2024.]

18.20.035 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. [Ord. 179 § 5.26, 2001; Ord. 243 § 5.06, 2024.]

18.20.040 Off-street parking.

These regulations are intended to provide accessible and well-maintained off-street parking facilities so as to reduce traffic congestion and thereby allow the more efficient utilization of the street right-of-way.

(1) General Provisions.

- (a) When any main building is constructed, enlarged, or increased in capacity, or when a change in use creates an increase in the amount of off-street parking space required, additional parking spaces shall be required, except as specifically provided in this chapter.
- (b) Fractional space requirements shall be counted as a whole space.
- (c) No portion of any front yard, or any side yard on the street side of a corner lot, shall be used for off-street parking purposes, except in the case of a driveway of a single-family dwelling and in the industrial and highway commercial zones where required front yards may be used to meet off-street parking requirements.
- (d) Off-street parking spaces for single-family dwellings shall be located on the same lot as the dwelling served. Off-street parking spaces for all other dwellings, and all nonresidential uses, shall be located on the same lot as, or not more than 150 feet from the building or use served.

- (e) No repair work or servicing of vehicles shall be conducted in an off-street parking facility, except such minor work as is common to residential use.
 - (f) No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity being provided.
 - (g) Off-street parking facilities for one use shall generally not be considered as providing required off-street parking facilities for any other use. However, off-street parking facilities for one commercial use may be considered as providing required off-street parking facilities for another commercial use if the business hours of the two uses are mutually exclusive.
 - (h) When two or more uses are located in the same building and/or in common developments, or when parking facilities for different buildings or uses are provided collectively, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this section.
 - (i) Sufficient bicycle storage space, as determined by the planning commission, shall be provided in all parking areas of 10 or more spaces.
 - (j) Where joint parking facilities are provided for two or more commercial uses in a planned commercial development, the minimum requirement may be reduced to 75 percent of the sum of the requirements for the various uses computed separately, when the combined requirements total 20 or more spaces.
 - (k) Requirements for types of buildings or uses not specifically listed herein shall be determined by the planning commission based upon the requirements for comparable uses listed and on the particular characteristics of the building or use.
- (2) Parking Space Requirements. Off-street parking spaces shall be provided according to the following schedule:

(a) Residential Uses Parking.

Single-family and two-family dwellings located in a residential district	Two spaces per dwelling unit
Multifamily dwellings with two or fewer bedrooms located in a residential district	One and one-half spaces per dwelling unit
Multifamily dwellings with three or more bedrooms located in a residential district	Two spaces per dwelling unit
Single- or multiple-family dwellings as a secondary use located in a commercial district	One space per dwelling unit

(b) Commercial and Public/Quasi-Public Uses.

Small establishments in existing and new buildings. Any use with a floor area less than 600 square feet and located in a building with not more than one other use of less than 600 square feet	No spaces
---	-----------

Uses in completely new structures or change of use in an existing structure:

Theaters, churches, lodges, clubs, auditoriums, and other public assembly uses	One space per every six seats
Bowling alleys and pool halls	Four spaces for each lane; two spaces for each billiard table
Hotels, motels, inns, rooming houses located in a nonresidential district	One space per every one and one-half sleeping units
Hotels, motels, inns, rooming houses located in a residential district	One space per sleeping unit, plus one space per every three employees
Hospitals	Two spaces per bed
Extended care facilities	One space per two and one-half beds
Medical offices	One space per 200 square feet of floor area
All professional service/general business offices (including banks)	One space per 300 square feet of floor area
Restaurants, bars, retail sales, personal services, and all other commercial, public and quasi-public uses not listed	One space per 400 square feet of floor area
Commercial (work) space as part of a “live-work” space located in a residential district	One space per for each live-work unit, in addition to the required residential spaces

(c) Industrial Uses. To be determined on a case-by-case basis by the planning commission.

(d) Schools.

Nursery and elementary schools	One space per each classroom and office, plus 10 spaces for visitor parking
High schools	One for every three students, plus one for every two teachers, and one for each other employee

(3) Dimensional Requirements. The minimum off-street parking dimensions shall be as prescribed in the following table, except that a parking space required to be located in a garage or carport shall be not less than 20 feet in length and 10 feet in width:

Angle	Stall Width	Stall Length	Aisle Width	
			One-way	Two-way
Parallel	8'6"	23'	12'	20'
30 degree 8'6"	16'10"	11'	20'	
45 degree 8'6"	19'5"	13'6"	20'	
60 degree 8'6"	20'8"	18'6"	20'	
Perpendicular 8'6"	19'	25'	20'	

(See Figure 1, Guide to Dimensional Requirements)

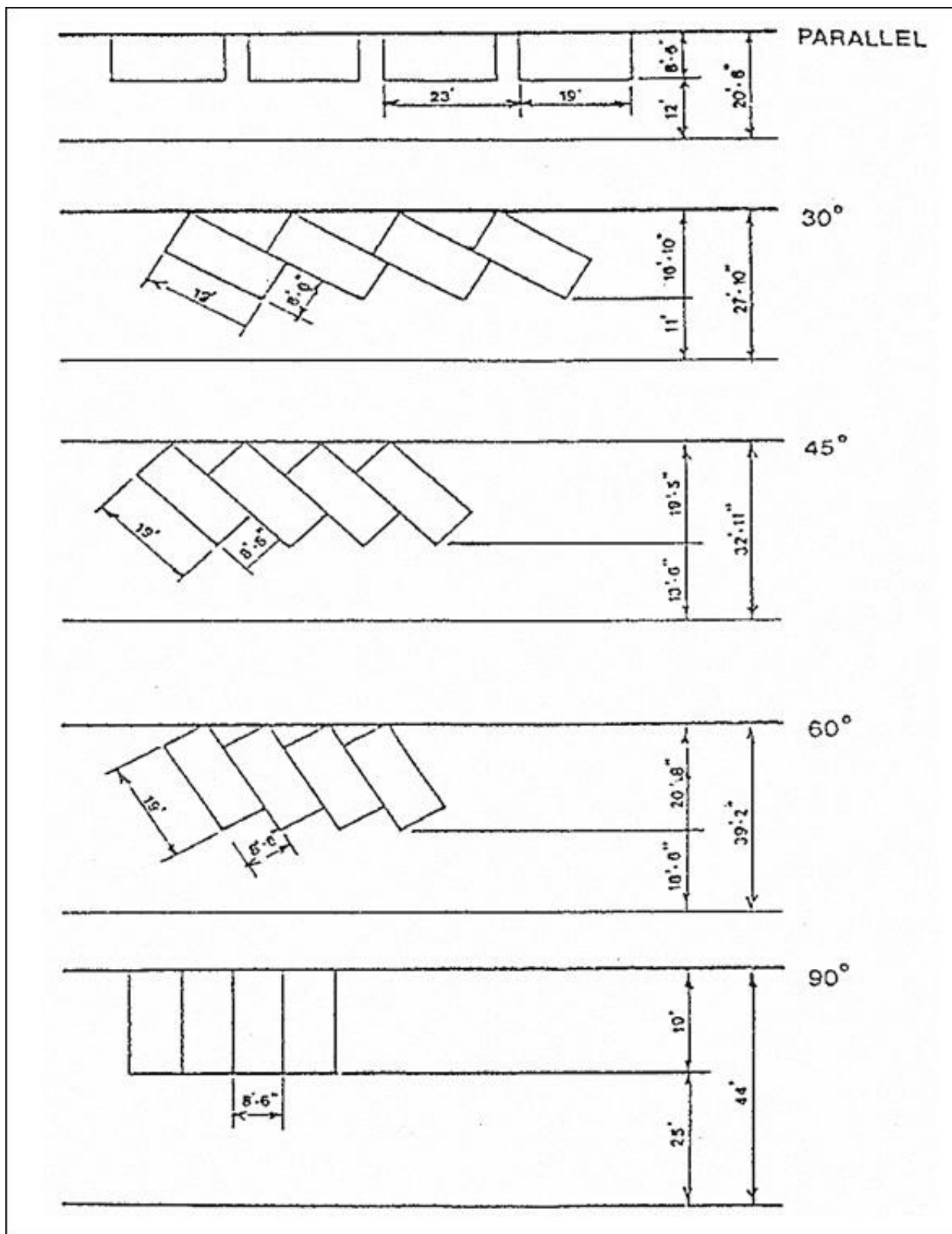


Figure 1
GUIDE TO DIMENSIONAL REQUIREMENTS

Twenty percent of the required spaces in parking areas with five required spaces or more may be devoted to compact car spaces, as follows:

Angle	Stall Width	Stall Length
Parallel	7'	20'
45 degree	7'6"	16'
60 degree	7'6"	17'
Perpendicular	7'6"	16'

Such spaces shall be clearly labeled for "compact cars."

(4) Design Requirements. Requirements for off-street parking areas shall include:

- (a) Lighting. If the parking area is illuminated, lighting shall be deflected away from residential sites and downward so as to cause no annoying glare.
- (b) Bumpers. Bumpers, posts, wheel stops, or other acceptable devices shall be provided on all parking spaces located along property lines and set back a minimum of one and one-half feet from the boundary of the parking lot. All such devices shall be firmly attached to the ground.
- (c) Access Drives. Except for single-family dwellings, groups of more than two parking spaces shall be so located and served by an access drive that the use of the spaces and the access drive will require no backing movements or other maneuvering within a street right-of-way. Alleys may be used for maneuvering.
- (d) Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without requiring moving another vehicle. Entrances from and exits to streets and alleys shall be provided at locations approved by the planning commission.
- (e) Parking Surface. The parking area, aisles, and access drives should be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to according to the following standards:
 - (i) Where the parking facility adjoins a street or a required front yard, or where a parking area is located directly across a street or alley from a residential use, a solid wall or fence, vine covered fence, or compact evergreen hedge no less than four feet in height shall be located on the property line or on the rear line of the required front yard. See Section 18.20.025 for additional information regarding yards, fences, walls and hedges.
 - (ii) One tree shall be provided for every eight parking spaces, except that parking areas of five or more spaces shall also require at least one tree. Said trees shall be planted in tree wells of at least four-by-four feet in locations approved by the design assistance committee and shall be provided with a means of irrigation and maintained in a living condition. Off-street parking areas for multifamily dwellings shall be screened from street view by the means of berming, landscaping, fencing or some combination thereof.
 - (iii) All planters and tree wells shall be enclosed by a curb not less than six inches in height.
- (f) Exception. Within 35 feet of the street corner of any corner lot, the height of any landscaping or screening may be required to be reduced in height or set back from the

property line such distance as the planning commission shall deem necessary for public safety.

[Ord. 179 § 5.28, 2001 ; Ord. 243 § 5.07, 2024.]

18.20.045 Signs.

(1) Signs allowed in all zones without a permit.

(a) Noncommercial Signs.

- (i) Permanent signs shall not exceed two square feet, including residential name plates, safety or directional signs, and “no trespassing” signs.
- (ii) Temporary signs shall not exceed 32 square feet, and in no case shall the total of display surface of temporary signs exceed 32 square feet per parcel. Any temporary sign shall be allowed for one 42-day period in a calendar year or a total of 42 separate days in a calendar year. Political campaign signs may be allowed for more than 42 days but must be removed within 10 days after the election.

(b) Commercial.

- (i) Permanent signs which are not illuminated, including home occupation business signs, shall not exceed three square feet.
- (ii) Temporary signs, nonilluminated, and not exceeding a total area of six square feet, and not more than two in number for residential zones, and nonilluminated signs not exceeding 32 square feet and not more than two in number for all other zones; and vendor signs which shall not exceed six square feet and shall be displayed only when the operator is vending. Anything greater than six square feet in area shall require a permit. All commercial, temporary signs shall not exceed 32 square feet, and in no case shall the total of display surface of temporary signs exceed 32 square feet per parcel. Any temporary sign shall be allowed for one 42-day period in a calendar year or a total of 42 separate days in a calendar year (including for sale or lease signs).

(2) Signs Allowed in All Zones With a Permit.

- (a) Noncommercial signs** which shall not exceed 32 square feet and must be located on the premises not less than 10 feet from any property line. Illumination shall be non-glaring and indirect. Non-commercial signs include signs for schools, churches, clubs and other public organizations.

- (b) Commercial Signs.** Illuminated home occupation signs which shall not exceed three square feet. Illumination shall be non-glaring and indirect.

(3) Signs Allowed in the Commercial and Industrial Zones Without a Permit. Non-temporary signs within window display areas, visible from the street, nonilluminated and less than two square feet shall not require a permit; however, the square footage of these signs will be added to the entire aggregate advertising area for the parcel. Temporary signs within window display areas are subject to requirements of subsection (1)(b). All other signs within window display areas may be allowed with permit.

(4) Signs Allowed in the Commercial and Industrial Zones With a Permit. Signs allowed in the commercial and industrial zones with a permit shall be permanently fixed to the ground or building, are subject to design review, and are subject to the following size, quantity, and placement restrictions:

- (a) Maximum Aggregate Display Surface. The aggregate display surface for any parcel of land shall be one square foot for each foot of street frontage, provided that any parcel shall be permitted at least 20 square feet of advertising area, but in no case shall the advertising area for any parcel exceed 300 square feet in area.
 - (b) Maximum Number of Signs. The aggregate display surface may be divided into not more than six single- or double-faced signs.
 - (c) Maximum Sign Size. No sign shall exceed 50 square feet in area, except signs of unusual size or nature (see subsection (5)).
 - (d) Maximum Height. No sign shall exceed the maximum building height for the zone in which the sign is located, and in no case shall it exceed the maximum height of the structure. Signs attached to buildings shall not project beyond the roof line at any point.
 - (e) Maximum Size and Projection Over Public Right-of-Way. Signs projecting more than eight inches over the public right-of-way shall not exceed 32 square feet in area, shall not project more than five feet, shall not extend closer than 24 inches horizontally from the curb face, shall not be closer than nine feet to the ground, and, if attached to the underside of a projecting canopy extending over a public right-of-way, shall not be more than six square feet in area.
- (5) Signs of Unusual Size or Nature. The following signs may be allowed with a permit in all zones. If in conformance with the following criteria, the sign may be allowed to exceed the maximum sign limits and the area of the sign will not be included in the aggregate display surface.
- (a) Murals shall be painted or affixed directly on the building, shall cover a minimum area of 50 square feet, shall be pictorial in nature, and should not contain commercial logos.
 - (b) Theater marquees only for theater use shall contain no permanent lettering with the exception of the name of the theater.
- (6) Prohibited Signs.
- (a) Signs that resemble traffic control signs or obstruct the visibility of any traffic sign, or signs which rotate, move, flash, reflect, blink or appear to do any of the foregoing shall be prohibited unless required by law. An exception to this section is the allowance of barber poles, clock hands and lighted holiday decorations.
 - (b) 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.
 - (c) No sign shall restrict necessary sight distances at intersections or driveways.
 - (d) No sign shall be placed in a public right-of-way.
 - (e) 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.
- (7) Use of Nonconforming Signs. Signs lawfully existing on the effective date of the ordinance codified in this title which do not conform to the regulations of this title will constitute nonconforming signs.
- (a) If the service, business, institution or location to which a nonconforming signs refers ceases for a period of 30 days or more for a year-round business or for a period of six months or

more for a seasonal business, the sign shall be removed. Such sign shall be removed within a period of 60 days after the termination of the need for the sign.

- (b) Any nonconforming sign destroyed by fire, wind, or accident to the extent that cost of repair, using new materials exceeds 50 percent of the current appraised value, as determined by the city building inspector, or its agent, must be removed or brought into conformance with the requirements of this chapter.
- (c) Any change made to a nonconforming sign must bring the sign into conformity with this chapter.

(8) Design Requirements.

- (a) Materials, colors, size and style used in a sign should be compatible with its location.
- (b) Signs associated with new building construction should be designed to be an integral part of the structure and should complement or enhance the appearance of the surrounding area.
- (c) Light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas and uses. Indirect lighting is preferred over internally lit or neon signs.
- (d) Signs located in residential zones shall in no way change the predominantly residential character of the area.
- (e) All signs shall be safe and well maintained.
- (f) Freestanding signs, unless otherwise stated, should be placed a minimum of five feet from any property line in order to protect the public and neighbors from the feeling of crowding.
- (g) See additional design review requirements as specified in Section 18.35.130(6).

[Ord. 179 § 5.29, 2001 ; Ord. 243 § 5.08, 2024.]

Section 6. A new Chapter 18.25, "Standards for Specific Land Uses" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.25.010 Accessory uses.

Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this Chapter, provided that no accessory use shall be conducted on any property in the MR, SR, and UR zones unless and until the main building is erected and occupied, or until a use permit is secured. Use of a recreational vehicle as a temporary residence by visitors for not more than 15 days in any calendar year shall be a use accessory to a dwelling. [Ord. 179 § 5.02, 2001; Ord. 243 § 6.01, 2024.]

18.25.015 Vehicle and other storage.

Abandoned, unlicensed, inoperable or partially dismantled vehicles may be parked within the confines of a legally established vehicle repair business. They may also be stored within any enclosed building. Also, not more than two vehicles intended to be repaired or restored may be parked outdoors if they are located in the rear yard and are screened by a sight obscuring fence, wall or hedge. Storage of crab pots, boats and recreational vehicles is permitted in required yard areas except in the street corner area identified in Section 18.30.045, provided that access to the perimeter of the dwelling is not obstructed, and no such storage is closer than five feet to the front

lot line. Building materials, equipment and appliances and similar unsightly items shall not be stored in the required front or street side yard for more than 30 days in any year. [Ord. 179 § 5.03, 2001; Ord. 243 § 6.02, 2024.]

18.25.020 Animals.

In the urban residential and suburban residential zones no more than four household pets such as dogs and cats may be kept as an accessory use to a dwelling, unless a use permit is obtained. In the multifamily residential zone no more than two household pets per household are allowed unless a use permit is obtained. In addition to any household pets, not more than four small domestic animals, including rabbits and poultry, may be kept in the suburban residential and urban residential zones on a lot of 7,500 square feet in area or less. One additional small domestic animal may be kept for each 2,000 square feet of area by which the lot exceeds 7,500 square feet. No rooster over the age of six months shall be permitted in the urban residential or multifamily residential zones.

In addition, the following domestic animals may be kept as accessory to a dwelling in the suburban residential and residential agriculture zones:

- (1) One large domestic bovine, equine, or porcine animal may be kept on a lot of not less than one acre. One additional large animal may be kept for each one-half acre by which the lot exceeds one acre.
- (2) Two medium sized domestic animals, including sheep and goats, may be kept on any lot of not less than one acre. One additional medium sized animal may be kept for each 10,000 square feet of area by which the lot exceeds one acre. [Ord. 179 § 5.04, 2001; Ord. 243 § 6.03, 2024.]

18.25.025 Assemblages of persons and vehicles.

No circus, carnival, religious revival or similar assemblage of people and automobiles, lasting longer than one day, shall be permitted in any zone unless a use permit is first secured in each case. [Ord. 179 § 5.05, 2001; Ord. 243 § 6.04, 2024.]

18.25.030 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 two 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 Chapter 18.45, Definitions:

- (1) No more than two employees other than members of the resident family;
- (2) Not more than one nonilluminated sign not to exceed three square feet in area and attached to the dwelling;
- (3) No outside display of merchandise;
- (4) Electrical motors only, and not to exceed a total of three horsepower each;
- (5) No radio or television interference, amplified music, or noise audible beyond the boundaries of the site;
- (6) No significant increase in automobile and truck traffic over normal residential use;

- (7) 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;
- (8) 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 subsection (2);
- (9) 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;
- (10) 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;
- (11) Home occupations shall not include manufacturing, processing or transportation of flammable, combustible, explosive, toxic or other hazardous materials. [Ord. 179 § 5.06, 2001; Ord. 243 § 6.05, 2024.]

18.25.035 Swimming pools.

Any artificial pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted as an accessory structure in any zone and shall be subject to the following regulations:

- (1) Such pool shall be located on the rear one-half of the lot and in any case at least 50 feet from the front lot line, nor closer than five feet to a side or rear lot line. Filter and heating systems shall not be located within 10 feet of any lot line.
- (2) Such pool or the property on which it is located shall be completely enclosed by a wall or fence at least four and one-half feet in height, containing no openings greater than four inches except for self-closing and self-latching gates on which the latch is at least four feet above ground level in order that full control of access by children may be maintained.
- (3) 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. [Ord. 179 § 5.12, 2001; Ord. 243 § 6.06, 2024.]

18.25.040 Mobile home regulations.

The following provisions shall apply to the placement of mobile home units on lots within the city limits:

- (1) Mobile homes must conform to applicable residential or commercial zone requirements relative to water and sewer connections.
- (2) Mobile homes will not be allowed on lands designated “unstable” or within 100 feet of the Hathaway Creek Fault as shown on Point Arena opportunities and constraints map.
- (3) Use is intended as a single-family mobile home dwelling.
- (4) Household pet requirements will be based on applicable residential zone requirements.
- (5) Home occupations shall be by conditional use permit only.

- (6) Minimum lot area must be consistent with the lot area requirements of the zoning district.
- (7) Minimum lot width must be consistent with the lot area requirements of the zoning district.
- (8) Maximum depth is three times the lot width.
- (9) Minimum yards must be consistent with the lot area requirements of the zoning district.
- (10) Development must comply with all applicable state standards for mobile homes.
- (11) Exterior siding must be of nonreflective material, which is or simulates woods, stucco, or masonry and shall be required to extend to the foundation.
- (12) Roofing shall be of nonreflective material, fiberglass or approved fire-resistant shingles. The painting of a raw metal roof will not meet this requirement.
- (13) A minimum 12-inch roof overhang shall be required.
- (14) All mobile units must provide a minimum living area of 1,000 square feet, excluding garage.
- (15) A special permit shall be required before a mobile home built prior to June 15, 1976, can be placed on a foundation. [Ord. 179 § 5.30, 2001; Ord. 243 § 6.07, 2024.]

18.25.045 Storage tanks.

- (1) The city shall not allow the installation of underground hazardous materials storage tanks.
- (2) Above ground hazardous materials storage tanks shall comply with current Environmental Protection Agency and State Water Quality Control Board regulations. [Ord. 179 § 5.31, 2001; Ord. 243 § 6.08, 2024.]

18.25.050 On-shore facilities for the support of off-shore oil and gas exploration or development.

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, 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. [Ord. 179 § 5.32, 2001; Ord. 243 § 6.09, 2024.]

18.25.055 Accessory Dwelling Units and Junior Accessory Dwelling Units.

- (1) **Purpose.** This e Section provides for the regulation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as required by Section 65852.2 and Section 65852.22 of the California Government Code, as amended. Section 65852.2 and Section 65852.22 establish specific requirements for the regulation of ADUs and JADUs with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ADUs and JADUs are not considered new residential units for the purpose of calculating residential density. This Section is intended to protect coastal resources when regulating ADUs and JADUs, while also complying with the standards in Section 65852.2 and Section 65852.22 to the greatest extent feasible.
- (2) **Applicability.** The provisions of this Section apply to all lots that are occupied with a legally established single-family dwelling unit (or where a single-family dwelling is approved in conjunction with the ADU or JADU) and in zoning districts that allow an existing dwelling or single-family dwelling as a principally permitted or conditionally permitted use. The provisions

also apply in part to mixed-use properties where multi-family housing is legally established as required under Government Code Section 65852.2(e).

(3) **Reporting.** All owners of ADUs and JADUs established in accordance with this Chapter are required to report annually, or upon request by city, on whether each JADU and/or ADU is rented to a tenant qualifying as low-income or moderate income, or if the unit is occupied but not rented, or unoccupied.

(4) **Permits Required.** ADUs or JADUs may be permitted in any zone that allows residential uses as a permitted or conditional use. ADUs or JADUs may be permitted in accordance with one of the following determinations:

- (a) Determined to be exempt from the requirement to obtain a coastal development permit pursuant to Section 18.35.120; or
- (b) Determined to be excluded from the requirement to obtain a coastal development permit pursuant to Section 18.35.125; or
- (c) Determined to require an administrative coastal development permit pursuant to Section 18.35.155.

(5) **General Standards for all ADUs and JADUs.**

- (a) An ADU and/or JADU shall only be permitted on a parcel that contains an existing single- or multi-family dwelling, or for which an application for a proposed single- or multi-family dwelling has been approved.
- (b) A JADU may only be located within the walls of an existing single-family dwelling.
- (c) An ADU may be attached to an existing single- or multi-family dwelling or located in a detached, accessory structure.
- (d) An existing accessory structure may be converted into an ADU consistent with the provisions of this Section.
- (e) ADUs and JADUs may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with California Government Code Section 65852.26.
- (f) ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as short-term rentals are as follows:
 - (i) ADUs and JADUs may be rented, but only with a rental agreement with terms greater than 30 days. ADUs and JADUs may not be used for short-term rentals.
 - (ii) Prior to issuance of a building permit for an ADU or JADU, a deed restriction, approved by the city attorney, shall be recorded with the county recorder's office which shall identify the prohibitions on the use of an ADU or JADU for short-term rentals and all other pertinent restrictions. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns.

(6) **Development standards for JADUs established within an existing or proposed residence.**

- (a) A JADU may only be established when either the single-family residence in which the JADU is created or the JADU will be occupied by the owner of the residence.
- (b) No more than one JADU may be located on a parcel.
- (c) A JADU must be contained entirely within the walls of an existing single-family dwelling, including attached garage, or within the walls of a proposed single-family dwelling. An expansion of not more than 150 square feet may be permitted if necessary to accommodate ingress and egress to the JADU.
- (d) The total floor space of a JADU shall not exceed 500 square feet.
- (e) A JADU may be located within an existing single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
- (f) A separate entrance to the JADU shall be provided.
- (g) A JADU may share a bath with the single-family dwelling or have its own bath.
- (h) A JADU is required to include an efficiency kitchen which shall include a cooking facility with appliances, a food preparation counter, and storage cabinets that are reasonable to the size of the unit.
- (i) For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.

(7) Development standards for ADUs.

- (a) No more than one ADU may be located on a property except on properties with zoning classifications that allow multi-family uses and which have existing or proposed multi-family dwellings. On such properties, multiple ADUs up to 25 percent of the existing multi-family dwelling units may be allowed within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. If the ADUs are detached from the multi-family dwelling, a maximum of two detached ADUs may be permitted.
- (b) ADUs shall conform to height, setback and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located except that:
 - (i) an existing, legally-authorized accessory structure which does not meet setback requirements may be converted to an ADU or reconstructed to the same dimensions and converted to an ADU, and
 - (ii) a setback of four (4) feet from the rear and side property lot lines is the maximum that shall be required for an ADU, unless a greater setback distance is required in order to meet fire and safety requirements, and
 - (iii) an ADU of up to 800 square feet in floor area and 18 feet in height shall not be precluded if it cannot meet front setback, lot coverage and other zoning requirements.
- (c) The floor area of a detached ADU may not exceed 1,200 square feet.
- (d) The floor area of an attached ADU may not exceed 1,200 square feet or 50 percent of the floor area of the existing or proposed single-family dwelling, whichever is less. However, in no instance shall the floor area of an attached ADU that provides more than one bedroom

be restricted to less than 1,000 square feet nor shall the floor area of an attached ADU that provides one bedroom or less be restricted to less than 850 square feet.

(8) Parking requirements for ADUs and JADUs.

- (a) No parking is required for a JADU or for an ADU that is part of the proposed or existing primary residence or an accessory structure or where the ADU is located within one-half mile walking distance of public transit.
- (b) No more than one parking space shall be required for an ADU, regardless of the number of bedrooms.
- (c) Tandem parking shall be permitted.
- (d) When a garage, carport or covered parking structure is either converted to an ADU or demolished in conjunction with construction of an ADU, replacement of those off-street parking spaces for the primary unit shall not be required.

(9) Coastal Resource Protections for ADUs and JADUs.

- (a) ADUs and JADUs may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area (ESHA) unless contained entirely within a legally authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) must also be located more than 100 feet from the boundary of an Environmentally Sensitive Habitat Area. An exception to these requirements may be authorized through the administrative coastal development permit process in circumstances where the development is consistent with the standards established in Section 18.30.025, 18.30.030 and 18.30.035.
- (b) ADUs and JADUs may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within a legally-authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under Section 13252 of Title 14, California Administrative Code. All new development associated with an ADU or JADU must also be located more than 125 feet from the edge of a coastal bluff. An exception to these requirements may be authorized through the administrative coastal development permit process where the development is consistent with the standards established in Section 18.30.020.
- (c) ADUs that are visible from a public viewpoint to and/or along the coast shall be of a similar architectural style, building materials and colors as the primary residence on the property.
- (d) An ADU that requires excavation of more than 50 cubic yards of material, shall require an administrative coastal development permit process in order to determine consistency with standards established in Sections 18.30.015 and 18.30.040.
- (e) The following standards are established for the protection of agricultural resources on parcels zoned Agriculture Exclusive ("AE"):
 - (i) A detached ADU may only be permitted if it is located within 500 feet of the existing or proposed primary dwelling. An ADU established within an accessory structure existing as of the effective date of the ordinance establishing these requirements is exempt from this requirement.

- (ii) Development associated with (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for agriculture.
- (iii) An exception to these requirements may be authorized through the administrative coastal development permit process in circumstances where the applicant can demonstrate that the ADU will not impact the long-term productivity of the agricultural land.
- (f) An ADU may not interfere with any public right of access to and/or along the coast, or public trails.
- (g) An ADU may not be permitted in an area mapped as a "natural hazards" area on the LCP Opportunities & Constraints Map unless a report, prepared by a licensed engineer can demonstrate that the proposed development is consistent with the standards established in Sections 18.30.015 and 18.30.020.
- (h) An ADU may not be permitted on a property with known archaeological resources unless an administrative coastal development permit is applied for and received and where reasonable mitigation measures shall be employed to protect archaeological resources.

(10) Water and Sewer/Septic Availability for ADUs and JADUs

- (a) No additional studies are required for development of a JADU and/or ADU that is connected to the City of Point Arena wastewater system and the Point Arena Water Works water system.
- (b) For properties not connected to the City of Point Arena wastewater system, JADUs that will result in the creation of an additional bedroom and all ADUs, the applicant must submit a percolation test from a licensed on-site wastewater disposal system designer (performed within 5 years, or for a re-certified test, within 10 years) demonstrating that the existing septic system has sufficient capacity to handle the increased demand. If septic system improvements are needed, such improvements shall be subject to all requirements of this Section.
- (c) Prior to approval of an ADU that relies on an on-site well, the applicant must submit documentation from a licensed well driller documenting sufficient water production and/or storage to meet the demands of the ADU consistent with the requirements of the Mendocino County Department of Environmental Health. If a new well and/or water storage facility are needed, such improvements shall be subject to all requirements of this Section.

(11) Protection of Historic Resources. Improvements associated with ADUs and JADUs located on historic properties as defined in Section 18.30.060 must be designed to complement the architectural design of the historic structure(s) on the property. Exterior materials and colors shall be selected for compatibility with the natural- and man-made setting. [Ord. 242 § 7, 2023; Ord. 243 § 6.10, 2024.]

18.25.060 Density Bonuses and Affordable Housing Incentives

(1) Purpose. Sections 65915 through 65918 of the California Government Code, known as State Density Bonus Law, requires a city to provide a developer that proposes a housing development within the jurisdictional boundaries of that city with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of

land within the development, if the developer agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents and meets other requirements. This Section provides for regulations that implement State Density Bonus Law to provide additional opportunities for the provision of affordable housing within the City of Point Arena in a manner consistent with the policies of Point Arena's Local Coastal Program and is most protective of coastal resources and public access.

(2) Definitions.

- (a) The definitions contained in State density bonus law, Sections 65915 through 65918 of the California Government Code, definitions shall apply to the terms contained in this Section.
- (b) The provisions of State density bonus law, Sections 65915 through 65918 of California Government Code, for density bonus eligibility, bonus percentages, calculation, incentives, and waivers shall apply.

(3) Applicability. A housing development as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide very low, low or moderate income housing units, or units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income students in the threshold amounts specified in State Density Bonus Law. A housing development includes only the residential component of a mixed-use project.

The granting of a density bonus, incentive or concession, pursuant to this Section, shall not be interpreted, in and of itself, to require a general plan amendment, development code amendment, zone change, other discretionary approval, or the waiver of a city ordinance or provisions of a city ordinance unrelated to development standards.

(4) Application Requirements. Any applicant requesting a density bonus and any incentive(s), waiver(s), parking reductions, or commercial development bonus provided by State Density Bonus Law shall submit a density bonus report as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development or mixed-use development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with California Government Code Section 65943.

- (a) The density bonus report shall include the following minimum information:
 - i) Requested Density Bonus.
 - A) Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
 - B) A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
 - C) The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - D) A description of all dwelling units existing on the site in the five-year period

preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

- E) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low- or lower-income households in the five-year period preceding the date of submittal of the application.
 - F) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in California Government Code Section 65915, subdivision (g) can be met.
- ii) Requested Concession(s) or Incentive(s). In the event an application proposes concessions or incentives for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan if appropriate:
- A) The City's usual development standard and the requested development standard or regulatory incentive.
 - B) Reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - C) Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - D) If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents
- iii) Requested Waiver(s). In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:
- A) The City's usual development standard and the requested development standard.
 - B) Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.
- iv) Requested Parking Reduction. In the event an application proposes a parking reduction for a housing development pursuant to California Government Code

Section 65915, subdivision (p), a table showing parking required by the zoning regulations, parking proposed under Section 65915, subdivision (p), and reasonable documentation that the project is eligible for the requested parking reduction.

- v) Child Care Facility. If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in California Government Code Section 65915, subdivision (h) can be met.
- vi) Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in California Government Code Section 65915.5 can be met.
- vii) Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus, as defined in subsection (9), and reasonable documentation that each of the standards included in subsection (8) has been met.
- viii) Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.

(5) Density Bonus. All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density as well as the resulting number of affordable units needed for a given density bonus project.

- (a) If a housing development qualifies for a density bonus under more than one income category, or additionally as a senior citizen housing development as defined in Chapter 18.45 and State Density Bonus Law, or as housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students, the applicant shall identify the categories under which the density bonus would be associated and granted. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.
- (b) The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.
- (c) The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in California Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

(6) Incentives.

- (a) Incentives include incentives and concessions as defined in State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.
- (b) Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly

owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.

(7) Local Coastal Program Consistency.

- (a) State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Cal. Public Resources Code § 30000 et seq.), and further provides that the granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a local coastal plan amendment.
- (b) Development within the coastal zone that is granted a density bonus, incentive(s), waiver(s), parking reduction(s), or commercial development bonus shall be consistent with the coastal resource protection policies, and where applicable, the public access requirements of the certified Point Arena Local Coastal Program.

(8) Review Procedures.

- (a) All requests for density bonuses, incentives, parking reductions, waivers or commercial development bonuses shall be considered and acted upon by the City Council within the timelines prescribed by California Government Code Section 65950 et seq. Approval of such requests shall be based on the following findings, as applicable, and shall be consistent with Section 65589.5 of the California Government Code.
 - i) The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to very low- and low-income households as required by California Government Code Section 65915, subdivision (c)(3).
 - ii) Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of California Government Code Section 65915, subdivision (k)(2).
 - iii) The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.
 - iv) The housing development is eligible for any requested parking reductions under California Government Code Section 65915, subdivision (p).
 - v) If the density bonus is based all or in part on donation of land, all of the requirements included in California Government Code Section 65915, subdivision (g) have been met.
 - vi) If the density bonus or incentive is based all or in part on the inclusion of a childcare facility, all of the requirements included in California Government Code Section 65915, subdivision (h) have been met.
 - vii) If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in California Government Code Section 65915.5 have been met.
 - viii) The development is consistent with the coastal resource protection policies, and where applicable, the public access requirements of the certified Point Arena Local

Coastal Program.

- (b) If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of subsection (8), that the city has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the city and the commercial developer. If the project is in the coastal zone, the decision-making body shall also find that the commercial development is consistent with the coastal resource protection policies, and where applicable, the public access requirements of the certified Point Arena Local Coastal Program.
- (c) The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - i) The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for affordable rents, as defined in California Health and Safety Code Section 50053; or
 - ii) The proposed incentive would be inconsistent with the Point Arena certified Local Coastal Program, or contrary to state or federal law; or
 - iii) The proposed incentive would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.
- (d) The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - i) The proposed waiver would be inconsistent with the Point Arena certified Local Coastal Program, or contrary to state or federal law; or
 - ii) The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
 - iii) The proposed waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.
- (e) If any density bonus, incentive, parking reduction, waiver, or commercial development bonus is approved pursuant to this Section, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to subsection (9).

(9) Affordable Housing Agreement and Senior Housing Agreement.

- (a) Affordable Housing Agreement. Except where a density bonus, incentive, waiver, parking reduction or commercial development bonus is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the city, in a form approved by the city attorney, to be executed by the city manager, to ensure that the requirements of this Section are satisfied.
 - i) The applicant shall enter into an affordable housing agreement meeting the requirements California Government Code Section 65915, subdivision (c)(1) for all of the very low and low-income rental units that qualified the applicant for the award of the density bonus. The affordable housing agreement shall guarantee the affordability of the very low and low-income rental units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
 - ii) The applicant shall enter into an affordable housing agreement meeting the requirements California Government Code Section 65915, subdivision (c)(2) for the for-sale unit(s) that qualified the applicant for a density bonus, incentive, parking reduction, or waiver.
- (b) Senior Housing Agreement. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, to require that the housing development be operated as "housing for older persons" consistent with state and federal fair housing laws.
- (c) The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.
- (d) The affordable housing agreement shall include, but not be limited to, the following:
 - i) The number of density bonus dwelling units granted;
 - ii) The number and type of affordable dwelling units
 - iii) The unit size(s) (square footage) of target dwelling units and the number of bedrooms per target dwelling unit;
 - iv) The proposed location of the affordable dwelling units;
 - v) The schedule for production of affordable dwelling units;
 - vi) The phasing of the affordable units in relation to the market-rate units;
 - vii) Incentives or concessions or waivers provided by the city;
 - viii) Where applicable, tenure and conditions governing the initial sale of the affordable units;
 - ix) Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for affordable rental dwelling units

- x) Marketing plan; publication and notification of availability of affordable units;
- xi) Compliance with federal and state laws;
- xii) Prohibition against discrimination;
- xiii) Indemnification;
- xiv) City's right to inspect units and documents;
- xv) Remedies.

(10) Design and Quality.

- (a) Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the city.
- (b) The number of bedrooms of the affordable units shall at least equal the minimum number of bedrooms of the market rate units.

(11) Interpretation.

If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law.

[Ord. 243 § 6.11, 2024.]

18.25.065 Emergency Shelters and Low Barrier Navigation Centers

(1) Purpose. This Section provides for the regulation of emergency shelters and low barrier navigation centers in accordance with Section 65583, and Sections 65660 through 65666 of the California Government Code.

(2) Applicability.

- (a) Emergency shelters shall be principally permitted in the Highway Commercial (HWC) Zone subject to Section 18.15.045 and the General Provisions and Standards identified in Subsection 3(a) and be sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses.
- (b) Emergency shelters in the Core Commercial (C) zone shall be conditionally permitted and must demonstrate that the proposed emergency shelter will comply with the development standards of the Core Commercial zone; will be located, developed, and operated in compliance with Section 18.15.040 and the General Provisions and Standards identified in subsection 3(a); and be sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses.
- (c) Low barrier navigation centers shall be principally permitted in Core Commercial (C) Zone and Highway Commercial (HWC) Zone, and subject Section 18.15.040 or Section 18.15.045, as applicable, and to the General Provisions and Standards specified in

subsection 3(b) and be sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses. These provisions are intended to implement Sections 65660 – 65668 of the California Government Code.

(3) General Provisions and Standards.

- (a) Emergency shelters. In addition to the development standards in the underlying zoning district, emergency shelters shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.
 - i) Physical Characteristics.
 - A) The facility shall have on-site security for residents, visitors, and employees during all hours when the shelter is in operation.
 - B) Facilities shall provide exterior lighting for pedestrian pathways and parking lot areas on the property. Lighting shall be stationary, and directed away from adjacent properties and public rights-of-way.
 - C) Facilities shall provide secure areas for personal property.
 - ii) Limited Terms of Stay. The maximum term of stay at an emergency shelter is six (6) months.
 - iii) No individual or household shall be denied emergency shelter because of an inability to pay.
 - iv) Parking. The emergency shelter shall provide on-site parking at a rate of at least one (1) space per employee.
 - v) Emergency Shelter Management. The agency or organization operating the emergency shelter shall provide on-site management during all hours when the shelter is in operation.
- (b) Low Barrier Navigation Centers. In addition to the development standards in the underlying zoning district, low barrier navigation centers shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.
 - i) Allowed zones. Low barrier navigation centers shall be allowed as a principally permitted use in Core Commercial (C) and Highway Commercial (HWC) zones provided they meet the requirements of subdivisions (ii) and (iii) of this section, and are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses.
 - ii) For purposes of this section of Section 18.25.065(b), the following definitions shall apply:
 - A) “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations

as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

- B) “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
 - 1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;
 - 2. Pets;
 - 3. The storage of possessions; or
 - 4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
 - C) “Low barrier navigation center” means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.
- iii) A low barrier navigation center shall meet the following requirements:
- A) It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - B) It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - C) It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - D) It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- iv) Application procedures.
- A) An application shall be submitted to the Planning Department.
 - B) The city shall act within sixty days of receipt of a completed application.

[Ord. 243 § 6.12, 2024.]

18.25.070 Employee Housing, Including Farmworker Housing

(1) Purpose. This Section provides for the regulation of employee housing including farmworker housing as required by Section 17021.6 of the California Health and Safety Code, as amended, and to establish standards to ensure that farmworker housing is developed consistent with the Point Arena Local Coastal Plan and the Coastal Act.

(2) Applicability.

- (a) Employee housing, including farmworker housing, providing accommodations for six or fewer employees, pursuant to Health and Safety Code Section 17021.5(b) shall be deemed a single-family dwelling and is allowed in residential zones. Employee housing for six or

fewer employees is subject to all municipal codes, regulations, and other standards generally applicable to other residential dwellings of the same type in the same zone.

- (b) Employee housing, including farmworker housing for seven or more employees is a permitted accessory use in conjunction with a permitted agricultural use in zones where agriculture uses are allowed, i.e., Suburban Residential–One Acre (SR 1), Suburban Residential–One-half Acre (SR 1/2), Agricultural Exclusive (AE), and Residential Agriculture (RA-2) provided that the employee housing is sited and designed to avoid adverse impacts to coastal resources, including conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses, and all of the requirements of subsection (3) of this Section are met.

(3) Employee Housing for Seven or More Employees: General Provisions and Standards

- (a) The lot is wholly in a zoning district where commercial agricultural uses are principally permitted, i.e., Suburban Residential–One Acre (SR 1), Suburban Residential–One-half Acre (SR 1/2), Agricultural Exclusive (AE), and Residential Agriculture (RA-2) zones.
- (b) The employee housing will be sited on a lot where an active bona fide commercial agricultural use is in operation. Prior to the submittal of the permit application for employee housing, the property owner shall provide appropriate evidence to the satisfaction of the City Manager, or their designee, of an active bona fide commercial agricultural operation. An equestrian-related use is not considered evidence of commercial agriculture for farmworker housing.
- (c) The number of living units or beds is reasonably related to the number of farmworkers required for agricultural operations on the lot on which employee housing is located, however, should not consist of more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household.
- (d) The employee housing shall be occupied only by employees, and members of the employee's household. At least member of the household shall be engaged in agricultural labor on the site on at least a part time basis. Employee housing shall not be otherwise occupied or rented.
- (e) The property owner shall obtain all permits and/or approvals from the City of Point Arena, as applicable, and the State Department of Housing and Community Development (HCD) pursuant to Title 25 of the California Code of Regulations. Employee housing, including farmworker housing, shall also require a coastal development permit pursuant to the provisions of Section 18.35.115.
- (f) Employee housing shall be sited and designed to meet all of the following:
 - i) Avoid prime soils and non-prime land suitable for commercial agricultural to the maximum extent feasible; and
 - ii) Maintain the long-term viability of agricultural resources and operations on the property and adjacent agricultural lands; and
 - iii) Located as close to existing roads as feasible; and
 - iv) Employee housing shall be clustered with existing development to the maximum extent feasible and minimize grading, landform alteration, and the need for construction of new roads.

- (g) In addition to the meeting the siting and design standards of subsection (3)(f), employee housing shall meet the applicable policies and provisions of the LCP, including the setback, lot coverage, height, and other development standards applicable to the zone in which it is located. Additionally, farmworker housing shall be located not less than seventy-five feet from barns, pens, or other structures that house livestock or poultry, and not less than fifty feet from any other agricultural and non-agricultural use.
- (h) At least one parking space per unit or one space per three beds, whichever is more, shall be provided.
- (i) Farmworker housing shall be removed from the property or converted to another permitted use that is approved through a CDP within 90 days of termination of the property's use from agricultural production.
- (j) Within thirty days after approval from the City of Point Arena for farmworker housing, the applicant shall record in the office of the Mendocino County Clerk-Recorder a covenant running with the land for the benefit of the City of Point Arena, declaring that the farmworker housing will continuously be maintained as such in accordance with the LCP and that:
 - (i) The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from State Department of Housing and Community Development (HCD) pursuant to the Employee Housing Act and the regulations promulgated thereunder;
 - (ii) The improvements required by the City of Point Arena related to farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant; and
 - (iii) The applicant will submit the annual verification form as required by subsection 3(l) to the City Manager or their designee.
- (k) Farmworker housing for five or more employees is subject to the permitting requirements of the California Housing Employee Act. The property owner shall obtain and maintain a permit(s) with the State Department of Housing and Community Development (HCD), pursuant to the Employee Housing Act and the California Code of Regulations, Title 25, Division 1, Chapter 1, Sections 600 through 940, prior to occupancy of the housing units. A copy of the HCD permit shall be provided to the City Manager, or their designee, within fourteen (14) days of issuance or at the time of building permit application submittal, whichever is earlier.
- (l) On an annual basis, the property owner must file a verification form with the City Manager or their designee stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the verification form will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.
 - (i) The verification form shall be submitted annually by May 15th of each year to the City Manager, or their designee, in a form acceptable to the City Manager, that all the dwelling units or sleeping quarters are being rented to and occupied by persons who meet the definition of a farmworker established in Chapter 18.45.

[Ord. 243 § 6.12, 2024.]

18.25.075 Group Homes

(1) Purpose.

- (a) This Section provides for the regulation of group homes. A group home operated by a single operator or service provider (whether licensed or unlicensed) can include residential care facilities, supportive housing, transitional housing and other similar communal housing facilities but does not include boardinghouses.
- (b) A group home that does not require state licensing or does require state licensing but serves six (6) or fewer persons, is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone. The City shall apply the same general building, fire and other health and safety codes, including occupancy limits, that apply to other residences, subject to State health and safety code provisions specific to certain types of licensed residential facilities, such as those serving persons with limited mobility.

(2) Applicability.

- (a) A group home providing services to seven (7) or more persons and requiring State license shall be principally permitted in the Multifamily Residential (MR) zone when it complies with the development standards of the MR zone, is located, developed, and operated in compliance with the General Provisions and Standards identified in this Section, and when sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, and coastal hazards.
- (b) A group home providing services to seven (7) or more persons and requiring State license may be permitted subject to a conditional use permit in the Suburban Residential–One Acre (SR 1), Suburban Residential–One-half Acre (SR 1/2), Residential Agriculture (RA-2), Urban Residential (UR), Core Commercial (C), and Highway Commercial (HWC) zones.
 - (i) A group home must demonstrate the proposed group home will comply with the development standards of the zone, will be located, developed, and operated in compliance with the General Provisions and Standards identified in this Section, and sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, and coastal hazards.

(3) General Provisions and Standards.

- (a) The City shall apply the same general building, fire and other health and safety codes, including occupancy limits, that apply to other residences, subject to State health and safety code provisions specific to certain types of licensed residential facilities, such as those serving persons with limited mobility.
- (b) Group homes providing services to seven (7) or more persons and requiring State license. In addition to the development standards in the underlying zoning district, group homes shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

- (i) Facilities shall comply with all the rules, regulations and standards required by the State Department of Social Services.
- (ii) Facilities shall comply with applicable California and local Uniform Housing Code and Building Code, and California Fire Code requirements in effect at the time of the building permit application. Facility occupancy shall meet current California Code of Regulations (Title 24) for occupancy, as defined.
- (iii) Facilities shall provide exterior lighting for pedestrian pathways and parking lot areas on the property. Lighting shall be stationary and directed away from adjacent properties and public rights-of-way.
- (iv) Parking. The group home shall provide on-site parking at a rate of at least one (1) space per two and one-half beds.
- (v) Additional requirements and restrictions may be imposed as determined necessary by the decision-making authority to ensure facilities meet the applicable findings stated in Chapter 18.35. However, in no case shall these requirements and restrictions be contrary to the City of Point Arena's duty to support housing for persons with disabilities and provide reasonable accommodation. Nor shall these requirements and restrictions discriminate on the basis of disability or other protected characteristics.

[Ord. 243 § 6.13, 2024.]

18.25.080 Single Room Occupancy Housing (SRO)

(1) **Purpose.** This Section provides for the regulation of single room occupancy (SRO) housing facilities that do not meet the State definitions for transitional housing or supportive housing, as such SRO housing facilities shall be regulated as transitional housing or supportive housing. SRO housing facilities are intended to provide housing opportunities for lower-income one- or two person households who may not be able to afford other housing options. SRO housing units are rented out as a permanent residence and/or primary residence to individuals, within a multi-tenant building where tenants may share a kitchen, toilets or bathrooms. Some SRO units may have a small refrigerator, microwave and sink.

(2) **Applicability.**

- (a) SRO housing facilities shall be principally permitted in the Multifamily Residential (MR) zone when they comply with the development standards of the MR zone, are located, developed, and operated in compliance with the General Provisions and Standards identified in this Section, and when sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses.
- (b) SRO housing facilities in the Core Commercial (C) and Highway Commercial (HWC) zones shall be conditionally permitted and must demonstrate the proposed SRO housing facility will comply with the development standards of Core Commercial zone, will be located, developed, and operated in compliance with the General Provisions and Standards identified in subsection (3), and sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point

Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses.

(3) **General Provisions and Standards.** A Single Room Occupancy (SRO) housing facility shall be located, developed, and operated in compliance with the following standards and requirements, and shall be sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, and coastal hazards:

- (a) Except for a manager's unit, SRO units shall be provided at rents affordable to individuals and households with lower incomes as defined by the California Department of Housing and Community Development's State income limits for Mendocino County.
- (b) No transient occupancy of SRO units shall be allowed. Tenancy of SRO units shall be for 30 or more days. SRO unit tenants shall not have an additional residential address other than the address of the SRO housing facility in which the unit is located.
- (c) Maximum Occupancy. Each SRO unit shall be designed to accommodate a maximum of 2 persons. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.
- (d) Minimum Size. An SRO unit must have at least 150 square feet of floor area for single person occupancy and 220 square feet for two (2) person occupancy. No individual unit may exceed 375 square feet.
- (e) Entrances. All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- (f) Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- (g) Kitchen. An SRO unit is not required to, but may, contain food preparation facilities.
- (h) Common Area. Four (4) square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- (i) Facility Management. The agency, organization, or entity operating the SRO housing facility shall provide full-time on-site management. The facility shall include a manager's office or a manager's unit.
- (j) Parking. 1 space for every two SRO units, plus 1 space for the management unit or office and 1 space for each employee, if any, on maximum shift.
- (k) Common laundry facilities for tenant use shall be provided.
 - (i) For an SRO housing facility consisting of 10 or fewer SRO units, common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer, in addition to a laundry sink and folding area.

- (ii) For SRO housing facility consisting of greater than 10 SRO units, common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer for the first ten (10) rooms, with one (1) additional washer and one (1) additional dryer provided for every five (5) additional rooms or fraction thereof.
- (iii) The requirement for common on-site laundry facilities may be waived where it can be shown that a laundry facility open to the public is located within one-eighth ($\frac{1}{8}$) of a mile from the project site.
- (l) Storage for tenants. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather.

[Ord. 243 § 6.14, 2024.]

18.25.085 Supportive Housing Developments

(1) Purpose. This Section provides for the regulation of supportive housing developments as required by Sections 65650 through 65656 of the California Government Code, as amended. Section 65651 prescribes that qualifying supportive housing developments shall be a by right use in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses when specific requirements are met, and when consistent with the Point Arena Local Coastal Plan and the Coastal Act. Government Code Sections 65651 through 65656 establish specific requirements for the regulation of supportive housing developments. This Section is intended to protect coastal resources when regulating supportive housing developments, while also complying with the standards in Sections 65650 through 65656 of the California Government Code to the greatest extent feasible.

(2) Applicability. The provisions of this Section apply to all lots in zones that permit multifamily and mixed uses, including nonresidential zones that permit multifamily uses, that is the Multifamily Residential (MR) Zone, Core Commercial (C) Zone, and Highway Commercial (HWC) Zone. Supportive Housing Developments shall comply with objective development standards and policies that apply to other multifamily development within the same zone and all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, coastal hazards, and priority land uses.

(3) General Provisions. A supportive housing development developed pursuant to Government Code Section 65650 et seq., consisting of fifty (50) units or less, that meets all of the following requirements and is sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, and coastal hazards, is principally permitted in the MR, C, and HWC zones, provided:

- (a) Units within the development are subject to a recorded affordability restriction for fifty-five (55) years.
- (b) Affordability. One hundred percent (100%) of the units, excluding managers' units, within the development must be restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. Lower

income households has the same meaning as defined in Section 50079.5 of the California Health and Safety Code. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.

- (c) Supportive Housing Units. At least 25 percent (25%) of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. In developments with fewer than 12 units, one hundred percent (100%) of those units, excluding managers' units, must be restricted to residents in supportive housing.
 - (d) Services Plan. The applicant shall submit a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project as required by Section 65651, and describing those services, which must include all of the following:
 - i) The name of the proposed entity or entities that will provide supportive services.
 - ii) The proposed funding source or sources for the provided onsite supportive services.
 - iii) Proposed staffing levels.
 - (e) Replacement Dwelling Units. The supportive housing development shall replace rental dwelling units in the manner provided in Section 65915 of the California Government Code.
 - (f) Facilities. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
 - (g) Supportive Services Floor Area. For a development with twenty (20) or fewer total units, at least ninety (90) square feet shall be provided for onsite supportive services. For a development with more than 21 units, at least three percent (3%) of the total nonresidential floor area must be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 - (h) Parking. A supportive housing development that is located within one-half mile walking distance of a public transit stop shall not require parking for units within the supportive housing development that are designated for supportive housing residents.
 - (i) Any other requirements of Government Code section 65650 et seq. regarding supportive housing, as may be amended.
- (4) Review Procedures.**
- (a) The City shall approve a supportive housing development that complies with the applicable requirements of this Section, and all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, and coastal hazards.
 - (b) The City shall only require the supportive housing development to comply with the objective development standards and policies that apply to other multifamily development within the same zone, and all applicable policies and standards of the Point Arena Local Coastal Program, including those that govern ESHA, coastal views, public access, and

coastal hazards.

- (c) The City shall notify the developer whether the application is complete within 30 days of receipt of an application to develop supportive housing in accordance with this Section. The City shall complete its review of the application within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days after the application is complete for a project with more than 50 units.
- (d) The City's review of a supportive housing development to determine whether the development complies with objective development standards, including objective design review standards, pursuant to this Section shall be conducted consistent with the requirements of subdivision (f) of Section 65589.5 of the California Government Code, and shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.
- (e) Any discretion exercised by the City in determining whether a project qualifies as a use by right pursuant to this Section or discretion otherwise exercised pursuant to this section does not affect that City's determination that a supportive housing development qualifies as a use by right pursuant to this Section.

[Ord. 243 § 6.15, 2024.]

Section 7. A new Chapter 18.30, "Environmental and Historic Resources Protection" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.30.010 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: (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 Sections 18.30.015 through 18.30.035. The requirements of the California Environmental Quality Act (CEQA) must be met. [Ord. 179 § 5.13, 2001; Ord. 243 § 7.01, 2024.]

18.30.015 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, driveway, parking area, or other development permitted within the unstable soils as mapped on the "natural hazards" section of the opportunities and constraints map, and can be identified as Santa Lucia soils which occupy slopes of nine percent to 75 percent, properties located on or adjacent to 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 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.

(1) 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 18.30.020, 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.

(2) The report shall contain a professional opinion stating the following:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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 100-year economic lifespan shall be used for new single-family residences);
- (e) A description of the degree of uncertainty of analytical results due to assumptions and unknowns;
- (f) Recommended bluff setbacks, if applicable as determined by the procedures outlined in Section 18.30.020. The development must conform to the recommended setbacks. No variance permit may be issued to grant exception to the minimum setback requirement;
- (g) Recommended mitigation measures and design criteria to avoid or minimize geologic instability, during and after construction of the project;
- (h) Foundation design requirements;

- (i) The need for a shoreline protection structure over the life of the project;
- (j) Alternatives for protection of the septic system;
- (k) The FEMA base flood elevation and other mapped areas (A, B, or V zones);
- (l) The effect of future sea level rise on the development;
- (m) Slope stability and bluff erosion rate determination performed as outlined in Section 18.30.020.

(3) 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. [Ord. 179 § 5.20, 2001; Ord. 243 § 7.02, 2024.]

18.30.020 Coastal bluff retreat/erosion setback guidelines.

All new development located on a bluff top shall be set back 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 100-year economic life of the structure. This requirement shall apply to the principal 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 100 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 100 years plus a 10-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 100 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 millimeters.

- (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," 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 Chapter 18.45, 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 nonstructural 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 18.30.040.

(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; and 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, 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 the property owner to record 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 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 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.

[Ord. 179 § 5.21, 2001; Ord. 243 § 7.03, 2024.]

18.30.025 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 Chapter 18.45 of this title. 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 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 Wildlife, 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 as follows.

(1) **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.

(2) **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 Wildlife or others with similar expertise:

- (a) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
 - (b) An assessment of the short-term and long-term adaptability of various species to human disturbance;
 - (c) An assessment of the impact and activity levels of the proposed development on the resource.
- (3) **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.
- (4) **Use of Natural Topographic Features to Locate Development.** Hills and bluffs adjacent to ESHAs shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHAs. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.
- (5) **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.
- (6) **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 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.
- (7) **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 Chapter 18.45). 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 18.30.035 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 nonconforming uses within riparian 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) Accessory structures located at the city's wastewater 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.
- (b) Required Findings.
 - (i) 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
 - (ii) The proposed development is compatible with the continuance of such habitat areas;
 - (iii) Soils and vegetation removal and disturbances shall be minimized;
 - (iv) Nonnative vegetation shall not be planted except for the continuance of existing agricultural practices.

[Ord. 179 § 5.22, 2001; Ord. 243 § 7.04, 2024.]

18.30.030 Required wetland and environmentally sensitive habitat impact and mitigation review.

Applicants for coastal development permits shall submit with development applications specific information and data 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 Section 18.30.055.

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:

- (1) A study identifying biological resources, both existing on the site and potential or expected resources; and
- (2) Photographs of the site; and
- (3) A discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and migration corridors; and
- (4) A wetland delineation in full conformance with Section 18.30.010 if there are indications that wetlands may be present on the site; and

- (5) A map depicting the location of biological resources; and
- (6) 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
- (7) An analysis of the potential impacts of the proposed development on the identified habitat or species; and
- (8) 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
- (9) Project alternatives designed to avoid and minimize impacts to sensitive resources; and
- (10) Mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives; and
- (11) An analysis of buffer width based on the buffer width criteria of Section 18.30.025. [Ord. 179 § 5.23, 2001; Ord. 243 § 7.05, 2024.]

18.30.035 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 15th to June 15th.

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.

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

- (1) The action and related activities shall be greater than 100 feet from occupied habitat;
- (2) Noise-generating activities shall be limited to the use of hand tools and light power-tools (e.g., axe, chainsaw, etc.);
- (3) No tools shall be used that require an air compressor;
- (4) No power tools shall be operated while in direct contact with the ground. [Ord. 179 § 5.24, 2001; Ord. 243 § 7.06, 2024.]

18.30.040 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.

Site design and source control BMPs are required for all development. In addition, all proposed developments of special concern, as described in subsection (2), require the submittal of a water quality management plan (WQMP) that evaluates whether the development's site design and source control measures have adequately minimized post-construction impacts to water quality, or whether structural treatment control BMPs are also necessary.

(1) Application Requirements for All Developments. The following information shall be submitted with all applications for a coastal development permit:

- (a) A site plan specifying the distance from the proposed development to the nearest water body;
- (b) Proposed methods for controlling erosion and sedimentation during construction:
 - (i) Controls to be implemented on the amount and timing of grading,
 - (ii) Best management practices (BMPs) to be implemented for staging, storage, and disposal of excavated materials,
 - (iii) Design specifications for structural BMPs such as sedimentation basins,
 - (iv) Revegetation or landscaping plans for graded or disturbed areas;
- (c) Proposed methods for controlling polluted runoff during construction:
 - (i) Methods to eliminate or reduce the discharge of other potential pollutants from construction materials (including paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff,
 - (ii) Best management practices (BMPs) to be implemented for staging, storage, and disposal of construction chemicals and materials,
 - (iii) Methods to treat or infiltrate stormwater prior to conveyance off-site during construction,
 - (iv) Methods to convey runoff from impervious surfaces into permeable areas of the property in a nonerosive manner;
- (d) Proposed site design and source control best management practices (BMPs) to minimize post-construction polluted runoff and impacts to water quality:
 - (i) Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff,
 - (ii) Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff),
 - (iii) Potential flow paths where erosion may occur after construction,
 - (iv) Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways),
 - (v) Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly-connected impervious areas, to increase infiltration of runoff,
 - (vi) Revegetation plans for disturbed portions of the site,
 - (vii) Methods to address any other onsite and/or offsite impacts, and construction of any necessary improvements.

(2) Application Requirements for Developments of Special Concern. 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. These developments of special

concern may require treatment control BMPs in addition to the site design and source control BMPs required for all developments.

A development in one or more of the following categories shall be considered a development of special concern:

- (a) Housing development of 10 units or more;
- (b) Hillside residential development on slopes greater than 20 percent (as indicated on the natural hazards section of the opportunities and constraints map);
- (c) Industrial development;
- (d) Commercial development if such development creates more than 5,000 square feet of impervious surface area or increases the impervious surface area on the property by more than 10 percent;
- (e) Retail gasoline outlet or automotive service facility;
- (f) Restaurant;
- (g) Parking lot of 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces;
- (h) Redevelopment 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;
- (i) Commercial or industrial outdoor storage area;
- (j) Development within 200 feet of the Pacific Ocean, or of a stream or river (including Point Arena Creek and Hathaway Creek), or development that discharges directly to a surface water body (including wetlands, streams, or other coastal waters), if such development creates more than 2,500 square feet of impervious surface area or increases the impervious surface area on the property by more than 10 percent;
- (k) Development that discharges directly to the Pacific Ocean.

The applicant for a development of special concern shall be required to submit a post-construction water quality management plan (WQMP) evaluating whether the development's site design and source control measures would adequately minimize post-construction impacts to water quality, or whether structural treatment control BMPs are also necessary. The WQMP shall specify the treatment control BMPs to be implemented, and shall also include the operation and maintenance plans for these BMPs. The water quality management plan shall be certified by a California-registered civil engineer, and approved by the city.

The following information shall be included in a WQMP:

- (a) Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality impacts;
- (b) All of the information required in subsection (1) for the site design and source control plan;
- (c) Pre-development peak runoff rate and average runoff volume from the site;
- (d) Expected post-development peak runoff rate and average runoff volume from the site, with all proposed nonstructural and structural BMPs in place;
- (e) Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the parcel, and to discharge the

runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells;

- (f) A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat 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, one-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs;
- (g) Appropriate structural treatment control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process;
- (h) A long-term plan and schedule for the monitoring and maintenance of all structural treatment control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

(3) The selection of appropriate BMPs 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.

Additional guidance on BMPs is available from the state, the U.S. EPA, and from other sources such as the Bay Area Stormwater Management Agencies Association (BASMAA) “Start at the Source: Design Guidance Manual for Stormwater Quality Protection.” Stormwater technologies are continually improving, thus staff and developers should be responsive to any improvements or innovations in control technologies. [Ord. 179 § 5.34, 2001; Ord. 243 § 7.07, 2024.]

18.30.045 Public access to the shoreline.

(1) Definitions.

- (a) 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.

- (b) 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:
- (i) 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 percent, 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
- (c) 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 nonestuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

(2) Types of Public Access and Recreation.

- (a) Lateral public access provides public access and use along or parallel to the sea or shoreline;
- (b) Bluff top access provides public access and coastal viewing along a coastal bluff top area;
- (c) 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;
- (d) 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;
- (e) 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.

(3) Character of Accessway Use.

- (a) 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 subsection (7) 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.
- (b) 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.
- (c) 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.

(4) Access Required. As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in subsections (4)(a) through (4)(d) of this section, except as provided in subsection (5), a 25-foot wide easement for one or more of the types of access identified in subsections (1)(a) through (1)(e) shall be required and shall be supported by findings required by subsection (7); provided that no such condition of approval shall be imposed if the analysis required by subsection (7)(c) 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.

- (a) 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;
 - (b) New development between the nearest public roadway and the sea;
 - (c) 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;
 - (d) 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.
- (5) **Exceptions.** Subsection (4) shall apply except in the following instances:
- (a) Projects excepted from the definition of “new development” in subsection (1);
 - (b) Where findings required by subsections (7)(c) and (8)(a) establish any of the following: (i) public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources; (ii) adequate access exists nearby;
 - (c) Exceptions identified in subsection (5)(b) shall be supported by written findings required by subsection (7)(c).
- (6) **Standards for Application of Access Conditions.**
- (a) General Standards.
 - (i) Existing motorized access shall not be enlarged. There shall be no access for motorized vehicles where such use is not now provided.
 - (ii) Foot trail portions of the public access easements shall not exceed 12 feet in width.
 - (iii) Existing foot trails should be used except when design or stability problems require a change.
 - (iv) Buffer zone areas on the unutilized portions of the foot path shall not be opened to the public.
 - (b) Lateral Public Access. The public access required pursuant to subsection (4) shall conform to the standards and requirements set forth in subsections (6) and (7).
 - (i) 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 subsection (4) 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 subsection (7)(b). Lateral access shall be legally described as required in subsection (6)(h).

(c) Vertical Public Access.

- (i) 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 subsection (4) 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.
- (ii) 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 subsection (4) 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 subsection (7)(b).
- (iii) Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in subsection (6)(h). 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.

(d) Blufftop Access.

- (i) 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 subsection (4) shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.
- (ii) 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 subsection (7)(b).

- (iii) 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.
- (iv) The accessway shall be legally described as required in subsection (6)(h), 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.
- (e) 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 subsection (4) shall provide the public with the permanent right of access and active recreational use: (i) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access; or (ii) 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 subsection (7)(b). The trail access shall be legally described as required by subsection (6)(h).
- (f) 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 subsection (4) 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 subsections (6)(a) through (6)(e) as applicable. The accessway shall be legally described as required in subsection (6)(h).
- (g) Protection of Historic Public Use.

- (i) 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:
 - (A) The public must have used the land for a period of five years or more as if it were public land;
 - (B) Without asking for or receiving permission from the owner;
 - (C) With the actual or presumed knowledge of the owner;
 - (D) Without significant objection or bona fide attempts by the owner to prevent or halt the use;
 - (E) The use must be substantial, rather than minimal;
 - (F) The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.
- (ii) 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:
 - (A) Substantial evidence does not warrant the conclusion that public prescriptive rights exist;
 - (B) There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights;
 - (C) 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;
 - (D) 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;
 - (E) 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.
- (iii) 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 subsections (6)(b) through (6)(f). 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.

- (iv) 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.

(h) Legal Description of an Accessway—Recordation.

- (i) An access dedication (offer to dedicate or grant of easement) required pursuant to subsection (4) 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:
 - (A) 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;
 - (B) for blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail;
 - (C) for vertical access: extending from the road to the mean high tide line (or bluff edge).
- (ii) 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 California Code of Regulations Section 13574(b)), consistent with provisions of subsection (8)(a), 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 California Administrative Code Section 13574(b)) an easement for a specific type of access as described in subsection (2) and a specific character of use as described in subsection (3), as applicable to the particular condition.
- (iii) The recorded document shall provide that:
 - (A) 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
 - (B) Development or obstruction in the accessway prior to acceptance of the offer is prohibited.

(iv) 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 California Administrative Code Section 13574(b)) determines may affect the interest being conveyed. The grant of easement or offer to dedicate 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.

(i) Implementation.

(i) 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.

(ii) 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.

(iii) 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 subsection (6)(g) 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.

(iv) 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.

(v) 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.

- (vi) 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.
- (vii) 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 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 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 years of accepting the offer.
- (viii) 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.
- (ix) 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.
- (x) 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.
- (j) 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 subsection (6)(h) 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.

(7) Required Findings and Supporting Analysis for Public Access Dedications.

- (a) Required Overall Findings. 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 subsection (7)(b) and shall reflect the specific level of detail specified, as applicable.

Findings supporting all such decisions shall include:

- (i) A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (7)(b). The type of affected public access and recreation opportunities shall be clearly described;
 - (ii) An analysis based on applicable factors identified in subsection (7)(b) of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - (iii) A description of the legitimate governmental interest furthered by any access condition required;
 - (iv) 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.
- (b) 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 (b)(i) through (b)(v), 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.
- (i) 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.
- (ii) 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.
 - (iii) 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).
 - (iv) 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.
 - (v) 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.

- (c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (5) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.

(8) Review of Recorded Access Documents.

- (a) 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:
 - (i) 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:
 - (A) 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,
 - (B) The executive director of the Commission shall have 15 working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any,
 - (C) The city may issue the permit upon expiration of the 15 working day period if notification of inadequacy has not been received by the city within that time period,
 - (D) 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
 - (ii) 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.

- (9) CDP Permitting and Application. In addition to permit and application submittal requirements established elsewhere in this LCP new development pursuant to subsections (1)(a) and (1)(b) shall be subject to the following additional permit and/or application requirements:
- (a) 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 affect the intensity of use, shall be subject to a coastal development permit.
 - (b) 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.
 - (c) 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 Departments of Fish and 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.
 - (d) 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.
 - (e) 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.
 - (f) 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.
 - (g) 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.
 - (h) 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).

[Ord. 179 § 5.10, 2001; Ord. 243 § 7.08, 2024.]

18.30.050 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, Multifamily 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 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.

[Ord. 179 § 5.25, 2001; Ord. 243 § 7.09, 2024.]

18.30.055 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 onsite 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. 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 unless it can be demonstrated that the success criteria have been met for a period of at least two years without any maintenance or remediation activities other than exotic species control. 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 two 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:

(1) **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 subsection (2) 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.

(2) **Wetlands.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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 five years. The city shall determine that the proposed restoration site is of equivalent type and acreage to the impacted wetland habitat.
- (e) 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 improvements shall be complete prior to the issuance of certificates of occupancy for any structures approved in the coastal development permit. [Ord. 179 § 5.27, 2001; Ord. 243 § 7.10, 2024.]

18.30.060 Architectural and historical significance.

The following regulations shall apply in all zones:

(1) **Purpose.** The city of Point Arena contains structures of architectural and historical significance. Older structures which give Point Arena much of its character should be preserved to the greatest degree possible. Priority shall be given to preserving those structures of outstanding architectural or historical significance. Demolition of architecturally or historically significant structures shall be minimized. The planning commission shall review all permits for alteration or demolition of these architecturally and/or historically significant structures.

(2) **Applicability.** Relocation, remodeling, additions, and demolition of architecturally or historically significant structures must be approved by the planning commission. Approval need not be obtained for remodeling which does not affect the external appearance of the existing structure. Applicable work shall require a coastal development permit as prescribed in Chapter 18.30.

(3) **Historic Districts and Properties.** On September 13, 1990, two districts, along with other separately listed properties, were placed on the National Register of Historic Places Program. Placement on the National Register affords a property the honor of inclusion in the nation's official list of cultural resources worth of preservation and provides a degree of protection from adverse effects resulting from federally funded or licensed projects. Registration provides a number of incentives for preservation of historic properties, including special building codes to facilitate the restoration of historic structures, and certain tax advantages. There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property listed in the National Register.

The following properties are included on the National Register:

(a) Contributors to the Arena Cove Historic District.

695 Arena Cove	Captain's House
785 Arena Cove	Wharfmaster's House
Arena Cove	Life-saving Station
	Boathouse
Arena Cove	Corrugated Shed
Arena Cove	Coast Guard Garage
Arena Cove	Captains Garage
Arena Cove	Water Tanks
Arena Cove	Flagpole

(b) Contributors to the Main Street Historic Commercial District.

165 Main Street	Standard Oil Station (vacant)
170 Main Street	Point Arena Garage
183 Main Street	IOOF Hall
185 Main Street	Feed Barn
190 Main Street	Point Arena Hotel Garage

195 Main Street	Pedretti Building, Cypress Realty
200 Main Street	Bank of P. A., B of A, Westamerica
205 Main Street	Garcia Center, Sweet Licks
207 Main Street	Arena Press Print Shop
211 Main Street	Everything Under the Sun
213 Main Street	Cypress Realty (vacant)
214 Main Street	Arena Theater
215 Main Street	P.A. Post Office, Travel Center
225 Main Street	P.A. Mercantile Co., Gillmore's
235 Main Street	Point Arena Market, Arena Pharmacy
240 Main Street	Texaco Station, Arena Feed & Seed, Casual Cuts, Laundromat
245 Main Street	Ancient Order of Foresters Hall
265 Main Street	P.A. Record Building, Bookends

(c) Separate Listings.

40 Iverson Avenue	Iverson House
200 Lake Street	Point Arena High School
105 Main Street	Italian Hotel, Kentucky Forge Works
284 Main Street	Annie Palmer House, Community Art
365 Main Street	Legrand Morse House, R. Mari
40 Mill Street	E.P. Gillmore, J.H. Halliday House
50 Mill Street	Sid Groshon, Bill Walsh House
10 Riverside Drive	Hoyt/Scott House
40 School Street	St. Paul's Methodist Church & Parsonage
10 Scott Place	Billy Ketchum House, Larksong

(4) Review Criteria.

(a) Historical Significance.

- (i) Is the building particularly representative of a distinct historical period, type, style, region, or way of life?
- (ii) Is it an example of a type of building which was once common but is now rare?
- (iii) Is the building of greater age than most of its kind?
- (iv) Is the building connected in any way with someone who was famous, important, or a local personality?
- (v) Is the building connected with a business or use which was once common but is now rare?
- (vi) Is the architect or builder famous or well recognized?

(b) Architectural Significance.

- (i) Are its construction materials used in an unusual, significant, or effective manner or style?
- (ii) Is the overall effect of the design of the structure beautiful, or are its details beautiful or unusual?

- (iii) Is the style of the building unusual for its area, for Point Arena, for California, or is it unusual for any place?
- (iv) Does the building contain original materials or workmanship which can be valued in themselves?
- (v) Is the method of construction employed or the floor plan used one which is unusual, ingenious, or significant?
- (vi) Is the structure especially well-preserved or could it be restored to its former condition?

(5) **Review Procedures.** The planning commission shall review applications for applicable coastal development permits as described in Chapter 18.35. If a use permit or other approval is required by the planning commission or city council, the review by the planning commission may occur at the same meeting subject to the fulfillment of public notification requirements. Otherwise the procedure for submittal and consideration of the application shall be the same as for a use permit as provided in Chapter 18.35. [Ord. 179 § 5.16, 2001; Ord. 243 § 7.11, 2024.]

Section 8. A new Chapter 18.35, "Procedures and Administration" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

Article I. Non-Conforming Uses, Structures and Lots

18.35.010 Nonconforming uses and structures.

The lawful use of lands or structures existing on the effective date of the ordinance codified in this title, although such use or structure does not conform to the regulations applied to such property or structure, may be continued, except as provided herein. Nonconforming off-street parking is covered separately under Section 18.35.020.

- (1) Any structure conforming as to use but nonconforming as to lot area, yards, height or other requirements herein at the effective date of the ordinance codified in this title may be altered, repaired or extended provided that such alteration, repair, or extension shall not increase the existing degree of non-conformance.
- (2) If any building not conforming to this zoning ordinance is destroyed to the extent that the cost of repair, using new materials, exceeds 60 percent of the current appraised value of the structure, then the building shall become subject to all regulations in the applicable zone. The repair of a partially destroyed building shall commence within one year and an additional six months shall be allowed for the completion of the exterior of any reconstruction.
- (3) Any change of a nonconforming use shall be to a conforming use, and a nonconforming use which has been discontinued for a period of one year or more shall not be reestablished. A nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.
- (4) Any use for which a conditional use permit is required by these regulations shall be considered a nonconforming use until a conditional use permit is obtained. [Ord. 179 § 5.17, 2001; Ord. 243 § 8.01, 2024.]

18.35.015 Nonconforming lots.

If a lot was delineated on a recorded subdivision map, or was lawfully established as a separate lot on the effective date of the ordinance codified in this title, and such lot does not conform to the

minimum lot area of the zone in which it is located, it shall be considered a legal building site for uses permitted in the pertinent zone, even if the owner of said lot has at any time owned land contiguous to said lot, provided all other requirements of this title and other applicable city ordinances and standards can be satisfied. [Ord. 179 § 5.18, 2001; Ord. 243 § 8.02, 2024.]

18.35.020 Nonconforming off-street parking.

Off-street parking facilities existing as of June, 1981, incidental to a lawfully established use, but which are nonconforming as to the provisions of Section 18.25.040, shall be considered the required off-street parking for that specific use. Any change in the use, the building, or the parking facilities shall be subject to the following provisions:

(1) An existing parking facility, incidental to a lawfully established use, shall not be reduced in area or redesigned so that the facility is less in conformance with the provisions of this title in any respect, unless the end result is an equivalent number of off-street parking spaces, or the required number of parking spaces, whichever is the lesser, as required by this title.

(2) If a building or use is expanded, parking as required by Section 18.20.040 shall be provided for the expanded portion of the use. Any existing parking shall be retained, or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as required by this title. If the number of spaces required for the expansion is greater than the number required herein for the existing building, then any existing parking area shall be brought into conformance with the requirements of this title.

(3) If the use of land or a building is changed to a use with a greater parking requirement, parking equal to the difference between the requirement for the existing and the proposed use, as contained herein, shall be provided in accordance with the provisions of this title. Existing parking shall be retained or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as provided by this title.

(4) In-Lieu Parking Regulations.

(a) When it is neither feasible nor desirable to provide some or all of the off-street parking spaces required by Section 18.20.040, an owner of commercially-zoned land shall be permitted, subject to approval of the city planning commission, to make a monetary payment to the city of Point Arena in an amount which is equal to 80 percent of the estimated cost of required off-street parking on a per-parking-stall basis.

(b) In addition to the costs associated with land acquisition, the projected costs of providing all of the following services and improvements, based upon required parking stall size and turning radius to serve said parking stall as set forth in Section 18.20.040. Dimensional requirements of the Point Arena zoning ordinance, shall be used in determining the amount of the required monetary payment including:

(i) Engineering, inspection and contingencies;

(ii) Grading/paving;

(iii) Drainage;

(iv) Striping and wheel stops;

(v) Landscaping/screening.

(c) At least once every year the city council may establish, by resolution, the value of off-street parking facilities in the city on a per-parking-stall basis. Initially, such a fee shall be

\$2,000 per parking stall. Funds collected by the city from such payments shall be deposited in a special fund and shall be used by the city only for the purpose of acquiring and/or developing future off-street parking facilities. The city may establish payment schedules for collection of fees.

- (d) **Parking Variance Procedure.** The planning commission may, upon application by the landowner, grant a variance from the parking requirement and shall then require the payment of the in-lieu fee for each space as established by resolution. In granting a variance the planning commission shall be guided by the following criteria: upon a showing by the applicant and a finding thereof by the planning commission, a variance may be granted on one or more of the following grounds:

- (i) The refusal to allow a variance could make a proper use of the property unfeasible;
- (ii) It is physically impossible for the property to comply with on-site parking requirements;
- (iii) Specific conditions exist which particularly affect the subject property as opposed to other properties in the same zoning designation similarly situated;
- (iv) Specific conditions exist as to the type of business enterprise or use permitted by the commission and which may affect the need for on-site parking.

The burden shall be upon the applicant to demonstrate to the planning commission the grounds upon which the applicant bases the application for variance.

- (e) All off-street parking facilities which are provided by the city of Point Arena shall, in addition to benefiting the employees, guests, and/or patrons of the subject property, be made available for use by members of the general public.

[Ord. 179 § 5.19, 2001; Ord. 243 § 8.03, 2024.]

Article II. Planning Permit Procedures

18.35.110 Initiation, application, fees, and procedures for permits.

The initiation of a variance, conditional use permit, coastal development permit or design review, planned development permit, the filing of an application, the payment of fees, and notification of hearings shall be as specified in Chapter 18.35, Article V. [Ord. 179 § 6.06, 2001; Ord. 243 § 8.04, 2024.]

18.35.115 Coastal development permits

(1) **Purpose.** The purpose and intent of a coastal development permit is to ensure that all development within the coastal zone of the City of Point Arena is consistent with the provisions of the City of Point Arena Local Coastal Program, the California Coastal Act and the California Code of Regulations Title 14 Division 5.5.

(42) **Applicability.** In conformance with Section 30600 of the California Coastal Act, in addition to any other approval or permit required under this title, a coastal development permit shall be required for any use, building or other development, as defined in California Coastal Act Code Section 30106, except as specifically exempted in Section 18.35.120 or excluded in Section 18.35.125.

(3) **Review Procedures.** Each coastal development permit application shall be submitted with all of the application requirements contained in relevant sections of Chapter 18.35, Article V and all other applicable provisions in the subject development's zoning district.

Coastal development permits for ADUs and/or JADUs shall not require a public hearing and shall be subject to the streamlined administrative process established in Section 18.35. 160.

(14) **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.

- (a) 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
- (b) 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
- (c) Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; and
- (d) The proposed use is consistent with the purposes of the zone in which the site is located; and
- (e) The proposed development is in conformance with the city of Point Arena's general plan; and
- (f) 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;
- (g) 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;
- (h) Supplemental findings for projects involving geologic, flood, and fire hazards:
 - (i) 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
 - (ii) 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
 - (iii) There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

[Ord. 179 § 6.11, 2001; Ord. 243 § 8.05, 2024.]

18.35.120 Coastal development permits- Exemptions

(21) 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 title:

- (a) Improvements to existing single-family residences except as noted in subsection (a)(i). For purposes of this section, the term “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.

The exemption shall not apply to the following classes of development which require a coastal development permit because they involve a risk of adverse environmental impact:

- (i) 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;
 - (ii) 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;
 - (iii) The expansion or construction of water wells or septic systems;
 - (iv) On property not included in subsection ~~(2)~~(a) 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 nonattached structure such as garages, fences, shoreline protective works or docks;
 - (v) 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;
 - (vi) 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.
- (b) Improvements to any structure other than a single-family residence or a public works facility except as noted in subsection (b)(iii). 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:
 - (i) All fixtures and other structures directly attached to the structure;
 - (ii) Landscaping on the lot;

- (iii) The exemption in subsection (b)(i) 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 (b)(iii)(1) 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 subsection (b) 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.
- (c) 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.
- (d) 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 subsection (e).
- (i) The exemption 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 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 percent 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:

“Bulk” means total interior cubic volume as measured from the exterior surface of the structure.

“Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

“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.

[Ord. 179 § 6.11, 2001; Ord. 243 § 8.06, 2024.]

18.35.125 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 square feet in floor area and less than 15 feet 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 two feet at any point.

“Accessory structure or building” means 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 and freestanding masonry walls up to 36 inches in height;
 - (ii) Standard electroliers not over 35 feet 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 18 inches 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 18.30.015, or a riparian buffer area described in Section 18.30.025 (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 square feet of surface area including the removal of groundcover. This does not include groundcover removed for agricultural or grading for road and trail maintenance purposes;
 - (ii) 50 cubic yards 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, floodplain or area subject to inundation. This does not include the maintenance of existing ditches.

Groundcover 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 Sections 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.

[Ord. 179 § 6.11, 2001; Ord. 243 § 8.07, 2024.]

18.35.130 Site development and architectural review (SDAR).

The following regulations shall apply in all zones:

(1) **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 SDAR process is established to review new developments in order to ensure consistency with the character of the city, to minimize impacts on important vistas and to ensure compatibility with existing buildings of 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.

(2) **Applicability.** The SDAR process is required for new development which involves relocation, construction, external remodeling or additions to structures, and alteration of the natural contours of the land. The SDAR process is intended to be conducted in conjunction with the coastal development permit process. It is not required for remodeling which does not affect the external profile or appearance of an existing structure or for work which is exempt from the coastal development permit process as set forth in Section 18.35.120 or excluded from the coastal development permit process as set forth in Section 18.35.125.

(3) **Visual Resource Protection Criteria.** In the SDAR process, the planning commission shall be guided by the following criteria for the protection of visual resources:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) 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 re-siting or reducing the height or bulk of structures.
- (g) 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.
- (h) All new structures shall be sited and designed to minimize impacts to visual resources by:
 - (i) Ensuring visual compatibility with the character of surrounding areas;
 - (ii) Avoiding large cantilevers or understories;
 - (iii) Setting back higher elements of the structure toward the center or uphill portion of the building.
- (i) 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.
- (j) Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.)
- (k) 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.
- (l) 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.

- (m) Where necessary to ensure 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.
- (n) 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 structure even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.

(4) **-Grading and Utilities Criteria.** In the SDAR process, the planning commission shall be guided by the following criteria when evaluating proposed grading and utilities for new development:

- (a) 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.
- (b) All new development shall be sited and designed to minimize alteration of natural landforms by:
 - (i) Conforming to the natural topography;
 - (ii) Preventing substantial grading or reconfiguration of the project site;
 - (iii) Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs;
 - (iv) Requiring that man-made contours mimic the natural contours;
 - (v) Ensuring that graded slopes blend with the existing terrain of the site and surrounding area;
 - (vi) Minimizing grading permitted outside of the building footprint;
 - (vii) Clustering structures to minimize site disturbance and to minimize development area;
 - (viii) Minimizing height and length of cut and fill slopes;
 - (ix) Minimizing the height and length of retaining walls;
 - (x) 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.)
- (c) 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.

- (d) 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.

(5) Landscaping, Fencing and Walls Criteria. The planning commission shall be guided by the following criteria when evaluating landscape plans, fencing and walls associated with new development:

- (a) 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.
- (b) 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, and I zones shall conform with the provisions of Section 18.20.030.
- (c) 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.
- (d) 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:
 - (i) 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.
 - (ii) Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.
 - (iii) Lawn shall not be located on any geologically sensitive area such as coastal blufftop.
 - (iv) Landscaping or revegetation shall provide 90 percent coverage within five years.
- (e) 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.
- (f) Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.
- (g) 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.

(6) Signage Criteria. The planning commission shall be guided by the following criteria when evaluating signage associated with new development:

- (a) On-premises signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area.
- (b) 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.

(5) 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:

- (a) Grading plan, if any grading is proposed;
- (b) Cross sections of the project site showing the proposed grading and structures;
- (c) Line of sight analysis showing the view of the project site from public viewing areas;
- (d) 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;
- (e) An analysis of the potential impacts of the proposed development on the identified public views;
- (f) Project alternatives designed to avoid and minimize impacts to visual resources;
- (g) Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

If a conditional use permit or other approval is required by the planning commission or the city council, the review of the design shall be subsequent to other permit considerations and may occur at the same meeting, subject to fulfillment of public notification requirements. The procedure for submittal and consideration of the application shall comply with Chapter 18.35, Article V.

Where view considerations are involved, the applicant is encouraged to contact property owners within 100 feet and show them the layout and profile of the proposed structure. The commission shall not approve or conditionally approve any application unless it finds that all of the applicable criteria have been considered and the minimum adjustments required to achieve the objectives applicable to the area where the development is located.

(6) 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 aids 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.

(7) 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 this section and Section 18.30.060. 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:

- (a) The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons;
- (b) The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions;
- (c) The project, as proposed or as conditioned, is the least environmentally damaging alternative;
- (d) There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources;
- (e) 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. [Ord. 179 § 5.15, 2001; Ord. 243 § 8.08, 2024.]

18.35.135 Planned development permit (PD)

(1) Purpose. The PD permit process is intended to:

- (a) Encourage and allow for flexibility in site design, building layouts and design, and land usage, and in the application of development standards;
- (b) Make it easier for open spaces and natural features to be preserved and integrated into new developments;
- (c) Allow careful and comprehensive public review of proposed large-scale projects.
- (d) The City expects each PD project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

(2) Applicability. A PD permit application may be filed and processed only under the following circumstances.

- (a) Minimum site area. A PD permit may be requested for a residential, commercial, industrial, or mixed-use development on a site larger than three (3) acres.
- (b) Scope of approval.
 - i. PD permit approval may adjust or modify any applicable development standard of the zoning code (e.g., building height, setbacks, parking, street layout, etc.), provided that the approval shall not authorize a land use that is not allowed in the applicable zoning district and provided that the planning commission makes all of the required findings consistent with subsection 5(a)
 - ii. 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.
 - iii. A PD project proposing increased residential density may only be approved by the city council in compliance with Section 18.25.060 (Density Bonuses and Affordable Housing Incentives).
 - v. A PD permit may be granted in lieu of any required variances, conditional use permits, and site development and architectural review approvals.
 - vi. A coastal development permit shall be required for all PD projects and shall be processed concurrently with a PD permit application.

(3) Application filing and processing. An application shall be filed in compliance with Chapter 18.35, Article V (Applications and Notifications). It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection 6(a), below.

(4) Project review and hearing.

- (a) Application review. Each PD permit application shall be analyzed by the city planner to ensure that the application is consistent with the purpose and intent of this section. The city planner shall submit a staff report and recommendation to the planning commission for their consideration.
- (b) Public hearing. The planning commission shall conduct a public hearing on an application for a PD permit before the approval or disapproval of the permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 18.35.430.

(5) Commission action. Following a public hearing, the planning commission may approve or disapprove a PD permit and shall record the decision and the findings upon which the decision is based.

(a) Required findings. The planning commission may approve a PD permit only after first finding that:

- i. The project is consistent with the general plan and any applicable specific plan, and the proposed uses are allowed within the applicable zoning district.
- ii. The project authorized by the PD permit will not have an adverse effect on coastal resources.
- iii. The project complies with all applicable provisions of the zoning code other than those modified by the PD permit and the approved modifications to the development standards are in the public interest, greater public benefits will be assured, and coastal resources, including but not limited to visual resources, will not be adversely impacts and will be protected and enhanced. Such public 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, compatibility with adjacent land uses, and successful mitigation of any identified environmental impacts.
- iv. The project authorized by the PD permit will be of significantly higher quality, more energy efficient, more conserving of resources, and will produce fewer and less serious environmental impacts than development that could otherwise occur in compliance with the requirements of the zoning code without adjustment.
- v. The project complies with all applicable provisions of the city's site development and architectural review requirements as established in Section 18.35.130;
- vi. The site is adequate for the project in terms of size, shape, topography, and circumstances;
- vii. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the general plan;
- viii. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
- ix. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

(b) Conditions of approval. In approving a PD permit, the planning commission may impose any conditions deemed reasonable and necessary to ensure that the PD project will comply with the findings required by subsection 6(a).

(6) Time limit and expiration.

- (a) A PD permit may specify a development completion period acceptable to the planning commission.
- (b) If a time limit is not specified in the permit, the completion period shall not exceed two years.
- (c) If project construction has not commenced within the required time limit, the PD permit shall automatically be terminated and deemed void, with no further action required by the City.

[Ord. 243§ 8.09, 2024]

18.35.140 Conditional Use Permits.

(1) **Purpose.** A conditional use permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on a site and its surroundings cannot be determined before being proposed on a specific site.

(2) **Applicability.** A conditional use permit is required to authorize proposed land uses identified by Chapter 18.15 as being allowable in the applicable zoning district subject to the approval of a conditional use permit. A project requiring a conditional use permit will also require a coastal development permit in compliance with the Chapter.

(3) **Review Procedures.** The planning commission shall prescribe application forms and information requirements for conditional use permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (4).

(4) **Conditional Use Permit Findings.** A conditional use permit may be granted for any use listed as a conditional use in the applicable zone if the facts establish and written findings are adopted showing:

- (a) That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
- (b) That such use as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (i) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures, and
 - (ii) The accessibility and traffic pattern for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading, and
 - (iii) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor, and
 - (iv) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
- (c) That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Point Arena coastal program; and
- (d) That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the

California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment; and

- (e) When the subject property 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 line where there is no beach, whichever is the greater, that:
 - (i) The development provides adequate public access from the nearest public roadway to the shoreline and along the coast and/or does not interfere with such uses already in existence, and
 - (ii) The development adequately protects public views from any public road or from a recreational area to, and along, the coast, and
 - (iii) The development is compatible with the established physical scale of the area, and
 - (iv) The development does not significantly alter existing natural landforms, and
 - (v) The development complies with shoreline erosion and geologic setback requirements.

[Ord. 179 § 6.08, 2001; Ord 243 § 8.10, 2024.]

18.35.145 Variances.

(1) **Purpose.** The variance provides a process for City consideration of requests to waive or modify certain standards of this Zoning Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

(2) **Applicability.** A variance may be granted to waive or modify any requirement of this Zoning Code except: allowed land uses; residential density; specific prohibitions identified in the Zoning Code, or procedural requirements. A project requiring a variance will also require a coastal development permit.

(3) **Review Procedures.** The planning commission shall prescribe application forms and information requirements for variance applications. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (4), below.

(4) **Variance Findings.** A variance may be granted only upon adoption of written findings showing that all of the following conditions are present:

- (a) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class or district; and
- (b) That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provisions of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; and
- (c) That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and

- (d) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district; and
- (e) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity; and
- (f) That the granting of such variance will be consistent with the general purposes and programs of the Point Arena general plan; and
- (g) That the variance will not permit a use other than a use permitted in the applicable zoning district; and
- (h) That either the variance will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the variance may have on the environment; and
- (i) When the subject property 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 the mean high tide line where there is no beach, whichever is the greater, that:
 - (i) The development provides adequate public access from the nearest public roadway to the shoreline and along the coast and/or does not interfere with such uses already in existence, and
 - (ii) The development adequately protects public views from any public road or from a recreational area to, and along, the coast, and
 - (iii) The development is compatible with the established physical scale of the area, and
 - (iv) The development does not significantly alter existing natural landforms, and
 - (v) The development complies with shoreline erosion and geologic setback requirements.

[Ord. 179 § 6.08, 2001; Ord. 243 § 8.11, 2024.]

18.35.150 Conditions.

In granting a variance, conditional use permit, coastal development permit or design review, the planning commission shall impose conditions as deemed necessary to carry out the intent and purpose of this title. The violation of any specification or condition so imposed shall constitute a violation of this title and may constitute grounds for revocation of permit(s). [Ord. 179 § 6.09, 2001 ; Ord. 243 § 8.12, 2024.]

18.35.155 Coastal development permits for signs, ADUs and JADUs-Streamlined administrative process.

(1) 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 18.35.435 except that local actions on coastal development permit applications for signs that are appealable to the Coastal Commission shall be subject to the hearing process set forth under Section 18.35.430. 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 18.35.430.

(2) Coastal development permits for ADUs and/or JADUs shall be granted under the administrative process set forth in Section 18.35.160.

[Ord. 179 § 6.11, 2001; Ord. 242 § 10, 2023; Ord. 243 § 8.13, 2024.]

18.35.160 - Streamlined administrative process for ADUs and/or JADUs.

Upon submission and acceptance of the prescribed application form and fees, an application for a ADU and/or JADU and associated physical development shall be processed as follows:

(1) City planner shall determine if the ADU and/or JADU is consistent with the requirements of Section 18.25.055 and specifically exempted or excluded from requirement to obtain a coastal development permit in accordance with Section 18.35.120 or Section 18.35.125. If proposed development is exempted or excluded, a certificate of exemption or exclusion shall be issued by city planner and applicant can proceed with filing of a building permit application. If the proposed development is not exempted or excluded, a coastal development permit is required.

(2) For an ADU and/or JADU that requires a coastal development permit, the city manager or his/her designee shall act on the coastal development permit application without the requirement of a public hearing. A notice of intent to approve a coastal development permit shall be issued in accordance with the standards established in Section 18.35.430.

(3) For applications to create an ADU and/or JADU where the proposed work is consistent with the objective standards established in Section 18.25.055, action shall be taken within sixty (60) days of filing of a complete application for a coastal development permit exemption, categorical exclusion or coastal development permit. The 60-day time period for acting on a complete application for an ADU and/or JADU submitted with a permit application for a proposed single-family dwelling shall not commence until after the application for the single-family dwelling has been acted on and all appeal periods have ended.

(4) For applications to create an ADU and/or JADU where the proposed work is not consistent with the objective standards established in Section 18.25.055 and an exception is requested consistent with the process and standards cited in Section 18.25.055, the timeframes prescribed in subsection (3) above shall not apply. The application shall be administratively approved, conditionally approved or denied by the city manager or his/her designee based on findings and, if necessary, conditions. A public hearing shall not be required.

(5) Coastal development permits for ADUs and/or JADUs approved by the city manager or his/her designee are not appealable to the city council.

(6) Any coastal development permit approved by the city manager or his/her designee for an ADU and/or JADU located in an area within the appeal jurisdiction of the Coastal Commission shall contain a statement that the permit will not be effective until the appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

[Ord. 243 § 8.14, 2024]

18.35.165 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 ADUs and JADUs or administrative permits for signs.

Hearings will be set for the earliest available meetings, satisfying the requirements of Section 18.35.430 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 18.35.430 .

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 18.35.430.

The 180-day time period described in Section 65950 of the Government Code may be extended once for a period not to exceed 90 days with the written consent of the applicant and the city. [Ord. 179 § 6.07, 2001; Ord. 243 § 8.15, 2024.]

18.35.170 Effective dates.

(1) Effective Dates of Local Actions Other Than on Coastal Development Permit Applications. Planning commission or city council approval of variances and conditional use permits 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 Sections 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.

(2) 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 10 working-day appeal period to the Coastal Commission has expired unless either of the following occur: (a) an appeal is filed in accordance with Title 14 CCR Section 13111 and pursuant to Section 18.35.310 ; or (b) the notice of final local government action does not meet the requirements of Title 14 CCR Section 13571. When either of the circumstances in subsections (a) and (b) occur, the Coastal Commission shall, within five 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 18.35.310 .

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. [Ord. 179 § 6.10, 2001; ; Ord. 243 § 8.16, 2024.]

18.35.175 Time limitations on permits.

A two-year limitation applies to all coastal development permits, variances, conditional use permits, site design and architecture permits, and planned development permits. If development has not commenced within two years from the granting of a permit, the permit shall ~~be void~~ expire unless, prior to its expiration, an extension has been granted by the body which served as the acting authority on the initial application(s). A maximum of two 12-month extensions of time may be granted. In order to grant an extension, the acting authority must make a findings that there has been no change of circumstances that could prevent any of the required findings of approval to be made. [Ord. 179 § 6.14, 2001; Ord. 243 § 8.17, 2024.]

18.35.180 Revocation of permits.

(1) **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 or design review 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 Section 18.35.430 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.

(2) **Revocation of Coastal Development Permits.** Grounds for revocation of a coastal development permit shall be:

- (a) 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;
- (b) Failure to comply with the notice provisions of Section 18.35.430, 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.
- (c) 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 subsections (2)(a) and (2)(b) 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 subsections (2)(a) and (2)(b).
- (d) Suspension of Permit. Where the city clerk determines in accord with subsection (2)(c), 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 Section, 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 18.35.430.
- (e) Hearing on Revocation.

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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 subsections (2)(a) and (2)(b) exist. If the planning commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

[Ord. 179 § 6.15, 2001; Ord. 243 § 8.18, 2024.]

Article III. Amendments to Zoning Ordinance and/or Zoning Map

18.35.210 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. [Ord. 179 § 6.01, 2001; Ord. 243 § 8.19, 2024.]

18.35.215 Initiation of amendments.

An amendment to the text of the zoning ordinance or zoning map may be initiated by motion of the city council on its own initiative, or by the planning commission on its own initiative. Amendments to the zoning map may be initiated by the owner of the subject property, or authorized agent for the owner, or by the planning commission or city council. [Ord. 179 § 6.02, 2001; Ord. 243 § 8.20, 2024.]

18.35.220 Amendment procedures.

The filing of an application for an amendment to the zoning ordinance or zoning map, the payment of fees, notice of hearing, and procedural requirements shall be as prescribed herein and in Article V.

The planning commission shall hold a public hearing on proposed amendments to the zoning ordinance or zoning map. At the public hearing the planning commission shall hear any person interested in the proposed amendment. The hearing may be continued from time to time provided that the notice of the time and place of the continued public hearing is given at the hearing or in the manner provided for in Section 18.35.430. Within 40 days of the conclusion of the hearing, the planning commission shall submit to the city council a written report of recommendations and reasons thereof, including the relationship of proposed zoning amendments to the Point Arena general plan. The planning commission shall not hold a hearing on a proposed amendment to the zoning ordinance less than two weeks after final city council action on a related change in the general plan.

If, after the hearing is closed, the planning commission recommends approval of the proposed amendment, the city council, upon receipt of the report, shall set the matter for public hearing. The

city council may approve, modify or disapprove the recommendation of the planning commission, provided that any modification proposed by the city council not previously considered by the planning commission during their 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 to report within 40 days after the referral shall be deemed to be commission approval of the proposed modification.

If the planning commission has recommended against the adoption of an amendment, the city council shall not be required to take any further action thereon unless an interested party shall request such hearing by filing a written request with the city clerk within 10 working days after the planning commission files its recommendation with the city council.

The city council shall reach a decision not later than 40 days after the conclusion of the city council hearing or not later than 40 days after the filing of a report, or the deadline for submitting such a report by the planning commission on a referral from the city council. In adopting or modifying any proposed amendment, the city council shall adopt a resolution certifying that the proposed amendment is intended to be carried out in a manner fully consistent with the Government Code and the California Coastal Act of 1976, including amendments. Failure of the city council to adopt the proposed amendment within the period set forth in this section shall be deemed to be a denial of such a proposed amendment. [Ord. 179 § 6.03, 2001; Ord. 243 § 8.21, 2024.]

18.35.225 Notification requirements for amendments.

In addition to notification required by Section 18.35.430, 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 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. [Ord. 179 § 6.04, 2001; Ord. 243 § 8.22, 2024.]

18.35.230 Effective date of amendments and incorporation in local coastal program.

Within five 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. The executive director shall notify the city in writing if the amendment needs to be certified as part of the Point Arena local coastal program and whether the amendment is considered a major or minor amendment pursuant to the provisions of Section 30514(c) of the Coastal Act. Major or minor amendments, including any amendment that allows changes in uses, shall become part of the Point Arena local coastal program at the time the California Coastal Commission certifies the amendment as adopted by the city. If the Coastal Commission certifies the amendment subject to conditions or changes, the amendment shall not become part of the Point Arena local coastal program until by resolution the city council concurs in any conditions, or by ordinance adopts any changes and such ordinance has become effective.

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. [Ord. 179 § 6.05, 2001; Ord. 243 § 8.23, 2024.]

Article IV. Appeals

18.35.310 Appeals of local actions other than a coastal development permit.

In the case of any variance, conditional use permit or design review, 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:

(1) **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 title may appeal such action to the planning commission within 10 working days of being notified of the decision.

(2) **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, unless the action of the planning commission is appealed to the city council within that time.

(3) **City Council Actions - Appealable.** An action, or appellate determination, taken by the city council on a variance, conditional use permit or design review shall become final upon said action.

(4) **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 Section 18.35.170. 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 or she could not attend the hearings or submit written comments.

(5) **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 Article V, and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

(6) **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.

(7) **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.

(8) **Conditions and Findings.** The appellate body may impose or prescribe conditions as are in its opinion necessary to serve the objectives of this title 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. [Ord. 179 § 6.16, 2001; Ord. 243 § 8.24, 2024.]

18.35.315 Appeals for local actions on coastal development permit applications.

(1) **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.

(2) **Administrative Actions on ADUs.** An action taken by the city manager or his/her designee on a coastal development permit application for an ADU and/or JADU may not be appealed to the city council. If the ADU and/or JADU is located within the Coastal Commission's appeal jurisdiction, the coastal development permit may be appealed to the Coastal Commission if an appeal is filed with the Coastal Commission within the ten (10) working day appeal period.

(3) **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 Section 18.35.170. 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 or she could not attend the hearings or submit written comments.

(4) **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 Article V, and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

(5) **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.

(6) **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.

(7) **Conditions and Findings.** The appellate body may impose or prescribe conditions as are in its opinion necessary to ensure conformance with this title 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.

(8) **Finality of City Action.** A local decision on an application for a coastal development permit shall not be deemed complete until: (a) 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 (b) when all local rights of appeal have been exhausted as defined in Title 14 CCR 13573.

(9) **Final City Action—Notice.**

- (a) **Notice After Final Local Decision.** (This section shall not apply to categorically excluded developments.) Within seven calendar days of the city completing its review and meeting the requirements of subsection (8), 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.

(b) 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 through 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957.1 shall notify, in writing, the local government and the Coastal 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 through 65957.1 have expired, the city shall, within seven calendar days of such determination, notify any person entitled to receive notice pursuant to subsection (9)(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950 through 65957.1 and the application may be appealed to the Coastal 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.)

(10) **City Action—Effective Date.** The city’s final decision on an application for an appealable coastal development permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired unless either of the following occur:

- (a) An appeal is filed in accordance with Title 14 CCR Section 13111;
- (b) The notice of final local government action does not meet the requirements of subsection (9).

When either of the circumstances in subsections (10)(a) and (b) occur, the Coastal Commission shall, within five 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. [Ord. 179 § 6.16.5, 2001; Ord. 243 § 8.25, 2024.]

Article V. Applications and Notifications

18.35.410 Application form.

Applications for variance, conditional use permit, coastal development permit or design review, planned development permit, signs, and amendment to the text of this title or the zoning map shall be submitted to the city clerk’s office upon a prescribed form. Ten 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:

(1) 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;

(2) 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;

(3) 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;

(4) In addition to full size drawings, maps, photographs, and other exhibits drawn to scale, either one copy of each drawing, map, photograph, or other exhibit approximately eight and one-half inches by 11 inches, 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;

(5) Any additional information deemed to be required by the city for specific categories of development or for development proposed for specific geographic areas;

(6) Additional information as specified in Section 18.20.040 relating to proposed measures for protection of water quality;

(7) 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. [Ord. 179 § 6.17, 2001; Ord. 243 § 8.26, 2024.]

18.35.415 Supplemental information for specific uses.

The following supplemental information shall be submitted with all applications for a coastal development permit for:

(a1) Land divisions, including lot line adjustments, mergers and the issuance of conditional certificates of compliance;

(b2) Multifamily dwellings allowed by use permit in areas designated with the highway commercial or core commercial land use classification; and

(c3) Mobile home parks allowed by use permit in areas designated with the highway commercial land use classification:

- (a) Evidence that adequate services exist to serve the proposed development consistent with the requirements of LUP Chapter X, Section 2.6, Policy 2.5,

- (b) 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.

[Ord. 179 § 5.25, 2001; Ord. 243 § 8.27, 2024.]

18.35.420 Subdivision application requirements

(1) Application Requirements (General).

- (a) A tentative map or a tentative parcel map;
- (b) Proof of applicant's interest in the property;
- (c) Current title report for the property, less than 30 days old;
- (d) Filing fee, application form, and indemnification/hold harmless agreement;
- (e) Completed Redwood Coast fire protection district application form.

(2) Map Form.

- (a) The tentative map or tentative parcel map shall be clearly and legibly drawn;
- (b) Minimum sheet size shall be 18 by 26 inches;
- (c) Minimum scale shall be one inch = 100 feet, unless otherwise approved by the city engineer.

(3) 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:

- (a) Date map was prepared, north point and scale;
- (b) Name, address and phone of owner, applicant and engineer, surveyor or other person who prepared the map;
- (c) A site map indicating the approximate location of the proposed subdivision of land in relation to the surrounding area;
- (d) 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 years;
- (e) Assessors' parcel numbers for all contiguous properties owned by the applicant;
- (f) All property lines and assessors' parcel boundaries within the proposed subdivision;
- (g) An outline of the proposed subdivision to be shown clearly with distinctive symbols and so designated;
- (h) Names of owners of all adjacent parcels;
- (i) All existing and proposed easements, clearly stating purpose and width and restrictions;
- (j) 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;

- (k) 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;
- (l) 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 feet unless otherwise authorized by the city engineer;
- (m) The proposed lot layout, approximate dimension, and approximate area of all lots or parcels. All proposed lots or parcels shall be numbered consecutively;
- (n) The location and approximate dimension of all parcels to be offered for dedication, clearly stating the purpose of dedication;
- (o) The outline of any existing buildings to remain in place and their location in relation to existing and proposed lot lines;
- (p) The approximate location of areas subject to inundation or within a 100-year flood plain;
- (q) 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;
- (r) 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 100 feet adjacent.

[Ord. 179 § 5.33, 2001; Ord. 243 § 8.28, 2024.]

18.35.425 Application fees.

- (1) The city council shall by resolution establish a schedule of fees, charges and expenses for variances, conditional use permits, planned residential development permits, coastal development permits or design review, coastal development permits for signs which may be found categorically exempt under CEQA, and amendments to the text of this title and the zoning map and other matters pertaining to this title. The schedule of fees may be changed or modified only by resolution of the city council.
- (2) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, or other matters for which a fee, charge or payment of expenses is required by this title or the fee schedule resolution adopted pursuant hereto.
- (3) Any municipal, political or governmental corporation, district body, or public agency is exempted from payment of any fee or charge in connection with an application for any variance, conditional use permit, coastal development permit or design review, planned residential development permit, comprehensive development plan, appeal or zoning ordinance amendment.
- (4) No fee, charge or expense shall be refundable except in any case where the planning commission determines and certifies any such fee or portion thereof has been received in error, in which case the amount received in error may be refunded. [Ord. 179 § 6.18, 2001; Ord. 243 § 8.29, 2024.]

18.35.430 Hearing notification requirements.

- (1) 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:

- (a) City Notice of a Public Hearing 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 description of the development and its proposed location, and the date, time and place of the hearing, a brief description of the general procedure of local government concerning the conduct of hearing and local actions, the system for local and Coastal Commission appeals, including local fees required. The notice shall be prepared by the city clerk.
- (b) City Notice of a Public Hearing of Coastal Development Permit Applications Appealable to the Coastal Commission. Within 10 calendar days of accepting an application for an appealable coastal development permit or at least seven 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 Coastal Commission. The notice shall contain the following information:
 - (i) A statement that the development is within the coastal zone;
 - (ii) The date of filing of the application and the name of the applicant;
 - (iii) The number assigned to the application;
 - (iv) A description of the development and its proposed location;
 - (v) The date, time and place at which the application will be heard by the local governing body or hearing officer;
 - (vi) A brief description of the general procedure of local government concerning the conduct of hearing and local actions;
 - (vii) The system for local and Coastal Commission appeals, including any local fees required.
- (c) City Notice of a Public Hearing for Coastal Development Permits Not Appealable to the Coastal Commission.
 - (i) Notice of public hearings for coastal development permits not appealable to the Coastal Commission but that do require a public hearing shall provide at a minimum: notice of developments shall be given at least 10 calendar days before the hearing in the following manner:
 1. 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;
 2. Notice by first class mail to any person who has filed a written request therefor;
 3. Notice by first class mail to property owners within 300 feet;
 4. Notice by first class mail to residents within 100 feet of the proposed project;
 5. Notice by first class mail to the Coastal Commission;

6. 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 subsection (1)(b).
 - (ii) 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 nonappealable coastal development permit or at least seven 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.
- (d) City Notice of Pending Administrative Approval of a Coastal Development Permit for an ADU and/or JADU.
 - (i) At least ten 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:
 1. All persons who have requested to be on the mailing list for that development project or for coastal decisions within the city;
 2. All property owners within 300 feet of the perimeter of the parcel on which the development is proposed;
 3. Residents within 100 feet of the proposed project; and
 4. The Coastal Commission.
 - (ii) 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. A statement that the application is not subject to the requirement for a public hearing; and
 6. The date the application will be acted upon by the city manager.
- (e) 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.

(2) 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, nonappealable 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, nonappealable or appealable:

- (a) The city shall make its determination as to what type of development is being proposed (i.e., categorically excluded, appealable, nonappealable) 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;
- (b) If the determination of the city is challenged by the applicant or an interested person, or if the city wishes to have a Coastal 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;
- (c) The executive director shall, within two 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, nonappealable or appealable;
- (d) 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.

(3) 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 subsection (1) of this section.

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 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 of 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 Coastal 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 Coastal Commission pursuant to Chapter 6, Article 2, of the California Coastal Act.

(4) 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 subsections (1) and (2) of this section, then the public review period shall conform to the CEQA requirements. [Ord. 179 § 6.19, 2001; Ord. 243 § 8.30, 2024.]

18.35.435 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 Article V 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 cannot be found to be categorically exempt from CEQA guidelines, the hearing requirements set forth in Article V 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 18.35.130. [Ord. 179 § 6.20, 2001; Ord. 243 § 8.31, 2024.]

18.35.440 Costs of notification to interested persons.

Interested persons who wish to be notified of planning commission and city council hearings shall be sent such notice if they provide the city with a deposit to cover such costs. [Ord. 179 § 6.21, 2001; Ord. 243 § 8.32, 2024.]

Section 9. A new Chapter 18.40, "Enforcement" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.40.010 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 title and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permits, certificates or licenses issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the city council to enforce the provisions of this title, the general plan, and the local coastal program, pertaining to all development. [Ord. 179 § 7.01, 2001; Ord. 243 § 9.01, 2024.]

18.40.015 Civil penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title, shall be subject to a civil penalty not to exceed \$1,000. 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 title 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 title 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. [Ord. 179 § 7.02, 2001; Ord. 243 § 9.02, 2024.]

18.40.020 Public nuisance.

Any earth moving, grading, or any modification of any stream or creek, and any building or structure, including signs and fences, set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of property contrary to the provisions of this title shall be, and the same is hereby declared to be, unlawful and a public nuisance; and the city attorney of said city shall, upon order of the city council, immediately commence action or proceedings for the abatement and take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive. [Ord. 179 § 7.03, 2001; Ord. 243 § 9.03, 2024.]

18.40.025 Conflict with other regulations and private agreements.

Where conflict occurs between the provisions of this title and the building code or other regulations effective within the city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements now in effect, provided, however, that where this title imposes a greater restriction upon the use of property, buildings or premises than are imposed or required by such agreements, the provisions of this title shall control. [Ord. 179 § 7.04, 2001; Ord. 243 § 9.04, 2024.]

18.40.030 Effect on previously issued permits.

Except as specifically herein provided, it is not intended by this title to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings, structures, fences or signs, or other improvements, when vested rights have been established. [Ord. 179 § 7.05, 2001; Ord. 243 § 9.05, 2024.]

Section 10. A new Chapter 18.45, "Definitions" of Title 18, Zoning, of the City of Point Arena Municipal Code is hereby adopted as follows:

18.45.010 General definitions.

Unless the context requires, the definitions set forth or otherwise provided for in this chapter shall be used in the interpretation and construction of this title, words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used," and the word "shall" is mandatory and not directory. [Ord. 179 § 2.01, 2001; Ord. 243 § 10.01, 2024.]

18.45.015 City council/planning commission.

"City" means the city of Point Arena.

"City council" means the city council of Point Arena.

“Planning commission” means the planning commission of the city of Point Arena or the city council in the absence of a legally constituted planning commission. [Ord. 179 § 2.02, 2001; Ord. 243 § 10.02, 2024.]

18.45.020 - Definitions (A)

Acceptable Risk. A hazard that is deemed to be a tolerable exposure to danger given the expected benefits to be obtained. Different levels of acceptable risk may be assigned by the city according to the potential danger and the criticality of the threatened structure. The levels are defined by the city and may range from an acceptable risk “near zero” for nuclear plants and natural gas transmission lines to “moderate” for open spaces, ranches and low-intensity warehouse uses.

Access/Egress. The ability to enter a site from a roadway (access) and exit a site onto a roadway (egress) by motorized vehicle.

Accessible Housing. Units that are accessible and adaptable to the needs of the physically disabled.

Accessory Dwelling Unit or "ADU". An attached or detached residential dwelling in compliance with Section 18.25.350, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a proposed or existing single-family or multi-family dwelling.

Accessory Uses. Accessory uses are uses customarily associated with, and appropriate, incidental, and subordinate to the principal use. Accessory uses are typically located on the same lot as the principal use, and do not alter or change the character of the premises.

Acres, Gross. The entire acreage of a site, used for density calculations.

Acres, Net. The portion of a site remaining after public or private rights-of-way and land not developable (see “Developable Land”) are subtracted from the total acreage.

Advertise. To call public attention to a product, business, service, person, institution or location. To make public announcement of, especially to proclaim a product or a business so as to increase sales.

Advertising Area. See “Display Surface.”

Affordable Housing. Capable of being purchased or rented by a household with very low, low, or moderate income, based on a household’s ability to make monthly payments necessary to obtain housing. The state HCD measure of affordable housing is: spending no more than 35-percent of gross income on housing costs.

Affordable Units. All dwelling units made available at prices or rents below market rate. Affordable units include units affordable to households with very low incomes, low incomes, and moderate incomes.

Aggregate Display Surface. The sum of all display surfaces of all signs located on one parcel.

Aggrieved Person. Any person who, in person or through a representative, appears at a public hearing of the city of Point Arena in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informs the city of Point Arena of the nature of his or her concerns or who for good cause is unable to do either. “Aggrieved person” includes the applicant for a permit.

Agriculture. The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but

not including slaughter houses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes.

Agriculture-Related Business. Feed mills, dairy supplies, poultry processing, creameries, auction yards, veterinarians and other businesses supporting local agriculture.

Allow. Implies refraining from any hindrance. To let do or happen.

Ambient. Surrounding on all sides; used to describe measurements of existing conditions with respect to traffic, noise, air and other environments.

Appropriate. An act, condition, or state which is considered suitable.

Aquaculture. 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.

Architectural Control. Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historical character, and/or style of surrounding structures or areas.

Architectural Review. The processes used to exercise architectural control. Also referred to as design review.

Assessor's Parcel. A unit of land for taxation purposes only.

Automobile-Intensive or Automobile-Oriented Use. A use of a retail area which depends on exposure to continuous auto traffic.

Auxiliary Building. A secondary structure clearly subordinate to a main building, such as a tool shed, residential garage, or pump house and not for human occupancy.

18.45.025 - Definitions (B)

B.A.C.T. Best available control technology (per the California Clean Air Act of 1988).

Bed and Breakfast Inn. A residential structure with one family in permanent residence where a maximum of 12 bedrooms without individual cooking facilities are rented for overnight lodging, and where one meal daily is provided. This use type does not include boarding houses, hotel or motels.

Below Market Rate (BMR) Housing Unit. Any housing unit specifically priced to be sold or rented to very low, low, or moderate-income households for an amount less than the fair-market rent or value of the unit. The U.S. Department of Housing and Urban Development sets standards for determining which households qualify as "very low income," "low income," or "moderate income."

Benefit Assessment District. An area within a public agency's boundaries which receives a special benefit from the construction of a public facility. A benefit assessment district has no legal life of its own and cannot act by itself. It enables property owners in a specific area to cause the construction of public facilities or to maintain them by contributing their fair share of the construction and/or installation and operating costs.

Biotic Community. A group of living organisms characterized by a distinctive combination of both animal and plant species in a particular habitat.

Blight. A condition of deterioration of a site, structure, or area that may cause nearby buildings and/or areas to decline in attractiveness and/or utility.

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 step like in section. For the purposes of this plan, “bluff” is limited to those features having vertical relief of 10 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 step like 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.

Boarding House. A dwelling or part thereof where meals or meals and lodging are provided for compensation for three or more persons not transient, but does not include employee housing, group homes, supportive housing or transitional housing.

Buffer Zone. An area of land separating two distinct land uses which acts to soften or mitigate the effects of one land use on the other. All environmentally sensitive habitat areas require a buffer zone around them to protect the sensitive area from significant disruption of habitat values due to future development that may be located near the habitat area.

Building. Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which common wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

Building, Accessory. A subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling, any building which is incidental to the conducting of any agricultural use shall be deemed an accessory building.

Building Code. Refers to the Uniform Building Code as adopted by reference by the city of Point Arena and as administered and enforced under contract with the county of Mendocino building department.

Buildout or Build-Out. Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

Business Park. A comprehensively planned collection of offices, businesses, research and development (R & D) activities, and low-intensity/enclosed warehousing, in a park-like setting, not including industrial uses involving manufacturing, production and processing of goods.

18.45.030 - Definitions (C)

California Environmental Quality Act (CEQA). A state law which: (a) defines state environmental goals and the responsibilities of local governments to assist in achieving those goals; and (b) sets forth the requirements for the environmental analysis of proposed public and

private projects, including the preparation and/or review of environmental impact reports (EIRs) or the issuance of exemptions and negative declarations.

California Housing Finance Agency (CHFA). A state agency, established by the U.S. Housing and Home Finance Act of 1975, which is authorized to sell revenue bonds and generate funds for the development, rehabilitation, and conservation of very low, low, and moderate-income housing.

CalTrans. California Department of Transportation.

Campground. A lot on which two or more recreational vehicles or tents are parked or located and used for sleeping or eating purposes on a strictly transient basis.

Canopy. A permanent covering over a walkway or driveway wholly supported on each side by posts or walls or partially supported by posts or a wall and an adjacent building.

Capital Improvements Program. A program which schedules permanent improvements five or six years into the future to fit the city's projected fiscal capability and to implement the general plan or a specific plan. The program generally is reviewed annually, and the first year of the program is adopted in the city's annual budget.

CEQA. See "California Environmental Quality Act."

Clustered Development. Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

CNEL. See "Community Noise Equivalent Level."

Co-Housing. An owner-occupied residential project combining the benefits of private housing with the advantages of communal living whereby each owner has a home, often with a yard, while also co-owning and sharing common spaces and facilities with fellow residents.

Coastal Commission. The California Coastal Commission as established in the California Coastal Act of 1976.

Coastal Development Permit. A permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. (Also known as development permit.)

Coastal Zone. That land and water area of the state of California within the city limits of the city of Point Arena, specified on the maps identified and set forth in Section 17 of the California Coastal Act of 1976.

Coastal-Dependent Development or Use. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal-Related Development or Use. Any development or use that is dependent on a coastal-dependent development or use.

Commercial Agriculture. The growing of crops for food or fiber, or grazing or raising of livestock with the intent to sell the products for profit. Commercial agriculture does not include crops or agriculture grown for personal consumption or equestrian uses.

Commercial Coach. A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial purposes, which is required to be moved under permit, and shall include a trailer coach.

Common Open Space. Refers to the required unimproved area (land or water) of a planned residential development (PRD) project, including permanent open space lands, unbuildable land,

and land reserved for outdoor recreational purposes. Common open space shall be in addition to land required or provided for off-street parking, required side, rear or front yards, private decks and patios.

Common Wall. See “Building.”

Community Care Facility. Elderly housing licensed by the State Health and Welfare Agency, Department of Social Services, typically for residents who are frail and need supervision. Services normally include three meals daily, housekeeping, security and emergency response, a full activities program, supervision in the dispensing of medicine, personal services such as assistance in grooming and bathing, but no nursing care. Sometimes referred to as residential care or personal care.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) and the State Department of Housing and Community Development (HCD). This grant allots money to cities and counties for housing and community development. Jurisdictions set their own program priorities within specified criteria.

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.

Community Park. Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. Community parks are larger in scale than neighborhood parks but smaller than regional parks.

Compatible. Capable of existing together without conflict or ill effects.

Comprehensive Development Plan. A thorough depiction in maps, diagrams and text of a proposal to develop one or more parcels of land as one unit, showing development phases and all proposed activities and uses at a level of detail sufficient to communicate all information that the planning commission may require in order to have a full picture of a development proposal and its likely impacts.

Concept Plan. Text and maps sufficient to describe the overall concept of a development proposal and its likely impacts, including proposed grading, treatment of existing trees, land uses, egress and ingress, traffic circulation, utilities, and residential densities, placement of structures, and associated environmental impacts.

Conditional Use. Use that is not an entitlement or use by right, which may or may not be acceptable to the city, or may be acceptable only if certain conditions are met. At its sole discretion the city may or may not issue a conditional use permit, or may, after making appropriate findings, attach such reasonable conditions as it sees fit and are in the public interest, which conditions are binding on the owner/developer.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property.

Conservation. The management of natural resources to prevent waste, destruction, or neglect.

Consistent. Free from variation or contradiction. Policies and programs in the general plan are to be consistent with each other, not contradictory or preferential. State law requires consistency between a general plan and implementation measures such as the zoning ordinance.

Convalescent Home. A structure or part of a structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, in which primary treatment, such as customarily are given in hospitals or sanitariums, is not provided.

18.45.035 - Definitions (D)

Day Care Center. Any type of group child day care program, including nurseries of children of working mothers; nursery schools for children under minimum age for education in public schools; privately-conducted kindergartens when not part of a public or parochial school; programs covering after-school care for school children, etc., all of which must be conducted in accordance with state and local requirements.

dB or Decibel. A unit of sound measurement used to express the relative intensity of a sound. The decibel measuring scale is logarithmic. Zero (0) dB on the scale is the lowest sound level that a normal ear can detect under very quiet (laboratory) conditions and is referred to as the “threshold of hearing.”

dB(A). Sound pressure level in decibels (dB) as measured on a sound level meter using the “A-weighted” filter network. “A-weighting” de-emphasizes very low and very high frequencies in a manner similar to the response of the human ear. An increase of 10 dB(A) is equivalent to a doubling in perceived sound level. When used by itself, dB(A) denotes either a sound level at a given instant, a maximum level, or a steady-state level.

Dedication. The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, open spaces, or other public uses often are made conditions for city approval of a development.

Dedication, In lieu of. Cash payments which may be required of an owner or developer as a substitute for a dedication of land, usually calculated in dollars per lot or square foot of land or building area, and referred to as “in lieu fees” or “in lieu contributions.”

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. ADUs and JADUs are not considered to be dwelling units for the purpose of density calculations.

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.

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, 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.

Developable Acres, Net. The portion of a site remaining after removing or deducting public or private road rights-of-way and land not developable, and which can then be built upon. Net acreage includes required yards or setbacks.

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.

Developer. The person, group of persons, corporation, partnership, firm or association proposing to undertake a development as defined in this title.

Development. Development means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the 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 of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, 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 plan, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

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 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. A development agreement may require the review and approval of the Coastal Commission prior to it becoming final and fully effective.

Development Fees. A monetary exaction, other than a tax or special assessment, which is charged by the city in connection with a development project, the purpose of which is to defray all or a portion of the costs of public facilities related to the development project, and subject to the provisions of Sections 66000 through 66025 of the California Government Code.

Development Permit. Same as “Coastal Development Permit.”

Directional Sign. A sign providing information that is limited to describing the location of a building, facility, group of buildings, event, town, city, or other place.

Discourage. To advise or persuade to refrain from.

Display Surface. The area of the smallest plane figure which can be made to enclose the message, word, symbol, design, picture or visual medium visible on the surface of any sign. Where a sign includes surfaces facing in different directions, the display surface shall be the largest total area of display surface visible from any one direction. In the case of a volumetric sign, the display surface shall be the largest plane cross-section thereof.

Diversion. The direction of water in a stream away from its natural course (i.e., as in a diversion that removes water from a stream for human use).

Double-Faced Sign. A sign with two faces back-to-back, and not less than 345 degrees between display surfaces.

Duplex. A freestanding building designed for and/or occupied by two families living independently of each other and with individual and separate cooking facilities.

Dwelling, Multifamily. A building or portion thereof, or a complex of two or more buildings, used and/or designed as residence for three or more families living independently of each other, and doing their own cooking in said building(s), including apartment houses, but not including transient accommodations.

Dwelling, Single-Family. A freestanding building designed for and/or occupied exclusively by one family.

Dwelling, Townhouse. A dwelling unit with a ground-level story located in a building which includes two or more such dwelling units and each dwelling unit, together with the underlying lot, is owned separately from any other dwelling unit and lot.

Dwelling Unit. One room or a suite of two or more rooms in a building designed for, intended for, or used by one family, which family lives, sleeps, and cooks therein and which unit has one kitchen or kitchenette.

18.45.040 - Definitions (E)

Easement. Usually, the right to use property owned by another for specific purposes. Easements are either for the benefit of land, such as the right to cross A to get to B, or in gross, such as a public utility easement. For example, rear lots without street frontage may be accessed via an easement over the front lots. Utility companies use easements over the private property of individuals to be able to install and maintain utility facilities.

Easement—Conservation. A tool for acquiring open space at a cost less than full-fee purchase, whereby a public agency buys only certain specific rights from the landowner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land), or they may be restrictive rights (limiting the uses to which the landowner may devote the land in the future).

Easement, Scenic. A tool that allows a public agency to use, at nominal or no cost, private land for scenic enhancement, such as roadside landscaping or vista preservation.

Ecosystem. An interacting system formed by a biotic community and its physical environment.

Efficiency Kitchen. A small food preparation area for a JADU that includes: a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the JADU.

Element. A chapter or section of the Point Arena general plan which addresses a specific topic and sets forth public policies and programs pertaining to that topic. California Planning Law mandates that each city and county prepare and adopt a general plan containing at least seven specified elements (land use, circulation, open space, conservation, noise, safety, and housing).

Emergency Shelter. Temporary housing with minimal supportive services for persons experiencing homelessness, which is limited to occupancy of 6 months or less and is operated by a government agency or private non-profit organization. Emergency shelters may be in the form of dormitory or congregate housing, or individual shelters provided at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation, and job/life skills training in addition to food, showers and sleeping accommodations. Emergency shelters shall include interim housing interventions including but not limited to a navigation center, bridge housing, and respite or recuperative care.

Encourage. To stimulate or foster a particular condition through direct or indirect action by the private sector or governmental agencies.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Enhance. To improve existing conditions by increasing the quantity or quality of beneficial uses.

Environment. CEQA defines environment as “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.” The general plan defines environment to also include social and economic conditions.

Environmental Analysis. The process mandated by the California Environmental Quality Act (CEQA) to ensure that state environmental policies are implemented and that the impacts of proposed projects in Point Arena are systematically evaluated and subject to public review before said project is approved and permits are issued to alter any site or commence any development public or private.

Environmental Impact Report (EIR). A report that assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action. See “California Environmental Quality Act.”

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 areas include, but are not limited to, areas containing wetlands, riparian vegetation, and the habitat of the Point Arena mountain beaver.

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 Section 18.30.025 and 18.30.055 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. No buffer area may be less than 50 feet in width.

Erosion. The loosening and transportation of rock and soil debris by wind, rain, or running water; and/or the gradual wearing away of the upper layers of earth.

ESD. The use equivalent to single-family dwelling units.

Exaction. A contribution or payment required as an authorized precondition for receiving a development permit; usually refers to mandatory dedication (or fee in lieu of dedication) requirements found in subdivision and other local land use regulations.

18.45.045 - Definitions (F)

Family. One or more persons sharing a dwelling unit, whether or not related by blood, marriage or adoption.

Farmers Home Administration (FmHA). A federal agency providing loans and grants for improvement projects and low-income housing in rural areas.

Farmworker. A person who works full or part-time (twenty-four (24) hours or more per week) in the service of a commercial agricultural operation.

Fast-Food Restaurant. Any retail establishment intended primarily to provide short-order food services for on-site dining and/or take-out, including self-serve restaurants (excluding cafeterias where food is consumed on the premises), drive-in restaurants, and formula restaurants required by contract or other arrangement to offer standardized menus, ingredients, and fast-food preparation.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Feasible, Technically. Capable of being implemented because the industrial, mechanical, or application technology exists.

Fence. A masonry wall, or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of screening, enclosing space or separating activities or parcels of land, but not including retaining walls.

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.

Final Map. The official map recording a subdivision or parcel split, which map must conform in all respects to the state Subdivision Map Act and substantially conform with an approved tentative map or parcel map.

Finding(s). The result(s) of an investigation and the basis upon which decisions are made. Findings are made by government agents and bodies prior to taking action, and are a record of the justifications for such action(s).

Finished Grade. The average of the finished ground level at the center of all walls of a building.

Fiscal Impact Analysis. A projection of the direct public costs and revenue resulting from population or employment change to the local jurisdiction in which the change is taking place; enables local governments to evaluate the fiscal merits of proposed projects.

Flood, 100-Year. The magnitude of a flood expected to occur on the average every 100 years, based on historical data. The 100-year flood has a 1/100, or one percent, chance of occurring in any given year.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated areas of special flood hazard and the risk premium zones applicable to the city (copy available for review at City Hall).

Floodplain. The relatively level land area on either side of the banks of a stream regularly subject to flooding. That part of the floodplain subject to a one percent chance of flooding in any given year is designated as an “area of special flood hazard” by the Federal Insurance Administration.

Floor Area, Gross. The enclosed area of a building measured from an exterior surface to exterior surface, but excluding the following: exterior balconies and galleries covered but not enclosed; patios, atriums, and the like if not covered; common-use areas for all tenants; garages and carports; major mechanical equipment rooms.

18.45.050 - Definitions (G)

General Plan. A compendium of the city’s policies and programs regarding its long-term development, in the form of official maps and accompanying text. The general plan is a legal document required of each local agency by the state of California Government Code Section 65301, is adopted by the city council, and serves as the policy basis for this title.

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.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the city will direct effort (see the Point Arena general plan).

Grade. To move earth or native material by mechanical means.

Grasslands. Land preserved for pasturing or mowing, in which grasses are the predominate vegetation.

Groundwater. Water under the earth’s surface, often confined to aquifers capable of supplying wells and springs.

Groundwater Recharge. The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding areas which provide underground storage.

Group homes. Group homes means housing being used as a supportive living environment shared and used by unrelated persons with disabilities. Group Homes may serve children, the elderly or chronically ill, individuals with developmental disabilities, or adults recovering from or being treated for alcohol or drug addiction. A group home operated by a single operator or service provider (whether licensed or unlicensed) can include residential care facilities, supportive housing, transitional housing and other similar communal housing facilities but does not include boardinghouses. A group home that does not require state licensing or does require state licensing

but serves six or fewer persons, is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

Growth Management. The use by a community of a variety of techniques in combination to establish the amount, type, and rate of growth desired by the community and to channel that growth into designated areas. Growth management policies can be implemented through growth rates, zoning, capital improvements programs, public facilities ordinances, urban limit lines, and other programs.

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.

Guidelines. General statements of policy direction around which specific details may be later established.

18.45.055 - Definitions (H)

Habitat. The physical location or type of environment in which an organism or biological population lives or occurs.

Handicapped. A person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person's ability to live independently can be facilitated by appropriate housing conditions.

Hazardous Material. An injurious substance, including (among others) pesticides, herbicides, poisons, toxic metals and chemicals, liquefied natural gas, explosives, volatile chemicals, and nuclear fuels.

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.

Highly Scenic Areas. Includes:

- (1) Landscape preservation projects designated by the State Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan;
- (2) Open areas of particular value in preserving natural landforms and significant vegetation, or in providing attractive transitions between natural and urbanized areas; and
- (3) Other scenic areas and historical districts designated by cities and counties.

High-Occupancy Structure. Any building the use of which may include public assembly or occupancy at any time by large numbers of people, including but not limited to school, churches, social halls, and theaters.

Historic Preservation. The preservation of historically-significant structures and neighborhoods in as near authentic form and design as possible.

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 homeowner or renter on a conditional basis to authorize a home occupation, which permit becomes valid upon the paying of a business license fee.

Hospice. A home for people who are ill (especially terminally) or destitute.

Hotel. Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six or more transient guests, whether the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house or inn, but shall not include bed and breakfast inns as defined herein.

Household. One or more persons who share a dwelling unit. Not to be confused with “Family.”

Household Income. Classifications:

Very Low	not exceeding 50 percent of the area (Mendocino County) median income
Other Lower	between 50 percent and 80 percent of the area median income
Moderate	between 80 percent and 120 percent of the area median income
Above Moderate	above 120 percent of the area median income

Housing and Community Development Department of the State of California (HCD). The state agency principally charged with assessing whether, and planning to insure that, communities meet the housing needs of very low, low, and moderate-income households and adopt housing elements as part of their general plans.

Housing and Urban Development, U.S. Department of. A cabinet-level department of the federal government (HUD) which administers housing and community development programs nationwide and may provide local housing assistance.

Housing Authority, Local (LHA). Local housing agency established in state law, subject to local activation and operation. Originally intended to manage certain federal subsidies, but vested with broad powers to develop and manage other forms of affordable housing. The LHA for Point Arena is the county of Mendocino.

Housing Need. A local share of the regional housing units assumed by the Mendocino County Council of Governments (MCOG) to be “needed.” Housing need is distinguished from housing demand, which is a function of marketing activities. Housing projections represent probable levels of housing construction activity in each jurisdiction of the county.

Housing Unit. The term used by the U.S. Census Bureau. A housing unit must have a separate entrance from other housing units but need not have separate kitchen facilities.

18.45.060 - Definitions (I)

Illuminated Sign. Any sign provided with light either internally or by turning or focusing a light source upon it.

Impact Fees. Fees levied on the developer of a project by the city as compensation for unmitigated impacts the project will produce.

Impervious Surface. Surface through which water cannot penetrate, such as roof, road, sidewalk, and paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

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.

Industrial. The manufacture, production, processing or reprocessing, and storage of goods, including quarrying, factories, chemical storage, corporation yards, mining, etc.

Industrial Park. A planned assemblage of buildings designed for and restricted to industrial activities such as: manufacturing, processing and production of goods (to be distinguished from “Business Park”).

Infill. Development of vacant land (usually individual lots or left-over properties) within areas which are already largely developed such as downtown Point Arena.

Infrastructure. The grid of public roads and utilities that is necessary to make urban development, including housing, occur.

Initial Study. A preliminary analysis by the city of a proposed project that is intended to determine whether an environmental impact report (EIR) must be prepared or a negative declaration will be sufficient. The term is more fully defined in CEQA.

Inn. A building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six or fewer transient commercial guests, with no guest kitchens.

Interagency. Between and among agencies. Indicates cooperative actions between or among two or more discrete city, county, special district and State agencies in regard to a specific program.

Interest, Fee. A share or right in property that entitles a landowner to exercise complete control over disposition and use of land, subject only to government land-use regulations (“fee” is synonymous with “fee simple” or ownership).

Interest, Less-Than-Fee. An interest in land other than outright ownership; includes the purchase of development rights via conservation, open space, or scenic easements. See “Development Rights,” and “Easement, Scenic.”

Intermittent Stream. A stream that normally flows for at least 30 days after the last major rain of the season and is dry a large part of the year.

18.45.065 - Definitions (J)

Joint Powers Authority (JPA). A legal arrangement that enables two or more units of government to share authority in order to plan and carry out a specific program or set of programs that serves both units.

Junior Accessory Dwelling Unit or "JADU". A living space not exceeding five hundred (500) square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU shall include a separate entrance from the main entry to the single-family dwelling, an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing single-family dwelling.

18.45.070 - Definitions (K)

Kennel. Any premises, except those accessory to an agricultural use, where five or more small domestic animals, not sick or injured, are boarded for compensation, or cared for, or trained for hire, or are kept for sale or breeding purposes.

18.45.075 - Definitions (L)

Landmark. Refers to a building or site having historic, architectural, social, or cultural significance and designated for preservation by the local, state, or federal government. Also a significant tree.

Landscaping. Planting, including trees, shrubs, and groundcovers, suitably designed, selected, installed, and maintained so as to permanently enhance a site, the surroundings of a structure, or the sides or medians of a roadway.

Lands Suitable for Agriculture. Lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

Land Use and Development Map. One of the official maps of the Point Arena general plan, certified by the California Coastal Commission, which aids in the depiction of land-use policies of the general plan. Also known as the land use plan map.

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, in the city's zoning ordinance, and on the zoning map.

Land Use and Development Element. A land use 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, transportation routes, and open spaces.

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 recertification upon adoption of the 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.

Land Use Permit. Same as "Coastal Development Permit."

Ldn or Day-Night Average Sound Level. The A-weighted average sound level for a given area (measured in decibels (dB)) during a 24-hour period, with a 10 dB weighting applied to night-time (10:00 p.m. to 7:00 a.m.) sound levels.

Leq. The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a "dosage" type measure and is the basis for the descriptors used in current standards, such as the 24-hour CNEL used by the state of California. The steady-

state A-weighted sound level containing the same energy as a time-varying signal; an average of the sound levels for a given sample time, typically one to 24 hours. $Leq(5)$ would indicate a five-hour sample time.

Level of Service (LOS). A qualitative measure describing the efficiency of a traffic stream including the way such conditions are perceived by persons traveling in a traffic stream. Levels-of-service measurements describe variables such as speed and travel time, freedom to maneuver, traffic interruptions, traveler comfort and convenience, and safety. It is a scale that measures the operating capacity likely to be encountered on a roadway or at the intersection of roadways, based on a volume-to-capacity ratio, with levels ranging from A to F, with A representing the lowest volume-to-capacity ratio with free flow and excellent comfort for the motorist, passenger, or pedestrian; and F the highest level of service reflecting highly congested traffic conditions where traffic volumes exceed the capacities of streets, sidewalks, etc. See “Volume-to-Capacity Ratio.”

(1) Level-of-Service A represents free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. The general level of comfort and convenience provided to the motorist or passenger is excellent.

(2) Level-of-Service B is in the range of stable flow, but the presence of other users in the traffic stream begins to be noticeable. There is a slight decline in the freedom to maneuver within the traffic stream. The level of comfort and convenience provided is somewhat less than at LOS A, because the presence of others in the traffic stream begins to affect individual behavior.

(3) Level-of-Service C is in the range of stable flow but marks the beginning of the range of flow in which the operation of individual users becomes affected by interactions with others in the traffic stream. Maneuvering within the traffic stream requires vigilance on the part of the user. The general level of comfort and convenience declines at this level.

(4) Level-of-Service D represents high-density but stable flow. Freedom to maneuver is severely restricted, and the driver experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level.

(5) Level-of-Service E represents operating conditions at or near the capacity level. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to “give way” to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver frustration is generally high. Operations at this level are usually unstable, because small increases in flow or minor disturbances within the traffic stream will cause breakdowns.

(6) Level-of-Service F is used to define forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount which can traverse the point. Queues form behind such locations. Operations with the queue are characterized by stop-and-go waves, and they are extremely unstable. Vehicles may progress at reasonable speeds for several hundred feet or more, then be required to stop in a cyclic fashion.

Live-Work Space. A studio, workroom or loft, together with a living space including a kitchen and bath, which space is not necessarily divided into separate rooms and is intended for those whose art or craft is conducted in a joint living and working environment.

L_{max}. The maximum A-weighted sound level during a noise event, or sample period.

L_{min}. The minimum A-weighted sound level at a given location. This corresponds to the ambient background noise level.

Local Agency Formation Commission (LAFCO). A county commission that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered by state statutes to approve, disapprove, or conditionally approve these proposals.

Local Coastal Program (LCP). A local government's: (1) land use plans; (2) zoning ordinances; (3) zoning district maps; and (4) 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, and upon recertification 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.

Lot. A tract of land lawfully established and officially recorded in the county recorder's office, which constitutes a unit of land the ownership of which is legally transferable and is considered a unit for purposes of development and density calculations.

Lot Area. The total horizontal area included within lot lines excluding any street rights-of-way.

Lot, Corner. A lot at the junction of and abutting on two or more intersecting streets where the angle of intersection is 130 degrees or less.

Lot Frontage. The line separating a lot from the street, in the case of an interior lot, and the line separating the narrowest street frontage from the street in the case of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot Lines. The lines bounding a lot as defined herein.

Lot Line, Rear. The boundary of a lot opposite and most nearly parallel to the front lot line.

Lot, Nonconforming. Any lot existing and recorded as a separate parcel in the office of the county assessor at the effective date of the zoning ordinance which does not conform to the area or width requirements of the district in which it is located or does not conform to the subdivision regulations of the city of Point Arena.

Low Barrier Navigation Center. Low barrier navigation center is a type of emergency shelter, and means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Low-Income Household. Households with incomes of 51 to 80 percent of the area median household income. It is determined by a survey of incomes conducted by the city or by Mendocino County, or in the absence of such a survey, based on the latest available findings for the county as provided by the U.S. Department of Housing and Urban Development (HUD).

18.45.080 - Definitions (M)

Manufactured Housing. Houses which are constructed entirely in the factory, and which since 1976 have been regulated by the Federal Manufactured Home Construction and Safety Standards under the administration of the U.S. Department of Housing and Urban Development (HUD).

Market Rate Units. Those dwelling units available at prices or rents at or above the market rate, which are those prices determined by market demand.

May. That which is permissible.

Median Household Income. The middle point at which half of the city's households earn more and half earn less. In 1991 the median household income for Mendocino County was \$30,500 per year.

Minimize. To reduce or lessen, but not necessarily to eliminate.

Minipark. Small neighborhood park of approximately one acre or less. It may also be referred to as tot lot when reserved for very young children.

Mitigate. To ameliorate, alleviate, or avoid to the extent reasonably feasible. According to CEQA, mitigations include: (1) avoiding an impact by not taking a certain action or parts of an action; (2) minimizing an impact by limiting the degree or magnitude of the action and its implementation; (3) rectifying an impact by repairing, rehabilitating, or restoring the environment affected; (4) reducing or eliminating an impact by preserving and maintaining operations during the life of the action; (5) compensating for an impact by replacing or providing substitute resources or environments.

Mixed Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

Mobile Home. An independent structure equipped with a toilet for sewage disposal that is transportable in one or more sections, to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach or factory-built housing.

Mobile Home Park. A lot on which two or more mobile homes are located and used for sleeping, cooking or eating purposes, subject to the city's special mobile home park regulations (see Section 18.25.040).

Moderate-Income Household. Households with incomes of 81 to 120 percent of the area median income, as determined by a survey of incomes conducted by Mendocino County, or in the absence of such a survey, based on the latest available findings for the county as provided by the U.S. Department of Housing and Urban Development (HUD).

Modular Unit. A factory-fabricated, transportable building or major component designed for use by itself or for incorporation with similar units on-site into a structure for residential, commercial, educational, or industrial use. A modular unit does not have any chassis for future movement. See also "Mobile Home."

Motel. A building or group of buildings comprising 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 and does not include accommodations for mobile homes or trailers.

Mountain Beaver Buffer Area. A 500-foot 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.

Multifamily Dwelling or Area. A building or site legally accommodating more than one family or dwelling units or complexes housing more than one family.

Multifamily Useable Open Space. Any useable outdoor area of a multifamily residential project in a MR or HWC zone, which area is reserved and designed for common use by the project's occupants. This space is in addition to space provided for required yards and off-street parking, and for private patios and decks.

Must. That which is mandatory (equivalent to “shall”).

18.45.085 - Definitions (N)

Natural State. The condition existing prior to any development or change in site conditions.

Necessary. Essential or required.

Need. A condition requiring supply or relief. The city may act upon findings of need within or on behalf of the community.

Negative Declaration. A written statement, governed by CEQA, certified by a public agency describing reasons that a proposed project will not have a significant effect on the environment and, therefore, does not require an environmental impact report (EIR).

Neighborhood Park. Publicly-owned land intended to serve the recreation needs of people living or working within a one-half mile radius of the park and also intended to contribute to a distinct neighborhood identity.

New. Any use established, building or structure constructed, development undertaken, or lot created after the effective date of this title or other ordinance.

Noise Attenuation. Reduction of the level of a noise source using a substance, material, or surface, such as earth berms and/or solid concrete walls.

Noise Contour. A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 Ldn contour (measured in dBA) require noise attenuation in residential developments. New residential developments within the 60 Ldn contour (60 Ldn and greater) must meet noise attenuation standards as required by Title 25 of the California Administrative Code—Noise Insulation Standards.

Nonattainment. The act of not achieving a desired or required level of performance. Frequently used in reference to air quality.

Nonconforming. A structure and/or land use which was lawfully established but which does not now conform with the land use, yard, height, or other requirements and conditions of the zoning ordinance.

Nonconforming Sign. A sign lawfully erected, established and maintained prior to the effective date of the ordinance codified in this title, but which could no longer be allowed due to changing sign code restrictions.

Non-Prime Agricultural Land. Coastal agriculture lands that are not in use for crops or grazing, or that are suitable for agriculture but do not qualify as “prime.”

Nursing Home. See “Convalescent Home.”

18.45.090 - Definitions (O)

Objective. A specific statement of desired future conditions toward which the city will expend effort in the context of striving to achieve a broader goal.

Off-Site Sign. A sign which is located on a parcel other than that occupied by the product, service, business, person, institution, or location advertised (also called an “off-premises sign”).

Off-Street Loading. A site, or portion of a site, devoted to the loading or unloading of vehicles, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking. A site, or portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space Lands. Any area of land or water which is essentially unimproved and devoted to an open-space use such as: (1) the preservation of natural resources; (2) managed production of resources; (3) outdoor recreation; (4) public health and safety. (Government Code Section 65560 and Public Resource Code 5076.)

Opportunities and Constraints Maps. Three of the four official maps of the 2001 general plan, which depict 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 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.

Outdoor Recreation Use. A privately-owned or publicly-owned or operated use providing facilities for outdoor recreational activities.

Overlay. A land use designation on the land use and development map, or other map, or a zoning designation on a zoning map, which modifies the basic underlying designation and set of standards in some specific manner.

Ownership. Ownership of property (or possession thereof under a contract to purchase or under a lease, the term of which is not less than 10 years) by a person or persons, firm, corporation, or partnership (individually, jointly, in common, or in any other manner) whereby such property is under single or unified control. The term shall include condominium ownership. The term “owner” shall be deemed to mean the person, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person duly authorized by written instrument to act for the owner.

18.45.095 - Definitions (P)

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”).

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.

Parking Area, Common. A public or private parking area used jointly by two or more uses.

Parking Lot, Public. An open area, other than a street or alley, used for the parking or storage of vehicles, and available for public use.

Peak Hour. For any given traffic facility, the daily, 60-minute period during which traffic volume is highest.

Performance Standards. Zoning regulations that admit uses based on a particular set of standards of operation rather than on the basis of a particular type of use. Performance standards may be established to limit noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire

hazards, wastes, traffic generation, and visual impact of a use, and may be used to distinguish which uses, based on their likely standards of performance, are acceptable in a particular setting.

Permitted/Permissible Uses. Same as “Use by Right.”

Person. Any individual, public, or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as to rights or duties.

Personal Services. Services of a personal convenience nature, as opposed to products. Personal services include barber and beauty shops, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, accountants, lawyers, massage therapists, and similar services.

Physical Diversity. A quality of a site, city, or region in which are found a variety of architectural styles, natural landscapes, and/or uses.

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.

Planned Commercial Development (PCD). Same as planned residential development (PRD), except pertains to properties designated on the zoning map as commercial.

Planned Residential Development (PRD). A procedure for plan preparation, review and approval of large-scale, comprehensively-planned residential projects. Allows for flexibility of design and layout, and mixed uses, as well as creative approaches to site and building designs. Functions as an overlay of residential zoning and is a mandatory procedure for the development of parcels 10 acres and larger.

Planning Area. A term referring to the entire area of jurisdiction and concern for the city of Point Arena’s planning purposes. Also refers to the lot or lots included within a planned development.

Policy. A specific statement of principle which implies clear commitment. A duly-adopted directive that all development in the city must satisfy.

Pollution, Non-Point. Sources of pollution which are difficult to define and which usually cover broad areas of land, such as the carrying of fertilizers from agricultural land by runoff or the carrying of smog from one area to another.

Pollution, Point. A discrete source from which a pollution is generated before it enters receiving waters or the air, such as a sewer outfall or an industrial waste pipe.

Preserve. See “Protect.”

Prime Agricultural Land. Per California Government Code Section 51201(c) and California Public Resources Code Section 30113, the term means any of the following:

- (1) All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications;
- (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating;
- (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S.D.A.;

(4) Land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre;

(5) Land which has returned from the production of unprocessed agricultural plant products on an annual gross value of not less than \$200.00 per acre for three of the five previous years.

Professional Office Use. A use providing professional or consulting services in the fields of, but not limited to, law, architecture, design, engineering, accounting, and similar professions and activities.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific objective. Policies and programs establish the “who,” “how,” and “when” for carrying out the “what” and “where” of goals and objectives.

Project. See “Development.”

Pro Rata. Refers to the proportionate distribution of the cost of infrastructure improvements associated with new development to the users of the infrastructure on the basis of projected use.

Protect. To maintain and preserve beneficial uses in their present condition as nearly as possible. See “Enhance.”

Public Trust Lands. Lands subject to Common Law Public Trust (a sovereign public property right held by the state for the benefit of the people) for commerce, navigation, fisheries, recreation, and other public purposes.

Public Works Project. Any project by a public agency that is included in Section 30114 of the California Coastal Act of 1976 and any energy facility development within the meaning of Section 30107 of the California Coastal Act.

18.45.100 - Definitions (Q)

Quasi-Public. Connected, in part, to the community as a whole, rather than private.

Rare or Endangered Species. A species of animal, fish, wildlife or plant listed in Sections 670.2 or 670.5, Title 14, California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

Recognize. To officially (or by official action) identify or perceive a given situation.

Recreation, Commercial. Recreation facilities open to the general public for a fee, or restricted to members, when operated as a business.

Recreation, Passive. Recreational uses often associated with beach or open space use (e.g., walking, sight-seeing, sunbathing, fishing), which requires little or no alteration of the environment.

Recreational Vehicle or RV. A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

Recreational Vehicle Park. A designated area for the temporary (transient) parking of RVs, which may also include related facilities for RV user use only.

Redevelopment. The legally-authorized process of rehabilitating or rebuilding a deteriorated section of a city using municipal powers and finances to assemble properties, replace infrastructure, or otherwise assist in creating new facilities and stimulating private development.

Regulation. A rule or order prescribed for management of government and the implementation of a city's police powers.

Residential. Land designated by the city's general plan and zoning ordinance for buildings consisting only of dwelling units. May be vacant or unimproved. See "Dwelling Unit."

Residential Care Facility. Elderly housing, usually licensed by the State Health and Welfare Agency, Department of Social Services, typically for residents who are frail and need supervision but no nursing care.

Resources, Nonrenewable. Refers to natural resources, such as fossil fuels and natural gas, which, once used, cannot be replaced and used again.

Rest Home (Group Homes for Adults). Residential homes of any capacity that provide services to adults who need or desire care or supervision, and in which medical services are not provided.

Restaurant/Café. An establishment intended for the preparation and consumption of food and beverages, which may or may not include a bar.

Restore. To renew, rebuild, or reconstruct to a former state.

Restrict. To check, bound or decrease the range, scope, or incidence of a particular condition.

Retrofit. The addition of materials and/or devices to an existing building or system to improve its operation or efficiency.

Right-of-Way. The strip of land over which certain transportation and public use facilities are built, such as roadways, railroads, and utility lines.

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 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 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 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.

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.

Riparian Vegetation. Vegetation commonly occurring adjacent to stream banks and including such plants as willows, alders, cottonwood, wax myrtle, big leaf maple, California bay-laurel, red elderberry, nettle, snow berry, California blackberry, salmon berry, thimbleberry, wild rose,

watercress, western azalea, ferns, wild cucumber, honeysuckle, Baltic rush, cow parsnip, common horsetail, creeping wild-rye, fairy bells, hazelnut, mugwort, pipevine, vine maple, etc.

Risk. The danger or degree of hazard or potential loss.

18.45.110 - Definitions (S)

Satellite TV Receiving Dish. Satellite television antenna is an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit, the purpose of which is to receive television or radio signals from orbiting satellites.

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program which is the main source of federal housing assistance for low-income households. The program operates by providing housing assistance payments to owners, developers, and public housing agencies to make up the difference between the fair market rent of a unit (set by HUD) and the household's contribution toward the rent, which is calculated at 30 percent of the household's adjusted gross monthly income (GMI). "Section 8" includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation. (Administered in Point Arena by the county of Mendocino.)

Senior Housing. Housing designed and typically reserved for senior citizens.

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.

Services, Personal and Professional. Beauty and barber shops; offices for doctors, dentists and others engaged in the human healing arts, provided no overnight care is given; offices for engineers, attorneys, architects, real estate sales, insurance, travel agencies, ambulance services, bail bonds, art and photography studios, and other such services which in the opinion of the planning commission are similar to the above. See also "Personal Services."

Shall. That which is mandatory.

Shared Living. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.

Should. Signifies a directive to be honored if at all possible.

Sign. Any structure, object or other physical contrivance, whether located inside or outside a building, that is visible from any lot line and the primary purpose of which is advertising, endorsement, identification, or information, by means of visual symbols, lettering, illustration, or any other means of directing attention or communicating; including any display surface together with such structures, objects or other physical contrivances as are used in supporting, maintaining, and illuminating the display surfaces.

Sign, Freestanding. A sign which is supported by one or more uprights, poles, or braces in or upon the ground, and which is self-supporting in a fixed location and not attached to a building or structure.

Sign, Off-Site. A sign which is located on a parcel other than that occupied by the product, service business, person, institution or location advertised. Also called an "off-premises sign."

Sign, Temporary. Any sign, including banners, pennants or other advertising display not permanently installed or affixed to a sign structure or building.

Siltation. The accumulating deposition of eroded material; the gradual filling in of streams and other bodies of water with sand, silt, and clay.

Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupation by only one family that is structurally connected with other dwelling units.

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupation by only one family that is structurally independent from any other structure.

Single Room Occupancy. Multiple-unit residential building(s) containing housing units that may have kitchen and/or bathroom facilities and are single room dwelling units or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than 2 persons, for no less than 30 days, and the unit is the occupants' primary residence. A housing facility that is configured as SRO units that meets the State definitions for transitional housing or supportive housing shall be regulated as transitional housing or supportive housing as applicable.

Site. A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street or right-of-way.

Slope. Land gradient described as 100 times the vertical rise divided by the horizontal run. For example, a hill or road which rises in elevation 15 feet in a horizontal length of 100 feet has a slope of 15 percent.

Solar Access. The provision of direct sunlight to an area specified for solar energy collection when the sun's azimuth is within 45 degrees of true south.

Solar System, Active. A system using a mechanical device, such as a pump or a fan, and energy in addition to solar energy, to transport a conductive medium (air or water) between a solar collector and the interior of a building for the purpose of heating or cooling.

Solar System, Passive. A system that uses direct heat transfer from thermal mass instead of mechanical power to distribute collected heat. Passive systems rely on building design and materials to collect and store heat and to create natural ventilation for cooling.

Solid Waste. General category that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood.

Special Purpose Commercial Coach. A vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, which is not required to be moved under permit, and shall include a trailer coach.

Specific Plan. A tool for detailed design and implementation of a defined portion of the area covered by a general plan or by a concept plan in the case of a comprehensive development 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.

Sphere of Influence. The probable ultimate physical boundaries and service area of the city as determined by the Local Agency Formation Commission (LAFCO) of Mendocino County.

Standards. Usually refers to site design regulations, such as lot area, height limit, frontage, landscaping, and floor area ratio, as distinguished from use restrictions; loosely refers to all requirements in the zoning ordinance and in other city ordinances.

Storm Runoff. Surplus surface water generated by rainfall that does not seep into the earth but flows overland to flowing or stagnant bodies of water.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

Stream. A stream mapped by USGS on the seven and one-half 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.

Street. Land owned and designated by the city of Point Arena, Mendocino County or the state of California as a public thoroughfare and which affords the primary means of access to abutting property.

Street Furniture. Those features associated with a street that are intended to enhance that street's physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks, etc.

Street Tree Plan. A plan for city street trees which sets goals for tree canopy densities and solar access, and sets standards for species selection, maintenance, and replacement criteria, and for planting trees in patterns that will define neighborhood character while avoiding monotony or maintenance problems.

Streets, Local. Low speed/low volume roadways that provide direct access to abutting land uses; may allow for driveways to individual units, on-street parking, pedestrian access, sidewalks or walkways, and bicycle paths.

Structure. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Accessory. A detached building or structure, other than a sign, the use of which is incidental to that of a main building or use; any building or structure which is incidental to the conducting of any agricultural use.

Studio. A workroom, which may include a shop, for use by an artist, photographer or crafts person, which contains no kitchen but may include a lavatory and sinks, and is not intended for use as a dwelling unit, and which, unlike a gallery, is not open to the public.

Subdivision. The splitting into new lots or parcels of a larger piece of property, as defined in and subject to the city's subdivision regulations and the state Subdivision Map Act.

Substandard Housing. Residential dwellings which, because of their physical condition, do not provide safe and sanitary housing.

Substantial. Considerable in importance, value, degree, or amount.

Supportive Housing. A building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a “target population”, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use that is permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

18.45.115 - Definitions (T)

Target Population. Means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tentative Map. The initial map setting forth in concept and 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.

Tot Lot. See “Minipark.”

Tourism. The business of providing services for persons traveling for pleasure.

Townhouse or Townhome. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls. Townhouses usually have separate utilities; however, in some condominium situations, common areas are serviced by utilities purchased by a homeowners association on behalf of all townhouse members of the association.

Transitional Housing. –A building or buildings configured as rental housing developments occupied by the “target population”, but operated under programs requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is a residential use that is permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

Travel Trailer. A vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur’s license or both, without violating any provision of the California Vehicle Code.

Trees, Heritage. Trees planted by a group of citizens or by the city in commemoration of an event or in memory of a person figuring significantly in the history of the city.

Trees, Landmark. Trees whose size, visual impact, or association with a historically significant structure or event have led the city to designate them as landmarks.

Trees, Street. Trees strategically planted, usually in parkway strips, sidewalks or road medians, to enhance the visual quality of a street.

Trip. A one-way journey that proceeds from an origin to a destination via a single type of vehicular transportation; the smallest unit of movement considered in transportation studies.

Trip Generation. The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system.

18.45.120 - Definitions (U)

Undevelopable. Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants, or where public policy limits development in order to accomplish a public purpose (i.e., a riparian buffer zone).

Undue. Not proper, or more than necessary.

Unit. The basic term for counting homes. The number of units is the number of homes. A unit may be a single-family house or an apartment in a multi-unit structure.

Urban Design. The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

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.

Urban Open Space. The absence of buildings or development, usually in well-defined volumes, within an urban environment.

Use. The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged pursuant to the city's zoning ordinance and general plan land use designation.

Use by Right. Refers to land uses and activities which are designated in the city's general plan/LCP 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."

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) therefor, subject only to design and environmental and coastal resource impact review procedures and a coastal development permit if in the coastal zone.

Useable Common Open Space. Space required as part of a multifamily residential development that is located and designed in such a way that it is useable by humans and is in addition to required yards, patios, and decks.

Utility Corridors. Rights-of-way or easements for utility lines on either publicly- or privately-owned property. See “Right-of-Way” or “Easement.”

18.45.125 - Definitions (V)

Variance. A permit issued by the city, after making appropriate findings, to construct or carry on an activity not otherwise explicitly permitted under zoning regulations. The legal justification for a variance is that the property owner would otherwise suffer unique hardship under the zoning regulations because his or her particular parcel is different from others to which the regulations apply due to size, shape, topography, or location. As prescribed by California law, variances may not be granted to authorize a use or activity which is not otherwise authorized by the local zoning regulations. A variance shall not be granted if the hardship in question is self-created.

Vendor. Any person who sells, offers for sale, any goods, wares, or merchandise at other than from a fixed place of business; provided, however, these words shall not be construed to apply to commercial travelers selling their goods to merchants or other business establishments licensed by the city, for present or future delivery.

Very Low-Income Household. Households with incomes not exceeding 50 percent of the area median income, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

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 subsequent 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.

View Corridor. The line of sight, identified as to height, width, and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.).

Viewshed. The area within view from a defined observation point.

Volume-to-Capacity Ratio. The ratio of demand flow rate to capacity for a traffic facility.

18.45.130 - Definitions (W)

Warehousing Use. A use engaged in storage, wholesaling, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Watershed. The total area above a given point on a waterway that contributes water to its flow; the entire region drained by a waterway or watercourse which drains into a lake, reservoir or stream.

Waterway. Natural or once-natural flowing (perennially or intermittently) water including rivers, streams, and creeks; includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

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 inches); 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.

Workplace Use. Businesses, from office to research and development to light industry to warehousing, located in structures built with open floor plans, so as to leave most interior improvements to the tenants to design to their needs.

18.45.135 - Definitions (X) Reserved.

18.45.140- Definitions (Y)

Yard. An open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall be measured at right angles to the lot line and shall extend into the lot to the exterior wall of the building.

Yard, Front. A yard extending the full width of the lot abutting the front lot line.

Yard, Rear. A yard extending the full width of the lot abutting the rear lot line.

Yard, Side. A yard which extends from the front yard, or front lot line where no front yard exists, to the rear yard or rear lot line where no rear yard exists, and abutting the side lot line.

18.45.145 - Definitions (Z)

Zone. A portion of the territory of the city of Point Arena within which certain uniform regulations and requirements or combination thereof apply under the provisions of this title. See also “Land Use Categories.”

Zoning. The division of the city by legislative regulations into areas, or zones, which specify allowable uses for real property, and size restrictions for buildings within these areas; a set of regulations and standards that carry out policies of the general plan.

Zoning District. A designated section of the city for which prescribed land use requirements and building and development standards are uniform. See also “Land Use Categories.”

[Ord. 179, 2001; Ord. 243 § 10.03, 2024.]

Section 11. Environmental Compliance. Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the City to the California Coastal Commission.

Section 12. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 13. Effective Date. This ordinance shall become effective upon certification by the California Coastal Commission.

This Ordinance No. 243 was introduced by the City Council of the City of Point Arena, County of Mendocino, at a regular meeting thereof on the 26th day of March 2024 and passed and adopted on the 23rd day of April 2024, by the following roll call vote:

AYES: **Burkey, Koogle, Hansen, Doyle**

ABSENT: **Dobbins**

SO ORDERED:

ATTEST:

Barbara Burkey
Mayor

Peggy Ducey
Interim City Manager