

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET  
FAX (408) 454-2131

SANTA CRUZ, CALIFORNIA 95060  
(408) 454-2580

ATTACHMENT 12

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## NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

### N/A COUNTY OF SANTA CRUZ

Proposal to amend Sections 13.10.260, 13.10.265, 13.10.332, 13.10.342, 13.10.510, 13.10.658, and 13.10.700 and add sections 13.10.261 and 13.10.262 of the County Code relating to Nonconforming Uses, and amend Sections 2.12.3 and 8.4.2 of the General Plan/Local Coastal Program regarding Residential Uses in Commercial Designations and Retaining Existing Housing.

**APN(s): N/A**      **Glenda Hill, planner**      **Zone District(s): N/A**

### Findings:

This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have a significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

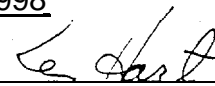
### Required Mitigation Measures or Conditions:

☒ None

☐ Are Attached

Review Period Ends March 25, 1998

Date Approved By Environmental Coordinator March 26, 1998

  
KEN HART  
Environmental Coordinator  
(408) 454-3127

If this project is approved, complete and file this notice with the Clerk of the Board:

### NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by \_\_\_\_\_

on \_\_\_\_\_. No EIR was prepared under CEQA.

THE PROJECT WAS DETERMINED TO NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Date completed notice filed with Clerk of the Board: \_\_\_\_\_

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

Date: 2/10/98  
Staff Planner: Glenda Hill

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## ENVIRONMENTAL REVIEW INITIAL STUDY

APPLICANT: County of Santa Cruz  
OWNER: N/A  
Application No: N/A  
Site Address: None

APN: N/A  
Supervisory District: all  
Location: Countywide

### EXISTING SITE CONDITIONS      All not applicable - no site specific proposal

Parcel Size:  
Existing Land Use:  
Vegetation:  
Slope: 0-15% \_\_, 16-30% \_\_, 31-50% \_\_, 51% \_\_ acres/sq.ft.  
Nearby Watercourse:  
Distance To:  
Rock/Soil Type:

### ENVIRONMENTAL CONCERNS      All not applicable - no site specific proposal

Groundwater Supply:	Liquefaction
Water Supply Watershed:	Fault Zone:
Groundwater Recharge:	Floodplain:
Timber and Mineral:	Riparian Corridor:
Biotic Resources:	Solar Access:
Fire Hazard:	Solar Orientation:
Archaeology:	Scenic Corridor:
Noise Constraint:	Electric Power Lines:
Erosion:	Agricultural Resource:
Landslide:	

### SERVICES      All not applicable - no site specific proposal

Fire Protection:	Drainage District:
School District:	Project Access:
Water Supply:	
Sewage Disposal:	

### PLANNING POLICIES      All not applicable - no site specific proposal

Zone District:	Within USL:
General Plan:	Special Designation:
Coastal Zone:	

### PROJECT DESCRIPTION:

Proposal to amend Sections 13.10.260, 13.10.265, 13.10.332, 13.10.342, 13.10.510, 13.10.658, and 13.10.700 and add Sections 13.10.261 and 13.10.262 of the County Code relating to Nonconforming Uses, and amend Sections 2.12.3 and 8.4.2 of the General Plan/Local Coastal Program regarding Residential Uses in Commercial Designations and Retaining Existing Housing

**DISCUSSION:**

The proposed amendment will create, in the County Code, a section of General Provisions that apply to all nonconforming uses and specific regulations for Residential nonconforming uses. Regulations regarding commercial, industrial, historic, and agricultural nonconforming uses are not addressed or changed in this amendment.

The purpose of the Nonconforming Use regulations is proposed to be changed to differentiate between nonconforming uses and significantly nonconforming uses. Significantly nonconforming uses are proposed to be defined as those uses which are inconsistent with their General Plan land use designation. Regulations are proposed that will accelerate their termination.

Nonconforming uses are proposed to be considered as possibly detrimental and regulations are proposed that may allow repair, alteration, and reconstruction based on the degree of nonconformity.

The proposed General Provisions will consolidate existing regulations and add: applicant's burden of proof in determining nonconforming status; regulations concerning reconstruction of nonconforming uses damaged by the Loma Prieta Earthquake; an exception allowing structural work for the sole purpose of coming into compliance with State and Federal accessibility standards; the requirement for the recordation of a Statement of Acknowledgment of nonconforming or significantly nonconforming use status.

The proposed Residential regulations are being rewritten to implement the 1994 General Plan's policies regarding retention of housing stock. Significantly nonconforming uses will be restricted to repair in kind and structural alterations to mitigate an imminent threat. Nonconforming uses will be allowed to be repaired, altered, or reconstructed upon issuance of Development Permits processed at various levels of review based on the degree of nonconformity. Physical expansion will be allowed in most cases.

Regulations are also being proposed to implement Senate Bill 2112, which allows for reconstruction of nonconforming multifamily dwellings damaged or destroyed by fire, natural disaster, or the public enemy. All allowed work must be in conformance with all other Chapters of the County Code and specific findings must be made in order to approve a Development Permit for such reconstruction,

Two Sections of the General Plan/Local Coastal Program are proposed to be amended:

Section 2.12.3 would be amended to eliminate the provision for a one time expansion of a residential use on property with a Commercial land use designation. As this use is proposed to be considered significantly nonconforming, expansion of the use would not be consistent with the proposed purpose of the significantly nonconforming use regulations. Expansions of residential uses in approved mixed use developments would remain allowable, and the provision for increased residential to commercial ratio found in the County Code would be added to bring consistency.

Section 8.4.2 would be amended to strengthen the language for retention of existing nonconforming multi family housing.

Adoption of these amendments to the County Code and General Plan/LCP will require public hearings before the Planning Commission and Board of Supervisors.

## NTAL REVIEW CHECKLIST

## PROJECT SETTING:

*Proposed amendments will be effective countywide.*

## A. GEOLOGIC FACTORS

Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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Could the project, or its related activities affect, or be affected by, the following:

1. Geologic Hazards: earth-  
quakes (particularly surface  
ground rupture, liquefaction,  
seismic shaking). landslides,  
mud slides or other slope  
instability, or similar  
hazards?

X

*All development authorized by this amendment will be subject to Chapter 16.10 , General Plan Policy 8.2.2, and required to obtain Geologic Hazards Assessments and Geologic Reports. if necessary.*

2. Soil Hazards: soil creep,  
shrink swell (expansiveness).  
high erosion potential?

X

*All development authorized by this amendment will be subject to obtaining soils reports, if necessary.*

3. Change in topography or ground  
surface relief features?

X

*All development authorized by this amendment will be subject to Chapter 16.20 and General Plan Policy 8.2.2.*

4. The destruction, covering or  
modification of any unique  
geologic or physical feature?

—

—

—

X

5. Steep slopes (over 30%)?

X

—

*All development authorized by this amendment will be subject to General Plan Policy 63.9.*

6. Coastal cliff erosion?

X

—

*All development authorized by this amendment will be subject to Chapter 16.10.*

7. Beach sand distribution?

X

*All development authorized by this amendment will be subject to Chapter 16. 10.*

8. Any increase in wind or water  
erosion of soils, either on

Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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or off site? X

## B. HYDROLOGIC FACTORS

Could the project affect, or be affected by, the following:

1. Water related hazards such as flooding or tidal waves? X

*A?? development authorized by this amendment will be subject to Chapter 16.10.*

2. Private or public water supply?      X

*A?? development authorized by this amendment will be subject to the requirements of the Environmental Health Department.*

3. Septic system functioning (inadequate percolation, high watertable, proximity to water courses)?      X

*A?? development authorized by this amendment will be subject to the requirements of the Environmental Health Department.*

4. Increased siltation rates?      X

*A?? development authorized by this amendment will be subject to the requirements of Chapter 16.24.*

5. Surface or ground water quality (contaminants including silt-urban runoff, nutrient enrichment, pesticides, etc.)?      X

6. Quantity of ground water supply, or alteration in the direction or rate of flow of ground waters?      X

7. Groundwater recharge?           X

8. Watercourse configuration, capacity, or hydraulics?                X

9. Changes in drainage patterns or the rate and amount of runoff?      X

*A?? development authorized by this amendment will be subject to Chapter 16.22.*

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	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
10. Cumulative saltwater intrusion?				<u>X</u>
11. Inefficient or unnecessary water consumption?				<u>X</u>
12. Change in the amount of surface water in any water body?	<u>      </u>	<u>      </u>		<u>X</u>

## C. BIOTIC FACTORS

Could the project affect, or be affected by, the following:

- I. Known habitat of any unique, rare or endangered plants or animals (designate species if known)?

X      

*All development authorized by this amendment will be subject to Chapter 16.32.*

2. Unique or fragile biotic community (riparian corridor, wetland, coastal grasslands, special forests, intertidal zone, etc)?

X

*All development authorized by this amendment will be subject to Chapters 16.30 and 16.32.*

3. Fire hazard from flammable brush, grass, or trees?

X

*All development authorized by this amendment will be subject to the Fire Agencies' requirements and the requirement to utilize a fire retardant Class C or better roof covering.*

4. Change in the diversity of species, or number of species of plants or animals?

X

## D. NOISE

Will the project:

1. Increase the ambient noise level for adjoining areas?
2. Violate Title 25 noise insulation standards, or General Plan noise standards,

      X

	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
as applicable?		<u>      </u>	<u>      </u>	<u>  X  </u>
3. Be substantially affected by existing noise levels?		<u>      </u>		<u>  X  </u>

**E. AIR**

Will the project:

1. Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
2. Expose sensitive receptors to substantial pollutant concentrations?	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
3. Release bioengineered organisms or chemicals to the air outside of project buildings?	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
4. Create objectionable odors?	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
5. Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect areas, or change the climate either in the community in the community or region?				<u>  X  </u>

**F. ENERGY AND NATURAL RESOURCES**

Will the project:

1. Affect or be affected by timber resources?				<u>  X  </u>
2. Affect or be affected by lands currently utilized for agriculture or designated for agricultural use?			<u>  X  </u>	<u>      </u>

*All development authorized by this amendment will be subject to Chapter 16.50,*

3. Encourage activities which result in the use of large

Significant:  
No or Unknown  
Mitigation

Potentially  
Significant  
Unless  
Mitigated

Less Than  
Significant  
Impact

No  
Impact

amounts of fuel, water, or  
energy, or use of these in  
a wasteful manner? \_\_\_\_\_

4. Have a substantial effect on  
the potential use, extraction,  
or depletion of a natural  
resource (i.e., minerals or  
energy resources)? \_\_\_\_\_ X

## G. CULTURAL/AESTHETIC FACTORS

Will the project result in:

1. Alteration or destruction of  
of historical buildings or  
unique cultural features? \_\_\_\_\_ X

*All development authorized by this amendment will be subject to Chapter 16.42*

2. Disturbance of archaeological  
or paleontological resources? \_\_\_\_\_ X \_\_\_\_\_

*All development authorized by this amendment will be subject to Chapters 16.10 and 16.44.*

3. Obstruction or alteration  
of views from areas having  
important visual/scenic values? \_\_\_\_\_ X

4. Being visible from any adopted  
scenic highway or scenic  
corridor? \_\_\_\_\_ X

*It is possible that reconstructions authorized by this amendment would be visible from a scenic  
corridor; however, the projects would be evaluated for consistency with General Plan Policy 5.10.2.*

5. Interference with established  
recreational, educational,  
religious or scientific uses  
of the area? \_\_\_\_\_ X

## H. SERVICES AND UTILITIES

Will the project or its related activities result in:

1. A breach of national, state,  
or local standards relating  
to solid waste or litter  
management? \_\_\_\_\_ X



	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No Impact
2. Expansion of or creation of new utility facilities (c.g., sewage plants, water storage, mutual water systems, storm drainage, etc.) including expansion of service area boundaries?		—	—	<u>X</u>
3. A need for expanded governmental services in any of the following areas:				
a. Fire protection?	—	—	—	<u>X</u>
b. Police protection?		—	—	<u>X</u>
c. Schools?		—		<u>X</u>
d. Parks or other recreational facilities?				<u>X</u>
e. Maintenance of public facilities including roads?				<u>X</u>
f. Other governmental services?	—	—	—	<u>X</u>
4. Inadequate water supply for fire protection?	—			<u>X</u>
5. Inadequate access for fire protection?				<u>X</u>

## I. TRAFFIC AND TRANSPORTATION

Will the project result in:

- |  |   |   |   |          |
|--|---|---|---|----------|
| 1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system? | — | — | — | <u>X</u> |
| 2. Cause substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?     |   | — | — | <u>X</u> |
| 3. Cause a substantial increase in parking demand which cannot   |   |   |   |          |

	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
bc accommodated by existing parking facilities?				<u>X</u>
4. Alterations to present patterns of circulation or movement of people and/or goods?				<u>X</u>
5. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<u>    </u>	<u>    </u>		<u>X</u>
6. Cause preemption of public mass-transportation modes?				<u>X</u>

#### J. LAND USE/HOUSING

Will the project result in:

- |  |             |          |
|--|-------------|----------|
| 1. Reduction of low/moderate income housing? | <u>    </u> | <u>X</u> |
|--|-------------|----------|

*It is possible that the rent charged, for reconstructed multi family housing may be higher.*

- |  |             |          |
|--|-------------|----------|
| 2. Demand for additional housing?  | <u>    </u> | <u>X</u> |
| 3. A substantial alteration of the present or planned land use of an area? | <u>    </u> | <u>X</u> |

*Allowing repair and reconstruction of existing nonconforming residential uses will preserve present land uses and possibly impede planned land uses; however, retaining existing housing stock is strong/y encouraged in the General Plan/LCP.*

- |  |  |          |
|--|--|----------|
| 4. Change in the character of the community in terms of terms of distribution or concentration of income, income, ethnic, housing, or age group? |  | <u>X</u> |
| 5. Land use not in conformance with the character of the surrounding neighborhood?   |  | <u>X</u> |

*Proposed findings must be made that development allowed by this amendment will not be detrimental to the surrounding neighborhood.*

#### K. HAZARDS

Will the project:

- |   |  |
|---|--|
| 1. Involve the use, production or disposal of materials which |  |
|---|--|

	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
pose hazard to people, animal or plant populations in the area affected?				<u>X</u>
2. Result in transportation of significant amounts of hazardous materials, other than motor fuel?		<u>      </u>	<u>      </u>	<u>X</u>
3. Involve release of any bioengineered organisms outside of controlled laboratories?		<u>      </u>		<u>X</u>
4. Involve the USC of any pathogenic organisms on site?				<u>X</u>
5. Require major expansion or special training of police, fire, hospital and/or ambulance services to deal with possible accidents?	<u>      </u>		<u>      </u>	<u>X</u>
6. Create a potential substantial fire hazard?	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
7. Expose people to electro- magnetic fields associated with electrical transmission lines?				<u>      </u>

## L. GENERAL PLANS AND PLANNING POLICY

1. Does the project conflict with any policies in the adopted General Plan or Local Coastal Program? If so, how?	<u>      </u>	<u>      </u>	<u>X</u>
--	---------------	---------------	----------

*The General Plan/LCP is proposed to be amended to delete conflicting language regarding expansion of significantly nonconforming residential uses in Commercial districts.*

2. Does the project conflict with any local, state or federal ordinances? If so: how?			<u>X</u>
--	--	--	----------

*The proposed amendment will bring the County's Nonconforming Use regulations into conformance with Federal Law regarding ADA requirements and State law, specifically Senate Bill 2112 and Title 24 accessibility requirements.*

	Significant: No or Unknown <u>Mitigation</u>	Potentially Significant Unless <u>Mitigated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
3. Does the project have potentially growth inducing effect?	<u>      </u>			<u>  X  </u>
4. Does the project require approval of regional, state, or federal agencies? Which agencies?				

*As an implementing ordinance of the Local Coastal Program, this proposed ordinance amendment will require final certification by the California Coastal Commission.*

## MANDATORY FINDINGS OF SIGNIFICANCE

- |  | <u>YES</u>    | <u>NO</u>    |
|--|---------------|--------------|
| 1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? | <u>      </u> | <u>  X  </u> |
| 2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts will endure well into the future.)  | <u>      </u> | <u>  X  </u> |
| 3. Does the project have impacts which are individually limited but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant. Analyze in the light of past projects, other current projects, and probable future projects.)  |               | <u>  X  </u> |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <u>      </u> | <u>  X  </u> |



**ENVIRONMENTAL REVIEW ACTION**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project. A NEGATIVE DECLARATION will be prepared.

\_\_\_\_\_ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

For:  
Environmental Coordinator

Attachments:

- 1.
- 2.
- 3.
- 4.
- 5.