



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

## NOTICE OF ENVIRONMENTAL REVIEW PERIOD

### SANTA CRUZ COUNTY

APPLICANT: County of Santa Cruz

APPLICATION NO.: Vacation Rental Section of County Code

PARCEL NUMBER (APN): County Wide

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration  
(Your project will not have a significant impact on the environment.)

       Mitigations will be attached to the Negative Declaration.

XX No mitigations will be attached.

       Environmental Impact Report  
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Matt Johnston, Environmental Coordinator at (831) 454-3201, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: January 19, 2011

Staff Planner: Steve Guiney

Phone: (831) 454-3182

Date: December 17, 2010



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## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ENVIRONMENTAL REVIEW INITIAL STUDY

**Date:** December 17, 2010

**Application Number:** N/A

**Staff Planner:** Steve Guiney

### I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

**APPLICANT:** County of Santa Cruz

**APN(s):** N/A

**OWNER:** N/A

**SUPERVISORAL DISTRICT:** All

**PROJECT LOCATION:** The proposed ordinance (see Attachment 1) would apply to all residentially zoned parcels located within the unincorporated portion of Santa Cruz County.

**SUMMARY PROJECT DESCRIPTION:** The proposed project would add Section 13.10.694 to the County Code to regulate vacation rentals, which are currently not regulated. The proposed vacation rental ordinance would: 1) apply countywide; 2) require a permitting/registration process; 3) require payment of Transient Occupancy Tax (TOT); 4) require signage identifying a structure as a vacation rental and a local contact responsible for responding to complaints; 5) require a dispute resolution process; and 6) subject the property owner to the enforcement provisions found in County Code Chapter 19. In the "Live Oak Designated Area" only, limits on the total number of vacation units in the area and on any block would be established.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.

- |   |   |
|---|---|
| <input type="checkbox"/> Geology/Soils                        | <input type="checkbox"/> Noise                            |
| <input type="checkbox"/> Hydrology/Water Supply/Water Quality | <input type="checkbox"/> Air Quality                      |
| <input type="checkbox"/> Biological Resources                 | <input type="checkbox"/> Greenhouse Gas Emissions         |
| <input type="checkbox"/> Agriculture and Forestry Resources   | <input type="checkbox"/> Public Services                  |
| <input type="checkbox"/> Mineral Resources                    | <input type="checkbox"/> Recreation                       |
| <input type="checkbox"/> Visual Resources & Aesthetics        | <input type="checkbox"/> Utilities & Service Systems      |
| <input type="checkbox"/> Cultural Resources                   | <input checked="" type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Hazards & Hazardous Materials        | <input type="checkbox"/> Population and Housing           |

☐ Transportation/Traffic

☐ Mandatory Findings of Significance

**DISCRETIONARY APPROVAL(S) BEING CONSIDERED:**

☐ General Plan Amendment

☐ Coastal Development Permit

☐ Land Division

☐ Grading Permit

☐ Rezoning

☐ Riparian Exception

☐ Development Permit

☒ Other: Amend Zoning Ordinance

**NON-LOCAL APPROVALS**

Other agencies that must issue permits or authorizations: California Coastal Commission

**DETERMINATION:** (To be completed by the lead agency)

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 revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Matthew Johnston  
Environmental Coordinator

12/20/2010

Date

## **II. BACKGROUND INFORMATION**

### **EXISTING SITE CONDITIONS**

Parcel Size: Various

Existing Land Use: Residential

Vegetation: Varied

Slope in area affected by project: ☒ 0 - 30% ☒ 31 - 100%

Nearby Watercourse: Various

Distance To: Varied

### **ENVIRONMENTAL RESOURCES AND CONSTRAINTS**

Water Supply Watershed: Mapped

Groundwater Recharge: Mapped

Timber or Mineral: Mapped

Agricultural Resource: Mapped

Biologically Sensitive Habitat: Mapped

Fire Hazard: Mapped

Floodplain: Mapped

Erosion: Mapped

Landslide: Mapped

Liquefaction: Mapped

Fault Zone: Mapped

Scenic Corridor: Mapped

Historic: Numerous

Archaeology: Mapped

Noise Constraint: Mapped

Electric Power Lines: No Issues

Solar Access: Varied

Solar Orientation: Varied

Hazardous Materials: Potential

Other: N/A

### **SERVICES**

Fire Protection: All

School District: All

Sewage Disposal: Sewer and Septic

Drainage District: All

Project Access: N/A

Water Supply: Water Districts, Private Wells

### **PLANNING POLICIES**

Zone District: All residential zone districts

General Plan: All residential designations

Urban Services Line: ☒ Inside

Coastal Zone: ☒ Inside

Special Designation: N/A

☒ Outside

☒ Outside

### **ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:**

The proposed vacation rental ordinance would apply to all residential zone districts in the unincorporated portion of the county and therefore to all of the various environments of the county. Surrounding land uses would be all of the land uses found in the unincorporated portion of the county, but mostly would be residential land uses.

### **PROJECT BACKGROUND:**

This proposal is to add sections to the County Code regulating vacation rentals in all residential zone districts in the unincorporated portion of the County. Vacation rentals in residential areas are currently not regulated in County Code.

General Plan Housing Element Program 4.13 directs the Planning Department and the Board of Supervisors to "[d]evelop Policies for regulating the conversion of existing housing units to vacation rentals in order to limit the impact of such conversions on the

stock of housing and on the integrity of single-family neighborhoods.” In June of 2010, the Board of Supervisors directed the Planning Department to draft an ordinance regulating vacation rentals.

#### **DETAILED PROJECT DESCRIPTION:**

The proposed vacation rental ordinance would apply countywide, would require a permitting/registration process, would required payment of TOT, would require signage identifying a structure as a vacation rental and a local contact responsible for responding to complaints, would require a dispute resolution process, and would subject the property owner to the enforcement provisions found in County Code Chapter 19. The following language would be incorporated into the County Code if adopted.

#### **SECTION I**

Section (b) of Section 13.10.322 of the Santa Cruz County Code is hereby amended to add the use “Vacation Rental” to the Visitor accommodations category of the residential use chart after the use “Bed and breakfast inns (subject to Section 13.10.691)”, to read as follows:

USE	RA	RR	R-1	RB	RM
Vacation rentals (subject to Section 13.10.694)	2P	2P	2P	2P	2P

**Notes:**

- RA – single-family residential and agricultural (rural)
- RR – single-family residential (rural)
- R-1 – single-family residential (urban, rural)
- RB – single-family residential (oceanfront, urban)
- RM – multiple-family residential (urban) including appurtenant accessory uses and structures
- 2 – Approval Level II (administrative, plans required)
- P – Principal permitted use (see Section 13.10.312(a))

#### **SECTION II**

The Santa Cruz County Code is hereby amended by adding Section 13.10.694 to read as follows:

##### **13.10.694 Vacation Rentals.**

- (a) The purpose of this section is to establish regulations applicable to dwellings on residentially zoned parcels that are rented as vacation rentals for periods of not more than thirty days at a time. These regulations are in addition to all other provisions of this Title.
- (b) Vacation rentals are allowed only in residential zone districts.
- (c) For the purposes of this section, the following terms have the stated meanings.
  - (1) Existing vacation rental means a dwelling unit that was used as a vacation rental prior to June 22, 2010.
  - (2) New vacation rental means a dwelling unit that was not used as a vacation rental prior to June 22, 2010.
  - (3) The Live Oak Designated Area means the Yacht Harbor Special Community as described in the General Plan – Local Coastal Program and depicted on the General Plan – Local Coastal Program map and that portion of Live Oak that lies east and south of East Cliff Drive and Portola Drive from the

intersection of 9th Avenue and East Cliff Drive to the intersection of Portola Drive and 41st Avenue, as depicted in Attachment 2.

(4) Block means the properties abutting both sides of a street and extending from one intersecting street to another or to the terminus of the street.

(d) Permit requirements. A vacation rental permit and Transient Occupancy Tax registration are required for each residential vacation rental. Each vacation rental permit shall expire five years from the date of issuance unless an application for renewal has been submitted and is deemed complete prior to the expiration date. No application for renewal of a vacation rental permit shall be accepted more than 180 days before the expiration date. The Planning Director may approve extensions of permit expiration dates or application submittal dates based on demonstrated hardship to the applicant or for other good cause.

(1) Existing vacation rentals. An initial permit shall be obtained. The applicant shall demonstrate that a dwelling unit was being used as a vacation rental prior to June 22, 2010. No public hearing shall be required and no notice of an application for a permit for an existing vacation rental shall be given. For an existing vacation rental to be considered a legal use, the applicant shall provide the following to the Planning Department within 90 days after the certification of this ordinance by the California Coastal Commission:

(A) Completed application form

(B) Plans drawn to scale including the following:

- (i) Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces
- (ii) Floor plan showing all rooms with each room labeled as to room type

(C) Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this Chapter

(D) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to the following: number of guests allowed (2/bedroom + 2, children under 12 not counted; maximum number of people at an event not to exceed twice the number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only), etc.

(E) Proof that a dwelling unit was being used as a vacation rental prior to June 22, 2010. Such proof may consist of, among other things, the following items:

- (i) Documentation that the owner paid County of Santa Cruz Transient Occupancy Tax for the use of the vacation rental; or
- (ii) Documentation that the owner allowed transient guests to occupy the subject property in exchange for compensation and the applicant furnishes reliable information, including but not limited to, records of

occupancy and tax documents, guest reservation lists, and receipts, showing payment totals and dates of stay.

(F) Retroactive payment of Transient Occupancy Tax. For those applicants who provide adequate documentation that a dwelling unit was used as a vacation rental prior to June 22, 2010, but where the owner has not registered and paid Transient Occupancy Tax, proof of retroactive payment of the Transient Occupancy Tax amount due to the County to the extent allowed by law for the time during which a dwelling unit was being used as a vacation rental shall be submitted.

(G) Number of people allowed. The maximum number of guests allowed in an existing individual residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings not exceeding 12 hours in duration, during which time the total number of people allowed is twice the allowed number of guests. Children under 12 are not counted toward the maximums.

(2) New vacation rental. Except as provided in County Code Section 18.10.124(b), no public hearing shall be required and action on these applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance of the permit, pursuant to County Code Section 18.10.222(c) and (d). Appeals of the proposed action on the application may be made by the applicant or any member of the public. Pursuant to County Code Section 18.10.124(b), the Planning Director may refer the application to the Zoning Administrator or Planning Commission for a public hearing.

(A) When a public hearing is required, notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to County Code Section 18.10.223.

(B) In the Live Oak Designated Area, no new vacation rental shall be approved if parcels with existing vacation rentals on the same block total 20 percent or more of the total residential parcels on that block. In addition, no more than 15 percent of all of the residential parcels in the Live Oak Designated Area, excluding those in the Mobile Home Combining District may contain vacation rentals. Notwithstanding these maximums, each block in the Live Oak Designated Area may have at least one vacation rental.

(C) Applicants for a permit for a new vacation rental shall provide the following to the Planning Department:

(i) Completed application form

(ii) Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this Chapter, except that if the application requires a public hearing due to referral of application to the Zoning Administrator or Planning Commission, then the application will be converted to an "at cost" application and the applicant will be billed for staff time associated with processing the application.

(iii) Plans drawn to scale including the following:

I. Plot plans showing location of all property lines, location of all existing buildings, and location and dimensions of on-site parking spaces

II. Floor plan showing all rooms with each room labeled as to room type

(iv) Copy of a rental/lease agreement, which shall include, but not necessarily limited to the following: number of guests allowed (2/bedroom + 2, children under 12 not counted; maximum number of people at an event not to exceed twice the number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only), etc.

(v) Copy of a County of Santa Cruz Transient Occupancy Registration Certificate for the purpose of the operation of a vacation rental.

(D) Number of people allowed. The maximum number of tenants allowed in a new residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and large gatherings not exceeding 12 hours in duration, during which time the total number of people allowed is twice the allowed number of guests. Children under 12 are not counted toward the maximums.

(3) Renewal of vacation rental permits. An application to renew a vacation rental permit shall be made no sooner than 180 days before expiration of the permit existing permit. Determination of the completeness of the application shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in County Code Section 18.10.124(b), no public hearing shall be required and action on permit renewal applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance or denial of the permit, pursuant to County Code Section 18.10.222(c) and (d). Appeals of the proposed action on the renewal application may be made by the applicant or any member of the public.

(A) If a public hearing is required, the Planning Director shall schedule the public hearing before either the Zoning Administrator or the Planning Commission, at the Planning Director's discretion. Notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to County Code Section 18.10.223.

(B) Applicants for renewal of a vacation rental permit shall provide the following to the Planning Department:

(i) Completed application form

(ii) Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this Chapter, except that if



the application requires a public hearing due to referral of the application to the Zoning Administrator or Planning Commission, then the application will be converted to an "at cost" application and the applicant will be billed for staff time associated with processing the application.

(iii) For those properties located in the Live Oak Designated Area, proof of payment of Transient Occupancy Tax for the use of the dwelling as a vacation rental and a summary of the dates the unit was used as a vacation rental between the time of issuance of the existing permit and the date of application for the renewal. Lack of a significant level of rental activity may result in denial of a renewal application.

(e) Local contact person. All vacation rentals shall designate a contact person within a 30-mile radius of the vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A property owner who lives within a 30-mile radius of the vacation rental may designate himself or herself as the local contact person.

The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners of all properties located within a 300 foot radius of the boundaries of the parcel on which the vacation rental is located. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

(f) Signs. All vacation rentals shall have a sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information, which shall be placed in a front or other window facing a public street or may be affixed to the exterior of the front of the structure facing a public street. The sign may be of any shape, but may not exceed 216 square inches. There is no minimum sign size so long as the information on the sign is legible.

(g) Posting of rules. Vacation rental rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to, the following: number of guests allowed (2/bedroom + 2, children under 12 not counted; maximum number of people at an event not to exceed twice the number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only), etc.

(h) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted inside the vacation rental in a location readily visible to all guests. No use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor or vibration detrimental to occupants of adjoining dwellings is allowed.

(i) Transient Occupancy Tax. Each residential vacation rental owner shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

(j) Dispute resolution. By accepting a vacation rental permit, vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(k) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). If more than two documented, significant violations occur within any 12-month period a permit may be reviewed for possible amendment or revocation. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement; and copies of Homeowner Association warnings, reprimands, or other Association actions.

(l) It is unlawful to make a false report to the Sheriff's Office regarding activities associated with vacation rentals.

### **SECTION III**

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" following the definition of "VA" to read as follows:

**Vacation Rental.** A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments or manufactured homes in a mobile home park), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than (a) ongoing month-to-month tenancy granted to the same renter for the same unit, (b) one less-than-thirty day period per year, or (c) a house exchange for which there is no payment. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals.

### **SECTION IV**

This ordinance shall take effect on the 31st day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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### III. ENVIRONMENTAL REVIEW CHECKLIST

#### A. GEOLOGY AND SOILS

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                          |                          |                          |                                     |
| A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

#### Discussion (A through D):

State

#### Alquist-Priolo Earthquake Fault Zoning Act

Each fault located within Santa Cruz County is capable of generating moderate to severe ground shaking from a major earthquake. Consequently, large earthquakes can be expected in the future. The October 17, 1989 Loma Prieta earthquake (magnitude 7.1) was the second largest earthquake in central California history.

The proposed ordinance would apply to all residential zone districts in the county, some of which are located within the limits of the State Alquist-Priolo Special Studies Zone (County of Santa Cruz, 2001). The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single-family wood-frame and steel-frame dwellings up to two stories that are not part of a development of four units or more are exempt.

#### International Building Code/Uniform Building Code

The Uniform Building Code (UBC) was first enacted by the International Conference of Building Officials (ICBO) on October 18-21, 1927. Revised editions of this code are published approximately every 3 years until 1997, which was the final year of the code. The UBC (1997) includes provisions associated with engineering design and building requirements. The UBC was replaced in 2000 by the new International Building Code (IBC) published by the International Code Council (ICC). The ICC was a merger of three predecessor organizations, which published three different building codes.

#### California Building Standards Code

The California Building Code (CBC) is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 2, which is a portion of the California Building Standards Code and establishes minimum requirements for a buildings structural strength and stability to safeguard the public health, safety and general welfare. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under state law, all building standards must be centralized in Title 24 or they are not enforceable. Published by the International Conference of Building Officials, the UBC is a widely adopted model building code in the United States. The California Building Code incorporates by reference the 2006 International Building Code with necessary California amendments.

#### Local

#### County of Santa Cruz General Plan and Local Coastal Program

The County of Santa Cruz General Plan and Local Coastal Program (LCP) was adopted by the Board of Supervisors in May of 1994 and certified by the California Coastal Commission in December of 1994. The following policies are applicable to geology and soils.

Policy 6.1.4: Site Investigation Regarding Liquefaction Hazard (LCP). Require site-specific investigation by a certified engineering geologist and/or civil engineer of all development proposals of more than four residential units in areas designated as having a high or very high liquefaction potential. Proposals of four units and under and non-residential projects shall be reviewed for liquefaction hazard through environmental review and/or geologic hazards assessment, and when a significant potential hazard exists a site-specific investigation shall be required.

Policy 6.3.4: Erosion Control Plan Approval Required for Development (LCP). Require approval of an erosion control plan for all development, as specified in the Erosion

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Control Ordinance. Vegetation removal shall be minimized and limited to that amount indicated on the approved development plans, but shall be consistent with fire safety requirements.

Policy 6.3.5: Installation of Erosion Control Measures. Require the installation of erosion control measures consistent with the Erosion Control Ordinance, by October 15, or the advent of significant rain, or project completion, whichever occurs first. Prior to October 15, require adequate erosion control to be provided to prevent erosion from early storms. For development activities, require protection of exposed soil from erosion between October 15 and April 15 and require vegetation and stabilization of disturbed areas prior to completion of the project. For agricultural activities, require that adequate measures are taken to prevent excessive sediment from leaving the property.

Policy 6.3.7: Reuse of Topsoil and Native Vegetation Upon Grading Completion. Require topsoil to be stockpiled and reapplied upon completion of grading to promote regrowth of vegetation; native vegetation should be used in replanting disturbed areas to enhance long-term stability.

Policy 6.3.8: On-Site Sediment Containment (LCP). Require containment of all sediment on the site during construction and require drainage improvements for the completed development that will provide runoff control, including onsite retention or detention where downstream drainage facilities have limited capacity. Runoff control systems or Best Management Practices shall be adequate to prevent any significant increase in site runoff over pre-existing volumes and velocities and to maximize on-site collection of non-point source pollutants.

Policy 6.3.9: Site Design to Minimize Grading (LCP). Require site design in all areas to minimize grading activities and reduce vegetation removal based on the following guidelines:

- (a) Structures should be clustered;
- (b) Access roads and driveways shall not cross slopes greater than 30 percent; cuts and fills should not exceed 10 feet, unless they are wholly underneath the footprint and adequately retained;
- (c) Foundation designs should minimize excavation or fill;
- (d) Building and access envelopes should be designated on the basis of site inspection to avoid particularly erodible areas;
- (e) Require all fill and sidecast material to be recompacted to engineered standards, reseeded, and mulched and/or burlap covered.

The proposed Vacation Rental Ordinance would be consistent with the goals, policies and standards established within the elements of the General Plan that are intended to protect the safety of the community; and therefore, the adoption and enforcement of Section 13.10.694 of the County Code would not result in significant geological impacts. Furthermore, all future vacation rental housing development and rehabilitation would be required to be consistent with existing state and local building

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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codes, which are designed to ensure that new construction would not expose people to significant geological impacts. However, because the proposal would not authorize or facilitate new development no impact from adoption or enforcement of the proposed ordinance would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Liquefaction tends to occur in loose, saturated fine-grained sands, course silts or clays with low plasticity. The liquefaction process typically occurs at depths less than 50 feet below the ground surface, although liquefaction can occur at deeper intervals, given the right conditions. The most susceptible zone occurs at depths shallower than 30 feet below the ground surface. In order for liquefaction to occur there must be the proper soil type, soil saturation, and cyclic accelerations of sufficient magnitude to progressively increase the water pressures within the soil mass. Non-cohesive soil shear strength is developed by the point-to-point contact of the soil grains. As the water pressures increase in the void spaces surrounding the soil grains, the soil particles become supported more by the water than the point-to-point contact. When the water pressures increase sufficiently, the soil grains begin to lose contact with each other resulting in the loss of shear strength and continuous deformation of the soil where the soil begins to liquefy.

Liquefaction can lead to several types of ground failure, depending on slope conditions and the geological and hydrological settings, of which the four most common types of ground failure are: 1) lateral spreads, 2) flow failures, 3) ground oscillation and 4) loss of bearing strength. Much of Santa Cruz County is subject to damage from soil instability as a result of on- or off-site landslide, lateral spreading, subsidence, or liquefaction.

The County of Santa Cruz General Plan and Local Coastal Program (LCP) was adopted by the Board of Supervisors in May of 1994 and certified by the California Coastal Commission in December of 1994. The following policies are applicable to slope stability and liquefaction: Policy 6.1.1, Geologic Review for Development in Designated Fault Zones; Policy 6.1.2, Geologic Reports for Development in Alquist-Priolo Zones; Policy 6.1.3, Engineering Geology Report for Public Facilities in Fault Zones; Policy 6.1.4, Site Investigation Regarding Liquefaction Hazard; Policy 6.1.5, Location of Development Away from Potentially Hazardous Areas; Policy 6.1.9, Recordation of Geologic Hazards; Policy 6.1.10, Density Recommendations for Proposed Development; Policy 6.1.11, Setbacks from Faults; Policy 6.1.12, Minimum Parcel Size in Fault Zones; Policy 6.2.1, Geologic Hazards Assessments for Development on and Near Slopes; Policy 6.2.2, Engineering Geology Report; 6.2.3, Conditions for Development and Grading Permits; Policy 6.2.4, Mitigation of Geologic Hazards and Density Considerations; Policy 6.2.5, Slope Considerations for Land

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Division Calculations; Policy 6.2.6, Location of Structures and Drainage Considerations in Unstable Areas; Policy 6.2.7; Location of Septic Leach Fields; and Policy 6.2.9, Recordation of Geologic Hazards.

The proposed ordinance would continue to allow vacation rentals in all residential zone districts in the County. Vacation rentals currently are not regulated, except for the requirement to pay TOT. The proposed ordinance would not authorize or facilitate any development of vacation rentals within the county. However, any new residential development that may occur within the County would be designed and constructed to meet the most current safety standards for landslides, lateral spreading, subsidence, liquefaction, or collapse that are included in the California Building Code (2007) and/or standards established by the County of Santa Cruz. No impact would occur from the adoption and enforcement of the proposed ordinance.

3. Develop land with a slope exceeding 30%? ☐ ☐ ☐ ☒

**Discussion:** There are many slopes that exceed 30% within the County. The County of Santa Cruz General Plan and Local Coastal Program (LCP) was adopted by the Board of Supervisors in May of 1994 and certified by the California Coastal Commission in December of 1994. The following policies are applicable to slopes exceeding 30 percent: Policy 6.2.1, Geologic Hazards Assessments for Development on and Near Slopes; Policy 6.2.2, Engineering Geology Report; 6.2.3, Conditions for Development and Grading Permits; Policy 6.2.4, Mitigation of Geologic Hazards and Density Considerations; Policy 6.2.5, Slope Considerations for Land Division Calculations; Policy 6.2.6, Location of Structures and Drainage Considerations in Unstable Areas; Policy 6.2.7; Location of Septic Leach Fields; Policy 6.2.9, Recordation of Geologic Hazards; and Policy 6.3.1, Slope Restrictions.

The proposed ordinance would not authorize or facilitate any new development. Any newly constructed dwelling used as a vacation rental would be required to meet all requirements of the General Plan, County Code (Section 16.10), and California Building Code relating to development on slopes exceeding 30%. Most new vacation rentals would be in existing dwellings. No impact is anticipated from the adoption and enforcement of the proposed ordinance.

4. Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☐ ☒

**Discussion:** Much of Santa Cruz County is subject to soil erosion during construction. However, standard erosion controls are a required condition of projects with erosion potential. The County of Santa Cruz General Plan and Local Coastal Program (LCP) was adopted by the Board of Supervisors in May of 1994 and certified by the California Coastal Commission in December of 1994. The following policies are applicable to soil erosion and loss of topsoil: Policy 6.3.1, Slope Restrictions; Policy 6.3.2, Grading Projects to Address Mitigation Measures; Policy 6.3.3, Abatement of Grading and Drainage Problems; Policy 6.3.4, Erosion Control Plan Approval Required for

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Development; Policy 6.3.5, Installation of Erosion Control Measures; Policy 6.3.6, Earthmoving in Least Disturbed or Water Supply Watersheds; Policy 6.3.7, Reuse of Topsoil and Native Vegetation Upon Grading Completion; Policy 6.3.8, On-site Sediment Containment; Policy 6.3.9, Site Design to Minimize Grading; Policy 6.3.10, Land Clearing Permit; and Policy 6.3.11, Sensitive Habitat Considerations for Land Clearing Permits.

The proposed ordinance would not authorize or facilitate any new development. Any newly constructed dwelling used as a vacation rental would be subject to all requirements of the General Plan, County Code (Section 16.22), and California Building Code relating to erosion control and, as required, would have an approved Erosion Control Plan, which would specify detailed erosion and sedimentation control measures. No impact is anticipated from the adoption and enforcement of the proposed ordinance.

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| 5. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** Expansive soils have the potential for shrinking and swelling with changes in moisture content, which can cause damage to overlying structures. The amount and type of clay in the soil influences the changes. The problems resulting from expansive soils can be controlled by proper engineering and construction practices. The presence or absence of expansive soils is therefore not considered a critical factor in overall land planning.

The proposed ordinance would not authorize or facilitate any new development. Any newly constructed dwelling used as a vacation rental would be subject to all requirements of the General Plan, County Code (Section 16.10), and California Building Code relating to soil safety issues. No impact is anticipated from the adoption and enforcement of the proposed ordinance.

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| 6. Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers are not available? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The County of Santa Cruz General Plan and Local Coastal Program (LCP) was adopted by the Board of Supervisors in May of 1994 and certified by the California Coastal Commission in December of 1994. The following policies are applicable to sewage disposal systems: Policy 6.2.7, Location of Septic Leach Fields; Policy 6.2.12, Setbacks from Coastal Bluffs; and Policy 6.4.9, Septic Systems, Leach Fields, and Fill Placement. As no development or septic systems are proposed as a



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part of this project, anticipated future development cannot be predicted. Any new dwelling constructed to operate as a vacation rental would be required to meet the requirements of and receive approval from the County Environmental Health Services regarding septic. No impact is anticipated from the adoption and enforcement of the proposed ordinance.

7. Result in coastal cliff erosion? ☐ ☐ ☐ ☒

**Discussion:** The proposal would not authorize or facilitate any new development. Any newly constructed dwelling on or near a coastal cliff would be subject to all requirements of the General Plan and County Code (Section 16.10) regarding slope stability and erosion control. Any future development would be required to comply with coastal protection policies including those prohibiting erosion to coastal cliffs and bluffs. The following General Plan policies are applicable to coastal cliff erosion. Policy 6.2.10: Site Development to Minimize Hazards; Policy 6.2.11: Geologic hazards Assessment in Coastal Hazard Areas; Policy 6.2.12: Setbacks from Coastal Bluffs; Policy 6.2.13: Exception for Foundation; Policy 6.2.14: Additions to Existing Structures; Policy 6.2.15: New Development on Existing Lots of Record; Policy 6.2.16: Structural Shoreline Protection Measures; Policy 6.12.17: Prohibit New Building Sites in Coastal Hazard Areas; Policy 6.2.18: Public Services in Coastal Hazard Areas; Policy 6.2.19: Drainage and Landscape Plans; Policy 6.2.20: Reconstruction of Damaged Structures on Coastal Bluffs; and Policy 6.2.21: Reconstruction of Damaged Structures due to Storm Wave Inundation. Therefore, no impact is anticipated from the adoption and enforcement of the proposed ordinance.

## B. HYDROLOGY, WATER SUPPLY, AND WATER QUALITY

Would the project:

1. Place development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ☐ ☐ ☐ ☒

**Discussion:** The proposed Vacation Rental Ordinance (Section 13.10.694) does not propose development or proposals that would enable an assessment of potential site specific flooding impacts that may result with future housing development proposals. However, case-by-case reviews of future housing projects would be carried out to ensure the safety of these projects, and to ensure that future projects are consistent with all General Plan goals, objectives, and policies. The following General Plan policies are applicable to development within the 100-year flood hazard area: Policy 6.4.1, Geologic Hazards Assessment Required in Flood Hazard Areas; Policy 6.4.2, Development Proposals Protected from Flood Hazard; Policy 6.4.3, Development on or Adjacent to Coastal Bluffs and Beaches; Policy 6.4.5, New Parcels in 100-year Floodplains; Policy 6.4.6, Density Calculations; Policy 6.4.8, New Construction to be Outside Flood Hazard Areas; Policy 6.4.9, Septic Systems, Leach Fields, and Fill

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Placement; and Policy 6.4.10, Flood Control Structures. No impact is anticipated.

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| 2. | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposed Vacation Rental Ordinance (Section 13.10.694) does not propose development or proposals that would enable an assessment of potential site specific flooding impacts that may result with future housing development proposals. However, case-by-case reviews of future housing projects would be carried out to ensure the safety of these projects, and to ensure that future projects are consistent with all General Plan goals, objectives, and policies. The following General Plan policies are applicable to development within the 100-year flood hazard area: Policy 6.4.1, Geologic Hazards Assessment Required in Flood Hazard Areas; Policy 6.4.2, Development Proposals Protected from Flood Hazard; Policy 6.4.3, Development on or Adjacent to Coastal Bluffs and Beaches; Policy 6.4.5, New Parcels in 100-year Floodplains; Policy 6.4.6, Density Calculations; Policy 6.4.8, New Construction to be Outside Flood Hazard Areas; Policy 6.4.9, Septic Systems, Leach Fields, and Fill Placement; and Policy 6.4.10, Flood Control Structures. No significant impact is anticipated.

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| 3. | Be inundated by a seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** A tsunami is a sea wave generated by a submarine earthquake, landslide or volcanic action. While the possibility of a major tsunami from either of the latter two events is considered to be extremely remote for Santa Cruz County, a tsunami caused by a submarine earthquake is considered possible. Submarine earthquakes are common around the edges of the Pacific Ocean, as well as other areas. Therefore, all of the Pacific coastal areas are subject to this potential hazard to a greater or lesser degree. In addition, areas of the County with steep slopes and immediately down slope areas could be subject to mudflow hazards.

The proposed Vacation Rental Ordinance (Section 13.10.694) does not propose development or proposals that would enable an assessment of potential site specific impacts that may result with future housing development proposals. However, case-by-case reviews of future housing projects would be carried out to ensure the safety of these projects, and to ensure that future projects are consistent with all General Plan goals, objectives, and policies. General Plan Policy 6.4.3 is applicable to protection from storm swell, wave action and tsunami impacts. In addition, any newly constructed dwelling used as a vacation rental would be subject to all County Code (Section 16.10) requirements regarding location relative to these hazards. Policy Adherence to such requirements would ensure that potential impacts associated with this issue are less-than-significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
4. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposal would not authorize or facilitate any development. As no development is proposed as part of this project, the anticipated impacts to groundwater supply or groundwater recharge would not be significant. Any future discretionary development proposal would be analyzed to determine whether that particular development would have any impact on groundwater supply or groundwater recharge. The following General Plan policies are applicable to water supply: Policy 5.8.1, Primary Groundwater Recharge Area Designation, Policy 5.8.2, Land Division and Density Requirements in Primary Groundwater Recharge Areas; Policy 5.8.3, Uses in Primary Groundwater Recharge Areas; Policy 5.8.4, Drainage Design in Primary Groundwater Recharge Areas; Policy 7.18.1, Linking Growth to Water Supplies; Policy 7.18.2, Written Commitments Confirming Water Service Required for Permits; 7.18.3, Impacts of New Development on Water Purveyors, Policy 7.18.5, Groundwater Management; Policy 7.18.6, Water Conservation Requirements; and Policy 7.18.7, Water Reuse. Therefore, the impacts associated with the proposed ordinance would not be significant.

5. Substantially degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** As no development is proposed as part of this project, the anticipated impacts to water supply would not be significant. Any future development would be required to address drainage issues specifically pertaining to that parcel. General Plan Policy 7.18.4, Improvement of Water Systems is applicable to the protection of public and private water supplies. In addition, if a newly constructed dwelling were used as a vacation rental, the dwelling would be subject to the requirements of the Department of Public Works relative to runoff or the well and pumping requirement of County Environmental Health Services. Therefore, the impacts associated with the proposed ordinance would not be significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
6. Degrade septic system functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposal would not authorize or facilitate any development. If a newly constructed dwelling were used as a vacation rental, the dwelling would be subject to the requirements of County Environmental Health Services regarding septic system functioning. Each future discretionary development proposal would necessitate independent review of environmental impacts. No adverse impacts are anticipated.

7. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** The proposed project would not affect any watercourses or alter any existing drainage patterns. Any new development would be required to address drainage issues specifically pertaining to that parcel. If a newly constructed dwelling were used as a vacation rental, the dwelling would be subject to the requirements of the Department of Public regarding drainage and flooding. The following General Plan policies are applicable to alteration of drainage patterns: Policy 6.4.5, New Parcels in 100-year Floodplains; Policy 6.4.7, New Construction to be Outside Flood Hazard Areas; Policy 6.4.8, Elevation of Residential Structures; Policy 6.4.9, Septic Systems, Leach Fields, and Fill Placement; and Policy 6.4.10, Flood Control Structures. Each development proposal would necessitate independent review of environmental impacts. No adverse impacts are anticipated.

8. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** The proposal would not authorize or facilitate any development. No change to runoff or drainage patterns would result from the approval of the proposed ordinance. Any future development would be required to address drainage issues specifically pertaining to that parcel. The following General Plan policies are applicable to drainage: Policy 7.23.1, New Development; 7.23.2, Minimizing Impervious Surfaces; Policy 7.23.3, On-site Storm Water Detention; Policy 7.23.4, Downstream Impact Assessments; and 7.23.5, Control Surface Runoff. Each development proposal would necessitate independent review of environmental impacts. If a newly constructed dwelling were used as a vacation rental, the dwelling would be subject to the requirements of the Department of Public Works regarding drainage and runoff. No adverse impacts are anticipated.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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| 9. | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. However, the proposed ordinance would specifically allow vacation rentals in all residential zone districts in the County. Vacation rentals are not currently regulated, except for the requirement to pay TOT. Some residential parcels could be subject to flooding hazards from dam or levee failure. The vast majority of vacation rentals are located in the immediate coastal area of the County from Live Oak to and including Pajaro Dunes. Few, if any of these would be subject to flooding from a dam failure. Some, mostly in Pajaro Dunes, could be subject to flooding from levee failure. However, the proposed ordinance would not increase the number of existing structures currently subject to an increased risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Any new dwellings would have met all required flood hazard requirements of County Code (Section 16.10). No adverse impacts are anticipated.

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| 10. | Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** Under Section 402 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) issues National Pollution Discharge Elimination System (NPDES) permits to regulate waste discharges to "waters of the U.S." Waters of the U.S. include rivers, lakes, and their tributary waters. Waste discharges include discharges of storm water and construction project discharges. A construction project resulting in the disturbance of one (1) or more acres requires a NPDES ground construction permit. Construction project proponents are required to prepare a Storm Water Pollution Prevention Plan (SWPPP).

The proposal would not authorize or facilitate any development. Any future development that requires a discretionary approval would be subject to the County's environmental review process; and therefore, future residential development would be evaluated on an individual basis for conformance with water quality standards or waste discharge requirements. Implementation of Best Management Practices (BMPs) as specified by the NPDES permit and the approval of a SWPPP would ensure that any potential impacts associated with this issue are not significant.

### C. BIOLOGICAL RESOURCES

Would the project:

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| 1. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?

**Discussion:** The proposal would not authorize or facilitate any development and would not result in any adverse impacts to biological resources. Any future dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of County General Plan and County Code (Section 16.32), California Department of Fish and Game (CDFG), and U.S. Fish and Wildlife Service (USFWS) regarding any species identified as a candidate, sensitive, or special status species. The County of Santa Cruz General Plan has been developed with resource protection policies. The following General Plan policies are applicable to sensitive species and their habitats: Policy 5.1.1, Sensitive Habitat Designation; Policy 5.1.2, Definition of Sensitive Habitat; Policy 5.1.3, Environmentally Sensitive Habitats; Policy 5.1.4, Sensitive habitat Protection Ordinance; Policy 5.1.5, Land Division and Density Requirements in Sensitive Habitats; Policy 5.1.6, Development within Sensitive habitats; Policy 5.1.7, Site Design and Use Regulations; Policy 5.1.8, Chemicals within Sensitive Habitats; Policy 5.1.9, Biotic Assessments; Policy 5.1.10, Species Protection; Policy 5.1.11, Wildlife Resources Beyond Sensitive Habitats; Policy 5.1.12, Habitat Restoration with Development Approval; Policy 5.1.14, Removal of Invasive Plant Species; and Policy 5.1.15, Priorities for Restoration Funding.

No adverse impacts to sensitive species or their habitat would occur because the proposal would not authorize or facilitate any development.

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| 2. | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of County Code (Sections 16.30 and 16.32), Fish and Game, and USFWS regarding any riparian habitat or sensitive natural community (also see discussion under C-1 above). No adverse impacts are anticipated.

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| 3. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?

**Discussion:** The proposal would not authorize or facilitate any development. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of County General Plan and County Code (Sections 16.30 and 16.32), CDFG, and USFWS regarding wildlife movement and habitat (also see discussion under C-1 above). No adverse impacts are anticipated.

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| 4. | Produce nighttime lighting that would substantially illuminate wildlife habitats? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of County Code (Sections 13.11 and 16.30), Fish and Game, and USFWS regarding nighttime lighting and wildlife habitats (also see discussion under C-1 above). No adverse impacts are anticipated.

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| 5. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of County General Plan and County Code (Section 16.30), CDFG, USFWS, and the U.S. Army Corps of Engineers regarding wetland impacts (also see discussion under C-1 above). No adverse impacts are anticipated.

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| 6. | Conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. The proposed project would not conflict with any local policies or ordinances. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of the General Plan and County Code (Section 16.30)

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regarding protection of biological resources. The County of Santa Cruz General Plan has been developed with resource protection policies and objectives. The following General Plan objectives are applicable to sensitive species and their habitats: Objective 5.1, Biological Diversity; Objective 5.2, Riparian Corridors and Wetlands; Objective 5.3, Aquatic and Marine Habitats; and Objective 5.4, Monterey Bay and Coastal Water Quality and their associated Policies.

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| 7. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of any adopted Habitat Conservation Plan Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

#### D. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB). Would the project:

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| 1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposal would not authorize or facilitate any development. The proposal applies to residentially zoned properties only. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of the General Plan and County Code (Section 16.50) regarding protection of agricultural resources. The following General Plan policies are applicable to agricultural resources: Policy 5.13.20, Conversion of Commercial Agricultural lands; Policy 5.13.21, Determining Agricultural Viability; Policy 5.13.22, Conversion to Non-agricultural Uses Near Urban Areas; Policy 5.13.23, Agricultural Buffers Required;



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Policy 5.13.24, Agricultural Buffer Findings Required for Reduced Setbacks; Policy 5.13.25, Agricultural Policy Advisory Commission Review; Policy 5.13.26, Windbreaks; Policy 5.13.27, Siting to Minimize Conflicts; Policy 5.13.28, Residential Uses on Commercial Agricultural Land; Policy 5.13.31, Agricultural Notification Recordation for Land Divisions; Policy 5.13.32, Agricultural Statement of Acknowledgement; Policy 5.13.33, Density on Parcels Adjacent to Commercial Agricultural Lands; and Policy 5.14.12, Non-commercial Agricultural Land Division and Density Requirements. Adherence to such requirements would ensure that potential impacts associated with this issue would be not significant. No impact would occur from project implementation.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal applies in residential zone districts only. Therefore, the project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. No impact is anticipated.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Therefore, the project would not conflict with existing zoning for forest land or timber land use. The proposal applies to residentially zoned properties only. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of the General Plan and County Code (Section 16.52) regarding protection of forest land and timberland resources. The following General Plan policies are applicable to Timber Resources: Policy 5.12.2, Uses within Timber Production Zones; Policy 5.12.4, land Divisions and Density Requirements for Timber Production Zoned Lands; Policy 5.12.5, General Conditions for All Development Proposals on Timber Production Zoned Lands; Policy 5.12.6, Conditions for Clustered Development Proposals on Timber Production Zoned Lands; Policy 5.12.7, Location of Development on Timber Production Lands; and Policy 5.12.8, Timber Resource Land Not Zoned Timber Production. Adherence to such requirements would ensure that potential impacts associated with this issue are not significant. No impact would occur from project implementation.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
4. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposal applies in residential zone districts only. Therefore, the project will not result in the loss of forest land or conversion of forest land to non-forest land. Therefore, no impacts are anticipated from the adoption and enforcement of the proposed ordinance. In addition, please see the discussion under D-3 above.

5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** Some residentially-zoned parcels that currently are or might be used for vacation rentals could be surrounded by or close to lands designated as Prime Farmland, Unique Farmland, Farmland of Statewide Importance or Farmland of Local Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. However, the proposal would not authorize any development and it applies in residential zone districts only. Therefore, no Prime Farmland, Unique Farmland, Farmland of Statewide, or Farmland of Local Importance would be converted to a non-agricultural use. Some residentially zoned parcels that currently are or might be used for vacation rentals could be surrounded by or close to lands designated forest land, and forest land could occur nearby. However, the proposal would not authorize any development and it applies in residential zone districts only. Therefore, the project will not result in the loss of forest land or conversion of forest land to non-forest land. Therefore, there would be no impact

## E. MINERAL RESOURCES

Would the project:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** The proposal would not authorize or facilitate any development and it applies in residential zones only. Any dwelling proposed to be constructed, whether for use as a vacation rental or not, would be subject to all requirements of the General Plan and County Code (Section 16.54) regarding. The following General Plan policies are applicable to mineral extraction land use conflicts: Policy 5.16.2, Uses in Mineral Resource Areas; Policy 5.16.3, Review of Incompatible Uses; Policy 5.16.4, Minimizing Conflicts Between New Development and Mineral Resource Areas; and Policy 5.16.5, Land Division and Density Requirements on Mineral Resource Land. Existing vacation rental properties are already developed. Any proposed new dwelling, whether for use

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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as a vacation rental or not, would not be constructed on a parcel that contains a known mineral resource such that the resource could not be extracted. Residentially zoned parcels do not contain any known mineral resources that would be of value to the region and the residents of the state. Therefore, no impact is anticipated from project implementation.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development and applies in residential zone districts only, which are not Extractive Use Zones (M-3) nor do they have a Land Use Designation with a Quarry Designation Overlay (Q) (County of Santa Cruz 1994). Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of this project.

## F. VISUAL RESOURCES AND AESTHETICS

Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Have an adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Any proposed new dwelling would be subject to the scenic resource policies of the General Plan. The following General Plan policies are applicable to scenic resources: Policy 5.10.2, Development within Visual Resource Areas; Policy 5.10.3, Protection of Public Vistas; Policy 5.10.4, Preserving Natural Buffers; Policy 5.10.5, Preserving Agricultural Vistas; Policy 5.10.6, Preserving Ocean Vistas; Policy 5.10.7, Open Beaches and bluffs; Policy 5.10.8, Significant Tree Removal Ordinance; Policy 5.10.9, Restoration of Scenic Areas; Policy 5.10.11, Development Visible from Rural Scenic Roads; Policy 5.10.12, Development Visible from Urban Scenic Roads; Policy 5.10.13, Landscaping Requirements; Policy 5.10.14, Protecting Views in the North Coast and Bonny Doon; Policy 5.10.16, Designation of Coastal Special Scenic Areas; and Policy 5.10.17, Swanton Road Coastal Special Scenic Area. The project would not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources. Therefore, adoption and enforcement of the proposed ordinance would not result in significant impacts.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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within a state scenic highway?

**Discussion:** The proposal would not authorize or facilitate any development. Any proposed new dwelling would be subject to the scenic resource policies of the General Plan (Please refer to the discussion under F-1 above). The project would not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources. Therefore, no impact is anticipated.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Substantially degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Although the proposal would not authorize or facilitate any development, the proposed ordinance would require the posting of legible signage identifying the property as a vacation rental. The sign would be required to provide contact information and be no larger than 216 square inches (approximately 10" x 22") in size. Any proposed new dwelling would be subject to the scenic resource policies of the General Plan (Please refer to the discussion under F-1 above). The project would not degrade the existing visual character or quality of any site or its surroundings, as designated in the County's General Plan (1994). Given the small size of the required signage, no adverse impacts are anticipated.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Any proposed new dwelling would be subject to Section 13.11 of the County Code. Section 13.11.074(d)(1) states, "All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design." Therefore, no impact is anticipated.

## G. CULTURAL RESOURCES

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Cultural resources are places, structures, or objects that are important

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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for scientific, historic, and/or religious reasons to cultures, communities, groups, or individuals. Cultural resources include historic and prehistoric archaeological sites, architectural remains, engineering structures, and artifacts that provide evidence of past human activity. They also include places, resources, or items of importance in the traditions of societies and religions.

The proposal would not authorize or facilitate any development. Environmental review of any future discretionary residential development(s) would permit an analysis of how such development may potentially conflict with known archaeological and/or historic resources. The possibility also exists that future discretionary development would discover or uncover previously unknown archaeological resources. Any new development involving a historical resource as defined in CEQA Guidelines Section 15064.5 would be subject to the historic resources protection provisions of the General Plan and County Code (Section 16.42). Therefore, a case-by-case environmental review of future discretionary housing projects and programs would ensure consistency with state, federal, and all General Plan goals, objectives, and policies. The following General Plan policies are applicable to historic resources: Policy 5.20.3, Development Activities; Policy 5.20.4, Historic Resources Commission Review; Policy 5.20.5, Encourage Protection of Historic Structures; Policy 5.20.6, Maintain Designation as a Certified Local Government; Policy 5.19.1, Evaluation of Native American Cultural Sites; Policy 5.19.2, Site Surveys; Policy 5.19.3, Development Around Archaeological Resources; Policy 5.19.4, Archaeological Evaluations; and Policy 5.19.5, Native American Cultural Sites. Adherence to applicable County, state, and federal standards and guidelines related to the protection/preservation of cultural resources, as well as the requirements mandated during the environmental review of individual projects would ensure that potential impacts related to cultural resources are less-than-significant. However, no impact to historical resources would occur from the adoption and enforcement of the proposed ordinance.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See discussion under G-1 above. No impact is anticipated from the adoption and enforcement of the proposed ordinance.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Any proposed new dwelling, whether for use as a vacation rental or not, would be subject to Section 16.40.040 of the Santa Cruz County Code regarding discovery of human remains. No impact is anticipated from the adoption and enforcement of the proposed

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Any proposed new dwelling, whether for use as a vacation rental or not, would be subject to all regulations of the Santa Cruz County Code (Section 16.44) regarding protection of paleontological resources and unique geological features. The following General Plan policies are applicable to paleontological resources: Policy 5.9.1, Protection and Designation of Significant Resources, and Policy 5.9.2, Protecting Significant Resources Through Easements and Land Dedication. Each future discretionary development proposal would necessitate independent review of environmental impacts. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

## H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The potential release of hazardous materials along roadways is an on-going condition that is regulated by federal, state, and local regulations. This condition would exist with or without the proposed project.

The adoption and enforcement of the proposed Vacation Rental ordinance would not authorize or facilitate any development nor would it facilitate the transport, use, or disposal of hazardous materials. Therefore, proposal would not result in any significant hazards, such as exposure to potential health hazards or creation of a health hazard. Any proposed new dwelling, whether for use as a vacation rental or not, would be subject to all regulations of the Santa Cruz County General Plan. General Plan policy 6.7.10, Distance from Residences, is applicable to hazardous materials. Furthermore, to ensure that development of housing on specific sites would not result in potentially significant hazards or expose people to potential health hazards, future discretionary projects would be reviewed for consistency with state, federal, and local requirements and guidelines. Adherence to such requirements would ensure that potential impacts associated with this issue are less-than-significant. However, no impact is anticipated from the adoption and enforcement of the proposed ordinance.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposal would not authorize or facilitate any development nor do vacation rentals involve hazardous materials. Therefore, proposal would not create a significant hazard to the public or the environment. Any proposed new dwelling, whether for use as a vacation rental or not, would be subject to all regulations of the Santa Cruz County General Plan. General Plan Policy 6.6.1, Hazardous Materials Ordinance, is applicable to hazardous materials sites. Adherence to applicable County, state, and/or federal regulations would ensure that potential hazards to the public are less-than-significant. However, no impact is anticipated from the adoption and enforcement of the proposed ordinance.

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** While some vacation rentals may be within one-quarter mile of an existing or proposed school, the proposal would not authorize or facilitate any development nor do vacation rentals involve hazardous materials. Therefore, no impact is anticipated from the adoption and enforcement of the proposed ordinance.

4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** The adoption and enforcement of the proposed Vacation Rental ordinance would not authorize or facilitate any development. Although there is potential for some existing vacation rentals to be located on a site that is included on the list of hazardous material sites compiled pursuant to Government Code Section 65962.5, the proposed ordinance governs operation of vacation rentals, not environmental conditions. The proposal would not cause a vacation rental to be located on the list of hazardous sites. Any proposed new dwelling, whether for use as a vacation rental or not, would be subject to all regulations of the Santa Cruz County General Plan. Review of potential impacts related to this issue would be conducted during the environmental review of specific residential developments requiring discretionary review. General Plan Policy 6.6.1, Hazardous Materials Ordinance, is

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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applicable to hazardous materials sites. Adherence to applicable County, state, and/or federal regulations would ensure that potential hazards to the public are less-than-significant. However, no impact is anticipated from the adoption and enforcement of the proposed ordinance.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** One municipal airport is located in Santa Cruz county within the City of Watsonville at the south end of the county. Future discretionary development proposals would undergo analysis to determine whether a residential development site would create a safety hazard for persons residing in new residential development. Review of potential impacts related to this issue would be conducted during the environmental review of specific residential developments. The following General Plan policies are applicable to airport safety: Policy 3.18.1, Prevention of Airspace Obstructions; Policy 3.18.2, Creation of New Parcels in the Runway Protection Zone Area; Policy 3.18.3, Land Use Limitation in Runway Protection (Clear or A) Zones; Policy 3.18.4, Land Use Limitation in Airport Approach (B) Zones; and Policy 3.18.5, Deed Recordation Acknowledging Airport Hazard. Adherence to applicable County, state, and/or federal regulations would ensure that potential hazards associated with this issue are less-than-significant. The proposal would not authorize or facilitate any development, nor are there currently any land use or location regulations for vacation rentals. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Please see discussion under H-5 above. No impact is anticipated from the adoption and enforcement of the proposed ordinance.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Vacation rentals per se do not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact from the



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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adoption and enforcement of the ordinance would occur.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 8. | Expose people to electro-magnetic fields associated with electrical transmission lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Adoption and enforcement of the Vacation Rental ordinance would not result in exposure of people to electro-magnetic fields associated with electrical transmission lines. All future residential development must be consistent with the goals, policies, and standards established within the General Plan that are intended to protect the safety of the community (e.g., Public Safety and Noise). Furthermore, to ensure that development of housing on specific sites would not result in potentially significant hazards or expose people to potential health hazards, future discretionary projects would be reviewed for consistency with state, federal, and local requirements and guidelines. The following General Plan policies are applicable to electro-magnetic fields: Policy 6.8.1, Prudent Avoidance; Policy 6.8.2, Measuring Ambient Magnetic Fields; and Policy 6.8.3, Development Mitigation Measures. Adherence to such requirements would ensure that potential impacts associated with this issue are less-than-significant. The proposal would not authorize or facilitate any development, nor are there currently any land use or location regulations for vacation rentals. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 9. | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The vast majority of vacation rentals are located in urban areas not generally subject to wild land fires. Any new dwelling, whether intended for use as a vacation rental or not, would be subject to all requirements of the responsible fire agency. All future residential development must be consistent with the goals, policies, and standards established within the General Plan that are intended to protect the safety of the community. Furthermore, future discretionary projects would be reviewed for consistency with state, federal, and local requirements and guidelines. The following General Plan policies are applicable to wildland fire safety: Policy 6.5.1, Access Standards; Policy 6.5.2, Exceptions to Access Road Standards; Policy 6.5.3, Conditions for Project Approval; Policy 6.5.4, Fire Protection Standards for Land Division Outside the Urban Services Line; Policy 6.5.5, Standards for New Dead End Roads; Policy 6.5.6, Maintenance for Private Roads; Policy 6.5.7, Certification of Adequate Fire Protection Prior to Permit Approval; Policy 6.5.9, Consistency with Adopted Codes Required for New Development; Policy 6.5.10, Land Divisions Access Requirements; and Policy 6.5.11, Fire Protection Standard for Land Divisions Inside the Urban Services Line. The proposal would not authorize or facilitate any development, nor are there currently any land use or location regulations for vacation

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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rentals. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

## I. TRANSPORTATION/TRAFFIC

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. There would be no impact from existing vacation rentals because no additional traffic would be generated beyond that which already exists. All future discretionary residential development would be reviewed to ensure consistency with all regional and local transportation plans and policies, the County of Santa Cruz General Plan, and all applicable County ordinances. The following General Plan policies are applicable to traffic generation: Policy 3.12.1, Level of Service Policy; Policy 3.12.2, Level of Service Calculation Methods; Policy 3.12.3, Transportation Impact Fees as Mitigation Measures; and Policy 3.12.4, Reduced Traffic Generation. In addition, all discretionary proposals to develop new residential units are subject to a project-specific environmental analysis.

As stated in the proposed ordinance, "In the Live Oak Designated Area, no new vacation rental shall be approved if parcels with existing vacation rentals on the same block total 20 percent or more of the total residential parcels on that block. In addition, no more than 15 percent of all of the residential parcels in the Live Oak Designated Area, excluding those units in the Mobile Home Combining District may contain vacation rentals. Notwithstanding these maximums, each block in the Live Oak Designated Area may have at least one vacation rental." Currently, there are no limits on the number of vacation rentals that can occur in the Live Oak community. The proposed ordinance would limit the number of vacation rentals by capping them at no more than 15 percent of all parcels.

The existing average daily trips for key street segments within the Live Oak community are shown in Table 1. As a comparison, the traffic volume for 41<sup>st</sup> Avenue north of Clares Street is 43,957 average daily trips. This is one of the busiest street segments in the County. Although not nearly as busy, the key street segments in Live Oak currently generate a substantial amount of average daily trips. Trip generation from

Potentially  
Significant  
Impact

Less than  
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with  
Mitigation  
Incorporated

Less than  
Significant  
Impact

No Impact

approximately 265 existing vacation rentals located in the Live Oak community currently contributes to these high traffic volumes. A slight increase or decrease in the number of existing vacation rentals would not significantly impact roadway segments within the county. Therefore, the effect on street segments and intersections from the adoption and enforcement of the proposed ordinance would not be significant.

Table 1 Existing Average Daily Traffic Volumes for Key Street Segments in Live Oak				
Street	Direction	Cross Street	Average Daily Trips	Date Collected
7 <sup>th</sup> Avenue	South of	Eaton Street	13,184	April 2008
7 <sup>th</sup> Avenue	North of	Eaton Street	19,941	November 2005
17 <sup>th</sup> Avenue	North of	Portola Drive	7,796	May 2008
East Cliff Drive	West of	17 <sup>th</sup> Avenue	15,418	January 2009
East Cliff Drive	East of	18 <sup>th</sup> Avenue	9,232	February 2006
Portola Drive	East of	17 <sup>th</sup> Avenue	15,160	July 2007
Portola Drive	West of	37 <sup>th</sup> Avenue	16,852	June 2005

Source: Santa Cruz County Regional Transportation Commission, 2007.

2. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ☐ ☐ ☐ ☒

**Discussion:** The proposal would not result in a change in air traffic patterns, including an increase in traffic levels or a change in location, resulting in a substantial safety risk. Therefore, no impact would result from adoption and enforcement of the proposed ordinance.

3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☐ ☐ ☐ ☒

**Discussion:** The proposal would not authorize or facilitate any development and has no relationship to transportation design features or uses incompatible with transportation features. No impact would occur from adoption or enforcement of the proposed ordinance.

4. Result in inadequate emergency access? ☐ ☐ ☐ ☒

**Discussion:** The proposal would not authorize or facilitate any development. Adoption and enforcement of the proposed ordinance would not affect emergency access. No impact would occur.

5. Cause an increase in parking demand ☐ ☐ ☐ ☒

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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which cannot be accommodated by  
 existing parking facilities?

**Discussion:** The proposal would not authorize or facilitate any development. However, any future discretionary development project would be evaluated to determine adequacy of parking on an individual basis. The following General Plan policies are applicable to parking demand: Policy 3.3.1, Reduced Parking Requirements; Policy 3.3.2, Shared Parking; Policy 3.3.3, Park & Ride Lots; Policy 3.3.4, Joint Use; Policy 3.3.5, Neighborhood Parking Spillover; and Policy 3.3.6, Americans with Disabilities Act. The proposed ordinance requires that the number of vehicles allowed per vacation rental not exceed the number of existing on-site parking spaces, plus two additional on-street parking spaces. Currently, no regulation exists specifically for vacation rentals. Therefore, no limit on allowed parking currently exists. Therefore, adoption and enforcement of the proposed ordinance would not increase the demand for parking. No impact is anticipated.

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. | Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. However, any future discretionary development project would be evaluated to identify any potential conflicts with adopted policies, plans, or programs regarding public transit, bicycle, and pedestrian facilities. The following General Plan policies are applicable to transit, bicycle and pedestrian modes of transportation: Policy 3.6.1, Transit-Friendly Design; Policy 3.6.2, Recreational Transit Facilities; Policy 3.6.3, Recreational Transit Service; Policy 3.8.3, Modal Interaction; Policy 3.10.4, Pedestrian Traffic; and Policy 3.10.5, Access. No impact is anticipated from adoption and enforcement of the proposed ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. | Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the County General Plan for designated intersections, roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. See response I-1 above. The proposed project would not individually or cumulatively impact the level of service standard established by the County General Plan for designated intersections, roads or highways. Therefore, no impact would occur from ordinance adoption and enforcement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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## J. NOISE

Would the project result in:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. All existing and any proposed vacation rentals or other development is required by the General Plan to limit outdoor noise levels to 60 dB L<sub>dn</sub> (day/night average noise level), and indoor noise levels to 45 dB L<sub>dn</sub>. New development of residential land that cannot be made to conform to this standard would not be permitted.

The development of new residential uses would typically increase traffic volumes in the vicinity of new development. Because traffic noise is a primary contributor to the local noise environment, any increase in traffic resulting from the development of new residential uses would be expected to proportionally increase local noise levels. The following General Plan policies are applicable to noise generation: Policy 6.9.1, Land Use Compatibility Guidelines; Policy 6.9.2, Acoustical Studies; Policy 6.9.3, Noise Sensitive Land Uses; Policy 6.9.5, Residential Development; and Policy 6.9.7, Construction Noise. However, because the proposal would not authorize or facilitate development, no impact from would occur.

All vacation rentals would continue to be subject to the enforcement provisions of County Code Chapter 19, which could include revocation of the permit for violations of the County Code, including violations of the noise regulations. Therefore, no impact would occur from adoption and enforcement of the proposed ordinance.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Vacation rental use does not involve groundborne vibration or noise. No impact would occur from the adoption and enforcement of the proposed ordinance.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance. See J-1, above.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposal would not authorize or facilitate any development. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance. See J-1, above.

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

**Discussion:** The proposal would not authorize or facilitate any development, nor are there currently any land use or location regulations for vacation rentals. The following General Plan policies are applicable to airport noise generation: Policy 6.11.3, Mitigation for Interior Noise, and Policy 6.11.2, Restricting Residential Development, which limits single-family residential development to no more than one dwelling on an existing lot of record where the existing or future aircraft noise exceeds 65 dB L<sub>dn</sub>. However, because the proposal would not authorize or facilitate development, no impact from would occur from the adoption and enforcement of the proposed ordinance. See J-1, above.

6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** The proposal would not authorize or facilitate any development, nor are there currently any land use or location regulations for vacation rentals. Because the proposal would not authorize or facilitate development, no impact from would occur from the adoption and enforcement of the proposed ordinance. See J-5, above.

## K. AIR QUALITY

Where available, the significance criteria established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) may be relied upon to make the following determinations. Would the project:

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:** The North Central Coast Air Basin (hereinafter "Basin"), which is just

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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south of the San Francisco Bay Area Air Basin, covers an area of 5,159 square miles and consists of the counties of Santa Cruz, San Benito, and Monterey. Marine breezes from Monterey Bay dominate the climate of this portion of the Basin. Westerly winds predominate in all seasons, but are strongest and most persistent during the spring and summer months.

The extent and severity of the air pollution problems in the Basin are a function of the area's natural physical characteristics (weather and topography), as well as human created influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall and topography all affect the accumulation and/or dispersion of pollutants throughout the Basin area.

In general, the air pollution potential of the coastal areas is relatively low due to persistent winds. The Basin is, however, subject to temperature inversions that restrict vertical mixing of pollutants and the warmer inland valleys of the Basin have a high pollution potential.

Since 1970, air quality has been regulated at the federal level under the Clean Air Act (CAA). The CAA authorized the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for air pollutants of nationwide concern. The EPA has established standards for six criteria air pollutants. These pollutants include ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen oxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), suspended particulate matter (PM<sub>10</sub>), and lead (Pb). PM<sub>2.5</sub> particulate matter has recently been added to this listing. Primary standards for air pollutants were established to protect public health, while secondary standards were established to protect the public welfare by preventing impairment of visibility and damage to vegetation and property.

Local ambient air quality is monitored by the MBUAPCD and CARB; refer to Table 2: Local Ambient Air Quality Levels. CARB monitors ambient air quality at approximately 250 air-monitoring stations across the state. Air quality monitoring stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Monitoring stations within the Santa Cruz County include the Santa Cruz-Soquel monitoring station located at 2544 Soquel Avenue in the City of Santa Cruz, Watsonville Airport monitoring station located at 444 Airport Boulevard in the City of Watsonville, and the Davenport monitoring station located at Marine View and Center Avenue in the community of Davenport. The Watsonville Airport monitoring station monitors coarse PM<sub>10</sub> and O<sub>3</sub>. The Davenport monitoring station is the only station in the North Central Coast Air Basin that monitors SO<sub>2</sub> and is included in Table 4: Local Ambient Air Quality Levels.

Designations are made by pollutant according to the following categories:

Attainment – Air quality in the area meets the standard.

Non-attainment Transitional – Air quality is approaching the standard (state only).

Non-attainment – Air quality in the area fails to meet the applicable standard.

Unclassified – Insufficient data to designate area, or designations have yet to be made.

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Incorporated

Less than  
Significant  
Impact

No Impact

Table 2 Attainment Status for the North Central Coast Air Basin – January 2009		
Pollutant	State Standards	National Standards
Ozone (O <sub>3</sub> )	Non-attainment <sup>1</sup>	Attainment <sup>2</sup>
Inhalable Particulates (PM <sub>10</sub> )	Non-attainment	Attainment
Fine Particulates (PM <sub>2.5</sub> )	Attainment	Unclassified/Attainment <sup>3</sup>
Carbon Monoxide (CO)	Monterey Co. – Attainment San Benito Co. – Unclassified Santa Cruz Co. – Unclassified	Attainment
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment	Attainment
Lead	Attainment	Unclassified/Attainment <sup>4</sup>
Notes: 1) Effective July 26, 2007, the ARB designated the NCCAB a non-attainment area for the state ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm. 2) On March 12, 2008, EPA adopted a new 8-hour ozone standard of 0.075 ppm, while temporarily retaining the existing 8-hour standard of 0.08 ppm. EPA is expected to issue new designations by July 2011. 3) In 2006, the Federal 24-hour standard for PM <sub>2.5</sub> was revised from 65 to 35 µg/m <sup>3</sup> . Although final designations have yet to be made, it is expected that the NCCAB will remain designated unclassified/attainment. 4) On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m <sup>3</sup> to 0.15 µg/m <sup>3</sup> . Initial recommendations for designations are to be made by October 2009 with final designations by January 2012.		

Source: MBUAPCD 2009.

Non-attainment designations are of most concern because they indicate that unhealthy levels of the pollutant exist in the area, which typically triggers a need to develop a plan to achieve the applicable standard (MBUAPCD 2009).

The Basin is considered in attainment or unclassified for most of the criteria pollutants for state and federal considerations except for O<sub>3</sub> and PM<sub>10</sub>. Under federal regulations the Basin is designated an unclassified/attainment area for PM<sub>2.5</sub> standards.

Designations in relation to the state standards are made by CARB, while designations in relation to the national standards are made by EPA. State designations are reviewed annually while the national designations are reviewed when either the standards change, or when an area requests that they be re-designated due to changes in the area's air quality. Designations are made by individual air basin and in some cases, designations are made at the county level.

The proposal would not authorize or facilitate any development. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance. However, any future discretionary development proposal would necessitate independent review of environmental impacts, and would be required to be consistent with General Plan Objectives and the following Policies: Policy 5.18.1, New Development; Policy 5.18.6, Plan for Transit Use; Policy 5.18.7, Alternatives to the Automobile; Policy 5.18.8, Encouraging Landscaping; and Policy 5.18.9, Greenhouse Gas Reduction.

2. Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☐ ☐ ☒

**Discussion:** The project would not conflict with or obstruct implementation of the



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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regional air quality plan. Therefore, no impacts would occur from adoption and enforcement of the proposed ordinance. See K-1 above.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project would not result in a cumulative considerable net increase of any criteria pollutant. Therefore, no impacts would occur from adoption and enforcement of the proposed ordinance. See K-1 above.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not expose sensitive receptors to substantial pollutant concentrations. No impact is anticipated from adoption and enforcement of the proposed ordinance. See K-1 above.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not create objectionable odors. No impact is anticipated from adoption and enforcement of the proposed ordinance. See K-1, above.

## L. GREENHOUSE GAS EMISSIONS

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Therefore, no additional greenhouse gas emissions would be generated by adoption and enforcement of the proposed ordinance. No impact would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. No impacts would occur.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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## M. PUBLIC SERVICES

Would the project:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks or other recreational activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities; including the maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion (a through e):** The proposal would not authorize or facilitate any development. However, a new ordinance is expected to assist the Sheriff's Office in the enforcement of the noise ordinance. Based on conversations with the Sheriff's Office (Sergeant Fish, personal communication, October 27, 2010), the requirement for posting of a local contact, exterior identification of a property as a vacation rental, and the ability to track complaints will be beneficial to law enforcement. No impact would occur to fire protection, schools, parks or recreational activities or other public facilities. Therefore, no impact is anticipated from the adoption and enforcement of the proposed ordinance.

## N. RECREATION

Would the project:

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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deterioration of the facility would occur  
or be accelerated?

**Discussion:** The proposal would not authorize or facilitate any development. No increase in use would occur to existing recreational facilities. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. No impact would occur to existing recreational facilities and new facilities would not be required. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

## O. UTILITIES AND SERVICE SYSTEMS

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not result in the construction of new storm water drainage facilities or the expansion of existing facilities. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not exceed result in the exceedance of the wastewater treatment requirements of the RWQCB. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not water supplies. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. | Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not impact wastewater treatment capacity. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not impact landfill capacity. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. | Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Therefore, no impact would occur from the adoption and enforcement of the proposed ordinance. See O-6 above.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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## P. LAND USE AND PLANNING

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not conflict with any regulations or General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts are anticipated from the adoption and enforcement of the proposed ordinance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The proposal would not conflict with any applicable habitat conservation plan for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts are anticipated from the adoption and enforcement of the proposed ordinance.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. The project would not include any element that would physically divide an established community. Therefore, no impacts are anticipated from the adoption and enforcement of the proposed ordinance.

## Q. POPULATION AND HOUSING

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposal would not authorize or facilitate any development. Therefore, the proposed ordinance would not induce population growth either directly or indirectly. No impact would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposal would not authorize or facilitate any development or use that would displace a substantial numbers of existing housing. Therefore, no impact would occur.

3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

**Discussion:** The proposal would not authorize or facilitate any development nor would it displace a substantial number of people necessitating construction of replacement housing elsewhere. Therefore, no impact would occur.

## R. MANDATORY FINDINGS OF SIGNIFICANCE

- |   | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>with<br>Mitigation | Less than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| 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 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 prehistory? | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

**Discussion:** The proposal would not authorize or facilitate any development. 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 prehistory were considered in the response to each question in Section III of this Initial Study and no impacts were identified. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- |  | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>with<br>Mitigation | Less than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| 2. Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

**Discussion:** The proposal would not authorize or facilitate any development. No individually limited, but cumulative considerable impacts have been identified. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- |   | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>with<br>Mitigation | Less than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| 3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

**Discussion:** The proposal would not authorize or facilitate any development. In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to specific questions in Section III. Aesthetics, Air Quality, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population and Housing, and Transportation and Traffic. As a result of this evaluation, no potentially significant effects to human beings were identified. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.



**IV. TECHNICAL REVIEW CHECKLIST**

	<b><u>REQUIRED</u></b>	<b><u>DATE COMPLETED</u></b>
Agricultural Policy Advisory Commission (APAC) Review	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Archaeological Review	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Biotic Report/Assessment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geologic Hazards Assessment (GHA)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geologic Report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geotechnical (Soils) Report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Riparian Pre-Site	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Septic Lot Check	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Other:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____

## **V. REFERENCES USED IN THE COMPLETION OF THIS ENVIRONMENTAL REVIEW INITIAL STUDY**

California Building Code, 2007

California Code of Regulations, Title 24, Part 2, Volume 2 of 2, California Building Standards Commission.

California Department of Conservation, 1997

California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation

County of Santa Cruz 1994.

*1994 General Plan and Local Coastal Program for the County of Santa Cruz, California.* Adopted by the Board of Supervisors on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994.

County of Santa Cruz , 2001

County of Santa Cruz GIS Mapping, California Division of Mines and Geology, 2001

MBUAPCD 2009.

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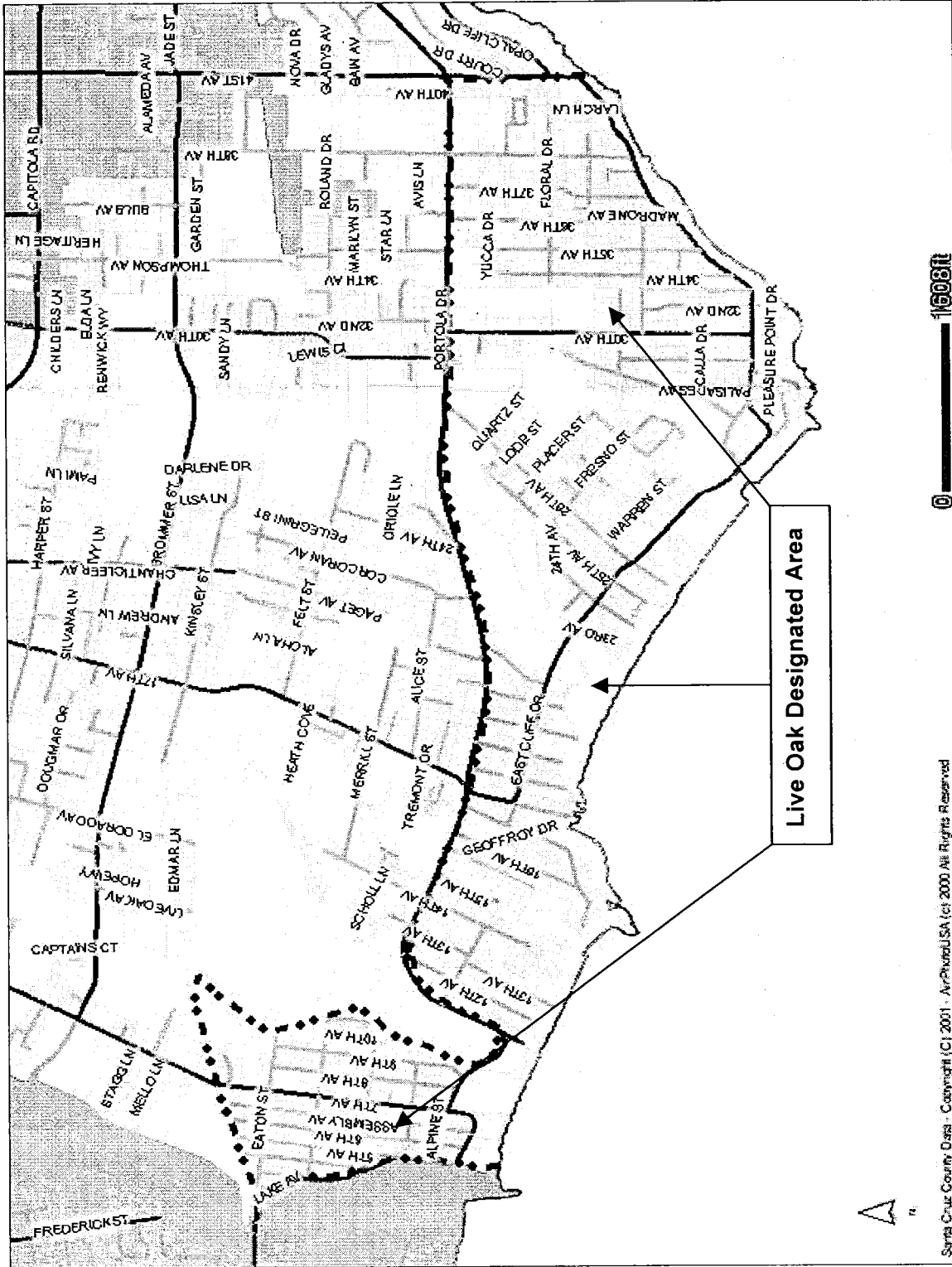
Santa Cruz County Regional Transportation Commission, 2007.

2006 Transportation Monitoring Report, Approved August 2, 2007 with revised traffic counts on July 14, 2009.

## **VI. ATTACHMENTS**

1. Proposed Vacation Rental Ordinance.
2. Live Oak Designated Area Map

**Insert Attachment 1.**



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## ATTACHMENT 2 - LIVE OAK DESIGNATED AREA MAP

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ORDINANCE NO. \_\_\_\_\_

**ORDINANCE ADDING VACATION RENTALS AS A USE TO SECTION 13.10.322(b),  
ADDING NEW SECTION 13.10.694, AND ADDING A DEFINITION TO SECTION  
13.10.700-V OF THE SANTA CRUZ COUNTY CODE RELATING TO THE REGULATION  
OF VACATION RENTALS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section (b) of Section 13.10.322 of the Santa Cruz County Code is hereby amended to add the use "Vacation rental" to the Visitor accommodations category of the residential use chart after the use "Bed and breakfast inns (subject to Section 13.10.691)", to read as follows:

USE	RA	RR	R-1	RB	RM
Vacation rentals (subject to Section 13.10.694)	<u>2P</u>	<u>2P</u>	<u>2P</u>	<u>2P</u>	<u>2P</u>

**SECTION II**

The Santa Cruz County Code is hereby amended by adding Section 13.10.694 to read as follows:

**13.10.694 Vacation Rentals.**

(a) The purpose of this section is to establish regulations applicable to dwellings on residentially zoned parcels that are rented as vacation rentals for periods of not more than thirty days at a time. These regulations are in addition to all other provisions of this Title.

(b) Vacation rentals are allowed only in residential zone districts.

(c) For the purposes of this section, the following terms have the stated meanings.

(1) Existing vacation rental means a dwelling unit that was used as a vacation rental prior to June 22, 2010.

(2) New vacation rental means a dwelling unit that was not used as a vacation rental prior to June 22, 2010.

(3) The "Live Oak Designated Area" means the Yacht Harbor Special Community (as described in the General Plan – Local Coastal Program and depicted on the General Plan – Local Coastal Program map) and that portion of Live Oak that lies east and south of East Cliff Drive and Portola Drive from the intersection of 9<sup>th</sup> Avenue and East Cliff Drive to the intersection of Portola Drive and 41<sup>st</sup> Avenue, as depicted in Figure DA1.

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(4) "Block" means the properties abutting both sides of a street extending from one intersecting street to another or to the terminus of the street.

(d) Permit requirements. A vacation rental permit and Transient Occupancy Tax registration are required for each residential vacation rental. Each vacation rental permit shall expire five years from the date of issuance unless an application for renewal has been submitted and is deemed complete prior to the expiration date. No application for renewal of a vacation rental permit shall be accepted more than 180 days before the expiration date. The Planning Director may approve extensions of permit expiration dates or application submittal dates based on demonstrated hardship to the applicant or for other good cause.

(1) Existing vacation rental. An initial permit shall be obtained. The applicant shall demonstrate that a dwelling unit was being used as a vacation rental prior to June 22, 2010. No public hearing shall be required and no notice of an application for a permit for an existing vacation rental shall be given. For an existing vacation rental to be considered a legal use the applicant shall provide the following to the Planning Department within 90 days after the certification of this ordinance by the California Coastal Commission:

(A) Completed application form

(B) Plans drawn to scale including the following:

(i). Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces

(ii). Floor plan showing all rooms with each room labeled as to room type

(C) Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this Chapter

(D) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the following: number of guests allowed (2/bedroom + 2, children under 12 not counted; maximum number of people at an event not to exceed twice the number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only), etc.

(E) Proof that a dwelling unit was being used as a vacation rental prior to June 22, 2010. Such proof may consist of, among other things, the following items:

(i) Documentation that the owner paid County of Santa Cruz Transient Occupancy Tax for the use of the vacation rental; or

(ii) Documentation that the owner allowed transient guests to occupy the subject property in exchange for compensation and the applicant

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furnishes reliable information, including but not limited to, records of occupancy and tax documents, guest reservation lists, and receipts, showing payment and dates of stay.

(F) Retroactive payment of Transient Occupancy Tax. For those applicants who provide adequate documentation that a dwelling unit was used as a vacation rental prior to June 22, 2010, but where the owner has not registered and paid Transient Occupancy Tax, proof of retroactive payment of the Transient Occupancy Tax amount due to the County to the extent allowed by law for the time during which a dwelling unit was being used as a vacation rental shall be submitted.

(G) Number of people allowed. The maximum number of guests allowed in an existing individual residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings not exceeding 12 hours in duration, during which time the total number of people allowed is twice the allowed number of guests. Children under 12 are not counted toward the maximums.

(2) New vacation rental. Except as provided in County Code Section 18.10.124(b), no public hearing shall be required and action on these applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance of the permit, pursuant to County Code Section 18.10.222(c) and (d). Appeals of the proposed action on the application may be made by the applicant or any member of the public. Pursuant to County Code Section 18.10.124(b), the Planning Director may refer the application to the Zoning Administrator or Planning Commission for a public hearing.

(A) When a public hearing is required, notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to County Code Section 18.10.223.

(B) In the Live Oak Designated Area, no new vacation rental shall be approved if parcels with existing vacation rentals on the same block total 20 percent or more of the total residential parcels on that block, excluding those parcels in the Mobile Home Park Combining Zone District. In addition, no more than 15 percent of all of the residential parcels in the Live Oak Designated Area, excluding those parcels in the Mobile Home Park Combining Zone District, may contain vacation rentals. Notwithstanding these maximums, each block in the Live Oak Designated Area that has residential parcels, excluding those parcels in the Mobile Home Park Combining Zone District, may have at least one vacation rental.

(C) Applicants for a permit for a new vacation rental shall provide the following to the Planning Department:

(i) Completed application form

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(ii) Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this Chapter, except that if the application requires a public hearing due to referral of the application to the Zoning Administrator or Planning Commission, then the application will be converted to an "at cost" application and the applicant will be billed for staff time associated with processing the application.

(iii) Plans drawn to scale including the following:

I. Plot plan showing location of all property lines, location of all existing buildings, and location and dimensions of on-site parking spaces

II. Floor plan showing all rooms with each room labeled as to room type

(iv) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the following: number of guests allowed (2/bedroom + 2, children under 12 not counted; maximum number of people at an event not to exceed twice the number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only), etc.

(v) Copy of a County of Santa Cruz Transient Occupancy Registration Certificate for the purpose of the operation of a vacation rental.

(D) Number of people allowed. The maximum number of guests allowed in a new residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings not exceeding 12 hours in duration, during which time the total number of people allowed is twice the allowed number of guests. Children under 12 are not counted toward the maximums.

(3) Renewal of vacation rental permits. An application to renew a vacation rental permit shall be made no sooner than 180 days before expiration of the permit existing permit. Determination of the completeness of the application shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in County Code Section 18.10.124(b), no public hearing shall be required and action on permit renewal applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance or denial of the permit, pursuant to County Code Section 18.10.222(c) and (d). Appeals of the proposed action on the renewal application may be made by the applicant or any member of the public.

(A) If a public hearing is required, the Planning Director shall schedule the public hearing before either the Zoning Administrator or the Planning



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Commission, at the Planning Director's discretion. Notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to County Code Section 18.10.223.

(B) Applicants for renewal of a vacation rental permit shall provide the following to the Planning Department:

(i) Completed application form

(ii) Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this Chapter, except that if the application requires a public hearing due to referral of the application to the Zoning Administrator or Planning Commission, then the application will be converted to an "at cost" application and the applicant will be billed for staff time associated with processing the application.

(iii) For those properties located in the Live Oak Designated Area, proof of payment of Transient Occupancy Tax for the use of the dwelling as a vacation rental and a summary of the dates the unit was used as a vacation rental between the time of issuance of the existing permit and the date of application for the renewal. Lack of a significant level of rental activity may result in denial of a renewal application.

(e) Local contact person. All vacation rentals shall designate a contact person within a 30-mile radius of the vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A property owner who lives within a 30-mile radius of the vacation rental may designate himself or herself as the local contact person.

The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners of all properties located within a 300 foot radius of the boundaries of the parcel on which the vacation rental is located. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

(f) Signs. All vacation rentals shall have a sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information, which shall be placed in a front or other window facing a public street or may be affixed to the exterior of the front of the structure facing a public street. The sign may be of any shape, but may not exceed 216 square inches. There is no minimum sign size so long as the information on the sign is legible.

(g) Posting of rules. Vacation rental rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be

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limited to, the following: number of guests allowed (2/bedroom + 2, children under 12 not counted; maximum number of people at an event not to exceed twice the number of guests allowed), number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street), noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only), etc.

(h) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted inside the vacation rental in a location readily visible to all guests. No use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor or vibration detrimental to occupants of adjoining dwellings is allowed.

(i) Transient Occupancy Tax. Each residential vacation rental owner shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

(j) Dispute resolution. By accepting a vacation rental permit, vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(k) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). If more than two documented, significant violations occur within any 12-month period a permit may be reviewed for possible amendment or revocation. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement; and copies of Homeowner Association warnings, reprimands, or other Association actions.

(l) It is unlawful to make a false report to the Sheriff's Office regarding activities associated with vacation rentals.

### **SECTION III**

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" following the definition of "VA" to read as follows:

Vacation Rental. A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments or manufactured homes in a mobile home park), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than (a) ongoing month-to-month tenancy granted to the same renter for the same unit, (b) one less-than-thirty day period per year, or (c) a house exchange for which there is no payment. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals.

### **SECTION IV**

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This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

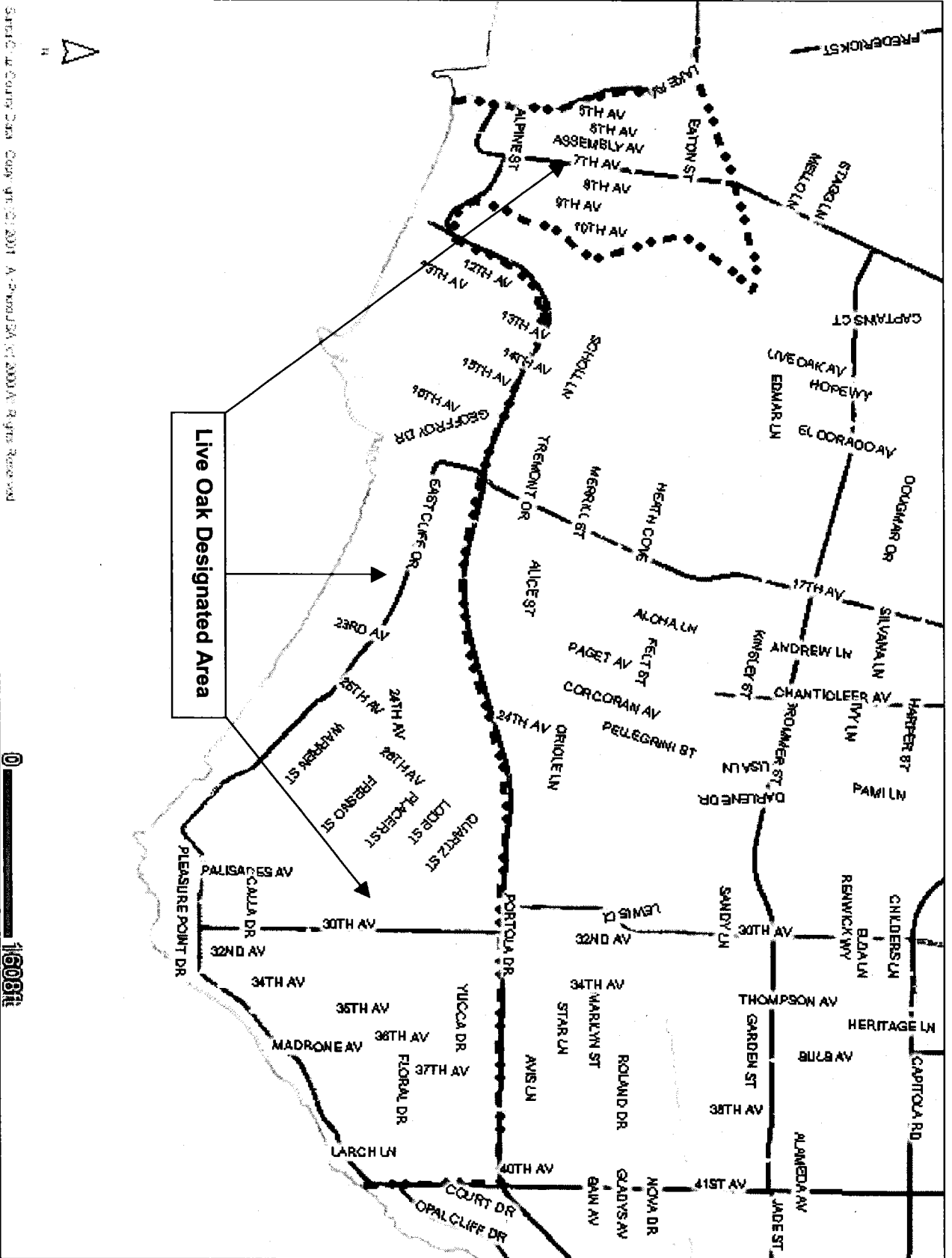
\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

Copies to: Planning  
County Counsel  
Coastal Commission



ATTACHMENT 2 - LIVE OAK DESIGNATED AREA MAP

San Diego County Data Center 2001 Aerial Map of 2000 Aerial Photo