



# 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  
TOM BURNS, PLANNING DIRECTOR

October 20, 2006

AGENDA DATE: November **8, 2006**

**Item #: 12**

Time: After **1:30 PM**

APN: NIA, County Wide

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT:** Consideration **of** Adding a Very Low Income Affordability Component to the Affordability Requirement **for** Housing Units Created by the Conversion **of** Non-Residential Land to Residential Uses

Commissioners:

Last year, your Commission heard an ordinance amendment regarding the conversion of non-residential land to residential use that required that housing affordability components be included in any project proposed for these parcels. Your Commission recommended adoption of this ordinance to the Board of Supervisors in December. The adopted ordinance requires that developers converting non-residential land to residential land construct 40% of the units as affordable with one half affordable to low income and one half affordable to moderate income households. On March 7, 2006, the Board of Supervisors held a public hearing to consider the proposed ordinance amendments and adopted the ordinance as recommended by the Planning Commission and directed planning staff to add an affordability component for very low income households, where appropriate.

### Discussion

At the Board meeting, staff reported and the Supervisors agreed that requiring a very low-income component for small projects could be infeasible. After conducting some research, Staff believes that such a requirement would be reasonable for large-scale projects of 100 or more units where it is likely that the affordable component of the development will be accomplished through a non-profit development partner. For such projects, we recommend that the affordability clause be amended to require that at least 10% of the total units be affordable to very low income households. Projects creating fewer than 100 units will not be affected by this amendment and will still be required to meet the 40% affordability threshold, with at least 20% of the total units affordable to low income households.

### Environmental Review

When the first ordinance amendment addressing non-residential to residential land conversions was brought to your Commission last year an Initial Study was prepared for CEQA review and was issued a Negative Declaration. The Environmental Coordinator has

determined that the amendment currently before you does not constitute a new project, and therefore the original Negative Declaration applies.

#### Conclusion and Recommendation

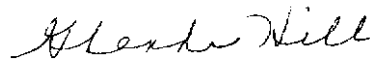
Housing for very low income households is difficult to produce and badly needed in Santa Cruz County. Large development projects beginning with the conversion of non-residential to residential land within the Urban Services Boundary provide a unique opportunity to take advantage of the economies of scale provided by multifamily housing construction and partnering with a non-profit housing developer. These projects can provide a great benefit to the County by allowing a greater portion of the labor force to live in close proximity to transportation and other services.

It is therefore RECOMMENDED that your Commission adopt the Resolution attached as Exhibit A recommending that the proposed amendments to the County Code Chapters 13.10 and 17.10 adding a 10% very low income requirement to projects of 100 units or more on land converted from non-residential to residential use as specified in Attachment 1 to Exhibit A, be approved by the Board of Supervisors.

Sincerely,



Sarah Neuse  
Planner II  
Policy Section



Glenda Hill, AICP  
Principal Planner  
Policy Section

#### Exhibits:

- A. Resolution and Ordinance (Attachment 1 to Exhibit A) Adopting Regulations Amending County Code Sections 13.01.060, 13.10.215, and 17.10.030 Regarding the Affordability of Housing Units Created by the Conversion of Non-Residential Land to Residential Land
- B. Proposed Ordinance (Clean Copy)
- C. Letter from Environmental Coordinator
- D. Negative Declaration and Initial Study for CEQA Review

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ,  
STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner:  
Duly seconded by Commissioner:  
The following resolution is adopted:

RESOLUTION ADOPTING ORDINANCE AMENDMENTS TO COUNTY CODE  
SECTIONS 13.10.215 AND 17.10.030 ADDING VERY LOW INCOME HOUSING  
REQUIREMENTS TO THE CONVERSION OF NON RESIDENTIAL LAND TO  
RESIDENTIAL LAND

WHEREAS, the County of Santa Cruz is among the most expensive housing markets in the nation, and the cost of residential land continues to rise; and

WHEREAS, the disparity between the value of residential land and non-residential land continues to grow wider; and

WHEREAS, this disparity in value puts pressure on non-residential land to be converted to residential use and development, and

WHEREAS, in the absence of adequate public benefits associated with the conversion of non-residential lands to residential uses, such conversions would be detrimental to the public welfare: 1) by reducing the limited number of existing locations available for other land uses which presently benefit the public welfare by serving the community's commercial, industrial, public facilities, and other needs; and 2) by further exacerbating the housing crisis through facilitating the development of new homes which do not address the needs of the community; and

WHEREAS, the public should benefit from the removal of non-residential land from non-residential use; and

WHEREAS, the pursuit and encouragement of adequate affordable housing alternatives is a high priority; and

WHEREAS, by requiring that such conversions resulting in 100 or more housing units incorporate at least 10% of the units at a price affordable to very low-income households as part of the required 40% affordable units on converted lands, such conversions would provide an additional benefit to the public welfare, offsetting the public detriment that would result from the loss of parcels available to support the community's non-residential needs; and

WHEREAS, the most appropriate benefit to the community is the provision of affordable housing as a part of any residential development resulting from the conversion of non-residential land to residential; and

WHEREAS, there is an expectation that applications will be filed for conversion of non-residential land to residential land; and

WHEREAS, an ordinance addressing the affordable housing component of a rezoning and General Plan amendment from non-residential to residential is appropriate to address the housing shortage in Santa Cruz County; and

WHEREAS, an amendment to the County Code and the Local Coastal Program is necessary to reflect this goal; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission finds that the proposed Local Coastal Program amendments and proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code, are in compliance with the California Coastal Act, and will contribute to addressing the housing crisis throughout the community; and

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared for this action and a Negative Declaration issued by the Environmental Coordinator on July 27, 2005; and

WHEREAS, the Environmental Coordinator has made the determination that this revision does not constitute a new project and therefore the original Negative Declaration applies to this action.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the ordinance amendments proposed serve a public benefit; and

BE IT FURTHER RESOLVED, that the Planning Commission recommends the proposed amendments to County Code amending sections 13.10.215(a)(1) and 17.10.030(b)(5) to require a minimum 10% very low income affordability requirement for conversions of land from non-residential to residential that result in the creation of 100 or more units as set forth in Attachment 1 to Exhibit A, and the Environmental Coordinator's determination under the California Environmental Quality Act as set forth in Exhibit C, and

EXHIBIT A

incorporated herein by reference, and be submitted to the California Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

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

Cc: County Counsel  
Planning Department

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

ORDINANCE AMENDMENTS TO COUNTY CODE SECTIONS 13.10.215 AND  
17.10.030 ADDING VERY LOW INCOME HOUSING REQUIREMENTS TO THE  
CONVERSION OF NON RESIDENTIAL LAND TO RESIDENTIAL LAND

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

SECTION I

Subsection (a)1 of Section 13.10.215, Zoning Plan Amendment, of the Santa Cruz County Code is hereby amended to read as follows:

(a) 1. To further this intention and to address the housing needs of County residents, the County shall require that within the Urban Services Line, any rezoning from a non-residential zone district to a residential zone district meet the following criteria:

- a. A minimum of 40% of all residential units or parcels resulting from the rezoning shall be affordable. At least one half of the affordable units shall be affordable to low income households. For Parcels on which 100 or more units will be created, the units affordable to low income households shall include at least one half that are affordable to very low income households, resulting in a minimum of 10% of the total units being available to very low income households. If more than 10% of the units will be constructed for very low income households, the aggregate of very low and low income affordable units must total a minimum of 20% of the total units. All required affordable units shall be located on-site. If the calculation of the affordable housing obligation under Section 17.10.030(b) results in any fractional obligation above a whole unit, the project developer shall contribute funds equivalent to the fractional amount to the Measure J Trust Fund as provided in Section 17.10.034.
- b. These affordable units shall meet the requirements of Chapter 17.10 of the County Code, as applicable.

SECTION II

Subsection (b)5 of Section 17.10.030, Inclusionary housing requirements for residential development projects, of the Santa Cruz County Code is hereby amended to read as follows:

(b) 5. Non-residential to residential rezoning and/or General Plan amendment. Non-residential parcels which as a result of a rezoning and/or General Plan Amendment are rezoned or designated as residential shall be

EXHIBIT A  
ATTACHMENT 1

required to provide forty (40) percent of the total number of units as affordable in accordance with 13.10.215 (a) (1). A minimum of one half of the affordable units shall be affordable to below average (lower) income households. Additionally, in projects that will result in 100 or more new residential units, at least 10% of the total units shall be affordable to very low income households, and the combined number of very low and low income affordable units shall total a minimum of 20% of the total units. All affordable units **must** be located on-site. Development under these provisions shall only qualify for incentives and concessions relating to site standards as identified in 17.12.040 but are not eligible for additional Density Bonus units. If the calculation of the affordable housing obligation under Section 17.10.030(b) results in any fractional obligation above a whole unit, the project developer shall contribute funds equivalent to the fractional amount to the Measure J Trust Fund as provided in Section 17.10.034. No alternative option for satisfying the affordable requirement is allowed.

### SECTION III

This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage outside the Coastal Zone and upon certification by the Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
CHAIRPERSON, PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED AS TO FORM:

  
County Counsel

Copies to: Planning Department  
County Counsel

EXHIBIT A  
ATTACHMENT 1

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

ORDINANCE AMENDMENTS TO COUNTY CODE SECTIONS 13.10.215 AND  
17.10.030 ADDING VERY LOW INCOME HOUSING REQUIREMENTS TO THE  
CONVERSION ~~OF~~ NON RESIDENTIAL LAND TO RESIDENTIAL LAND

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

SECTION I

Subsection (a)1 of Section 13.10.215, Zoning Plan Amendment, of the Santa Cruz County Code is hereby amended to read as follows:

(a) 1. To further this intention and to address the housing needs of County residents, the County shall require that within the Urban Services Line, any rezoning from a non-residential zone district to a residential zone district meet the following criteria:

- a. A minimum of 40% of all residential units or parcels resulting from the rezoning shall be affordable. At least one half of the affordable units shall be affordable to low income households. For parcels on which 100 or more units will be created, the units affordable to low income households shall include at least one half that are affordable to very low income households, resulting in a minimum of 10% of the total units being available to very low income households. If more than 10% of the units will be constructed for very low income households, the aggregate of very low and low income affordable units must total a minimum of 20% of the total units. All required affordable units shall be located on-site. If the calculation of the affordable housing obligation under Section 17.10.030(b) results in any fractional obligation above a whole unit, the project developer shall contribute funds equivalent to the fractional amount to the Measure J Trust Fund as provided in Section 17.10.034.
- b. These affordable units shall meet the requirements of Chapter 17.10 of the County Code, as applicable.

SECTION II

Subsection (b)5 of Section 17.10.030, Inclusionary housing requirements for residential development projects, of the Santa Cruz County Code is hereby amended to read as follows:

(b) 5. Non-residential to residential rezoning and/or General Plan amendment. Non-residential parcels which as a result of a rezoning and/or General Plan Amendment are rezoned or designated as residential shall be

EXHIBIT B

EXHIBIT B



required to provide forty (40) percent of the total number of units as affordable in accordance with 13.10.215 (a) (1). A minimum of one half of the affordable units shall be affordable to below average (lower) income households. Additionally, in projects that will result in 100 or more new residential units, at least 10% of the total units shall be affordable to very low income households, and the combined number of very low and low income affordable units shall total a minimum of 20% of the total units. All affordable units must be located on-site. Development under these provisions shall only qualify for incentives and concessions relating to site standards as identified in 17.12.040 but are not eligible for additional Density Bonus units. If the calculation of the affordable housing obligation under Section 17.10.030(b) results in any fractional obligation above a whole unit, the project developer shall contribute funds equivalent to the fractional amount to the Measure J Trust Fund as provided in Section 17.10.034. No alternative option for satisfying the affordable requirement is allowed.

### SECTION III

This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage outside the Coastal Zone and upon certification by the Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
CHAIRPERSON, PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED AS TO FORM:


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

Copies to: Planning Department  
County Counsel

EXHIBIT B

**MEMORANDUM**

---

Date: October 17, 2006  
To: Sarah Neuse  
From: Paia Levine   
Re: Query Regarding **Need** for Environmental Review

---

You have asked whether the modification to the affordable housing requirement that you are working on requires a new analysis relative to CEQA. The modification is adding a provision that 10% of the housing requirement be assigned to the "very low" income category. This change does not **have** a potential for a physical impact on the environment and therefore the Negative Declaration that was originally issued for this project is valid even with this modification.

EXHIBIT C



# 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  
**TOM BURNS, PLANNING DIRECTOR**

### NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

**Application Number: N/A**

**County of Santa Cruz, Housing/Planning Department**

Proposal to amend the County Code to require that, where projects include a request for rezoning and General Plan amendments from a non-residential use to a residential use and result in more than 5 residential units, 40% of the resulting residential units developed be affordable (with a minimum of half of the affordable units affordable to lower income households). The project is Countywide within the Urban Services Line in the County of Santa Cruz, California.

**APN: Countywide within the Urban Services Line**  
**Zone District: Non-residential**

**Julianne Ward, Staff Planner**

**ACTION: Negative Declaration**

**REVIEW PERIOD ENDS: August 31, 2005**

**This project will be considered at a public hearing by the Planning Commission. The time, date and location have not been set. When scheduling does occur, these items will be included in all public bearing notices for the project.**

Findings:

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

Required Mitigation Measures or Conditions:

☒ XX None  
☐ Are Attached

Review Period Ends August 31, 2005

Date Approved By Environmental Coordinator September 1, 2005

  
KEN HART  
Environmental Coordinator  
(831) 454-3127

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

### NOTICE OF DETERMINATION

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

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

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

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

**EXHIBIT D**



# 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

TOM BURNS, PLANNING DIRECTOR

### NOTICE OF ENVIRONMENTAL REVIEW PERIOD

#### SANTA CRUZ COUNTY

APPLICANT: County of Santa Cruz, Housing/Planning Department

APPLICATION NO.: N/A

APN: Countywide within the Urban Services Line

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 Paia Levine, Environmental Coordinator at (831) 454-3178, 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: August **31, 2005**

Julianne Ward  
Staff Planner

Phone: 454-3226

Date: July 27, 2005

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

Date: June 16, 2005  
Staff Planner: Julianne Ward

ENVIRONMENTAL REVIEW  
INITIAL STUDY

APPLICANT: County of Santa Cruz

APN: Countywide within the Urban  
Services Line

SUPERVISORAL DISTRICT: All

OWNER: various

APPLICATION NO: N/A

LOCATION: Countywide within the Urban Services Line

EXISTING SITE CONDITIONS

Parcel Size: various

Existing Land Use: non-residential

Vegetation: varied

Slope: varied

Nearby Watercourse: various

Distance To: varied

Rock/Soil Type: various

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: None Mapped

Water Supply Watershed: None Mapped

Groundwater Recharge: None Mapped

Timber or Mineral: None Mapped

Agricultural Resource: None Mapped

Biologically Sensitive Habitat: None Mapped

Fire Hazard: None Mapped

Floodplain: None Mapped

Erosion: Negligible Potential

Landslide: None Mapped

Liquefaction: Negligible Potential

Fault Zone: None Mapped

Scenic Corridor: None Mapped

Historic: None Mapped

Archaeology: None Mapped

Noise Constraint: None Mapped

Electric Power Lines: None

Solar Access: Adequate

Solar Orientation: Level

Hazardous Materials: None

SERVICES

Fire Protection: various

School District: various

Sewage Disposal: municipal

Drainage District: various

Project Access: public or private

Water Supply: municipal

PLANNING POLICIES

Zone District: non-residential

General Plan: non-residential

Urban Services Line:

Coastal Zone:

XX Inside

XX Inside

Special Designation: No

     Outside

XX Outside

## **PROJECT SUMMARY DESCRIPTION:**

Proposal to amend the County Code to require that, where projects include a request for rezoning and General Plan amendments from a non-residential use to a residential use and result in more than 5 residential units, 40% of the resulting residential units developed be affordable (with a minimum of half of the affordable units affordable to lower income households).

## **PROJECT SETTING AND BACKGROUND:**

These regulations would apply to all non-residential property within the Urban Services Line.

## **DETAILED PROJECT DESCRIPTION:**

The Board of Supervisors considered and adopted an interim ordinance that codified these proposed amendments in June 2004. This interim ordinance has been extended to be in effect until June 2006, by which time this permanent ordinance is intended to be in effect.

The County of Santa Cruz is among the most expensive housing markets in the nation and the cost of residential land continues to increase. As the value of residential land increases, and the disparity between the value of residential land and the value of non-residential land widens, there is pressure on the owners of non-residential property to convert their land to residential use to capture the higher land value. The conversion of land to residential use confers a benefit on the property owner, but not on the community. In fact, such conversion may be detrimental to the public welfare in that it reduces the locations available for non-residential land uses as well as further exacerbates the affordable housing crisis by facilitating housing development which does not serve the needs of the community due to the high cost of market rate homes. The Board of Supervisors has determined that the public should benefit from these land use conversions.

Therefore, the interim ordinance adopted by the Board of Supervisors requires that of the new dwelling units or residential parcels resulting from the conversion of land from non-residential to residential zoning and General Plan designation, within the Urban Services Line, 40% shall be affordable and located on-site. Further, of these affordable units, a minimum of ½ of them must be affordable to lower income households. The ordinance only applies to projects resulting in 5 or more new dwelling units or residential parcels.

The scope of the effect of this ordinance is largely unknown for several reasons. This ordinance applies Countywide within the Urban Services Line and potentially to any parcel which is not currently zoned residential and could accommodate 5 or more units

**EXHIBIT D**

This ordinance will apply to parcels that are inside the Urban Services Line, not currently zoned residential and which are large enough support five or more units or five new parcels. While it is not possible to predict or analyze in detail the potential environmental impacts associated with this ordinance at this time, we do anticipate that the number of applications for rezonings of parcels in this situation will be reduced overall. This is because the profitability of conversion to residential zoning may be reduced by the requirement for affordable units. On the other hand, those applications for rezoning that do go forward may propose an increased density. The number of rezoning from commercial to residential that have occurred is approximately 1 to 2 per year for the last few years.

The proposed density and other characteristics of any specific proposals that are made under this ordinance will be subjected to environmental review on an individual basis when a rezoning is proposed. A detailed evaluation of environmental impacts will occur at that time.

EXHIBIT D

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

## **ENVIRONMENTAL REVIEW CHECKLIST**

### **A. Geology and Soils**

Does the project have the potential to:

1. Expose people or structures to potential adverse effects, including the risk of material 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 as identified by other substantial evidence?

\_\_\_\_\_ X

All of Santa Cruz County is subject to some hazard from earthquakes. For any application for land conversion and development that is subject to Geologic and Geotechnical hazards assessment will be evaluated and hazards avoided or mitigated as necessary, when a specific application or proposal is submitted.

- B. Seismic ground shaking?

\_\_\_\_\_ X

See comment A-1-a

- C. Seismic-related ground failure, including liquefaction?

\_\_\_\_\_ X

See comment A-1-a

- D. Landslides?

\_\_\_\_\_ X

See comment A-1-a

2. Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?

\_\_\_\_\_ X

See comment A-1-a

3. Develop land with a slope exceeding

\_\_\_\_\_ X



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

30%?

General Plan Policy 6.3.1 which prohibits development on slopes in excess of 30% will apply to all projects that are subject to this ordinance.

- |    |  |   |
|----|--|---|
| 4. | Result in soil erosion or the substantial loss of topsoil? | X |
|----|--|---|

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if associated with the proposal, will be avoided or mitigated.

- |    |  |   |
|----|--|---|
| 5. | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994). creating substantial risks to properly? | X |
|----|--|---|

See comment A-I-a

- |    |  |   |
|----|--|---|
| 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? | X |
|----|--|---|

All projects subject to this ordinance will be located within the Urban Services Line. Therefore, any proposal will likely be required to connect to the public sewer.

- |    |                                  |   |
|----|----------------------------------|---|
| 7. | Result in coastal cliff erosion? | X |
|----|----------------------------------|---|

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated. Additionally, it is not anticipated that projects subject to this ordinance will be located in proximity to a coastal cliff.

### B. Hydrology, Water Supply and Water Quality

Does the project have the potential to:

- |    |  |   |
|----|--|---|
| 1. | Place development within a 100-year flood hazard area? | X |
|----|--|---|

(a) This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo

2000

EXHIBIT D

environmental review to ensure that this type of impact, if associated with the proposal, will be avoided or mitigated.

- (b) Areas within the 100 year flood plain is not considered developable land and General Plan Policy 6.4.7 requires new construction to be located outside flood hazard areas.

2. Place development within the floodway resulting in impedance or redirection of flood flows?

\_\_\_\_\_ X \_\_\_\_\_

See Comment B-1 (a).

3. Be inundated by a seiche or tsunami?

\_\_\_\_\_ X \_\_\_\_\_

See Comment B-2.

4. Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit. or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table?

\_\_\_\_\_ X \_\_\_\_\_

See Comment B-2

5. Degrade a public or private water supply? (Including the contribution of urban Contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

\_\_\_\_\_ X \_\_\_\_\_

See Comment B-2

6. Degrade septic system functioning?

\_\_\_\_\_ X \_\_\_\_\_

See comment A-6.

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?

\_\_\_\_\_ X \_\_\_\_\_

**EXHIBIT D**

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

See Comment B-2. The Department of Public Works Drainage section will review drainage plans for all specific projects. Any impacts or required mitigation measures will be identified at that time.

- a. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?

X

See comment B-7.

9. Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff?

X

See comment B-7.

10. Otherwise substantially degrade water supply or quality?

X

See Comment B-2

### **C. Biological Resources**

Does the project have the potential to:

1. Have an adverse effect on any species identified as a candidate, sensitive, or 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?

X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if associated with the proposal, will be avoided or mitigated.

2. Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, inter-tidal zone, etc.)?

X

See C-1 above

EXHIBIT D

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

3. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?

_____	_____	_____	X
-------	-------	-------	---

See C-1 above.

4. Produce nighttime lighting that will illuminate animal habitats?

_____	_____	_____	X
-------	-------	-------	---

See C-1 above

5. Make a significant contribution to the reduction of the number of species of plants or animals?

_____	_____	_____	X
-------	-------	-------	---

See C-1 above

6. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameters or greater)?

_____	_____	_____	X
-------	-------	-------	---

See C-1 above

7. Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?

_____	_____	_____	X
-------	-------	-------	---

See Comment C-1 above

**D. Energy and Natural Resources**

Does the project have the potential to:

EXHIBIT D

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

1. Affect or be affected by land designated as "Timber Resources" by the General Plan? X

This ordinance applies only within the Urban Services Line. Therefore, no designated timber resources will be affected.

2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use? X

This ordinance applies only within the Urban Services Line. Therefore, no agricultural uses will be affected. Projects subject to this ordinance located adjacent to types 1-3 Agricultural lands will be subject to review under Chapter 16.50 of the County Code.

3. Encourage activities that result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner? X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated.

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

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated.

### **E. Visual Resources and Aesthetics**

Does the project have the potential to:

1. Have an adverse effect on a scenic resource, including visual obstruction of that resource? X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review as well as design review to ensure that this type of impact, if applicable to the

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

proposal, will be avoided or mitigated

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?

_____	_____	_____	_____X_____
-------	-------	-------	-------------

See comment E-I

3. 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 ridge line?

_____	_____	_____	_____X_____
-------	-------	-------	-------------

See comment E-1

4. Create a new source of light or glare which would adversely affect day or nighttime views in the area?

_____	_____	_____	_____X_____
-------	-------	-------	-------------

See comment E-I

5. Destroy, cover, or modify any unique geologic or physical feature?

_____	_____	_____	_____X_____
-------	-------	-------	-------------

See comment E-1

## **F. Cultural Resources**

Does the project have the potential to:

1. Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5?

_____	_____	_____	_____X_____
-------	-------	-------	-------------

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review as well as review under Chapters 16.40, 16.42, and 16.44 of the County Code to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated.

2. Cause an adverse change *in* the Significance of an archaeological

_____	_____	_____	_____X_____
-------	-------	-------	-------------

**EXHIBIT D**

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

resource pursuant to CEQA  
Guidelines 15064.5?

See comment F-1

3. Disturb any human remains, including those interred outside of formal cemeteries?

X

See comment F-1

4. Directly or indirectly destroy a unique paleontological resource or site?

See comment F-1

### **G. Hazards and Hazardous Materials**

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels?

X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated. The conversion of potential or actual commercial uses to residential uses should result in a net decrease in hazardous materials on-site.

2. 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?

X

See comment G-1

3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft

X

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

using a public or private airport located  
within two miles of the project site?

See comment G-1

4. Expose people to electro-magnetic  
fields associated with electrical  
transmission lines?

X

See comment G-1

5. Create a potential fire hazard?

X

See comment G-1

6. Release bio-engineered organisms or  
chemicals into the air outside of  
project buildings?

X

See comment G-1

### H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic that is  
substantial in relation to the existing  
traffic load and capacity of the street  
system (i.e., substantial increase in  
either the number of vehicle trips, the  
volume to capacity ratio on roads, or  
congestion at intersections)?

X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated.

2. Cause an increase in parking demand  
which cannot be accommodated by  
existing parking facilities?

X

See comment H-1

3. Increase hazards to motorists,  
bicyclists, or pedestrians?

X

EXHIBIT D



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable

See comment H-1

4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?

X

See comment H-1

### **I. Noise**

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated.

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?

X

See comment I-1

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

X

See comment I-1

### **J. Air Quality**

Does the project have the potential to:  
(Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

EXHIBIT

- |  |  |  |   |
|--|--|--|---|
| 1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? |  |  | X |
|--|--|--|---|

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated

- |   |  |  |   |
|---|--|--|---|
| 2. Conflict with or obstruct implementation of an adopted air quality plan? |  |  | X |
|---|--|--|---|

See comment J-1

- |  |  |  |   |
|--|--|--|---|
| 3. Expose sensitive receptors to substantial pollutant concentrations? |  |  | X |
|--|--|--|---|

See comment J-1

- |   |  |  |   |
|---|--|--|---|
| 4. Create objectionable odors affecting a substantial number of people? |  |  | X |
|---|--|--|---|

See comment J-1

#### **K. Public Services and Utilities**

Does the project have the potential to:

1. Result in the need for new or physically altered public 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? |  | X |  |
|---------------------|--|---|--|

While any proposal affected by this ordinance will represent an incremental contribution to the need for services, any proposed project will be required to meet the standards and requirements of the local agencies.

EXHIBIT D

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

b. Police protection?

_____	_____	X	_____
-------	-------	---	-------

See comment K-I-a

c. Schools?

_____	_____	X	_____
-------	-------	---	-------

See comment K-1-a.

d. Parks or other recreational activities?

_____	_____	X	_____
-------	-------	---	-------

See comment K-I-a.

e. Other public facilities; including the maintenance of roads?

_____	_____	X	_____
-------	-------	---	-------

See comment K-1-a

2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

_____	_____	X	_____
-------	-------	---	-------

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated

3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

_____	_____	X	_____
-------	-------	---	-------

See comment K-2

4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?

_____	_____	_____	X
-------	-------	-------	---

See comment K-2

5. Create a situation in which water

_____	_____	X	_____
-------	-------	---	-------

EXHIBIT D

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

supplies are inadequate to serve the project or provide fire protection?

\_\_\_\_\_

See comment K-2

6. Result in inadequate access for fire protection?

\_\_\_\_\_ X

See comment K-2

7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?

\_\_\_\_\_ X

See comment K-2

8. Result in a breach of federal, state, and local statutes and regulations related to solid waste management?

\_\_\_\_\_ X

See comment K-2

**L. Land Use, Potentially Significant Impacts**  
Do the project have the potential to:

1. Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect?

\_\_\_\_\_ X

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Any proposal affected by this ordinance will require evaluation to confirm that the project proposal does not conflict with any policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

2. Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?

\_\_\_\_\_ X

See comment L-1

3. Physically divide an established community?

\_\_\_\_\_ X

EXHIBIT D

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

This proposed ordinance change, in and of itself, will not result in this type of environmental effect. Projects subject to this ordinance will undergo environmental review to ensure that this type of impact, if applicable to the proposal, will be avoided or mitigated.

4. Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

X

Any proposal affected by this ordinance will involve a rezoning and General Plan amendment which will allow for the development of new homes. The expected effect of this ordinance is that it will repress, to some unknown extent, the number of applications for residential conversions. On the other hand, it may slightly increase the proposed density of the conversions that do occur. Each specific project will include an evaluation of the impact on utilities such as water, sewer and road. Where infrastructure must be extended or increased in capacity, a full evaluation of potential for growth will be made. In the absence of any specific proposal, such an evaluation would be speculative. Additionally, any permits issued for any proposed project must be available under the County's adopted growth goal for the year of permit issuance.

5. Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere?

X

Any project proposed under this ordinance would occur on land currently not zoned for residential use. While there is a small chance that residential uses are already occurring on the land where the project is proposed, it is unlikely that a net reduction in housing would result. Displacement of existing residents will be evaluated as part of the environmental review for the specific project.

10/10/14

EXHIBIT

**M. Non-Local Approvals**

Does the project require approval of federal, state,  
or regional agencies?  
Coastal Commission

Yes   X        No       

**N. Mandatory Findings of Significance**

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, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory?

Yes             No   X  

- 2 Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future)

Yes             No   X  

- 3 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, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)?

Yes             No   X  

- 4 Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes             No   X  

EXHIBIT D

# TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>COMPLETED'</u>	<u>N/A</u>
Agricultural Policy Advisory Commission (APAC) Review	_____	_____	<u>X</u>
Archaeological Review	_____	_____	<u>X</u>
Biotic Report/Assessment	_____	_____	<u>X</u>
Geologic Hazards Assessment (GHA)	_____	_____	<u>X</u>
Geologic Report	_____	_____	<u>X</u>
Geoiechnical (Soils) Report	_____	_____	<u>X</u>
Riparian Pre-Site	_____	_____	<u>X</u>
Septic Lot Check	_____	_____	<u>X</u>
Other:	_____	_____	
	_____	_____	
	_____	_____	

\*Attach summary and recommendation from completed reviews

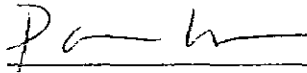
List any other technical reports or information sources used in preparation of this initial study:

## ENVIRONMENTAL REVIEW ACTION

On the basis of this initial evaluation:

- X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared
- \_\_\_ I find that although the proposed project could have a significant effect on the environment, there will not be a Significant effect in this case because the mitigation measures described below have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- \_\_\_ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is **required**.

7/26/05  
Date

  
Signature

For: Ken Hart  
Environmental Coordinator

### Attachments

- 1 Proposed Ordinance