



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

October 18, 2010

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

AGENDA DATE: October 27<sup>th</sup>, 2010

ITEM #: 9

TIME: After 9 AM

**Subject: Adding Emergency Homeless Shelters as a permitted use in the Public Facilities (PF) zone district.**

Commissioners:

State Law SB2 requires that for all Housing Elements due after June, 2008 local jurisdictions must strengthen provisions for addressing the housing needs of the homeless, including the identification of a zone or zones where Emergency Homeless Shelters are allowed as a permitted use without a conditional use permit. The County of Santa Cruz selected the PF (Public Facilities) zone district as the only zone in which such uses would be permitted without discretionary review. The PF zone district provides sufficient capacity to meet the County's need for one additional emergency homeless shelter.

### State Law Requirements

The requirements of SB2 state that jurisdictions must select a minimum of one zone district that will permit emergency shelters without a conditional use permit or other discretionary action. The identified zone district must provide sufficient capacity to provide the number of Emergency Homeless Shelters needed by the County, or at a minimum one year-round Emergency Homeless Shelter. Furthermore, the law stipulates that existing or proposed permit procedures, development, and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters. The full text of SB2 is included as Exhibit B for your reference.

The law sets out parameters that the County may regulate regarding the site standards and programming of shelters including lighting, parking, maximum number of beds, provision of onsite management, length of stay, security, and physical site standards. The key requirement is that all development and management standards must be measurable and objective, providing no opportunity for discretion regarding individual projects. This is similar to the manner in which the County currently regulates single family homes in residential zone districts; the use cannot be denied provided the design meets the County's site standards.

The PF zone district was selected as the most appropriate zone for shelters for several reasons. The need for Emergency Homeless Shelters is a public need, and therefore the use is compatible with the purposes of the zone district. Also, PF sites are well distributed throughout the County, many near major transportation corridors, and in both urban and rural areas, allowing for a variety of options for locations of shelters. Finally, the County has periodically received requests from churches and/or other religious organizations, which are most often located in the PF zone district, wishing to extend their mission to providing services to the homeless population. The proposed ordinance would allow these organizations to either build new facilities or convert existing structures on their properties to serve as Emergency Homeless Shelters.

### **Background and Overview of County Shelter Needs**

The Santa Cruz County 10-year Plan to End Homelessness, produced in 2003 by the Santa Cruz County Homeless Action Partnership in conformance with Federal HUD guidelines, reports that one additional Emergency Homeless Shelter is needed in the unincorporated area of the County. Potential for more than one new shelter exists in the PF district, and with this ordinance amendment, new shelter facilities could be built and existing structures could be converted to a shelter use on any parcel in the PF zone district, provided they are outside of scenic areas, are located away from steep slopes, and conform to the development standards of the County Code.

The proposed zoning ordinance will allow for the by-right development of Emergency Homeless Shelters, and lays out standards for management and limited new regulation for the location of the facilities. Non-discretionary standards for operation, location, and design are permitted under SB2. The proposed ordinance includes a maximum number of nightly clients (75), standards for on-site management, parking requirements (1 space per 7 beds), and restrictions on location within scenic areas or steep slopes, as well as other criteria. Emergency Homeless Shelters would require a Level 5 discretionary permit, rather than being allowed by-right, if they are proposed to be located either within 50 feet of a slope exceeding 30%, within 50 feet of any mapped Scenic Area, or do not conform in any other way to the standards of the proposed ordinance. The use is only proposed for the PF zone district, and the ordinance limits both by-right and discretionary development to this zone district.

This ordinance does not require the development of any new shelters, it simply provides the opportunity for a simplified development process. The PF zone district primarily applies to parcels that are already developed with public facilities, or are owned by public agencies, and most are already developed to some extent. Historically, the PF zone was applied to parcels after they had been developed with hospitals, schools, churches, libraries, fire stations and other similar uses. Shelters fit into this category of public-serving uses, and adding Emergency Homeless Shelters to the list of permitted uses would allow existing structures to be converted, or partially converted for shelter use, and would also allow the construction of new facilities. All other facets of the County Code regulating development will apply to these development activities, including riparian, sensitive habitat, and other resource protections.

The PF zone district consists of a total of 323 parcels, of these, 80 parcels overlap a mapped scenic resource, and slopes exceeding 30% affect another 173 parcels. The ordinance does

not exclude these parcels from eligibility to construct an Emergency Shelter, it simply restricts the location of the building envelope within the parcel, and requires a discretionary permit if the by-right criteria cannot be met. Parcels in this zone district are present in most planning areas of the County, but are concentrated inside the Urban Services Boundary. PF-zoned parcels range in size from a few thousand square feet to a few acres, and an emergency shelter would be permitted on any one of them under the proposed ordinance, provided the objective siting criteria could be met.

### **Concept Approval**

This ordinance amendment comes from Program 5.12 in the 2010 Housing Element, which was approved by the Board of Supervisors in January 2010 and certified by the California Department of Housing and Community Development (HCD) this past May. Program 5.12 of the Housing Element directs staff and the Board to "Adopt an ordinance to allow homeless shelters as a principally permitted use in the Public Facilities (PF) zone and define appropriate management and development standards, similar to those imposed for other uses in the zone district." As discussed above, State Housing Element Law was amended by SB2 to require that all jurisdictions include similar language in their housing elements in order to achieve certification by the State HCD.

### **Staff Analysis**

In developing this ordinance, staff was guided by the requirements of state law as well as the needs of our community to provide services to the homeless population while minimizing land use conflicts. Keeping in mind the by-right nature of shelter facilities under this ordinance, Planning staff worked with staff members at the Homeless Services Center to ensure that the development criteria balanced the needs of the vulnerable homeless population with those of the neighborhoods that will host these facilities. Compared to other uses currently allowed in the PF district, Emergency Homeless Shelters are likely to be similar in intensity of use, and are likely to have fewer impacts in terms of noise, traffic generation, and water demand than some of the other allowed uses in the district. Also, like other uses allowed in the PF zone district, including hospitals, churches, fire stations, schools and libraries, Emergency Homeless Shelters will be required to meet height and setback standards set for the zone district in addition to the objective criteria developed under SB2. These criteria include a limit on the number of beds at 75, requirements for exit-path lighting inside and cut offs on lighting outside the facility, standards for on-site management, and limits the location of potential building envelopes are among the standards that were designed to provide a high level of service to clients and maintain appropriate standards for neighborhood compatibility..

Because Chapter 13.11 requires design review of discretionary projects located near scenic resources, and the state law prohibits any type of discretionary approval for these projects, the ordinance includes language to address this incompatibility and limit impacts to the County's scenic viewsheds by limiting the location of potential building envelopes for Emergency Shelters to areas outside mapped scenic resource areas. Similarly General Plan Policy 6.3.1 prohibits structures on slopes exceeding 30%, but only applies to discretionary uses. Due to our inability to include discretionary review requirements with the approval of Emergency Homeless Shelters, staff is proposing language that would limit the location of by-right facilities

to areas with slopes under this threshold. A by-right use is one that is free of requirements for discretionary approval, and as such, there will be no opportunity to review these facilities other than through our existing building permit process. Staff feels that the requirements of the ordinance as proposed will address the issues important to our community in designing and operating Emergency Homeless Shelters, while also ensuring that the homeless population is appropriately served, and the requirements of state law are addressed.

### **Local Coastal Program Consistency**

This ordinance meets the requirements of and is consistent with the County's certified Local Coastal Program (LCP), including the public access component. This ordinance and any subsequent development of Emergency Homeless Shelters on PF-zoned land in the Coastal Zone will have a less than significant impact on Coastal Resources, as any development will be required to meet the standards of the County's Resource Protection Ordinance, Chapter 16 of the County Code, and all Coastal Zone Regulations, Chapter 13.20 of the County Code. Furthermore, because the ordinance will apply only to PF sites, no Coastal Priority uses or properties will be affected.

### **California Environmental Quality Act Finding**

The ordinance amendment was analyzed according to CEQA requirements and an initial study was prepared and evaluated by the Environmental Coordinator. The initial study examined potential for growth inducement and impacts to public services in detail, and discussed all other topics as either not applicable or having a less-than-significant impact. On September 9<sup>th</sup>, 2010, the Environmental Coordinator issued a Proposed Negative Declaration. The public review and comment period on the proposed Negative Declaration closes on October 26<sup>th</sup>. Any comments received will be included with staff's presentation to your Commission and recommendation to the Board of Supervisors. No comments have been received as of the writing of this letter. The full initial study and the Proposed Negative Declaration have been included as Exhibit D.

### **Conclusion/Recommendation**

The homeless population in the County is such that currently, there is a need for one additional Emergency Homeless Shelter. The proposed ordinance meets the requirements of SB2 by amending the County Code to allow Emergency Homeless Shelters in the PF zone district on a "by right" basis. The amendments also address the operation and management of Emergency Homeless Shelters, sets a minimum distance from scenic areas and steep slopes, and sets parking standards. Existing minimum property line setbacks, minimum parcel size, and height requirements address design issues for these facilities. Further, the ordinance provides a process under which properties that do not meet the by-right criteria are eligible for a Level V discretionary process for use as an Emergency Homeless Shelter. This provision ensures that the pool of potential sites is not overly limited and provides ample opportunity for the development of an Emergency Homeless Shelter to serve the homeless population currently residing in the unincorporated County.


Environmental Review was conducted according to CEQA, and a proposed negative declaration has been prepared.

It is therefore RECOMMENDED that your Commission adopt the Resolution attached as Exhibit A recommending that the Board of Supervisors certify the Negative Declaration under CEQA and approve the proposed amendment to County Code Chapter 13.10 amending the permitted uses in the PF zone district and establishing certain standards for Emergency Shelters.

Sincerely,



Sarah Neuse  
Planner III  
Policy Section



Paia Levine  
Principal Planner  
Policy Section

Exhibits:

- A. Resolution and proposed Ordinance Amendment
- B. SB2 Text
- C. CEQA Notice of Review Period, Notice of Intent to adopt a Negative Declaration and Initial Study

cc: County Counsel  
California Coastal Commission

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 RECOMMENDING ADOPTION OF ORDINANCE AMENDMENTS TO  
COUNTY CODE SECTIONS 13.10. 3.10.362, -.363, -.552 AND -.700 OF THE SANTA  
CRUZ COUNTY CODE PERMITTING EMERGENCY HOMELESS SHELTERS IN THE  
PUBLIC FACILITIES ZONE DISTRICT TO THE BOARD OF SUPERVISORS

WHEREAS, the County of Santa Cruz is home to a population of homeless persons with specific housing needs not currently sufficiently met by the County;

WHEREAS, California State Senate Bill 2, Approved by the Governor October 13, 2007, requires jurisdictions to plan for the housing needs of local homeless populations;

WHEREAS, the Public Facilities zone district is reserved for uses serving a public purpose;

WHEREAS, sufficient capacity exists within the PF zone district to meet the community's need for one additional Emergency Homeless Shelter;

WHEREAS, the Board of Supervisors, in compliance with state law, has directed staff to develop standards and criteria which would allow Emergency Homeless Shelters to be developed or converted from existing structures as a by-right use;

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

WHEREAS, the California Coastal Commission has certified the County's Local Coastal Program, including County Code Chapter 13.10, as consistent with and legally adequate to carry out the California Coastal Act;

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;

WHEREAS, the Planning Commission finds that the proposed Local Coastal Program amendment and proposed amendment 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, is in compliance with the California Coastal Act, and will address a critical need in the community in 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 September 9<sup>th</sup>, 2010.

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 amendment to County Code amending sections 13.10. 3.10.362, -.363, -.552 and -.700 to allow Emergency Homeless Shelters as a permitted use in the PF zone district, in accordance with the definitions and restrictions found in the state housing element law, 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 incorporated herein by reference, be adopted by the Board of Supervisors and 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 \_\_\_\_\_, 2010 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 AMENDING SUBDIVISION (b) OF SECTION 13.10.362,  
SUBDIVISION (b) OF SECTION 13.10.552, AND SECTION 13.10.700-E,  
AND ADDING SUBSECTIONS (3) AND (4) TO SUBDIVISION (b) OF  
SECTION 13.10.363 OF THE SANTA CRUZ COUNTY CODE RELATING  
TO THE PUBLIC FACILITIES ZONE DISTRICT**

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

**SECTION I**

Subdivision (b) of Section 13.10.362 of the Santa Cruz County Code is hereby amended by adding the use "Emergency Shelters" following "Energy systems, community," to read as follows:

**USE**  
Emergency Shelters, as defined in 13.10.700-E

**Approval Level**  
P/5

**SECTION II**

Subdivision (b) of Section 13.10.552 of the Santa Cruz County Code is hereby amended by adding the use "Emergency Shelters" following the use "Elementary School and junior high school" to read as follows:

<b>USE</b>	<b>REQUIREMENTS</b>	
	<b>Auto Parking Spaces</b>	<b>Bicycle Parking Spaces</b>
<u>Emergency Shelters</u>	<u>0.15 per bed, plus 1 per employee</u>	<u>0.2 per employee</u>

**SECTION III**

Santa Cruz County Code subsection 13.10.700-E, is hereby amended to add the following:

Emergency Shelter shall mean housing with minimal supportive services for homeless persons that is limited to nighttime occupancy by clients.



## SECTION IV

Subdivision (b) of section 13.10.363 of the Santa Cruz County Code is hereby amended, by adding Subsection (b)(3), to read as follows:

(3) Emergency Shelters shall be permitted without additional discretionary review, subject to the following conditions:

(i) The maximum number of clients that may be served on a nightly basis shall be that number which can be accommodated in the facility while meeting the requirements of the California Fire Code, and in no case shall this number exceed 75.

(ii) No individual or household may be denied emergency shelter because of an inability to pay for accommodation.

(iii) Parking shall be provided at a rate of 1 space per 7 beds, plus 1 space for each awake overnight staff person.

(A) A lower parking requirement may be approved under the provisions of 13.10.553

(iv) The client intake area must provide a minimum of 2 square feet of space per client based on the number of clients expected on a nightly basis. Intake areas shall be oriented toward the interior of the site whenever possible, so as to minimize spill over of waiting clients to neighboring properties or the public street, and may include a combination of both indoor and outdoor space.

(v) On-site management shall be provided during all hours of operation as described below, and all operators must ensure that an operations manual that includes, at a minimum, the following components is available to staff at all times:

(A) Awake overnight supervision procedures and practices

(a) A minimum of one awake overnight staff person for every 45 clients shall remain on site during operation hours. If shelters serve fewer than 45 clients on a given night, a minimum of 1 awake, overnight staff person shall be required. Additionally, all supervision staff shall be trained in first aid and CPR.

(B) Emergency evacuation procedures

(C) Client intake procedures

(D) Process for providing referrals to other agencies or organizations serving the client population including drug treatment, mental health, hygiene and healthcare services not otherwise provided on site.

(E) Facility maintenance and site management

(vi) Interior and exterior lighting shall provide for the safety of staff and clients, while minimizing impacts on neighboring properties:

(A) All exterior lighting shall include cut-offs that prevent light from extending beyond the boundaries of the property

(B) Interior lighting shall include exit-path lighting in sleeping and living areas, and full lighting of all bathroom and washroom areas

(vii) Emergency shelter facilities shall maintain a safe and secure environment, ensuring the safety of all staff and clients, as well as a secure location for valuables, such

as a locker for each client or a locked room for storing valuables and medication during sleeping hours, including a location for medications that must be refrigerated.

(viii) New Emergency Shelters with proposed building envelopes within fifty (50) feet of a mapped scenic resource or a slope exceeding 30% will require a Level V Use Approval. Existing structures converted to use as Emergency Shelters will not be subject to this requirement.

(ix) Exceptions to the above standards for Emergency Shelters may be considered as part of a Level V Use Approval.

## SECTION VI

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 California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the Board of Supervisors of the County of Santa Cruz by the following vote:

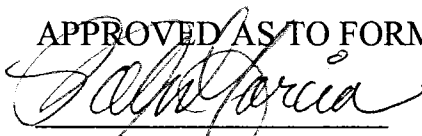
AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chairperson, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

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

Copies to: Planning  
County Counsel

**Senate Bill No. 2**

**CHAPTER 633**

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007. Filed with  
Secretary of State October 13, 2007.]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(3) The bill would also make other technical and conforming changes to these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Homelessness is a statewide problem that affects many cities and counties. There are an estimated 360,000 homeless individuals and families in California. In some counties, like Los Angeles, an estimated 254,000 men, women, and children experience homelessness over the course of each year. Some of the causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing.

(b) Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters. Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services.

(c) The lack or shortage of emergency shelters for homeless individuals and families in cities and counties across the state leads to the concentration of services in inner cities and poor communities, like the skid row area in downtown Los Angeles.

(d) In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this threatened population.

(e) It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community. The state should not dictate where these emergency shelters should be located.

(f) It is the responsibility of the Legislature to promote strong communities and ensure that housing and residential services are available in all communities.

SEC. 2. Section 65582 of the Government Code is amended to read:

65582. As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

(g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

SEC. 3. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient

capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of

subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (6). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that

could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory



completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the

community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

SEC. 4. Section 65589.5 of the Government Code is amended to read: 65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment

growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there

is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency’s share of the regional housing need for the very low and low-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary

circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.



(o) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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# 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.: Emergency Shelters for Homeless

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: October 26, 2010

Staff Planner: Sarah Neuse

Phone: (831) 454-3290

Date: September 9, 2010



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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KATHY MOLLOY PREVISICH, PLANNING DIRECTOR

### ENVIRONMENTAL COORDINATOR

#### NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

AGENDA DATE: AUGUST 23, 2010

DETERMINATION DATE: SEPTEMBER 14, 2010

Pursuant to the California Environmental Quality Act, the following projects have been reviewed by the County Environmental Coordinator to determine if they have a potential to create significant impacts to the environment and, if so, how such impacts could be solved. A negative declaration has been prepared in cases where the project is determined not to have any significant environmental impacts. An environmental impact report (EIR) will be prepared for projects, which could have a significant impact.

Public review periods are provided for these environmental determinations according to the requirements of the County Environmental Review Guidelines, depending upon whether State agency review is required or whether an EIR is required. The environmental documents are available for review at the County Planning Department at 701 Ocean Street, Santa Cruz. You may also view environmental documents on the web at [www.sccoplanning.com](http://www.sccoplanning.com) under the Planning Department menu, Agendas link. If you have questions or comments about these determinations please contact Matt Johnston of the Environmental Review staff at (831) 454-3201

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you require special assistance in order to review this information, please contact Bernice Romero at (831) 454-3137 (TDD number (831) 454-2123 or (831) 763-8123) to make arrangements.

#### 1. N/A COUNTY-WIDE EMERGENCY SHELTERS APN(S): N/A

The proposal to amend the County Code to allow the development of Emergency Shelters for the homeless as a principally permitted use in the PF zone district, so long as the building envelope is not in proximity to either a scenic resource or a slope exceeding 30%. This ordinance amendment will bring the County Code into conformance with SB2 and the County's Housing Element of the General Plan.

Location: All Public Facilities (PF) zoned properties in the unincorporated County

**ZONE DISTRICT:** Public Facilities (PF)

**OWNER/APPLICANT:** N/A

**STAFF PLANNER:** SARAH NEUSE, 454-3290

**EMAIL:** [pln320@co.santa-cruz.ca.us](mailto:pln320@co.santa-cruz.ca.us)

**ACTION:** Negative Declaration with no mitigations

**REVIEW PERIOD ENDS:** October 30, 2010

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 hearing notices for the project



# County of Santa Cruz

## PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR  
www.sccoplanning.com

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

Date: 8/23/2010

Application Number: N/A

Staff Planner: Sarah Neuse

### I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: County of Santa Cruz

APN(s): N/A

OWNER: N/A

SUPERVISORAL DISTRICT: All

PROJECT LOCATION: Countywide

### SUMMARY PROJECT DESCRIPTION:

The proposal would to amend County Code Sections 13.10.363 and 13.10.552 to allow the development of Emergency Shelters for the homeless as a principally permitted use in the PF zone district, so long as the building envelope is not in proximity to either a scenic resource or a slope exceeding 30%. This ordinance amendment will bring the County Code into conformance with SB2 and the Housing Element of the County's General Plan.

**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 checked="" 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 type="checkbox"/> Land Use and Planning              |
| <input type="checkbox"/> Hazards & Hazardous Materials        | <input checked="" type="checkbox"/> Population and Housing  |
| <input type="checkbox"/> Transportation/Traffic               | <input type="checkbox"/> Mandatory Findings of Significance |

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

- |   |   |
|---|---|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Coastal Development Permit                   |
| <input type="checkbox"/> Land Division          | <input type="checkbox"/> Grading Permit                               |
| <input type="checkbox"/> Rezoning               | <input type="checkbox"/> Riparian Exception                           |
| <input type="checkbox"/> Development Permit     | <input checked="" type="checkbox"/> Other: Zoning Ordinance Amendment |


**NON-LOCAL APPROVALS**

Other agencies that must issue permits or authorizations:

**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  
Deputy Environmental Coordinator

9/8/10  
Date

For Claudia Slater  
Environmental Coordinator

## II. BACKGROUND INFORMATION

### EXISTING SITE CONDITIONS

Parcel Size:

Existing Land Use:

Vegetation:

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

Nearby Watercourse:

Distance To:

### ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Water Supply Watershed: N/A

Groundwater Recharge: N/A

Timber or Mineral: N/A

Agricultural Resource: N/A

Biologically Sensitive Habitat: N/A

Fire Hazard: N/A

Floodplain: N/A

Erosion: N/A

Landslide: N/A

Liquefaction: N/A

Fault Zone: N/A

Scenic Corridor: N/A

Historic: N/A

Archaeology: N/A

Noise Constraint: N/A

Electric Power Lines: N/A

Solar Access: N/A

Solar Orientation: N/A

Hazardous Materials: N/A

Other:

### SERVICES

Fire Protection: All Fire Districts

School District: All School Districts

Sewage Disposal: All Sanitation Districts

Drainage District: All Drainage Districts

Project Access: N/A

Water Supply: All Water Providers

### PLANNING POLICIES

Zone District: PF, Public Facilities

General Plan: Public Facility/Institutional

Urban Services Line: ☒ Inside

Coastal Zone: ☒ Inside

Special Designation:

☒ Outside

☒ Outside

### ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

The PF zone district applies to parcels found throughout the County, in a wide variety of environmental settings, and surrounded by land uses ranging from all densities of residential use to commercial to open space and agricultural uses. Because this project is an ordinance amendment, the setting is countywide.

### PROJECT BACKGROUND:

The Public Facilities zone district, which corresponds with the Public Facility/Institutional Designation in the County's General Plan is intended to serve the community's needs for public and quasi-public uses including schools and universities, fire stations, churches, hospitals, cemeteries, landfills, public utilities, libraries, public administration buildings, and other services used by residents of the County. The proposed ordinance

amendment would allow Emergency Homeless Shelters as a by-right use on these properties. A by-right use is a use which requires no discretionary action by the County for approval. These facilities would still be subject to the Environmental and Resource Protection Ordinance, Chapter 16 of the County Code, and other permits required for new development (i.e. grading, riparian exceptions, tree removal permits, etc) would continue to require discretionary action by the County. The proposed ordinance includes standards for these uses including both site and programming requirements.

Currently, there are no Emergency Homeless Shelters in the unincorporated area of the County. Through an agreement with the City of Santa Cruz, the County contributes funding and services to the shelter facility in the City. According to the analysis performed for the 10 year plan to end homelessness, conducted in accordance with Federal HUD guidelines, the County is currently in need of one additional homeless shelter in the unincorporated area. At the present time, the County works with the City of Santa Cruz under a Memorandum of Understanding that provides for County funding of homeless services provided within the City Limits. An overnight winter shelter is financed jointly by the City and County, and additional County-funded services are provided to the homeless population at various locations in the City.

The Emergency Homeless Shelters referred to by this ordinance amendment are permanent facilities which provide overnight accommodation to people without homes, regardless of ability to pay. These are not disaster service shelters designed to provide accommodation for residents who have been forced to evacuate their homes due to a natural disaster.

## DETAILED PROJECT DESCRIPTION:

State Law SB2 requires that for all Housing Elements due after June, 2008 local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including the identification a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit. The County of Santa Cruz selected the PF (Public Facilities) zone district as the only zone in which such uses would be permitted without discretionary review for the use (all other code requirements would continue to apply). According to the County's Housing Element, there are at least 26 parcels which meet a more stringent set of criteria than those included in the proposed ordinance. (This set of criteria included: location inside either the Urban Services Boundary or the Rural Services Boundary, size of at least 15,000 square feet, location outside a floodway or floodplain, location not adjacent to agricultural land, and location within a quarter mile of a bus line). These sites, plus the 300 other sites that would be covered by the ordinance amendment, provide sufficient capacity to meet the County's need for the one additional shelter. The number of shelters needed in the County was determined according to the Santa Cruz County 10-year Plan to End Homelessness, which was produced in conformance with federal HUD guidelines. Potential for many more shelters exists, and with this ordinance amendment, new facilities could be built or converted from existing structures on any parcel in the PF zone district, provided they are able to meet the siting criteria outside of scenic areas and steep slope areas, and can conform with the remaining development standards of the County Code including the PF zone site standards found in Chapter 13.10 and the Environmental and Resource Protection Ordinance, Chapter 16.

The proposed zoning ordinance will allow for the by-right development of Emergency Shelters on parcels in the PF zone district, and lays out standards for their operation. Non-discretionary standards for approval are permitted under SB2, and the proposed ordinance includes a maximum number of nightly clients (75), standards for on-site management, and restrictions on location within scenic areas or steep slopes. Emergency Shelters would require a Level 5 discretionary permit if they are proposed to be located either within 50 feet of a slope exceeding 30%, within 50 feet of any mapped Scenic Area, or do not conform in any other way to the standards of the proposed ordinance.

This ordinance does not require the development of any new shelters, and the PF zone district primarily applies to parcels that are already developed with public facilities, though there are a few that remain vacant. The PF zone district has historically been used to recognize existing public uses including hospitals, schools, churches, public roadways, and utility land. Adding Emergency Homeless Shelters to the list of permitted uses would allow existing structures to be converted, and would also allow the construction of new facilities. All other facets of the County Code regulating development will apply to these development activities, including riparian, sensitive habitat, and other resource protections.

The PF zone district consists of a total of 323 parcels, of these, 80 parcels will be impacted by their location overlapping a mapped scenic resource, and slopes



exceeding 30% affect another 173 parcels. The ordinance does not necessarily exclude these parcels from eligibility to construct an Emergency Shelter, it simply restricts the location of the building envelope within the parcel, and requires a discretionary permit if the by-right criteria cannot be met. Parcels in this zone district are present in all planning areas of the County, but are concentrated inside the Urban Services Boundary. These parcels range in size from a few thousand square feet to a few acres, and an emergency shelter would be permitted on any one of them under the proposed ordinance, provided the objective siting criteria could be met.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
B. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The proposed project is an ordinance amendment and does not approve any development project. All of Santa Cruz County is subject to some hazard from earthquakes, and any future development approved under this ordinance will be required to comply with the County's Environmental and Resource Protection Ordinance (Chapter 16 of the County Code) and could require a soils report and/or a geologic report in order to obtain building permits.

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?

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval,

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. In areas where soil instability is a concern, a soils report will be required.

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

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be excluded if proposed building envelopes are within 50 feet of slopes of over 30%. Future proposed development on land with slopes of greater than 30% will be subject to a Level V discretionary review and additional CEQA review.

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

**Discussion:** Some potential for erosion exists during the construction phase of the project, however, this potential is minimal because projects are limited in size and standard erosion controls are a required condition of the project. Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan, which will specify detailed erosion and sedimentation control measures. The plan will include provisions for disturbed areas to be planted with ground cover and to be maintained to minimize surface erosion.

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? ☐ ☐ ☐ ☒

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. In areas where soil instability is a concern, a soils report will be required.

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? ☐ ☐ ☐ ☒

**Discussion:** The proposed ordinance does not approve the development of any new

Application Number: N/A

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sewage disposal systems, however, future projects developed under this ordinance will either connect to the Santa Cruz County Sanitation District, and the applicant will be required to pay standard sewer connection and service fees that fund sanitation improvements within the district, or the project will use an onsite sewage disposal system, provided the County Environmental Health Services determines that site conditions are appropriate to support such a system.

- |                                     |                          |                          |                                     |                          |
|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 7. Result in coastal cliff erosion? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

## 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. Development within floodplains is not permitted to exceed existing displacement.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Be inundated by a seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> |

Application Number: N/A

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**Discussion:** The project is an ordinance amendment and as such will not directly result in any new development. Future projects built under the ordinance will be required, through the building permit process, to either obtain water from an urban water service provider, or rely on a private well for water supply. Although these future projects could incrementally increase water demand, adequate supplies must be shown to be available to serve the project or development will not be permitted.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project is an ordinance amendment and as such will not directly result in any new development. Future projects built under the ordinance will not discharge runoff either directly or indirectly into a public or private water supply. However, runoff from future projects may contain small amounts of chemicals and other household contaminants. No commercial or industrial activities would contribute contaminants. Potential siltation from the future projects will be addressed through implementation of erosion control measures.

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|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 6. | Degrade septic system functioning?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. In the course of Building Permit Approval, Department of Public Works Drainage Section staff will review and approve all drainage plans.

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| 8. | Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial | <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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additional sources of polluted runoff?

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. Chapter 16 addresses performance standards for stormwater drainage systems.

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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"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |     |  |                          |                          |                          |                                     |
|-----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 10. | Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. For future development under this ordinance, a silt and grease trap, and a plan for maintenance, could be required as part of Building Permit approval to minimize the effects of urban pollutants.

### C. BIOLOGICAL RESOURCES

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Have a substantial adverse effect, either directly or through habitat modifications, 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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,  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

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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 migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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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"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. Additionally, the ordinance requires that lighting impact to neighboring properties be minimized.

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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"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 project would not conflict with any other local policies or ordinances.

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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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The proposed project would not conflict with the provisions 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. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project is an ordinance amendment and does not approve any specific development proposal. Future applications made under this ordinance will be subject to the requirements of County Code related to Building Permit approval, County Code Chapter 12, and also those related to Environmental and Resource Protection, Chapter 16. The affected sites do not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. In addition, no PF-zoned parcels contain Farmland of Local Importance. Therefore, no Prime Farmland, Unique Farmland, Farmland of Statewide or Farmland of Local Importance would be converted to a non-agricultural use. No impact would occur from project implementation.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Conflict with existing zoning for agricultural use, or a Williamson Act | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Application Number: N/A



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contract?

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|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** As an ordinance amendment the project will have no affect on any Timber Resources land, and applies only to properties in the Public Facilities zone district. Future projects developed under the new ordinance that are adjacent to land designated as Timber Resource will not affect the resource or access to harvest the resource in the future. The timber resource may only be harvested in accordance with California Department of Forestry timber harvest rules and regulations

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|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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"/> |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Discussion:** The project is an ordinance amendment, and will not affect any land. Future projects developed under this ordinance will be located on Public Facility land and not on agricultural land or land zoned for forest uses.

## 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"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project is an ordinance amendment and does not approve any development. Currently, no PF zoned parcels contain any known mineral resources that would be of value to the region and the residents of the state. Therefore, no impact

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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 project is an ordinance amendment and does not approve any development. The project affects parcels zoned PF, which is not considered to be an Extractive Use Zone (M-3) nor do any of the affected parcels 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project will 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, because it is an ordinance amendment and does not approve any development project. Future facilities built under the ordinance will require a discretionary permit at a Level 5, including further CEQA evaluation if they lie inside or within 50 feet of any mapped scenic resource.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |    |   |                          |                          |                                     |                          |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project is an ordinance amendment and does not approve any development. Future projects developed under this ordinance will be required to meet the height and setback requirements of the zone district.

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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:** As an ordinance amendment, the project will not, in and of itself, increase nighttime lighting or glare. Future facilities built under this ordinance may or may not create an incremental increase in night lighting. Any increase will be small, and will be similar in character to the lighting associated with surrounding existing uses, and will be required, by ordinance, to incorporate cut-offs to limit the escape of light or glare from the site.

## 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"/>
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**Discussion:** The project is an ordinance amendment and does not approve any development project. Future development built under this ordinance will be subject to the County's historic resources protection ordinance, and will be required to be consistent with the County's Historic Resources regulations.

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"/>
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**Discussion:** As an ordinance amendment, the project will have no physical impact on any archaeological resource. Future projects developed under this ordinance will be required to comply with all local, state, and federal laws regarding archaeological resource protection. If at any time in the preparation for or process of excavating or otherwise disturbing the ground, any human remains of any age, or any artifact or other evidence of a Native American cultural site which reasonably appears to exceed 100 years of age are discovered, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

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"/>
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**Discussion:** Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

#### 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"/> |
| 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"/> |
| 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"/> |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Expose people to electro-magnetic fields associated with electrical transmission lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** Because the project is an ordinance amendment it will not, directly, expose people to any type of EMF. Future facilities built under this ordinance may be located in close proximity to electrical transmission lines, and could expose people to higher than average levels of EMF. Because the ordinance only applies to parcels in the PF zone district, the level of exposure in new facilities will be very similar to that which exists currently on these properties, and the facilities themselves will not be significant generators of EMF.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

**Discussion:** The project is an ordinance amendment and does not approve any development. Future development approved under this ordinance will incorporate all

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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applicable fire safety code requirements and include fire protection devices as required by the local fire agency.

## 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** As an ordinance amendment, the project will not contribute to traffic generation in any way. Future facilities built under this ordinance will serve a population already residing in the County that generates very little traffic. Emergency Shelters provide services to the homeless population, a group with limited access to cars, which relies heavily on public transportation, pedestrian, and bicycle transit, and therefore these facilities are unlikely to generate significant increases in traffic on nearby roads and intersections.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Application Number: N/A

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
5. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** As an ordinance amendment, the project will not contribute to traffic generation in any way. Future facilities built under this ordinance will serve a population already residing in the County that generates very little traffic. Emergency Shelters provide services to the homeless population, a group with limited access to cars, which relies heavily on public transportation, pedestrian, and bicycle transit, and therefore these facilities are unlikely to generate significant increases in traffic on nearby roads and intersections.

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"/>
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"/>

#### 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"/>
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"/>
3. Exposure of persons to or generation of noise levels in excess of standards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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established in the General Plan or noise ordinance, or applicable standards of other agencies?

**Discussion:** The project, as an ordinance, will not expose people to any noise impacts. Future facilities will be subject to all existing County policies, including the noise regulations which stipulate that average hourly noise levels shall not exceed the General Plan threshold of 50 Leq during the day and 45 Leq during the nighttime.

- |    |   |                          |                          |                                     |                          |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project, as an ordinance, will not expose people to any noise impacts. Noise generated during construction of future facilities would increase the ambient noise levels for adjoining areas. Construction would be temporary, however, and given the limited duration of this impact it is considered to be less than significant.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

#### 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 type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|--------------------------|

**Discussion:** The North Central Coast Air Basin does not meet state standards for ozone and particulate matter (PM<sub>10</sub>). Therefore, the regional pollutants of concern that



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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would be emitted by the project are ozone precursors (Volatile Organic Compounds [VOCs] and nitrogen oxides [NO<sub>x</sub>]), and dust.

As an ordinance amendment, the project will not directly contribute to air quality concerns, but the future construction of facilities could temporarily contribute incrementally to airborne particulate matter. The MBUAPCD assumes that grading and excavation activities generate approximately 71 pounds of PM<sub>10</sub> per acre in active disturbance (MBUAPCD, 1995). Given the scope of any potential shelter construction project, impacts from dust are not expected to exceed the 82 pounds per day identified by the MBUAPCD as the threshold of significance.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project would not conflict with or obstruct implementation of the regional air quality plan. 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"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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

#### 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project is an ordinance amendment and does not approve any

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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development. Future development approved under this ordinance, like all development, would be responsible for an incremental increase in green house gas emissions by usage of fossil fuels during the site grading and construction. At this time, Santa Cruz County is in the process of developing a Climate Action Plan (CAP) intended to establish specific emission reduction goals and necessary actions to reduce greenhouse gas levels to pre-1990 levels as required under AB 32 legislation. Until the CAP is completed, there are no specific standards or criteria to apply to this project. All project construction equipment would be required to comply with the Regional Air Quality Control Board emissions requirements for construction equipment. As a result, impacts associated with the temporary increase in green house gas emissions are expected to be less than significant.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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:** See the discussion under L-1 above. No impacts are anticipated.

#### 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 type="checkbox"/>            |

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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- e. Other public facilities; including the maintenance of roads?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Discussion (a through e):** The project is an ordinance amendment and does not require that any public facilities be expanded or physically altered. While future development projects under this ordinance will represent an incremental contribution to the need for services, the increase will be minimal, due to the fact that the clients that would be served by these facilities are already present in our community. Moreover, these development project will be required to meet all of the standards and requirements identified by the local fire agency or California Department of Forestry, as applicable, and school and transportation fees to be paid by the applicant will be used to offset the incremental increase in demand for school and recreational facilities and public roads.

## 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 deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Discussion:**

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:**

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

**Discussion:** he project is an ordinance amendment and will not contribute to storm water. Future facilities developed under this ordinance will be subject to the County's Stormwater management requirements and will be reviewed at the time of application by Department of Public Works Stormwater Management staff.

2. Require or result in the construction of

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Application Number: N/A

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Discussion:** The project is an ordinance amendment and will have no affect on water or waste water. Future development undertaken as a result of this ordinance will fall into the following scenarios:

- The project will connect to an existing municipal water supply. Municipal water suppliers would provide the applicant with a will-serve letter indicating that sufficient capacity exists for the proposed use. If the water supplier is unable to identify sufficient capacity, the development project would not be permitted to move forward.
- The project will rely on an individual well for water supply. Public water delivery facilities will not have to be expanded.
- Municipal sewer service will be available to serve the project, as documented in a letter from the sanitation district required at the time of application for building permits.
- The project will be served by an on-site sewage disposal system, which demonstrate adequacy to the Environmental Health Department to accommodate the demands of the project.

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
| 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 type="checkbox"/>            |

**Discussion:** As an ordinance amendment, the project will not affect water supplies for fire protection. Future development undertaken under this ordinance will be required to comply with the requirements of the local fire agency or California Department of Forestry, as appropriate, and development will not occur unless minimum requirements for water supply for fire protection can be met at the site, as provided in County Code Section 7.92.508.1.

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. | Result in determination by the wastewater treatment provider which | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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?

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

#### 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 proposed project does not conflict with any regulations or policies adopted for the purpose of avoiding or mitigating an environmental effect.

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

**Discussion:** The project would not include any element that would physically divide an established community.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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## 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** As an ordinance amendment, the project will not have a growth inducing affect. The proposed ordinance responds to SB2, which requires cities and counties in California to identify a zone district in which the construction of Emergency Shelters to serve the homeless population must be allowed by-right, without any further discretionary review. Because future facilities will be required to meet the state definition of Emergency Shelter, they will serve the local homeless population on a night-to-night basis, and will not serve as permanent housing or visitor accommodations. Furthermore, these future projects will not involve extensions of utilities (e.g., water, sewer, or new road systems) into areas previously not served, because PF-zoned properties are all at least partially developed with existing Public Facility uses. Consequently, it is not expected to have a significant growth-inducing effect.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
| 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"/> |

## 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 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. As a result of this evaluation, there is no substantial evidence that, after mitigation, significant effects associated with this project would result. 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:** In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable, and this project has been determined not to meet this Mandatory Finding of Significance.

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐☐☐☒

**Discussion:** 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. As a result of this evaluation, there is no substantial evidence that there are adverse effects to human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.



#### IV. TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>DATE COMPLETED</u>
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 type="checkbox"/>	_____

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

Santa Cruz County Code.

**VI. ATTACHMENTS**

1. Text of proposed ordinance amendment.

Ordinance No. \_\_\_\_\_

ORDINANCE AMENDING COUNTY CODE SECTION 13.10.363 OF THE  
SANTA CRUZ COUNTY CODE RELATING TO THE  
PUBLIC FACILITIES ZONE DISTRICT

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

SECTION I

Santa Cruz County Code section 13.10.362(b) is hereby amended by adding the following:

**USE**

Emergency Shelters, as defined in 13.10.700-E

**Approval Level**

P/5

SECTION II

The Santa Cruz County Code is hereby amended by adding Subsections 13.10.363 (b)(3) and (4), which will read as follows:

- (3) Emergency Shelters shall be permitted without additional discretionary review, subject to the following conditions:
- (i) The maximum number of clients that may be served on a nightly basis shall be that number which can be accommodated in the facility by allowing a minimum of 15 square feet of living/sleeping floor area per guest, and in no case shall this number exceed 75.
  - (ii) Parking shall be provided at a rate of 1 space per 7 beds, (determined by dividing the total living/sleeping floor area by 15 square feet), plus 1 space for each awake overnight staff person.
    - (A) A lower parking requirement may be approved under the provisions of 13.10.553
  - (iii) The client intake area must provide a minimum of 2 square feet of space per client based on the number of clients expected on a nightly basis. Intake areas shall be oriented toward the interior of the site whenever possible, so as to minimize spill over of waiting clients to neighboring properties or the public street, and may include a combination of both indoor and outdoor space.
  - (iv) On-site management shall be provided during all hours of operation as described below, and all operators must ensure that an operations manual that includes, at a minimum, the following components is available to staff at all times:
    - (A) Awake overnight supervision procedures and practices
      - (a) A minimum of one awake overnight staff person for every 45 clients shall remain on site during operation hours. If shelters serve fewer

than 45 clients on a given night, a minimum of 1 awake, overnight staff person shall be required. Additionally, all supervision staff shall be trained in first aid and CPR.

- (B) Emergency evacuation procedures
- (C) Client intake procedures
- (D) Process for providing referrals to other agencies or organizations serving the client population including drug treatment, mental health, hygiene and healthcare services not otherwise provided on site.
- (E) Facility maintenance and site management
- (v) Interior and exterior lighting shall provide for the safety of staff and clients, while minimizing impacts on neighboring properties:
  - (A) All exterior lighting shall include cut-offs that prevent light from extending beyond the boundaries of the property
  - (B) Interior lighting shall include exit-path lighting in sleeping and living areas, and full lighting of all bathroom and washroom areas
- (vi) Emergency shelter facilities shall maintain a safe and secure environment, ensuring the safety of all staff and clients, as well as a secure location for valuables, such as a locker for each client or a locked room for storing valuables and medication during sleeping hours, including a location for medications that must be refrigerated.
- (vii) Emergency shelters occupying existing structures will be required to perform any structural or layout upgrades necessary to meet all requirements of the California Building Code in effect at the time of application for building permits.
- (viii) New Emergency Shelters with proposed building envelopes within fifty (50) feet of a mapped scenic resource or a slope exceeding 30% will require a Level V Use Approval. Existing structures converted to use as Emergency Shelters will not be subject to this requirement.
- (ix) Exceptions to the above standards for Emergency Shelters may be considered as part of a Level V Use Approval.

### SECTION III

Santa Cruz County Code subsection 13.10.552(b) is hereby amended to add the following:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
<u>Emergency Shelters</u>	<u>0.15 per bed, plus 1 per employee</u>	<u>0.2 per employee</u>

### SECTION IV

Santa Cruz County Code subsection 13.10.700-E, is hereby amended to add the following:

Emergency Shelter shall mean housing with minimal supportive services for homeless persons that is limited to nighttime occupancy by clients. No individual or household may be denied emergency shelter because of an inability to pay.

#### SECTION V

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of the ordinance irrespective of the unconstitutionality or invalidity of any sections, subsection, subdivision, paragraph, sentence, clause, or phrase of the ordinance codified in this chapter.

#### SECTION VI

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 California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the Board of Supervisors of the County of Santa Cruz 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