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|  | County of Santa Cruz |
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**California Environmental Quality Act (CEQA)**

#### Environmental Review Initial Study

**Date**: November 30, 2011 **Application Number:** n/a

**Staff Planner**: Annie Murphy

**I. OVERVIEW AND ENVIRONMENTAL DETERMINATION**

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| --- | --- |
| **APPLICANT**: County of Santa Cruz | **APN(s)**: n/a |
|  |  |
| **OWNER**: n/a | **SUPERVISORAL** **DISTRICT**: Countywide |

**PROJECT LOCATION**: Countywide

**PROJECT LOCATION**: Countywide

**SUMMARY PROJECT DESCRIPTION**:

A proposal to update regulations in Chapters 12.10, 13.10, 13.11, 16.10 and 18.10 of the Santa Cruz County Code; and amend General Plan and Local Coastal Program policies regarding nonconforming uses and structures. The proposal includes five primary components:

**Part 1:** Nonconforming Uses and Structures: Amend regulations in Chapter 13.10 (Zoning Ordinance) of the Santa Cruz County Code and policies in Chapter 2 (Land Use) and Chapter 8 (Community Design) of the Santa Cruz County General Plan regarding nonconforming uses and structures, to allow existing legal nonconforming uses and structures in all zone districts to continue, to be maintained and improved, and facilitate repair after catastrophic events, while requiring discretionary review for extensive modifications to nonconforming uses or structures as appropriate to address potential impacts to public health, safety and welfare.

**Part 2:** Commercial Changes of Use and Parking Standards: Amend regulations in the Zoning Ordinance (Chapter 13.10) relating to commercial uses to facilitate existing and new commercial development. Streamline the discretionary review process for new commercial projects less than 20,000 square feet and for commercial changes of use. Lower parking requirements for certain commercial uses based upon “evidence based” parking studies evaluating parking needs for specific types of commercial uses.

**Part 3:** Soils Reports and Geologic Review: Delete the local amendment to the California Building Code (CBC) in Chapter 12.10 regarding when soils reports are required, and instead reference existing local administrative guidelines and provisions of the CBC to determine when soils reports are required. Amend the definition of “Development/ Development Activities” in the Santa Cruz County Chapter 16.10 (Geologic Hazard Regulations) as it relates to habitable structures and authorizes the County to require geologic review. Replace the current approach, which evaluates the extent of work according to the percentage of the exterior walls or foundation that are altered, with an approach which evaluates alterations to the major structural components, consisting of the exterior wall framing, roof framing, floor framing, and foundation. Delete the definition of “Development Activity” in the General Plan Glossary, and provide a reference in the General Plan to the definitions of “Development Activity” in individual chapters of the Santa Cruz County Code.

**Part 4:** Level 4 Permit Process: Revise the Level 4 permit approval process in Chapter 18.10, streamlining the noticing process to reduce processing costs, and expanding the appeal process from the current administrative review process to a public hearing before the Zoning Administrator.

**Part 5:** Minor Code Clean-ups: Revise provisions in Chapters 13.10 and 13.11 of the County Code, to update code citations, clarify existing language, restore unintentionally deleted code provisions, and bring provisions into conformance with state law.

**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.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Geology/Soils |  | Noise |
|  | Hydrology/Water Supply/Water Quality |  | Air Quality |
|  | Biological Resources |  | Greenhouse Gas Emissions |
|  | Agriculture and Forestry Resources |  | Public Services |
|  | Mineral Resources |  | Recreation |
|  | Visual Resources & Aesthetics |  | Utilities & Service Systems |
|  | Cultural Resources |  | Land Use and Planning |
|  | Hazards & Hazardous Materials |  | Population and Housing |
|  | Transportation/Traffic |  | Mandatory Findings of Significance |

# DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

|  |  |  |  |
| --- | --- | --- | --- |
|  | General Plan Amendment |  | Coastal Development Permit |
|  | Land Division |  | Grading Permit |
|  | Rezoning |  | Riparian Exception |
|  | Development Permit |  | Other: County Code Ordinance Amendments; Local Coastal Program (LCP) Amendment |

# NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations:

California Coastal Commission

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

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

Matthew Johnston Date

Environmental Coordinator

**II. BACKGROUND INFORMATION**

**EXISTING SITE CONDITIONS**

Parcel Size: Various

Existing Land Use: All

Vegetation: Varied

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

Nearby Watercourse: Various

Distance To: Varied

**ENVIRONMENTAL RESOURCES AND CONSTRAINTS**

Note: The proposed ordinance would be in effect County-wide. Each of these resources and constraints could occur somewhere in the County.

|  |  |
| --- | --- |
| Water Supply Watershed: Mapped | Fault Zone: Mapped |
| Groundwater Recharge: Mapped | Scenic Corridor: Mapped |
| Timber or Mineral: Mapped | Historic: Numerous |
| Agricultural Resource: Mapped | Archaeology: Mapped |
| Biologically Sensitive Habitat: Mapped | Noise Constraint: Mapped |
| Fire Hazard: Mapped | Electric Power Lines: Yes |
| Floodplain: Mapped | Solar Access: Varied |
| Erosion: Mapped | Solar Orientation: Varied |
| Landslide: Mapped | Hazardous Materials: Yes |
| Liquefaction: Mapped | Other: n/a |

**SERVICES**

|  |  |
| --- | --- |
| Fire Protection: All | Drainage District: All |
| School District: All | Project Access: n/a |
| Sewage Disposal: Sewer and Septic | Water Supply: City of Santa Cruz, Water Districts, and private wells |

**PLANNING POLICIES**

|  |  |  |
| --- | --- | --- |
| Zone District: County-wide | | Special Designation: County-wide |
| General Plan/LCP: County-wide | |  |
| Urban Services Line: | Inside | Outside |
| Coastal Zone: | Inside | Outside |

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

The proposed ordinance and General Plan/LCP amendments would apply in all zone districts in the unincorporated area of the County and therefore apply within all of the various environmental settings in the County. Surrounding land uses would be all of the land uses found in the unincorporated portion of the County.

**PROJECT BACKGROUND:**

The proposed ordinance and General Plan/ LCP amendments are part of recent Planning Department efforts, supported by the Board of Supervisors, to streamline and update portions of the County Code which are overly complicated, limit flexibility, and/or require costly and time-consuming planning reviews, while providing little community benefit. In developing the proposal, Planning Staff worked with diverse community groups to solicit local expertise and develop proposals that address community needs and priorities. Preliminary draft ordinance provisions were modified several times in response to public input and focus groups comments. The resultant proposed ordinance was reviewed by the Planning Commission and the Board of Supervisors. On September 12, 2011 the Board directed staff to initiate environmental review of the draft ordinance. Following is additional background information regarding each component.

Part 1: Nonconforming uses and structures: Current regulations strictly limit modifications to nonconforming uses and structures, particularly for commercial nonconforming uses, and for nonconforming uses and structures considered significantly nonconforming. (Nonconforming uses are fully legal uses that do not conform to uses currently allowed by the zone district. Nonconforming structures are legal structures that do not conform to current zoning site standards for height, setbacks, distance between structures, lot coverage, or floor area ratio.) Although intended to bring structures and uses into conformance, the current restrictive approach has had unintended consequences. For example, prohibiting structural repairs to commercial nonconforming uses can encourage unpermitted work.

The purpose of the proposed approach is to allow existing legal nonconforming uses and structures to continue and be maintained and improved, while requiring discretionary review for extensive modifications as appropriate to address potential impacts. The proposals are intended to encourage retention of existing structures, and are not anticipated to result in the construction of new structures (non-replacement) or additional residential units beyond levels that would occur if the proposed changes were not adopted. By modernizing the regulatory framework and review process to provide more reasonable regulations, obtaining a permit will become more straightforward, and greater levels of permitted (rather than illegal unpermitted) construction will lead to improved structural safety and greater environmental protection. Additionally, the proposals are intended to promote sustainable building practices by facilitating the retention and improvement of existing buildings. All building permits and discretionary permits would be subject to existing environmental protection regulations in Title 16.

Part 2: Commercial Changes of Use and Parking Standards: A primary concern of community business owners is the difficult and unpredictable planning process involved in changing from one commercial use to another in an existing commercial building. Currently, in certain zone districts, changes of use may be considered with a streamlined review process that can be completed within a week's time. As proposed, this Level 1 review process would be expanded to include all town plan and specific plan areas, and to include additional zone districts, facilitating transition from one commercial use to another. The minimum number of parking places would also be lowered in some cases, consistent with parking studies evaluating the needs of specific types of commercial uses, to facilitate appropriate commercial use of commercial properties. Additionally, the proposal would streamline the discretionary review process required for most new commercial projects.

Part 3: Soils Reports and Geologic Review: Chapter 18 of the California Building Code (CBC) requires a soils report (geotechnical investigation) for building and foundation systems. The CBC also authorizes the local Building Official to waive the requirement for a soils report when it can be determined that such a report is not necessary. Santa Cruz County Local Building Regulations (Chapter 12.10.) currently include a local administrative amendment to Chapter 18 of the CBC, which added a definition of “structure” as a way to provide guidance regarding the types of projects for which a soils report is generally required. As this amendment duplicates information already provided by administrative guidelines published on the Planning Department Website regarding when soils reports are required, the amendment in Chapter 12.10 defining the word “structure” is proposed to be deleted. Having a local definition of “structure” is confusing and in fact ineffective, as that part of the CBC actually does not use the term “structure”.

Geologic Hazard Regulations (Chapter 16.10), authorize the County to require Geologic Review for “Development/ Development Activity”. Currently, altering more than 50% of the exterior walls of an existing habitable structure, or altering more than 50% of the foundation, is considered development and therefore could trigger the geologic review requirement. Under the proposed amendments, the current approach based upon alterations to the exterior walls or foundation would be replaced with a “whole structure” approach which evaluates the extent of work according to alterations to the major structural components, consisting of exterior wall framing, roof framing, floor framing, and foundation. This approach provides a more realistic assessment of structural alterations, considering changes to the entire structure. In a related change, the existing definition of “Development Activity” in the General Plan/ LCP Glossary is proposed to be deleted. The current definition of Development Activity in the General Plan is similar to the definition provided in Chapter 16.10. However, the phrase “Development Activity” is used in other chapters of the County Code as well, including Chapter 16.30 and 16.32, where it is defined differently for the different contexts/purposes of those chapters. To improve internal consistency between the General Plan and implementing ordinances and regulations, the definition in General Plan/ LCP is proposed to be deleted. Instead, the GP/LCP would refer to definitions within specific chapters.

Part 4: Level 4 Permit Process: A Level 4 approval is an administrative discretionary review process, whereby plans are submitted, the project is publicly noticed, and a determination on the application is made by the Planning Director or designee. In an effort to streamline the review process and reduce processing time and costs, noticing for the Level 4 permit process would be retained, but made more consistent with other notice procedures. At the same time, the current process of referring appeals of Level 4 Approvals to the Planning Director would be broadened, such that appeals would be heard at a public hearing before the Zoning Administrator.

Part 5: Minor Code Clean-ups: As part of ongoing efforts to maintain an accurate and up to date County Code, this amendment package includes several minor clean-up amendments to the County Code.

**DETAILED PROJECT DESCRIPTION:**

**Part 1**: Nonconforming Uses and Structures: Delete existing Non-conforming ordinance provisions in Chapter 13.10, adopt new Non-conforming provisions, and amend related General Plan/LCP policies as follows:

Zoning Ordinance Amendments: Delete Sections 13.10.260, 13.10.261, 13.10.262 of Chapter 13.10, and 13.10.265, of Chapter 13.10 (Zoning Ordinance) and replace with new Sections 13.10.260, 13.10.261 and 13.10.262, and revise definitions in Section 13.10.700, as follows: Streamline the regulatory framework by providing one “level” of nonconformity in place of the current “regular” and “significant” levels for nonconforming uses and structures; revise the definition for nonconforming use; provide a uniform set of regulations for nonconforming uses in all zone districts; allow for repairs and improvements to all nonconforming structures and to structures accommodating a nonconforming use; provide a discretionary review process in place of the current variance requirement to consider reconstruction of nonconforming structures or structures accommodating a nonconforming use; and simplify the review process for repairs and reconstruction following a catastrophic event. For nonconforming uses and structures, replace the current process for evaluating the extent of structural modifications according to the percentage of the exterior walls that are altered with an approach that evaluates modifications to the primary structural components, consisting of the exterior wall framing, roof framing, floor framing, and foundation. Additional details of the proposed amendments are provided in the table at the end of this section.

General Plan/LCP Amendments: Amend the Framework and policies in Land Use Element (Chapter 2), Policy 8.4.2, and definition of “Development Activity” in Glossary

The General Plan/LCP currently does not provide an overall policy for nonconforming uses and structures. The proposed amendments would update the Framework in the Land Use Element (Chapter 2) and add a new Policy (2.1.17) to the Land Use element supporting the continuation and maintenance of legal nonconforming uses and structures in all zone districts. For nonconforming uses, discretionary review would be required for expansion, changes, or intensification of legal nonconforming uses to address potential impacts to public health, safety and welfare. For nonconforming structures, the policy would allow reconstruction after a catastrophic event, and require discretionary review for voluntary reconstruction. An increased level of review would be required for modifications to nonconforming structures with a greater potential to impact public health, safety or welfare.

The proposed amendments will also update existing policies in Chapter 2 regarding commercial and light industrial nonconforming uses, to be consistent with the general policy 2.1.17 noted above. Currently, Objective 2.18.1, and policies 2.18.2 and 2.18.3 allow commercial and light industrial nonconforming uses that are inconsistent with the General Plan Land Use Designation to continue, and to be maintained and repaired, without discretionary review, if the uses meet the specified criteria. However, since a determination as to whether a use complies with several of the specified criteria requires a discretionary determination, the policy to allow repairs without discretionary review while at the same time ensuring compliance with the stated criteria is difficult to implement.

The proposed General Plan/LCP amendments would correct underlying inconsistencies in the General Plan policies regarding commercial and light industrial nonconforming uses, to be consistent with the overall intention of allowing these uses to continue. General Plan Policies 2.18.1, 2.18.2, and 2.18.3 would be revised to delete additional approval criteria. Language allowing nonconforming uses to be extended throughout the building with a use permit would be retained, and would be broadened to allow for changes of use, or intensification of a use, subject to discretionary review. To ensure that potential impacts to public health, safety or welfare that may result from nonconforming uses could be addressed, General Plan Objective 2.18 would be broadened, such that the Board of Supervisors would have the authority to phase out or terminate any nonconforming commercial or light industrial uses that are significantly detrimental to public health, safety, welfare or the environment. The proposed General Plan amendments are consistent with recent direction from the Board of Supervisors to provide a more supportive environment for local businesses, while continuing to ensure that potential impacts resulting from nonconforming commercial or light industrial uses can be addressed.

General Plan Policy 8.4.2 in Chapter 8 (Community Design) limits expansion, structural alteration, structural alteration, or reconstruction of significantly nonconforming residential structures. As proposed, references to significantly nonconforming residential structures in Policy 8.4.2 would be deleted. Existing language encouraging the maintenance and repair of residential nonconforming structures, and allowing reconstruction where appropriate, would be broadened to apply to all residential nonconforming structures, and to include residential nonconforming uses. This proposed amendment is consistent with broadly defined General Plan goals in the Housing Element to preserve existing housing and remove unnecessary governmental constraints. Specifically, Program 3.1 directs the Planning Department and Board of Supervisors to *“Revise procedures (and regulations, if necessary) to streamline and simplify building and development permit processes and regulations, particularly focused on small-scale residential structures and nonconforming structures and uses”* and Goal 4 directs the County to *“Preserve and improve existing housing units and expand affordability within existing housing stock.”*

Tables: Proposed Amendments to Chapter 13.10 of the County Code for Nonconforming Uses and Structures:

|  |  |  |  |
| --- | --- | --- | --- |
| **Table 1. Definitions** | |  | |
| Existing Regulations | Proposed Regulations | |
| **A significantly nonconforming structure** is defined as any structure that is:  1.   Located within 5 feet of a vehicular right-of-way;  2.   Located across a property line;  3.   Located within 5 feet of another structure on a separate parcel;  4.   Located within 5 feet of a planned future public right-of-way improvement (i.e. adopted plan line); or,  5.  Exceeds allowable height limit by more than 5 ft.  *(Note regarding current regulations: Measuring to structures on other properties (criteria 3) is not a reasonable method for establishing nonconforming status, as actions of property owners on one parcel may affect the status of properties on adjacent parcels.)* | **The term, “significantly nonconforming structure” is deleted. Instead, a different threshold for triggering a permit requirement is established for the following:**  Modifications affecting more than 50% of the major structural components of nonconforming structures located as follows require an Administrative Site Development Permit, with opportunity for appeals by any affected party *(usual threshold will be 80%)*:  1. Located across a property line,  2. Within a riparian corridor as defined,  3. Within 5 feet of a vehicular right-of-way, or  4. Within 5 feet of a planned future public right-of-way improvement (i.e. an adopted plan line)  In circumstances where the Planning Director determines that the proposed modifications to a nonconforming structure located as specified above do not have the potential to impact public health, safety or welfare, the lower 50% review threshold may be waived, in which case the 80%1  review threshold applies. | |
| **Nonconforming use.** The use of a structure or land that was legally established and maintained prior to the adoption, revision or amendment of this chapter, conforms to the General Plan and:  1.    Has not lost its nonconforming status due to cessation of use, as outlined in Sections [13.10.260](#13.10.260), [13.10.261](#13.10.261) or [13.10.262](#13.10.262); and  2.    No longer conforms to the present use, density, or development standards of the zone district in which it is located; or  3.    Does not have a valid Development Permit as required by the present terms of this chapter. (See also Section 13.10.700-S definition of Significantly Nonconforming Use) (Ord. 4525, 12/8/98) | Changes are proposed to the definition of **Nonconforming use** *(one objective of code amendment is to clearly distinguish between a nonconforming structure and nonconforming use)***:**  A use that does not conform to the applicable General Plan designation is simply nonconforming (not “significantly nonconforming”).  Cessation of use will be revised to be consistent with the General Plan: 3 of the past 5 years.  A nonconforming structure is no longer considered a nonconforming use. | |
| **Significantly nonconforming use.** The legally established use of a structure or land that does not conform to the present General Plan land use designation. | **The term, “significantly nonconforming use,” is deleted.** Instead, certain types of changes to nonconforming uses are subject to an administrative or conditional use permit and findings for approval, allowing projects to be conditioned or denied to protect public health, safety and welfare. | |
| **Reconstruction**: A structural alteration or repair that involves greater than 50% of the exterior walls being altered within any five-year period shall be brought into conformance with all site and structural standards. Under existing regulations, projects which exceed this 50% standard must obtain a variance in order to proceed. | **Reconstruction** is proposed to be defined as follows:  Modification or replacement of 80%1of the major structural components as defined in subsection 13.10.260(b) (3) of an existing structure within any consecutive five-year period. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director.  A new definition for **Major Building Components** is added. | |
| **Intensification of Use, Commercial:** Defined as follows: “Any change of commercial use which will result in a 10% increase in parking need or traffic generation from the prior use, or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential noise, smoke, glare, odors, water use, and/or sewage generation shall be an “intensification of use” for purposes of this chapter.” | **Intensification of Use, Commercial:** The definition would be revised, such that changes or expansion of existing uses which trigger additional parking under the new reduced parking requirements would be considered intensification. The definition would also be broadened, such that changes or expansion of existing uses that involve hazardous materials could be determined by the Planning Director to be “intensification.” Changes to the definition of “Intensification of Use” relate to nonconforming uses, in that changes or expansion of a nonconforming use involving intensification may trigger additional discretionary review. | |
|  | |
| **Table 2. Regulations for Nonconforming Structures** | |
| Existing Regulations | Proposed Regulations | |
| **Regulations for significantly nonconforming structures** are as follows:  - Non-structural alterations are allowed with a building permit.  - Structural alterations to conforming portion requires discretionary approval with a public hearing  - Structural alterations to the nonconforming portion require a variance | **Remodels for existing nonconforming structures affected by special conditions**: If a proposed remodel affects more than 50% of the major structural components of a structure located across a property line, within a riparian corridor, within five feet of a vehicular right-of-way, or within five feet of a planned future public right-of-way improvement (i.e. an adopted plan line), an Administrative Site Development Permit with public notice and opportunity for appeals will be required. For projects where the Planning Director determines that proposed modifications to a nonconforming structure in a location specified above do not have the potential to impact public health, safety or welfare, the lower 50% review threshold may be waived, in which case the 80%1  review threshold applies.  Conforming additions will be allowed with a building permit. | |
| **Allowed work to regular nonconforming structures:**  - Remodels altering less than 50% of exterior walls of the nonconforming portion of the structure are allowed with a building permit. Altering more than 50% of the nonconforming portion of the exterior walls requires a variance.  - Residential additions up to 800 square feet in area are allowed by building permit; greater than 800 square feet requires an administrative permit with public notice and appeals.  - Reconstruction: If reconstructed, the structure must be brought into conformance with all current site and structural standards, or a variance must be obtained for reconstruction. | **Allowed work to nonconforming structures that do not cross a property line, encroach into a riparian corridor or stand within 5 feet of a right-of-way or planned right-of-way improvement:**  - Remodels that are “under” and do not meet the definition of “reconstruction” (of major structural components) are allowed with a building permit.  - Residential additions of any size would require only a building permit as long as the addition conforms to current site, use and structural standards.  - Reconstruction: If a remodel is of an extent that qualifies as a “reconstruction”, then an Administrative Use Permit would be required in order for the project to proceed, with the possibility of conditions of approval or denial of project. | |
| **Nonconforming structures affected by catastrophic event.**  The same regulations for repair or reconstruction after a catastrophic event apply both to regular and significantly nonconforming structures:  Altering, moving or replacing less than 75% of the exterior walls of the structure allowed with a building permit. Altering, moving or replacing more than 75% of the exterior walls of the structure requires approval of a variance in order to make the improvement or reconstruct the structure. | **Nonconforming structures affected by catastrophic event.**  Repairs, reconstruction or replacement of up to 100% of the structure is allowed upon issuance of a building permit if the work does not increase the nonconforming dimensions of the structure and is located in substantially the same location as the current/prior structure. New locations on the site may be accepted without the need for a discretionary site development permit if that location results in greater conformance with code requirements, in which case only a building permit is required.  However, unless waived, alterations of structures affected by the special conditions noted above (property line, riparian corridor, right-of-ways) are limited to 80% 1 of the structure unless a discretionary site development approval is granted. | |
| **Table 3. Regulations for Nonconforming Uses** | |
| Existing Regulations | Proposed Regulations | |
| **Commercial and other nonresidential uses:**  - Only non-structural maintenance and repairs are allowed to any structure housing any nonresidential, legal nonconforming use. Structural alterations of any kind are prohibited.  - No physical expansion is allowed to a structure containing a nonresidential, nonconforming use.  - A Level 5 discretionary permit is required to expand any nonresidential, nonconforming use throughout the building.  - A Level 5 discretionary permit is required to replace any nonresidential, nonconforming use with a new use involving no intensification.  - Replacement of an existing nonresidential, nonconforming use with a new use involving intensification is not allowed. | **Commercial and other nonresidential uses:**  - Structural alterations, maintenance and repairs are allowed upon issuance of a building permit for a structure containing a nonresidential, nonconforming use; as long as the modifications do not exceed 80%**1**substantial alteration of major structural components.  - Any proposed project exceeding the over-80%1 limitation is required to obtain an Administrative Use Permit, which provides opportunity for imposing conditions of approval. Mandatory findings for approval protect health and safety, neighborhood concerns and light and air.  - Physical expansion is allowed once every five years with a Conditional Use Permit (Level 5).  - An Administrative Use Permit is required to expand any nonresidential, nonconforming use throughout the building.  - An Administrative Use Permit is required to replace a nonconforming use with another nonconforming use with no intensification. With intensification, a Conditional Use Permit is required. | |
| **Nonconforming residential uses**  Examples of residential nonconforming uses include many two-unit dwelling groups: Any legal, pre-existing second dwelling on a single-family parcel is considered nonconforming unless it is a permitted second unit or part of a permitted dwelling group. Any dwelling group or multifamily development that exceeds current density standards is legal nonconforming, as is any conforming multi-dwelling complex that does not have a use permit.  The current County Code establishes detailed, variable requirements for each of these residential nonconforming uses. Following are some of the main points:  - Ordinary maintenance and repairs are allowed with a building permit for most nonconforming residential uses.  - Structural alteration is limited to 50% of the exterior wall length every five years, for most.  - No physical expansion is allowed to almost any legal nonconforming residential structure.  - Reconstruction of nonconforming, multifamily attached units, without intensification, may be allowed with a Level 5 or 6 approval, if site standards are met and adequate parking is provided. | **Nonconforming residential uses**  Same definitions and restrictions as for nonresidential uses above:  - Structural alterations, maintenance and repairs are allowed upon issuance of a building permit for a structure containing a nonresidential, nonconforming use, as long as the modifications do not exceed 80% 1 substantial alteration of major structural components 1(i.e. do not meet the definition of “reconstruction”).  - Any proposed project exceeding the over-80% limitation is required to obtain an Administrative Use Permit, which provides opportunity for imposing conditions of approval. Mandatory findings for approval protect health and safety, neighborhood concerns and light and air.  - Physical expansion is allowed once every five years with a Conditional Use Permit (Level 5).  - An Administrative Use Permit is required to expand any nonresidential, nonconforming use throughout the building.  - An Administrative Use Permit is required to replace a nonconforming use with another nonconforming use with no intensification. With intensification, a Conditional Use Permit is required. | |
| **Reconstruction after disaster**  Most nonconforming residential uses may be reconstructed up to 75% (of the length of exterior walls) after a disaster. Greater than 75% reconstruction of uses that have use permits requires only a building permit; for other uses a public hearing is required; some are limited to 500 sq. ft. | **Reconstruction after disaster**  Reconstruction of a structure accommodating a nonconforming use after a catastrophic event requires only a building permit if less than 80%1 of the overall structure. If exceeding the 80% threshold, an Administrative Use Permit is required. | |
| **Significantly nonconforming residential uses.**  A significantly nonconforming residential use is one that has a Commercial or Industrial General Plan designation and only a residential use on the site. Such a use may not be physically expanded, structurally altered (except for imminent threat) or reconstructed. It may be reconstructed after a disaster with a Level V approval, as long as less than 75% destroyed. If more than 75% destroyed, it may not be reconstructed. | **The term, “significantly nonconforming use,” is deleted, along with all regulations specific to such uses.**  Single family dwellings that have a Commercial or Industrial General Plan designation and only a residential use on the site are treated the same as all other nonconforming uses.  The proposed revisions recognize the fact that the existing County Code has not forced many significantly nonconforming uses out of existence, and that structural maintenance and improvement of such structures helps to maintain neighborhoods and housing stock. However, if such a use is proposed for “reconstruction”, a use permit is required which may be subject to conditions of approval, or denied. | |
| **Table 4. Loss of Nonconforming Status** | |
| Existing Regulations | Proposed Regulations | |
| **Nonresidential nonconforming use.** Under the current County Code, a nonresidential nonconforming use loses its nonconforming status after 6 continuous months. However, under the existing General Plan, a Commercial or Light Industrial use maintains its nonconforming status if used for three or more of the previous five years. In areas of conflict, the General Plan guideline is enforced. The Code is proposed for amendment in order to achieve consistency with the General Plan. | **All nonconforming uses** maintain their nonconforming status if used for three or more of the previous five years, in accordance with the existing General Plan definition.    In case of disaster, a nonconforming use loses its nonconforming status unless a building permit is obtained within three years. Issuance of a building permit then triggers additional timeframes for performance to implement construction of the post-disaster project. | |
| **Residential nonconforming use.** Most residential nonconforming uses loose nonconforming status after 12 continuous months. In case of disaster, a residential nonconforming use loses its nonconforming status unless a building permit is obtained within two years. |

1 Note: The most appropriate threshold for reconstruction is still being considered, and may ultimately be set at a lower threshold (such as 75%). In the interest of completing CEQA review at the earliest possible time, the threshold for reconstruction has been set at 80%, with the understanding that if a lower threshold were to be established, this would not increase the potential for environmental impact and would therefore not require additional CEQA review

**Part 2:** Amend Section 13.10.332 of the Zoning Ordinance to facilitate commercial changes of use, and amend Sections 13.10.551, .552 and .553 to revise commercial parking standards, as follows:

For new commercial buildings, amend the “Commercial Uses Chart” in subsection 13.10.332(b) to allow administrative discretionary review (Level 4) instead of a public hearing before the Zoning Administrator (Level 5) for new projects of up to 5,000 square feet (increased from 2,000 square feet). For projects 5,000 to 20,000 square feet, a Level 5 use approval would replace the requirement for discretionary review with a public hearing before the Planning Commission (Level 6). Projects larger than 20,000 square feet would continue to be heard by the Planning Commission.

For changes of use in existing buildings, the following amendments are proposed to the Commercial Uses Chart in subsection 13.10.332(b):

* Expand Level 1 approvals for changing from one commercial use in an existing building to another (with no intensification) to all Town Plan, Village Plan and Specific Plan areas, including Soquel Village, Seacliff Village and parts of Aptos Village, in all commercial zone districts except C-4. (A Level 1 use approval is a streamlined administrative review that can take place within less than a week and costs less than $500.) Currently, Level 1 approvals that do not result in an intensification of use are allowed for changes of use only in Felton, Ben Lomond and Boulder Creek.
* Require Level 4 use approvals for Changes of Use with no intensification within the C-4 Zone District in any area subject to a village, town or specific plan. This represents an increased level of review for existing commercial buildings in Felton, Ben Lomond and Boulder Creek, where Changes of Use with no intensification within the C-4 Zone District currently require a Level 1 use approval. The reason is that C-4 uses are “heavy commercial-light industrial uses” which greater potential for impact and it is desirable to be able to place conditions of approval on such types of uses.
* Allow Level 1 “Change of Use” approvals in the Transit Commercial (CT) and Visitor Accommodation (VA) commercial districts when there is no intensification of use from a previously permitted use; allow Level 4 approvals when there is intensification.
* When changing from a use not approved by a valid development (use) permit, allow Level 4 approvals for Changes of Use less than 20,000 square feet and Level 5 approvals if over 20,000 square feet, in the CT and VA districts. Levels of review for such permits in C-4 districts are unaffected.

Parking standards:

* Amend subsection 13.10.551(a) to require new parking only for the added floor area or increased intensity of use. Under the current ordinance, when an expanded or intensified use must add parking, the parking requirement is based on the entire area of the use. The proposed revision would require added parking only for the additional increment of square footage or intensity of use.
* Amend subsection 13.10.551(a) to raise the thresholds triggering new parking for commercial buildings. Currently, a project involving either a change of use in an existing structure or the physical expansion of an existing structure does not have to provide additional parking if it does not increase parking demand by more than 10%. This subsection would be modified as follows: A change of use would not have to provide extra parking unless the increment of increased parking demand entailed a greater than 20% increase in required parking and required more than four spaces. This would allow the number of spaces in an existing parking area to be modestly reduced to facilitate accessibility upgrades to existing buildings or parking areas, such as to allow for ADA & path of travel.
* Amend subsection 13.10.552(b) to reduce the parking requirement for retail and office uses from 1 space per 200 sq.ft. to 1 space per 300sq.ft.
* Amend subsection 13.10.552(b) to retain a parking requirement specifically for supermarkets and convenience stores at 1 space per 1 space per 200 sq.ft.
* For medical offices, change from a practitioner-based standard to 1 space per 225 square feet.
* Establish criteria for evaluating shared parking; remove numeric limits on parking reduction proposals. The current ordinance allows a reduction in parking standards for parking that is shared among uses: for example, a mixed use development where parking spaces are shared between retail and residential uses active at different times of the day. The current ordinance allows a reduction in parking standards of no more than 10 percent for 1-4 uses, 15% for 5-7 uses and 20% for 8 or more uses sharing parking. The proposed revisions remove these numeric limits but require submittal of a parking study (unless waived) and establish criteria for evaluating parking reductions.
* Where a use is not listed in parking charts, allow parking reductions with a Level 4 use approval instead of a Level 5.
* Remove the limit on parking reductions enabled by transportation and parking demand management programs. Currently, parking standards may be relaxed by no more than 20% through implementation of transportation and parking demand management programs at a given project site. The revision would remove the 20% limitation and modify the title of the section to refer to transportation demand management.

**Part 3:** Soils Reports and Geologic Review: Chapter 18 of the California Building Code (CBC) requires a soils report (geotechnical investigation) for building and foundation systems. The CBC also authorizes the local Building Official to waive the requirement for a soils report when it can be determined that such a report is not necessary. Santa Cruz County Local Building Regulations (Chapter 12.10) currently include a local administrative amendment to Chapter 18 of the CBC, adding a definition of “structure” as a way to provide guidance regarding the types of projects for which a soils report is generally required. As this amendment duplicates information already provided by administrative guidelines published on the Planning Department Website regarding when soils reports are required, the amendment in Chapter 12.10 defining the word “structure” is proposed to be deleted. Having a local definition of “structure” is confusing and in fact ineffective, as that part of the CBC actually does not use the term “structure”.

Geologic Hazard Regulations (Chapter 16.10), authorize the County to require Geologic Review for “Development/ Development Activity”. The definition of Development in Section 16.10.040(s) of Chapter 16.10 specifies the types of projects that may require geologic review. Currently, altering more than 50% of the exterior walls of an existing habitable structure, or altering more than 50% of the foundation, is considered development and could trigger geologic review. Under the proposed amendments, the current approach based upon alterations to the exterior walls or foundation would be replaced with a “whole structure” approach which evaluates the extent of work according to alterations to the major structural components, consisting of exterior wall framing, roof framing, floor framing, and foundation. This approach provides a more realistic assessment of structural alterations, considering changes to the entire structure. An existing definition of development as altering more than 50% of the foundation of a habitable structure would also be deleted, since the foundation would be considered a primary structural component and considered as part of the review of changes to the overall structure. (Note: the most appropriate threshold for reconstruction is still being considered, and may ultimately be set at threshold lower than 80%. In the interest of completing CEQA review at the earliest possible time, the threshold for reconstruction has been set at 80%, with the understanding that if a lower threshold such as 75% were to be established, this would not increase the potential for environmental impact and would therefore not require additional CEQA review.)

In a related change, the existing definition of “Development Activity” in the General Plan/ LCP Glossary is proposed to be deleted. The current definition of Development Activity in the General Plan is similar to the definition provided in Chapter 16.10. However, the phrase “Development Activity” is used in other chapters of the County Code as well, including Chapter 16.30 and 16.32, where it is defined differently for the different contexts/purposes of those chapters. To improve internal consistency between the General Plan and implementing ordinances and regulations, the definition in General Plan/ LCP is proposed to be deleted. Instead, the GP/LCP would refer to definitions within specific chapters. This will remove the confusion and conflict between the GP/LCP definition being different from certain other County Code definitions that implement various GP/LCP goals and policies.

**Part 4** Level 4 Permit Process: The noticing process would be modified, such that public notices of pending action, but no notice of submitted application, would be sent property owners within 300 feet and to residents within 100 feet no less than 21 days prior to the County taking action on the application. This would reduce the number of times the project is noticed from two to one, saving the applicant processing time and costs. Additional cost savings would result from eliminating the requirement for a newspaper notice, and instead publishing the notice on the Planning Department’s public website. The property would also be posted with an on-site notice. Appeal rights would be broadened, by referring appeals to a public hearing and determination by the Zoning Administrator, in place of the current process whereby appeals are heard administratively by the Planning Director. Decisions by the Zoning Administrator on administrative appeals will be appealable to the Planning Commission, and decisions by the Planning Commission on administrative appeals will be appealable to the Board of Supervisors.

**Part 5:** The Santa Cruz County Zoning Ordinance (Chapter 13.10) would be updated as follows:

a) Update subsection 13.10.235(c) 3, to reflect the proposed renumbering of sections in 18.10 proposed as part of this ordinance.

b) Update subsection 13.10.215(f) to be consistent with state law, to indicate that when the Board of Supervisors proposes to modify a zoning amendment referred to them by the Planning Commission, any proposed modification was that not previously considered by the Planning Commission shall be referred back to the Planning Commission for their report and recommendation, rather than just referring back any “substantial modification” as is currently indicated by the ordinance.

c) Add back subsections ii and iii to subsection 13.10.323(e)6(B), Development standards for residential districts, to restore language to the ordinance regarding accessory structures in side and rear yards that was inadvertently deleted by Ordinance #5921.

d) Subsections 13.10.325(d) of Chapter 13.10 (Zoning Regulations) and subsection 13.11.073(b) of Chapter 13.11 (Design Review) shall be amended to clarify existing provisions and note that the Planning Director or designee may provide design review and recommendations to the Zoning Administrator regarding increased building heights in lieu of the Urban Designer.

(e) The following Sections of Chapter 13.10 are proposed to be updated to reflect the reorganization and renumbering of Sections 13.10.260, 13.10.261 and 13.10.262 (Nonconforming uses and structures – general provisions; Nonconforming Uses; and Nonconforming Structures): Update subsections 13.10.275 (a), (b), (c), (d), (e), (f), (g), and (h); subsection 13.10.332(b); subsection 13.10.342(b); subsection 13.10.353(b)3; and subsection 13.10.658(b).

**III. ENVIRONMENTAL REVIEW CHECKLIST**

**General Discussion regarding potential environmental impacts of each of the five proposal components:**

**Part 1:** Nonconforming Uses and Structures (see also the tables on pages 9-14):

Summary: The proposed changes will facilitate the retention of existing legal nonconforming uses and structures. The proposed amendments are not anticipated to result in significant new development beyond levels that would occur if the proposed changes were not adopted, but are instead expected to promote the reuse of existing structures and previously developed sites. All projects will continue to be subject to regulations in Title 16 protecting the environment. Any changes to existing nonconforming uses, such as expansion of an existing use or change to another nonconforming use, will require discretionary review, providing the opportunity to address any potential impacts through conditions of approval or denial of the project request. Therefore, the proposed changes are not anticipated to significantly impact the environment.

Nonconforming uses:

The proposed changes will facilitate the retention of existing nonconforming uses and the buildings accommodating the existing use, particularly for commercial nonconforming uses. Structural repairs and improvements would be allowed to a building accommodating a commercial nonconforming use with a building permit, whereas currently no structural alterations are allowed for commercial uses. As structural repairs and improvements are generally categorically exempt from CEQA review, a change from discretionary review to ministerial review is not anticipated to impact the review process under CEQA. (See CEQA Guidelines Sections 15301, Existing facilities.) Furthermore, building permits would continue to be subject to local regulations protecting the environment in Title 16 of the County Code.

As proposed, reconstruction of non-residential buildings accommodating a nonconforming use could be considered through administrative discretionary review, whereas currently this is not allowed for nonresidential uses. These amendments will facilitate retention or reconstruction of existing legal structures only, and as such are not anticipated to negatively impact the environment. Furthermore, these proposed amendments are anticipated to result in positive environmental impacts by promoting the reuse of existing sites and structures, thereby reducing construction waste, greenhouse gas emissions, and discouraging the development of previously undeveloped parcels.

The proposed amendments will also provide greater flexibility for commercial nonconforming uses. As proposed, expansion of an existing commercial use throughout the building, or change of use to another nonconforming use, could be considered with an administrative discretionary review (Level 4), whereas currently a conditional use permit with a public hearing (Level 5) is required. In addition, expansion of an existing use involving structural additions, or intensification of an existing use, could be considered with a Level 5 approval, whereas currently such changes are not allowed for commercial uses. As discretionary review would be required for such changes, allowing the project to be conditioned as needed to address impacts, and as projects would be subject to review under CEQA, no environmental impacts are anticipated.

The definition of nonconforming use would be revised, such that a legal nonconforming use would not be considered nonconforming due to the lack of the use permit currently required. Under this amendment, legal uses that conform to current site standards but were established before use permits were required for such a use would no longer be subject to regulations for nonconforming uses. Since these are legal uses that already exist and are allowed under the zone district, allowing these uses to continue as conforming uses is not anticipated to impact the environment.

Nonconforming structures:

Under the proposed amendments, repairs and improvements to nonconforming structures with extensive nonconformities (currently defined as “significantly nonconforming”), altering up to 50% of the primary structural components, would be allowed with a building permit (see table on page 10). Currently, structural alterations to “significantly nonconforming” structures require either a variance to alter the nonconforming portions, or discretionary review with a public hearing to alter the conforming portions. Generally, repairs and improvements to existing facilities are exempt from CEQA review (CEQA Guidelines Section 15301), as alterations to existing facilities in general are not anticipated to impact the environment. Therefore, allowing repairs and improvements through a ministerial process instead of the discretionary process currently required is not anticipated to impact the environment. In addition, existing environmental protection regulations would continue to apply to all permits, including building permits, ensuring continued protection of the environment.

The proposed amendments would allow conforming additions to nonconforming structures with a building permit. As new additions wouldbe required to conform, the existing structure could not be made more nonconforming. Therefore, the proposed changes are not anticipated to impact neighboring parcels, or to further impact light, air or privacy of adjacent residential parcels. Additionally, additions would be subject to all environmental protection regulations in Title 16, including sensitive habitat protection and erosion control.

As proposed, variance approvals would no longer be required for extensive alterations or reconstruction of nonconforming structures. Instead, administrative discretionary review would be required (see table on page 11). The ability to condition projects appropriately or deny projects to address potential impacts would be preserved through the discretionary review process. This proposed amendment will facilitate improvements or reconstruction of existing nonconforming structures, and is therefore not anticipated to negatively impact the environment. Furthermore, facilitating the reuse and improvement of existing structures is anticipated to result in positive environmental effects, by reducing construction waste in landfills, reducing greenhouse gas emissions, and reducing demand on forestry resources and other construction materials.

As proposed, reconstruction or replacement of nonconforming structures after a catastrophic event would be allowed with a building permit, instead of the variance which is currently required (see table on page 11). However, for structures with more extensive nonconformities an administrative discretionary permit would be required for altering more than 50% of the major structural components after a catastrophic event. Building or administrative discretionary permits for repairs or reconstruction would also be subject to all environmental protection regulations in Title 16, including Geologic Hazards protections. Furthermore, replacement or reconstruction of existing structures is generally exempt from CEQA review under CEQA Guidelines Section 15302. Therefore, replacement of the current variance requirement with a building permit or discretionary review process is not anticipated to impact the environment.

Concerns have been expressed that by facilitating repairs or improvements to existing nonconforming structures, the County could be allowing some structures to remain that may be potentially damaging to the environment. Although the intention of current restrictions on repairs and improvements are to bring structures into conformance, staff has found that generally current regulations have the opposite effect, in that some property owners choose to work outside the permit process to make needed repairs. This can result in unsafe work that is out of compliance with erosion control requirements, and other regulations protecting the environment.

**Part 2:** Commercial Changes of Use and New Commercial Projects:

The proposed amendments will streamline the discretionary review process required in some cases for changing from one commercial use to another, and for most new commercial projects. However, discretionary review would continue to be required for all changes of use and for all new commercial projects (see page 15). The streamlined discretionary review process will allow all potential impacts to be addressed, conditioning the project as needed or denying the change of use where potential impacts cannot be addressed. In addition, providing a more streamlined, less expensive process is anticipated to result in more permitted commercial uses that comply with existing environmental protection regulations, reducing overall impacts to the environment.

Parking Standards:

Reductions in required parking to modernize and update County requirements for greater consistency with industry technical standards (see pages 15-16) are in general anticipated to positively impact the environment, as well as ADA compliance in parking lots. Reductions in parking requirements could allow for landscaping on sites and more room for retrofitted and new green stormwater treatment structures, potentially reducing overall runoff. Reductions in parking requirements could also lead to increased utilization of existing commercial sites, thereby lowering development pressure for previously undeveloped parcels. Potential traffic impacts resulting from the proposed reductions in parking requirements are analyzed in Section I below.

**Part 3:** Soils Reports and Geologic Review:

The proposed amendments would delete the local amendment to the California Building Code (CBC) in Section 12.10.215 (c) of the County Code, which defines the word “structure” as it relates to the requirement for a soils report in the CBC. As is currently the case, the County Building Official or designee would continue to rely on existing administrative guidelines developed by the County and provisions in the CBC to determine when a soils report is required for a project. This proposed amendment would not change the manner in which the County administers the CBC requirement for soils reports. Therefore, no environmental impact is anticipated.

The proposed amendments will revise provisions in the Geologic Hazard Regulations (Chapter 16.10) regarding when work to a habitable authorizes the County to require geologic review. As existing provisions in Chapter 16.10 authorized the County to require geologic review to address safety issues involving habitable structures, the proposed changes are not anticipated to result in significant impacts to the environment. (A more detailed analysis of these proposed amendments are provided in Section A, Geology and Soils).

**Part 4:** Level 4 Permit Process: The proposal to revise the notice and appeal provisions of the Level 4 permit approval process in Chapter 18.10, involve changing in processing only. The proposed change to the noticing process will not change the ability of the Planning Director or designee to impose appropriate conditions to address potential impacts. Therefore, this change is not anticipated to impact the environment.

**Part 5:** Minor Code Clean-ups: The proposed Chapters 13.10 and 13.11 of the County Code, to update code citations, clarify existing language, restore unintentionally deleted code provisions, and bring provisions into conformance with state law (see pages 17-18) are minor changes that are not anticipated to impact the environment.

## A. Geology and Soils

Would the project:

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| 1. | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: |  |  |  |  |  |  |  |  |

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|  | 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. |  |  |  |  |  |  |  |  |
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|  | B. | Strong seismic ground shaking? |  |  |  |  |  |  |  |  |
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|  | C. | Seismic-related ground failure, including liquefaction? |  |  |  |  |  |  |  |  |

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|  | D. | Landslides? |  |  |  |  |  |  |  |  |
| ***Discussion (A through D)*:**  **Part 3** of the proposed amendment package will modify the methods used to evaluate the extent of work to a habitable structure to determine when the County is authorized to require geologic review, (Section 16.10.040(s). Currently, projects altering more than 50% of the exterior walls of a habitable structure authorize the County to require geologic review if necessary. Projects altering more than 50% of the foundation also authorize geologic review. Under the proposed ordinance, altering more than 80% of the major structural components (exterior wall framing, roof framing, floor framing, and foundation) would trigger this requirement. Overall, this proposed change is not anticipated to result in fewer cases where the County has authority to require geologic review, but would instead evaluate changes to the structure overall, potentially increasing public safety. There may be some cases where a project altering more than 50% of the exterior walls of a habitable structure or altering more than 50% of the foundation would currently trigger geologic review, but would not under the proposed ordinance amendment. However, existing provisions in Chapter 16.10 allow the County to require geologic review for projects that would increase the number of people exposed to geologic hazards, or that would exacerbate an existing geologic hazard. Proposed amendments would also authorize the County to require geologic review for projects on sites with slope stability concerns, or with mapped geologic hazards. These provisions allow appropriate geologic and geotechnical review to ensure the protection of public and structural safety. Therefore, the proposed amendments are not anticipated to expose people or structures to potential significant adverse effects.  **Parts 1, 2, 4 and 5:** All work proposed under the revised ordinance amendments will continue to be subject to existing regulations in Chapter 12.10 and 16.10 of the County Code, protecting people and structures from potential substantial adverse effects resulting from seismic-related impacts or landslides. In addition, providing a more reasonable process will facilitate safe permitted work in compliance with building and environmental regulations. Therefore, no significant impacts are anticipated. | | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |

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| 3. | Develop land with a slope exceeding 30%? |  |  |  |  |  |  |  |  |

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

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| 5. | Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See Discussion under A-1 above. | | | | | | | | | |

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| 6. | Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers are not available? |  |  |  |  |  |  |  |  |
| ***Parts 1-5:*** The proposed amendments will not alter existing Environmental Health regulations regarding the placement of septic systems, and all development subject to these regulations will continue to be. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 7. | Result in coastal cliff erosion? |  |  |  |  |  |  |  |  |
| ***Discussion*:** ***Parts 1-5:*** The proposed amendments do not authorize any specific development, and do not alter existing provisions protecting coastal cliffs from erosion, including the requirement in Section 16.10.040(s)(6) that any addition to a structure on a coastal bluff that extends the existing structure in a seaward direction is subject to geologic review. Therefore, no impacts are anticipated. | | | | | | | | | |

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

Would the project:

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| 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? |  |  |  |  |  |  |  |  |

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| 2. | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? |  |  |  |  |  |  |  |  |

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| 3. | Be inundated by a seiche, tsunami, or mudflow? |  |  |  |  |  |  |  |  |
| **General Discussion (B1- B3 above):** The proposed project does not authorize any specific development project, and does not alter existing flood hazard protection regulations in Chapter 16.10 (Geologic Hazards Ordinance). All development subject to these regulations will continue to be regulated. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 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)? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** No increase in density is authorized by any of the proposed amendments, nor would these amendments change regulations determining whether a particular parcel may be developed. Furthermore, the proposed amendments are not anticipated to increase the number of residential units. Therefore, the proposed amendments would not lead to a significant increase in the demand for groundwater or to substantially deplete groundwater supplies. | | | | | | | | | |

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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). |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not authorize a specific development, does not affect the County’s regulations regarding water quality protection, and is not anticipated to result in any significant increase in new development. All development subject to these water quality protections would continue to be so subject. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 6. | Degrade septic system functioning? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not authorize a specific development involving septic systems, does not affect the County’s regulations septic systems, and is not anticipated to result in any significant increase in overall development. Any new development or improvements must comply with wastewater regulations. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed project does not alter existing regulations regarding drainage requirements for individual projects, and any development would be required to comply with these regulations. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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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 additional sources of polluted runoff? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1, 3-5:** The proposed project does not alter existing regulations regarding runoff requirements for individual projects, including review by Public Works of relevant projects, and is furthermore not anticipated to result in an overall increase in development. Therefore, no significant impacts are anticipated.  **Part 2:** The proposed reduction in parking standards for some commercial uses will allow for increased landscaping of commercial some properties, potentially resulting in less runoff from these sites. | | | | | | | | | |

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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? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not alter existing regulations regarding flood control, and is furthermore not anticipated to result in a significant overall increase in development. Therefore, the proposed ordinance would not increase the number of existing structures currently subject to an increased risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, and no adverse impacts are anticipated. | | | | | | | | | |

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| 10. | Otherwise substantially degrade water  Quality? |  |  |  |  |  |  |  |  |
| **Discussion Parts 2-5:** The proposed amendments do not alter existing regulations protecting water quality. Any future development would be required to comply with regulations in Chapter 16.22 (Erosion Control) controlling particulate contamination, as well as controlling runoff from projects. Therefore, no significant impact is anticipated from the adoption of the proposed ordinance.  **Part 1:** The proposed amendments for nonconforming structures will lower the threshold for when discretionary review of nonconforming structures within riparian corridors is required, such that altering more than 50% of the major structural components would require administrative discretionary review. For the first time, nonconforming structures within riparian corridors will be included in the category of nonconforming structures subject to a higher standard of review. Inside the riparian corridor, an administrative discretionary permit will be required to alter more than 50% of the major structural components, as opposed to the general threshold of 80%. This will allow additional conditions to be imposed on the project to further protect the riparian corridor, as authorized by General Plan Policy 5.2.2. Therefore, this amendment is expected to have a slight positive impact on water quality overall. | | | | | | | | | |

## C. Biological Resources

Would the project:

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| 1. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or 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? |  |  |  |  |  |  |  |  |
| **DiscussionParts 1-5:** The proposed project does not alter existing regulations protecting species identified as a candidate, sensitive, or special status species, including sensitive habitat protection regulations in Chapter 16.32, and is furthermore not anticipated to result in a substantial increase in overall development. Any project subject to regulations in Chapter 16.32 would continue to be subject, ensuring protection of sensitive habitats. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 2. | Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |  |  |  |  |  |  |  |  |
| **Discussion Part 1:** See discussion under B-10 (part 1) above. These amendments are anticipated to have a positive impact on riparian corridors.  **Parts 2-5:** The proposed project does not alter existing regulations in Chapter 16.30 protecting riparian corridors, and in Chapter 16.32 protecting other sensitive habitats, and is furthermore not anticipated to result in an overall increase in development. All development would continue to be subject to these regulations. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 3. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites? |  |  |  |  |  |  |  |  |
| ***Discussion* Parts 1-5:** See discussion under B-1 above. No significant impacts are anticipated. | | | | | | | | | |

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| 4. | Produce nighttime lighting that would substantially illuminate wildlife habitats? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed project does not alter existing regulations protecting wildlife areas from nighttime lighting, and is furthermore not anticipated to result in an overall increase in development. The regulations largely pertain to existing structures, and any existing nighttime lighting effects would not change significantly. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 5. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? |  |  |  |  |  |  |  |  |
| ***Discussion:*** The proposed project does not alter existing regulations in Title 16 protecting wetlands, and is furthermore not anticipated to result in an overall increase in development. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 6. | Conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The project would not conflict with any 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? |  |  |  |  |  |  |  |  |
| ***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:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not conflict with any existing zoning for agricultural use, or with any Williamson Act contracts. No significant impacts are anticipated. | | | | | | | | | |

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| 2. | Conflict with existing zoning for agricultural use, or a Williamson Act contract? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not propose to convert prime farmlands to nonagricultural use. No significant impacts are anticipated. | | | | | | | | | |

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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))? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not conflict with any existing zoning for forest lands or timberland. No significant impacts are anticipated. | | | | | | | | | |

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| 4. | Result in the loss of forest land or conversion of forest land to non-forest use? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** No significant impact is anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| **Discussion: Part 1:** The proposed amendments for nonconforming structures and uses may facilitate the retention of existing legal nonconforming agricultural uses or agricultural structures. Therefore, the proposed amendments may help to prevent the conversion of agricultural land to non-agricultural use.  **Parts 2 – 5:** The project does not Involve other changes in the existing environment which would result in conversion of Farmland or forest land. Therefore, no significant impact is anticipated. | | | | | | | | | |

### E. Mineral Resources

Would the project:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:**   |  | | --- | | The proposed project does not affect existing regulations protecting mineral resources, does not authorize any specific development project. Any development proposal subject to regulations protecting mineral resources would continue to be. No impacts are anticipated. | | | | | | | | | | |

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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? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** See E-1 above. | | | | | | | | | |

## F. Visual Resources and Aesthetics

Would the project:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | Have an adverse effect on a scenic vista? |  |  |  |  |  |  |  |  |
| **Discussion Part 1**: The proposed amendments for nonconforming structures may facilitate the retention or reconstruction of legal nonconforming structures that exceed current height limits. However, as these structures already exist, retention or reconstruction of existing structures will not change baseline environmental conditions. Furthermore, the administrative permit required for reconstruction of a nonconforming structure requires that the proposed reconstruction be reviewed for neighborhood compatibility. This will provide additional protection to scenic vistas by ensuring appropriate design and architecture. All new structures and additions will be required to conform to current height limits for the zone district. No significant impacts are therefore anticipated.  **Parts 2-5:** The project would not directly impact any public scenic resources, as designated in the County’s General Plan (1994), or obstruct any public views of these visual resources. | | | | | | | | | |

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| 2. | Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |  |  |  |  |  |  |  |  |

**Discussion Part 1:**

The proposed amendments for nonconforming structures retain existing provisions allowing for structures designated as historic resources to be repaired, modified or added to without discretionary review, to facilitate the retention of historic resources.

No significant impacts are anticipated.

**Parts 2-5:** See discussion under F-1 above. No significant impacts anticipated.

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| 3. | Substantially degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline? |  |  |  |  |  |  |  |  |
| ***Discussion*:** Any projects proposed under the amended ordinance would be subject to regulations protecting scenic resources, including public viewsheds, scenic corridors, scenic highways, or ridgelines. No significant impact is anticipated. | | | | | | | | | |

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| 4. | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? |  |  |  |  |  |  |  |  |
| ***Discussion*:** Any projects proposed under the amended ordinance would be subject existing regulations protecting scenic resources, including public viewsheds, scenic corridors, scenic highways, or ridgelines. No significant impact is anticipated. | | | | | | | | | |

## G. Cultural Resources

Would the project:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? |  |  |  |  |  |  |  |  |
| **Discussion** **Part 1:** The proposed amendments retain existing provisions allowing for structures designated as historic resources to be repaired, modified or added to without being subject to restrictions imposed on nonconforming structures, to facilitate the retention of historic resources. No impacts are anticipated.  **Parts 2-5:**Any projects proposed under the amended ordinance would be subject to regulations in Chapter 16.42 protecting designated historic resources. All proposed alterations to historic resources will continue to be subject to Chapter 16.42 protecting historic resources. No impacts are anticipated. | | | | | | | | | |

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| 2. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not change existing regulations in Chapter 16.40 protecting archaeological resources. All proposed projects continue to be subject to these regulations. No significant impacts are anticipated. | | | | | | | | | |

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| 3. | Disturb any human remains, including those interred outside of formal cemeteries? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** See Section G-2 above. No significant impacts are anticipated. | | | | | | | | | |

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| 4. | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not change existing regulations in Chapter 16.44 protecting paleontological resources. All proposed projects continue to be subject to these regulations. No impacts are anticipated. | | | | | | | | | |

### H. Hazards and Hazardous Materials

Would the project:

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| 1. | Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not change existing regulations regarding the transport, use or disposal of hazardous materials. All proposed projects subject to these regulations would continue to be so. The proposed amendments may facilitate the continuation of nonconforming uses, but would not allow new nonconforming uses. The board of Supervisors may terminate any existing nonconforming use which is significantly detrimental to public health, safety or welfare. No significant impacts are anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See H-1 above. No significant impacts are anticipated. | | | | | | | | | |

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| 3. | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See H-1 above. No significant impacts are anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See H-1 above. No significant impacts are anticipated. | | | | | | | | | |

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| 5. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed project does not authorize any specific development proposal, nor does it alter existing regulations regarding development within two miles of a public airport. No impact is anticipated | | | | | | | | | |

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| 6. | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See H-5 above. No impact is anticipated. | | | | | | | | | |

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| 7. | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The existing emergency response plan would continue to apply and would be unaffected by the proposed amendments. No impact is anticipated. | | | | | | | | | |

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| 8. | Expose people to electro-magnetic fields associated with electrical transmission lines? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed amendments would not affect the County’s regulations regarding electro-magnetic fields, and all future development would be subject to these regulations, therefore no significant impacts are anticipated. | | | | | | | | | |

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| 9. | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed amendments do not alter existing regulations regarding wildland fires. All projects would be required to incorporate all applicable fire safety code requirements and includes fire protection devices as required by the local fire agency. No significant impact is anticipated. | | | | | | | | | |

### I. Transportation/Traffic

Would the project:

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| 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? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1, 3-5:** The proposed amendments do not conflict with any plan, ordinance or policy relating to the circulation system, do not authorize increases in density, and are not anticipated to lead to population growth in the area. Therefore, no significant impacts are anticipated.  **Part 2:** Proposed revisions to parking standards for commercial buildings may in some cases allow more commercial space with less parking. In these cases, the proposed amendments will help to concentrate growth within existing urban areas and existing buildings and lots instead of encouraging new commercial development in peripheral areas. Parking standards that favor expansion of commercial and mixed-use development along transit corridors, where many medical and retail facilities already exist, will facilitate transportation-oriented development and efficient development patterns that minimize effects of commercial and residential growth on circulation, consistent with County policies. Encouraging more intensive development of existing commercial sites is consistent with efforts to create more walkable communities. Impacts are anticipated to be less than significant. | | | | | | | | | |

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| 2. | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed amendments are not expected to lead to an increase in air traffic or affect the location of air traffic. No impact is anticipated. | | | | | | | | | |

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| 3. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed amendments do authorize any specific development proposal. Any future development would continue to be subject to existing County regulations for egress, sight distance, and other regulations relating to potential traffic hazards. No significant impact is anticipated. | | | | | | | | | |

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| 4. | Result in inadequate emergency access? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed amendments do authorize any specific development proposal, and do not alter existing regulations regarding emergency access. No significant impact is anticipated. | | | | | | | | | |

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| 5. | Cause an increase in parking demand which cannot be accommodated by existing parking facilities? |  |  |  |  |  |  |  |  |
| **Discussion** **Parts 1, 3-5:** The proposed amendments are not anticipated to increase parking demand, as these amendments are focused on the retention of existing structures. Development projects would be subject to the appropriate parking requirements. Therefore, no significant impacts are anticipated.  **Part 2:** The proposed amendments to parking requirements for commercial buildings will in some cases reduce the amount of parking required. The proposed reductions in parking requirements for office, medical office and retail are based on evidence indicating that the proposed standards are more consistent with actual parking demand than current standards, according to International Traffic Engineers (ITE) data. It is possible that occasionally during peak parking times, parking demand may exceed supply. However, any unmet parking needs are likely to be minor and of short duration. Therefore, impacts are projected to be less than significant. Details regarding the probability that a given use would be underparked are provided below.  The 2004 ITE data for office uses estimate that a parking standard of one space per 339 square feet of office area will have a greater than 95% probability of meeting parking demand during all hours of the day. The proposed standard, one space per 300 sq. ft., would have a slightly higher probability of meeting demand.  For medical offices, the 2010 ITE data estimate that at 85% of all sites sampled, parking demand was less than one space per 234 square feet of medical office area during all hours of the day. The odds are less than 15% that a site in the unincorporated area would exceed the proposed standard of one space per 225 square feet, even during peak parking hours from 10 am to 11 am. Moreover, because the hours of peak parking demand for this use coincide with hours of relatively low traffic, it is unlikely that levels of service would be adversely affected, even the rare instances of unavailable onsite parking.  For supermarkets, the 2004 and 2010 ITE data indicated that at 85% of all sites sampled, parking demand was less than one space per 200 square feet of store area during peak hours. The odds are less than 15% that a site in the unincorporated area would exceed the proposed standard of one space per 200 square feet. The proposed new ‘supermarket” parking standard of 1 space per 200 square feet will ensure an appropriate level of parking supply. The one space per 200 square-feet standard represents no change to the current county parking standard, so will have no impact.  The ITE data looked at general retail uses in a number of different categories, most of which were either large sporting, discount or other superstores or stores more characteristic of C-4 uses, such as lumber and carpet stores. Most of the data were from only a single sample in each category, which produces a statistically unreliable data source. Thus the ITE data were not directly applicable to establishing parking rates for small retail uses, although they generally indicated a parking demand much lower than the proposed standard of one space per 300 square feet.  Since the majority of retail stores in the unincorporated areas are in shopping centers, it is illustrative to evaluate the retail parking standard in light of shopping center data. The ITE manual indicates that the 85th percentile for non-December peak parking on a weekday is one space per 316 square feet, and on a Saturday, one space per 294 square feet; on a Friday, it is one space per 256 square feet. The proposed standard of one space per 300 square feet would thus meet demand at 85% of sites during peak hours weekdays and Sundays, and would be very close to meeting the 85th percentile standard on Saturdays. On Fridays during the peak period at 7 pm, the proposed standard easily meets the demand at the average shopping center (one space per 340 square feet), but falls short of the 85th percentile (one space per 256 square feet). In evaluating the shopping center data, it is essential to consider that most shopping centers contain a significant percentage of restaurants, banks and supermarkets, each of which exert a parking demand 2-4 times the demand of the shopping center as a whole; this in turn suggests that retail and service uses are exerting a demand that is less than the average of the shopping center as a whole. The peak period of most retail uses probably does not coincide with the 7 pm of the shopping center as a whole; as many retail stores in small centers and strip malls tend to close by 5 pm. These observations indicated a high probability that proposed standard of one space per 300 square feet will meet retail demand during all hours of the day, including peak hours on Fridays. | | | | | | | | | |

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| 6. | Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed amendments would not conflict with current regulations or programs regarding facilities for motorists, bicyclists, and/or pedestrians. No significant impact is anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1, 3-5:** The proposed amendments are anticipated to facilitate the retention of existing structures and uses, but are not anticipated to result in significant additional development. The proposed amendments do not authorize any specific development proposal. Therefore, no significant impact is anticipated.  **Discussion Part 2:** As noted under I-5 above, the revised parking standards are anticipated to be adequate to meet parking demand. It is possible that occasional minor parking shortages may result from reduced parking requirements at some locations. However, any increase in traffic that may result from drivers spending extra driving time to locate a parking space is likely to be of short duration and infrequent. Proposed amendments facilitating changes in commercial uses are anticipated to retain existing levels of commercial development, rather than increasing the number of businesses overall. Impacts to traffic that may result from the proposed amendments are anticipated to be less than significant. | | | | | | | | | |

### J. Noise

Would the project result in:

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| 1. | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? |  |  |  |  |  |  |  |  |
| **Discussion:**  The proposed amendments are not anticipated to result in a substantial increase in overall development, or result in any other changes which could create an incremental increase in the existing noise environment. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 2. | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? |  |  |  |  |  |  |  |  |
| **Discussion:**  The proposed amendments are not anticipated to result in an increase in overall development, or result in any other changes which could expose persons to excessive groundborne vibrations. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 3. | Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies? |  |  |  |  |  |  |  |  |
| ***Discussion*:** Per County policy, average hourly noise levels shall not exceed the General Plan threshold of 50 Leq during the day and 45 Leq during the nighttime. Impulsive noise levels shall not exceed 65 db during the day or 60 db at night. The proposed ordinance amendments will not change this existing policy. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 4. | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? |  |  |  |  |  |  |  |  |
| **Discussion: Part 1:** The proposed amendments to regulations for nonconforming uses and structures may facilitate minor repairs and improvements to existing structures, possibly increasing the number of small construction projects. Construction would be temporary, however, and given the limited duration of this impact it is considered less than significant.  **Parts 2-5:** The proposed amendments are not anticipated to result in a substantial increase in overall development, or result in any other change that would temporarily increase ambient noise levels in any significant way. Therefore, no significant impacts are anticipated. | | | | | | | | | |
| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed amendments are not anticipated to result in an substantial increase in overall development, or result in any other change that expose people within two miles of a public airport to excessive noise levels. Therefore, no significant impacts are anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** No specific development project is being proposed, so no significant impacts are anticipated. | | | | | | | | | |

### 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:

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| 1. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The North Central Coast Air Basin does not meet state standards for ozone and particulate matter (PM10). Therefore, the regional pollutants of concern that would be emitted by the project are ozone precursors (Volatile Organic Compounds [VOCs] and nitrogen oxides and dust.  **Part 1**: A possible increase in the number of minor construction projects may result in a very localized temporary decrease in air quality due to generation of dust. However, this increase in construction dust would potentially be offset by a decrease in the number of new structures that are constructed, due to regulations facilitating the repair and retention of existing structures. Therefore, no significant impacts are anticipated.  **Part 2:** Reductions in parking requirements for some commercial uses may result in occasional minor traffic increases at peak times such as during the holidays, as driving time increases to locate a parking space. However, any temporary, minor, and limited increase in traffic is unlikely to exceed MBUAPCD thresholds for VODs or Nox, and therefore there would not be a significant contribution to an existing air quality violation. In addition, reductions in required parking on some commercial sites may allow for an increased density of commercial development on previously developed sites. With more commercial uses concentrated on individual sites, this could lead to reductions in driving overall, improving air quality. Therefore, no significant air quality impacts are anticipated. | | | | | | | | | |

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| 2. | Conflict with or obstruct implementation of the applicable air quality plan? |  |  |  |  |  |  |  |  |
| ***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)? |  |  |  |  |  |  |  |  |
| ***Discussion*:** As the proposed amendments are not anticipated to result in a substantial increase in overall development, the project is not anticipated to result in a net increase of any criteria pollutant for which the County exceeds the allowable standards. No significant impacts are anticipated | | | | | | | | | |

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| 4. | Expose sensitive receptors to substantial pollutant concentrations? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See K-1 above. No significant impacts anticipated. | | | | | | | | | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 5. | Create objectionable odors affecting a substantial number of people? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See K-1 above. No significant impacts anticipated. | | | | | | | | | |

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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** **Part 1:** To the extent that the proposed project would result in an increase in the number of minor construction projects, the proposed project, 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. However, to the extent that regulations promote and facilitate the repair and reuse of existing structures, and thereby reduce the number of new structures constructed and the number of structures that are demolished, the proposed amendments are anticipated to result in a net decrease in greenhouse gas emissions. Reuse of existing buildings, as an alternative the demolition of an existing nonconforming structure, will reduce the amount of construction waste in the landfill. As the decomposition of construction waste is a major contributor to the production of methane in the County, reduction in construction waste could reduce the overall production of greenhouse gases. Therefore, the proposed project is anticipated to result in a small net decrease in overall greenhouse gas production.  **Parts 2-5:** The proposed project is not anticipated to result in an increase in development overall, and is therefore not anticipated to result in any significant increase in greenhouse gas emissions. Possible temporary increases in driving time may result from additional time required to locate parking spaces resulting from reduced parking requirements for some commercial uses. However, this is likely to be offset by reductions in overall driving that would result from more intense commercial development of existing commercial sites with reduced pressure to develop new outlying commercial properties. | | | | | | | | | |

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| 2. | Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See the discussion under L-1 above. No significant 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: |  |  |  |  |  |  |  |  |

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|  | a. | Fire protection? |  |  |  |  |  |  |  |  |
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|  | b. | Police protection? |  |  |  |  |  |  |  |  |
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|  | c. | Schools? |  |  |  |  |  |  |  |  |
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|  | d. | Parks or other recreational activities? |  |  |  |  |  |  |  |  |

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|  | e. | Other public facilities; including the maintenance of roads? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5: (a through e):** The proposed amendments are not anticipated to result in any significant increase in overall development. Therefore, the project is not anticipated to result in an increase in the need for public services, including fire protection, police protection, schools, parks, or other public facilities. No significant impacts are anticipated. | | | | | | | | | | |

### N. Recreation

Would the project:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The project is not anticipated to result in any significant increase in development, and is not anticipated to result in additional residential units. Therefore, the project is not anticipated to increase the use of neighborhood parks, or require the construction of new recreational facilities. No significant impacts are anticipated. | | | | | | | | | |

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| 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? |  |  |  |  |  |  |  |  |
| ***Discussion*:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

### 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? |  |  |  |  |  |  |  |  |
| **Discussion Parts 1-5:** The proposed amendments are not anticipated to result in significant additional new development. Therefore, the proposed project is not anticipated to require the construction of new stormwater facilities, require new water or wastewater treatment facilities, exceed wastewater treatment requirements, require new water entitlements, add additional demands to an existing wastewater treatment system, add additional demand to a landfill's solid waste disposal capacity, or be out of compliance with federal, state and local solid waste regulations. No significant impacts are anticipated. | | | | | | | | | |

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| 2. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? |  |  |  |  |  |  |  |  |
| **Discussion:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

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| 3. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? |  |  |  |  |  |  |  |  |
| **Discussion:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

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| 4. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? |  |  |  |  |  |  |  |  |
| **Discussion:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

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| 5. | Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? |  |  |  |  |  |  |  |  |
| **Discussion:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

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| 6. | Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? |  |  |  |  |  |  |  |  |
| **Discussion:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

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| 7. | Comply with federal, state, and local statutes and regulations related to solid waste? |  |  |  |  |  |  |  |  |
| **Discussion:** See N-1 above. No significant impacts anticipated. | | | | | | | | | |

### 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? |  |  |  |  |  |  |  |  |
| **Discussion Part 1:** The proposed General Plan (GP), Local Coastal Program (LCP) and County Code amendments are intended to ensure consistency of the County Code with the GP/LCP, and to allow nonconforming uses and structures to continue, be maintained, improved, and in some cases reconstructed, while ensuring that any potential environmental impacts resulting from nonconforming uses and structures are addressed. The proposed GP/LCP amendments will provide an overall policy for nonconforming uses and structures, allowing them to continue, to be maintained and repaired, and to be improved within appropriate parameters. The proposed General Plan/ LCP amendments will revise existing policies regarding Commercial and Light Industrial Nonconforming uses, allowing such uses to be maintained, repaired and improved, and in some cases reconstructed with discretionary review. The revised General Plan/LCP policies and County Code amendments will continue to provide a process whereby nonconforming uses that are detrimental to the environment may be phased out, ensuring that policies protecting the environment remain in place. The proposed General Plan/LCP amendments will also delete language referring to significantly nonconforming structures. However, a lower threshold of review will continue to apply to nonconforming structures with more extensive nonconformities, such that potential impacts to neighboring properties or other impacts will be addressed. No significant impacts are anticipated.  **Parts 2-5:** The proposed ordinance amendments are in substantial conformance with General Plan/ LCP policies or other policies adopted for the purpose of avoiding an environmental effect. No significant impacts are anticipated. | | | | | | | | | |

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| 2. | Conflict with any applicable habitat conservation plan or natural community conservation plan? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed amendments to not conflict with any habitat conservation plan or community conservation plan. | | | | | | | | | |

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| 3. | Physically divide an established community? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The project would not include any element that would physically divide an established community. | | | | | | | | | |

### Q. Population and Housing

Would the project:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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)? |  |  |  |  |  |  |  |  |
| **Discussion** **Parts1-2:** The proposed amendments for nonconforming uses are intended to help existing businesses, allowing a building accommodating an existing nonconforming use to be repaired and improved. The proposed amendments for nonconforming uses are also intended to facilitate changing from one nonconforming business to a new business, by requiring administrative discretionary review in place of the current requirement for discretionary review with a public hearing. These changes are intended to allow existing businesses to continue, and facilitate the location of new businesses in existing buildings, replacing a business that may have been lost. These changes are not anticipated to result in an increase in the overall number of businesses, but instead are intended to retain the level of existing businesses in our community. The proposed amendments are not anticipated to result in an increase in the number of residential units, and do not authorize an increase in density. These amendments are not anticipated to result in substantial population growth. .  **Parts 3-5:** The proposed amendments are not anticipated to result in substantial population growth, either directly or indirectly. No impacts are anticipated. | | | | | | | | | |

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| 2. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed project is not anticipated to displace any existing housing, but is instead anticipated to result in the retention of existing housing units. | | | | | | | | | |

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| 3. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? |  |  |  |  |  |  |  |  |
| ***Discussion*:** The proposed project is not anticipated to displace people. Proposed amendments in Part 1 allowing existing nonconforming structures to be more easily retained are anticipated to result in less displacement of existing residents, and require less construction of new housing, resulting in positive environmental impacts. | | | | | | | | | |

### R. Mandatory Findings of Significance

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| --- | --- | --- | --- | --- | --- |
|  |  | **Potentially**  **Significant Impact** | **Less than**  **Significant  with Mitigation** | **Less than**  **Significant Impact** | **No 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? |  |  |  |  |
| **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. No significant effects were identified. Therefore, this project has been determined not to meet this Mandatory Finding of Significance. | | | | | |

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| --- | --- | --- | --- | --- | --- |
|  |  | **Potentially**  **Significant Impact** | **Less than**  **Significant  with Mitigation** | **Less than**  **Significant Impact** | **No 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)? |  |  |  |  |
| **Discussion:** No cumulative impacts were identified, either as the result of this project or in conjunction with any other past or future projects currently being considered. Therefore, this project has been determined not to meet this Mandatory Finding of Significance. | | | | | |

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| --- | --- | --- | --- | --- | --- |
|  |  | **Potentially**  **Significant Impact** | **Less than**  **Significant  with Mitigation** | **Less than**  **Significant Impact** | **No Impact** |
| 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 generally, and in more depth in the response to specific questions in Section III, regarding Geology and Soils. As a result of this evaluation, there is no substantial evidence that there are adverse effects to human beings associated with this project. Furthermore, as noted under Q-3 above, the proposed amendments may allow for the retention and repair of additional existing housing units, resulting in less overall displacement of people and thereby benefiting community residents. Therefore, this project has been determined not to meet this Mandatory Finding of Significance. | | | | | |

**IV. TECHNICAL REVIEW CHECKLIST**

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| --- | --- | --- | --- |
|  | **REQUIRED** |  | **DATE COMPLETED** |
| Agricultural Policy Advisory Commission (APAC) Review | Yes  No |  |  |
| Archaeological Review | Yes  No |  |  |
| Biotic Report/Assessment | Yes  No |  |  |
| Geologic Hazards Assessment (GHA) | Yes  No |  |  |
| Geologic Report | Yes  No |  |  |
| Geotechnical (Soils) Report | Yes  No |  |  |
| Riparian Pre-Site | Yes  No |  |  |
| Septic Lot Check | Yes  No |  |  |
| Other: | Yes  No |  |  |
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**V. REFERENCES USED IN THE COMPLETION OF THIS eNVIRONMENTAL rEVIEW INITIAL STUDY**

County of Santa Cruz 1994.

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

Institute of Traffic Engineers 2004. *Parking Generation, 3rd Edition, 2004.*

**Vi. Attachments**

1. Draft Proposed Ordinance Amending Chapter 12.10, 13.10, 13.11, 16.10, and 18.10 of the Santa Cruz County Code.
2. Draft General Plan/Local Coastal Program Amendments
3. County Code Sections 13.10.260, 13.10.261, 13.10.262, and 13.10.265 (Existing Regulations for Nonconforming Uses and Structures)