

**A06-0001** – As recommended by the Planning Commission January 26, 2006

**Findings**

1. The proposed project falls within the range of equally weighted project alternatives and environmental effects analyzed by the adopted 2004 General Plan EIR, and pursuant to Section 15162 of the CEQA Guidelines does not require additional environmental review for the reasons stated, as follows:
  - Although impacts identified in the 2004 General Plan EIR associated with traffic, noise, and air quality were based, in part, on development intensity constrained by floor area ratio (FAR), the proposed General Plan amendment constrains all projects which propose an increased FAR to be analyzed pursuant to a discretionary planned development review process whereby project impacts associated with an increase in FAR are found to be either avoided, mitigated to the same or to a greater extent, or are found to not be substantially more severe than the impacts analyzed in the 2004 General Plan EIR. Given that the proposed policy amendment requires a project that proposes to exceed FAR standards to fully comply with the General Plan and General Plan EIR, none of the circumstances which require preparation of a subsequent EIR or negative declaration as set forth by CEQA Guidelines Section 15162 apply.
  - The Agricultural Lands land use designation was taken from the Environmentally Constrained Alternative and included in the 2004 General Plan as a primary land use, not an overlay. This land use designation strengthens the agricultural protection provisions of the plan and serves to enhance the role of agriculture within the County along with other applicable General Plan policies. A maximum of two dwelling units per parcel are allowed by this land use designation, and the population intensity of associated growth is accounted for in Table 2-2, Policy 2.2.1.3. Although the Environmentally Constrained Alternative included a FAR of 0.10 (10 percent) for Agricultural Lands, building square footage related to FAR and employment per thousand square foot allocations to the Market Areas and corresponding TAZs were not used to assess the environmental effects of growth impact within areas subject to Agricultural Lands land use designation. Instead, residential densities were used, therefore, the 0.10 FAR included in the 2004 General Plan was the result of an unintentional carry-over from the Environmentally Constrained Alternative, and no significant environmental effects or mitigation measures are associated with its use.
  - The 2004 General Plan EIR, Impact 5.5-6, Increase in Water Pollutants from New Impervious Surfaces and New Urban and Agricultural Uses, evaluated the environmental effects of increased development of all of the equally weighted alternatives and found that all alternatives would lead to pollutant and sediment

**ATTACHMENT 2**

laden runoff that would affect offsite locations. The impact assessment included in the General Plan EIR states, in part; “However, General Plan policies, the Storm Water Management Plan, applicable regulations that require compliance with NPDES requirements, prohibit development adjacent to certain water bodies, and require erosion and sediment control BMPs or other water quality protection measures. These policies and programs would apply to all nonagricultural development (including ministerial) that disturbs more than one acre. Development on less than one acre is subject to the General Plan policies as well as the SWMP (which also applies to ministerial development)... As a result, this impact is considered less than significant (prior to mitigation) for all alternatives.” Furthermore, the General Plan EIR did not utilize MIS percentage standards included in Policy 2.2.1.5, Table 2-3, Building Intensities, for the environmental effects were found to be less than significant. Therefore, the proposed General Plan amendment to eliminate MIS percentage standards does not change the significance of the environmental effects identified in the General Plan EIR.

2. The proposed project amends General Plan Policy 2.2.1.5, Table 2-3, Building Intensities, to allow flexibility in the application of FARs to non-residential development, eliminates FAR applicable to Agricultural Lands, and eliminates MIS in a manner that is consistent with the Goals, Objectives, and Policies of the General Plan.
3. The proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions and environmental analysis contained in the staff report.