

Specific Adverse Impact Attachment C

“Specific adverse impact,” which is referenced in the State density bonus statute, is defined as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” According to the definition, specific, adverse impacts concern only health and safety, not the public welfare, and are quantifiable in relation to adopted, objective public health and safety provisions. An adverse impact (as distinguished from a “specific adverse impact”) is not defined, and the State statute does not relate the findings to the California Environmental Quality Act, which also considers impacts. In the case of a property listed on the California Register, adverse impacts might include impacts that would result from failing to comply with the *Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings* but that are not impacts related to health and safety *per se*.

The statute provides that a local jurisdiction is not required to approve concessions or incentives that will have a “specific adverse impact,” (i.e., a quantifiable impact on public health or safety) on the public health or safety or physical environment. Further, a local jurisdiction is not required to approve concessions or incentives that will have an *adverse impact* on a property listed on the California Register of Historic Resources. The second provision, concerning impacts on historic resources, differs from the stricter wording (i.e., “specific adverse impact”) of the corresponding specific language given in the State statute for a finding related to the historic resource. However, because the statute provides that a local jurisdiction need not approve a project with an *adverse impact* on the historic resource, staff recommends using the standard of “adverse impact” in place of the language given in the statute for the finding (i.e., “specific adverse impact”).