



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
TOM BURNS, DIRECTOR

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May 14, 2004

**Agenda Date: June 9, 2004**

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

**SUBJECT: Public Hearing to Consider Changes to County Code Chapters 13.10 and 16.42 to Provide Incentives for Historic Preservation**

Commissioners:

Working under a grant from the State Office of Historic Preservation, Planning Department staff and the Historic Resources Commission have developed proposed draft changes to several sections of Chapters 13.10 and 16.42 of the County Code to provide incentives for the designation and preservation of historic resources. The proposed incentives include modification of parking requirements and site standards such as setbacks and lot coverage. The proposed changes were approved in concept by the Board of Supervisors on April 27, 2004 (please see Exhibit C).

### **Existing Ordinance**

Chapter 16.42 of the County Code is the County's historic preservation ordinance. The existing Historic Preservation Ordinance dates from 1977 and has been revised twice, in 1983 and 1988. The only tangible incentive that the existing ordinance offers owners of designated historic resources and property owners who might consider seeking historic designation for their properties is use of the State Historic Building Code, which allows for alternative construction methods and materials to those established in the Uniform Building Code, National Electrical Code, etc.

### **Proposed Changes to Ordinance**

A recurring question staff and the Historic Resources Commission receive is "What advantage is there to having my building designated as a historic resource?" Beyond pride of ownership and use of the State Historic Building Code, we have nothing to offer.

The Historic Resources Commission has developed several additional incentives that would be available to owners of designated historic resources. These focus on relaxation of the standard requirements regarding parking, non-conforming structures, floor area ratio, and lot coverage. Changes in the use in an historic building or proposed additions to an historic building that could serve to extend the life of the building or make it feasible to retain the historic building can easily necessitate variances that add time and cost to a development and which may make a historically sympathetic addition extremely difficult if not impossible. For example, in Aptos Village there are several small businesses in what were originally residences. Some of the buildings are structurally non-conforming or exceed lot coverage or have no room for additional parking. By relaxing the standards addressing these issues, various upgrades and appropriate additions could occur that would enhance the economic activity and help maintain the historic resources. Ultimately, this would serve to further protect those structures that are an integral part of the County's heritage.

The proposed changes are discussed briefly below.

1. Nonconforming structures. This change would allow ordinary maintenance and repair and additions to designated historic buildings to continue the non-conforming outline of the building so long as that did not make the building more non-conforming than it already was. For example, if the building were parallel to but only three feet from a property line where five feet was required, a new addition could also be three feet from the property line. However, if the building was three feet from the property line where five feet was required, but the building was not parallel to the property line and because of that an addition would be closer than three feet to the property line, then a variance would be needed.
2. Parking. This change would allow the parking requirements to be modified upon findings that requiring the standard parking would adversely affect the historic or architectural significance of the building or that the standard parking requirement would create an exceptional hardship that would make preservation of the historic building infeasible and that the parking modification would not adversely affect traffic and parking on adjacent and nearby streets and properties. This modification would be processed at Level III.
3. Floor area ratio (FAR). FAR would be allowed to increase from the standard 0.5:1 to 0.6:1. For example, on a 6,000 square foot lot, the FAR would increase by 600 square feet, from 3,000 square feet to 3,600 square feet.
4. Lot coverage. Lot coverage would be allowed to increase to 1.25 times the standard lot coverage for the zone district. For example, on a 6,000 square foot lot, where lot coverage is limited to 30 percent of the lot area, the lot coverage allowed would be 37.5 percent, resulting in an increase of 450 square feet, from 1,800 square feet to 2,250 square feet.

## California Environmental Quality Act

The proposed ordinance changes are exempt from review under the California Environmental Quality Act (CEQA) because they are considered to be actions by a regulatory agency for the protection of the environment. Designated historic resources are considered part of the environment under CEQA.

## Grant Reporting Requirements

According to the terms of the grant, the County must provide the Office of Historic Preservation with a progress report by the end of June, including any comments and actions by your Commission on the proposed language changes.

## Conclusion and Recommendation

The County has struggled with ways to encourage property owners to seek historic resource designation and to reward those whose properties already are **so** designated. The proposed amendments would go a **little** way toward achieving those things. The allowed increases in lot coverage and Floor Area Ratio are modest and the parking modification requires approval at Level III with required findings supporting the modification. Both of those incentives, plus continuation of non-conforming building outlines, will apply only to designated historic resources, of which there are only approximately 300 in the entire County.

Therefore, it is **RECOMMENDED** that your Commission take the following action:

1. Conduct a public hearing on the proposed amendments to Chapters 13.10 and **16.42**; and
2. Adopt the resolution to recommend that the Board **of** Supervisors adopt the proposed language and certify the environmental exemption.

Sincerely,



Mark Deming, AICP  
Assistant Director

## Exhibits

- A. Resolution
- B. Ordinance
- C. BoS action April 27, 2004
- D. CEQA Categorical Exemption

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

On **the** motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION REGARDING PROPOSED AMENDMENTS TO SECTIONS 13.10.265, 13.10.551, AND 16.42.090 OF THE COUNTY CODE TO PROVIDE RELAXED SITE STANDARDS FOR DESIGNATED HISTORIC RESOURCES RELATIVE TO PARKING AND NON-CONFORMING STRUCTURE SETBACK **REQUIREMENTS** AND TO ALLOW GREATER FLOOR AREA RATIO AND LOT COVERAGE FOR DESIGNATED **HISTORIC** RESOURCES.

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WHEREAS, the Board of **Supervisors**, in 1977, in order to protect significant historic resources in the County adopted an Historic Preservation Ordinance; and

**WHEREAS**, since the inception of the Historic Preservation Ordinance there have been only very limited incentives offered by the County to encourage property owners to **seek** historic designation of **eligible** properties; and

WHEREAS, the County Historic Resources Commission applied for and received a grant from the State Office of Historic Preservation to develop further incentives to encourage property owners to seek historic designation for eligible properties; and

WHEREAS, the Board of Supervisors has approved in concept changes to Volume II of the County Code to enable further incentives to encourage property owners to **seek** historic designation for eligible properties

WHEREAS, the proposed changes to Volume II of the County Code have been found to be categorically exempt from further review under the California Environmental Quality Act (CEQA), consistent with applicable provisions of CEQA and **the** County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the amendments to Sections 13.10.265, 13.10.551, and 16.42.090 of Volume II of the County Code to encourage property owners to seek historic designation for eligible properties, and the Categorical Exemption, incorporated herein by reference, be approved by **the** Board of supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, the \_\_\_\_ day of \_\_\_\_\_, 2004 by the following vote:

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

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Renee Sheperd, Chairperson

A'ITEST \_\_\_\_\_  
Cathy Graves, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL

cc: County Counsel  
Planning Department

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

ORDINANCE AMENDING SECTIONS 13.10.265, 13.10.551, and 16.42.090 OF THE COUNTY CODE TO PROVIDE RELAXED SITE STANDARDS FOR DESIGNATED HISTORIC RESOURCES RELATIVE TO PARKING AND NON-CONFORMING STRUCTURE SETBACK REQUIREMENTS AND TO ALLOW GREATER FLOOR AREA RATIO AND LOT COVERAGE FOR DESIGNATED HISTORIC RESOURCES

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

**SECTION I**

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the Sections 13.10.265, 13.10.251, and 16.42.090 to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding site standards for designated historic resources relative to parking non-conforming structure setback requirements, floor area ratio, and lot coverage listed below in Section III; finds that the proposed amendment herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that the proposed action is categorically exempt from review under the California Environmental Quality Act pursuant to Sections 501, 1805, and 1808 of the County's CEQA Guidelines and Sections 15061, 15305, and 15308 of the State CEQA Guidelines.

**SECTION II**

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the amendment as described in Section III, and adopts the Planning Commission's findings in support thereof without modification as set forth below:

1. The County's Historic Preservation Ordinance was adopted in 1977 in order to protect significant historic resources in the County.
2. Only very limited incentives have been available to property owners to seek designation of their property as an historic resource.
3. Amendments to Sections 13.10.265, 13.10.551, and 16.42.090 will provide small scale, reasonable incentives for the protection of designated historic resources.

SECTION III

Sections 13.10.265, 13.10.551, and 16.42.090 of the County Code, Volume II, are hereby amended to read as follows:

**Proposed new language is shown [REDACTED]. Language proposed to be deleted is shown struckthrough**

**13.10.265 Nonconforming structures.**

(a) The lawful use of a structure existing on the effective date of a change of zoning or of the zoning regulations may be continued even if such a structure and/or use does not conform to the change in zoning or change of the zoning regulations specified for the district in which such structure is located.

(b) The structural enlargement, extension, reconstruction, or alteration which conforms to the site development standards of the district in which the structure is located may be made to a nonconforming structure upon issuance of only those building permits and/or development permits required by other Sections of the County Code if the property's use is made to conform to the uses allowed in the district and provided that the structure is not significantly nonconforming as defined in this Section, and further provided that where the floor area of an addition exceeds 800 square feet, a Level IV Use Approval shall be required.

(c) When the use of the nonconforming structure conforms to uses allowed in the district in which the structure is located, but the enlargement, extension, reconstruction, or structural alteration of said building involves a variation from height, building site area, lot width, lot coverage, floor area ratio, or side, front, or rear yard requirements for the district, a Variance Approval shall be required in accordance with the provisions of Section 13.10.230, with the exception that, where the dedication requirements of Section 15.10.050 cause an existing structure to become nonconforming, a Variance Approval is not required provided that the front yard is not reduced to less than 10 feet and the street side yard to not less than 6 feet. In addition, no Variance Approval shall be required for any structural alterations which conform to Subsection (e) of this Section.

(d) The ~~ordinary maintenance and repair~~ structural enlargement, extension, reconstruction or alteration of a non-conforming structure which has been designated as a historic resource pursuant to County Code Chapter 16.42 is permitted upon issuance of only those building permits and/or development permits required by other Sections of the County Code regardless of any other provisions of this Chapter to the contrary, if one or more of the following criteria are met:

1. The ~~ordinary maintenance and repair~~ structural enlargement, extension, reconstruction or alteration conforms to the site development regulations of the Zoning district in which it occurs; or

2. The ~~ordinary maintenance and repairs~~ structural enlargement, extension, reconstruction or alteration does not conform to the setback or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure or any extensions thereof which are not more non-conforming than the existing structural outline of the structure. The structural outline of a structure shall include that space which is enclosed by the structural posts, columns, beams, trusses and girders of the structure.

3. The structural enlargement, extension, reconstruction or alteration is required to provide handicapped access to the structure.

(e) Ordinary maintenance and repairs and other structural alterations, including foundation repair/replacement, may be made to the nonconforming portions of a structure which is not significantly nonconforming as defined in this Section provided that:

1. The building permit(s) and/or development permits required by other Sections of the County Code are obtained for any structural alterations, including foundation repair/replacement;

2. There is no increase in the nonconforming dimensions of the structure; and,

3. Within any five-year period, no more than 50 percent of the total length of the exterior walls within the nonconforming portions of the structure, exclusive of the foundation, shall be moved replaced or altered in any way. The replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be included in this calculation. The Planning Director may require that a termite inspector, registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction.

Where structural alterations to the nonconforming portions of a structure do not comply with the provisions of this subsection, a Variance Approval shall be required.

(f) Nothing contained in this Section shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully begun in accordance with all applicable regulations in effect at the time when construction commenced. Actual construction is hereby defined as: The placing of construction materials in their permanent position and fastening them in a permanent manner, the work of excavating a basement, or the demolition or removal of an existing structure begun preparatory to rebuilding, provided that in all cases actual construction work shall be diligently continued until the building or structure involved has been completed.

(g) If any building or structure which does not conform to the site and structural dimension regulations of the district in which it is located is damaged or destroyed by fire, other catastrophic event, or public enemy to the extent that the reconstruction or repair of the structure will require more than 75% of the total length of the exterior walls (exclusive of the foundation or roof) to be moved,

replaced or altered in any way, except that the replacement or alteration of the interior or exterior wall coverings, windows and doors without altering their openings will not be counted in **this** calculation, the land and structure shall be subject to all regulations specified by **this** chapter for the district in which such land and structures are located. This determination shall be made by the Building Official, taking into account the damage caused by the event as well as any additional demolition which is proposed by the applicant or which is required by the currently adopted codes and ordinances as part of the reconstruction. The Planning Director may require that a registered engineer **or** other professionals(s) acceptable **to** the Planning Director be retained at the applicant's expense to certify that the **portions** of the structure which the plans **show** as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the cost to the County for making such determination.

(h) Notwithstanding the provisions of Section (g) above, any building or structure damaged or destroyed as a result of the earthquake of October 17, 1989 and/or associated aftershocks may be repaired or reconstructed, provided the structure:

1. will be sited in the same location on the affected property as the destroyed structure, and that location **is** determined **to** be located away from potentially hazardous areas, as required by Chapter 16.10 of this Code;
2. will be for the same use as the damaged or destroyed structure; and
3. will not exceed the floor area, height, or **bulk of** the damaged or destroyed structure by more than 10%.

(i) Regulations which apply to nonconforming signs are found in Section 13.10.588 of this Code. Regulations regarding the replacement of nonconforming greenhouses are found in Section 13.10.636(c) of this Code.

(j) Except as provided under subsections (d), (g) and (h) of **this** section, no structural enlargement, extension, reconstruction or structural alteration shall be made to any significantly nonconforming structure unless a Level V Use Approval is obtained in addition to all other approvals required pursuant to the County Code. In addition to any other findings which are required, the following findings shall be made for any approval granted pursuant to **this** subsection:

1. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.
2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.
3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

(k) For the purposes of this section, a structure is significantly nonconforming if it is any of the following:

1. Located within five feet of a vehicular right-of-way;
2. Located across a property line;
3. Located within five feet of another structure on a separate parcel;
4. Located within 5 feet of a planned future public right-of-way improvement (i.e. an adopted plan line); or,
5. Exceeds the allowable height limit by more than 5 feet. (Ord. 2788, 10/2/79; 3266, 6/22/82; 3186, 1/12/82; 3344; 3746, 4/22/86; 11/23/82; 3432, 8/23/83; 3927, 6/12/88; 4024, 10/24/89; 4160, 12/10/91; 4368, 5/12/95; 4525, 12/8/98)

**13.10.551 Offstreet parking facilities required.**

(a) In all districts, in connection with every use, there shall be provided at the time of initial occupancy of a site or of construction of a structure or a major alteration, or enlargement of a site or structure, parking space for automobiles and bicycles in accordance with requirements prescribed in this Chapter.

provided in (c) below for historic resources as defined in Section 16.42.010. For the purposes of this Chapter, "parking space" shall mean a space conforming to the standards set forth in Section 13.10.554 and maintained open, clear and available for the parking of motor vehicles. Also, for the purpose of this chapter the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than 10 percent of the total required, and the term "bicycle" shall include mopeds as defined in the California Vehicle Code. If, in the application of the requirements of this Chapter, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking spaces shall be required for a fraction of less than one-half.

(b) If more than one use is located on a site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this chapter for each use. (Ord. 839, 11/28/62; 2801, 10/30/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(c) The parking requirements of Section 13.10.551(a) shall be modified in connection with an application involving an historic resource as defined in Section 16.42.030. Modification of parking requirements shall be subject to approval of the Board. The approving body shall make the following findings:

- (i) existing traffic and parking on adjacent and nearby streets and property will not be adversely affected, and one of the following:
  - A. provision of additional parking would adversely affect the historic architectural significance of the historic resource, or
  - B. provision of additional parking would create an exceptional hardship on the preservation of the historic resource and a public use.

**Chapter 16.42 HISTORIC PRESERVATION**

16.42.010 Purpose.

16.42.020 Scope.

16.42.030 Definitions.

16.42.040 Historic resource protection.

16.42.050 Historic resource review procedures.

16.42.060 Appeal procedures.

16.42.070 Historic preservation criteria.

16.42.080 Historic resource designation.

16.42.090 ~~Historic building code applicability.~~ [REDACTED]

16.42.100 Artifacts discovered during excavation or development.

16.42.110 Unsafe or dangerous conditions.

16.42.120 Enforcement.

16.42.130 Zoning of historic resources.

**16.42.090 Historic building code applicability.** [REDACTED]  
[REDACTED]

(a) **State Historic Building Code.** The State Historic Building Code, Title 24, of the California Administrative Code shall be applicable to the issuance of Building Permits for construction to the interior and exterior of structures designated as historic resources. If proposed improvements to a structure not previously designated as an historic resource would make the structure eligible to be designated as an historical resource, and if the applicant submits an application for such designation by the applicant, then the Historic Resources Commission may authorize the issuance of the Historic Building Code to the issuance of Building Permits for the proposed construction.

(b) **Parking.** The parking requirements of Section 16.42.030 shall be applied in connection with an application involving an historic resource, unless an alternative level is based upon the findings recorded by Section 16.42.050(c).

(c) **Non-conforming structures.** The addition, maintenance, and repair, and enlargement, extension, reconstruction, or alteration of a non-conforming historic resource shall be allowed according to Section 16.42.030.

(d) **Floor Area Ratio.** For development on properties where an historic resource exists, the Floor Area Ratio shall be 0.0.



SECTION IV

Outside of the coastal zone, this ordinance shall take effect on the 31" day after adoption by the Board of **Supervisors**; within the coastal zone, this ordinance shall take effect upon final certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz **this** \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

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

\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:   
County Counsel

Copies to: Planning  
County Counsel



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
 (831)454-2580 FAX: (831)454-2131 TDD: (831)454-2123  
 TOM BURNS, DIRECTOR

April 15, 2004

Agenda Date: April 27, 2004

Board of Supervisors  
 County of Santa Cruz  
 701 Ocean Street  
 Santa Cruz CA 95060

**SUBJECT** Draft Amendments to Various Sections of County Code Volume II to  
 Provide Incentives for Historic Preservation

Members of the Board:

Last August your Board authorized the Planning Department to enter into a grant agreement under the State's Historic Preservation Fund Certified Local Government Program. The purpose of that grant was to evaluate and, where appropriate, implement two possible policy initiatives: creating disincentives for owners of historic resources to allow those resources to deteriorate over time; and creating incentives for preservation of historic resources through greater flexibility in site standards. Since that time, staff has been working with the Historic Resources Commission to explore these two potential policy areas. The purpose of this letter is to present the outcome of that process.

### Demolition by Neglect

One issue related to concerns that owners of historic resources could intentionally allow identified historic structures to deteriorate over time as a means of later arguing that the designation should be removed. Staff and the Commission explored a range of options related to this issue and concluded that there are no effective means to address this issue at this time. While ordinance language could be developed, it would bring the County to a new level of code enforcement, including issues like whether the owner had properly maintained the paint on the structure. It was concluded that no further work should be done on this issue at this time.

Historic Preservation Incentives  
 April 27, 2004  
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### Preservation incentives

Staff in the Commission did, however, agree on a number of suggestions for creating greater incentives for protection of historic resources. This would provide for a process for reducing typical site and other standards to allow for the continued use of identified historic structures. Proposed incentives include modified parking standards and site standards (setbacks, height, and lot coverage). Draft changes to the County Code to accomplish those changes are included as Attachment 1.

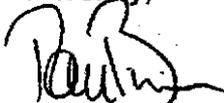
### Conclusion/Recommendation

According to the terms of the grant, the County must provide the Office of Historic Preservation with a progress report by the end of April, including initial input from your Board on the proposed policy changes.

Therefore, it is **RECOMMENDED** that you Board take the following actions:

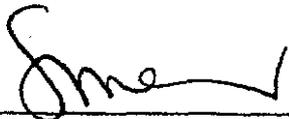
1. Accept and file this report;
2. Concur with the Historic Resources Commission to not take further action regarding the issue of Demolition by Neglect; and
3. Approve in concept the attached proposed ordinance changes and direct staff to process them for formal changes to the County Code (Attachment 1).

Sincerely,



Tom Burt  
 Planning Director

RECOMMENDED



**SUSAN A. MAURIELLO**  
 County Administrative Officer

### Attachments

1. Draft proposed ordinance amendments

Proposed new language is shown ~~in blue~~

0177

### 13.10.265 Nonconforming structures.

(a) The lawful **use** of a structure existing on the effective date of a change of zoning ~~or~~ of the zoning regulations may be continued even if such a structure and/or **use** does not conform to the change in zoning or change of the zoning regulations specified for the district in which such structure is located.

(b) The structural enlargement, extension, reconstruction, or alteration which conforms to the site development standards of the district in which the structure is located may be made to a nonconforming structure upon issuance of only those building permits and/or development permits required by other Sections of the County Code if the property's use is made to conform to the **uses** allowed in the district and provided that the structure is not significantly nonconforming as defined in this Section, and further provided that where the floor area of an addition exceeds 800 square feet, a Level IV Use Approval shall be required.

(c) When the use of the ~~nonconforming structure~~ conforms to **uses** allowed in the district in which the structure is located, but the enlargement, extension, **reconstruction**, or structural alteration of said building involves a variation from height, building site area, lot width, lot coverage, floor area ratio, or side, front, or rear yard requirements for the district, a Variance Approval shall be required in accordance with the provisions of Section 13.10.230, with the exception that, where the dedication requirements of Section 15.10.050 ~~cause~~ an existing structure to become nonconforming, a Variance Approval is not required provided that the front yard is not reduced to **less** than 10 feet and the street side yard to not less than 6 feet. In addition, no Variance Approval shall be required for any structural alterations which conform to **Subsection (e)** of this Section.

(d) The ~~structural enlargement, extension, reconstruction or alteration of a non-conforming structure~~ **which has been designated as a historic resource pursuant to County Code Chapter 16.42** is permitted upon issuance of only those building permits and/or development permits required by other Sections of the County Code regardless of any other provisions of this Chapter to **the contrary**, if one or more of the following criteria are met:

1. The ~~structural enlargement, extension, reconstruction or alteration~~ conforms to the site development regulations of the Zoning district in which it occurs; or
2. The ~~structural enlargement, extension, reconstruction or alteration~~ does not conform to the setback or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure ~~or any extensions thereof, which are not more non-conforming than the existing structural outline of the structure.~~ The structural outline of a structure shall include that space which is enclosed by the structural posts, columns, beams, trusses and girders of the structure.
3. The structural enlargement, extension, **reconstruction** or alteration is required to provide handicapped access to the structure.

(e) Ordinary maintenance and repairs and other structural alterations, including foundation repair/replacement, may be made to the nonconforming portions of a structure which is not significantly nonconforming as defined in this Section provided that:

1. The building permit(s) and/or development permits required by other Sections of the County Code are obtained for any structural alterations, including foundation repair/replacement;
2. There is no increase in the nonconforming dimensions of the structure: and,

3. Within any five-year period, no more than 50 percent of the total length of the exterior walls within the nonconforming portions of the structure, exclusive of the foundation, shall be moved, replaced or altered in anyway. The replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be included in this calculation. The Planning Director may require that a termite inspector, registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. Where structural alterations to the nonconforming portions of a structure do not comply with the provisions of this subsection, a Variance Approval shall be required. 0178

(f) Nothing contained in this Section shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully begun in accordance with all applicable regulations in effect at the time when construction commenced. Actual construction is hereby defined as: The placing of construction materials in their permanent position and fastening them in a permanent manner, the work of excavating a basement, or the demolition or removal of an existing structure begun preparatory to rebuilding, provided that in all cases actual construction work shall be diligently continued until the building or structure involved has been completed.

(g) If any building or structure which does not conform to the site and structural dimension regulations of the district in which it is located is damaged or destroyed by fire, other catastrophic event, or public enemy to the extent that the reconstruction or repair of the structure will require more than 75% of the total length of the exterior walls (exclusive of the foundation or roof) to be moved, replaced or altered in anyway, except that the replacement or alteration of the interior or exterior wall coverings, windows and door; without altering their openings will not be counted in this calculation, the land and structure shall be subject to all regulations specified by this chapter for the district in which such land and structures are located. This determination shall be made by the Building Official, taking into account the damage caused by the event as well as any additional demolition which is proposed by the applicant or which is required by the currently adopted codes and ordinances as part of the reconstruction. The Planning Director may require that a registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that the portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the Cost to the County for making such determination.

(h) Notwithstanding the provisions of Section (g) above, any building or structure damaged or destroyed as a result of the earthquake of **October 17, 1989** and/or associated aftershocks may be repaired or reconstructed, provided the structure:

1. will be sited in the same location on the affected property as the destroyed structure, and that location is determined to be located away from potentially hazardous areas, as required by Chapter 16.10 of this Code;
2. will be for the same use as the damaged or destroyed structure; and
3. will not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10%.

(i) Regulations which apply to nonconforming signs are found in Section 13.10.588 of this Code. Regulations regarding the replacement of nonconforming greenhouses are found in Section 13.10.636(c) of this Code.

0179

(j) Except as provided under subsections (d), (g) and (h) of this section, no structural enlargement, extension, reconstruction or structural alteration shall be made to any significantly nonconforming structure unless a Level V Use Approval is obtained in addition to all other approvals required pursuant to the County Code. In addition to any other findings which are required, the following findings shall be made for any approval granted pursuant to this subsection:

1. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.
2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.
3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.
4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

(k) For the purposes of this section, a structure is significantly nonconforming if it is any of the following:

1. Located within five feet of a vehicular right-of-way;
2. Located across a property line;
3. Located within five feet of another Structure on a separate parcel;
4. Located within 5 feet of a planned future public right-of-way improvement (i.e. an adopted plan line); or,
5. Exceeds the allowable height limit by more than 5 feet. (Ord. 2788, 10/2/79; 3266, 6/22/82; 3186, 1/12/82; 3344; 3746, 4/22/86; 11/23/82; 3432, 8/23/83; 3927, 6/28/88; 4024, 10/24/89; 4160, 12/10/91; 4368, 5/23/95; 4525, 12/8/98)

Proposed new language is shown ~~in red~~

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13.10.550 Offstreet parking and loading facility regulations.

In order to alleviate or to prevent traffic congestion and shortage of curb spaces, offstreet parking and loading facilities are required to be provided incidental to **new** land uses and major alterations and enlargements of existing land uses. The number of parking spaces and the number of loading berths prescribed in this chapter or to be prescribed by the **Zoning** Administrator shall be in proportion to the need for such facilities which is created by the particular type of land use. Offstreet parking and **loading** areas are to be laid out in a manner **which** will ensure their usefulness, protect the public safety and where appropriate, insulate surrounding land use **from** their impact. (Ord. 560, 7/14/58; 839, 11/28/62; 1582, 2/15/72; 1704, 4/15/72; 2801, 10/30/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.10.551 Offstreet parking facilities required.

(a) In all districts, in **connection with every** use, there shall **be** provided at the time of initial occupancy of a site or of construction of a structure or a major alteration or **enlargement of a site or structure, offstreet parking space for automobiles and bicycles in accordance with requirements prescribed in this Chapter** ~~Section 13.10.550~~. ~~Article 13.10.550, or in accordance with the requirements in Section 16.42.030.~~ For the purposes of this Chapter, "parking space" shall mean a **space conforming to the** set forth in **maintained** clear and available for the parking of motor vehicles. **Also**, for the purpose of this chapter the term "major alteration or enlargement" shall **mean** a change of use or an addition which would increase the **number** of parking spaces required by not less **than 10** percent of the total required, and the term "bicycle" shall include mopeds **as** defined in the California Vehicle Code. **If**, in the application of the requirements of this Chapter, a fractional number is **obtained**, one parking space shall be provided for a fraction of one-half or more, and no parking spaces shall be required for a fraction of less than one-half.

(b) If more ~~than~~ one use is located on a site, the number of parking spaces provided shall be equal to the **sum** of the requirements prescribed in this chapter for each use. (Ord. 839, 11/28/62; 2801, 10/30/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

~~(c) The parking requirements in Section 13.10.550 for uses may be modified in connection with an application involving a historic resource as defined in Section 16.42.030. Modification of parking requirements shall be subject to approval at Level I. The approving body shall make the following findings:~~  
~~(1) provision of additional parking would adversely affect the historic or architectural significance of the historic resource or~~

(D) provision of additional parking would create exceptional hardship such that preservation of the historical resource would be feasible and

(E) existing traffic and parking on adjacent and nearby streets and properties will not be adversely affected.

Existing language proposed to be deleted is shown struck through,  
Proposed new language is shown ~~2012~~

**Chapter 16.42 HISTORIC PRESERVATION**

16.42.010 Purpose.

16.42.020 Scope.

16.42.030 Definitions.

16.42.040 Historic resource protection

16.42.050 Historic resource review procedures.

16.42.060 Appeal procedures.

16.42.070 Historic preservation criteria.

16.42.080 Historic resource designation.

16.42.090 Historic building code applicability. ~~16.42.090 Historic preservation~~

16.42.100 Artifacts discovered during excavation or development.

16.42.110 Unsafe or dangerous conditions.

16.42.120 Enforcement.

16.42.130 Zoning of historic resources.

Existing language proposed to be deleted is shown ~~struck through~~,  
Proposed new language is shown **in bold**

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**16.42.090 Historic building code applicability. Incentive for historic preservation**

~~(a) State historic building code.~~ The State Historic Building Code, Title 24, of the California Administrative Code, shall be applicable to the issuance of Building Permits for changes to the interior and/or exterior of structures designated as historic resources. If proposed improvements to a structure not previously designated as an historical resource would make the structure eligible to be designated as an historical resource, and if the Owner submits an application for such designation by the County, then the Historic Resources Commission may authorize the application of the Historic Building Code to the issuance of Building Permits for the proposed improvements.

~~(b) Parking. The parking requirements of Section 16.42.090(a) shall be modified in connection with an application involving an historic resource, subject to approval by the approving body, if the provision of additional parking would adversely affect the historic architectural significance of the historic resource and the provision of additional parking would create exceptional hardship to the preservation of the historic resource, would be infeasible, and the existing traffic and parking on adjacent and nearby streets and properties will not be adversely affected.~~

~~(c) Non-conforming structures. The ordinary maintenance and repair, structural enlargement, repairs, and alterations to a non-conforming historic resource shall be allowed according to Section 16.42.090(b).~~

~~(d) Floor Area Ratio. For development on properties where an historic resource exists, the floor area ratio shall be:~~

~~(1) For coverage. For development on properties where an historic resource exists, maximum lot coverage shall be 125 times the standard lot coverage of the particular lot.~~

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

APPLICATION NO.: N/A
ASSESSOR PARCEL NO.: N/A
PROJECT LOCATION: County-wide

PROJECT DESCRIPTION Amendments to Sections 13.10.265, 13.10.551, and 16.42.090 of the County Code to provide relaxed site standards for designated historic resources relative to parking and non-conforming structure setback requirements and to allow greater floor area ratio and lot coverage for designated historic resources.

APPLICANT County of Santa Cruz

- A. The proposed activity is not a project under State CEQA Guidelines, Section 15378(a) and County CEQA Guidelines, Section 1928 and 501(b)(1).
B. Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
C. Statutory Exemption other than a Ministerial Project. Specify type:

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

D. Categorical Exemption

- 1. Existing Facility
2. Replacement or Reconstruction
3. New Construction of Small Structure
4. Minor Alterations to Land
5. Alterations in Land Use Limitations
6. Information Collection
7. Actions by Regulatory Agencies for Protection of the Environment
XX 8. Actions by Regulatory Agencies for Protection of Nat. Resources
9. Inspection
10. Loans
11. Accessory Structures
12. Surplus Govt Property Sales
13. Acquisition of Land for Wild-Life Conservation Purposes
14. Minor Additions to Schools
15. Minor Land Divisions
16. Transfer of Ownership of Land to Create Parks
17. Open Space Contracts or Easements
18. Designation of Wilderness Areas
19. Annexation of Existing Facilities/Lots for Exempt Facilities
20. Changes in Organization of Local Agencies
21. Enforcement Actions by Regulatory Agencies
22. Educational Programs
23. Normal Operations of Facilities for Public Gatherings
24. Regulation of Working Conditions
25. Transfers of Ownership of Interests in Land to Preserve Open Space
26. Acquisition of Housing for Housing Assistance Programs
27. Leasing New Facilities
28. Small Hydroelectric Projects at Existing Facilities
29. Cogeneration Projects at Existing Facilities

E. Lead Agency Other Than County:

STAFF PLANNER: DATE: