



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

January 10, 2012

AGENDA DATE: January 25, 2012

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

Subject: Public Hearing to consider proposed amendments to Chapters 12.10, 13.10, 13.11, 16.10 and 18.10 of the Santa Cruz County Code, and related amendments to the General Plan/ Local Coastal Program, to provide new regulations for nonconforming uses and structures, revise "altered wall" provisions, update regulations for certain commercial uses and selected parking standards, amend Geologic Hazard Regulations regarding when the County is authorized to require geologic review, update the Level 4 permit approval process, and "clean-up" selected code provisions.

Introduction

The purpose of today's hearing is to consider a revised draft ordinance and related General Plan/ Local Coastal Program amendments to provide new regulations for nonconforming uses and structures, update certain regulations for commercial uses and parking standards, revise geologic review criteria, update the Level 4 permit process, and correct and update other code provisions. Staff is requesting that your Commission review the revised draft ordinance and proposed General Plan amendments, consider any additional public comment, and provide a recommendation to the Board of Supervisors regarding the adoption of the draft ordinance and General Plan Amendments.

Background

In June, 2011 Planning Staff presented a proposal to the Board of Supervisors to revise regulations for nonconforming structures and uses, update commercial uses and parking standards, and make other regulatory changes, consistent with ongoing efforts to update land use regulations. In August, Planning Staff met with several focus groups consisting of local design professionals, engineers, business and real estate interests, and neighborhood and environmental groups to review and further develop the proposals. After working with focus groups, planning staff prepared a package of ordinance amendments with the goals of clarifying and streamlining existing regulations, reducing processing time and costs, providing greater flexibility to applicants, addressing unintended outcomes of the current regulations, improving the regulatory environment for business, and providing a more predictable planning

process. On September 14, 2011 your Commission held a public workshop to consider these proposed amendments.

At the workshop, many members of the public expressed their support for the proposals overall and for the opportunity for public involvement. The draft ordinance was submitted to the Board of Supervisors on September 20, 2011, along with a summary of the Planning Commission workshop and a list of proposed revisions to the ordinance that would incorporate input from the workshop (Exhibit D). The Board of Supervisors accepted the draft ordinance with the proposed changes as the project description for the purpose of CEQA review, and directed staff to return the ordinance to your Commission for a public hearing after environmental review was completed. The proposal before you today includes the draft ordinance with the recommended revisions incorporated (Exhibit B), and proposed General Plan/ Local Coastal Program amendments (Exhibit C).

Changes to the Proposed Ordinance since September, 2011

This section of the staff report highlights the changes that have been made to the draft ordinance since your Commission's last review in September 2011 (Exhibit H). (For a side by side comparison of the existing regulations and the proposed regulations, see Exhibit E.)

Nonconforming Uses and Structures

Revisions to definition of "reconstruction" and "major structural components"

In the draft of the ordinance reviewed by your Commission in September, the definition of reconstruction was the modification or replacement of 75% - 80% of the major structural components of a structure. After environmental review and further consideration, staff is recommending that modification or replacement of 75% or more of the major structural components of a structure be considered reconstruction.

At the September workshop, several participants recommended revising the definition of "major structural components" to include only the foundation, floor framing, exterior wall framing and roof framing. That feedback has been incorporated.

Process for reestablishing a nonconforming use

As recommended by a workshop participant, the proposed ordinance adds a provision that may allow a nonconforming use that has lost its nonconforming rights due to a lapse in use to be reestablished through a Level 5 approval process.

Commercial Parking Standards

To facilitate establishment of new businesses in existing commercial buildings in general, and to simplify conversion between office and retail uses in particular, staff is proposing to modify the parking requirement for general retail from one space per 200 square feet to one space per 300 square feet. This is different from the ratio of one space per 250 square feet that was presented to your Commission at the public workshop, and is based upon a suggestion received at the Board of Supervisors hearing. Staff believes the change to 300 square feet is supported by data from the Institute of Transportation Engineers (ITE), and also, since this ratio is the same as the parking requirement for office use, it is the simplest way to facilitate changes back and forth between these two uses.

Staff is also proposing that the parking requirement for medical offices, which was originally proposed to be changed from a practitioner-based standard to a ratio of one space per 225 square feet, be changed instead to the more rigorous standard of one space per 200 square feet. This is in line with conclusions from a recent local parking study for medical offices.

Lastly, staff is no longer recommending an increase in the commercial parking exemption from 10% to 20%, because the increase is not necessary if office and general retail have the same parking requirement. Staff is continuing to recommend that the exemption be modified to include a number of spaces below which a property owner will not have to comply with an increased parking requirement that results from a change of use; however, we propose that the minimum number be two spaces rather than the previously suggested four spaces.

Taken together, these refinements to parking standards will update our code in accordance with actual evidence of parking demand, facilitate changes of use in existing buildings, and foster compliance with accessibility requirements.

Geologic Review

Geologic Hazard Regulations (Chapter 16.10), authorize the County to require Geologic Review for "Development/ Development Activities". In the proposed ordinance, altering 75% or more of the major structural components (exterior wall framing, roof framing, floor framing, and foundation) would be considered development and could trigger geologic review. This is a change from the previous proposal, which indicated a threshold in the range of 75-80%. (It should be noted that although the code authorizes geologic review, staff only requires it when necessary because of site specific conditions). The administrative guidelines and worksheet discussed later in this letter would be used to calculate the extent of alterations to major structural components.

Level 4 Permit Process

As previously discussed with your Commission, the Level 4 administrative discretionary review process would be revised to reduce processing time and costs. Current Level 4 noticing requirements exceed that which is required for a Level 5, 6 or 7 approvals. Notices for Level 4 permits would be sent one time only, and a notice would be published on the Planning Department website instead of in the local newspaper. As recommended by your Commission, the current requirement to send notices to property owners within 300 feet and residents within 100 feet of the subject parcel would be retained. 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.

Minor Code Clean-ups

As previously reviewed with your Commission, the proposed ordinance includes several minor changes to Design Review regulations in Chapter 13.11, and deletes an outdated amendment in Chapter 12.10 (Building Regulations). Several code clean-ups have been added, as part of ongoing efforts to maintain an accurate and up to date County Code. A review of all clean-up provisions is provided in Part 5 of the Project Description on page 18 of the Initial Study (Exhibit F).

Administrative Procedures for Evaluating Structural Alteration and Reconstruction

As noted in the definition of "reconstruction" in the proposed ordinance, calculating the percentage of major structural components that are proposed to be altered will be done in

accordance with administrative guidelines. As discussed with your Commission, staff will provide a worksheet for staff and the public that would be used to calculate the extent of work for specific projects. The goal of the guidelines and worksheet is to provide a transparent and predictable method to answer the question, “What type of review will be required for my project?” Promulgating the guidelines and worksheet as administrative documents will allow the Planning Department the flexibility to improve and update the guidelines and worksheet as experience using them grows.

Staff is currently preparing the draft administrative guidelines and implementing worksheet. Staff’s working proposal is that each of the major structural components would be weighted, with roofs considered 15% of the total structural components, exterior walls 65%, floor framing 10%, and the foundation 10%. Under this approach, a proposal to modify or replace the roof and almost all of the walls of a structure would be considered a reconstruction. To the extent that the project also included floor or foundation work, a lesser amount of exterior wall could be modified before the project would fall under “reconstruction” and trigger discretionary review. In most cases, replacing portions of the exterior walls, modifying portions of a roof, and repairing portions of a foundation of a nonconforming structure would not exceed 75% and would not be subject to discretionary review.

In comparison with current regulations, the revised approach would provide a more reality based understanding of reconstruction by considering changes to the entire structure, rather than just to the nonconforming portion of the exterior walls. This would correct a difficult, unintended consequence of the current regulations, which is that a proposal to alter an entire structure and leave 50% or more of an existing nonconforming wall standing can be done with a building permit only. This creates an incentive to preserve, rather than correct, the nonconforming part of the structure. Additionally, the revised method of calculation would avoid “stud by stud” measurement of the extent of alteration, which is difficult to do without very detailed plans and which sometimes leads to surprises in the field, since it is often impossible to predict with certainty which studs need replacement until construction has begun. Lastly, it is important to note that overall, under the revised ordinance, there would be significantly less pressure on the method of calculation to be quite precise because the “consequence” of exceeding the threshold of reconstruction would be a requirement to obtain a discretionary site development permit, rather than to obtain a Variance, which is currently required.

Prior to the Planning Commission meeting on January 25, staff intends to convene an additional focus group with local designers, architects, and other interested individuals to conduct a test run of the guidelines and worksheet to ensure that the worksheet can be completed in a reasonable amount of time, works for a variety of projects, and leads to reasonable outcomes. At the meeting on January 25, staff will report the results of the focus group to your Commission. The final administrative guidelines and worksheet, which will incorporate recommendations from the focus group, will be provided on the Planning Department website prior to implementation of the proposed ordinance.

General Plan and Local Coastal Program Amendments

Staff is proposing amendments to several specific General Plan (GP)/ Local Coastal Program (LCP) policies to improve consistency between the GP/LCP and the proposed regulations for nonconforming uses and structures (Exhibit C). The attached Initial Study (Exhibit F) provides a detailed review of the proposed amendments.

The proposed GP/ LCP amendments would delete restrictive policy language for commercial and light industrial nonconforming uses meeting certain criteria, and would delete language restricting reconstruction of “significantly nonconforming” residential structures.

Staff is also proposing to amend the definition of “development activity” in the General Plan Glossary, removing the specific definition and instead referring to existing definitions in the implementing regulations in the County Code.

Lastly, Staff is proposing to add Policy 2.1.17 to the Land Use Element of the General Plan to provide clear policy guidance for treatment of nonconforming uses and structures, consistent with the language provided in the draft ordinance reviewed by your Commission.

Environmental Review

An Initial Study has been completed for the proposed ordinance amendments and GP/LCP amendments (Exhibit F). The Initial Study focused on potential impacts relating to visual resources, traffic and transportation, and land use. No potentially significant negative environmental impacts were identified. The proposed amendments retain existing regulations protecting the environment, and are not anticipated to result in significant new development. In addition, several of the proposed ordinance provisions, including requiring additional review for nonconforming structures in riparian corridors, and allowing more existing nonconforming structures to be retained and reused rather than encouraging the structures to be torn down and rebuilt, have the potential to positively impact the environment.

Staff did not receive any comments during the public review and comment period, which ended January 3, 2012. Tribal consultations have been completed for the proposed General Plan Amendments. No comments were received during that comment period, which ended on December 6, 2011.

Several revisions have been made to the proposed ordinance since it was circulated with the draft Negative Declaration. Staff has prepared a table in Exhibit F listing the revisions. The Environmental Coordinator has evaluated each proposed change, and has determined that none of the proposed revisions has the potential to significantly impact the environment. Therefore, additional environmental review is not required (see memo of Matt Johnston, Environmental Coordinator, Exhibit F).

Local Coastal Program Consistency

The proposed ordinance amendments will not result in loss of agricultural land, loss of coastal access, or negative impacts to public viewsheds within the Coastal Zone. Except for amendments to modify certain parking standards, the proposed changes affect existing uses and structures or address permit processing procedures that will not have a physical effect on the Coastal Zone. The revisions to parking standards, which will reduce the required number of spaces for certain types of commercial uses, may have the positive effect of limiting pavement and encouraging infill rather than sprawl. Projects for which coastal permits are currently necessary would continue to have that requirement. The proposed GP/LCP amendments also will not result in loss of agricultural land, loss of coastal access, or negative impacts to public viewsheds within the Coastal Zone. The new and revised policies encourage the maintenance, upkeep and continued use of legal, non conforming uses and structures that currently exist and do not apply to proposed new structures and uses.

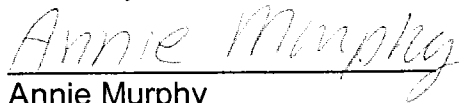
Conclusion and Recommendations

The proposal before you today would accomplish a number of important objectives. For nonconforming uses and structures, the proposed regulations provide greater flexibility while continuing to require appropriate planning review to protect public health, safety, welfare and the environment. For commercial uses, the proposal to streamline the review process for certain changes of use and revise selected parking standards provides an important step towards improving the regulatory environment for local businesses. The replacement of the "altered wall" provisions in the County Code with a more reality based "whole structure" approach provides a more workable approach for evaluating work to nonconforming structures and uses, and for establishing an appropriate threshold for triggering potential geologic review. The proposed ordinance amendments have been developed and revised in response to comments from your Commission, the Board of Supervisors, and extensive public participation, to ensure that the proposed regulations serve the community and are consistent with community objectives.

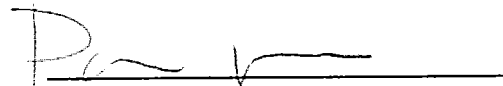
It is therefore **RECOMMENDED** that your Commission take the following actions:

1. Conduct a public hearing on the proposed Ordinance (Exhibit B) and General Plan/ Local Coastal Program Amendments (Exhibit C); and
2. Adopt a resolution (Exhibit A) recommending that the Board of Supervisors adopt the Draft Negative Declaration (Exhibit F) and approve the proposed Ordinance (Exhibit B) and General Plan/ Local Coastal Program amendments (Exhibit C).

Sincerely,



Annie Murphy
Planner III



Paia Levine
Principal Planner

Exhibits:

- A: Resolution recommending approval of the proposed ordinance amendments, GP/ LCP amendments, and certification of the proposed negative declaration
Attachment 1 to Exhibit A, Annotated Ordinance (Strike- through version)
Attachment 2 to Exhibit A, General Plan/ LCP amendments (Strike- through version)
- B: Clean Copy of proposed ordinance
- C: Clean Copy of the proposed GP/ LCP amendments
- D: Summary of Planning Commission Workshop on 9/14/11, including list of proposed revisions
- E: Table Comparing Existing and Proposed Regulations
- F: Negative Declaration, Initial Study, table of proposed changes to the ordinance that post- date CEQA review, and memo of Environmental Coordinator
- G: Letter to the Board of Supervisors dated September 12, 2011 (Attachments to report on file with the Clerk of the Board)
- H: Report to the Planning Commission dated September 6, 2011 (Attachments to report on file with the Clerk of the Board)
- I: Strike-out copy of existing regulations for Nonconforming Uses and Structures

cc: County Counsel
Coastal Commission

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

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

PLANNING COMMISSION RESOLUTION RECOMMENDING AN ORDINANCE TO AMEND CHAPTER 12.10 OF THE SANTA CRUZ COUNTY CODE TO DELETE THE ADMINISTRATIVE AMENDMENT DEFINING "STRUCTURE"; TO AMEND CHAPTER 13.10 TO DELETE THE EXISTING PROVISIONS GOVERNING NONCONFORMING USES AND STRUCTURES AND ADOPT NEW PROVISIONS, AMEND VARIOUS PROVISIONS TO FACILITATE COMMERCIAL USES, UPDATE SELECTED PARKING REGULATIONS, AND CORRECT ERRORS, OMISSIONS AND REFERENCES; TO AMEND CHAPTER 13.11 TO CLARIFY BUILDING DESIGN REVIEW CRITERIA; TO AMEND CHAPTER 16.10 TO UPDATE THE DEFINITION OF DEVELOPMENT AS IT PERTAINS TO GEOLOGIC HAZARDS; AND TO AMEND CHAPTER 18.10 TO MODIFY APPEALS AND LEVEL IV PERMIT PROCEDURES

WHEREAS, Santa Cruz County has in recent years enacted a number of amendments to streamline aspects of the planning process while continuing to protect the community and environmental resources, and

WHEREAS, the Board of Supervisors has expressed its intent to improve regulations governing nonconforming uses and structures, to acknowledge the prevalence of legally established nonconforming uses and structures, recognize the neighborhood benefit of well-maintained buildings, and preserve and improve existing housing stock and commercial space; and

WHEREAS, the Board of Supervisors has expressed its intent to ease the movement of tenants and businesses in and out of established commercial structures, through improvements to the permit review process and revision of parking standards; and

WHEREAS, consistent with these goals, the Board of Supervisors on June 28, 2011 accepted a status report discussing these regulatory changes and directed staff to convene with business, homeowner and environmental groups to obtain comments on these proposals, and also directed staff to develop draft ordinance amendments as a "project description" for environmental review; and

WHEREAS, the Planning Commission conducted a workshop and public hearing on September 14, 2011 to discuss draft ordinance amendments to Chapters 13.10, 13.11 and 16.10 of the County Code regarding nonconforming uses and structures; commercial changes of use; parking regulations; the definition of reconstruction and altered walls; clarification of the Design Review ordinance; and the definition of development that governs geologic review; and

WHEREAS, the Board of Supervisors conducted a public hearing on September 20, 2011 to receive comments on draft ordinance amendments to Chapters 12.10, 13.10, 13.11,

16.10 and 18.10 regarding, respectively, the building code definition of "structure"; nonconforming uses and structures; commercial changes of use; selected parking regulations; the definition of reconstruction and altered walls; clarification of the Design Review ordinance; the definition of development that governs geologic review; appeals and Level IV permit procedures; and correction of errors, omissions and references; and

WHEREAS, the Board of Supervisors on September 20, 2011, accepted the draft ordinance amendments, with certain modifications, as the project description for the purpose of CEQA review, and directed staff to return the ordinance to the Planning Commission for a public hearing after environmental review was completed; and

WHEREAS, the environmental review has been completed for the project and the County of Santa Cruz Environmental Coordinator has determined that the proposed amendments will not have a significant impact on the environment, and a Negative Declaration has been prepared in accordance with CEQA; and

WHEREAS, the Planning Commission conducted a public hearing on January 25, 2012 to consider the proposed amendments to the above described chapters and proposed amendments to the County of Santa Cruz General Plan and Local Coastal Program (GP /LCP); and

WHEREAS, the Planning Commission finds that the proposed ordinances as revised will be consistent with other provisions of the County Code, with the policies of the GP /LCP and with State law; and

WHEREAS, Chapters 13.10, 13.11, 16.10 and 18.10 are implementing ordinances of the Local Coastal Program and the proposed amendments to these chapters constitute amendments to the LCP; and

WHEREAS, the Planning Commission finds that the proposed amendments to Chapters 13.10, 13.11, 16.10 and 18.10, are consistent with the General Plan / LCP and with the Coastal Act; and

WHEREAS, the Planning Commission finds that the proposed amendments to the General Plan / LCP are consistent with the Coastal Act,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Planning Commission recommends that the Board of Supervisors adopt the Negative Declaration, the amendments to Chapters 12.10, 13.10, 13.11, 16.10 and 18.10 of the Santa Cruz County Code, and the amendments to the General Plan / LCP, and submit the adopted documents to the Coastal Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2012 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS

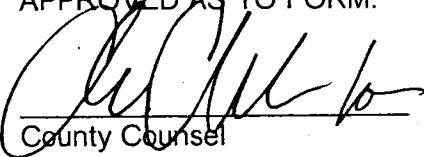
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson of the Planning Commission

ATTEST:

Secretary

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION: County Counsel
Planning Department

AN ORDINANCE TO AMEND CHAPTER 12.10 OF THE SANTA CRUZ COUNTY CODE TO DELETE THE ADMINISTRATIVE AMENDMENT DEFINING "STRUCTURE"; TO AMEND CHAPTER 13.10 TO DELETE THE EXISTING PROVISIONS GOVERNING NONCONFORMING USES AND STRUCTURES AND ADOPT NEW PROVISIONS, AMEND VARIOUS PROVISIONS TO FACILITATE COMMERCIAL USES, UPDATE SELECTED PARKING REGULATIONS, AND CORRECT ERRORS, OMISSIONS AND REFERENCES; TO AMEND CHAPTER 13.11 TO CLARIFY BUILDING DESIGN REVIEW CRITERIA; TO AMEND CHAPTER 16.10 TO UPDATE THE DEFINITION OF DEVELOPMENT AS IT PERTAINS TO GEOLOGIC HAZARDS; AND TO AMEND CHAPTER 18.10 TO MODIFY APPEALS AND LEVEL IV PERMIT PROCEDURES

SECTION I

Note: County Code Section 12.10.215(c) is a local administrative amendment to the California Building Code (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 in Santa Cruz County. The Planning Department also provides "Soils Report Requirement Guidelines" on the Planning Department Website, to provide this same general guidance to the public regarding when a soils report may be required and/or waived. Staff believes that this information is more appropriately provided through these administrative guidelines, rather than through a definition of "structure" as an administrative amendment of the California Building Code, and therefore proposes to delete this definition of "structure" from County Code Chapter 12.10. The guidelines are consistent with the 2010 California Building Code, which provides authority for the Building Official to require soils reports and also to waive the requirement for a soils report when it can be determined that a soils report is not necessary. In addition, the section of the CBC regarding soils reports was updated in 2010 and no longer includes the word "structure", so the local amendment is outdated.

Subdivision (c), "Administrative amendment – Definition of Structure for Section 1802" of Section 12.10.215, "2010 California Building Code adopted," is hereby deleted.

SECTION II

Note: Subsection 13.10.215(f) is being amended 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 that was not previously considered by the Planning Commission shall be referred back to the Planning Commission, rather than just any "substantial modification". State law includes the word "any".

Subdivision (f) of Section 13.10.215, "Zoning Plan Amendment" of the Santa Cruz County Code, is hereby amended to read as follows:

(f) Board of Supervisors Action. The Clerk of the Board shall set a public hearing before the Board of Supervisors within thirty (30) days after the receipt of the report recommending a zoning amendment

from the Planning Commission. The Board may approve, modify, or disapprove the Planning Commission's recommendation, provided that any substantial modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the commission or changes in proposed dwelling density or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for their report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and their failure to respond within forty (40) days shall constitute approval. Any hearing may be continued from time to time.

SECTION III

This proposed ordinance revises the Level 4 Approval Process in Chapter 18.10, such that the process is generally consistent with the existing approval process for minor exceptions. Therefore, appeals and noticing procedures for minor exceptions are being revised to refer to the Level 4 Process in Chapter 18.10.

Subdivision (c)3 of Section 13.10.235, "Minor Exceptions," of the Santa Cruz County Code, is hereby amended, to read as follows:

~~3) Noticing. Not less than 21 days prior to the County taking action on an application for a minor exception, notice of the pending decision shall be posted on the County of Santa Cruz Planning Department Website and shall also be sent to owners and occupants of property adjacent to the subject parcel and within 100 feet of the subject parcel. The notice shall include the date after which a decision will be made on the project, the final date on which comments will be accepted, and information regarding the appeal process. The contents of the notice shall be consistent with 18.10.222(d). Noticing shall be as provided by Sections 18.10.222 and 18.10.224.~~

SECTION IV

Subdivision (c)6 of Section 13.10.235, "Minor Exceptions," of the Santa Cruz County Code, is hereby amended, to read as follows:

~~6) Appeal. The determination on the minor exception may be appealed by any person whose interests are adversely affected. Appeals shall be heard at a public hearing before the Zoning Administrator, or by the Planning Commission if the Planning Director determines this to be in the public interest. A notice of the public hearing for the appeal shall be sent to all property owners and occupants within 300 feet of the subject property, and to local agencies that provide essential services to the subject parcel, at least 10 days prior to the hearing. A notice shall also be posted on site in accordance with Section 18.10.224. As is consistent with Section 18.10.340, any person whose interests are adversely affected by an appeal determination of the Zoning Administrator may appeal the decision to the Planning Commission, and any person whose interests are adversely affected by an appeal determination of the Planning Commission may appeal the decision to the Board of Supervisors. Appeals shall be conducted in accordance with Section 18.10.310. The procedures for appeals shall be as provided by sections 18.10.310 and 18.10.324.~~

SECTION V

Section 13.10.260, "Nonconforming Uses -- Provisions that apply to all uses," Section 13.10.261, "Residential Nonconforming Uses," Section 13.10.262, "Nonresidential nonconforming uses" and Section 13.10.265, "Nonconforming structures," of the Santa Cruz County Code, are hereby deleted.

SECTION VI

Note: As the existing regulations for nonconforming uses and structures are being extensively revised, existing regulations in Sections 13.10.260, 13.10.261, 13.10.262 and 13.10.265 are being replaced with new Sections 13.10.260, 13.10.261 and 13.10.262.

Section 13.10.260, "Nonconforming uses and structures – general provisions," is hereby added to the Santa Cruz County Code to read as follows:

13.10.260 Nonconforming uses and structures – general provisions

(a) Purpose:

To establish regulations for nonconforming structures and uses that recognize the prevalence of legally established nonconforming uses and structures, the neighborhood benefit of well-maintained buildings, and the need to preserve and improve existing housing stock and commercial space. To allow legal nonconforming uses and structures to continue to exist, and to be improved, within appropriate parameters that address potential impacts to public health, safety and welfare. To establish a threshold for when changes to existing nonconforming uses and structures are subject to discretionary review, and establish findings for approval of discretionary permits to protect public health, safety, welfare and the environment. To establish provisions whereby nonconforming uses that are determined to be detrimental to public health, safety or welfare may be terminated by the Board of Supervisors.

(b) Definitions. The following words and phrases, whenever used in this Section, or Sections 13.10.261 or 13.10.262, shall have the following meanings:

1. Intensification of Use, Non-Residential: Any change or expansion of a non-residential use which will result in both a greater than 10% increase in parking need and more than two spaces or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, shall be an "intensification of use" for the purposes of this Chapter.

2. Intensification of Use, Residential: Any change to a residential use which will result in an increase of its number of bedrooms, as defined in Section 13.10.700(B), shall be an "intensification of use" for the purposes of this Chapter.

3. Major Structural Components: The foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components.

4. Nonconforming Structure: A structure that was lawfully erected prior to the adoption, revision or amendment of this Chapter but that does not conform with standards for lot coverage, setbacks, height,

number of stories, distance between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.

5. Nonconforming Use: A use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this Chapter, but does not conform to the current use standards, and density standards where applicable, of both the zone district and/ or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit.

6. Reconstruction: Modification or replacement of 75% or more of the major structural components (see 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.

(c) General Requirements.

1. Determination of Nonconforming Status. The property owner shall have the burden of proof in establishing the legal status of any nonconforming use or structure, in accordance with any administrative procedures that may be established by the Planning Director.

2. Compliance with Other Provisions of the County Code. The permits required in sections 13.10.260, 13.10.261, and 13.10.262 of this chapter are in addition to all other reviews and permits required by the Santa Cruz County Code, including requirements in Chapters 13.11, 13.20, 18.10 and in Title 16. Approvals issued pursuant to sections 13.10.260, 13.10.261, and 13.10.262 do not alter the permit and review requirements of other provisions of the Santa Cruz County Code. Work performed on a nonconforming structure or a structure accommodating a nonconforming use shall be pursuant to a building permit as required by Chapter 12.10, and shall meet the requirements of these Nonconforming Structures and Uses Regulations (sections 13.10.260, 13.10.261, and 13.10.262) unless a waiver or exception is granted as provided in these regulations. Except as provided by 13.10.262(a)4, "Reconstruction or replacement of a nonconforming structure after a catastrophic event," or as specifically authorized by other provisions of the Santa Cruz County Code, relocation of a nonconforming structure that does not result in a conforming structure shall require either variance approval or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

3. Regulations in effect at the time of construction. 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 or operation was or will be lawfully initiated in accordance with applicable regulations in effect at the time when a planning or building permit was approved.

4. Pre-existing Parcels. A parcel that does not meet the current minimum site area, width, or frontage as required by the regulations of the zone district in which the parcel is located, or does not conform due to public dedication of right-of-way in accordance with Section 13.10.323(d)3, shall be deemed conforming and may be developed if:

(i) The parcel was legally created; and

(ii) The parcel has not been combined or merged pursuant to Sections 14.01.110 and 14.01.111.

5. Nonconforming Parking. In accordance with the limitations of Section 13.10.575, no legal existing use of land or structure shall be deemed to be a nonconforming use solely because of the lack

of offstreet parking or loading facilities.

6. Exception for compliance with accessibility requirements. Work performed solely to comply with the American with Disabilities Act or with Chapter 11 of the State Building Code shall be excluded from calculations of reconstruction or alteration for the purposes of Sections 13.10.260, 13.10.261 and 13.10.262.

7. Exception for properties that have been designated as historic resources pursuant to County Code Chapter 16.42, or for corrective work on dangerous building elements. Work performed solely to comply with federal standards for rehabilitation of historic properties or with Chapter 16.42 of the County Code, or solely to comply with a notice or requirement of the County Building Official to correct dangerous building elements, shall be excluded from calculations of reconstruction or structural alteration for the purposes of Sections 13.10.260, 13.10.261 and 13.10.262.

8. Other regulations pertaining to nonconformity.

The following code sections establish additional regulations for nonconforming uses or structures:

- i. Nonconforming signs. See Section 13.10.588.
- ii. Nonconforming Greenhouses. See Section 13.10.636(c).
- iii. Nonconforming Farm Worker Housing. See Section 13.10.631.
- iv. Nonconforming Recycling Collection Facilities. See Section 13.10.658(b).
- v. “M-1” Zone District Uses Not in Compliance with Section 13.10.345(a). Uses in the “M-1” Light Industrial zone district which are not in compliance with the provisions of Section 13.10.345(a)(1-6) are considered nonconforming uses subject to Sections 13.10.345(a)(7) and 13.10.345(a)(8).
- vi. Lands designated with a “P” Combining District. Modification or expansion of uses on lands designated with a “P” Agricultural Preservation Combining District shall be processed as set forth in Section 13.10.473.
- vii. Expansion of Organized Camps with Nonconforming Densities. See Section 13.10.353(b)3.

SECTION VII

Section 13.10.261, “Nonconforming Uses” is hereby added to the Santa Cruz County Code to read as follows:

13.10.261 Nonconforming Uses

(a) Applicability. This section applies to nonconforming uses in all zone districts.

(b) General requirements.

1. Continuation of Nonconforming Uses and Nonconforming Rights. The lawful use of land existing on the effective date of the adoption, revision or amendment of the zoning designation or of the zoning regulations that affect a property may be continued, even if the use no longer conforms to the regulations specified by Chapter 13.10 for the district in which the land is located. A nonconforming use that is not in use for at least three (3) out of the past five (5) years loses its status as

a legal nonconforming use, and use of the land or site must conform to current uses allowed by the zone district. If cessation of use is caused involuntarily by fire or other catastrophic event, nonconforming rights are retained for three (3) years after the event, by which time a building permit must be obtained and exercised to repair or reconstruct the nonconforming use in order to retain nonconforming rights. If nonconforming rights are lost due to failure of the use to be continued in three of the past five years or due to the failure to obtain and exercise a building permit within three years after a catastrophic event, and a conforming use has not been subsequently established at the site, the property owner may apply for a conditional use permit (Level 5) to reinstate the legal nonconforming use. The conditional use permit for reinstatement shall be subject to the findings required in subsection 13.10.261(f) below, as well as to all applicable requirements of the Santa Cruz County Code and General Plan/ Local Coastal Program.

2. Termination of Use. The Board of Supervisors may order a nonconforming use to be terminated, upon recommendation of the Planning Commission, if such a use represents a threat to public health, safety, welfare, or the environment, or has been determined to be a public nuisance. The Planning Commission shall conduct a public hearing 15 or more days after written notice to the operator of the nonconforming use and the property owner. If the operator and/or property owner has not made a substantial investment in furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the Order may require complete termination of the nonconforming use within a minimum of one year after the date of the Order. If the operator and/or property owner has made a substantial investment in furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the Order may require complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to public health or safety may be terminated immediately, pursuant to Chapter 1.14 of this Code. In making a recommendation or determination, the Planning Commission and the Board of Supervisors shall consider:

- (i) The total cost of land and improvements;
- (ii) The length of time the use has existed;
- (iii) Adaptability of the land and improvements to a currently permitted use;
- (iv) The cost of moving and reestablishing the use elsewhere;
- (vi) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (vii) The degree of threat to public health, safety or welfare; and
- (viii) Other relevant factors.

Failure to comply with a Board of Supervisors' Order to terminate a nonconforming use shall constitute a violation of this Chapter and shall constitute a determination that the use is a public nuisance subject to abatement in accordance with Chapter 1.14 of the Code.

3. Dwelling groups: Conforming unit. Where two or more residential dwelling units exist on a parcel of land as nonconforming units because the zoning of the property no longer allows more than one primary dwelling unit, one of the units shall be deemed as conforming to the zone district. The owner may choose, one time only, which unit shall be considered as conforming. Accordingly, that unit

may be repaired, structurally altered, enlarged, or reconstructed in accordance with the site and structural dimensions of the zone district in which the parcel is located. The other unit(s) shall be considered nonconforming and subject to the requirements of this Section.

(c) Changes to nonconforming uses: Permits required.

1. Modifications to a structure accommodating an existing nonconforming use.

The following types of modifications may be allowed to a structure that accommodates a nonconforming use, subject to obtaining the required permit and to the required findings noted in section (f) below.

<u>Modifications to a structure accommodating a nonconforming use</u>	<u>Permit Required</u>
<u>Repairs and improvements to an existing structure, altering up to 75% of the major structural components</u>	<u>Permitted upon issuance of a building permit and any approvals that may be required by other sections of the County Code and General Plan/ Local Coastal Program.</u>
<u>Reconstruction (as defined in 13.10.260(b) 6) of an existing structure</u>	<u>Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))</u>
<u>Conforming additions, limited to once within a 5-year period</u>	<u>Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))</u>
<u>Reconstruction (as defined in 13.10.260(b)6) of a structure accommodating a nonconforming use after a catastrophic event.</u>	<u>Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))</u>

2. Modifications to an existing nonconforming use

The following changes related to an existing legal nonconforming use may be allowed, subject to obtaining the required permit and to the required findings noted in section 13.10.261(f) below.

<u>Type of Change to a Nonconforming Use</u>	<u>Permits Required</u>
<u>Expansion of an existing nonconforming use throughout an existing structure, with no intensification of the use</u>	<u>Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))</u>
<u>Intensification of an existing nonconforming use as defined in 13.10.260(b)(2) for residential uses and 13.10.260(b)(1) for non-residential uses</u>	<u>Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))</u>
<u>Change of an existing nonconforming use to another nonconforming use with no</u>	<u>Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))</u>

<u>intensification</u>	
<u>Change of existing nonconforming use to another nonconforming use with intensification as defined in 13.10.260(b)(2) for residential uses and 13.10.260(b)(1) for non-residential uses</u>	<u>Conditional Use Permit (Level 5 Approval)</u> <u>(See subsections 13.10.261(e) and (f))</u>

(d) Procedures for Administrative Use Permit

1. Procedures for an Administrative Use Permit shall be in accordance with those established for Level 4 Approvals in Chapter 18.10. In addition, the findings in subsection 13.10.261(f) below shall be required for approval of an administrative use permit.

(e) Procedures for a Conditional Use Permit.

1. Procedures for a Conditional Use Permit shall be in accordance with those established for Level 5 Approvals in Chapter 18.10, including the requirement for a public hearing. In addition, the findings in 13.10.261(f) below shall be required for approval of a conditional use permit.

(f) Findings. Approval of an Administrative or Conditional Use Permit pursuant to subsections 13.10.261 (d) and (e) above is subject to the following findings:

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances.

3. That the proposed use will not overload utilities, and will not generate more than an acceptable level of traffic on streets in the vicinity.

4. That the proposed project, as it may be conditioned, will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

5. That additional parking requirements created by the project can be met in accordance with Section 13.10.551.

6. That the proposed project will not significantly impair economic development goals or key land use goals of the General Plan.

7. For a change of a use to a different nonconforming use of a site, conformance with uses currently allowed for the zone district is not feasible due to conditions on the site and surrounding land uses, or due to economic conditions.

8. For a nonconforming commercial, industrial or residential use on a site adjacent to residential property, the proposed modification to the nonconforming use, or the proposed reestablishment of a

legal nonconforming use pursuant to subsection 13.10.261(b)1, does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences, and does not create excessive noise, vibration, illumination, glare, odors, dust, dirt, smoke or hazards such as noxious fumes to a level that substantially exceeds that of the existing or former legal nonconforming use of the site.

SECTION VIII

Section 13.10.262, "Nonconforming structures," is hereby added to the Santa Cruz County Code to read as follows:

13.10.262 Nonconforming structures

(a) Changes to Nonconforming Structures: Permits required.

1. Modifications to an existing nonconforming structure within a consecutive five-year period that do not constitute reconstruction as defined by Section 13.10.260(b)(6) are permitted upon issuance of a building permit and any approvals that may be required by other sections of the County Code .
2. Conforming Additions. Conforming additions that do not increase the nonconforming dimensions of the structure are permitted upon issuance of a building permit and any approvals that are required by other sections of the County Code. Nonconforming additions are not permitted.
3. Reconstruction. Reconstruction of a nonconforming structure requires an Administrative Site Development Permit (see 13.10.262 (b) below). Except as provided by 13.10.262(a)4, "Reconstruction or replacement of a nonconforming structure after a catastrophic event," or as specifically authorized by other provisions of the Santa Cruz County Code, any relocation of a nonconforming structure shall require approval of a variance or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

(i) Exception establishing lower threshold for discretionary review of modifications to nonconforming structures with certain property line, riparian corridor or right of way conditions:

Nonconforming structures located over a property line, within a riparian corridor, within five (5) feet of a vehicular right-of-way or within five (5) feet of a planned vehicular right-of-way improvement may potentially impact the natural environment or public health, safety or welfare. To provide the opportunity to address potential impacts, modification of more than 50% of the major structural components of such nonconforming structures within any consecutive 5-year period requires an Administrative Site Development Permit. The Planning Director may waive this exception establishing a lower threshold of review if, after a preliminary review of the project and the affected riparian corridor, right-of-way or property line, the Planning Director determines that this exception is not necessary to insure that the proposed project will not adversely affect the natural environment or public health, safety or general welfare. If the exception is waived, the requirements for reconstruction or replacement specified in 13.10.262(a)1-3 shall apply. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.

(ii) Exception for structures designated as historic resources:

Modifications to a nonconforming structure which has been designated as a historic resource

pursuant to County Code Chapter 16.42 are permitted upon issuance of only those building permits and/or development permits that are required by other Sections of the County Code, including Chapter 16.42, if one or more of the following criteria are met:

A. The proposed modification or addition conform to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, and does not increase the nonconforming dimensions of the structure; or

B. The proposed modification or addition does not conform to the lot coverage, yard setback, floor area ratio or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure and does not expand the perimeter foundation line 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; or

C. The proposed modifications are required to provide access for persons with disabilities to the structure.

(iii) Exception for corrective work on dangerous building elements:

Work performed to comply with a notice or requirement of the County Building Official to correct dangerous building elements shall not count towards overall limits on reconstruction in Section 13.10.262(a)3.

4. Reconstruction or replacement of a nonconforming structure after a catastrophic event.

Reconstruction or replacement of a legal nonconforming structure after a catastrophic event is allowed upon issuance of a building permit and any other approvals that may be required by other sections of the County Code if the reconstructed or replacement structure 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 considered without the need for an Administrative Site Development Permit, if the Planning Director finds that the new location results in greater conformance with code requirements. Relocation that does not result in greater conformance with code requirements requires variance approval in accordance with Section 13.10.230 or Minor Exception pursuant to 13.10.235. (Note: Additional reviews or permits may be required for reconstruction after a catastrophic event by other provisions of the Santa Cruz County Code, including Title 16 and Chapter 13.20. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.)

(i) Exception establishing lower threshold of review for properties with certain property line, riparian corridor or right of way conditions:

Nonconforming structures located over a property line, within a riparian corridor, within five (5) feet of a vehicular right-of-way or within five (5) feet of a future planned vehicular right-of-way improvement may potentially impact the natural environment or public health, safety or general welfare. To provide the opportunity to address potential impacts, repair or reconstruction of such a nonconforming structure after a catastrophic event involving the modification of more than 75% of the major structural components requires an administrative site development permit. The Planning Director may waive this exception if, after a preliminary review of the project and affected riparian corridor, right-of-way or property line, the Planning Director determines that this exception is not necessary to insure that the proposed project will not adversely affect the natural environment or public health, safety or general welfare. If the exception is waived, the requirements for reconstruction or replacement specified in the first

paragraph of 13.10.262(a)4 shall apply. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.

(b) Procedures for a Nonconforming Structure Administrative Site Development Permit.

Procedures for an Administrative Site Development Permit as required pursuant to Section 13.10.262 shall be in accordance with those established for Level 4 Approvals in Chapter 18.10, subject to the additional findings in subsection (c) below. In addition, the project shall be reviewed for compliance with criteria in Section 13.11.073, Building Design.

(c) Findings. The following findings apply to Site Development Permits for nonconforming structures as required under Section 13.10.262(a):

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.
2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances and the purpose of the zone district in which the site is located.
3. That the proposed structure and use is in substantial conformance with the County General Plan and with any Specific Plan which has been adopted for the area.
4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.
5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.
6. Any additional parking requirements created by the project can be met in accordance with Section 13.10.551.
7. The proposed project will not significantly impair economic development goals or key land use goals of the General Plan.
8. For nonconforming commercial, industrial or residential structures adjacent to residential property, the nonconforming structure does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences.
9. For nonconforming structures over a property line, within a riparian corridor, or within 5 feet of an existing or planned right-of-way, the proposed project has been conditioned to require greater conformance to current site development standards, or has been required to eliminate the nonconformity where feasible, considering economic factors and site conditions including size, shape, topography, existing development or improvements, and environmental constraints.

10. For projects within a riparian corridor, a condition of approval of the site development permit has been imposed to require riparian protection, preservation and/or enhancement on the site, as reasonably related to the project and in accordance with General Plan policy 5.2.2.

SECTION IX

Subdivision (a) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(a) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "CA" Commercial Agriculture Zone District, in the "A" Agriculture Zone District, or in the "AP" Agricultural Preserve Zone District unless that use is either (1) listed in Section 13.10.312 of this Chapter as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.2625.

SECTION X

Subdivision (b) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) It shall be unlawful for any person to establish, cause or permit a new use of land, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "RA" Residential Agricultural Zone District, in the "RR" Rural Residential Zone District, in the "R-1" Single-Family Residential Zone District, in the "RB" Ocean Beach Residential Zone District, or in the "RM" Multi-Family Residential Zone District unless that use is either (1) listed in Section 13.10.322 of this Chapter as a permitted use in the residential zone district in which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.2625.

SECTION XI

Subdivision (c) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(c) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand or intensify an existing use of land, or construct, enlarge, or move a building for a use of land located in the "PA" Professional Administrative Office Zone District, in the "VA" Visitor Accommodations Zone

District, in the "C-1" Neighborhood Commercial Zone District, in the "CT" Tourist Commercial Zone District, in the "C-2" Community Commercial Zone District, or in the "C-4" Commercial Services Zone District unless that use is either (1) listed in Section 13.10.332 of this Chapter as a permitted use in the commercial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (2) is a legal non-conforming use or structure in conformance with 13.10.260, 13.10.261 and 13.10.262~~5~~.

SECTION XII

Subdivision (d) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(d) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "M-1" Light Industrial Zone District, in the "M-2" Heavy Industrial Zone District, or in the "M-3" Mineral Extraction Industrial Zone District unless that use is either (1) listed in Section 13.10.342 of this Chapter as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262~~5~~.

SECTION XIII

Subdivision (e) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(e) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PR" Parks, Recreation and Open Space Zone District unless that use is either (1) listed in Section 13.10.352 of this Chapter as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262~~5~~.

SECTION XIV

Subdivision (f) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(f) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PF" Public and Community Facilities Zone District unless that use is either (1) listed in Section 13.10.362 of this Chapter as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262~~5~~.

SECTION XV

Subdivision (g) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "TP" Timber Production Zone District unless that use is either (1) listed in Section 13.10.372 of this Chapter as a permitted use in the Timber Production Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Timber Production Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262~~5~~.

SECTION XVI

Subdivision (h) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "SU" Special Use Zone District unless that use is either (1) listed in Section 13.10.382 of this Chapter as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Special Use Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262~~5~~. (Ord. 4390A, 4/2/96; Ord. 4496-C, 8/4/98)

SECTION XVII

Subdivision (e)5(B) of Section 13.10.323, "Development standards for residential districts," of the Santa Cruz County Code, is hereby amended to read as follows:

(B) With Design Review. Building heights up to a maximum of thirty three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer or Planning Director (or designee), and subject to approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10.

SECTION XVIII

Subdivision (e)6(B) of Section 13.10.323, "'Development standards for residential districts,'" of the Santa Cruz County Code is hereby amended to read as follows:

(B) Side and Rear Yards.

- i. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines.
- ii. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines;
- iii. Garden trellises, garden statuary, birdbaths, freestanding barbeques, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps and similar HVAC equipment and ground-mounted solar systems, if not exceeding six (6) feet in height, are not required to maintain side and rear yard setbacks and are excluded in the calculation of allowable lot coverage.

SECTION XIX

The first paragraph of Subdivision (d) of Section 13.10.325, "Large dwelling permit requirements and design guidelines," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Large Dwelling Design Guidelines. New large dwellings and related accessory structures regulated by this Section are subject to the following design guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer, Planning Director and Zoning Administrator in reviewing applications.

SECTION XX

The "KEY" and the section under the subheading, "Commercial change of use within existing structures," both of the "Commercial Uses Chart" of Subdivision (b) of Section 13.10.332, are hereby amended to read as follows:

Commercial Uses Chart

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site
P = Principal permitted use (see Section 13.10.332(a)); no use approval necessary if "P" appears alone

- 1 = Approval Level I (administrative, no plans required)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- * = Level IV for projects of less than 2,000-5,000 square feet
= Level V for projects of 2,000-5,000 to 20,000 square feet
= Level VI for projects of 20,000 square feet and up

USE	PA	VA	CT	C-1	C-2	C-4
Commercial change of use within existing structures:						
Change of use in accordance with an approved master occupancy program	1	1	1	1	1	1
Change of use <u>within subject to the Felton or Ben Lomond Town plan areas of the San Lorenzo Valley, the Boulder Creek Specific Plan or the Soquel, Seacliff or Aptos village plan</u> , to a use in conformance with at the Town applicable P plan	1	1	1	1	1	1 4
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will not result in an intensification of use	1	4/5/6*1	4/5/6*1	1	1	4/5/6*
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will result in an intensification of use	4	4/5/6*	4/5/6*	4	4	4/5/6*
Change from a use not approved by a valid						

development (use) permit, to another use allowed in the zone district for projects of:

u Under 2,000 <u>5,000</u> sq. ft.	34	4	4	34	34	4
2,000 <u>5,000</u> -20,000 sq. ft.	4	54	54	4	4	5
e Over 20,000 sq. ft.	4	65	65	5	5	6

(For legal, nonconforming uses, see Sections 13.10.260 and .2621 for additional requirements)

SECTION XXI

Subdivision (b), "Allowed uses," of Section 13.10.332, "Commercial uses" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses."

Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses	BP	BP	BP	BP	BP	BP
	6	6	6	6	6	6

SECTION XXII

Subdivision (b), "Allowed uses," of Section 13.10.332, "Commercial uses" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses."

Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses	BP	BP	BP	BP	BP	BP
	6	6	6	6	6	6

SECTION XXIII

Subdivision (b), "Allowed Uses," of Section 13.10.342, "Uses in industrial districts" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses."

Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260	BP	BP	BP
	6	6	6

and 13.10.261 Nonconforming Uses

SECTION XXIV

Subdivision (b), "Allowed Uses," of Section 13.10.342, "Uses in industrial districts" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses."

~~Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261 Nonconforming Uses~~ BP- BP- BP- 6 6 6

SECTION XXV

Subdivision (b)3 of Section 13.10.353, "Development standards in the Parks, Recreation and Open Space "PR" District," of the Santa Cruz County Code, is hereby amended, to read as follows:

3. Expansion of Organized Camps with Nonconforming Densities. For expansion of existing camps with use permits and nonconforming density, the densities of new facilities shall be calculated independent of existing nonconforming densities and shall be based solely on the number of matrix units the new land acquisition merits. Where the new land acquisition is contiguous with the parcel containing the nonconforming use, the facilities resulting from the matrix units for the land acquisition may, at the discretion of the Planning Commission and the Board of Supervisors, be located anywhere on the applicant's holdings. These provisions shall not be construed to prevent the Board of Supervisors from abating nonconforming uses or structures pursuant to Sections 13.10.260, 13.10.261 and 13.10.262 of the Zoning Ordinance where such facilities are found to create a public health hazard or a public nuisance or to be environmentally degrading.

SECTION XXVI

Subdivision (a) of Section 13.10.551, "Off-street parking facilities required," of the Santa Cruz County Code, is hereby amended to read as follows:

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, off-street parking space for automobiles and bicycles in accordance with requirements prescribed in this Chapter, except as otherwise provided in this paragraph and as provided in (c) below for historic resources, as defined in Section 16.42.030. 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, remodel or change of residential use which would increase the number of parking spaces required by not less more than 10 percent of

the total required; or an addition, remodel or change of non-residential use which would increase the number of required parking spaces by both more than 10 percent and more than two spaces. ~~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.

For any major alteration or enlargement affecting a non-residential structure or use for which the existing parking is or would become nonconforming, additional off-street parking shall be required only for the additional increment of square footage or use.

The planning director may authorize a reduction in the number of parking spaces in an existing parking area, to the extent necessary and appropriate to provide accessibility upgrades to existing buildings or parking areas in accordance with building code requirements.

SECTION XXVII

In Subdivision (b) of Section 13.10.552, "Schedule of off-street parking space requirements," of the Santa Cruz County Code, the use "Supermarkets, convenience stores" is hereby added after the use "Retail stores and service establishments;" and the uses "Business Offices," "Medical Offices," "Libraries, museums, art galleries" and "Retail stores and service establishments" and associated footnotes, are hereby amended, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Business Offices	1 per 200 300 sq. ft. (18.6 sq. meters) of gross floor area*	1 per 1000 sq. ft. (92.9 sq. meters) of gross floor area*; <u>2 minimum</u>
Medical Offices	<div> <div>Number of Practitioners**</div> <div>Spaces-Req.</div> <div>1</div> <div>7</div> <div>2</div> <div>13</div> <div>3</div> <div>17</div> <div>4</div> <div>21</div> <div>5</div> <div>25</div> <div>+5 spaces for each addtl practitioner</div> </div> <div> <u>1 per 200 sq. ft. of gross floor area; two minimum*</u> </div>	1 per 1000 sq. ft. (92.9 sq. meters) of gross floor area*; 2 minimum
Libraries, museums, art galleries	1 per 300 sq.ft. (27.9 sq. meters) of gross floor area*	<u>1 per 1000 sq. ft. of gross floor area (92.9 sq. meters)*; 2</u>

		<u>minimum</u>
Retail stores and service establishments	1 per 200300 sq. ft. (18.6 sq. meters) of gross floor area*; 3 minimum	1 per 1000 sq. ft. (92.9 sq. meters) of gross floor area*; 2 minimum
<u>Supermarkets, convenience stores</u>	<u>1 per 200 sq. ft. of gross floor area*</u>	<u>1 per 1000 sq. ft. (92.9 sq. meters) of gross floor area*; 2 minimum</u>
* Exclude any floor area used only for storage or truck loading.		
** Practitioners shall include, but not be limited to, doctors, hygienists, hypnotists and others providing health related services.		

SECTION XXVIII

Subdivision (c) of Section 13.10.552, "Schedule of off-street parking requirements", of the Santa Cruz County Code, is hereby amended to read as follows:

(c) Other Uses. Any use not specified in this schedule shall require the same number of spaces as the most similar use, as determined by the Approval Body or, if it can be shown that a use is not expected to utilize the required number of spaces, and assurance is given by recorded indenture, or other means, that the required number of spaces will be provided when the use or circumstances of occupancy change, then a different parking requirement may be authorized by a Level ~~V~~IV Approval.

SECTION XXIX

The title of Section 13.10.553, "Variations to requirements," is hereby amended to read as follows:

13.10.553 ~~Variations to~~ Alternate parking requirements.

SECTION XXX

Subdivision (b) of Section 13.10.553, "Variations to requirements," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) ~~Reductions in Required Shared~~ Shared Parking. ~~Parking facilities reductions for two or more uses that participate in a parking agreement share parking may be shared thereby reducing the overall parking requirement for the uses if their entrances are located within three hundred (300) feet of the parking facility, if their hours of peak parking do not coincide, and/or it can be demonstrated that the nature or number of uses of the facilities will result in multipurpose trips authorized by a Level 4 Use Approval. The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required for the single use among those proposed which is required to provide the~~

most parking. Where the shared parking involves two or more separately owned properties, the owners of the properties shall enter into a legal agreement that describes access, use and maintenance of the shared parking. The reduction(s) shall be quantitatively justified by one or more of the following criteria applied to the participating uses:

~~Reductions in the total number of parking spaces may be made according to the following table:~~

Number of independent property users	Reduction allowed
2 to 4	10%
5 to 7	15%
8 or more	20%

~~The Approving Body may allow a larger reduction if it can be demonstrated that parking demands for the uses occur at different times of the day:~~

1. The uses occur at separate times of day.
2. The uses overlap, but their peak hours occur at different times of day.
3. The uses are complimentary or foster multipurpose trips.
4. The uses serve seniors, youth or other demographic groups known for below-average rates of vehicle ownership.
5. Valid statistical parking data from the site, neighborhood or applicable larger area indicate an appropriate level for shared parking.
6. The parking reduction is commensurate with the level of vehicle activity typically associated with the proposed use(s), site location or incremental change in site floor area or intensity of use.

Any applicant proposing a parking reduction pursuant to section 13.10.553(b) shall submit a parking study prepared by a qualified, independent, professional transportation planner or transportation engineer. The analysis shall: (1) recommend an appropriate parking reduction based on the above criteria, and, (2) where the shared parking involves separately owned properties, recommend terms of the associated parking agreement. The requirement for a parking study may be waived by the Planning Director if the proposed parking reduction is clearly proportionate to the proposed and possible future uses involved.

SECTION XXXI

The first paragraph of Subdivision (d) of Section 13.10.553, "Variations to requirements," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Transportation and Parking Alternatives-Demand Management. Parking requirements prescribed for any use, or combination of uses on the same or adjoining sites may be reduced by ~~as much as twenty (20) percent subject to acceptance of~~ the Approving Body based upon a detailed Alternate Transportation and Parking Demand Management Program supplied by the applicant, and certified by the County, which may include, but is not limited to, provision of special transit incentives for employees, the operation of effective pooling programs, ~~preferential parking arrangements-priority parking for carpools,~~ charter buses, club buses, ~~company cars,~~ employer's contribution to bus service cost, ~~home delivery services,~~ ~~staggered or variable or flexible~~ work hours. Any proposed reduction greater than 20 percent shall include adequate evidence supporting the validity of a larger reduction.

SECTION XXXII

The first paragraph of Subdivision (b) of Section 13.10.658, "Recycling facilities," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) The following recycling collection facilities, which were in existence on July 23, 1987, are legal non-conforming uses in the zone district in which they are located and are subject to Sections 13.10.260, 13.10.261 and 13.10.262~~5~~ of the Santa Cruz County Code, provided that all such collection facilities are associated with a legal conforming use and can demonstrate permission from the property owner to occupy the site:

SECTION XXXIII

The definition for "Intensification of Use, Commercial" in Section 13.10.700-I of the Santa Cruz County Code is hereby amended to read as follows:

Intensification of Use, CommercialNon-residential. Any change or expansion of commercial-a non-residential use which will result in both a greater than 10% increase in parking need and more than two spaces, ~~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 traffic generation, noise, smoke, glare, odors, hazardous materials, water use; and/or sewage generation shall be an "intensification of use" for purposes of this chapter. (Ord. 4285, 12/14/93; 4525, 12/8/98)

SECTION XXXIV

Section 13.10.700-M of the Santa Cruz County Code is hereby amended by adding the definition for "Major Structural Components" after the definition for "M-3," to read as follows:

Major Structural Components. The foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior

elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components.

SECTION XXXV

The definition for “Nonconforming Structure” in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

~~“Non-conforming structure” means a~~ Nonconforming structure. A structure which~~that~~ was lawfully erected prior to adoption, revision or amendment of this chapter but which, under this chapter, that does not conform with standards for lot coverage, yard spaces setbacks, height of structures, number of stories, or distances between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.

SECTION XXXVI

The definition for “Non-conforming Use” in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

~~“Non-conforming use” means the~~ Nonconforming use. A use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of this chapter, but does not conform to the current use standards, and density standards where applicable, of both the zone district and/or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit. conforms to the present General Plan/Local Coastal Program land use designation, and:

- ~~1. Has not lost its nonconforming status due to cessation of use, as outlined in Sections 13.10.260, 13.10.261 or 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)~~

SECTION XXXVII

The definition for “Ordinary Maintenance and Repair in Kind” in Section 13.10.700-O of the Santa Cruz County Code is hereby deleted.

SECTION XXXVIII

The definition for “Reconstruction” in Section 13.10.700-R of the Santa Cruz County Code is hereby

amended to read as follows:

~~Reconstruction. The rebuilding of a structure or portion(s) of a structure. A structural alteration or repair that involves greater than 50% of the exterior walls being altered within any five year period shall be deemed a reconstruction. 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 not to be structurally repaired or altered are in fact structurally sound and that it will not be necessary to repair or alter such portions of the structure during the course of construction. Modification or replacement of 75% or more of the major structural components (see 13.10.700-M) 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. (Ord. 4525, 12/8/98)~~

SECTION XXXIX

The definition for "Significantly Nonconforming Use" in Section 13.10.700-S of the Santa Cruz County Code is hereby deleted.

SECTION XL

The definition for "Structural Alteration" in Section 13.10.700-S of the Santa Cruz County Code is hereby amended to read:

~~Structural Alteration. Any change, whether in kind or not, in the supporting members of a building, such as the foundation, bearing walls, columns, beams, girders, floor, ceiling or roof joists, and roof rafters or structural repairs in kind greater than 10% but less than 50.1% of the exterior walls. Roofs and foundation may be replaced. No physical expansion shall be permitted unless expressly authorized in Sections 13.10.261 or 13.10.262. Structural alterations that result in greater than 50% of the exterior walls being altered within any five year period shall be deemed a reconstruction. 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. Modification or replacement of more than ten percent (10%) and less than seventy-five percent (75%) of the major structural components of an existing structure within any consecutive five-year period. Window replacement without alteration of framing shall not be considered a structural alteration. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director.~~

SECTION XLI

Subdivision (b) of Section 13.11.073, "Building design," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. ~~One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of~~ shall be reviewed to achieve a level of neighborhood compatibility appropriate to the architectural style, character and identity of both the proposed new building and the neighborhood:

(A) Massing of building form.

(B) Building silhouette.

(C) Spacing between buildings.

(D) Street face setbacks.

(E) Character of architecture.

(F) Building scale.

(G) Proportion and composition of projections and recesses, doors and windows, and other features.

(H) Location and treatment of entryways.

(I) Finish material, texture and color

(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.

SECTION XLII

Subdivision (s) of Section 16.10.040, "Definitions," of the Santa Cruz County Code, is hereby amended to read as follows:

(s) Development/Development Activities. For the purposes of this chapter, and this chapter only, any project that includes activity in any of the following categories is considered to be development or development activity. This chapter does not supersede Section 13.20.040 for purposes of determining whether a certain activity or project is considered development that requires a coastal permit; some activities and projects will require coastal permits although they do not fall under the this following specific definition.

(1) The construction or placement of any habitable structure, including a manufactured home and including a non-residential structure occupied by property owners, employees and/or the public;

(2) Any repair-Modification, reconstruction, alteration, addition, or improvement or replacement of 75% of the major structural components -- consisting of the foundation, floor framing, exterior wall framing, and roof framing -- of an existing habitable structure within any consecutive five-

year period, or modification, reconstruction or replacement of 50 (fifty) percent of the major structural components of an existing critical structure or facility, as defined by this chapter, within any consecutive five-year period, whether the work is done at one time or as the sum of multiple projects. For the purpose of this section, the following are not considered major structural components: exterior siding; non-structural door and window replacement; roofing material; decks; chimneys; and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing fixtures. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director; that modifies or replaces more than 50% of the total length of the exterior walls, exclusive of interior and exterior wall coverings and the replacing of windows or doors without altering their openings. This allows a total modification or replacement of up to fifty (50) percent, measured as described above, whether the work is done at one time or as the sum of multiple projects during the life of the structure;

(3) The addition of habitable space square footage to any structure, where the addition increases the habitable space-square footage by more than fifty (50) percent or 500 square feet, whichever is greater, over the existing habitable space, within a consecutive five-year period measured in square feet. This allows a total increase of up to fifty (50) percent of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions during the life of the structure over a consecutive five-year period;

(4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the existing structure in a seaward direction;

~~(5) Installation of a new foundation for a habitable structure;~~

~~(6) The repair, replacement, or upgrade of an existing foundation of a habitable structure that affects more than fifty (50) percent of the foundation (measured in linear feet for perimeter foundations, square feet for slab foundations, or fifty (50) percent of the total number of piers), or an addition to an existing foundation that adds more than fifty (50) percent of the original foundation area. This allows repair, upgrade, or addition up to fifty (50) percent, measured as described above, whether the work is performed at one time or as the sum of multiple projects during the life of the structure;~~

~~(75) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public use;~~

~~(86) Any change of use from non-habitable to habitable use, according to the definition of "habitable" found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;~~

~~(97) Any repair, alteration of, reconstruction, replacement or addition affecting any structure that meets either of the following criteria:~~

1. ~~p~~Posted "Limited Entry" or "Unsafe to Occupy" due to geologic hazards, or
2. Located on a site associated with slope stability concerns, such as sites affected by existing or potential debris flows;

(~~108~~) Grading activities of any scale in the 100-year floodplain or the coastal hazard area, and any grading activity which requires a permit pursuant to Chapter 16.20;

(~~119~~) Construction of roads, utilities, or other facilities;

(~~120~~) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not a building permit is required, sea walls, rip-rap erosion protection or retaining structures, and gabion baskets;

(~~131~~) Installation of a septic system;

(~~142~~) Any human made change to developed or undeveloped real estate in the Special Flood Hazard Area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-~~131~~;

(~~153~~) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazards, or that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review. (Ord. 4024, 10/24/89; 4080, 9/11/90)

SECTION XLIII

Article V, "Noticing Procedures" of the subdivision "Sections:" found at the start of Chapter 18.10, "Chapter 18.10 PERMIT AND APPROVAL PROCEDURES," of the Santa Cruz County Code, is hereby amended to read as follows:

Article V. Noticing Procedures

- 18.10.221 Level I (~~No Plans~~) through Level III (Field visit)–Public listing.
- 18.10.222 Level IV (Public Notice)–Notice of ~~application submittal~~ pending action.
- 18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)–Notice of public hearing.
- 18.10.224 Notice of proposed development for Level IV through Level VII.
- 18.10.230 Findings required.
- 18.10.240 Permit conditions.

SECTION XLIV

Article VI, "Appeal Procedures," of the subdivision "Sections:" found at the start of Chapter 18.10, "Chapter 18.10 PERMIT AND APPROVAL PROCEDURES," of the Santa Cruz County Code, is hereby amended to read as follows:

- 18.10.310 General appeal procedures.
- 18.10.320 Appeals to Planning Director—From Level I (~~No Plans~~) through Level IV (~~Public Notice~~)III (Field visit).
- 18.10.324 Appeals to Zoning Administrator—From Level IV (Planning).
- 18.10.330 Appeals to Planning Commission—From Level V (Zoning Administrator).
- 18.10.332 Planned Unit Development—Hearings.
- 18.10.340 Appeals to Board of Supervisors—From Level VI (PC).
- 18.10.350 Special consideration by Board of Supervisors.
- 18.10.360 Appeals to Coastal Commission.

SECTION XLV

Subdivision (a) of Section 18.10.112, "Processing levels," of the Santa Cruz County Code, is hereby amended to read as follows:

(a) Administrative Permits and Approvals. The following reviews shall be conducted and permits shall be acted upon by the Planning Director or his or her authorized designee charged with the administration of this Chapter.

- (1) Processing Level I (~~No plans required~~) includes planning review and administrative action on permits based on a description of the project.
- (2) Processing Level II (Plans required) includes planning review and administrative action on permits based on building plans as well as a description of the project.
- (3) Processing Level III (Field visit required) includes planning review that involves one or more visits to the site by staff planners in conjunction with review of the project description and plans prior to administrative action on permits.
- (4) Processing Level IV (Public Notice) includes those projects for which plans are required, field visits are conducted, and for which public notice is provided prior to administrative action on permits – in the form of a mailed notice of applicant's submission to property owners and occupants, posting of the property, a published newspaper announcement of the pending project notice posted on the County Planning Department website, notice to each member of the Board of Supervisors, and a mailed notice to the owners and occupants of the subject and surrounding properties surrounding property and occupants, including occupants of the subject property, prior to administrative action on permits.

SECTION XLVI

Table 18.10.121 of Section 18.10.121 "Summary chart of review process," of the Santa Cruz County Code, is hereby amended to read as follows:

Table 18.10.121

SUBMITTALS REQUIRED	PROCESSING LEVEL						
(See Section 18.10.210)	1	2	3	4	5	6	7
Application form, fee project description	X	X	X	X	X	X	X
Plot plan, building plans		X	X	X	X	X	X
Site development plans		X	X	X	X	X	X
Results of neighborhood meeting (see Sections 18.10.210 and 18.10.211)						X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X
PUBLIC NOTICES REQUIRED	PROCESSING LEVEL						
(See Sections 18.10.221 through 18.10.223)	1	2	3	4	5	6	7
Notice of application submittal mailed by County to owners of property within 300 feet and to occupants within 100 feet				X			
List of official action	X	X	X				
<u>Legal advertisement Notice of pending action posted on County Planning Department website</u>				X			
Notice of pending action or public hearing posted on <u>project</u> site				X	X	X	X*
Notice of proposed development sign placed on site by applicant				X	X	X	X
Notices of pending action or public hearing mailed by County to owners of property within 300 ft and to occupants within 100 feet and to the subject property				X	X	X	X*
Legal advertisement of public hearing					X	X	X*
* Required for both Planning Commission and Board of Supervisors hearings							
APPROVING BODY	PROCESSING LEVEL						
(See Section 18.10.112)	1	2	3	4	5	6	7
Planning Director or designated person	X	X	X	X			
Zoning Administrator					X*		
Planning Commission						X*	X
Board of Supervisors							X*

* and California Coastal Commission if appealed
(Ord. 3604, 11/6/84; 4044, 1/9/90; Ord. 4496-C, 8/4/98; Ord. 4818 § 1, 3/7/06)

SECTION XLVII

Section 18.10.222, "Level IV (Public notice)—Notice of application submittal," of the Santa Cruz County Code, is hereby amended to read as follows:

18.10.222 Level IV (Public notice)—Notice of ~~application submittal~~ pending action.

(a) ~~Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:~~

~~(1) The County shall mail a notice in the form of a postcard or letter not more than ten calendar days following the receipt of a development application to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.~~

~~In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.~~

~~(2) Notice to the Board of Supervisors. Notice shall be by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail no more than ten (10) calendar days following the receipt of a development application.~~

(b) ~~Contents of Notice. The content of the notice shall be as follows:~~

- ~~(1) Location of the proposed project;~~
- ~~(2) Name of the applicant;~~
- ~~(3) Description of the proposed use;~~
- ~~(4) How further information may be obtained and how to submit information on the proposed project;~~
- ~~(5) Final date on which comments will be accepted;~~
- ~~(6) How to submit information on the proposed project;~~
- ~~(7) Date the permit is proposed to be issued.~~

NOTICE OF PENDING ACTION

(e)(a) Procedures. Public notice of the intent to issue pending action on a permit application pursuant to Level IV. Not less than twenty-one (21) calendar days prior to the County taking action on a Level IV application, Ppublic notice shall be given in the following ways:

1. The County shall mail Mailed notice in the form of a via postcard or letter mailed not less than ten (10) calendar days prior to the issuance of the permit to the applicant, to the owners of the subject property, and to the owners of all property within three hundred (300) feet of the exterior boundaries of the subject property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property including all

lawful occupants of the subject property. Such notices and mailing list shall be based on a mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

2. ~~Published Notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the issuance of the permit. Posting on the County of Santa Cruz Planning Department website.~~

3. ~~Posting on the property in a conspicuous place, at least ten (10) calendar days prior to the issuance of the permit.~~

43. Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail.

(b) Not less than ten (10) calendar days following the date of the United States Postal Service postmark on the Notice of Pending action mailed pursuant to (a)1 in the preceding paragraph, the Notice of Pending Action shall be posted on the property in a conspicuous place.

(dc) Contents of Notice. The contents of the notice shall be as follows:

- (1) Location of the proposed project.
- (2) Name of the applicant.
- (3) Description of the proposed use.
- (4) How further information may be obtained and how to submit information on the proposed project.
- (5) Date the permit will be issued on or after which a decision will be made on the project.
- (6) Final date on which comments will be accepted.
- (67) Description of the administrative appeal procedure.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

SECTION XLVIII

Section 18.10.320, Appeals to Planning Director—from Level I (No Plans) through Level IV (Public Notice)," of the Santa Cruz County Code, is hereby amended to read as follows:

18.10.320 Appeals to Planning Director—from Level I (No Plans) through Level IV (Public Notice) Level III (Field Visit).

(a) Who May Appeal. Any decisions or actions of any staff person charged with the administration of this chapter may be administratively appealed to the Planning Director. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within fourteen (14) calendar days of the decision, ~~in the case of permits issued pursuant to Level I (No Plans) through Level III (Field Visit), and by any aggrieved person or the applicant by submitting a written request to the Planning Director within fourteen (14) calendar days from the date of the publication of the notice of~~

pending action, or the date the notices are mailed, whichever is later, in the case of permits issued pursuant to Level IV (Public Notice).

(b) Planning Director's Action. The Planning Director shall commence consideration of every appeal filed pursuant to this Chapter from acts or determinations at Levels I- ~~IV~~^{VIII} by reviewing the application file within twenty (20) business days of the submittal of the appeal. The Planning Director may decide the appeal on the basis of the written appeal, or may review the appeal with the applicant and/or the appellant. The decision of the Planning Director on the appeal shall be made in writing, and shall be provided to the applicant and/or the appellant within sixty (60) calendar days of the submittal of the appeal, unless the appellant agrees, in writing, to a longer period. (Ord. 746, 1/8/62; 1704, 4/25/72; 3639, 3/26/85; 4044, 1/9/90; 4075, 6/24/90; 4500-C, 8/4/98)

SECTION XLIX

Section 18.10.324, "Appeals to the Zoning Administrator from Level IV (Public Notice)," of the Santa Cruz County Code, is hereby added after Section 18.10.320, to read as follows:

18.10.324 Appeals to Zoning Administrator—From Level IV (Public Notice).

(a) Who May Appeal. Any person whose interests are adversely affected by a Level IV determination may appeal the determination to the Zoning Administrator. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within fourteen (14) calendar days of the decision.

(b) Notice of Hearing. Upon receipt of a notice of appeal from an act or determination at Level IV, Planning Director or designee shall schedule a hearing to occur before the Zoning Administrator or, if public concern or other circumstances warrant, the Planning Commission. The date of the scheduled hearing shall be no more than sixty (60) calendar days after the date on which the notice of appeal is received. If no regular meeting of the Zoning Administrator (or Planning Commission, if applicable) is scheduled to occur within 60 calendar days after the date of receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the applicable body. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of an appeal hearing before the Zoning Administrator shall be given as provided by 18.10.222. Decisions by any reviewing body on the appeal shall be made in writing and shall be provided to the applicant and/or the appellant.

(c) Any person whose interests are adversely affected by a determination of the Zoning Administrator on an appeal of a Level IV determination may appeal the decision to the Planning Commission. Level IV appeals to the Planning Commission, whether direct or following an appeal reviewed by the Zoning Administrator, shall be processed as prescribed by 18.10.330.

(d) Any person whose interests are adversely affected by an appeal determination of the Planning Commission regarding a Level IV determination may appeal the decision to the Board of Supervisors. Level IV appeals to Board of Supervisors shall be processed as prescribed by 18.10.340.

SECTION L

Subdivision (b) of Section 18.10.330, "Appeals to Planning Commission—From Level V (Zoning Administrator)," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) Notice of Hearing. Upon receipt of a notice of appeal from an act or determination at Level V, the ~~matter shall be set for hearing~~ Planning Director or designee shall schedule a hearing to occur before the Planning Commission not later than thirty (30) calendar days following the date on which the notice was filed. The date of the scheduled hearing shall be no more than 60 calendar days following the date of receipt of the notice of appeal. If no regular meeting of the Planning Commission is scheduled to occur within 60 calendar days after receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the Planning Commission. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least ~~ten~~ twenty-one (21) calendar days prior to the hearing. Public notice of the appeal hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to section 18.10.224.

SECTION LI

Subdivision (e)1 of Section 18.10.340, "Appeals to Board of Supervisors—From Level VI (PC)" of the Santa Cruz County Code, is hereby amended, to read as follows:

1. If the Board, by a majority vote, determines to take jurisdiction for further review, ~~the Board shall direct that a public noticed hearing on the matter shall be set within thirty (30) calendar days of the decision to take jurisdiction, and the Planning Director or designee shall schedule a public hearing before the Board. The date of the scheduled hearing shall be no more than 60 calendar days following the decision to take jurisdiction. If no regular meeting of the Board of Supervisors is scheduled to occur within 60 calendar days after the decision to take jurisdiction, the scheduled hearing date shall be that of the next regular meeting of the Board of Supervisors. the appellant, affected property owners and occupants, and interested persons shall be provided with the written and published notice that would be required for a hearing on such matter before the Planning Commission. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of the hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to section 18.10.224, and no neighborhood meeting regarding the appeal hearing shall be required pursuant to section 18.10.211.~~

SECTION LII

This Ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone and on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later, inside the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of

California, this _____ day of _____, 2012 by the following vote:

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

Chair of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

Copies to: County Counsel
Planning Department

PROPOSED AMENDMENTS TO THE SANTA CRUZ COUNTY GENERAL PLAN/ LOCAL COASTAL PROGRAM

SECTION I

Amend the "Land Use and Development Framework" Section, under the subheading "General Land Use Policies Planning Framework", of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan and Local Coastal Program, inserting the following paragraph on page 2-3 between the paragraph beginning with "In addition to directing where growth will occur in the County," and the paragraph beginning with "In 1990, voters adopted an environmental ordinance known as Measure C...":

Although Santa Cruz County was formed in 1850, the first Zoning Ordinance was not adopted until the late 1950's, and it has been amended frequently since that time. Consequently, there are legally established uses that do not conform with uses currently allowed by the zone district or General Plan land use designation, and many legally built structures that do not conform to current site standards for the zone district. Although nonconforming, these legal uses and structures often contribute to the community, providing housing, architectural character, a sense of history, and contributing to economic vitality. Allowing legal nonconforming uses and structures to be appropriately maintained and improved contributes to the upkeep and appearance of residential and commercial areas; supports existing businesses and housing; and reducing the pressure to develop outside the Urban Services Line by encouraging the continued use of previously developed sites and existing buildings. Policies in the Housing Element, Land Use Element, as well as regulations the Zoning Ordinance, support the continuation, maintenance, and improvement of existing, legal, nonconforming structures and uses within defined parameters.

SECTION II

Add Policy 2.1.17 under Objective 2.1 of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan and Local Coastal Program, to read as follows:

2.1.17 Nonconforming Uses and Structures

a) Nonconforming Uses: Allow existing legal nonconforming uses in use for three or more of the previous five years to continue, and require discretionary review to reestablish a nonconforming use that has lapsed. Require discretionary review for expansion, changes, or intensification of legal nonconforming uses with appropriate conditions to address potential impacts to public health, safety and welfare. Provide a process whereby the Board of Supervisors may terminate any nonconforming use that is significantly detrimental to public health, safety, welfare or the environment. For a structure accommodating a nonconforming use, encourage maintenance, repairs, and improvements. Require appropriate discretionary review for reconstruction, subject to appropriate findings and conditions to ensure that the proposed project will not be detrimental to public health, safety or welfare.

b) Nonconforming Structures: Encourage legal nonconforming structures to be maintained and improved. Allow reconstruction after a catastrophic event, and require discretionary review for voluntary reconstruction. Require an increased level of review for modifications to nonconforming

Attachment 2 to Exhibit A

structures with a greater potential to impact public health, safety or welfare.

SECTION III

Amend Objective 2.18, “Nonconforming Commercial or Light Industrial Development”, of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan/ Local Coastal Program, as follows:

Objective 2.18 Nonconforming Commercial or Light Industrial Development

~~To phase out and relocate existing commercial or industrial land uses which are situated in areas not designated on the General Plan and LCP Land Use Maps for such activity and are incompatible with adjacent land uses, or have significant environmental impacts.~~

To recognize that legally established nonconforming commercial and light industrial uses and structures may benefit the community, and that preserving and improving existing commercial and light industrial uses, structures, and the buildings accommodating these uses may further benefit the community by supporting the local economy, improving the appearance of commercial and industrial buildings, and allowing for the sustainable reuse of existing resources. Considering these community benefits, allow legal nonconforming uses to continue and to be improved, within appropriate limits established in the County Zoning Ordinance that address potential impacts to public health, safety and welfare. Phase out commercial and light industrial nonconforming uses that are determined by the Board of Supervisors to be significantly detrimental to public health, safety, welfare or the environment.

SECTION IV

Amend Policies 2.18.1, 2.18.2, and 2.18.3, under Objective 2.18, “Nonconforming Commercial or Light Industrial Development”, of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan/ Local Coastal Program, as follows:

Policy 2.18.1 Continuation of Non-conforming Commercial or Light Industrial Uses

~~Allow the continuation of existing legal commercial or light industrial uses * that do not conform to the activities allowed by the General Plan and LCP Land use designation of the property, provided the following criteria are satisfied: in use for three or more of the previous five years to continue (see definition in the Glossary for “Continuous History of Commercial or Light Industrial Use”), and allow maintenance of and improvements to the structure in which they are located in accordance with the provisions in the building code and County Zoning Ordinance.~~

~~The existing business is completely contained within a structure originally built for commercial or light industrial purposes, or a structure which has legally converted to commercial or light industrial use; and~~

~~The property on which the business is located has a continuous history of commercial or light industrial use [see Glossary definition of continuous History]; and~~

Attachment 2 to Exhibit A

~~The use is compatible with adjacent land uses, such that the hours of operation of the business, the noise levels, the aesthetic impacts, the environmental impacts, and traffic to the site do not significantly effect adjacent land uses: and~~

~~The use is not creating a nuisance or adversely affecting the health, safety, or welfare of area residents.~~

~~*Note: this section does not apply to Home Occupations~~

Policy 2.18.2: Changes to Nonconforming Commercial and Light Industrial Nonconforming Uses, or to ~~Alteration of Buildings Accommodating Non-conforming Commercial or Light Industrial Uses~~

~~Allow commercial or light industrial uses meeting the criteria listed in Policy 2.18.1 to continue the present use and allow normal maintenance and repair of the structure in which they are located, according to the provisions in the building code. No additional discretionary review shall be required for normal maintenance and repair. Allow expansion of the nonconforming use within existing buildings with an approved use permit.~~

Allow changes to a nonconforming use, including expansion of an existing nonconforming use throughout the building, change from one nonconforming use to another, or intensification of a nonconforming use; subject to discretionary review and appropriate findings and conditions to ensure that the change in the use will not be detrimental to public health, safety or welfare. Allow additions to or reconstruction of the building accommodating a nonconforming use with appropriate discretionary review, and subject to appropriate findings and conditions to ensure that the proposed project will not be detrimental to public health, safety or welfare.

2.18.3 Phase out of Nonconforming Commercial Uses

~~Phase out all commercial or light industrial uses that do not conform to the type of activity allowed by the General Plan and LCP Land Use designation of the property and do not meet the criteria of policy 2.18.1. Identify these uses for relocation to appropriately designated areas, and do not allow reconstruction, expansion or change of use, except to a conforming use, on these properties.~~

2.18.3 Commercial and Light Industrial Nonconforming Structures

Encourage legal nonconforming structures to be maintained and improved. Allow reconstruction after a catastrophic event, and require discretionary review for voluntary reconstruction. For nonconforming structures with a greater potential to impact public health, safety or welfare due to their location relative to a property line, right of way, or riparian corridor, require discretionary review for extensive modifications to the structure and for reconstruction after a catastrophic event, subject to appropriate conditions and findings to ensure that the proposed project will not be detrimental to public health, safety or welfare.

SECTION V

Delete Program (a) under Objective 2.18, “Non-conforming Commercial or Light Industrial Development”, of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan and Local Coastal Program, as follows:

Programs

Attachment 2 to Exhibit A

- a. ~~Work with business and property owners of legal nonconforming commercial or light industrial uses within the County RDA to assist in the relocation or conversion of those uses to uses conforming to the standards on the zoning district in which they are located.~~

SECTION VI

Amend Policy 8.4.2, in Chapter 8, "Community Design", of the Santa Cruz County General Plan and Local Coastal Program, as follows:

Policy 8.4.2 Retaining Existing Housing

Encourage the maintenance and repair of existing nonconforming single and multi-family residential structures on residentially designated land and allow reconstruction where appropriate when not found to be detrimental to the health, safety or welfare or the surrounding neighborhood. ~~Limit expansion, structural alteration, or reconstruction of existing significantly nonconforming residential structures.~~

SECTION VII

Amend the definition of "Development Activity" in the General Plan/ Local Coastal Program Glossary, as follows:

Development Activity (LCP)

Development/Development Activity is referenced in several chapters of the Santa Cruz County Code, and is defined appropriately within those chapters. See for example Chapter 13.20 (Coastal Zone Regulations), Chapter 16.10 (Geologic Hazards), 16.30 (Riparian Corridor and Wetlands Protection), and 16.32 (Sensitive Habitat Protection).

~~(LCP) Any project that includes activity in any of the following categories is considered to be development activity:~~

- ~~1) The construction or placement of any habitable structure, including a manufactured home;~~
- ~~(2) Any repair reconstruction, alteration, addition, or improvement of a habitable structure that modifies or replaces more than 50% of the total length of the exterior walls, exclusive of interior and exterior wall coverings and the replacing of windows or doors without altering their openings. This allows a total modification or replacement of up to fifty (50) percent, measured as described above, whether the work is done at one time or as the sum of multiple projects during the life of the structure;~~
- ~~(3) The addition of habitable space to any structure, where the addition increases the habitable space by more than fifty percent over the existing habitable space measured in square feet. This allows a total increase of up to fifty percent of the original habitable space of a structure whether the additions are constructed at one time or as the sum of multiple additions during the life of the structure.~~
- ~~4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard~~

Attachment 2 to Exhibit A

area, that extends the structure in a seaward direction;

5) Installation of a new foundation for a habitable structure;

6) The repair, replacement, or upgrade of more than 50% of an existing foundation of a habitable structure, or an addition to an existing foundation that is more than 50% of the original foundation area. This allows repair, upgrading or addition of up to 50%, measured as described above, whether the work is performed at one time or as the sum of multiple projects during the life of the structure (keep? No longer "development" in 16.10.)

7) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public recreational use;

8) Any change of use from a non-habitable structure to a habitable structure, according to the definition of "habitable" found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;

9) Any alteration of any structure posted "Unsafe to Occupy" due to geologic hazards;

10) Grading activities of any scale in the 100-year flood plain or the coastal hazard area, and any grading activity which requires a permit (pursuant to Chapter 16.20) elsewhere;

11) Construction of roads, utilities, or other facilities;

12) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not they require a building permit, seawalls, rip-rap erosion protection or retaining structures, and gabion baskets;

13) Installation of a septic system;

14) In the Special Flood Hazard Area, any human-made change to developed or undeveloped real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-13.

15) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazard, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review. *(Added by Res. 81-99)*

AN ORDINANCE TO AMEND CHAPTER 12.10 OF THE SANTA CRUZ COUNTY CODE TO DELETE THE ADMINISTRATIVE AMENDMENT DEFINING "STRUCTURE"; TO AMEND CHAPTER 13.10 TO DELETE THE EXISTING PROVISIONS GOVERNING NONCONFORMING USES AND STRUCTURES AND ADOPT NEW PROVISIONS, AMEND VARIOUS PROVISIONS TO FACILITATE COMMERCIAL USES, UPDATE SELECTED PARKING REGULATIONS, AND CORRECT ERRORS, OMISSIONS AND REFERENCES; TO AMEND CHAPTER 13.11 TO CLARIFY BUILDING DESIGN REVIEW CRITERIA; TO AMEND CHAPTER 16.10 TO UPDATE THE DEFINITION OF DEVELOPMENT AS IT PERTAINS TO GEOLOGIC HAZARDS; AND TO AMEND CHAPTER 18.10 TO MODIFY APPEALS AND LEVEL IV PERMIT PROCEDURES

SECTION I

Subdivision (c), "Administrative amendment – Definition of Structure for Section 1802" of Section 12.10.215, "2010 California Building Code adopted," is hereby deleted.

SECTION II

Subdivision (f) of Section 13.10.215, "Zoning Plan Amendment" of the Santa Cruz County Code, is hereby amended to read as follows:

(f) Board of Supervisors Action. The Clerk of the Board shall set a public hearing before the Board of Supervisors within thirty (30) days after the receipt of the report recommending a zoning amendment from the Planning Commission. The Board may approve, modify, or disapprove the Planning Commission's recommendation, provided that any modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the commission or changes in proposed dwelling density or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for their report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and their failure to respond within forty (40) days shall constitute approval. Any hearing may be continued from time to time.

SECTION III

Subdivision (c)3 of Section 13.10.235, "Minor Exceptions," of the Santa Cruz County Code, is hereby amended, to read as follows:

3) Noticing. Noticing shall be as provided by Sections 18.10.222 and 18.10.224.

SECTION IV

Subdivision (c)6 of Section 13.10.235, "Minor Exceptions," of the Santa Cruz County Code, is hereby

amended, to read as follows:

6) Appeal. The procedures for appeals shall be as provided by sections 18.10.310 and 18.10.324.

SECTION V

Section 13.10.260, "Nonconforming Uses -- Provisions that apply to all uses," Section 13.10.261, "Residential Nonconforming Uses," Section 13.10.262, "Nonresidential nonconforming uses" and Section 13.10.265, "Nonconforming structures," of the Santa Cruz County Code, are hereby deleted.

SECTION VI

Section 13.10.260, "Nonconforming uses and structures – general provisions," is hereby added to the Santa Cruz County Code to read as follows:

13.10.260 Nonconforming uses and structures – general provisions

(a) Purpose:

To establish regulations for nonconforming structures and uses that recognize the prevalence of legally established nonconforming uses and structures, the neighborhood benefit of well-maintained buildings, and the need to preserve and improve existing housing stock and commercial space. To allow legal nonconforming uses and structures to continue to exist, and to be improved, within appropriate parameters that address potential impacts to public health, safety and welfare. To establish a threshold for when changes to existing nonconforming uses and structures are subject to discretionary review, and establish findings for approval of discretionary permits to protect public health, safety, welfare and the environment. To establish provisions whereby nonconforming uses that are determined to be detrimental to public health, safety or welfare may be terminated by the Board of Supervisors.

(b) Definitions. The following words and phrases, whenever used in this Section, or Sections 13.10.261 or 13.10.262, shall have the following meanings:

1. **Intensification of Use, Non-Residential:** Any change or expansion of a non-residential use which will result in both a greater than 10% increase in parking need and more than two spaces or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, shall be an "intensification of use" for the purposes of this Chapter.

2. **Intensification of Use, Residential:** Any change to a residential use which will result in an increase of its number of bedrooms, as defined in Section 13.10.700(B), shall be an "intensification of use" for the purposes of this Chapter.

3. **Major Structural Components:** The foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components.

4. **Nonconforming Structure:** A structure that was lawfully erected prior to the adoption, revision or amendment of this Chapter but that does not conform with standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio currently prescribed in the

regulations for the zoning district in which the structure is located.

5. Nonconforming Use: A use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this Chapter, but does not conform to the current use standards, and density standards where applicable, of both the zone district and/ or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit.

6. Reconstruction: Modification or replacement of 75% or more of the major structural components (see 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.

(c) General Requirements.

1. Determination of Nonconforming Status. The property owner shall have the burden of proof in establishing the legal status of any nonconforming use or structure, in accordance with any administrative procedures that may be established by the Planning Director.

2. Compliance with Other Provisions of the County Code. The permits required in sections 13.10.260, 13.10.261, and 13.10.262 of this chapter are in addition to all other reviews and permits required by the Santa Cruz County Code, including requirements in Chapters 13.11, 13.20, 18.10 and in Title 16. Approvals issued pursuant to sections 13.10.260, 13.10.261, and 13.10.262 do not alter the permit and review requirements of other provisions of the Santa Cruz County Code. Work performed on a nonconforming structure or a structure accommodating a nonconforming use shall be pursuant to a building permit as required by Chapter 12.10, and shall meet the requirements of these Nonconforming Structures and Uses Regulations (sections 13.10.260, 13.10.261, and 13.10.262) unless a waiver or exception is granted as provided in these regulations. Except as provided by 13.10.262(a) 4, "Reconstruction or replacement of a nonconforming structure after a catastrophic event," or as specifically authorized by other provisions of the Santa Cruz County Code, relocation of a nonconforming structure that does not result in a conforming structure shall require either variance approval or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

3. Regulations in effect at the time of construction. 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 or operation was or will be lawfully initiated in accordance with applicable regulations in effect at the time when a planning or building permit was approved.

4. Pre-existing Parcels. A parcel that does not meet the current minimum site area, width, or frontage as required by the regulations of the zone district in which the parcel is located, or does not conform due to public dedication of right-of-way in accordance with Section 13.10.323(d)3, shall be deemed conforming and may be developed if:

(i) The parcel was legally created; and

(ii) The parcel has not been combined or merged pursuant to Sections 14.01.110 and 14.01.111.

5. Nonconforming Parking. In accordance with the limitations of Section 13.10.575, no legal existing use of land or structure shall be deemed to be a nonconforming use solely because of the lack of offstreet parking or loading facilities.

6. Exception for compliance with accessibility requirements. Work performed solely to comply with the American with Disabilities Act or with Chapter 11 of the State Building Code shall be excluded from calculations of reconstruction or alteration for the purposes of Sections 13.10.260, 13.10.261 and 13.10.262.

7. Exception for properties that have been designated as historic resources pursuant to County Code Chapter 16.42, or for corrective work on dangerous building elements. Work performed solely to comply with federal standards for rehabilitation of historic properties or with Chapter 16.42 of the County Code, or solely to comply with a notice or requirement of the County Building Official to correct dangerous building elements, shall be excluded from calculations of reconstruction or structural alteration for the purposes of Sections 13.10.260, 13.10.261 and 13.10.262.

8. Other regulations pertaining to nonconformity.

The following code sections establish additional regulations for nonconforming uses or structures:

- i. Nonconforming signs. See Section 13.10.588.
- ii. Nonconforming Greenhouses. See Section 13.10.636(c).
- iii. Nonconforming Farm Worker Housing. See Section 13.10.631.
- iv. Nonconforming Recycling Collection Facilities. See Section 13.10.658(b).
- v. "M-1" Zone District Uses Not in Compliance with Section 13.10.345(a). Uses in the "M-1" Light Industrial zone district which are not in compliance with the provisions of Section 13.10.345(a)(1-6) are considered nonconforming uses subject to Sections 13.10.345(a)(7) and 13.10.345(a)(8).
- vi. Lands designated with a "P" Combining District. Modification or expansion of uses on lands designated with a "P" Agricultural Preservation Combining District shall be processed as set forth in Section 13.10.473.
- vii. Expansion of Organized Camps with Nonconforming Densities. See Section 13.10.353(b) 3.

SECTION VII

Section 13.10.261, "Nonconforming Uses" is hereby added to the Santa Cruz County Code to read as follows:

13.10.261 Nonconforming Uses

(a) Applicability. This section applies to nonconforming uses in all zone districts.

(b) General requirements.

1. Continuation of Nonconforming Uses and Nonconforming Rights. The lawful use of land existing on the effective date of the adoption, revision or amendment of the zoning designation or of the zoning regulations that affect a property may be continued, even if the use no longer conforms to the regulations specified by Chapter 13.10 for the district in which the land is located. A nonconforming use that is not in use for at least three (3) out of the past five (5) years loses its status as a legal nonconforming use, and use of the land or site must conform to current uses allowed by the zone district. If cessation of use is caused involuntarily by fire or other catastrophic event,

nonconforming rights are retained for three (3) years after the event, by which time a building permit must be obtained and exercised to repair or reconstruct the nonconforming use in order to retain nonconforming rights. If nonconforming rights are lost due to failure of the use to be continued in three of the past five years or due to the failure to obtain and exercise a building permit within three years after a catastrophic event, and a conforming use has not been subsequently established at the site, the property owner may apply for a conditional use permit (Level 5) to reinstate the legal nonconforming use. The conditional use permit for reinstatement shall be subject to the findings required in subsection 13.10.261(f) below, as well as to all applicable requirements of the Santa Cruz County Code and General Plan/ Local Coastal Program.

2. Termination of Use. The Board of Supervisors may order a nonconforming use to be terminated, upon recommendation of the Planning Commission, if such a use represents a threat to public health, safety, welfare, or the environment, or has been determined to be a public nuisance. The Planning Commission shall conduct a public hearing 15 or more days after written notice to the operator of the nonconforming use and the property owner. If the operator and/or property owner has not made a substantial investment in furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the Order may require complete termination of the nonconforming use within a minimum of one year after the date of the Order. If the operator and/or property owner has made a substantial investment in furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the Order may require complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to public health or safety may be terminated immediately, pursuant to Chapter 1.14 of this Code. In making a recommendation or determination, the Planning Commission and the Board of Supervisors shall consider:

- (i) The total cost of land and improvements;
- (ii) The length of time the use has existed;
- (iii) Adaptability of the land and improvements to a currently permitted use;
- (iv) The cost of moving and reestablishing the use elsewhere;
- (vi) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (vii) The degree of threat to public health, safety or welfare; and
- (viii) Other relevant factors.

Failure to comply with a Board of Supervisors' Order to terminate a nonconforming use shall constitute a violation of this Chapter and shall constitute a determination that the use is a public nuisance subject to abatement in accordance with Chapter 1.14 of the Code.

3. Dwelling groups: Conforming unit. Where two or more residential dwelling units exist on a parcel of land as nonconforming units because the zoning of the property no longer allows more than one primary dwelling unit, one of the units shall be deemed as conforming to the zone district. The owner may choose, one time only, which unit shall be considered as conforming. Accordingly, that unit may be repaired, structurally altered, enlarged, or reconstructed in accordance with the site and structural dimensions of the zone district in which the parcel is located. The other unit(s) shall be considered nonconforming and subject to the requirements of this Section.

(c) Changes to nonconforming uses: Permits required.

1. Modifications to a structure accommodating an existing nonconforming use.

The following types of modifications may be allowed to a structure that accommodates a nonconforming use, subject to obtaining the required permit and to the required findings noted in section (f) below.

Modifications to a structure accommodating a nonconforming use	Permit Required
Repairs and improvements to an existing structure, altering up to 75% of the major structural components	Permitted upon issuance of a building permit and any approvals that may be required by other sections of the County Code and General Plan/ Local Coastal Program.
Reconstruction (as defined in 13.10.260(b) 6) of an existing structure	Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))
Conforming additions, limited to once within a 5-year period	Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))
Reconstruction (as defined in 13.10.260(b) 6) of a structure accommodating a nonconforming use after a catastrophic event.	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))

2. Modifications to an existing nonconforming use

The following changes related to an existing legal nonconforming use may be allowed, subject to obtaining the required permit and to the required findings noted in section 13.10.261(f) below.

Type of Change to a Nonconforming Use	Permits Required
Expansion of an existing nonconforming use throughout an existing structure, with no intensification of the use	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))
Intensification of an existing nonconforming use as defined in 13.10.260(b)(2) for residential uses and 13.10.260(b)(1) for non-residential uses	Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))
Change of an existing nonconforming use to another nonconforming use with no intensification	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))
Change of existing nonconforming use to another nonconforming use with intensification	Conditional Use Permit (Level 5 Approval)

as defined in 13.10.260(b)(2) for residential uses and 13.10.260(b)(1) for non-residential uses	(See subsections 13.10.261(e) and (f))
-------------------------------------------------------------------------------------------------	----------------------------------------

(d) Procedures for Administrative Use Permit

1. Procedures for an Administrative Use Permit shall be in accordance with those established for Level 4 Approvals in Chapter 18.10. In addition, the findings in subsection 13.10.261(f) below shall be required for approval of an administrative use permit.

(e) Procedures for a Conditional Use Permit.

1. Procedures for a Conditional Use Permit shall be in accordance with those established for Level 5 Approvals in Chapter 18.10, including the requirement for a public hearing. In addition, the findings in 13.10.261(f) below shall be required for approval of a conditional use permit.

(f) Findings. Approval of an Administrative or Conditional Use Permit pursuant to subsections 13.10.261 (d) and (e) above is subject to the following findings:

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances.

3. That the proposed use will not overload utilities, and will not generate more than an acceptable level of traffic on streets in the vicinity.

4. That the proposed project, as it may be conditioned, will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

5. That additional parking requirements created by the project can be met in accordance with Section 13.10.551.

6. That the proposed project will not significantly impair economic development goals or key land use goals of the General Plan.

7. For a change of a use to a different nonconforming use of a site, conformance with uses currently allowed for the zone district is not feasible due to conditions on the site and surrounding land uses, or due to economic conditions.

8. For a nonconforming commercial, industrial or residential use on a site adjacent to residential property, the proposed modification to the nonconforming use, or the proposed reestablishment of a legal nonconforming use pursuant to subsection 13.10.261(b)1, does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences, and does not create excessive noise, vibration, illumination, glare, odors, dust, dirt, smoke or hazards such as

noxious fumes to a level that substantially exceeds that of the existing or former legal nonconforming use of the site.

SECTION VIII

Section 13.10.262, "Nonconforming structures," is hereby added to the Santa Cruz County Code to read as follows:

13.10.262 Nonconforming structures

(a) Changes to Nonconforming Structures: Permits required.

1. Modifications to an existing nonconforming structure within a consecutive five-year period that do not constitute reconstruction as defined by Section 13.10.260(b)(6) are permitted upon issuance of a building permit and any approvals that may be required by other sections of the County Code .
2. Conforming Additions. Conforming additions that do not increase the nonconforming dimensions of the structure are permitted upon issuance of a building permit and any approvals that are required by other sections of the County Code. Nonconforming additions are not permitted.
3. Reconstruction. Reconstruction of a nonconforming structure requires an Administrative Site Development Permit (see 13.10.262 (b) below). Except as provided by 13.10.262(a)4, "Reconstruction or replacement of a nonconforming structure after a catastrophic event," or as specifically authorized by other provisions of the Santa Cruz County Code, any relocation of a nonconforming structure shall require approval of a variance or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

(i) Exception establishing lower threshold for discretionary review of modifications to nonconforming structures with certain property line, riparian corridor or right of way conditions:

Nonconforming structures located over a property line, within a riparian corridor, within five (5) feet of a vehicular right-of-way or within five (5) feet of a planned vehicular right-of-way improvement may potentially impact the natural environment or public health, safety or welfare. To provide the opportunity to address potential impacts, modification of more than 50% of the major structural components of such nonconforming structures within any consecutive 5-year period requires an Administrative Site Development Permit. The Planning Director may waive this exception establishing a lower threshold of review if, after a preliminary review of the project and the affected riparian corridor, right-of-way or property line, the Planning Director determines that this exception is not necessary to insure that the proposed project will not adversely affect the natural environment or public health, safety or general welfare. If the exception is waived, the requirements for reconstruction or replacement specified in 13.10.262(a) 1-3 shall apply. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.

(ii) Exception for structures designated as historic resources:

Modifications to a nonconforming structure which has been designated as a historic resource pursuant to County Code Chapter 16.42 are permitted upon issuance of only those building permits and/or development permits that are required by other Sections of the County Code, including Chapter 16.42, if one or more of the following criteria are met:

A. The proposed modification or addition conform to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, and does not increase the nonconforming dimensions of the structure; or

B. The proposed modification or addition does not conform to the lot coverage, yard setback, floor area ratio or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure and does not expand the perimeter foundation line 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; or

C. The proposed modifications are required to provide access for persons with disabilities to the structure.

(iii) Exception for corrective work on dangerous building elements:

Work performed to comply with a notice or requirement of the County Building Official to correct dangerous building elements shall not count towards overall limits on reconstruction in Section 13.10.262(a) 3.

4. Reconstruction or replacement of a nonconforming structure after a catastrophic event.

Reconstruction or replacement of a legal nonconforming structure after a catastrophic event is allowed upon issuance of a building permit and any other approvals that may be required by other sections of the County Code if the reconstructed or replacement structure 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 considered without the need for an Administrative Site Development Permit, if the Planning Director finds that the new location results in greater conformance with code requirements. Relocation that does not result in greater conformance with code requirements requires variance approval in accordance with Section 13.10.230 or Minor Exception pursuant to 13.10.235. (Note: Additional reviews or permits may be required for reconstruction after a catastrophic event by other provisions of the Santa Cruz County Code, including Title 16 and Chapter 13.20. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.)

(i) Exception establishing lower threshold of review for properties with certain property line, riparian corridor or right of way conditions:

Nonconforming structures located over a property line, within a riparian corridor, within five (5) feet of a vehicular right-of-way or within five (5) feet of a future planned vehicular right-of-way improvement may potentially impact the natural environment or public health, safety or general welfare. To provide the opportunity to address potential impacts, repair or reconstruction of such a nonconforming structure after a catastrophic event involving the modification of more than 75% of the major structural components requires an administrative site development permit. The Planning Director may waive this exception if, after a preliminary review of the project and affected riparian corridor, right-of-way or property line, the Planning Director determines that this exception is not necessary to insure that the proposed project will not adversely affect the natural environment or public health, safety or general welfare. If the exception is waived, the requirements for reconstruction or replacement specified in the first paragraph of 13.10.262(a) 4 shall apply. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.

(b) Procedures for a Nonconforming Structure Administrative Site Development Permit.

Procedures for an Administrative Site Development Permit as required pursuant to Section 13.10.262 shall be in accordance with those established for Level 4 Approvals in Chapter 18.10, subject to the additional findings in subsection (c) below. In addition, the project shall be reviewed for compliance with criteria in Section 13.11.073, Building Design.

(c) Findings. The following findings apply to Site Development Permits for nonconforming structures as required under Section 13.10.262(a):

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.
2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances and the purpose of the zone district in which the site is located.
3. That the proposed structure and use is in substantial conformance with the County General Plan and with any Specific Plan which has been adopted for the area.
4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.
5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.
6. Any additional parking requirements created by the project can be met in accordance with Section 13.10.551.
7. The proposed project will not significantly impair economic development goals or key land use goals of the General Plan.
8. For nonconforming commercial, industrial or residential structures adjacent to residential property, the nonconforming structure does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences.
9. For nonconforming structures over a property line, within a riparian corridor, or within 5 feet of an existing or planned right-of-way, the proposed project has been conditioned to require greater conformance to current site development standards, or has been required to eliminate the nonconformity where feasible, considering economic factors and site conditions including size, shape, topography, existing development or improvements, and environmental constraints.
10. For projects within a riparian corridor, a condition of approval of the site development permit has been imposed to require riparian protection, preservation and/or enhancement on the site, as reasonably related to the project and in accordance with General Plan policy 5.2.2.

SECTION IX

Subdivision (a) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(a) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "CA" Commercial Agriculture Zone District, in the "A" Agriculture Zone District, or in the "AP" Agricultural Preserve Zone District unless that use is either (1) listed in Section 13.10.312 of this Chapter as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION X

Subdivision (b) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) It shall be unlawful for any person to establish, cause or permit a new use of land, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "RA" Residential Agricultural Zone District, in the "RR" Rural Residential Zone District, in the "R-1" Single-Family Residential Zone District, in the "RB" Ocean Beach Residential Zone District, or in the "RM" Multi-Family Residential Zone District unless that use is either (1) listed in Section 13.10.322 of this Chapter as a permitted use in the residential zone district in which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XI

Subdivision (c) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(c) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand or intensify an existing use of land, or construct, enlarge, or move a building for a use of land located in the "PA" Professional Administrative Office Zone District, in the "VA" Visitor Accommodations Zone District, in the "C-1" Neighborhood Commercial Zone District, in the "CT" Tourist Commercial Zone District, in the "C-2" Community Commercial Zone District, or in the "C-4" Commercial Services Zone District unless that use is either (1) listed in Section 13.10.332 of this Chapter as a permitted use in the commercial zone district in which the land is located and a Development Permit has been

obtained and is in effect which authorizes that discretionary use; or (2) is a legal non-conforming use or structure in conformance with 13.10.260, 13.10.261 and 13.10.262.

SECTION XII

Subdivision (d) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(d) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "M-1" Light Industrial Zone District, in the "M-2" Heavy Industrial Zone District, or in the "M-3" Mineral Extraction Industrial Zone District unless that use is either (1) listed in Section 13.10.342 of this Chapter as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XIII

Subdivision (e) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(e) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PR" Parks, Recreation and Open Space Zone District unless that use is either (1) listed in Section 13.10.352 of this Chapter as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XIV

Subdivision (f) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(f) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PF" Public and Community Facilities Zone District unless that use is either (1) listed in Section 13.10.362 of this Chapter as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public

and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XV

Subdivision (g) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "TP" Timber Production Zone District unless that use is either (1) listed in Section 13.10.372 of this Chapter as a permitted use in the Timber Production Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Timber Production Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XVI

Subdivision (h) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "SU" Special Use Zone District unless that use is either (1) listed in Section 13.10.382 of this Chapter as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Special Use Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262. (Ord. 4390A, 4/2/96; Ord. 4496-C, 8/4/98)

SECTION XVII

Subdivision (e)5(B) of Section 13.10.323, "Development standards for residential districts," of the Santa Cruz County Code, is hereby amended to read as follows:

(B) With Design Review. Building heights up to a maximum of thirty three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer or Planning Director (or designee), and subject to approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10.

SECTION XVIII

Subdivision (e)6(B) of Section 13.10.323, "Development standards for residential districts," of the

Santa Cruz County Code is hereby amended to read as follows:

(B) Side and Rear Yards.

- i. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines.
- ii. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines;
- iii. Garden trellises, garden statuary, birdbaths, freestanding barbeques, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps and similar HVAC equipment and ground-mounted solar systems, if not exceeding six (6) feet in height, are not required to maintain side and rear yard setbacks and are excluded in the calculation of allowable lot coverage.

SECTION XIX

The first paragraph of Subdivision (d) of Section 13.10.325, "Large dwelling permit requirements and design guidelines," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Large Dwelling Design Guidelines. New large dwellings and related accessory structures regulated by this Section are subject to the following design guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer, Planning Director and Zoning Administrator in reviewing applications.

SECTION XX

The "KEY" and the section under the subheading, "Commercial change of use within existing structures," both of the "Commercial Uses Chart" of Subdivision (b) of Section 13.10.332, are hereby amended to read as follows:

Commercial Uses Chart

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site
P = Principal permitted use (see Section 13.10.332(a)); no use approval necessary if "P" appears alone

- 1 = Approval Level I (administrative, no plans required)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)

- 5 = Approval Level V (public hearing by Zoning Administrator required)
 6 = Approval Level VI (public hearing by Planning Commission required)
 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
 — = Use not allowed in this zone district
 * = Level IV for projects of less than 5,000 square feet
 = Level V for projects of 5,000 to 20,000 square feet
 = Level VI for projects of 20,000 square feet and up

USE	PA	VA	CT	C-1	C-2	C-4
Commercial change of use within existing structures:						
Change of use in accordance with an approved master occupancy program	1	1	1	1	1	1
Change of use subject to the Felton or Ben Lomond town plan, the Boulder Creek Specific Plan or the Soquel, Seacliff or Aptos village plan, to a use in conformance with the applicable plan and not resulting in an intensification of use	1	1	1	1	1	4
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will not result in an intensification of use	1	1	1	1	1	4/5/6*
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will result in an intensification of use	4	4	4	4	4	4/5/6*
Change from a use not approved by a valid development (use) permit, to another use allowed in the zone district for projects of:						
Under 5,000 sq. ft.	4	4	4	4	4	4
5,000-20,000 sq. ft.	4	4	4	4	4	5
Over 20,000 sq. ft.	4	5	5	5	5	6

(For legal, nonconforming uses, see Sections 13.10.260 and .261 for additional requirements)

SECTION XXI

Subdivision (b), "Allowed uses," of Section 13.10.332, "Commercial uses" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses," and the levels of approval associated with that category.

SECTION XXII

Subdivision (b), "Allowed uses," of Section 13.10.332, "Commercial uses" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses," and the levels of approval associated with that category.

SECTION XXIII

Subdivision (b), "Allowed Uses," of Section 13.10.342, "Uses in industrial districts" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses," and the levels of approval associated with that category.

SECTION XXIV

Subdivision (b), "Allowed Uses," of Section 13.10.342, "Uses in industrial districts" of the Santa Cruz County Code, is hereby amended by deleting the category, "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses," and the levels of approval associated with that category.

SECTION XXV

Subdivision (b)3 of Section 13.10.353, "Development standards in the Parks, Recreation and Open Space "PR" District," of the Santa Cruz County Code, is hereby amended, to read as follows:

3. Expansion of Organized Camps with Nonconforming Densities. For expansion of existing camps with use permits and nonconforming density, the densities of new facilities shall be calculated independent of existing nonconforming densities and shall be based solely on the number of matrix units the new land acquisition merits. Where the new land acquisition is contiguous with the parcel containing the nonconforming use, the facilities resulting from the matrix units for the land acquisition may, at the discretion of the Planning Commission and the Board of Supervisors, be located anywhere on the applicant's holdings. These provisions shall not be construed to prevent the Board of Supervisors from abating nonconforming uses or structures pursuant to Sections 13.10.260, 13.10.261 and 13.10.262 of the Zoning Ordinance where such facilities are found to create a public health hazard or a public nuisance or to be environmentally degrading.

SECTION XXVI

Subdivision (a) of Section 13.10.551, "Off-street parking facilities required," of the Santa Cruz County Code, is hereby amended to read as follows:

In all districts, in connection with every use, there shall be provided at the time of initial occupancy of a site, or construction of a structure, or major alteration or enlargement of a site or structure, off-street parking space for automobiles and bicycles in accordance with requirements prescribed in this Chapter, except as otherwise provided in this paragraph and as provided in (c) below for historic resources, as defined in Section 16.42.030. 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 an addition, remodel or change of residential use which would increase the number of parking spaces required by more than 10 percent of the total required; or an addition, remodel or change of non-residential use which would increase the number of required parking spaces by both more than 10 percent and more than two spaces. 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.

For any major alteration or enlargement affecting a non-residential structure or use for which the existing parking is or would become nonconforming, additional off-street parking shall be required only for the additional increment of square footage or use.

The planning director may authorize a reduction in the number of parking spaces in an existing parking area, to the extent necessary and appropriate to provide accessibility upgrades to existing buildings or parking areas in accordance with building code requirements.

SECTION XXVII

In Subdivision (b) of Section 13.10.552, "Schedule of off-street parking space requirements," of the Santa Cruz County Code, the use "Supermarkets, convenience stores" is hereby added after the use "Retail stores and service establishments;" and the uses "Business Offices," "Medical Offices," "Libraries, museums, art galleries" and "Retail stores and service establishments" and associated footnotes, are hereby amended, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Business Offices	1 per 300 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Medical Offices	1 per 200 sq. ft. of gross floor area; two minimum*	1 per 1000 sq. ft. of gross floor area*; 2 minimum

Libraries, museums, art galleries	1 per 300 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Retail stores and service establishments	1 per 300 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Supermarkets, convenience stores	1 per 200 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
* Exclude any floor area used only for storage or truck loading.		

SECTION XXVIII

Subdivision (c) of Section 13.10.552, "Schedule of off-street parking requirements", of the Santa Cruz County Code, is hereby amended to read as follows:

(c) Other Uses. Any use not specified in this schedule shall require the same number of spaces as the most similar use, as determined by the Approval Body or, if it can be shown that a use is not expected to utilize the required number of spaces, and assurance is given by recorded indenture, or other means, that the required number of spaces will be provided when the use or circumstances of occupancy change, then a different parking requirement may be authorized by a Level IV Approval.

SECTION XXIX

The title of Section 13.10.553, "Variations to requirements," is hereby amended to read as follows:

13.10.553 Alternate parking requirements.

SECTION XXX

Subdivision (b) of Section 13.10.553, "Variations to requirements," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) Shared Parking. Parking reductions for two or more uses that share parking may be authorized by a Level 4 Use Approval. The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required for the single use among those proposed which is required to provide the most parking. Where the shared parking involves two or more separately owned properties, the owners of the properties shall enter into a legal agreement that describes access, use and maintenance of the shared parking. The reduction(s) shall be quantitatively justified by one or more of the following criteria applied to the participating uses:

1. The uses occur at separate times of day.
2. The uses overlap, but their peak hours occur at different times of day.
3. The uses are complimentary or foster multipurpose trips.
4. The uses serve seniors, youth or other demographic groups known for below-average rates of vehicle ownership.
5. Valid statistical parking data from the site, neighborhood or applicable larger area indicate an appropriate level for shared parking.
6. The parking reduction is commensurate with the level of vehicle activity typically associated with the proposed use(s), site location or incremental change in site floor area or intensity of use.

Any applicant proposing a parking reduction pursuant to section 13.10.553(b) shall submit a parking study prepared by a qualified, independent, professional transportation planner or transportation engineer. The analysis shall: (1) recommend an appropriate parking reduction based on the above criteria, and, (2) where the shared parking involves separately owned properties, recommend terms of the associated parking agreement. The requirement for a parking study may be waived by the Planning Director if the proposed parking reduction is clearly proportionate to the proposed and possible future uses involved.

SECTION XXXI

The first paragraph of Subdivision (d) of Section 13.10.553, "Variations to requirements," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Transportation and Parking Demand Management. Parking requirements prescribed for any use or combination of uses on the same or adjoining sites may be reduced by the Approving Body based upon a detailed Alternate Transportation and Parking Demand Management Program supplied by the applicant, and certified by the County, which may include, but is not limited to, provision of special transit incentives for employees, the operation of effective pooling programs, priority parking for carpools, charter buses, club buses, company cars, employer's contribution to bus service cost, home delivery services, or flexible work hours. Any proposed reduction greater than 20 percent shall include adequate evidence supporting the validity of a larger reduction.

SECTION XXXII

The first paragraph of Subdivision (b) of Section 13.10.658, "Recycling facilities," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) The following recycling collection facilities, which were in existence on July 23, 1987, are legal non-conforming uses in the zone district in which they are located and are subject to Sections 13.10.260, 13.10.261 and 13.10.262 of the Santa Cruz County Code, provided that all such collection

facilities are associated with a legal conforming use and can demonstrate permission from the property owner to occupy the site:

SECTION XXXIII

The definition for "Intensification of Use, Commercial" in Section 13.10.700-I of the Santa Cruz County Code is hereby amended to read as follows:

Intensification of Use, Non-residential. Any change or expansion of a non-residential use which will result in both a greater than 10% increase in parking need and more than two spaces, or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use and/or sewage generation shall be an "intensification of use" for purposes of this chapter. (Ord. 4285, 12/14/93; 4525, 12/8/98)

SECTION XXXIV

Section 13.10.700-M of the Santa Cruz County Code is hereby amended by adding the definition for "Major Structural Components" after the definition for "M-3," to read as follows:

Major Structural Components. The foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components.

SECTION XXXV

The definition for "Nonconforming Structure" in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

Nonconforming Structure. A structure that was lawfully erected prior to adoption, revision or amendment of this chapter but that does not conform with standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.

SECTION XXXVI

The definition for "Nonconforming Use" in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

Nonconforming use. A use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this chapter but does not conform to the current use standards, and density standards where applicable, of both the zone district and/or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit. (Ord. 4525, 12/8/98)

SECTION XXXVII

The definition for "Ordinary Maintenance and Repair in Kind" in Section 13.10.700-O of the Santa Cruz County Code is hereby deleted.

SECTION XXXVIII

The definition for "Reconstruction" in Section 13.10.700-R of the Santa Cruz County Code is hereby amended to read as follows:

Reconstruction. Modification or replacement of 75% or more of the major structural components (see 13.10.700-M) 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. (Ord. 4525, 12/8/98)

SECTION XXXIX

The definition for "Significantly Nonconforming Use" in Section 13.10.700-S of the Santa Cruz County Code is hereby deleted.

SECTION XL

The definition for "Structural Alteration" in Section 13.10.700-S of the Santa Cruz County Code is hereby amended to read:

Structural Alteration. Modification or replacement of more than ten percent (10%) and less than seventy-five percent (75%) of the major structural components of an existing structure within any consecutive five-year period. Window replacement without alteration of framing shall not be considered a structural alteration. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director.

SECTION XLI

Subdivision (b) of Section 13.11.073, "Building design," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. The building elements listed below shall be reviewed to achieve a level of neighborhood compatibility appropriate to the architectural style, character and identity of both the proposed new building and the

neighborhood:

- (A) Massing of building form.
 - (B) Building silhouette.
 - (C) Spacing between buildings.
 - (D) Street face setbacks.
 - (E) Character of architecture.
 - (F) Building scale.
 - (G) Proportion and composition of projections and recesses, doors and windows, and other features.
 - (H) Location and treatment of entryways.
 - (I) Finish material, texture and color
- (2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.

SECTION XLII

Subdivision (s) of Section 16.10.040, "Definitions," of the Santa Cruz County Code, is hereby amended to read as follows:

(s) Development/Development Activities. For the purposes of this chapter, and this chapter only, any project that includes activity in any of the following categories is considered to be development or development activity. This chapter does not supersede Section 13.20.040 for purposes of determining whether a certain activity or project is considered development that requires a coastal permit; some activities and projects will require coastal permits although they do not fall under the following specific definition.

- (1) The construction or placement of any habitable structure, including a manufactured home and including a non-residential structure occupied by property owners, employees and/or the public;
- (2) Modification, reconstruction or replacement of 75% of the major structural components -- consisting of the foundation, floor framing, exterior wall framing, and roof framing -- of an existing habitable structure within any consecutive five-year period, or modification, reconstruction or replacement of 50 (fifty) percent of the major structural components of an existing critical structure or facility, as defined by this chapter, within any consecutive five-year period, whether the work is done at one time or as the sum of multiple projects. For the purpose of this section, the following are not considered major structural components: exterior siding; non-structural door and window replacement; roofing material; decks; chimneys; and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing fixtures. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director;

- (3) The addition of habitable square footage to any structure, where the addition increases the habitable square footage by more than fifty (50) percent or 500 square feet, whichever is greater, over the existing habitable space within a consecutive five-year period. This allows a total increase of up to fifty (50) percent of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions over a consecutive five-year period;
- (4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the existing structure in a seaward direction;
- (5) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public use;
- (6) Any change of use from non-habitable to habitable use, according to the definition of "habitable" found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;
- (7) Any repair, alteration, reconstruction, replacement or addition affecting any structure that meets either of the following criteria:
1. Posted "Limited Entry" or "Unsafe to Occupy" due to geologic hazards, or
 2. Located on a site associated with slope stability concerns, such as sites affected by existing or potential debris flows;
- (8) Grading activities of any scale in the 100-year floodplain or the coastal hazard area, and any grading activity which requires a permit pursuant to Chapter 16.20;
- (9) Construction of roads, utilities, or other facilities;
- (10) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not a building permit is required, sea walls, rip-rap erosion protection or retaining structures, and gabion baskets;
- (11) Installation of a septic system;
- (12) Any human made change to developed or undeveloped real estate in the Special Flood Hazard Area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-11;
- (13) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazards, or that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review. (Ord. 4024, 10/24/89; 4080, 9/11/90)

SECTION XLIII

Article V, "Noticing Procedures" of the subdivision "Sections:" found at the start of Chapter 18.10, "Chapter 18.10 PERMIT AND APPROVAL PROCEDURES," of the Santa Cruz County Code, is hereby amended to read as follows:

Article V. Noticing Procedures

- 18.10.221 Level I through Level III (Field visit)—Public listing.
- 18.10.222 Level IV (Public Notice)—Notice of pending action.
- 18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)—Notice of public hearing.
- 18.10.224 Notice of proposed development for Level IV through Level VII.
- 18.10.230 Findings required.
- 18.10.240 Permit conditions.

SECTION XLIV

Article VI, "Appeal Procedures," of the subdivision "Sections:" found at the start of Chapter 18.10, "Chapter 18.10 PERMIT AND APPROVAL PROCEDURES," of the Santa Cruz County Code, is hereby amended to read as follows:

- 18.10.310 General appeal procedures.
- 18.10.320 Appeals to Planning Director—From Level I through Level III (Field visit).
- 18.10.324 Appeals to Zoning Administrator—From Level IV (Planning).
- 18.10.330 Appeals to Planning Commission—From Level V (Zoning Administrator).
- 18.10.332 Planned Unit Development—Hearings.
- 18.10.340 Appeals to Board of Supervisors—From Level VI (PC).
- 18.10.350 Special consideration by Board of Supervisors.
- 18.10.360 Appeals to Coastal Commission.

SECTION XLV

Subdivision (a) of Section 18.10.112, "Processing levels," of the Santa Cruz County Code, is hereby amended to read as follows:

(a) Administrative Permits and Approvals. The following reviews shall be conducted and permits shall be acted upon by the Planning Director or his or her authorized designee charged with the administration of this Chapter.

- (1) Processing Level I includes planning review and administrative action on permits based on a description of the project.
- (2) Processing Level II (Plans required) includes planning review and administrative action on permits based on building plans as well as a description of the project.
- (3) Processing Level III (Field visit required) includes planning review that involves one or more visits to the site by staff planners in conjunction with review of the project description and plans prior to administrative action on permits.
- (4) Processing Level IV (Public Notice) includes those projects for which plans are required, field visits are conducted, and for which public notice is provided prior to administrative action

on permits – in the form of posting of the property, notice posted on the County Planning Department website, notice to each member of the Board of Supervisors and mailed notice to the owners and occupants of the subject and surrounding properties.

SECTION XLVI

Table 18.10.121 of Section 18.10.121 "Summary chart of review process," of the Santa Cruz County Code, is hereby amended to read as follows:

Table 18.10.121							
SUBMITTALS REQUIRED	PROCESSING LEVEL						
	1	2	3	4	5	6	7
(See Section 18.10.210)	X	X	X	X	X	X	X
Application form, fee project description			X	X	X	X	X
Plot plan, building plans			X	X	X	X	X
Site development plans			X	X	X	X	X
Results of neighborhood meeting (see Sections 18.10.210 and 18.10.211)						X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X
PUBLIC NOTICES REQUIRED	PROCESSING LEVEL						
	1	2	3	4	5	6	7
(See Sections 18.10.221 through 18.10.223)	X	X	X				
List of official action				X			
Notice of pending action posted on County Planning Department website				X	X	X	X*
Notice of pending action or public hearing posted on project site				X	X	X	X
Notice of proposed development sign placed on site by applicant				X	X	X	X*
Notices of pending action or public hearing mailed by County to owners of property within 300 ft and to occupants within 100 feet and to the subject property						X	X
Legal advertisement of public hearing						X	X
* Required for both Planning Commission and Board of Supervisors hearings							
APPROVING BODY	PROCESSING LEVEL						
	1	2	3	4	5	6	7
(See Section 18.10.112)	X	X	X	X			
Planning Director or designated person					X*		
Zoning Administrator						X*	X
Planning Commission							X*
Board of Supervisors							X*

* and California Coastal Commission if appealed
(Ord. 3604, 11/6/84; 4044, 1/9/90; Ord. 4496-C, 8/4/98; Ord. 4818 § 1, 3/7/06)

SECTION XLVII

Section 18.10.222, "Level IV (Public notice)—Notice of application submittal," of the Santa Cruz County Code, is hereby amended to read as follows:

18.10.222 Level IV (Public notice)—Notice of pending action.

(a) Procedures. Public notice of pending action on a permit application pursuant to Level IV. Not less than twenty-one (21) calendar days prior to the County taking action on a Level IV application, public notice shall be given in the following ways:

1. The County shall mail notice via postcard or letter to the applicant, to the owners of the subject property, to the owners of all property within three hundred (300) feet of the exterior boundaries of the subject property and to all lawful occupants of properties within one hundred (100) feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on a mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.
2. Posting on the County of Santa Cruz Planning Department website.
3. Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail.

(b) Not less than ten (10) calendar days following the date of the United States Postal Service postmark on the Notice of Pending action mailed pursuant to (a)1 in the preceding paragraph, the Notice of Pending Action shall be posted on the property in a conspicuous place.

(c) Contents of Notice. The contents of the notice shall be as follows:

- (1) Location of the proposed project.
- (2) Name of the applicant.
- (3) Description of the proposed use.
- (4) How further information may be obtained and how to submit information on the proposed project.
- (5) Date on or after which a decision will be made on the project.
- (6) Final date on which comments will be accepted.
- (7) Description of the appeal procedure.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

SECTION XLVIII

Section 18.10.320, Appeals to Planning Director—from Level I (No Plans) through Level IV (Public Notice)," of the Santa Cruz County Code, is hereby amended to read as follows:

18.10.320 Appeals to Planning Director—from Level I through Level III (Field Visit).

(a) Who May Appeal. Any decisions or actions of any staff person charged with the administration of this chapter may be administratively appealed to the Planning Director. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within fourteen (14) calendar days of the decision.

(b) Planning Director's Action. The Planning Director shall commence consideration of every appeal filed pursuant to this Chapter from acts or determinations at Levels I-III by reviewing the application file within twenty (20) business days of the submittal of the appeal. The Planning Director may decide the appeal on the basis of the written appeal, or may review the appeal with the applicant and/or the appellant. The decision of the Planning Director on the appeal shall be made in writing, and shall be provided to the applicant and/or the appellant within sixty (60) calendar days of the submittal of the appeal, unless the appellant agrees, in writing, to a longer period. (Ord. 746, 1/8/62; 1704, 4/25/72; 3639, 3/26/85; 4044, 1/9/90; 4075, 6/24/90; 4500-C, 8/4/98)

SECTION XLIX

Section 18.10.324, "Appeals to the Zoning Administrator from Level IV (Public Notice)," of the Santa Cruz County Code, is hereby added after Section 18.10.320, to read as follows:

18.10.324 Appeals to Zoning Administrator—From Level IV (Public Notice).

(a) Who May Appeal. Any person whose interests are adversely affected by a Level IV determination may appeal the determination to the Zoning Administrator. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within fourteen (14) calendar days of the decision.

(b) Notice of Hearing. Upon receipt of a notice of appeal from an act or determination at Level IV, Planning Director or designee shall schedule a hearing to occur before the Zoning Administrator or, if public concern or other circumstances warrant, the Planning Commission. The date of the scheduled hearing shall be no more than sixty (60) calendar days after the date on which the notice of appeal is received. If no regular meeting of the Zoning Administrator (or Planning Commission, if applicable) is scheduled to occur within 60 calendar days after the date of receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the applicable body. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of an appeal hearing before the Zoning Administrator shall be given as provided by 18.10.222. Decisions by any reviewing body on the appeal shall be made in writing and shall be provided to the applicant and/or the appellant.

(c) Any person whose interests are adversely affected by a determination of the Zoning Administrator on an appeal of a Level IV determination may appeal the decision to the Planning Commission. Level IV appeals to the Planning Commission, whether direct or following an appeal reviewed by the Zoning

Administrator, shall be processed as prescribed by 18.10.330.

(d) Any person whose interests are adversely affected by an appeal determination of the Planning Commission regarding a Level IV determination may appeal the decision to the Board of Supervisors. Level IV appeals to Board of Supervisors shall be processed as prescribed by 18.10.340.

SECTION L

Subdivision (b) of Section 18.10.330, "Appeals to Planning Commission—From Level V (Zoning Administrator)," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) Notice of Hearing. Upon receipt of a notice of appeal from an act or determination at Level V, the Planning Director or designee shall schedule a hearing to occur before the Planning Commission. The date of the scheduled hearing shall be no more than 60 calendar days following the date of receipt of the notice of appeal. If no regular meeting of the Planning Commission is scheduled to occur within 60 calendar days after receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the Planning Commission. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of the appeal hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to section 18.10.224.

SECTION LI

Subdivision (e)1 of Section 18.10.340, "Appeals to Board of Supervisors—From Level VI (PC)" of the Santa Cruz County Code, is hereby amended, to read as follows:

1. If the Board, by a majority vote, determines to take jurisdiction for further review, the Planning Director or designee shall schedule a public hearing before the Board. The date of the scheduled hearing shall be no more than 60 calendar days following the decision to take jurisdiction. If no regular meeting of the Board of Supervisors is scheduled to occur within 60 calendar days after the decision to take jurisdiction, the scheduled hearing date shall be that of the next regular meeting of the Board of Supervisors. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of the hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to section 18.10.224, and no neighborhood meeting regarding the appeal hearing shall be required pursuant to section 18.10.211.

SECTION LII

This Ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone and on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later, inside the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2012 by the following vote:

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

Chair of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

Copies to: County Counsel
Planning Department

PROPOSED AMENDMENTS TO THE SANTA CRUZ COUNTY GENERAL PLAN/ LOCAL COASTAL PROGRAM

SECTION I

Amend the “Land Use and Development Framework” Section, under the subheading “General Land Use Policies Planning Framework”, of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan and Local Coastal Program, inserting the following paragraph on page 2-3 between the paragraph beginning with “In addition to directing where growth will occur in the County,” and the paragraph beginning with “In 1990, voters adopted an environmental ordinance known as Measure C...”:

Although Santa Cruz County was formed in 1850, the first Zoning Ordinance was not adopted until the late 1950’s, and it has been amended frequently since that time. Consequently, there are legally established uses that do not conform with uses currently allowed by the zone district or General Plan land use designation, and many legally built structures that do not conform to current site standards for the zone district. Although nonconforming, these legal uses and structures often contribute to the community, providing housing, architectural character, a sense of history, and contributing to economic vitality. Allowing legal nonconforming uses and structures to be appropriately maintained and improved contributes to the upkeep and appearance of residential and commercial areas; supports existing businesses and housing; and reducing the pressure to develop outside the Urban Services Line by encouraging the continued use of previously developed sites and existing buildings. Policies in the Housing Element, Land Use Element, as well as regulations the Zoning Ordinance, support the continuation, maintenance, and improvement of existing, legal, nonconforming structures and uses within defined parameters.

SECTION II

Add Policy 2.1.17 under Objective 2.1 of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan and Local Coastal Program, to read as follows:

2.1.17 Nonconforming Uses and Structures

a) Nonconforming Uses: Allow existing legal nonconforming uses in use for three or more of the previous five years to continue, and require discretionary review to reestablish a nonconforming use that has lapsed. Require discretionary review for expansion, changes, or intensification of legal nonconforming uses with appropriate conditions to address potential impacts to public health, safety and welfare. Provide a process whereby the Board of Supervisors may terminate any nonconforming use that is significantly detrimental to public health, safety, welfare or the environment. For a structure accommodating a nonconforming use, encourage maintenance, repairs, and improvements. Require appropriate discretionary review for reconstruction, subject to appropriate findings and conditions to ensure that the proposed project will not be detrimental to public health, safety or welfare.

b) Nonconforming Structures: Encourage legal nonconforming structures to be maintained and improved. Allow reconstruction after a catastrophic event, and require discretionary review for voluntary reconstruction. Require an increased level of review for modifications to nonconforming

Exhibit C

structures with a greater potential to impact public health, safety or welfare.

SECTION III

Amend Objective 2.18, "Nonconforming Commercial or Light Industrial Development", of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan/ Local Coastal Program, as follows:

Objective 2.18 Nonconforming Commercial or Light Industrial Development

To recognize that legally established nonconforming commercial and light industrial uses and structures may benefit the community, and that preserving and improving existing commercial and light industrial uses, structures, and the buildings accommodating these uses may further benefit the community by supporting the local economy, improving the appearance of commercial and industrial buildings, and allowing for the sustainable reuse of existing resources. Considering these community benefits, allow legal nonconforming uses to continue and to be improved, within appropriate limits established in the County Zoning Ordinance that address potential impacts to public health, safety and welfare. Phase out commercial and light industrial nonconforming uses that are determined by the Board of Supervisors to be significantly detrimental to public health, safety, welfare or the environment.

SECTION IV

Amend Policies 2.18.1, 2.18.2, and 2.18.3, under Objective 2.18, "Nonconforming Commercial or Light Industrial Development", of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan/ Local Coastal Program, as follows:

Policy 2.18.1 Continuation of Non-conforming Commercial or Light Industrial Uses

Allow existing legal commercial or light industrial uses in use for three or more of the previous five years to continue (see definition in the Glossary for "Continuous History of Commercial or Light Industrial Use"), and allow maintenance of and improvements to the structure in which they are located in accordance with the provisions in the building code and County Zoning Ordinance.

Policy 2.18.2: Changes to Nonconforming Commercial and Light Industrial Nonconforming Uses, or to Buildings Accommodating Non-conforming Commercial or Light Industrial Uses

Allow changes to a nonconforming use, including expansion of an existing nonconforming use throughout the building, change from one nonconforming use to another, or intensification of a nonconforming use; subject to discretionary review and appropriate findings and conditions to ensure that the change in the use will not be detrimental to public health, safety or welfare. Allow additions to or reconstruction of the building accommodating a nonconforming use with appropriate discretionary review, and subject to appropriate findings and conditions to ensure that the proposed project will not be detrimental to public health, safety or welfare.

2.18.3 Commercial and Light Industrial Nonconforming Structures

Exhibit C

Encourage legal nonconforming structures to be maintained and improved. Allow reconstruction after a catastrophic event, and require discretionary review for voluntary reconstruction. For nonconforming structures with a greater potential to impact public health, safety or welfare due to their location relative to a property line, right of way, or riparian corridor, require discretionary review for extensive modifications to the structure and for reconstruction after a catastrophic event, subject to appropriate conditions and findings to ensure that the proposed project will not be detrimental to public health, safety or welfare.

SECTION V

Delete Program (a) under Objective 2.18, "Non-conforming Commercial or Light Industrial Development", of the Land Use Element (Chapter 2) of the Santa Cruz County General Plan and Local Coastal Program.

SECTION VI

Amend Policy 8.4.2, in Chapter 8, "Community Design", of the Santa Cruz County General Plan and Local Coastal Program, as follows:

Policy 8.4.2 Retaining Existing Housing

Encourage the maintenance and repair of existing nonconforming single and multi-family residential structures on residentially designated land and allow reconstruction where appropriate when not found to be detrimental to the health, safety or welfare or the surrounding neighborhood.

SECTION VII

Amend the definition of "Development Activity" in the General Plan/ Local Coastal Program Glossary, as follows:

Development Activity (LCP)

Development/Development Activity is referenced in several chapters of the Santa Cruz County Code, and is defined appropriately within those chapters. See for example Chapter 13.20 (Coastal Zone Regulations), Chapter 16.10 (Geologic Hazards), 16.30 (Riparian Corridor and Wetlands Protection), and 16.32 (Sensitive Habitat Protection).

Public and Planning Commissioner Comments and Staff Responses
Planning Commission Workshop, 9-14-2011

Summary of proposed refinements to draft Ordinance:

Staff believes that many of the recommendations offered by workshop participants would help to further the proposal objectives, and is proposing to incorporate the following recommendations into the draft ordinance:

- In accordance with a recommendation to clarify that the regulations for nonconforming structures apply to non-habitable structures as well as to habitable structures, staff is proposing to amend the definition of "reconstruction" to remove the word "habitable" in Section 13.10.260(b)3. As was also recommended, staff is proposing to clarify the definition of "nonconforming structure" (13.10.260(b)2)) to delete the last sentence that references environmental standards.
- The proposed ordinance would replace the current method of evaluating the extent of structural alterations according to the percentage of exterior walls that have been altered "stud by stud" with a "whole structure" approach that would evaluate changes to the "major structural components" (Section 13.10.260(b) 4 of the draft ordinance). Several participants recommended streamlining the list of major structural components to include only the foundation, under floor framing, exterior wall framing, and roof framing. Commissioners also supported this change. Staff is proposing to amend the draft ordinance in accordance with this recommendation. When the proposed ordinance is considered at public hearings after CEQA review, the administrative materials and "worksheet" providing more detail on calculation methodology will be available.
- Regarding the proposal to require a lower threshold of review for nonconforming structures within the riparian corridor to provide additional riparian corridor protection, several participants were concerned that providing a new definition for "riparian corridor" in Section 13.10.262(a) 2(i) from that which exists in the Riparian Corridor Protection Ordinance would lead to confusion. Staff is proposing to amend the draft ordinance to delete the reference to portions of a riparian corridor and instead refer to the existing definition in Section 16.30.030.
- Regarding the proposal to streamline the Level 4 review process in Chapter 18.10, several participants objected to the proposal to send notices only to property owners within 100 feet of the subject property, and recommended instead retaining the existing requirement to notify property owners within 300 feet. Several Commissioners also recommended retaining the existing noticing requirements. Staff is proposing to amend the proposed ordinance to retain the requirement to notice property owners within 300 feet.
- In response to a comment that the phrase "in kind" in Section 13.10.261(c) 1 is unclear, staff is proposing to delete this phrase from the proposed ordinance.
- As recommended by a participant, staff is proposing to amend the proposed ordinance to allow an owner of a legal nonconforming use who has lost nonconforming rights due to a lapse in the use beyond that allowed under the ordinance, to apply to reestablish the nonconforming use with a conditional use permit with a public hearing (Level 5 Approval).

Staff received suggestions to consider a lower parking standard than that proposed for retail uses (e.g. requiring one parking space per 300 square feet of retail space rather than one parking space per 250 square feet of retail space as was proposed), and to allow applicants to request a lower parking

standard than required by the ordinance, with submittal of a parking study demonstrating a lesser amount of parking would meet parking needs. Staff will evaluate these suggestions as we move forward, including in the CEQA document.

Detailed comments from participants and staff responses

Note: Comments in regular typeface, staff responses in italic below. Comments were compiled from staff notes; a verbatim transcript of comments was not generated.

Hugh Carter:

Glad to see "global" look at regulations, particularly changes of use in existing buildings. Looking forward to more sensible approach to nonconforming structures, especially residential.

Kim Tschantz

Administrative procedures for reconstruction need to be written and available to public, either on website, in staff report or in ordinance.

Administrative procedure for calculating reconstruction will be available on website, possibly in the form of a calculator, and as a counter handout.

Nonconforming regulations should apply to nonhabitable structures as well as habitable ones.

The regulations will apply to nonhabitable structures as well as habitable ones. Language will be modified as needed to clarify this point.

The definition of riparian corridor in the proposed nonconforming ordinance is different than that in the existing ordinance.

The recommendation will be revised to match the existing definition of riparian corridor.

Tom Hart (Santa Cruz Business Council):

Many empty storefronts in Santa Cruz County. The County unincorporated area is perceived as the worst place in the county for business, regarding permitting. The cities of Santa Cruz, Capitola and Watsonville are much easier. Time, money and uncertainty of process discourage businesses. Support changes that would put County more in line with the Cities. Business Council has been working with the County at public forums. Look at time and cost as part of evaluating reforms. Streamline process. Evaluate the metrics of permit processing to determine efficacy of reform package – compare processing times and costs with other jurisdictions. Examples of recent favorable permit interactions: a Minor Variation permit went through very quickly, and a "mini-Development Review Group review" was efficient; positive interactions with principal planner in Development Review.

The goals of the proposed ordinance revisions include reducing permit time, costs, complexity, rigidity and uncertainty. In a separate initiative, the Planning Director has directed the Chief Building Official to evaluate and recommend adjustments to building permit costs as appropriate. Revisions to Commercial Changes of Use and nonconforming regulations will

reduce permit cost and duration in many county locations and zoning districts, and will be followed in the future by a more global look at the commercial regulations that will result in additional improvements. Permit metrics are under evaluation.

Charlie Eadie (retained by Business Council):

Proposed changes take the ordinance in a good direction; regulators will not lose control. Helpful and common sense, little downside. Allowing structural alterations to nonconforming structures is very important. Expansion of non-conforming rights to match General Plan is a good change. Parking changes are good, particularly those requiring additional parking only if five or more spaces needed, and only for the new use itself.

Waiver of parking study – ordinance should state by whom and based on what criteria.

The ordinance states that the parking study required for shared parking may be waived by staff "if the proposed parking reduction is clearly proportionate to the proposed and possible future uses involved."

Transportation Demand Management programs to reduce parking are good and could be used for types of uses that do not appear in chart.

The current ordinance allows staff to determine parking standards for uses that do not appear in parking standards. When the applicant proposes a parking standard that does not match the closest use in the chart, the current ordinance requires a Level 5 Use Approval (public hearing), but does not necessarily require a parking study. The proposed amendment would reduce the required Use Approval to a Level IV (Administrative Use Permit).

Use changes – consider criteria to "bump" a Level 1 approval up to a Level 4.

The current ordinance authorizes the planning director to require a Level 4 or higher permit where indicated by public interest or other factors. Because of the variability of circumstances affecting permit applications, it would be difficult to establish criteria that define all appropriate conditions for raising the level of approval.

Master Occupancy Permits typically list of all allowed uses. Instead describe those things that would require more review or define what is not wanted. Commercial height requirements need to be adjusted, especially with regard to heights allowed – and screening required – for mechanical equipment on roof.

Master Occupancy Permits and commercial height standards will be evaluated as part of more comprehensive changes to commercial regulations.

A recent code change does allow applications to increase commercial building heights by up to five (5) feet, with development review. Staff will continue to monitor and evaluate the standard.

Cove Britton:

Thanks to staff for reaching out to community; positive objectives.

Major structural components should not include siding or roofing materials or windows. Framing is appropriate to include.

Siding and roofing material will be deleted from the proposed definition of reconstruction.

Allow small changes to structures in flood hazard areas without triggering geologic review. The current geologic definition of development as shown on page 67, #8 and 12 should not include "any change" to a structure. Use FEMA requirements.

This suggestion will be evaluated as part of more comprehensive revisions being considered for the Geologic Hazards Ordinance that have been funded by a grant.

Travis Smith:

Non-conforming should not apply to old buildings with no permits.

The proposed revisions delete the current regulation that renders a use nonconforming due to lack of a permit. Lack of a permit does not bear on nonconforming structures, save to the extent that variances, which require special circumstances to approve, can allow or recognize nonconforming structures.

Place an upper limit on permit costs (charges) so neighbors do not run up permit costs.

Equity and fairness require the County to charge the same hourly rate for controversial projects that is charged for noncontroversial ones. Applicants are not charged for appeals submitted by others.

Parking – let market take care of itself. If a business does not have enough parking, the public will start to avoid it.

Studies indicate that where businesses or commercial districts fail to provide adequate parking, shoppers spend more time searching for parking spaces, thereby increasing traffic congestion and air quality concerns.

Existing man-made drainage systems should not be considered riparian.

The nonconforming ordinance does not address the issue of what type of habitat could be considered to be riparian. This issue is covered by County Code section 16.30, which is not proposed to be modified at this time.

Dee Murray:

Thanks to staff; proposed changes long overdue.

Roof materials, siding and windows should not be major components.

Siding, roofing material and windows will be deleted from definition of reconstruction.

Kevin Collins (Sierra Club):

Due to early subdivision patterns, many substandard parcels exist where houses and septic leach fields are in riparian corridors. The question is "how should these sites be redeveloped?" Leach fields must also be addressed. Care should be taken in site design, especially in rebuilding after destruction. If a structure increases in scale, even in the same footprint, impacts may increase. After a catastrophe, structures – even within a riparian corridor or with a pit septic system – could be rebuilt. Riparian exceptions affect water supply. These regulations are a big issue for the Sierra Club. The Planning Commission should realize how many riparian exceptions are granted. Plans that protect resources do not get carried out.

The proposed revisions to the nonconforming ordinance will not affect the Riparian Protection Ordinance (16.30). In addition, a regulation is proposed that will make nonconforming structures that are in a riparian corridor subject to discretionary review at a lower threshold than structures that are not. This is a new provision. Currently, there is no distinction in the code.

Keith Adams:

Staff should change rules about nonconforming structures – all legally built structures should be able to be rebuilt following disaster regardless of how much destroyed (same footprint), including those less than 5 feet from a right-of-way or in a riparian corridor. Weigh impacts against the community, which is affected less than 1 percent, against the homeowner, who is hurt 100%.

When the catastrophe affects a structure containing a nonconforming use, or affects a nonconforming structure that is also within a riparian corridor, less than 5 feet from a right-of-way or planned expansion of a right-of-way, or over a property line, the proposed ordinance would require a Level 4 review if the structure is 75% destroyed. However, the proposed ordinance also includes a provision that allows the planning director to waive the Level 4 review based on the nature and circumstances related to the riparian corridor, right-of-way or property line. The criteria for waiving the Level 4 review will be re-examined and potentially expanded. The proposed amendment would allow 100% reconstruction of a "regular" nonconforming structure without discretionary review (i.e. building permit only) for structures not affected by above-referenced special conditions.

Ron Powers:

Thanks staff; good job of balancing issues.

Supports using entire structure instead of non-conforming portion only. Commercial change of use amendments will help business (along with parking changes); this has been a big problem for a long time. Updates to parking ordinance make sense – lack of spaces shouldn't prevent new business if two or three spaces short. Proposed changes go a long way towards addressing concerns about rebuilding after a disaster. Supports allowing 100% reconstruction. Agrees with establishing a lower threshold [for discretionary review] in a riparian corridor or over a property line, but not for structures less than 5 feet from a right of way – these should be treated be same as other nonconforming structures.

The proposed ordinance also includes a provision that allows the planning director to waive the Level 4 review based on the nature and circumstances related to the riparian corridor, right-of-way or property line,. The criteria for waiving the Level 4 review will be re-examined and potentially expanded.

Replace "substantial alteration" with "replacement" or some similar term.

"Replacement" is a potentially useful term and will be considered in refinements to definition of reconstruction or calculation method.

Bill Parkin:

Current standards regarding when a nonconforming structure must comply [with current setbacks] is a hardship – supports staff recommendation to allow existence of nonconforming structures.

Changes to ordinance may have unintended consequences. Page 26 – definition of nonconforming is vague [regarding "failure of a structure to conform to current environmental standards established in other sections of the County Code does not render a structure nonconforming."] "Environmental standards" is vague; ordinance should state what applies to – be specific.

Staff will recommend removing this reference to environmental standards in the proposed definition of nonconforming structure.

If changes don't apply to riparian corridors, the phrase "defined as from top of bank to top of bank; or from edge of hydrophilic riparian vegetation to edge of hydrophilic riparian vegetation," should not be included. Definition is new and excludes more structures. Incorporating a reference to riparian corridors is going to create confusion. Driving a wedge into the riparian ordinance could lead to watering down of riparian ordinance. Don't define riparian corridor differently in Chapter 13 than in Chapter 16.

The proposed ordinance will be revised to refer only to the existing definition of riparian corridor in 16.30.

Notice for new construction – reducing distance triggering notice of affected occupants and owners from 100 feet to 300 feet of the subject parcel reduces public participation and leads to perception that staff is "afraid to talk about it." Appeal fees are so expensive that some citizens cannot afford to appeal and thus cannot speak at any public hearing.

The proposed ordinance will be revised to restore the notification distance to 300 feet.

Craig Bagley:

Commends planning director and staff for lots of positive steps.

Would like simplification process to continue. "Replacement in kind" should be clarified to include something with same function but different materials.

The proposed ordinance will be revised to remove the reference to "in-kind" in the context of rebuilding a structure damaged by catastrophe.

Staff has also recommended revision of the definition in 13.10.700-I of "Ordinary Maintenance and Repair in-Kind" that could lead to allowing a higher percentage of a structure to be replaced with building permits in-kind. The recommended definition does not limit "in-kind" replacement to same materials. Staff will review this revision to determine whether further clarification is indicated.

Ilija Bulaich:

Served on two City of Watsonville citizen advisory committees reviewing nonconforming uses and structures. Consulted other jurisdictions. Good to differentiate between non-conforming uses and the structures that such uses occupy. Issues concerning nonconforming structures are strictly based on geometry. Nonconforming use is solely based on activity. The distinction is not always made in other ordinances.

City of Watsonville once initiated a push to remove nonconforming structure based on amortization. Absolutely no public support. Does County really want to abate non-conforming uses only because they don't conform? (Page 28 – 13.10.261(b)(2). Nonconforming structures get a bad "rap" based on the false perception of a nuisance factor that they do not create.

The procedure for termination of a nonconforming use is captured from current code and includes specific circumstances and detailed criteria for consideration of such action. Although rarely used, the section may be necessary for enforcement in certain cases.

Add a provision to allow application for a use permit to re-establish a non-conforming use, as long as it was never replaced by conforming use.

The proposed ordinance will be revised to include a process to apply for a Conditional Use Permit (Level V) to re-establish a nonconforming use.

Kenn Williams:

After years of working in this field, this is the first I've step seen in improving the ordinance. Good, almost a great job. Compassionate approach mentioned in slides is very important as related to loss of home. These folks are personally involved, and this addresses that – compassion is key. Quality stems from common sense. Finally seeing common sense in the County of Santa Cruz. Thanks to staff.

Planning Commissioner Comments and Staff Responses

Rachel Dann:

Great staff work, excellent process. Particularly like proposed revisions to support changes of use.

Retail parking – consider more liberal standard more in line with ITE data indicating an average peak demand of 1 space / 348 square feet for retail uses.

Staff is evaluating ITE and other data to determine whether final recommendation should be 1 space per 300 square feet for retail. This is the threshold that provides adequate parking at 85% of all general shopping centers surveyed by the ITE. It should be emphasized that the “supermarket/grocery store” standard is not proposed to change – it will remain at one space per 200 square feet.

Support the use of parking studies to establish a lower parking requirement.

The current ordinance allows staff to determine parking standards for uses that do not appear in chart. When the applicant proposes a parking standard that does not match the closest use in the chart, the current ordinance requires a Level 5 Use Approval (public hearing), but does not necessarily require a parking study. The proposed amendment would reduce the required Use Approval to a Level IV (Administrative Use Permit). Applicants may choose to submit a parking study to support a proposed parking standard, but such a study is not required by the current proposal. A parking study would be required to establish rates of shared parking (mostly for new centers), unless waived by staff.

Make the definition of riparian corridor consistent.

The recommendation will be revised to match the existing definition of riparian corridor.

Do not include roof materials, windows or siding as “major structural”.

Siding, roofing material, doors and windows will be deleted from the proposed definition of reconstruction.

Reconsider treatment of reconstruction in riparian corridor after catastrophic event – don’t make a lower threshold. They are legal nonconforming – why make even lower than what exists now?

The current County Code requires that any structure affected by catastrophe must be moved to conform with current setbacks if 75% of the exterior walls (measured by wall length) is damaged. The proposed ordinance would allow 100% reconstruction of a regular nonconforming structure after a catastrophe.

When the catastrophe affects a structure containing a nonconforming use, or affects a nonconforming structure that is also within a riparian corridor, less than 5 feet from a right-of-way or planned expansion of a right-of-way, or over a property line, the proposed ordinance would require a Level 4 review if the structure is 75% destroyed. However, the proposed ordinance also includes a provision that allows the planning director to waive the Level 4 review based on the nature and circumstances related to the riparian corridor, right-of-way or property line. The criteria for waiving the Level 4 review will be re-examined and potentially expanded.

Renee Shepherd:

It is not a good idea to reduce notification (from 300' to 100'). Commissioners always hear from constituents that "no one told me" about a given project.

Staff recommends revision of the proposed notification procedure to restore the 300-foot standard.

Whenever you can give an example, it helps the public to understand.

Staff will provide more examples in future presentations.

Al Aramburu:

Agrees with not changing notice and retaining the 300-foot notice standard.

Permit costs are too high.

The goals of the proposed ordinance revisions include reducing permit costs, processing time, complexity, rigidity and uncertainty. In a separate initiative, the Planning Director has directed the Chief Building Official to evaluate and recommend adjustments to building permit costs as appropriate. Revisions to Commercial Changes of Use and nonconforming regulations will reduce permit cost and duration in many county locations and zoning districts, and will be followed in the future by a more global look at the commercial regulations that will result in additional improvements. Permit metrics are under evaluation.

Roofers need to install smoke and carbon monoxide detectors when just doing a reroof, and have to bring in other personnel qualified to install detectors.

The smoke and carbon monoxide detectors are a state building code requirement; homeowners usually install "plug-in" units themselves.

Need to keep working to get information out to general public.

Staff will continue outreach to neighborhood groups for comment and continue to seek coverage in newspapers and other media. The new County website will have prominent "What's New" and "Pending Projects" features.

Larry Perlin:

Right direction; makes sense. Valuation not used for definition of reconstruction – fully supports.

Keep current newspaper and 300-foot noticing until Website up and running.

Website should be up and running before proposed ordinance takes effect. Proposal modified to retain 300-foot standard.

Agrees with concept of conditional use permit requirement to re-establish nonconforming use.

Staff is recommending adding a process to apply for a Conditional Use Permit (Level V) to re-establish a nonconforming use.

Administrative procedures should be available to the public – technical manual. On-line worksheet great idea.

Administrative procedure for calculating reconstruction will be available on the County website, possibly in the form of a calculator, and as a counter handout. Other administrative policies are available on website and as zoning and building counter handouts.

Nonconforming regulations should apply to all structures, not just habitable.

The nonconforming regulations will apply to nonhabitable structures as well as habitable ones. Language will be added or modified as needed to clarify this point.

Need feedback mechanism to see how changes are working.

Revisions to Commercial Changes of Use and nonconforming regulations will reduce permit cost and duration in many county locations and zoning districts, and will be followed in the future by a more global look at the commercial regulations that will result in additional improvements. Staff will review permit metrics to evaluate the efficacy of all of these changes.

Ability to request a hearing for some administrative approvals rather than paying an appeal fee.

The current ordinance authorizes the planning director to require a Level 4 or higher permit where indicated by public interest or other factors. Members of the public may submit a request for a higher level of approval to the planning director.

TABLE COMPARING EXISTING AND PROPOSED REGULATIONS

COMPARISON TABLES OF EXISTING STANDARDS AND PROPOSED REVISIONS TO NONCONFORMING USES AND STRUCTURES	
Table 1. Definitions in Nonconforming Section	
<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>A significantly nonconforming structure is defined as any structure that is:</p> <ol style="list-style-type: none"> 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. <p><i>(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.)</i></p>	<p>The term, “significantly nonconforming structure” is deleted. Instead, a different threshold for triggering a permit requirement is established for the following:</p> <p>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 (<i>usual threshold will be 75%</i>):</p> <ol style="list-style-type: none"> 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) <p>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 and the 75%¹ threshold applied.</p>
<p>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:</p> <ol style="list-style-type: none"> 1. Has not lost its nonconforming status due to cessation of use, as outlined in Sections <u>13.10.260</u>, <u>13.10.261</u> or <u>13.10.262</u>; 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) 	<p>Changes are proposed to the definition of Nonconforming use (<i>one objective of code amendment is to clearly distinguish between a nonconforming <u>structure</u> and nonconforming <u>use</u></i>):</p> <p>A use that does not conform to the applicable General Plan designation is simply nonconforming (not “significantly nonconforming”).</p> <p>Cessation of use will be revised to be consistent with the General Plan: considered ceased if not active for at least 3 of the past 5 years.</p> <p>A nonconforming structure is no longer considered a nonconforming use.</p>

<p>Significantly nonconforming use. The legally established use of a structure or land that does not conform to the present General Plan land use designation.</p>	<p>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.</p>
<p>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.</p>	<p>Reconstruction is proposed to be defined as follows: Modification or replacement of 75%¹ of the major structural components (roof, walls, floors and foundation) as defined in subsection 13.10.260(b)(3) of an existing structure within any consecutive five-year period. <u>Window replacement that does not alter the structural framing will not count.</u> The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director.</p> <p>A new definition for Major Structural Components is added.</p>
<p>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.”</p>	<p>Intensification of Use, Commercial: The definition would be revised, such that changes or expansion of existing uses which result in a 10% increase in parking need <i>and two spaces</i>, as well as a significant increase in traffic generation 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.</p>

Table 2. Regulations for Nonconforming Structures

<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>Regulations for significantly nonconforming structures are as follows:</p> <ul style="list-style-type: none"> - Non-structural alterations are allowed with a building permit. - Structural alterations to conforming portion require discretionary approval with a public hearing. - Structural alterations to the nonconforming portion require a variance. 	<p>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 75%¹ review threshold applies.</p> <p>Conforming additions will be allowed with a building permit.</p>
<p>Allowed work to regular nonconforming structures:</p> <ul style="list-style-type: none"> - 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. 	<p>Allowed work to nonconforming structures that do <u>not</u> 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:</p> <ul style="list-style-type: none"> - 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 75%¹ of the structure unless a discretionary site development approval is granted.

Table 3. Regulations for Nonconforming Uses

<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>Commercial and other nonresidential uses:</p> <ul style="list-style-type: none">- 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.	<p>Commercial and other nonresidential uses:</p> <ul style="list-style-type: none">- 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 75%¹ substantial alteration of major structural components.- Any proposed project exceeding the over-75%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.

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.

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 75%¹ substantial alteration of major structural components¹ (i.e. do not meet the definition of "reconstruction").
- Any proposed project exceeding the over-75% 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

Reconstruction of a structure accommodating a nonconforming use after a catastrophic event requires only a building permit if less than 75%¹ of the overall structure. If exceeding the 75% threshold, an Administrative Use Permit is required.

<p>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.</p>	<p>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.</p> <p>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.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Table 4. Loss of Nonconforming Status

<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>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.</p>	<p>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.</p>
<p>Residential nonconforming use. Most residential nonconforming uses lose 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.</p>	<p>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.</p>

**COMPARISON TABLES OF EXISTING STANDARDS AND PROPOSED REVISIONS
TO COMMERCIAL USES, PARKING REQUIREMENTS AND DESIGN REVIEW**

Table I. Proposed Revisions to County of Santa Cruz Parking Standards Chart

<u>Use</u>	<u>Current Parking Standard</u>	<u>Proposed Parking Standard</u>
Business office	1 space / 200 square feet*	1 space / 300 square feet*
Retail stores, with or without services	1 space / 200 square feet*	1 space / 300 square feet*
Supermarkets	1 space / 200 square feet**	Remains 1 space / 200 square ft.*
Medical office	1 practitioner: 7 spaces 2 practitioners: 13 spaces 3 practitioners: 17 spaces 4 practitioners: 21 spaces 5 practitioners: 25 spaces 5 spaces for each additional practitioner	1 space / 200 square feet* [!]

* Exclude any area used for storage or truck loading

*Supermarkets are not currently separated from retail

[!] Original recommendation for medical offices, 1 space per 225 square feet, is now revised to 1 space per 200 square feet, based on newly obtained, local parking evidence.

Table II. Proposed Text Revisions to Parking Regulations

<u>Existing standard</u>	<u>Proposed Standard</u>
Physical expansion or new use of an existing commercial structure does not require additional parking if it does not increase parking demand by more than 10%.	The term "major alteration or enlargement" shall mean an addition, remodel or change of residential use which would increase the number of parking spaces required by more than 10 percent of the total required; or an addition, remodel or change of non-residential use which would increase the number of parking spaces required both by more than 10% and more than two spaces. Without the two space exemption, small businesses and small sites, which reach 10% very quickly, are disadvantaged.
Where parking spaces are shared between two or more commercial uses, the required parking may be reduced by up to 10 percent for 1-4 uses, 15% for 5-7 uses and 20% for 8 or more uses. Require a parking agreement for all shared parking arrangements.	Remove ceiling on how much reduction is allowed for shared parking, but require Level 4 approval and submittal of a parking study (unless waived) on which to base allowed reduction. Require a parking agreement for shared parking involving separately owned properties. Formalize the following criteria for evaluating parking reductions: 1) The uses occur at separate times of day; 2) the uses overlap but their peak hours occur at different times of day; 3) the uses are complimentary or foster multipurpose trips; 4) the uses serve demographic groups known for below-average rates of vehicle ownership; 5) valid statistical

	parking data from the site, neighborhood or applicable larger area indicate an appropriate level for shared parking. 6) verify that the parking reduction is commensurate with the level of vehicle activity typically associated with the proposed use(s), site location or incremental change in site floor area or intensity of use. These changes remove the numeric ceiling on shared parking reductions and instead focus on impact.
Whenever an expanded or intensified use requires added parking, the entire non-residential building or site must comply with current parking standards (all uses).	If existing parking at a non-residential use is nonconforming or would be rendered nonconforming by a change or expansion of use, require additional parking only for the additional increment of square footage or intensity of use. Do not require parking for all of the original uses on site to be brought up to current standards at the same time. New businesses often cannot be approved at buildings with existing nonconforming parking; this revision focuses the parking review on the new use rather than on historic conditions at the entire business center.
Where a use is not listed in parking charts, parking standards must match the closest use, or can be reduced with a Level 5.	Change the Level 5 to a Level 4 use approval.
Parking standards may be relaxed by no more than 20% through implementation of transportation and parking demand management programs at a project site.	Remove the 20% limitation, allowing parking standards to be based solely on statistical evidence regarding parking demand reductions typically associated with the proposed transportation management programs for the site. However, any proposed reduction greater than 20% shall include adequate evidence supporting the validity of a larger reduction.
Accessibility upgrades are not formally exempt from current parking standards.	Allow accessibility upgrades even if they reduce the number of spaces in a nonconforming parking lot. This facilitates accessible parking and reduces the likelihood that accessibility requirements will impede commercial expansion. Number of spaces lost will not be significant and in many cases is offset by new parking standards.
Table III. Proposed Revisions to Changes of Use in Existing Buildings	
<u>Existing standard</u>	<u>Proposed Standard</u>
Level 1 approvals are allowed for changes of use with no intensification within all existing commercial buildings in Felton, Ben Lomond and Boulder Creek because of existing Village Plans.	Level 1 approvals would also allowed for similar changes of use in three other areas covered by Village Plans: Soquel Village, Seacliff Village and part of Aptos Village. This implements the purpose of Village Plans.

A change of use with no intensification requires a Level 1 approval in the C-1, C-2 and PA districts, and a Level 4 with intensification. In the CT and VA districts, however, a level 4, 5 or 6, based on area, is currently required when changing use, with or without intensification.	The proposed revisions would make the CT and VA standards the same as C-1, C-2 and PA. Level 4 processing, which is simpler and less costly, preserves public notice, opportunity for public input, and ability to control impacts through Conditions of Approval.
In the PA, C-1 and C-2 districts, if an existing use does not have a valid permit, a change of use outside a town plan requires a Level 3 or 4 if affecting 2,000 to 20,000 square feet and, in C-1 and C-2, a Level 5 if 20,000 square feet or more. The CT and VA districts, however, require higher approvals for these categories: a Level 5 use approval for a change of use affecting 2-20,000 square feet and a Level 6 for more than 20,000 square feet.	The proposed revision would reduce approval levels in the CT and VA districts to match the C-1 and C-2 districts. This simplifies the process for the smallest projects, while preserving public notice, opportunity for public input, and ability to control impacts through Conditions of Approval.
In a Town or Village Plan area, a change of use in a C-4 district requires a Level 1 Change of Use approval.	Increase the processing level for a Change of Use in a C-4 district in a Town or Village Plan area from Level 1 to Level 4. This change ensures that the most intensive commercial uses receive adequate public input and are conditioned appropriately to control impacts.
Changes of Use affecting C-4 uses outside a town or village plan require a Level 4 if under 2,000 square feet and a Level 5 (public hearing) if equal to or greater than 2,000 square feet.	Changes of Use affecting C-4 uses outside a Town or Village Plan require a Level 4 if under 5,000 square feet and a Level 5 (public hearing) if equal to or greater than 5,000 square feet. This simplifies the process for the smallest projects, while preserving public notice, opportunity for public input, and ability to control impacts through Conditions of Approval.
Intensification of Use, Commercial. Any physical expansion or 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, Non-residential. The definition would be revised such that a change or expansion of an existing non-residential use which results in both a 10% increase in parking need <i>and two spaces</i> would be considered intensification. The significance of new traffic generation would be one of the elements reviewed by the Planning Director, along with noise, smoke, glare, odors, water use, and/or sewage generation. Hazardous materials would be added to the list of potential sources of intensification. This change reflects other revisions to parking standards that facilitate commercial changes of use, but also makes explicit the potential concern over hazardous materials.
Table IV. Proposed Revisions to New Commercial Buildings	
Currently, the zoning ordinance allows a Level 4 approval for many new commercial structures and associated uses, as long as the total floor area of the	The revision would allow Level 4 approvals for new commercial buildings and associated uses up to 5,000 square feet. This simplifies the process for the smallest

proposed use is less than 2,000 square feet in area.	projects, while preserving public notice, opportunity for public input, and ability to control impacts through Conditions of Approval.
Table V. Proposed Revisions to Design Review	
Building heights up to a maximum of thirty three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10.	Building heights up to a maximum of thirty three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer or <u>Planning Director</u> and approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10. This change recognizes that there is no Urban Designer position at the present time.
Large Dwelling Design Guidelines. New large dwellings and related accessory structures regulated by this Section are subject to the following design guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer and Zoning Administrator in reviewing applications.	Large Dwelling Design Guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer or <u>Planning Director</u> and Zoning Administrator in reviewing applications. This change recognizes that there is no Urban Designer position at the present time.
<p>13.11.073 Building design.</p> <p>(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.</p> <p>(1) Compatible Building Design.</p> <p>(i) Building design shall relate to adjacent development and the surrounding area.</p> <p>(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:</p> <p>(A) Massing of building form.</p> <p>(B) Building silhouette.</p> <p>(C) Spacing between buildings.</p> <p>(D) Street-face setbacks.</p> <p>(E) Character of architecture.</p> <p>(F) Building scale.</p> <p>(G) Proportion and composition of projections and recesses, doors and windows, and other features.</p> <p>(H) Location and treatment of entryways.</p> <p>(I) Finish material, texture and color.</p>	<p>13.11.073 Building design.</p> <p>..... (ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of <u>shall be reviewed to achieve a level of neighborhood compatibility appropriate to the architectural style, character and identity of both the proposed new building and the neighborhood:</u></p> <p>(A) Massing of building form.</p> <p>(B) Building silhouette.</p> <p>(C) Spacing between buildings.</p> <p>(D) Street-face setbacks.</p> <p>(E) Character of architecture.</p> <p>(F) Building scale.</p> <p>(G) Proportion and composition of projections and recesses, doors and windows, and other features.</p> <p>(H) Location and treatment of entryways.</p> <p>(I) Finish material, texture and color.</p> <p>This change formalizes the practice that each of these design elements is considered when assessing compatibility of house and neighborhood.</p>



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

<http://www.sccoplanning.com/>

NEGATIVE DECLARATION

Project: Update Regulations for Nonconforming Structures and Uses, Commercial Uses, and Related Regulations

APN(S): N/A (County-wide)

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 related General Plan (GP) and Local Coastal Program (LCP) policies, as follows: Part 1: Amend Chapter 13.10 to provide new regulations for nonconforming uses and structures, and amend related GP/ LCP policies in the General Plan, to allow existing legal nonconforming uses and structures to continue and be improved, and facilitate repair after catastrophic events, while continuing to require discretionary review for extensive modifications. Part 2: Amend Chapter 13.10 to simplify the review process for commercial changes of use and reduce the number of parking spaces required for certain commercial uses based upon "evidence based" parking studies. Part 3: Delete language in Chapter 12.10 regarding when soils reports are required, and instead reference local administrative guidelines and the California Building Code. Amend Geologic Hazard Regulations (Chapter 16.10) regarding when the County is authorized to require geologic review, replacing the current approach which evaluates the extent of work according to the percentage of exterior walls and/ or foundation that are altered with an approach which evaluates alterations to the major structural components (exterior wall framing, roof framing, floor framing, and foundation). Part 4: Streamline the Level 4 permit approval process in Chapter 18.10, revising the noticing process to reduce processing costs, and expanding the appeal process such that appeals are heard at a public hearing before the Zoning Administrator, rather than being heard administratively by the Planning Director. Part 5: Update Chapters 13.10 and 13.11 to correct code citations, clarify existing provisions, restore unintentionally deleted language, and improve consistency with state law.

Project Location: Santa Cruz County – County-wide

Owner: N/A

Applicant: Santa Cruz County

Staff Planner: email: pln400@co.santa-cruz.ca.us

This project will be considered at a public hearing by the Planning Commission. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

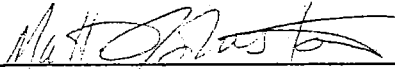
California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Clerk of the Board located at 701 Ocean Street, 5th Floor, Santa Cruz, California.

Review Period Ends: January 3, 2012

*Note: This Document is considered Draft until
it is Adopted by the Appropriate County of
Santa Cruz Decision-Making Body*

Date: January 11, 2012



MATT JOHNSTON, Environmental Coordinator
(831) 454-3201

Notice of Completion & Environmental Document Transmittal

SCH # _____

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Update Regulations for Nonconforming Uses and Structures, Commercial Uses, and Other Related ChangesLead Agency: County of Santa Cruz Contact Person: Matt JohnstonStreet Address: 701 Ocean Street, 4th floor Phone: 831-454-3201City: Santa Cruz Zip: 95060 County: Santa Cruz**Project Location:**County: Santa Cruz (County-wide) City/Nearest Community: N/A Total Acres _____Cross Streets: N/A Zip Code: N/AAssessor's Parcel No. N/A Section: N/A Twp. N/A Range N/A Base: N/AWithin 2 miles: State Hwy#: 1, 17 Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement to EIR (Note prior SCH# below) ☐ EA ☐ Final Document
☒ Neg Dec ☐ Subsequent EIR (Note prior SCH# below) ☐ Draft EIS ☐ Other: _____
☐ Mit Neg Dec ☐ Other: _____ ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☒ General Plan Amendment ☐ Master Plan ☒ Ordinance Amendment ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Local Coastal Program Amendment ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Riparian Exception

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Water Facilities: Type _____ MGD _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Transportation: Type _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ MW _____
☐ Educational _____ ☐ Waste Treatment: Type _____ MGD _____
☐ Recreational Community Park _____ ☐ Hazardous Waste: Type _____
☒ Other: Regulatory changes (G.P. and zoning ord.)

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☐ Recreation/Parks ☐ Vegetation
☐ Agricultural Land ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Air Quality ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater
☐ Archaeological/Historical ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☐ Biological Resources ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Growth Inducement
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☒ Land Use
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Cumulative Effects
☐ Economic/Jobs ☐ Public Services/Facilities ☒ Traffic/Circulation ☐ Other _____

Present Land Use/Zoning/General Plan Designation:

Applies to all Zone Districts and General Plan Land Use Designations in the County

Project Description: (please use a separate page if necessary)

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 related General Plan (GP) and Local Coastal Program (LCP) policies, as follows: Part 1: Amend Chapter 13.10 to provide new regulations for nonconforming uses and structures, and amend related GP/ LCP policies in the General Plan, to allow existing legal nonconforming uses and structures to continue and be improved, and facilitate repair after catastrophic events, while continuing to require discretionary review for extensive modifications. Part 2: Amend Chapter 13.10 to simplify the review process for commercial changes of use and reduce the number of parking spaces required for certain commercial uses based upon "evidence based" parking studies. Part 3: Delete language in Chapter 12.10 regarding when soils reports are required, and instead reference local administrative guidelines and the **EXHIBIT F**

Code. Amend Geologic Hazard Regulations (Chapter 16.10) regarding when the County is authorized to require geologic review, replacing the current approach which evaluates the extent of work according to the percentage of exterior walls and/ or foundation that are altered with an approach which evaluates alterations to the major structural components (exterior wall framing, roof framing, floor framing, and foundation). Part 4: Streamline the Level 4 permit approval process in Chapter 18.10, revising the noticing process to reduce processing costs, and expanding the appeal process such that appeals are heard at a public hearing before the Zoning Administrator, rather than being heard administratively by the Planning Director. Part 5: Update Chapters 13.10 and 13.11 to correct code citations, clarify existing provisions, restore unintentionally deleted language, and improve consistency with state law.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

September 2005

Reviewing Agencies Checklist

continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> Regional WQCB # 3 _____
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Colorado River Board Commission	<input type="checkbox"/> S.F. Bay Conservation & Development
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower Los Angeles
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Rivers & Mountains Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Office of Public School Construction	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Fish & Game Region # 3 _____	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Forestry & Fire Protection	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Integrated Waste Management Board	Other: _____
<input type="checkbox"/> Native American Heritage Commission	Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date December 1, 2011

Ending Date January 3, 2012

Lead Agency (Complete if applicable):

Consulting Firm: N/A
 Address: _____
 City/State/Zip: _____
 Contact: _____
 Phone: (____) _____

Applicant: County of Santa Cruz

Address: 701 Ocean St., 4th Floor
 City/State/Zip: Santa Cruz, CA 95060
 Phone: (831) 454-3201

Signature of Lead Agency Representative Paula Levine for Matt Johnston Date 12-1-11

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

MEMORANDUM

Date: January 11, 2012

To: Annie Murphy

From: Matthew Johnston, Environmental Coordinator

Re: Update Regulations for Nonconforming Structures and Uses, Commercial Uses, and
Related Regulations; Amendments post CEQA Circulation

The initial study and Negative Declaration for the proposed *Update Regulations for Nonconforming Structures and Uses, Commercial Uses, and Related Regulations* have been circulated for public comment. During the comment period, some changes were made in the analysis and the proposed regulations. The changes are summarized in the attached document. The Environmental Coordinator has reviewed the changes and has found that they do not meet the definition of "substantial revision" as defined in section 15073.5.b of the CEQA guidelines. Per section 15073.5.c of the CEQA guidelines, no further CEQA action is required.

CHANGES TO ORDINANCE AND ENVIRONMENTAL ANALYSIS SINCE INITIAL STUDY WAS CIRCULATED	
<u>Regulations Proposed in Initial Study</u>	<u>Regulations Proposed After Initial Study Circulated</u>
Reconstruction is defined as modification or replacement of <u>80%</u> of the major structural components (roof, walls, floors and foundation) of an existing structure within any consecutive five-year period.	Reconstruction is defined as modification or replacement of <u>75%</u> of the major structural components (roof, walls, floors and foundation) of an existing structure within any consecutive five-year period.
Proposed parking standard for medical office: 1 space / <u>225</u> square feet	Proposed parking standard for medical office: 1 space / <u>200</u> square feet
Change of use does not require new parking if it does not increase parking demand by more than 20% and four spaces.	Change of <u>residential</u> use does not require new parking if it does not increase parking demand by more than 10%. Change of <u>non-residential</u> use does not require new parking if it does not increase parking demand both by more than <u>10%</u> and more than <u>two</u> spaces.
Remove the 20% limitation on reductions in parking requirements achievable through on-site transportation and parking management programs.	Remove the 20% limitation on reductions in parking requirements achievable through on-site transportation and parking management programs, but also require any proposed reduction greater than 20% to include adequate evidence supporting the validity of a larger reduction.
Intensification of Use, Non-residential. The definition would be revised such that any change or expansion of an existing non-residential use which triggers additional parking under the new reduced parking requirements would be considered intensification.	Intensification of Use, Non-residential. The definition would be revised such that a change or expansion of an existing non-residential use which results in both a <u>10%</u> increase in parking need and <u>two</u> spaces would be considered intensification.
Revised Parking Statistics Discussion for Initial Study Checklist Item #1-5	
<p>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 Institute of Transportation 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 likelihood that a given use would be underparked are provided below.</p> <p>For office buildings, the ITE's average peak parking demand was one space per 352 square feet of gross floor area (GFA). For 85 percent of the 173 study sites sampled, the peak parking demand was less than one space per 290 square feet GFA. The proposed amendment would revise the county standard for business offices to one space per 300 square feet, reduced from the current standard of one space per 200</p>	

square feet. Although the county standard is based on gross floor area minus storage, the area of dedicated storage within office buildings is not considered significant relative to parking evidence and standards.

For medical/dental offices, the ITE's average peak parking demand was one space per 313 square feet of gross floor area. The 2010 ITE data indicate that at 85% of the 18+ sites sampled, peak parking demand was less than one space per 234 square feet. A medical office building in Santa Cruz County (on Chanticleer Avenue) was evaluated by a traffic engineering firm in 2008 and found to have a peak parking rate of one space per 208 square feet GFA (based on two sample days). The original recommendation for medical offices, one space per 225 square feet, is now revised to one space per 200 square feet, to reflect local parking evidence. Although the county standard is based on gross floor area minus storage, the area of dedicated storage within medical office buildings is not considered significant relative to parking evidence and standards.

For supermarkets, the ITE data indicated that at 85% of all sites sampled, peak parking generation on weekdays was less than one space per 198 square feet of gross floor area; on Saturdays, less than one space per 202 square feet gross floor area. The current ordinance is based on 200 square feet *net* floor area (gross floor area minus storage), which is equivalent to approximately one space per 235 square-feet gross floor area, assuming 15% storage. The proposed standard of one space per 200 square feet of net floor area represents no change to the current standard, so will have no impact.

The ITE's retail data mostly addressed large sporting, discount or bulky merchandise outlets such as lumber and carpet stores. However, since the majority of retail stores in the unincorporated areas are in shopping centers, it is illustrative to evaluate the proposed retail parking standard in light of shopping center data. The ITE manual indicates that the 85th percentile for non-December peak shopping center parking demand on a non-Friday weekday was one space per 316 square feet gross *leasable* area (GLA); on a Saturday, one space per 294 square feet GLA. In evaluating the shopping center data, it is essential to consider that most shopping centers in the ITE study contain a significant percentage of restaurants, banks and supermarkets, each of which exerts a parking demand one-and-a-half to six times higher than the shopping center average, according to ITE data. This suggests that retail and service uses have lower demand than the shopping center average. Therefore, a standard of one space per 300 square feet of net floor area is believed to be consistent with the ITE evidence.



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

www.sccoplanning.com

ENVIRONMENTAL COORDINATOR

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

NOTICE OF PUBLIC REVIEW AND COMMENT PERIOD

Pursuant to the California Environmental Quality Act, the following project has been reviewed by the County Environmental Coordinator to determine if it has a potential to create significant impacts to the environment and, if so, how such impacts could be solved. A Negative Declaration is prepared in cases where the project is determined not to have any significant environmental impacts. Either a Mitigated Negative Declaration or Environmental Impact Report (EIR) is prepared for projects that may result in a significant impact to the environment.

Public review periods are provided for these Environmental Determinations according to the requirements of the County Environmental Review Guidelines. The environmental document is available for review at the County Planning Department located at 701 Ocean Street, in Santa Cruz. You may also view the environmental document on the web at www.sccoplanning.com under the Planning Department menu. If you have questions or comments about this Notice of Intent, please contact Matt Johnston of the Environmental Review staff at (831) 454-3201

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

PROJECT: 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 related General Plan (GP) and Local Coastal Program (LCP) policies, as follows: Part 1: Amend Chapter 13.10 to provide new regulations for nonconforming uses and structures, and amend related GP/ LCP policies in the General Plan, to allow existing legal nonconforming uses and structures to continue and be improved, and facilitate repair after catastrophic events, while continuing to require discretionary review for extensive modifications. Part 2: Amend Chapter 13.10 to simplify the review process for commercial changes of use and reduce the number of parking spaces required for certain commercial uses based upon "evidence based" parking studies. Part 3: Delete language in Chapter 12.10 regarding when soils reports are required, and instead reference local administrative guidelines and the California Building Code. Amend Geologic Hazard Regulations (Chapter 16.10) regarding when the County is authorized to require geologic review, replacing the current approach which evaluates the extent of work according to the percentage of exterior walls and/ or foundation that are altered with an approach which evaluates alterations to the major structural components (exterior wall framing, roof framing, floor framing, and foundation). Part 4: Streamline the Level 4 permit approval process in Chapter 18.10, revising the noticing process to reduce processing costs, and expanding the appeal process such that appeals are heard at a public hearing before the Zoning Administrator, rather than being heard administratively by the Planning Director. Part 5: Update Chapters 13.10 and 13.11 to correct code citations, clarify existing provisions, restore unintentionally deleted language, and improve consistency with state law.

EXISTING ZONE DISTRICT: Countywide

OWNER/ APPLICANT: County of Santa Cruz

PROJECT PLANNER: Annie Murphy; (831) 454-3111

EMAIL: pln400@co.santa-cruz.ca.us

ACTION: Negative Declaration

REVIEW PERIOD: December 1, 2011 through January 3, 2012

This project will be considered at a public hearing by the Planning Commission. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.



County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
www.sccoplanning.com

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

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.

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

DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

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

Paula Levine for:

Matthew Johnston
Environmental Coordinator

12/1/11
Date

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
Groundwater Recharge: Mapped
Timber or Mineral: Mapped
Agricultural Resource: Mapped
Biologically Sensitive Habitat: Mapped
Fire Hazard: Mapped
Floodplain: Mapped
Erosion: Mapped
Landslide: Mapped
Liquefaction: Mapped

Fault Zone: Mapped
Scenic Corridor: Mapped
Historic: Numerous
Archaeology: Mapped
Noise Constraint: Mapped
Electric Power Lines: Yes
Solar Access: Varied
Solar Orientation: Varied
Hazardous Materials: Yes
Other: n/a

SERVICES

Fire Protection: All
School District: All
Sewage Disposal: Sewer and Septic

Drainage District: All
Project Access: n/a
Water Supply: City of Santa Cruz, Water Districts, and private wells

PLANNING POLICIES

Zone District: County-wide
General Plan/LCP: County-wide
Urban Services Line: ☒ Inside
Coastal Zone: ☒ Inside

Special Designation: County-wide

☒ Outside
☒ 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

<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>A significantly nonconforming structure is defined as any structure that is:</p> <ol style="list-style-type: none"> 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. <p><i>(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.)</i></p>	<p>The term, “significantly nonconforming structure” is deleted. Instead, a different threshold for triggering a permit requirement is established for the following:</p> <p>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 <i>(usual threshold will be 80%)</i>:</p> <ol style="list-style-type: none"> 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) <p>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.</p>
<p>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:</p> <ol style="list-style-type: none"> 1. Has not lost its nonconforming status due to cessation of use, as outlined in Sections <u>13.10.260</u>, <u>13.10.261</u> or <u>13.10.262</u>; 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) 	<p>Changes are proposed to the definition of Nonconforming use <i>(one objective of code amendment is to clearly distinguish between a nonconforming <u>structure</u> and nonconforming <u>use</u>)</i>:</p> <p>A use that does not conform to the applicable General Plan designation is simply nonconforming (not “significantly nonconforming”).</p> <p>Cessation of use will be revised to be consistent with the General Plan: 3 of the past 5 years.</p> <p>A nonconforming structure is no longer considered a nonconforming use.</p>

<p>Significantly nonconforming use. The legally established use of a structure or land that does not conform to the present General Plan land use designation.</p>	<p>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.</p>
<p>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.</p>	<p>Reconstruction is proposed to be defined as follows: Modification or replacement of 80%¹ of 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.</p> <p>A new definition for Major Building Components is added.</p>
<p>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.”</p>	<p>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.</p>

Table 2. Regulations for Nonconforming Structures

<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>Regulations for significantly nonconforming structures are as follows:</p> <ul style="list-style-type: none"> - 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 	<p>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.</p> <p>Conforming additions will be allowed with a building permit.</p>
<p>Allowed work to regular nonconforming structures:</p> <ul style="list-style-type: none"> - 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. 	<p>Allowed work to nonconforming structures that do <u>not</u> 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:</p> <ul style="list-style-type: none"> - 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

<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>Commercial and other nonresidential uses:</p> <ul style="list-style-type: none"> - 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. 	<p>Commercial and other nonresidential uses:</p> <ul style="list-style-type: none"> - 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.

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.

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 components¹ (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

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.

<p>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.</p>	<p>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.</p> <p>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.</p>
Table 4. Loss of Nonconforming Status	
<u>EXISTING REGULATIONS</u>	<u>PROPOSED REGULATIONS</u>
<p>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.</p>	<p>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.</p>
<p>Residential nonconforming use. Most residential nonconforming uses lose 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.</p>	<p>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.</p>

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).~~

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

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

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

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 would be 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

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

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.

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

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:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
B. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion (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.

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

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.	Develop land with a slope exceeding 30%?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: See Discussion under A-1 above.

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

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.

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

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:

1.	Place development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | Potentially
Significant
Impact | Less than
Significant
with
Mitigation
Incorporated | Less than
Significant
Impact | No Impact |
|---------------------------------------------------|--------------------------------------|----------------------------------------------------------------|-------------------------------------|--------------------------|
| 3. Be inundated by a seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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.

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. Substantially degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

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

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

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

regulations. Therefore, no significant impacts are anticipated.

- | | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 7. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The 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.

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

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.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 9. | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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.

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

Discussion Parts 2-5: The proposed amendments do not alter existing regulations protecting water quality. Any future development would be required to comply with

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

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:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion Parts 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.

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

Discussion Part 1: See discussion under B-10 (part 1) above. These amendments

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

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.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion Parts 1-5: See discussion under B-1 above. No significant impacts are anticipated.

- | | | | | | |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. | Produce nighttime lighting that would substantially illuminate wildlife habitats? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

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

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

Ordinance)?

Discussion: The project would not conflict with any local policies or ordinances.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not conflict with the provisions of any adopted Habitat Conservation Plan Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

D. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | | |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion Parts 1-5: The proposed project does not propose to convert prime farmlands to nonagricultural use. No significant impacts are anticipated.

- | | | | | | |
|----|--------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. | Conflict with existing zoning for, or cause rezoning of, forest land (as | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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.

- | | | | | | |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. | Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion Parts 1-5: No significant impact is anticipated.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: 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:

- | | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion 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.

- | | | | | | |
|----|----------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Result in the loss of availability of a locally-important mineral resource | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|----------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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:

- | | | | | |
|----------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Have an adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Substantially degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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.

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion Parts 1-5: See Section G-2 above. No significant impacts are anticipated.

- | | | | | |
|--------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Directly or indirectly destroy a unique | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

Discussion: See H-1 above. 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 result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

- | | | | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See H-5 above. No impact is anticipated.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 8. | Expose people to electro-magnetic fields associated with electrical transmission lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion 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.

- | | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 9. | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion 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.

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

I. TRANSPORTATION/TRAFFIC

Would the project:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion 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.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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.

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

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

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.

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.

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

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

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-foot 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.

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | |
|---------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 7. Exceed, either individually (the project | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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:

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. | Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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.

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4 A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed amendments are not anticipated to result in a 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.

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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

K. AIR QUALITY

Where available, the significance criteria established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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 VOCs 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.

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

Discussion: The project would not conflict with or obstruct implementation of the regional air quality plan. See K-1 above.

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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

net increase of any criteria pollutant for which the County exceeds the allowable standards. No significant impacts are anticipated

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

Discussion: See K-1 above. No significant impacts anticipated.

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

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

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.

- | | | | | | |
|----|-------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. | Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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:

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities; including the maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:

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 ☐ ☐ ☒ ☐

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

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.

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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.

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

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

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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

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

- | | | | | | |
|----|---------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 6. | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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

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

Discussion Part 1: The proposed General Plan (GP), Local Coastal Program (LCP)

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

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.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed amendments to not conflict with any habitat conservation plan or community conservation plan.

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

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

Q. POPULATION AND HOUSING

Would the project:

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion Parts1-2: The proposed amendments for nonconforming uses are

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

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.

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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.

- | | | | | | |
|----|----------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|----------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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

Discussion: The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in Section III of this Initial Study. No significant effects were identified. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- | | Potentially
Significant
Impact | Less than
Significant
with
Mitigation | Less than
Significant
Impact | No
Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------|------------------------------------|-------------------------------------|
| 2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: 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.

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

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

	<u>REQUIRED</u>	<u>DATE COMPLETED</u>
Agricultural Policy Advisory Commission (APAC) Review	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Archaeological Review	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Biotic Report/Assessment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geologic Hazards Assessment (GHA)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geologic Report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geotechnical (Soils) Report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Riparian Pre-Site	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Septic Lot Check	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Other:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____

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)



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

September 12, 2011

AGENDA DATE: September 20, 2011

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

SUBJECT: STATUS REPORT AND "DEFINITION OF THE PROJECT" FOR PROPOSED CHANGES TO LAND USE REGULATIONS REGARDING NONCONFORMING STRUCTURES AND USES, COMMERCIAL CHANGES OF USE AND SELECTED PARKING PROVISIONS, "ALTERED WALLS" PROVISIONS, MINOR REVISIONS TO DESIGN REVIEW REGULATIONS AND REVISIONS TO THRESHOLDS FOR GEOLOGIC REVIEW

Members of the Board:

As your Board is aware, planning staff has been developing regulatory changes to streamline and clarify regulations. The current package of proposals focuses on the following code amendments:

- Nonconforming Uses and Structures Ordinance (new ordinance to replace existing)
 - Package of code changes related to greater flexibility and simplified permit processes for Commercial Uses, especially changes of commercial uses within existing buildings
 - Changes related to shifting from the current "Percent of Altered Wall" approaches in the nonconforming, geologic hazard and building codes, to a "Major Remodel/ Reconstruction" approach
-
- Certain other minor changes to reduce costs and time associated with certain permits, or to clarify and "clean up" certain code provisions

As directed by your Board on June 28, 2011, a package of proposed changes was reviewed by members of the public in several Focus Groups during August 2011. The focus group process was very valuable and the proposed code changes presented today vary in significant ways from some of the concepts that were discussed with your Board on June 28th. Input from focus group participants has been incorporated into the materials now being considered by the Planning Commission, public and your Board.

The Focus Groups confirmed that values such as clear regulations, flexibility, more predictable outcomes, administrative efficiency, neighborhood participation, support for businesses (especially in these hard economic times), cost of permits, environmental protection, and "fairness" in treatment of both high- and low-value structures, and to both urban and rural properties, are all important and must be balanced in some way.

The code amendments now being proposed incorporate ideas that post-date the Board meeting last June, and include revisions suggested by the focus groups. Key information that has guided the revision, and major components of the proposal, includes:

- Analysis of the extent to which the existing regulations governing nonconforming uses and structures do not track with the General Plan policies. The General Plan is significantly more accepting of nonconforming uses and structures than the County Code. (See Attachment 7 for relevant General Plan policies). Revisions that create better alignment between the General Plan and the implementing code by definition increase clarity and simplify permit review;
- Remodeling projects that are not considered to be "reconstruction" (intended to mean "close to a replacement building") would be allowed with only a building permit, and projects that exceed that threshold may be allowed with a "Modified Level 4" site development permit. The "Modified Level 4 process", which includes public notice, appropriate findings and the opportunity to impose Conditions of Approval, would replace the current requirement for a Variance;
- Confirmation that there is no single "best" method for determining when a project constitutes "reconstruction". Refer to Attachment 10 "Defining Reconstruction" for a more detailed discussion of this issue; at this time the proposed approach involves the following new definitions:

Reconstruction: A remodel of an existing habitable structure is considered to be a reconstruction when [75%-80%; or up to 100% for post-disaster projects] of the major structural components as defined by Section 13.10.260(b)(4) are substantially altered within the area of work associated with the building project(s), within a consecutive five-year period. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director.

Major Structural Components: The major structural components of a structure are defined to include the foundation, underfloor frame, wall framing, floor/ceiling assembly for multi-story structures, roof framing, exterior siding including doors and windows, and roofing material. Decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing are not considered major structural components for the purposes of Chapters 13 and 16;

-
- A new provision to extend environmental protection, and public safety, by having the threshold for subjecting a project to a discretionary process be significantly lower for nonconforming structures located within the riparian corridor, over a property line, or within 5 feet of a existing or future planned vehicular right-of-way, than elsewhere;
 - Conforming additions to nonconforming structures would be allowed without discretionary review;
 - Allowance for complete reconstruction after a catastrophe, if "substantially in kind" with what existed prior to the event, in order to help victims recover;
 - In order to simplify the establishment of new businesses in existing commercial buildings, refinements to parking standards are proposed. These refinements will also modernize our code in accordance with current industry standards and will allow for more feasible compliance with ADA requirements in remodeled parking lots. Refer to Attachment 2, the strikeout/underline version of revisions to parking standards, and Attachment 9, Comparison Table that includes parking standards, for details of the proposed changes;

- The level of review for certain commercial projects has been revised. The proposed changes to the commercial use chart are included in Attachment 2, the strikeout/underline version of revisions to commercial changes of use, and Attachment 9, Comparison Table of proposed revisions to commercial changes of use;
- Revisions to 13.11 to address the loss of the Urban Designer position and to reinforce and strengthen sections of the Design Review Ordinance pertaining to neighborhood compatibility reviews and beachfront development;
- Revisions to the definition of "development" in Chapter 16.10, to establish a more clear threshold for when a Geologic Hazards Assessment may be required; primarily to change from "50% Alteration of Exterior Walls" to "Reconstruction" as to be defined by County Code;
- Elimination of the "local amendment" to the California Building Code that defined "structure" for the purpose of when a soils report is required; recognizing that the current CA Building Code has been updated to supply sufficient authority, guidance and flexibility;
- Revisions to the "Level IV" permit process, to eliminate requirement for publication of notice in newspaper and notice upon filing, and instead require notice prior to action on the project as recently established for the Minor Exceptions permit process. This approach reduces confusion to the public of noticing a project that has not had any staff review and may change before it is recommended for action, and eliminates the cost of a newspaper ad in favor of posting on the County website. Neighbors and the public still review notice in sufficient advance of action to provide comments to staff, but not immediately upon submittal of an application (which is not required for any other "level" of permit review).

Revised to incorporate public concerns, the draft code amendments may ready to be designated as a "project" under CEQA by your Board, so that staff may prepare environmental documentation and finalize preparation of proposed ordinance revisions.

At the September 20th meeting of the Board, staff will verbally report on the results of the Workshop held by the Planning Commission. If there is sufficient consensus on the direction of the materials and the draft ordinances, then it may be appropriate for the Board to take the following actions on this September 20, 2011 date:

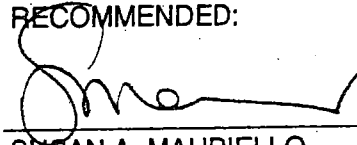
1. Provide the public with an opportunity to comment on the proposals and draft ordinances;
2. Provide input on the proposals to staff, and/or
3. Accept the proposed draft ordinance language as the "project description" for the purpose of environmental review, and for authorization to release a CEQA document on the proposed changes.
4. Direct staff to return to the Planning Commission with CEQA documentation and proposed Draft ordinance language.

Sincerely,



Kathleen Molloy Previsich
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

ATTACHMENTS:

1. Proposed nonconforming ordinance (new ordinance to replace existing ordinance)
2. Strikeout/underline versions of revisions to Building Code (Chapter 12.10), Commercial Uses and Parking (13.10), Design Review (13.11), Geologic Review (16.10) and Level 4 Use Approvals (18.10)
3. Existing nonconforming ordinance and definitions (proposed for deletion)
4. Letter of Planning Director to Planning Commission, Commission agenda September 14, 2011
5. Letter of Planning Director to Board of Supervisors, Board agenda June 28, 2011
6. List of participants in focus groups
7. Existing General Plan policies regarding nonconforming uses and structures
8. Comparison Table of existing nonconforming regulations and proposed revisions
9. Comparison Table of proposed revisions to commercial changes of use, parking standards, new commercial uses (Chapter 13.10) and Design Review (Chapter 13.11)
10. Defining "Reconstruction"



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

September 6, 2011

AGENDA DATE: September 14, 2011

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95062

SUBJECT: PROPOSED CHANGES TO LAND USE REGULATIONS REGARDING NONCONFORMING STRUCTURES AND USES, COMMERCIAL CHANGES OF USE AND SELECTED PARKING PROVISIONS, "ALTERED WALLS" PROVISIONS, MINOR REVISIONS TO DESIGN REVIEW REGULATIONS, REFINEMENT OF THE "LEVEL IV PERMIT PROCESS", AND REVISIONS TO THE GEOLOGIC HAZARDS ORDINANCE REGARDING WHEN GEOLOGIC REVIEW MAY BE REQUIRED

Members of the Commission:

INTRODUCTION

As your Commission knows, Planning staff has been developing ordinance amendments to implement a more streamlined and reality-based approach to regulating nonconforming structures and uses, as well as commercial uses. We have focused on changes of commercial use in existing buildings in order to more flexibly accommodate the substitution of one business tenant with another. Staff have also developed additional proposed code revisions to replace the "altered wall" method of measuring alterations to buildings, to make "clean up" changes to the Design Review Ordinance, to delete the local amendment to the Building Code defining a "structure" for the purpose of soils reports, and to revise the threshold above which geologic review may be initiated for development projects, as expressed in the definition of "development" in the Geologic Hazards Ordinance.

Potential revisions to the Code were most recently presented in concept to the Board of Supervisors on June 28, 2011. The letter of the Planning Director to the Board, which describes the reasons why revisions are necessary and lays out the goals for the proposed changes, is attached as Exhibit A. At that time the Board directed planning staff to meet with focus groups representing different community interests and concerns, for discussions about the proposals. The Board also authorized staff to hold a community workshop with your Commission to provide an opportunity for the community at large to learn about the proposed changes and to share ideas regarding these changes. Planning Staff has met with focus groups, incorporated ideas from these focus groups into the proposed revisions, and is here today to present these proposals to your Commission and the public. The Board of Supervisors will receive these same materials at its meeting of September 20, 2011, along with a verbal report regarding this Planning Commission Community Workshop.

CONTENT OF THE ATTACHED WRITTEN MATERIALS

This package of proposed ordinance revisions is complicated, so there is much material to

Exhibit H

present to your Commission and the public. This letter provides an overview and explanation of key proposed changes. Attachments provide additional information and the proposed ordinance amendments, as follows:

- A: Letter of Planning Director to Board of Supervisors, Board agenda June 28, 2011
- B: List of participants in focus groups
- C: Existing General Plan policies regarding nonconforming uses and structures
- D: Comparison Table of existing nonconforming regulations and proposed revisions.
- E: Proposed nonconforming ordinance (new ordinance to replace existing ordinance)
- F: Existing nonconforming ordinance and definitions (proposed for deletion)
- G: Defining "Reconstruction"
- H: Comparison Table of proposed revisions to parking standards, commercial changes of use, new commercial uses (Chapter 13.10), Design Review (Chapter 13.11)
- I: Strikeout/underline version of revisions to Chapters 12.10, 13.10, 13.11, 16.10, 18.10

BACKGROUND

In 2009, staff at that time working on developing amendments to the nonconforming ordinance presented a different concept to the Board, which entailed a partial revision of the ordinance, with other portions contemplated to occur in subsequent proposals. The work plan being pursued at that time included phased revisions to 1) residential nonconforming structures, 2) non-residential nonconforming structures, 3) residential uses, and 4) non-residential uses. The current proposal involves a complete update of the nonconforming provisions, rather than a piecemeal approach that would not achieve the extent of simplification, clarification and modernization as is possible under a comprehensive update. A comprehensive revision is less costly to pursue, and allows for consistency of policy basis for each component.

In June 2011, staff presented a concept proposal for revision of not only the non-conforming ordinance, but also certain regulations affecting commercial uses, particularly changes of commercial uses within existing buildings. The June 2011 letter of the Planning Director to the Board of Supervisors (Exhibit A) discusses the positive contribution made by legal nonconforming structures and uses, and the proposed shift away from the idea that legal, nonconforming structures will deteriorate and "go away" over time. This idea, particularly for non-residential structures and uses, is actually not consistent with existing General Plan goals and policies related to nonconforming uses and structures (Exhibit C). The proposed package of regulatory changes intends to bring the Code into greater conformity with the General Plan. Key differences between features of the existing and proposed regulations is provided in the Comparison Tables; with Exhibit D reviewing the nonconforming regulations and Exhibit H reviewing the commercial and parking regulations.

FOCUS GROUP PROCESS

The focus group process was very valuable and the proposed code changes presented today vary in significant ways from what was presented in August 2011 to the focus groups for discussion. For example, each group was very interested in the threshold and calculation methodology that will be used to determine whether a given project triggers the a requirement for discretionary site development and/or use permit review, rather than the requirement being for a more straightforward ministerial building permit. As a reminder, a discretionary permit allows for imposition of conditions of approval, while a ministerial permit must be approved if it conforms to fact-based (not judgment-based) standards such as building code standards or other performance standards. Focus group discussions resulted in our recommendation not to recommend a method that relies on the dollar valuation of the structure and the proposed work. There were many other improvements to the proposed code that were suggested by the focus

Exhibit H

groups that have been incorporated into the proposals. A list of the focus group sessions and participants is presented in Exhibit B.

The focus groups confirmed that values such as clear regulations, flexibility, more predictable outcomes, administrative efficiency, neighborhood participation, support for businesses (especially in these hard economic times), cost of permits, environmental protection, and “fairness” in treatment of both high- and low-value structures, and to both urban and rural properties, are all important and must be balanced in some way.

DISCUSSION OF PROPOSED REVISIONS

Each of the proposed changes were developed with a consistent focus on the twin goals of simplifying and modernizing land use regulations on the one hand; and maintaining or expanding environmental protection, protection of neighborhoods, and opportunities for public input on the other. The result is a package of proposed changes that accomplishes a significant measure of simplification and modernization, yet which also offers increased potential for riparian corridor preservation and enhancement, expands opportunities to reuse existing resources and implement sustainable development practices, and in a few cases expands current public notice requirements and opportunities for public input into the permit process.

The recommended revisions, updated to reflect focus group input, were based on extensive research into practices of other jurisdictions, peer review within the Planning Department, focus group input and industry statistical data. The proposals reflect our effort to balance the sometimes competing priorities expressed by the public and the focus groups thus far.

It is important to note that while staff is presenting the proposed changes in the form of a preliminary draft of new ordinance language, the material discusses a range of options, which should be discussed at the workshop. The objective this Fall is to develop a version of the proposal that will serve as the “project description” for the purposes of CEQA environmental review. Only after the environmental document has been subject to public review will public hearings occur before the Commission and Board, and ultimately the Coastal Commission.

In particular, there is a range of options regarding the definition of “reconstruction”. Reconstruction is proposed to be the threshold at which existing legal nonconforming structures would need a discretionary site development permit in order to maintain the nonconformity, or when a remodel project would possibly be subject to a requirement for a Geologic Hazard Assessment. The site development review process could lead to conditions of approval that could require a proposal to come into greater conformity with the code and/or to remove the nonconforming aspects of the structure.

The final selection of how to define “reconstruction” will reflect a decision about which elements of a project are being measured to describe the extent of the remodel, and how they are being measured. A very detailed measuring process that factors in, or “counts”, all internal and external, structural and non-structural elements of a remodel may support a higher threshold; while a less detailed process that counts only major elements of the remodel may pair with a lower threshold. This relational aspect of the portions of the nonconforming code is discussed further in Exhibit G, “Defining Reconstruction”.

KEY INFORMATION GUIDING REFINEMENTS OF THE PROPOSED AMENDMENTS

The code amendments now being proposed incorporate ideas that post-date the Board meeting last June, including information that has been developed since that time as well as revisions suggested by the focus groups. Key information that has guided the revision, and major

components of the proposal, includes:

- Analysis of the extent to which the existing regulations governing nonconforming uses and structures do not track with the General Plan policies. The General Plan is significantly more accepting of nonconforming uses and structures than the County Code. See Exhibit C for a comparison of General Plan policies and the existing nonconforming ordinance. Revisions that create better alignment between the General Plan and the implementing code by definition increase clarity and simplify permit review;
- When projects remodeling an existing nonconforming structure exceed the proposed "Reconstruction" (intended to mean "close to a replacement building") threshold below which only a building permit is required, a "Modified Level 4" site development permit with public notice to owners and occupants within 100 feet, appropriate findings and the opportunity to impose Conditions of Approval would be required, as opposed to a variance, which is the current requirement. A variance is oftentimes difficult to approve given the necessary approval findings; a site development permit allows conditions and changes to the project which would allow it to proceed as conditioned;
- Confirmation that there is no single "best" method for characterizing the extent of a remodel to an existing nonconforming structure that would constitute "Reconstruction", such that it can be easily determined when a nonconforming structure would be subject to approval of a discretionary approval and may be subject to conditions of approval and need to be brought closer into or into compliance with current site standards. Refer to Exhibit G "Defining Reconstruction" for a more detailed discussion of this issue; at this time the proposed approach involves the following new definitions:

Reconstruction: A remodel of an existing habitable structure is considered to be a reconstruction when *[75%-80%; or up to 100% for post-disaster projects]* of the major structural components as defined by Section 13.10.260(b)(4) are substantially altered within the area of work associated with the building project(s), within a consecutive five-year period. The calculation of extent of work will be done in accordance with administrative procedures established by the Planning Director.

Major Structural Components: The major structural components of a structure are defined to include the foundation, underfloor frame, wall framing, floor/ceiling assembly for multi-story structures, roof framing, exterior siding including doors and windows, and roofing material. Decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing are not considered major structural components for the purposes of Chapters 13 and 16.

- A new provision to extend environmental protection, and public safety, by having the threshold for subjecting a project to a discretionary process be significantly lower for structures located within the riparian corridor, or over a property line or right-of-way, than elsewhere. The riparian corridor is defined as from top of bank to top of bank; or from edge of hydrophilic riparian vegetation to edge of hydrophilic riparian vegetation;
- Conforming additions are proposed to not be counted toward the threshold for requiring a discretionary permit, such that if the existing nonconforming structure is not being "reconstructed" it may remain, with any additions needing to conform to current site

development standards;

- The process for rebuilding following a catastrophe has been further simplified, with an emphasis on making property owners who have suffered losses “100% whole,” up to and including full reconstruction, as long as rebuilding the nonconforming situation is “substantially in kind” with what existed prior to the loss;
- Revisions to 13.11 to address the loss of the Urban Designer position and to reinforce and strengthen sections of the Design Review Ordinance pertaining to neighborhood compatibility reviews and beachfront development;
- Revisions to the definition of “development” in Chapter 16.10, to establish a more clear threshold for when a Geologic Hazards Assessment may be required, primarily to change from “50% Alteration of Exterior Walls” to “Reconstruction” as to be defined by County Code;
- Elimination of the “local amendment” to the California Building Code that defined “structure” for the purpose of when a soils report is required; recognizing that the current CA Building Code has been updated to supply sufficient authority, guidance and flexibility;
- Further refinements to parking standards, to modernize in accordance with current industry standards, to create more flexibility for changes of commercial uses in existing commercial buildings, and to allow for more feasible compliance with ADA requirements in remodeled parking lots.
- Revisions to the “Level IV” permit process, to eliminate requirement for publication of notice in newspaper and notice upon filing, and instead require notice prior to action on the project as recently established for the Minor Exceptions permit process. This approach reduces confusion to the public of noticing a project that has not had any staff review and may change before it is recommended for action, and eliminates the cost of a newspaper ad in favor of posting on the County website. Neighbors and the public still review notice in sufficient advance of action to provide comments to staff, but not immediately upon submittal of an application (which is not required for any other “level” of permit review).

CLARIFICATION OF NONCONFORMITIES ADDRESSED BY NONCONFORMING ORDINANCE, AND APPLICABILITY OF EXISTING ENVIRONMENTAL REGULATIONS

There are two factors to note about the relationship of the non-conforming code revisions to existing environmental regulations. First, nonconforming structures are legal structures that are not compliant with current zoning district *site development standards*, which are defined in the code primarily as front, side and rear setbacks; height; floor area ratio (FAR) and lot coverage. Site development standards originate in Chapter 13.10, the Zoning Ordinance and are specific to each zoning district. Nonconformity, as it is the subject of these proposals, is not related to whether or not a structure meets a setback established for environmental protection, most of which originate in Chapter 16. For example, an existing structure may not meet current rules for separation from riparian corridors (riparian corridors are defined for the nonconforming section as “top of bank to top of bank or from edge of hydrophilic riparian vegetation to edge of hydrophilic riparian vegetation”). Unless that structure is *also* nonconforming relative to site standards, it will be unaffected by these proposals.

Second, any standard in the code relating to environmental protection will continue to apply in the current manner, unchanged by these proposals. If an existing nonconforming structure encroaches into sensitive habitat, for example, there is nothing in this package that would cause

Exhibit H

the sensitive habitat protections to be over-ridden or altered. For example, under current codes, even if a project is "small enough" that it may be processed as a ministerial building permit, if it is located in the riparian corridor and involves ground disturbance, then a requirement for a discretionary riparian exception is triggered pursuant to Chapter 16.30. In order to proceed, that project must obtain approval of a Riparian Exception regardless of what Chapter 13.10 states. The point of discussing this factor is to emphasize that the whole code taken together defines the review process for a given project, and even if a nonconforming structure or use "escapes" discretionary review under the nonconforming ordinance, some other portion of the code such as the riparian ordinance or coastal regulations may require a discretionary permit.

COMMERCIAL REGULATIONS

The proposed revisions to regulations affecting businesses are presented in strikeout/underline format in Exhibit I, and a Comparison Table is presented in Exhibit H. Note that a more comprehensive set of Code revisions will be recommended at a later time (it will likely be between a year and two from now before a draft proposal is developed) as part of a broader modernization of Zoning District Use Charts and Development Standards, as well as Permit Processes. For the present, staff is recommending these relatively straightforward revisions as an interim "regulatory reform" package while work on the broader code update continues. The current proposals will provide many benefits in the short term, particularly in the arena of allowing new commercial tenants in existing commercial structures at less cost in shorter time.

Within changes affecting commercial uses, there is an emphasis on parking requirements because parking often determines whether a new business can be approved in a given commercial space, as the code requires different number of spaces for different types of businesses. The fact that businesses of similar character, each of which is allowed in the zone district but which have different parking requirements, flow in and out of established buildings is not very well accommodated by the current parking standards. Additional flexibility is necessary to accomplish these typical tenant changes, as well as to encourage re-use of existing buildings, which benefits the environment in many ways. The proposed adjustments will make parking standards more accurate and up-to-date by specifying a larger area of commercial space per parking space, consistent with data developed through surveys of actual parking use conducted by the Institute of Transportation Engineers (ITE). Other changes, in many cases modeled after neighboring jurisdictions, adjust or codify current practices and include the additional goal of encouraging shared parking and accessibility upgrades. Exhibit H summarizes the parking revisions under consideration.

DESIGN REVIEW ORDINANCE

"Clean-up" revisions are proposed for Design Review, Chapter 13.11, to accommodate the fact that the Urban Designer position is not currently funded (13.10.323 and 13.10.325), to add beachside homes to Design Review, and to strengthen reviews of neighborhood compatibility. None of these changes will substantively affect how the county reviews plans but they will clarify the County Code. The text of proposed revisions to 13.11 in strikeout/underline format is presented in Exhibit I, and also appears in the Comparison Table V of Exhibit H.

PROPOSAL FOR WHEN SOILS REPORTS AND GEOLOGIC REVIEW MAY BE REQUIRED

When the 2007 California Building Code was adopted, a significant change was the extent to which that code required soils reports, and many applicants believed the requirement was excessive. This led Santa Cruz County to adopt a "local amendment" which took the form of defining a "structure" for the purpose of establishing when a soils report would be required. This local amendment is now proposed for deletion, in recognition that the current 2010 CA Building Code has been updated to supply sufficient authority, guidance and flexibility for the

determination of when a soils report is needed.

Also, consistent with the proposal outlined to the Board of Supervisors in June 2011, staff is proposing to revise the definition of "Development" in the Geologic Hazards code section (16.10), to move away from the use of altered walls and altered foundations, and shift to a "reconstruction" threshold, which would be in effect along with other existing thresholds that would be retained, such as the existing "50% addition" threshold. The proposed revisions to Chapter 16.10 are shown in strikeout/underline format in Exhibit I.

CONCLUSION, RECOMMENDATION, AND NEXT STEPS

The proposed code revisions reflect the realities that many structures and uses in our community are nonconforming to current site standards or zoning district use charts, yet generally contribute positively to the community and environment. They should be allowed to continue and to be maintained and improved as envisioned in the General Plan.

The revisions are also intended to provide greater flexibility for commercial uses to locate within existing commercial buildings, more quickly and at lower cost.

Furthermore, certain other changes are intended to remove certain requirements that add time and expense to processing of development proposals, which are excessive in relation to any benefit that such requirements may be providing.

Today's workshop is an opportunity for additional public information, discussion and comment on the proposals presented this morning. Staff recommends that, following the presentation, your Commission:

1. Provide the public with an opportunity to comment on the proposals and draft ordinances;
2. Provide input on the proposals to staff, and;
3. Direct staff to return to the Board of Supervisors with further refinements to the proposals and draft ordinance(s) as recommended by your Commission, for acceptance of the proposed draft ordinance language as the "project description" for the purpose of environmental review, and for authorization to release a CEQA document on the proposed changes.

As previously noted, Planning staff is scheduled to provide a status report on the proposed revisions to the Board of Supervisors next week on Tuesday, September 20, 2011. We will advise the Board of the discussions and comments heard today.

Sincerely,

Kathleen Molloy Previsich
Planning Director

Exhibits: A: Letter of Planning Director to Board of Supervisors, Board agenda June 28, 2011
 B: List of participants in focus groups

Exhibit H

- C: Existing General Plan policies regarding nonconforming uses and structures
- D: Comparison Table of existing nonconforming regulations and proposed revisions.
- E: Proposed nonconforming ordinance (new ordinance to replace existing ordinance)
- F: Existing nonconforming ordinance and definitions (proposed for deletion)
- G: Defining "Reconstruction"
- H: ComparisonTable of proposed revisions to parking standards, commercial changes of use, new commercial uses (Chapter 13.10), Design Review (Chapter 13.11)
- I: Strikeout/underline version of revisions to Chapters 13.10, 13.11 and 16.10

Exhibit I: Current Regulations for Nonconforming Uses and Structures

13.10.260 Nonconforming uses—Provisions that apply to all uses.

The following provisions apply to all categories of nonconforming uses.

(a) Purpose and Intent:

1. Significantly nonconforming uses are detrimental to the orderly development of the County, to the general welfare, and to the implementation of the General Plan/Local Coastal Program. It is the intent of this Chapter that significantly nonconforming uses be rapidly eliminated through restrictions on repairs, alterations, expansion, reconstruction, change and intensification of use, cessation of use, and termination of use in conformance with the policies of the General Plan/LCP.
2. Nonconforming uses that are not significantly nonconforming may be detrimental to the orderly development of the County and the general welfare based on the degree of nonconformity. It is the intent of this Chapter to regulate the repair, alteration, expansion, reconstruction, change and intensification of use, cessation of use, and termination of use in conformance with the policies of the General Plan/LCP.
3. Nonconforming uses that can become conforming to the regulations of this Chapter are encouraged to do so.

(b) Definitions. In addition to the definitions set forth in Section 13.10.700(A) through 13.10.700(Z), the following words and phrases, whenever used in this Section, or Sections 13.10.261 or 13.10.262, shall have the following meanings:

1. Development Standards: Standards that regulate the development of uses, including but not limited to signage, useable open space and the design regulations found in Chapter 13.11. For the purposes of the Section, site and structural dimensions are not considered development standards.
2. Imminent Threat: A situation that poses an impending threat to life or property as determined by the Planning Director, Building Official and/or the County Geologist.
3. Intensification of Use, Residential: Any change to a residential use which will result in an increase of its number of bedrooms, as defined in Section 13.10.700(B), shall be an "intensification of use" for purposes of this Chapter.
4. Nonconforming Use: The use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of Chapters 13.10 or 13.11, conforms to the present General Plan/Local Coastal Program land use designation, and:

- (i) Has not lost its nonconforming status due to cessation of use, as outlined in Sections 13.10.260, 13.10.261, or 13.10.262; and

- (ii) No longer conforms to the present use, density, or development standards of the zone district in which it is located; or
- (iii) Does not have a valid Development Permit as required by the present terms of this Chapter.

5. Ordinary Maintenance and Repair in Kind: Any work, whether structural or non-structural, that is done to a structure in kind to preserve its current condition or restore to its original condition. Structural repairs in kind may not exceed the aggregate of ten (10) percent of the exterior walls, roof, or foundation within any one year period. Structural repairs in kind that result in greater than the aggregate of ten (10) percent of the exterior walls, roof, or foundation being repaired within any one year period shall be deemed a structural alteration. The replacement of the interior or exterior wall coverings or the replacement of the windows or 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 not to be structurally repaired are in fact structurally sound and that it will not be necessary to repair or alter such portions of the structure during the course of construction.

6. Reconstruction: The rebuilding of a structure or portion(s) of a structure. A structural alteration or repair that involves greater than fifty (50) percent of the exterior walls being altered within any five year period shall be deemed a reconstruction. 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 not to be structurally repaired or altered are in fact structurally sound and that it will not be necessary to repair or alter such portions of the structure during the course of construction.

7. Significantly Nonconforming Use: The use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of Chapters 13.10 or 13.11, does not conform to the present General Plan/Local Coastal Program land use designation, and has not lost its nonconforming status due to cessation of use as outlined in Sections 13.10.260, 13.10.261, or 13.10.262.

8. Structural Alteration: Any change in the supporting members of a building, such as the foundation, bearing walls, columns, beams, girders, floor, ceiling or roof joists, and roof rafters or structural repairs in kind greater than ten (10) percent but less than 50.1% of the exterior walls. Roofs and foundations may be replaced. No physical expansion shall be permitted unless expressly authorized in Sections 13.10.261 or 13.10.262. Structural alterations or repairs that result in greater than fifty (50) percent of the exterior

walls being altered within any five year period shall be deemed a reconstruction. 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.

(c) General Requirements.

1. Determination of Nonconforming Status. The property owner shall have the burden of proof in establishing the nonconforming use status of any land or structure. The Planning Director may charge a fee, as stated in the Uniform Fee Schedule, for the review of submitted documents which shall be based upon a reasonable estimate of the cost to the County for verifying the claim.
2. Continuation of Nonconforming Rights. The lawful use of land existing on the effective date of the adoption or change of zoning designation or of the zoning regulations may be continued, even if the use no longer conforms to the regulations specified by Chapter 13.10 for the district in which the land is located and Chapter 13.11, provided that the use shall not be intensified or expanded to occupy a greater area than that occupied by the use at the time of adoption or change in zoning designation or zoning regulations.

Exceptions:

- (i) The nonconforming use of a structure may be changed to a use of the same or less intense nature, provided that in each case a Level V Development Permit, or lower level Development Permit as provided in Section 13.10.261, is obtained.
 - (ii) The nonconforming use of a portion of a building may be extended throughout the building, provided that in each case a Level V Development Permit, or lower level Development Permit as provided in Section 13.10.261, is obtained.
3. Loss of Nonconforming Status. Loss of nonconforming status due to cessation of use shall be as provided in Sections 13.10.261 and 13.10.262.
 4. Reconstruction of Structures Containing Nonconforming Uses Damaged by the Loma Prieta Earthquake. Notwithstanding any other provision of this Section, 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:

(i) 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;

(ii) Will be for the same use as the damaged or destroyed structure; and

(iii) Will not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10%.

5. Preexisting Parcels. A parcel that does not meet the current minimum site area, width, or frontage as required by the regulations of the zone district in which the parcel is located, or does not conform due to public dedication of right-of-way in accordance with Section 13.10.323(d)3, shall be deemed conforming and may be developed if:

(i) The parcel was legally created; and

(ii) The parcel has not been combined or merged pursuant to Sections 14.01.110 and 14.01.111.

6. Nonconforming Parking. In accordance with the limitations of Section 13.10.575, no legal existing use of land or structure shall be deemed to be a nonconforming use solely because of the lack of offstreet parking or loading facilities.

7. Compliance with the American with Disabilities Act or Chapter 11 of the State Building Code. Nothing in this Section, or Sections 13.10.261 and 13.10.262, shall preclude structural work performed for the sole purpose of coming into compliance with the Americans with Disabilities Act (ADA) or Chapter 11 of the State Building Code found in Volume II of Title 24 of the California Code of Regulations.

8. Compliance with Other Sections of the County Code. All development allowed by this Section, or Sections 13.10.261 and 13.10.262, shall be in conformance with all other requirements of the County Code, unless exceptions, as provided in those Sections, are granted.

9. Statement of Acknowledgment Required. Any Building or Development Permit issued for repair, structural alteration, expansion, change or intensification of use, or reconstruction shall include a condition requiring recordation of a Statement of Acknowledgment of Nonconforming or Significantly Nonconforming Use Status.

10. Termination of Use. The Board of Supervisors may order a nonconforming use to be terminated, upon recommendation of the Planning Commission. The Planning Commission shall conduct a public hearing after 15 days written notice to the nonconforming user. If the nonconforming user has not made a substantial investment in

furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the Order may require complete termination of the nonconforming use within a minimum of one year after the date of the Order. If the nonconforming user has made a substantial investment in furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the Order may require complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to public health or safety may be terminated immediately, pursuant to Chapter 1.14 of this Code. In making its recommendation, the Planning Commission shall consider:

- (i) The total cost of land and improvements;
- (ii) The length of time the use has existed;
- (iii) Adaptability of the land and improvements to a currently permitted use;
- (iv) The cost of moving and reestablishing the use elsewhere;
- (v) Whether the use is significantly nonconforming;
- (vi) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (vii) The possible threat to public health, safety or welfare; and
- (viii) Any other relevant factors.

Failure to comply with a Board of Supervisors' Order to terminate a nonconforming use shall constitute a violation of the Chapter and is a public nuisance subject to abatement in accordance with Chapter 1.14 of the Code.

11. Termination as a Result of Public Agency Acquisition or Eminent Domain. Notwithstanding any other provisions of this section, whenever a nonconforming use of land or buildings outside of the California Coastal Zone is terminated by reason of an acquisition of the property or portion thereof by a public agency by eminent domain or an acquisition under threat of the use of eminent domain, the nonconforming use may be relocated to another location on the property or to an adjacent parcel, including a parcel which is near or close to the subject parcel, provided that:

- (i) Any structure reconstructed and/or relocated for the nonconforming use will not exceed the floor area, height, or bulk of the replaced structure;
- (ii) The use will remain the same;

(iii) A Level V approval is obtained based on a finding that the relocated use and any structure for the use will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity or the general public, nor be materially injurious to properties or improvements in the vicinity, and that any relocated or reconstructed 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. (Ord. 560, 7/14/58; 740, 12/11/61; 1704, 4/25/72; 2047, 8/20/74; 2452, 6/21/77; 2787, 10/2/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3593, 11/6/85; 4217, 10/20/92; 4411, 4/16/96; 4467, 8/12/97; Ord. 4525, 12/8/98)

13.10.261 Residential nonconforming uses.

(a) Single-Family Dwelling Regulations.

1. A dwelling located on a parcel whose general plan designation prohibits primary residential use and is not part of a permitted mixed use development shall be deemed significantly nonconforming and limited to the improvements and restrictions provided in Section 13.10.261 Table 1.
2. A dwelling located on a parcel with Commercial or Industrial zoning and a Residential general plan designation shall be deemed nonconforming and subject to the restrictions provided in Section 13.10.261 Table 1.
3. In determining the percentage of damage for the purposes of repair or reconstruction after fire, other catastrophic event, or the public enemy, the following method shall be used:

The percentage of damage or destruction of the total length of the exterior walls (exclusive of the foundation or roof) that occurred and the percentage of the exterior walls (exclusive of the foundation or roof) that will be required to be moved, replaced or altered in any way to restore the structure, except that 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 counted in this calculation. 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 shows 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.

(b) Accessory Structure Regulations. The following regulations shall apply to both habitable and non-habitable accessory structures as defined in Sections 13.10.700-H and 13.10.700-N:

1. An accessory structure located on a parcel whose general plan designation prohibits primary residential use and is not part of a permitted mixed use development shall be deemed significantly nonconforming and limited to the improvements and restrictions provided in Section 13.10.261 Table 2.
2. An accessory structure located on a parcel with Commercial or Industrial zoning and a Residential general plan designation shall be deemed nonconforming and subject to the restrictions as provided in Section 13.10.261 Table 2.
3. An accessory structure that does not meet the use standards of Section 13.10.611 shall be deemed nonconforming and subject to the restrictions provided in Section 13.10.261 Table 2.

Exception: An accessory structure that is a nonconforming use solely because of the existence of a toilet and/or waste drain lines larger than 1 1/2 inches in size may be repaired, structurally altered, or reconstructed with no physical expansion upon issuance of a building permit.

4. In determining the percentage of damage for the purposes of repair or reconstruction after fire, other catastrophic event, or the public enemy, the method outlined in Section 13.10.261(a)3 shall be used.

(c) Nonstructural Uses and Home Occupations Regulations.

1. Nonstructural uses and home occupations shall not be expanded.
2. Loss of nonconforming status occurs after a continuous six month cessation of use.

(d) Dwelling Groups Regulations.

1. Where two or more residential dwelling units exist on a parcel of land as nonconforming units because the zoning of the property no longer allows more than one dwelling unit, one of the units shall be deemed as conforming to the zone district. The owner may choose, one time only, which unit shall be considered as conforming. Accordingly, that unit may be repaired, structurally altered, enlarged, or reconstructed in accordance with the site and structural dimensions of the zone district in which the parcel is located. The other nonconforming units(s) shall be subject to the requirements of this Section.

2. Dwelling groups located on a parcel whose general plan designation prohibits primary residential use and are not part of a permitted mixed use shall be deemed a significantly nonconforming use and limited to the improvements and restrictions provided in Section 13.10.261 Table 3.

3. All other nonconforming dwelling groups shall be subject to the restrictions as provided in Section 13.10.261 Table 3.

Exception: The foundation and/or roof line of dwelling units that are not significantly nonconforming may be physically expanded provided that the cubic habitable space of the structure(s) is not increased, the structural alterations are in accordance with the height and other applicable restrictions of this Chapter, and a Level IV Use Approval is obtained.

4. Except as provided in subsection (e) of this Section regarding reconstruction of dwelling groups after catastrophe, an application to reconstruct a nonconforming dwelling unit or units shall be denied if the Approving Body makes one or more of the following findings:

- (i) That the reconstruction, restoration or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; or
- (ii) That the existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.

5. Factors that the Approving Body shall take into consideration in making the findings referred to in subsection 4(i) or 4(ii) of this subsection include, but are not limited to, the following:

- (i) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (ii) The availability of off and on-street parking, both on the subject property and in the surrounding neighborhood; and
- (iii) The adequacy of light, air and privacy on both the subject property and adjacent properties.

6. An application to reconstruct, restore or rebuild a nonconforming dwelling unit or units that has been denied pursuant to subsection 4. of the subsection may be resubmitted and approved if it is revised, including but not limited to reducing the size

and/or number of units, such that the basis for making the findings for denial no longer apply.

(e) Reconstruction of Dwelling Groups after Catastrophe.

1. Notwithstanding any other provisions of the County Code (including, but not limited to subsections (g) and (h) of Section 13.10.265), whenever a multifamily dwelling is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, the multifamily dwelling may be reconstructed, restored, or rebuilt as a nonconforming use in accordance with this subsection (e) and with a Level V or VI approval in accordance with this subsection and Section 13.10.261 Table 3.

2. For purposes of this subsection, for dwelling groups that are significantly nonconforming, the term "multifamily dwelling" means a structure designed for human habitation that is divided into two or more independent living quarters. For dwelling groups that are nonconforming, the term "multifamily dwelling" means a structure designed for human habitation that is divided into two or more independent living quarters or a structure designed for human habitation located on site with other dwellings.

3. In determining the percentage of damage for the purposes of repair or reconstruction after fire, other catastrophic event, or the public enemy, the following method shall be used:

The percentage of damage or destruction of the total length of the exterior walls (exclusive of the foundation or roof) that occurred and the percentage of the exterior walls (exclusive of the foundation or roof) that will be required to be moved, replaced or altered in any way to restore the structure, except that 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 counted in this calculation. 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 shows 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.

4. Any reconstruction, restoration, or rebuilding undertaken pursuant to this subsection shall conform to all of the following:

- (i) The California Building Standards Code as that code is in effect at the time of the reconstruction, restoration, or rebuilding;
- (ii) Any more restrictive County building standards authorized pursuant to Sections 13869.7, 17958.7, 18941.5 of the Health and Safety Code and any successor provisions, as those standards are in effect at the time of reconstruction, restoration, or rebuilding.
- (iii) The State Historical Building Code Part 2.7 (commencing with Section 18950 and any successor provisions) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures;
- (iv) The County Zoning Ordinance, so long as the predamage size and number of dwelling units are not exceeded;
- (v) State Architectural regulations and standards or County Code Chapter 13.11, so long as the predamage size and number of dwelling units are not exceeded; and
- (vi) A building permit which shall be obtained within two years after the date of the damage or destruction and construction diligently pursued.

5. An application made pursuant to this subsection shall be denied if the Approving Body makes one or more of the following findings:

- (i) That the reconstruction, restoration or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvement in the neighborhood; or
- (ii) That the existing nonconforming use of the building or structure would be more appropriately moved to a zone district in which the use is permitted; or
- (iii) That the building is located in an industrial zone district.

6. Factors that the Approving Body shall take into consideration in making the findings referred to in subsection 5(i) or 5(ii) of this subsection include, but are not limited to, the following:

- (i) Whether the multifamily residential use, as defined in subsection (e)2 of this subsection, is significantly nonconforming;

- (ii) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (iii) The availability of off and on-street parking, both on the subject property and in the surrounding neighborhood; and
- (iv) The adequacy of light, air and privacy on both the subject property and adjacent properties.

7. An application to reconstruct, restore or rebuild a multifamily dwelling to its predamaged size and number of dwelling units that has been denied pursuant to subsection 5. of this subsection may be resubmitted and approved if it is revised, including but not limited to reducing the size and/or number of units, such that the basis for making the findings for denial no longer apply.

8. This subsection shall not apply if, prior to the damage or destruction, the multifamily dwelling use had lost its nonconforming status due to cessation of use as shown in Section 13.10.261 Table 3. (Ord. 4525, 12/8/98). Note: Tables referenced in text are located on the next pages.

Section 13.10.261 TABLE 1
RESIDENTIAL NONCONFORMING USE: SINGLE-FAMILY DWELLING

TYPE OF ALTERATION	SIGNIFICANTLY NONCONFORMING: Parcel has Commercial or Industrial General Plan designation and a residential use only on site	NONCONFORMING: Parcel has Commercial or Industrial zoning and a Residential General Plan designation
Ordinary maintenance and repair in kind or structural alteration for imminent threat	Yes	Yes
Structural alteration	No	Yes, maximum of 50% of exterior walls within 5 year period
Extend use throughout building	Yes, with Level V no intensification	Yes, with Level III
Physical Expansion	No	Yes, with Level III, 500 square feet expansion one time only

Reconstruction	No	Yes, with Level III, 500 square feet expansion one time only
Reconstruction up to 75% after disaster	Yes, with Level V no intensification	Yes, may expand 500 square feet one time only with Level III
Reconstruction 75% or greater after disaster	No	Yes, with Level III, 500 square feet expansion one time only
Loss of nonconforming status due to cessation of use	12 continuous months**	No restriction

** unless cessation caused involuntarily by fire, other catastrophic event, or the public enemy, in which case a building permit must be obtained within 2 years and construction diligently pursued

Section 13.10.261 TABLE 2
RESIDENTIAL NONCONFORMING USE: ACCESSORY STRUCTURE

TYPE OF ALTERATION	SIGNIFICANTLY NONCONFORMING : Parcel has Commercial or Industrial General Plan designation and a residential use only on site	NONCONFORMING : Parcel has Commercial or Industrial zoning and a Residential General Plan designation and accessory structure does not meet use restrictions	NONCONFORMING : Structure meets zoning and General Plan designations but does not meet use restrictions or does not have required Development Permit	NONCONFORMING : Parcel has Commercial or Industrial zoning and a Residential General Plan designation and accessory structure meets use restrictions
Ordinary maintenance and repair in kind or structural alteration for imminent threat	Yes	Yes	Yes	Yes
Structural alteration	No	Yes, with Level III, maximum of 50% of exterior walls within	Yes, with Level III, maximum of 50% of exterior walls within	Yes, with Level III

		a 5 year period	a 5 year period	
Extend use throughout building	Yes, with Level V	Yes, with Level IV	Yes, with Level IV	Yes, with Level III
Physical expansion	No	No	No	Yes, with Level III
Reconstruction	No	No	No	Yes, with Level III
Reconstruction up to 75% after disaster	Yes, with Level V; no intensification	Yes, with Level IV; no intensification	Yes, with Level IV; no intensification	Yes, with Level III
Reconstruction 75% or greater after disaster	No	No	No	Yes, with Level III
Loss of nonconforming status due to cessation of use	12 continuous months**	12 continuous months**	12 continuous months**	No restriction

** unless cessation caused involuntarily by fire, other catastrophic event, or the public enemy, in which case a building permit must be obtained within 2 years and construction diligently pursued

**Section 13.10.261 TABLE 3
RESIDENTIAL NONCONFORMING USE: DWELLING GROUPS**

TYPE OF ALTERATION	SIGNIFICANTLY NONCONFORMING : Parcel has General Plan designation that prohibits primary residential use and dwelling group is not part of a legal mixed use	NONCONFORMING : Parcel has General Plan designation that allows primary residential use and built before Development Permit requirements, does not meet zone	NONCONFORMING : Parcel has General Plan designation that allows primary residential use and built with Development Permit, does not meet zone district use, density,	NONCONFORMING : Parcel has General Plan designation that allows primary residential use and built before Development Permit requirement, does meet zone district
--------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

Exhibit I

		district use, density, and/or standards	and/or standards	use, density, and standards
Ordinary maintenance and repair in kind or structural alteration for imminent threat	Yes	Yes	Yes	Yes
Structural alteration	No	Yes, maximum of 50% of exterior walls within a 5 year period	Yes, maximum of 50% of exterior walls within a 5 year period	Yes, maximum of 50% of exterior walls within a 5 year period
Extend use throughout building	Yes, with Level V, no intensification	Yes, with Level IV, no intensification	Yes, amend Development Permit (per Section 18.10.134), no intensification	Yes, with Level III; Level V if intensifies
Physical expansion	No	No	No	No
Reconstruction without expansion	No	Yes 1-4 units: Level V 5+ units: Level VI no intensification	Yes, if work commenced within 12 months no intensification	Yes, with Level V
Reconstruction up to 100% after disaster: multifamily attached only, with no expansion*	Yes 1-4 units: Level V 5+ units: Level VI, no intensification	Yes 1-4 units: Level V 5+ units: Level VI no intensification	Yes no intensification	Yes, with Level V
Reconstruction up to 75% or greater after disaster: detached	Yes no intensification	Yes no intensification	Yes no intensification	Yes Level V if intensifies

Exhibit I

units, with no expansion				
Reconstruction 75% or greater after disaster: detached units, with no expansion	No	Yes 1-4 units: Level V 5+ units: Level VI no intensification	Yes no intensification	Yes, with Level V
Loss of nonconforming status due to cessation of use	12 continuous months**	12 continuous months**	12 continuous months**	12 continuous months**

* except for properties zoned M-1, M-2, M-3

** unless cessation caused involuntarily by fire, other catastrophic event, or the public enemy, in which case a building permit must be obtained within 2 years and construction diligently pursued

(Ord. 4836 § 8, 10/3/06)

13.10.262 Nonresidential nonconforming uses.

(a) Allowed Changes to Nonresidential Uses. Only ordinary maintenance and repair in kind not involving structural repairs may be made to a nonresidential nonconforming use, except as provided in 13.10.262(b) below.

(b) Reconstruction of Involuntarily Damaged or Destroyed Nonresidential Uses. If any building or structure which does not conform to the use of the district in which it is located is involuntarily damaged or destroyed by fire, other catastrophic event, or the 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 or the replacement of 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 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

Exhibit I

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.

(c) ~~Loss of Nonconforming Status.~~ If the nonconforming use of land or buildings ceases for a continuous period of six months, then without further action by the County, the building or land shall be subject to all of the regulations of this Chapter for the district in which said land is located.

(d) ~~Nonconforming Greenhouses.~~ Regulations regarding the replacement of nonconforming greenhouses are found in Section 13.10.636(c).

(e) ~~Nonconforming Farm Worker Housing.~~ Regulations regarding repair and replacement of nonconforming farm worker housing are found in Section 13.10.631(c).

(f) ~~Nonconforming Recycling Collection Facilities.~~ Regulations regarding nonconforming recycling collection facilities are found in Section 13.10.658(b).

(g) ~~"M-1" Zone District Uses Not in Compliance with Section 13.10.345(a).~~ Uses in the "M-1" zone district which are not in compliance with the provisions of Section 13.10.345(a)1 through 6 are subject to Sections 13.10.345(a)7 and 8.

(h) ~~Lands designated with a "P" Combining District.~~ Modification or expansion of uses on lands designated with a "P" Combining District shall be processed as set forth in Section 13.10.473.

(i) ~~Expansion of Organized Camps with Nonconforming Densities.~~ Expansion of organized camps with nonconforming densities shall be processed as set forth in Section 13.10.353(b)3. (Ord. 4525, 12/8/98)

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 net, 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 on 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;
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 and does not expand the perimeter foundation line 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; or
3. The structural enlargement, extension, reconstruction or alteration is required to provide access for persons with disabilities 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 fifty (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 seventy-five (75) percent 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 subsection (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 ten (10) percent.

(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 variance for improvements not allowed by 13.10.265(e), and 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 five 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; 4642, 11/6/2001; Ord. 4771 § 3, 4/12/05; Ord. 4836 §§ 9, 10, 10/3/06)