

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 03-0320

APN: 032-121-32

APPLICANT: Michael Helm

OWNER: Michael Helm

PROJECT DESCRIPTION: Proposal to remove 34 square feet from an existing garage and construct an 84 square foot addition.

LOCATION: Property located on the southeast corner of the intersection of Moana Way and 36th Ave at 540 36th Ave.

PERMITS REQUIRED: Level V Use Approval to construct an addition to a significantly non-conforming structure.

ENVIRONMENTAL DETERMINATION: Exempt - Category 3

COASTAL ZONE: ☒ Yes ☐ No

APPEALABLE TO CCC: ☐ Yes ☒ No

PARCEL INFORMATION

PARCEL SIZE: 5,096 square feet (EMIS Estimate)

EXISTING LAND USE:

PARCEL: Residential

SURROUNDING Residential

PROJECT ACCESS: 36th Ave

PLANNING AREA: Live Oak

LAND USE DESIGNATION: R-UM (Urban Medium Residential)

ZONING DISTRICT: R-1-4 (Single-Family Residential, 4,000 square foot minimum)

SUPERVISORIAL DISTRICT: 1st

ENVIRONMENTAL INFORMATION

- | | |
|----------------------|--|
| a. Geologic Hazards | a. Not mapped/no physical evidence on site |
| b. Soils | b. No report required |
| c. Fire Hazard | c. Not a mapped constraint |
| d. Slopes | d. Level |
| e. Env. Sen. Habitat | e. Mapped Biotic, no physical evidence on site |
| f. Grading | f. No grading proposed |
| g. Tree Removal | g. No trees proposed to be removed |

SERVICES INFORMATION

Inside Urban/Rural Services Line: X Yes N o
Water Supply: City of Santa Cruz Water
Sewage Disposal: County Sanitation
Fire District: Central Fire
Drainage District: Zone 5

HISTORY

The property was granted Use Permit #1356-U in 1962 for an addition. The existing structure is non-conforming with respect to the north side yard setback (3 feet) where 5 feet is required. The structure is both non-conforming and significantly non-conforming with respect to the rear yard setback (2 feet) where 15 feet is required from the rear property line and where less than 5 feet from the existing 30-foot vehicular right of way (Madrone Ave) meets the definition of significantly non-conforming structure in County Code Section 13.10.265(k)(1).

ANALYSIS AND DISCUSSION

The subject property is a 5,096 square foot lot, located in the R-1-4 (Single-Family Residential, 4,000 square foot minimum) zone district, a designation that allows residential uses. The proposed changes to the existing single-family dwelling are permitted as they are ancillary to the principal permitted use within the zone district and are consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

The proposed changes to the existing single-family dwelling are in conformance with the County's certified Local Coastal Program in that the structure will remain sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

The applicant wishes to remove the entire non-conforming portion of the existing structure within the required 5-foot north side yard setback (see History above). This area measures 22' 6" X 1' 8" (about 34 feet) and is part of the existing attached garage. A conforming, 84-square foot (10' 8" X 7' 6"), addition would then be constructed in the front portion of the garage where there is ample room between the structure and the required 20-foot front yard setback line. No changes are proposed to the significantly non-conforming portion of the structure (see History above).

While County Code Section 13.10.265(j) states, "...no structural enlargement, extension, reconstruction or structural alteration shall be made to any significantly non-conforming structure unless a Level V Use Approval is obtained..." findings contained in Section 13.10.365(j)(1) through 4) can be made in support of the project. Specifically, the non-conforming portion of the

structure is adjacent to a private right of way that is used to access only 3 parcels, and further is separated from the right of way by a continuous fence; therefore it is not detrimental to health, safety and welfare of persons residing in the area. The retention of the structure will not impede County General Plan objectives as Madrone Ave is not a County maintained road and no specific plan has been adopted for the area. The existing structure is well within the existing design pattern and character of the neighborhood, and the addition will not increase the non-conforming dimensions of the structure. (See Exhibit H)

By removing the non-conforming area on the north side of the structure, more light and air will reach the area between this structure and the adjacent structure to the north. This result of the project is more directly beneficial to persons residing in the area than would be the removal of the significantly non-conforming area, which has far greater separation from the nearby homes.

Per County Code Section 13.20.068(a)(1)(i), no coastal permit is required for this project as the site is outside the appeal jurisdiction of the Coastal Commission and the addition is less than 500 square feet.

With the proposed addition the property will be developed to 29.0 percent lot coverage and 27.7 percent Floor Area Ratio, and therefore meets County regulation regarding both limitations. Three parking spaces exist on the site and no reduction in on-site parking will result from the project.

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number **03-0320**, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map
- F. Zoning map
- G. General Plan map
- H. County Code Section 13.10.265

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: John Schlagheck
Santa Cruz County Planning Department
701 Ocean Street, ~~4th~~ Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3012 or, john.schlagheck@ca.santa-cruz.ca.us

DEVELOPMENT PERMIT 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 RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed change to the existing single-family dwelling 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 result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed change will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the proposed new structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood. Additionally, the removal of non-conforming portions of the building will increase the amount of light, air, and open space in the area just north of the existing home.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the R-1-4 (Single-Family Residential, 4,000 square foot minimum) zone district. The proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 zone district in that the primary use of the property will continue to be one single-family dwelling that, while significantly non-conforming with respect to a vehicular right of way on the eastern boundary of the property and non-conforming with respect to the rear property line, otherwise meets all current site standards for the zone district.

Per County Code Section 13.20.068(a)(1)(i), no coastal permit is required for this project as the site is outside the appeal jurisdiction of the Coastal Commission and the addition is less than 500 square feet.

With the proposed addition the property will be developed to 29.0 percent lot coverage and 27.7 percent Floor Area Ratio, and therefore meets County regulation regarding both limitations.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Urban Medium Residential (R-UM) land use designation. The proposed residential use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Urban Medium Residential).

While County Code Section 13.10.265(j) states, "...no structural enlargement, extension, reconstruction or structural alteration shall be made to any significantly non-conforming structure unless a Level V Use Approval is obtained..." findings contained in Section 13.10.365(j)(1 through 4) can be made in support of the project. Specifically, the non-conforming portion of the structure is adjacent to a private right of way that is used to access only 3 parcels, and further is separated from the right of way by a continuous fence; therefore it is not detrimental to health, safety and welfare of persons residing in the area. The retention of the structure will not impede County General Plan objectives as Madrone Ave is not a County maintained road and no specific plan has been adopted for the area. The existing structure is well within the existing design pattern and character of the neighborhood, and the addition will not increase the non-conforming dimensions of the structure.

By removing the non-conforming area on the north side of the structure, more light and air will reach the area between this structure and the adjacent structure to the north. This result of the project is more directly beneficial to persons residing in the area than would be the removal of the significantly non-conforming area, which has far greater separation from the nearby homes.

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.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that the addition is to an existing single-family dwelling on an existing developed lot within the Urban Services Line. Since the addition does not involve an increase in the number of bedrooms, no increase is expected in the level of traffic.

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.

The proposed addition to the existing single-family dwelling 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 in the vicinity, in that the proposed structure is a one-story addition to a one-story home in a mixed neighborhood of one and two-story homes. Exterior finish materials are to match that of the existing home, which has existing for many years.

CONDITIONS OF APPROVAL

Exhibit A: Plans by Michael Helm, Architect, dated 7/30/03

- I. This permit authorizes the removal of about 34 square feet (approx. 22' 6" X 1' 8") from an existing garage and the construction of about **84** square foot (approx. 10' 8" X 7' 6") to **an** existing single-family dwelling. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, **and** return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official, if applicable.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Pay the \$25 Environmental Exemption filing fee to the Clerk of the Board.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements.
 - B. Meet all requirements of and pay Zone **5** drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - D. Provide required off-street parking for **3** cars. Parking spaces must be 8.5 feet wide by **18** feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all ~~further~~ site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost ~~of~~ such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE
DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS
AND COMMENCE CONSTRUCTION.**

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

John Schlagheck
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected
by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning
Commission in accordance with chapter 18.10 of the **Santa** Cruz County Code.

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

Application No.: 03-0320

Assessor Parcel No.: 032-121-32

Project Location: 540 36th Ave

Project Description: Less than 100-foot addition to an existing home

Person or Agency Proposing Project: Michael Helm

Contact Phone: (831) 476-5387

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

D. Categorical Exemption

- | | |
|--|---|
| <input type="checkbox"/> 1. Existing Facility | <input type="checkbox"/> 20. Changes in Organization of Local Agencies |
| <input type="checkbox"/> 2. Replacement or Reconstruction | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies |
| <input checked="" type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 22. Educational Programs |
| <input type="checkbox"/> 4. Minor Alterations to Land | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations | <input type="checkbox"/> 24. Regulation of Working Conditions |
| <input type="checkbox"/> 6. Information Collection | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources | <input type="checkbox"/> 27. Leasing New Facilities |
| <input type="checkbox"/> 9. Inspection | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities |
| <input type="checkbox"/> 10. Loans | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities |
| <input type="checkbox"/> 11. Accessory Structures | <input type="checkbox"/> 30. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales | <input type="checkbox"/> 31. Historical Resource Restoration/Rehabilitation |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation Purposes | <input type="checkbox"/> 32. In-Fill Development Projects |
| <input type="checkbox"/> 14. Minor Additions to Schools | |
| <input type="checkbox"/> 15. Minor Land Divisions | |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks | |
| <input type="checkbox"/> 17. Open Space Contracts or Easements | |
| <input type="checkbox"/> 18. Designation of Wilderness Areas | |
| <input type="checkbox"/> 19. Annexation of Existing Facilities Lots for Exempt Facilities | |

E. ☐ Lead Agency Other Than County:

John Schlagheck, Project Planner

Date: _____

EXHIBIT D

FOR TAX PURPOSES ONLY
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. RANCHO ARROYO DEL RODEO
NE. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

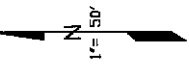
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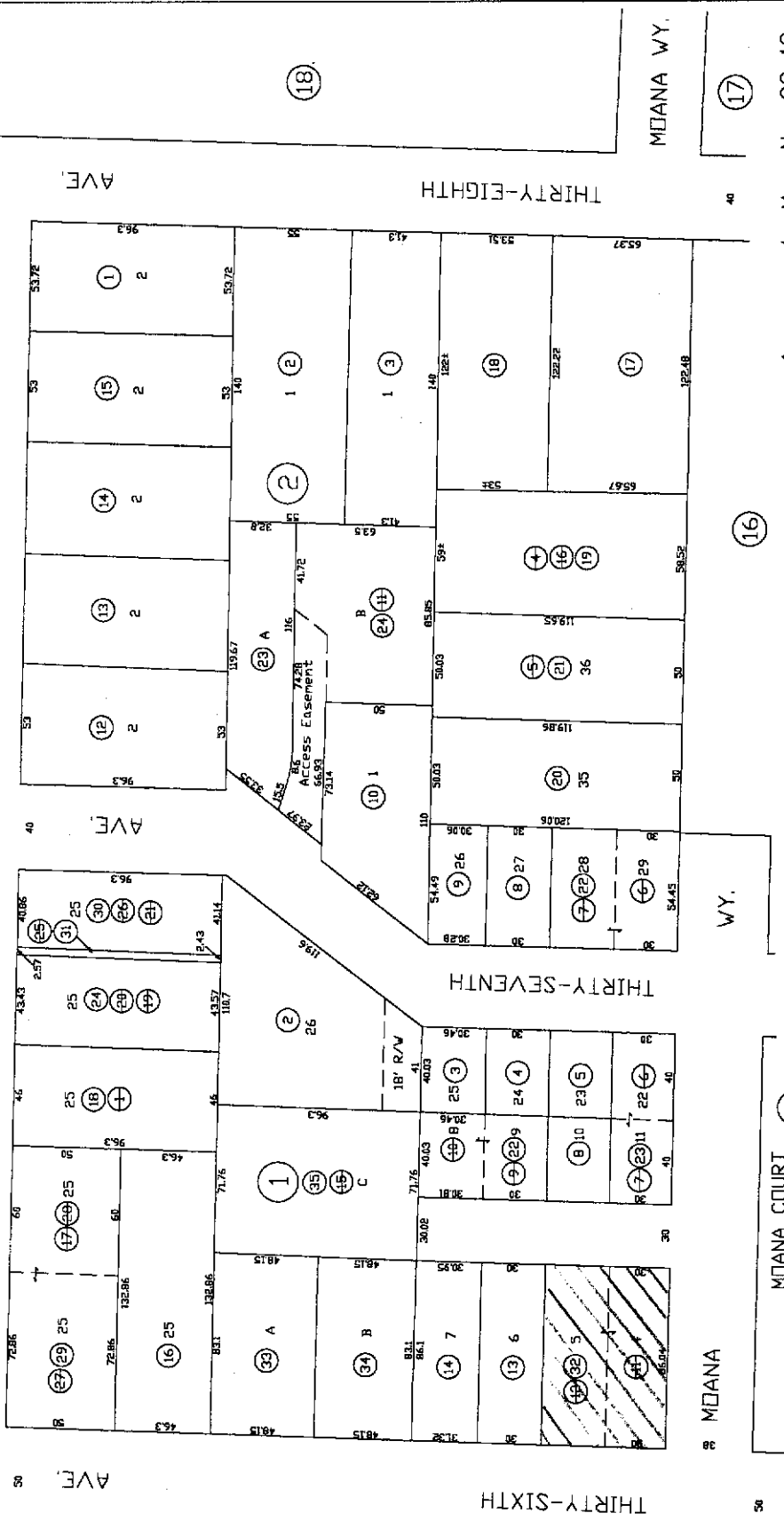
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3/24/88



FLORAL

DR.



29PM27
5/1/78

(11)

EXHIBIT E

Electronically Redrawn 10/21/98
Rev. 4/12/01 nwn (changed page refs)

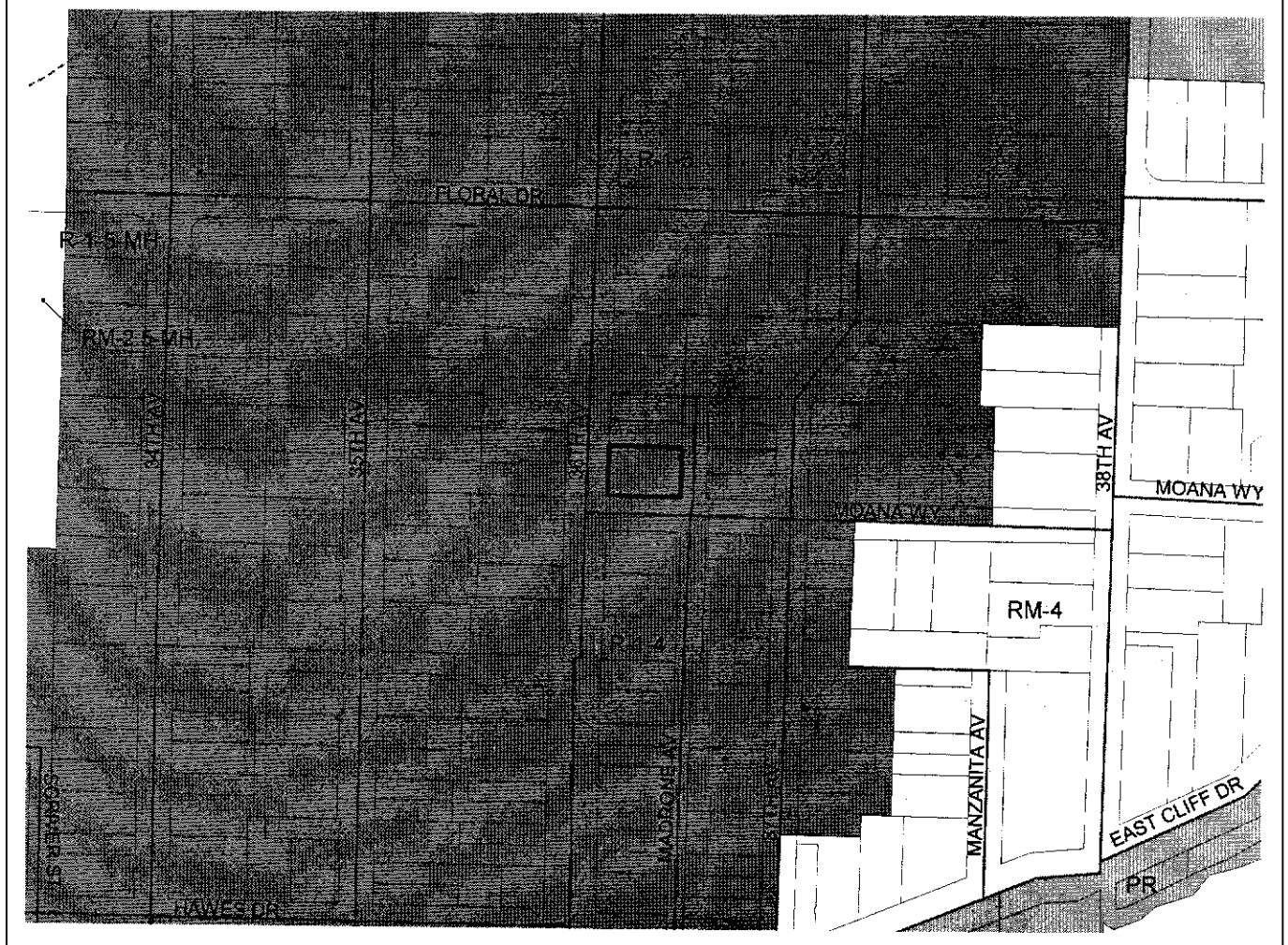
MOANA COURT
UNFILED

(15)

Note - Assessor's Parcel & Block
Numbers Shown in Circles.








Assessor's Map No. 32-12
County of Santa Cruz, Calif.
October, 1998

Zoning Map



500 0 500 Feet

Legend

-  APN 032-121-32
-  Parcel boundaries
-  Streets
-  Intermittent Stream
-  R-1-X
-  PR
-  RM



Map created by Santa Cruz County
Planning Department:
August 2003








EXHIBIT F

General Plan Map



500 0 500 Feet

Legend

-  APN 032-121-32
-  Parcel boundaries
-  Streets
-  Intermittent Stream
-  Parks and Recreation
-  Residential- Urban High Density
-  Residential- Urban Medium Density



Map created by Santa Cruz County
Planning Department
August 2003

EXHIBIT G



13.10.265 Nonconforming structures.

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

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

(c) When the **use** of the nonconforming structure conforms to **uses** allowed in the district in which the structure is located, but the enlargement, extension, reconstruction, or structural alteration of said building involves a variation from height, building site area, lot width, lot coverage, floor area ratio, or side, **front**, or rear yard requirements for the district, a Variance Approval shall be required in accordance with the provisions of Section 13.10230, 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; or

2. The structural enlargement, extension, reconstruction or alteration does not conform to the **setback** or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure 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.

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

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

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

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

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

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

(9) Nothing contained in this Section shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully begun in accordance with all applicable regulations in effect at the time when

construction commenced. Actual construction is hereby defined as: The placing of construction materials in their permanent position and fastening them in a permanent manner, the work of excavating a basement, or the demolition or removal of an existing structure begun preparatory to rebuilding, provided that in all cases actual construction work shall be diligently continued until the building or structure involved has been completed.

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

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

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

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

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

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

2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

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

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

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

13.10.270 Appeals.

All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance with the procedures of Chapter 18.10. (Ord. 560, 7/14/58; 747, 1/8/66; 1508, 4/21/70; 1704, 4/25/72; 1863, 5/1/73; 2245, 2/17/76; 2472, 6/7/76; 2391, 2/8/77; 2506, 11/22/77; 3117, 6/9/81; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)