**AMENDMENTS TO THE SANTA CRUZ COUNTY GENERAL PLAN AND 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 created 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 encourages the continued use of previously developed sites and existing buildings; thereby reducing the pressure to develop outside the Urban Services Line. 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:

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 use that has been discontinued. Require discretionary review with appropriate conditions for expansion, changes, or intensification of legal nonconforming uses 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 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 and 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, to 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 outnonconforming 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 and 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.

1. ~~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 of light industrial use; and~~
2. ~~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~~
3. ~~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~~
4. ~~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**

~~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 Activity is referenced in several chapters of the Santa Cruz County Code, and is defined appropriately within those chapters. See for example 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 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 purposed of geologic review.~~ *~~(Added by Res. 81-99)~~*