

**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 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**

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)**

**(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 and including a non-residential structure occupied by property owners, employees and/or the public;
- (2) Modification, reconstruction or replacement of 65 (sixty-five) percent 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, or structure located with a riparian corridor or sensitive habitat, 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 extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors;

- (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 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 recreational use;
- (6) Any change of use from non-habitable to habitable, 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 flood plain 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 they require a building permit, 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.