

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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 SANTA CRUZ, CA 95060
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 2/17/99

**RECORD PACKET COPY****Th3a**

February 17, 1999

TO: Commissioners and Interested Parties

FROM: Tami Grove, Deputy Director
 Charles Lester, District Manager
 Rick Hyman, Coastal Program Analyst

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MINOR AMENDMENT
 NO. 3-98**

Santa Cruz County is requesting that its certified Local Coastal Program be amended with regard to resources and constraint maps and non-conforming uses. A fuller description of this amendment is on the reverse. The complete text of the amendments is available upon request. This amendment request was filed on December 31, 1998, pursuant to Section 30510(b) of the Coastal Act and Section 13553 of the California Code of Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director pursuant to Section 13555 of California Code of Regulations that the filed amendment is "minor" as defined in Section 13554. The land use plan amendment falls under the following category allowed by Section 13554:

Correction, reorganization, revision, or deletion of certified language which when taken together does not change the kind, location, intensity or density of use or modify the resource protection measures for any area or property.

The implementation plan amendment falls under the following category allowed by Section 13554:

changes in wording which make the use as designated in the zoning ordinances...more specific and which do not change the kind, location, or density of use and which are found...to be consistent with the land use plan...;

Pursuant to Section 13555, the Executive Director will report in writing this determination to the Coastal Commission at its meeting of March 11, 1999 to be held at the Carmel Mission Inn, 3665 Rio Road, Carmel. He will also report any objections to the determination received within 10 days of posting of this notice. This proposed minor amendment will be deemed approved, unless one-third of the appointed members of the Commission request that it be processed as a major amendment (pursuant to Section 13555(b). It will take effect immediately.

If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rick Hyman at the Central Coast District Office in Santa Cruz. If you wish to register an objection to the proposed "minor" amendment determination, please contact the staff by March 5, 1999.

SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM MINOR AMENDMENT NO. 3-98

A. Resources and Constraints Maps

Amend the Land Use Plan (LUP) of the Local Coastal Program to add: "For Matrix Density Determination (Sec.2.3)" to "Parcel Specific Overriding Information" column heading (Figure 1-7)

B. Non-conforming Uses

Amend the Land Use Plan (LUP) and Implementation portions (IP) of the Local Coastal Program to:

- * differentiate between "significantly non-conforming" (not complying with the current General Plan land use designation) and other "non-conforming" (complies with General Plan land use designation but not with current zoning regulations) with only the former necessitating rapid elimination and the latter being allowed to be upgraded;
- * allow some improvements for "significantly non-conforming" residential uses (i.e., repairs for imminent threat);
- * allow improvements for other non-conforming residential uses (i.e., repairs for imminent threat; foundation repairs, up to 500 sq. feet expansion) and allow to remain non-conforming if vacant for up to 12 months (changed from only 6 months);
- * allow reconstruction of damaged or destroyed multi-family residential structures after catastrophe pursuant to Senate Bill 2112;
- * revise definition of "non-conforming" to encompass non-conforming with design standards; add and revise other definitions; revise various non-conforming procedures; and reorganize residential vs. non residential non-conforming provisions. (a. LUP: 8.4.2; b. IP Sections 13.10.260; 13.10.265; 13.10.332; 13.10.342; 13.10.510; 13.10658; 13.10.700 new 13.10.261; new 13.19.262).

**SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MINOR
AMENDMENT NO. 3-98**

ATTACHMENT

FULL TEXT OF PROPOSED AMENDMENTS

PORTIONS WHICH ARE NEW ARE SHADED
DELETIONS ARE SHOWN BY STRIKE-OUTS

Figure 1-7 (page 1 of 2)
General Plan Resources and Constraints Maps

Resource/Constraint	Matrix Map	Original Mapping Source	Map Used to Convert to EMIS	New Information Acceptable for Updating Maps	Parcel Specific Overriding Information For Matrix Density Determinations (Sec. 2.3)
Agriculture	X	Agricultural Resources Map, 1979; LCP LUP R&C Maps	Revised Agricultural Resource Maps, 1991 (Incorporates LCP Maps)	General Plan and LCP amendment	Not applicable
Airport Clear Zone		Watsonville Airport Plan	Source Map	Revised Airport Land Use Plan, Federal Aviation Regulations, staff recommended changes	Not applicable
Archaeological		Resource Maps, County Archaeologic Consultant	Revised resource maps, County Archaeologic Consultant, 1992	Revised maps prepared by archaeologic consultant	Report prepared by qualified professional archaeologist
Critical Fire Hazard	X	Growth Management Environmental Report Natural Fire Hazards Map	Source Map	Report from biologist showing site is not chaparral	Report from biologist showing site is not chaparral habitat
Electric and Magnetic Fields		PG & E Maps	Not converted, will use PG & E Maps for locations of transmission and major distribution lines	Addition or removal of transmission or major distribution lines by any utility	Not applicable
Floodway/Floodplain	X	FEMA Floodway/Flood Insurance Maps	Source Maps	Revised FEMA Floodway/Flood Insurance Maps	Report by certified engineering geologist, licensed surveyor or civil engineer
Mineral Resource					
Location of	X	Growth Mgmt. Environmental Report Timber and Mineral Resource Map	Source Map	General Plan and LCP Amendment	Not applicable
Designations/Classifications		California Dept. of Conservation, Division of Mines and Geology, Special Report 146 Part IV and SMARA Designation Report No. 7	Source Maps	Revision of State Mines and Geology Designation/Classification Maps	Not applicable
Noise		Noise Corridor Maps from 1976	To be revised to reflect updated Noise Element	Update of Ground Trans. and Airport Noise Contours by an acoustical engineer	Study of noise levels by an acoustical engineer
Riparian Woodland	X	Land Use/Land Cover Map, S.C. Co. Office of Watershed Mgmt. (based on 1976 satellite images) LCP LUP R&C Maps	Source Maps	Map of extent of riparian vegetation prepared by a qualified biologist	Map of extent of riparian vegetation prepared by a qualified biologist

← change

EMIS = Environmental Management Information System
GP = General Plan
LCP LUP R&C Maps = Local Coastal Program Land Use Plan Resources and Constraints Maps

PROS PLAN = Parks Recreation & Open Space Plan
SMARA = State Mining and Reclamation Act
USGS = United States Geological Survey
X = Used in Rural Residential Density Determinations (See section 2.3)

Figure 1-7 (Page 2 of 2)
General Plan Resources and Constraints Maps

Area/Constraint	Matrix Map	Original Mapping Source	Map Used to Convert to EMIS	New Information Acceptable for Updating Maps	Parcel Specific Overriding Information For Matrix Density Determinations (Sec. 2.3)
Seismic Review Zones					
State	X	State of CA Special Studies Zones 1976; Seismic Safety Element 1975	State Special Studies Zones 1992	Revision of State Special Studies Zones	Report by certified engineering geologist
County	X	Growth Mgmt Environmental Report Seismic Hazards Map, 1977; Seismic Safety Element, 1975	Source Maps	General Plan amendment	Report by certified engineering geologist
Liquefaction	X	Seismic Safety Element Liquefaction Map	Not converted, no map of appropriate scale available, USGS bedrock geology will be used when available	General Plan amendment	Report by certified engineering geologist or soils engineer
Sensitive Habitat (Biotic Resources)					
	X	Growth Mgmt Environmental Report Biotic Resource Maps; California Native Plant Society Maps; LCP LUP R&C maps	Source Maps, CA Dept of Fish & Game Natural Diversity Database Maps	Biotic report prepared by a qualified biologist, changes in State/Federal lists	Biotic report prepared by a qualified biologist
Streams (Riparian Corridor)					
Location of	X	USGS Topographic maps	Streams from topographic maps (in digital format), USGS FEMA flood study area and 701/RDA aerial photos where available	New aerial photogrammetry or revised USGS topographic maps.	Report by qualified biologist
Classification of	X	USGS Topographic maps	Source Maps	Revised USGS topographic maps, biologist or qualified hydrologist	Report by qualified biologist
Timber					
	X	Timber Production Zone Maps; PROS Plan; LCP LUP R&C Maps	Source Maps	Reasoning of property by the Board of Supervisors to or from Timber Production Zone	Report by registered forester demonstrating that land is/is not capable of growing and average annual volume of 15 cu.ft. wood fiber/acre
Visual Resources (includes Scenic and Hydrologic/Geologic Features)					
		LCP LUP R&C Maps	Source Maps	General Plan and LCP Amendment	Visual analysis by architect, landscape architect, planner or other qualified professional
Water Resources					
Water Supply Watersheds	X	Master Plan for Water Development, 1968-2020; Growth Mgmt Environmental Report Water Supply Watershed Map; PROS Plan; LCP LUP R&C Maps; Water Purveyor Information	Source Maps	Water District/Agency Master Plans, General Plan amendment	Topographic survey by licensed surveyor
Least Disturbed Watersheds	X	San Lorenzo Valley Area GP, 1974; PROS Plan; LCP LUP R&C Maps	Source Maps	General Plan Amendment	Topographic survey by licensed surveyor
Primary Groundwater Recharge	X	Growth Mgmt Environmental Report Groundwater Recharge Map based on soils and geology mapping	Source Maps	Report by certified engineering geologist or hydrogeologist	Report by certified engineering geologist or hydrogeologist
Reservoir Protection		Master Plan for Water Development, 1968-2020; PROS Plan	Source Maps; Pajaro Valley Water Mgmt Agency Management Plan, 1993	Water District/Agency Master Plans	Water District/Agency Master Plan

EMIS = Environmental Management Information System
 GP = General Plan
 LCP LUP R&C Maps = Local Coastal Program Land Use Plan Resource and Constraint Maps

PROS PLAN = Parks Recreation & Open Space Plan
 SMARA = State Mining and Reclamation Act
 USGS = United States Geological Survey
 X = Used in Residential Density Determinations (See section 2.3)

B. Non-conforming Uses

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

1. Amend Section 2.12.3 of the County General Plan and Local Coastal Program to read as follows:

2.12.3 Residential Uses in Commercial Designations

Allow a mix of residential and commercial uses in areas designated Neighborhood or Community Commercial or Professional and Administrative Office. Require the inclusion of residential development where provided by adopted village, town, community or specific plans. Limit residential uses to densities which allow good site design that meets the standards of Chapter 11.11 of the County Code and commercial utilization of the property, and which are secondary to the commercial use, not to exceed 50 percent (67% if project is 100% affordable) of the floor area of the development. Existing residential uses in commercial designations may expand up to an additional 500 square feet (total).

(not part of amendment)

2. Amend Section 8.4.2 of the County General Plan and Local Coastal Program to read as follows:

8.4.2 Retaining Existing Housing

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

ORDINANCE _____

ORDINANCE AMENDING SECTIONS 13.10.260, 13.10.265,
13.10.332, 13.10.342, 13.10.510, 13.10.658 AND 13.10.700 AND ADDING
SECTIONS 13.10.261 AND 13.10.262 TO THE COUNTY CODE
RELATING TO NONCONFORMING USES

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

SECTION I

Section 13.10.260 is hereby amended to read as follows:

13.10.260 NONCONFORMING USES - PROVISIONS THAT APPLY TO ALL USES

~~(a) Any nonconforming use within the County is detrimental to the orderly development of the County and to the general welfare. It is the intent of this Chapter that nonconforming uses shall be eliminated as rapidly as possible. In addition to the definition given in Section 13.10.700 N, any existing use for which a Use Approval is required by the terms of this Chapter shall be considered a nonconforming use unless and until the required permit is obtained.~~

~~(b) The lawful use of land existing on the effective date of a change of zoning designation or of the zoning regulations may be continued, even if such use no longer conforms to the regulations specified by this Chapter for the district in which such land is located, provided that no such use shall be enlarged, increased, or extended to occupy a greater area than that occupied by such use at the time of the change in zoning designation or change of the zoning designation except that:~~

~~1. The nonconforming use of a portion of a building may be changed to a use of the same or more restricted nature provided that in each case a Use Approval is obtained.~~

~~2. The nonconforming use of a portion of a building may be extended throughout the building provided that in each case a Use Approval is obtained.~~

~~(c) 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, the largest of the units, or one of two or more units of similar size, may be~~

~~considered as conforming to the zone district. Accordingly, that unit only may be enlarged, extended, reconstructed, or structurally altered in accordance with the site coverage, yard, and height restrictions of this Chapter. Notwithstanding the foregoing limitation, the roof line of the other units not deemed conforming to the zone district may be structurally altered (with a Level 4 approval) provided, however, that the cubic habitable space of the structure or structures containing the other units is not increased by the alteration of the roof line, and such structural alterations of the roof line are in accordance with the height and other applicable restrictions of this Chapter.~~

~~(d) If the nonconforming use of land or buildings ceases for a continuous period of six months, or is abandoned, then without further action by the County, said building or land shall be subject to all of the regulations of this Chapter for the district in which said land is located.~~

~~(e) Whenever property for which a Use Approval has been granted is placed in a district in which the use is no longer allowed either as a permitted or as a discretionary use, the use for which the permit was granted shall be considered nonconforming. Such nonconforming use shall be subject to the provisions of this section.~~

~~(f) A nonconforming use may be ordered to be terminated by the Board of Supervisors by an Order of the Board of Supervisors upon recommendation of the Planning Commission within a period to be specified in such Order. Such an Order shall be issued only after a public hearing by the Planning Commission after 15 days' written notice to the nonconforming user. If the nonconforming user has not made a substantial investment in furtherance of such use, or if the investment can be substantially utilized or recovered through a then-permitted use, such Order may require complete termination of the nonconforming use within a minimum of one year after the date of the Order. In making its recommendation, the Planning Commission shall consider the total cost of land and improvements, the length of time the use has continued, adaptability of the land and improvements to a then-permitted use, the cost of moving and reestablishing the use elsewhere, and other relevant factors.~~

~~(g) Where a nonconforming use involves the removal of natural earth products, any order for termination shall be considered in accordance with Chapter 16.54, Mining Regulations, of the Santa Cruz County Code.~~

~~(h) When a use has become nonconforming because it does not comply with the requirements of Section 13.10.345 (Industrial Special Standards and Conditions), any permit subsequently issued shall set a reasonable time schedule for conformance to such requirements. In no case shall the time set for full compliance exceed five years. The time schedule for compliance shall be in addition to any other conditions to the permit.~~

~~(i) Failure to comply with a Board of Supervisors' Order to terminate a nonconforming~~

use shall constitute a violation of this chapter and is a public nuisance subject to abatement in accordance with Chapter 1.08 of this Code.

(j) — Regulations regarding the replacement of nonconforming greenhouses are found in Section 13.10.636(e) of this Code.

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. 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 this 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

(i) No longer conforms to the present use, density, or development standards of the zone district in which it is located; or

(ii) 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 10% of the exterior walls, roof, or foundation within any one year period. Structural repairs in kind that result in greater than the aggregate of 10% 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 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.

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 10% but less than 50% 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 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.

(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 14 of this Code.

(k) 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.

SECTION II

Chapter 13.10 of the County Code is hereby amended by adding Section 13.10.261 to read as follows:

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 1½ 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 unit(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.

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 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.

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 a 5 year period	Yes, with Level III, maximum of 50% of exterior walls within a 5 year period	Yes, with Level III
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 district use, density, and/or standards	NONCONFORMING: Parcel has General Plan designation that allows primary residential use and built with Development Permit, does not meet zone district use, density, and/or standards	NONCONFORMING: Parcel has General Plan designation that allows primary residential use and built before Development Permit requirement, does meet zone district 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% after disaster: detached units. with no expansion	Yes no intensification	Yes no intensification	Yes no intensification	Yes Level V if intensifies
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				

SECTION III

Chapter 13.10 of the County Code is hereby amended to add Section 13.10.262 to read as follows:

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 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.

SECTION IV

Section 13.10.265(g) is hereby amended to read as follows:

(g) If any building or structure which does not conform to the use or site and structural dimension regulations 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 the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based on a reasonable estimate of the cost to the County for making such determination.

SECTION V

The last sentence of the "Commercial Change of Use" category of Section 13.10.332(b) of the County Code is hereby amended to read as follows:

(For legal, nonconforming uses,
see Sections 13.10.260 and 262)

for additional requirements)

SECTION VI

The second use specified in the "Residential Use" category of Section 13.10.332(b) of the County Code is hereby amended read as follows:

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-6 BP-6 BP-6 BP-6 BP-6 BP-6

Repair, alteration, Expansion,
or reconstruction of dwelling
units and accessory structures
which are not inconsistent
with the General Plan up to a
one-time total of an additional
500 square feet, subject
to Sections 13.10.260
and 13.10.261

Nonconforming Uses

3 BP-6 3 BP-6 3 BP-6 3 BP-6 3 BP-6 3 BP-6

SECTION VII

The "Residential Use" category of Section 13.10.342(b) of the County Code is hereby amended to read as follows:

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-6 BP-6 BP-6

Repair, alteration, Expansion,
or reconstruction of dwelling
units and accessory structures
which are not inconsistent
with the General Plan up to a
total of an additional 500
square feet, subject
to Section 13.10.261
Nonconforming Uses

3 BP-6

3 BP-6

3 BP-6

SECTION VIII

~~(h) Pre-Existing Parcels. The use of land permitted for the district in which the land is located shall be permitted on a building site of less area, width, depth, or frontage than that required by the regulations for such district if such land was a separate lot or parcel under ownership of record or was shown on a map of a recorded subdivision on the date said district regulation became applicable to said lot or parcel; provided that such land has not been combined or merged with a contiguous lot or parcel pursuant to the provisions of the Santa Cruz County Code now contained in Sections 14.01.102.1 through 14.01.102.4.~~

SECTION IX

Section 13.10.658(b) of the County Code is hereby amended to read as follows:

b. The following recycling collection facilities, which are ~~were~~ in existence on ~~July 23, 1987~~ the effective date of this ordinance, are legal nonconforming uses in the zone district in which they are located and are subject to Section 13.10.260, ~~13.10.262~~, and 13.10.265 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:

- (i) Mobile buy-back or drop off multi-material recycling collection in one location for less than eight (8) hours in any seven (7) day period;
- (ii) Stationary drop off of newspapers utilizing placement of an unattended covered or closeable drop box or bin;
- (iii) Stationary drop off of household goods or clothes for resale or recycle through a charitable organization such as the Salvation Army or Goodwill Industries.

SECTION X

Section 13.10.700-I of the County Code is hereby amended by changing the definition of Intensification of Use to read:

Intensification of Use, Commercial. 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 likely 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.

SECTION XI

Section 13.10.700-I of the County Code is hereby amended by adding the definition of Intensification of Use, Residential to read:

Intensification of Use, Residential. Any change to a residential use which results in an increase of its number of bedrooms, as defined in Section 13.10.700-B, shall be considered an "intensification of use" for purposes of this Chapter.

SECTION XII

Section 13.10.700-N of the County Code is hereby amended to change the definition of Nonconforming Use to read:

Nonconforming Use. A The use of a structure or land which that was legally established and maintained prior to the adoption, revision, or amendment of this Chapter but which under this Chapter does not conform with the use regulations for the district in which it is located, 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 13.10.700-S definition of Significantly Nonconforming Use)

SECTION XIII

Section 13.10.700-O of the County Code is hereby amended by adding the definition of Ordinary Maintenance and Repair In Kind to read:

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 10% of the exterior walls, roof, or foundation within any one year period. Structural repairs in kind that result in greater than the aggregate of 10% 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.

SECTION XIV

Section 13.10.700-R of the County Code is hereby amended by adding the definition of Reconstruction to read:

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.

SECTION XV

Section 13.10.700-S of the County Code is hereby amended by adding the definition of Significantly Nonconforming Use to read:

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

SECTION XVI

Section 13.10.700-S of the County Code is hereby amended by changing the definition of Structural Alteration 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 or 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 foundations 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.

SECTION XVII

If any section, subsection, division, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION XVII

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

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 1998, by the following vote:

