

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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Th9c



**Prepared October 26, 2006 (for the November 16, 2006 hearing)**

**To:** Commissioners and Interested Persons

**From:** Charles Lester, Deputy Director  
Steve Monowitz, District Manager  
Susan Craig, Coastal Planner

**Subject: Santa Cruz County LCP Major Amendment Number 2-04 Part 2 (Historic Resources)**  
Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's November 16, 2006 meeting to take place at the Hyatt Regency Huntington Beach, 21500 Pacific Coast Highway, Huntington Beach, CA 92648.

### **SYNOPSIS**

The County of Santa Cruz proposes to amend sections 13.10.265, 13.10.323(b), and 13.10.551 of the Local Coastal Program's (LCP) Implementation Plan to modify site standards for designated historic resources relative to ordinary maintenance and repair, additions to nonconforming designated historic buildings, floor area ratio, lot coverage, and parking. The purpose of the amendment is to provide incentives to owners of historic buildings that will help to maintain these historic resources over the long term.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff has reviewed the proposed Implementation Plan amendments for consistency with the Land Use Plan. Issues raised by the proposed amendments include intensity of development (i.e., lot coverage and floor area ratio), historic resources, and parking impacts. As discussed in detail below, Staff recommends **approval** of the County of Santa Cruz Local Coastal Program proposed Implementation Plan Major Amendment #2-04 (Part 2), if modified.

### **ANALYSIS CRITERIA**

Santa Cruz County's Local Coastal Program (LCP) was certified in 1983 and has been amended many times since then. The LCP consists of: the *General Plan and Local Coastal Program*, which functions as the Land Use Plan (LUP); and, the Coastal Implementation Plan (IP), which consists of several County Code chapters and sections. This proposed amendment is to the IP only and was originally submitted on December 16, 2004. The amendment was filed as complete on December 22, 2005. On February 10, 2006, the Coastal Commission extended the initial two-month time limit for action until February 20, 2007.

The County has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Sections 30512(c), 30512.2, 30513, and 30514, and California Code of Regulations 13551 through 13553).



**California Coastal Commission**  
**November 2006 Meeting in Huntington Beach**

Staff: Susan Craig Approved by: Steve Monowitz  
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The proposed amendment affects the IP component of the County of Santa Cruz LCP. The standard of review for implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

### **ADDITIONAL INFORMATION**

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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## I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

### 1. Denial of Implementation Plan Major Amendment Number 2-04 (Part 2) as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (1 of 2).** I move that the Commission **reject** Major Amendment Number 2-04 (Part 2) to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

**Resolution to Deny.** The Commission hereby **denies** certification of Major Amendment Number 2-04 (Part 2) to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not adequate to carry out the certified Land



Use Plan.

2. Approval of Implementation Plan Major Amendment Number 2-04 (Part 2) if Modified  
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (2 of 2).** I move that the Commission **certify** Major Amendment Number 2-04 (Part 2) to the Santa Cruz County Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** Major Amendment Number 2-04 (Part 2) to the Santa Cruz County Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

## II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite findings regarding the adequacy of the amended Implementation Plan to effectively carry out the certified Land Use Plan. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action (i.e., by May 16, 2007), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

### 1. **Modify Section 13.10.551(c) (see page 4 of Exhibit #1) as follows:**

(c) The parking requirements of Section 13.10.550 et seq. may be modified in connection with an application involving an historic resource designated in conformance with the California



Register<sup>1</sup> of the State Office of Historic Preservation and as defined in Section 16.42.030... (remainder of this section as submitted).

**2. Modify Section 13.10.323(b) (Site and Structural Dimensions Chart for R-1 Single Family Residential Zone Districts) (see pages 5 & 6 of Exhibit #1) as follows:**

\*\*\*For parcels where there is an ~~designated~~ historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State Office of Historic Preservation guidance.

\*\*\*For parcels where there is an ~~designated~~ historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 standards, the Floor Area Ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance.

**3. Modify Section 13.10.323(b) (Site and Structural Dimensions Chart for RM Multi-Family Residential Zone Districts) (see pages 6-7 of Exhibit #1) as follows:**

\*\*For parcels where there is an ~~designated~~ historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State Office of Historic Preservation guidance.

\*\*\*For parcels where there is an ~~designated~~ historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 standards, the Floor Area Ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance.

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<sup>1</sup> The State Office of Historic Preservation uses the following four criteria for determining historic significance: 1) Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States; 2) Associated with the lives of persons important to local, California or national history; 3) Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values, and; 4) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The Effects of Historic Designation include: 1) Limited protection: Environmental review may be required under CEQA if property is threatened by a project; 2) Local building inspector must grant code alternatives provided under State Historical Building Code; 3) Local assessor may enter into contract with property owner for property tax reduction (Mills Act), and; 4) Owner may place his or her own plaque or marker at the site of the resource.



### III. Findings and Declarations

The Commission finds and declares as follows:

#### A. Description of Proposed LCP Amendment

The amendment would make changes to the following sections of the Zoning Regulations of the certified Implementation Plan (IP) as shown with ~~striketrough~~ (for deleted language) and **highlight** (for new language) in Exhibit #1:

- Chapter 13.10.265 (Non-Conforming Structures)
- Chapter 13.10.323(b) (Development Standards for Residential Districts)
- Chapter 13.10.551 (Off Street Parking Facilities Required)

The amendment proposes incentives (relaxation of standards regarding parking requirements, nonconforming structures, floor area ratio, and lot coverage) that would allow various upgrades and additions to occur to historic buildings. The purpose of the amendment is to help maintain and further protect those structures that are an integral part of the County's heritage.

#### B. Consistency Analysis

Community Design Policy 8.8.1 requires specific design guidelines and standards for unique areas in the County and states:

*Develop specific design guidelines and/or standards for well-defined villages, towns, and communities including commercial and residential uses as appropriate. New development within these areas listed in Figure 1 and any other subsequently adopted area plan, shall conform to the adopted plans for these areas, as plans become available.*

Within Santa Cruz County, a structure may be designated historic if it meets specific criteria: 1) association with a person of local, state or national historical significance; 2) association with an historic event or thematic activity of local, state or national importance; 3) the resource is representative of a distinct architectural style and/or construction method of a particular historic period or way of life; 4) the resource represents the work of a master builder or architect or possesses high artistic values, or; 5) the resource has yielded, or may likely yield information important to history or prehistory. To be designated an historic resource, the structure must also have retained its architectural integrity. Any action to amend the County's Inventory of Historic Resources to add or remove a structure requires review by the Historic Resources Commission and approval by the Board of Supervisors. Parcels containing a designated historical structure are zoned to the Historical Landmark ("L") Combining Zone District for identification purposes. Currently, there are 228 historically-designated structures in the County, of which 43 are scattered throughout the Coastal Zone. Since 1996, only four buildings have



been designated historic in the coastal zone.

The proposed amendment would allow the following changes to provide incentives to maintain historic buildings (see Exhibit #1 for amendment language):

- Ordinary maintenance, repair, and additions to designated historic buildings to continue the nonconforming outline of the building so long as the building is not made more nonconforming. For example, if the building were parallel to, but only three feet from a property line (where five feet is required), a new addition could also be three feet from the property line.
- Reduced parking requirements for an historic building upon findings that requiring the standard parking regulations to be met would adversely affect the historic or architectural significance of the building or that the standard parking requirement would create an exceptional hardship that would make preservation of the historic building infeasible and that the parking modification would not adversely affect traffic and parking on adjacent nearby streets and properties.
- Floor Area Ratio (FAR) would be allowed to increase from the standard 0.5:1 to 0.6:1. For example, on a 6,000 square foot lot, the FAR would increase by 600 square feet, from 3,000 square feet to 3,600 square feet.
- Lot coverage would be allowed to increase to 1.25 times the standard lot coverage for the zoning district. For example, on a 6,000 square foot lot, where lot coverage is limited to 30 percent of the lot area, the lot coverage allowed would be 37.5%, resulting in an increase of 450 square feet, from 1,800 square feet to 2,250 square feet.

The County's Historic Resources Commission has developed the above incentives under a grant from the State Office of Historic Preservation to allow flexibility regarding upgrades and additions to historic buildings with the goal of maintaining historic resources. Any proposed change to a designated historic building would continue to require review by the County's Historic Resources Commission. The Historic Preservation section of the County Code (Chapter 16.42) establishes the definition of historic resources in the County and the procedure for the designation of these resources. This definition coincides with the definitions used by the State Office of Historic Preservation and the federal government. Chapter 16.42 also establishes the procedures for reviewing modifications to historic resources. Chapter 16.42, however, is not a part of the certified LCP. Thus potential future changes to Chapter 16.42 will not be subject to Commission review. The Commission's concern is that properties eligible for the incentives contained in this amendment are so designated in a process that is not subject to coastal permit proceedings (and hence Commission review on appeal) and that is subject to change over time without Commission review. If, for example, expansion of a home along the coast was to adversely impact coastal access due to relaxed on-site parking requirements solely because the home had been designated historic, the Commission could lack the authority to remedy such an impact. Therefore, in order to be able to certify these amendments, a definition of what the historic designation means should be incorporated into the LCP. **Modifications #1-3** address the above concerns by requiring that the proposed exceptions are only applied to structures that are truly historic under state



guidelines. The modifications are also needed to ensure that the proposed exceptions do not result in development that is incompatible with State guidance for the protection of historic structures. As modified, the proposed amendment is consistent with Policy 8.8.1 regarding protection of special communities.

### C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. The above findings are incorporated herein in their entirety by reference.

There are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



**STRIKE – OUT, HIGHLIGHTED COPY OF ORDINANCE**

Sections 13.10.265, 13.10.551, and 16.42.090 of the County Code, Volume II

Proposed new language is shown ~~highlighted~~. Language proposed to be deleted is shown ~~struck through~~

**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 13.10.230, with the exception that, where the dedication requirements of Section 15.10.050 cause an existing structure to become nonconforming, a Variance Approval is not required provided that the front yard is not reduced to less than 10 feet and the street side yard to not less than 6 feet. In addition, no Variance Approval shall be required for any structural alterations which conform to Subsection (e) of this Section.

(d) The ~~ordinary maintenance and repair~~ 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 of 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 ~~ordinary maintenance and repair~~ structural enlargement, extension, reconstruction or alteration conforms to the site development regulations of the Zoning district in which it occurs; or



replaced or altered in any way, except that the replacement or alteration of the interior or exterior wall coverings, windows and doors without altering their openings will not be counted in this calculation, the land and structure shall be subject to all regulations specified by this chapter for the district in which such land and structures are located. This determination shall be made by the Building Official, taking into account the damage caused by the event as well as any additional demolition which is proposed by the applicant or which is required by the currently adopted codes and ordinances as part of the reconstruction. The Planning Director may require that a registered engineer or other professionals(s) acceptable to the Planning Director be retained at the applicant's expense to certify that the portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the cost to the County for making such determination.

(h) Notwithstanding the provisions of 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.

# SECTION III

Section 13.10.323(b) of County Code, Volume II, is hereby amended to read as follows (proposed new language is shown **highlighted**):

## 13.10.323(b) Site and Structural Dimensions.

(b) Site and Structural Dimensions. The following single family and multi-family charts show site area per dwelling unit, setbacks, maximum allowable lot coverages, building height limits, allowable floor area to lot area ratios, maximum number of stories, minimum site widths and minimum site frontages for residential zone districts. These standards shall apply within all residential "R" zone districts, except as noted elsewhere in this Section and uses inconsistent therewith shall be prohibited absent a variance approval.

R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS										
ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
R-1 Districts RB 0 to <1,000 sq. ft.	Minimum to garage/carport entrance	20	20	20						
	Parcels, 60 feet wide (except for corner lots)		5 & 5							
	Second Units within USL	*	*	*	*	17	*	1-story	*	*
	Second Units outside USL	*	*	*	*	28	*	2	*	*
	General Requirements	10	0&5	10	40%	25; on beach side: 17	50%	2; on beach side: 1	40	40
	Corner lots	10	0&10	10	40%	See above	50%	See above	40	40
	Lots on beach side of street	10	0&5	0	40%	See above	50%	See above	40	40
R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft.	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of-way	15	0&5	15						
	General Requirements	15	5&5	15	40%	28	50%	2**	35	35
	Corner lots--existing parcels	15	5&10	15	40%	28	50%	2**	35	35
	--creating new parcels		5&15							
R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.	Parcels >5,000 sq. ft.	20	5&8	15	30%	28	50%	2**	35	35
	General Requirements	20	5&8	15	30%	28	50%	2**	50	50
	Corner lots--existing parcels	20		15	30%	28	50%	2**	50	50

	Second Units within USL	*	*	*	*	17	*	1-story	*	*
RM-1.5 to RM-4.9 0 to <5,000 sq. ft.	Second Units outside USL	*	*	*	*	28	*	2	*	*
	General Requirements for all parcels within these zone districts	15	5&5	15	40%	28	0.5:1	Per Use Permit or 2	35	35
	Corner lots -- existing parcels	15	5&10	15	40%	28	0.5:1		35	35
	-- creating new parcels	15	5&15	15	40%	28	0.5:1		35	35
	Parcels > 5,000 sq. ft.	20	5&8	15	30%	28	0.5:1		35	35
RM-5 to RM-5.9 5,000 to <6,000 sq. ft.	General Requirements and for parcels > 6,000 sq. ft.	20	5&8	15	30%	28	0.5:1	Per Use Permit or 2	50	50
	Corner lots -- existing parcels	20	5&10	15	30%	28	0.5:1		50	50
	-- creating new parcels	20	5&10	15	30%	28	0.5:1		50	50
	Parcels > 4,000 to <5,000 sq. ft.	20	5&8	15	30%	28	0.5:1		50	50
RM-6 to RM-9.9 5,000 to <6,000 sq. ft.	General Requirements	20	5&8	15	30%	28	0.5:1	Per Use Permit or 2	60	60
	Corner lots -- existing parcels	20	5&10	15	30%	28	0.5:1		60	60
	-- creating new parcels	20	5&20	15	30%	28	0.5:1		60	60

NOTE: This chart contains the multi-family residential zone districts standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see Section 13.10.323(d). For additional exceptions relating to structures, see Section 13.10.323(e). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by F.A.R. may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 and Sections 13.10.681 and 13.10.685 of Santa Cruz County Code.

\* All site standards for the applicable zone district must be met.

For parcels where there is a designated historic resource, the maximum parcel coverage shall be 25% of the applicable zone district.

For parcels where there is a designated historic resource, the floor area ratio (FAR) shall be 0.5 in any zone district where the standard FAR is 0.5 or less.

**STRIKE – OUT, HIGHLIGHTED COPY OF ORDINANCE**

Sections 13.10.265, 13.10.551, and 16.42.090 of the County Code, Volume II

Proposed new language is shown ~~highlighted~~. Language proposed to be deleted is shown ~~struck through~~

**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 13.10.230, with the exception that, where the dedication requirements of Section 15.10.050 cause an existing structure to become nonconforming, a Variance Approval is not required provided that the front yard is not reduced to less than 10 feet and the street side yard to not less than 6 feet. In addition, no Variance Approval shall be required for any structural alterations which conform to Subsection (e) of this Section.

(d) The ~~ordinary maintenance and repair~~ 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 of 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 ~~ordinary maintenance and repair~~ structural enlargement, extension, reconstruction or alteration conforms to the site development regulations of the Zoning district in which it occurs; or

2. The ~~proposed structural enlargement, extension, reconstruction or alteration~~ 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 or any extensions thereof, which are not more non-conforming than the existing structural outline 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.

(f) Nothing contained in this Section shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully begun in accordance with all applicable regulations in effect at the time when construction commenced. Actual construction is hereby defined as: The placing of construction materials in their permanent position and fastening them in a permanent manner, the work of excavating a basement, or the demolition or removal of an existing structure begun preparatory to rebuilding, provided that in all cases actual construction work shall be diligently continued until the building or structure involved has been completed.

(g) If any building or structure which does not conform to the site and structural dimension regulations of the district in which it is located is damaged or destroyed by fire, other catastrophic event, or public enemy to the extent that the reconstruction or repair of the structure will require more than 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 professionals(s) acceptable to the Planning Director be retained at the applicant's expense to certify that the portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the cost to the County for making such determination.

(h) Notwithstanding the provisions of 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)

### 13.10.551 Offstreet parking facilities required.

(a) In all districts, in connection with every use, there shall be provided at the time of initial occupancy of a site or of construction of a structure or a major alteration, or enlargement of a site or structure, offstreet parking space for automobiles and bicycles in accordance with requirements prescribed in this Chapter. For the purposes of this Chapter, "parking space" shall mean a space conforming to the standards set forth in Section 13.10.554 and maintained open, clear and available for the parking of motor vehicles. Also, for the purpose of this chapter the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than 10 percent of the total required, and the term "bicycle" shall include mopeds as defined in the California Vehicle Code. If, in the application of the requirements of this Chapter, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking spaces shall be required for a fraction of less than one-half.

(b) If more than one use is located on a site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this chapter for each use. (Ord. 839, 11/28/62; 2801, 10/30/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(c) The parking requirements of Section 13.10.550 et seq. may be modified in connection with an application involving an historic resource as defined in Section 16-42.030. Modification of parking requirements shall be subject to approval and review. The approving body shall make the following findings:

- (i) existing traffic and parking on adjacent and nearby streets and properties will not be adversely affected and one of the following:
  - A. provision of additional parking would adversely affect the historic or architectural significance of the historic resource; or
  - B. provision of additional parking would create exceptional hardship such that preservation of the historic resource would be infeasible.



# SECTION III

Section 13.10.323(b) of County Code, Volume II, is hereby amended to read as follows (proposed new language is shown highlighted):

## 13.10.323(b) Site and Structural Dimensions.

(b) Site and Structural Dimensions. The following single family and multi-family charts show site area per dwelling unit, setbacks, maximum allowable lot coverages, building height limits, allowable floor area to lot area ratios, maximum number of stories, minimum site widths and minimum site frontages for residential zone districts. These standards shall apply within all residential "R" zone districts, except as noted elsewhere in this Section and uses inconsistent therewith shall be prohibited absent a variance approval.

R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS										
SITE AND STRUCTURAL DIMENSIONS CHART										
ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
All Districts RB or <4,000 sq. ft.	Minimum to garage/carport entrance	20	20	20						
	Parcels , 60 feet wide (except for corner lots)		5 & 5							
	Second Units within USL	*	*	*	*	17	*	1-story	*	*
	Second Units outside USL	*	*	*	*	28	*	2	*	*
	General Requirements	10	0&5	10	40%	25; on beach side: 17	50%	2; on beach side: 1	40	40
R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft.	Corner lots	10	0&10	10	40%	See above	50%	See above	40	40
	Lots on beach side of street	10	0&5	0	40%	See above	50%	See above	40	40
	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of-way	15	0&5	15						
	General Requirements	15	5&5	15	40%	28	50%	2**	35	35
	Corner lots--existing parcels	15	5&10	15	40%	28	50%	2**	35	35
R-1-5 to R-1-5.9 5,000 to <6,000 sq ft.	--creating new parcels		5&15							
	Parcels >5,000 sq. ft.	20	5&8	15	30%	28	50%	2**	35	35
	General Requirements	20	5&8	15	30%	28	50%	2**	50	50
	Corner lots--existing parcels	20		15	30%	28	50%	2**	50	50



	-creating new parcels Parcels 4 to <5,000 sq. ft.	20	5&8	15	30%	28	50%	2**	50	50
R-1-16 to R-1-9.9 6,000 to <10,000 sq. ft.	General Requirements	20	5&8	15	30%	28	50%	2**	60	60
	Corner lots--existing parcels	20	5&10	15	30%	28	50%	2**	60	60
	-creating new parcels		5&20							
	Parcels >4,000 to <5,000 sq. ft.	20	5&8	15	30%	28	50%	2**		
R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft.	General Requirements	20	10&10	15	30%	28	50%	2**	60	60
	Creating new corner lots	20	10&20	15	30%	28	50%	2**	60	60
R-1-16 to R-1-1 acre 16,000 sq. ft. to <1 acre	General Requirements	30	15&15	15	20%	28	N/A	2**	90	60
RR, RA and R-1-1 > 1 acre	General Requirements--1 to <5 acres	40	20&20	20	10%	28	N/A	2**	100	60
	General Requirements--5 acres or more	40	20&20	20	10%	28	N/A	2**	150	100

NOTE: This chart contains the multi-family residential zone districts standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see Section 13.10.323(d). For additional exceptions relating to structures, see Section 13.10.323(e). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by F.A.R. may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 and Sections 13.10.681 and 13.10.685 of Santa Cruz County Code.

\* All site standards for the applicable zone district must be met.

\*\* Number of stories limited outside the Urban Services Line by the General Plan.

\*\*\* For parcels where there is a designated historic resource, the maximum parcel coverage shall be 125 times that of the applicable zone district. For parcels where there is a designated historic resource, the Floor Area Ratio (FAR) shall be 0.5 in any zone district where the standard FAR is 0.5.

#### RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS

##### SITE AND STRUCTURAL DIMENSIONS CHART

ZONE DISTRICT AND MINIMUM GROSS SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
All Districts	Minimum to garage/carport entrance	20	20	20						
	Parcels, 60 feet wide (except for corner lots)		5 & 5							

	Second Units within USL	*	*	*	*	17	*	1-story	*	*
	Second Units outside USL	*	*	*	*	28	*	2	*	*
RM-1.5 to RM-4.9 0 to <5,000 sq. ft.	General Requirements for all parcels within these zone districts	15	5&5	15	40%	28	0.5:1	Per Use Permit or 2	35	35
	Corner lots -- existing parcels	15	5&10	15	40%	28	0.5:1		35	35
	-- creating new parcels	15	5&15	15	40%	28	0.5:1		35	35
	Parcels > 5,000 sq. ft.	20	5&8	15	30%	28	0.5:1		35	35
RM-5 to RM-5.9 5,000 to <6,000 sq. ft.	General Requirements and for parcels > 6,000 sq. ft.	20	5&8	15	30%	28	0.5:1	Per Use Permit or 2	50	50
	Corner lots -- existing parcels	20	5&10	15	30%	28	0.5:1		50	50
	-- creating new parcels	20	5&10	15	30%	28	0.5:1		50	50
	Parcels > 4,000 to <5,000 sq. ft.	20	5&8	15	30%	28	0.5:1		50	50
RM-6 to RM-9.9 5,000 to <6,000 sq. ft.	General Requirements	20	5&8	15	30%	28	0.5:1	Per Use Permit or 2	60	60
	Corner lots -- existing parcels	20	5&10	15	30%	28	0.5:1		60	60
	-- creating new parcels	20	5&20	15	30%	28	0.5:1		60	60

NOTE: This chart contains the multi-family residential zone districts standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see Section 13.10.323(d). For additional exceptions relating to structures, see Section 13.10.323(e). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by F.A.R. may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 and Sections 13.10.681 and 13.10.685 of Santa Cruz County Code.

\* All site standards for the applicable zone district must be met.

For parcels where there is a designated historic resource, the maximum impervious coverage shall be 12% unless that the applicable zone district is RM-1.5 to RM-4.9, in which case it shall be 10%. For parcels where there is a designated historic resource, the Floor Area Ratio (FAR) shall be 0.6 in any zone district where the standard FAR is 0.5.



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

ATTACHMENT 5

RESOLUTION NO. 05-04

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

PLANNING COMMISSION RESOLUTION REGARDING PROPOSED AMENDMENTS TO  
SECTIONS 13.10.265, 13.10.551, AND 16.42.090 OF THE COUNTY CODE TO PROVIDE  
RELAXED SITE STANDARDS FOR DESIGNATED HISTORIC RESOURCES RELATIVE TO  
PARKING AND NON-CONFORMING STRUCTURE SETBACK REQUIREMENTS AND TO  
ALLOW GREATER FLOOR AREA RATIO AND LOT COVERAGE FOR DESIGNATED HISTORIC  
RESOURCES.

WHEREAS, the Board of Supervisors, in 1977, in order to protect significant historic  
resources in the County adopted an Historic Preservation Ordinance; and

WHEREAS, since the inception of the Historic Preservation Ordinance there have been  
only very limited incentives offered by the County to encourage property owners to seek historic  
designation of eligible properties; and

WHEREAS, the County Historic Resources Commission applied for and received a grant  
from the State Office of Historic Preservation to develop further incentives to encourage property  
owners to seek historic designation for eligible properties; and

WHEREAS, the Board of Supervisors has approved in concept changes to Volume II of  
the County Code to enable further incentives to encourage property owners to seek historic  
designation for eligible properties

WHEREAS, the proposed changes to Volume II of the County Code have been found to  
be categorically exempt from further review under the California Environmental Quality Act  
(CEQA), consistent with applicable provisions of CEQA and the County of Santa Cruz  
Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends  
that the amendments to Sections 13.10.265, 13.10.551, and 16.42.090 of Volume II of the County  
Code to encourage property owners to seek historic designation for eligible properties, and the  
Categorical Exemption, incorporated herein by reference, be approved by the Board of  
Supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz,  
State of California, the 14 day of JULY, 2004 by the following vote:

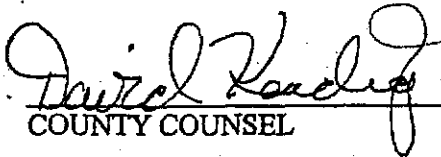
AYES: COMMISSIONERS Holbert, Durkee, Bremner, Britton, Osmer  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

  
Chairperson

CCC Exhibit 2  
(page 1 of 4 pages)

ATTEST:   
Cathy Graves, Secretary

APPROVED AS TO FORM:

  
COUNTY COUNSEL

cc: County Counsel  
Planning Department

CCC Exhibit 2  
(page 2 of 4 pages)

BEFORE THE BOARD OR SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

0163

RESOLUTION NO. 92-2005

On the motion of Supervisor Wormhoudt  
duly seconded by Supervisor Beautz  
the following Resolution is adopted:

BOARD OF SUPERVISORS RESOLUTION REGARDING PROPOSED AMENDMENTS TO  
SECTION 13.10.323(b) OF THE COUNTY CODE TO ALLOW GREATER FLOOR AREA RATIO  
AND LOT COVERAGE FOR DESIGNATED HISTORIC RESOURCES.

WHEREAS, the Board of Supervisors, in 1977, in order to protect significant historic resources in the County adopted an Historic Preservation Ordinance; and

WHEREAS, since the inception of the Historic Preservation Ordinance there have been only very limited incentives offered by the County to encourage property owners to seek historic designation of eligible properties; and

WHEREAS, the Board of Supervisors has previously approved a number of incentives, including those regarding increased Floor Area Ratio and Lot Coverage; and

WHEREAS, as submitted to the Coastal Commission, the increased Floor Area Ratio and Lot Coverage incentives would not be applicable in the coastal zone; and

WHEREAS, it is the desire of the County to have the increased Floor Area Ratio and Lot Coverage incentives apply in the coastal zone; and

WHEREAS, the proposed changes to Volume II of the County Code have been found to be categorically exempt from further review under the California Environmental Quality Act (CEQA), consistent with applicable provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the amendments to Section 13.10.323(b) of Volume II of the County Code, attached as Exhibit A, to encourage property owners to seek historic designation for eligible properties, and the Categorical Exemption, incorporated herein by reference, and authorizes submittal of the amendments to the California Coastal Commission as a part of the current round of Local Coastal Program amendments.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, on this 12th day of April, 2005, by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Stone and Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

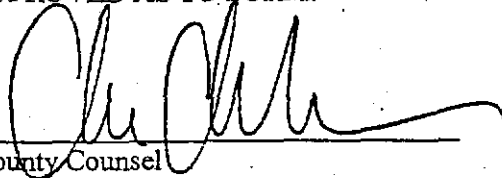
Exhibit 2  
(page 3 of 4 pages)

TONY CAMPOS

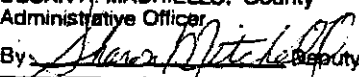
Chairperson

ATTEST: GAIL T. BORKOWSKI  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

  
County Counsel

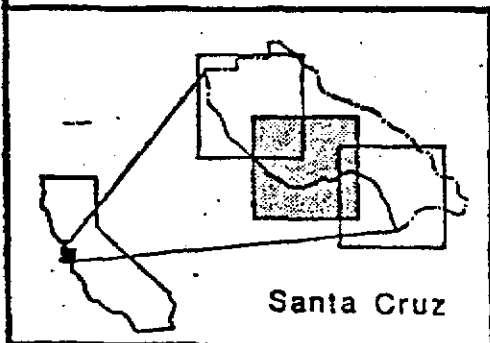
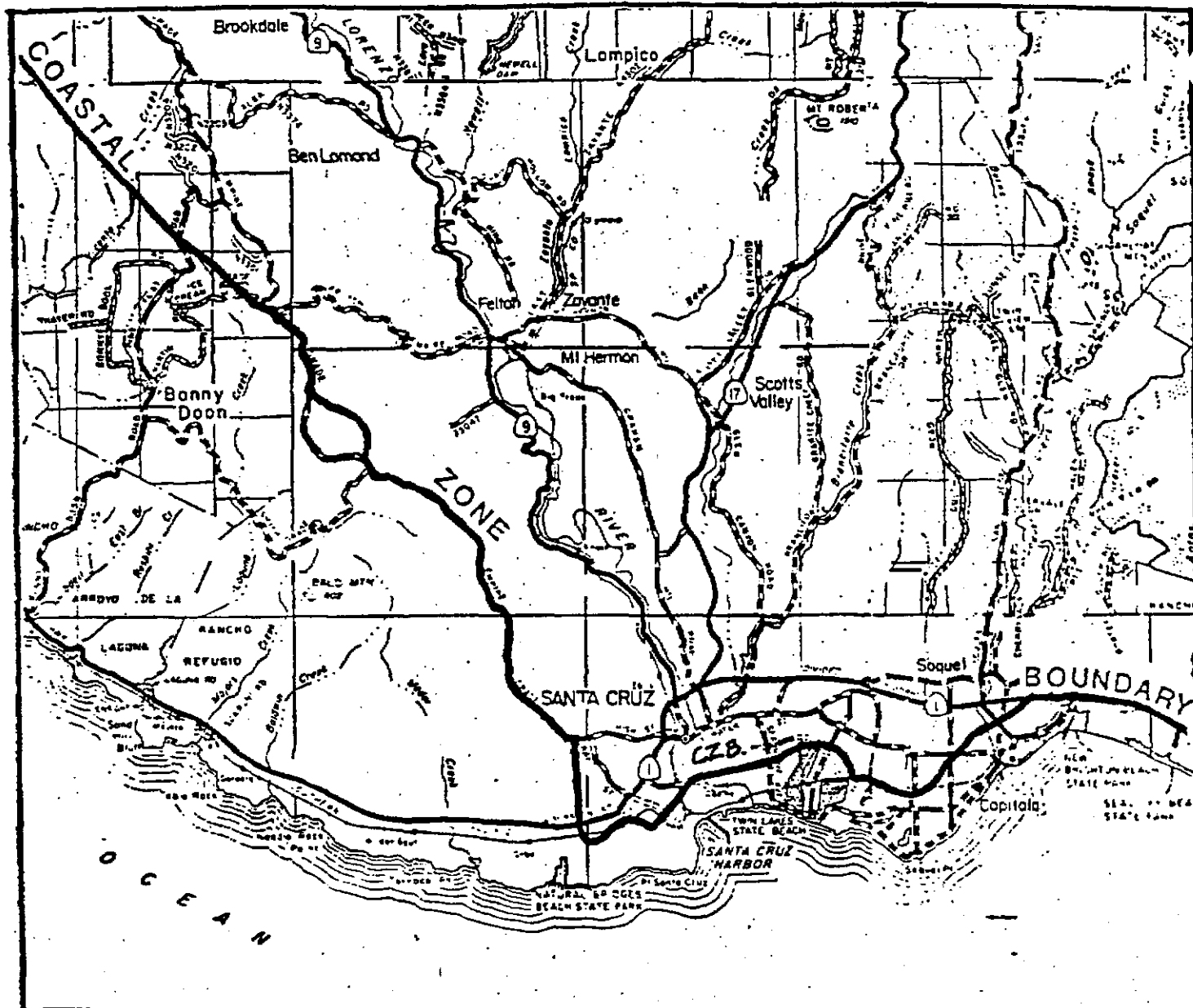
cc: County Counsel  
Planning Department

STATE OF CALIFORNIA	)	ss
COUNTY OF SANTA CRUZ	)	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>April 12</u> 20 <u>05</u>		
SUSAN A. MAURIELLO, County Administrative Officer		
By:  Deputy		

CCC Exhibit 2  
(page 4 of 4 pages)







California Coastal Commission

## LOCATION MAP



County of Santa Cruz

CCC Exhibit 3  
(page 2 of 3 pages)

Sheet 2 of 3

