

Ordinance 5119 and General Plan Amendments

Nonconforming Structures and Uses; Commercial Parking and Changes of Use

Now Effective Countywide

Effective dates of Ordinance 5119:

April 20, 2012: Effective outside the Coastal Zone

August 9, 2012: Effective inside the Coastal Zone, except sections on Nonconforming Structures and Uses

October 10, 2012: Sections on Nonconforming Structures and Uses effective inside the Coastal Zone

Highlights:

- New regulations will make it easier in many cases to remodel and make changes to existing legal nonconforming businesses and residences.
- Revisions support local businesses by making it easier to replace an existing business with a new commercial use, and by reducing parking requirements for some commercial uses.
- Provides a new "whole structure" approach for measuring changes to a structure, used for determining permit requirements for projects involving nonconforming uses and structures, and for determining if modifications to a structure may require geologic review.
- Revises noticing and appeals processes for Level 4 permits.

Nonconforming Uses and Structures: The regulations provide a new approach, recognizing "the prevalence of legally established nonconforming uses and structures, the neighborhood benefit of well-maintained buildings, and the need to preserve and improve existing housing stock and commercial space." The ordinance provides greater flexibility for maintaining and improving legally established nonconforming uses and structures, allowing modifications to a structure where needed and replacing the current requirement for a variance to reconstruct a nonconforming structure with a more streamlined administrative discretionary review process. The ordinance also provides greater flexibility for commercial nonconforming uses.

Evaluating Modifications to a Structure: The "Administrative Guidelines" adopted by the Board of Supervisors provide a new approach for measuring modifications to a structure, evaluating changes to the "major structural components" (foundation, floor framing, exterior wall framing and roof framing). This new "whole structure" approach applies to how we evaluate modifications to existing nonconforming structures and uses to determine the type of permit that may be required, and how we evaluate proposed changes to an existing structure under Chapter 16.10 (Geologic Hazards) to determine whether geologic review may be required. The Guidelines include an "on-line calculator" for calculating modifications to a structure.

Commercial Uses and Parking Standards: The revisions are intended to support local businesses by making it easier to replace an existing commercial use with a new commercial use, and by reducing parking requirements for some types of commercial uses where required parking typically exceeds parking demand.

The links below provide more information regarding the new regulations:

[Nonconforming Structures and Uses and Commercial Changes Ordinance \(Ordinance #5119\)](#)

[Permits Required for Changes to Nonconforming Uses and Structures](#)

[Evaluating Modification of Major Structural Components](#)

[General Plan Amendments](#)