

Ordinance No. 5119

AN ORDINANCE TO AMEND CHAPTER 12.10 OF THE SANTA CRUZ COUNTY CODE TO DELETE THE ADMINISTRATIVE AMENDMENT DEFINING “STRUCTURE”; TO AMEND CHAPTER 13.10 TO DELETE THE EXISTING PROVISIONS GOVERNING NONCONFORMING USES AND STRUCTURES AND ADOPT NEW PROVISIONS, AMEND VARIOUS PROVISIONS TO FACILITATE COMMERCIAL USES, UPDATE SELECTED PARKING REGULATIONS, AND CORRECT ERRORS, OMISSIONS AND REFERENCES; TO AMEND CHAPTER 13.11 TO CLARIFY BUILDING DESIGN REVIEW CRITERIA; TO AMEND CHAPTER 16.10 TO UPDATE THE DEFINITION OF DEVELOPMENT AS IT PERTAINS TO GEOLOGIC HAZARDS; AND TO AMEND CHAPTER 18.10 TO MODIFY APPEALS AND LEVEL IV PERMIT PROCEDURES

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

SECTION I

Subdivision (c), “Administrative amendment – Definition of Structure for Section 1802” of Section 12.10.215, "2010 California Building Code adopted," is hereby deleted.

SECTION II

Subdivision (f) of Section 13.10.215, "Zoning Plan Amendment” of the Santa Cruz County Code, is hereby amended to read as follows:

(f) Board of Supervisors Action. The Clerk of the Board shall set a public hearing before the Board of Supervisors within thirty (30) days after the receipt of the report recommending a zoning amendment from the Planning Commission. The Board may approve, modify, or disapprove the Planning Commission’s recommendation, provided that any modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the commission or changes in proposed dwelling density or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for their report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and their failure to respond within forty (40) days shall constitute approval. Any hearing may be continued from time to time.

SECTION III

Subdivision (c)3 of Section 13.10.235, “Minor Exceptions,” of the Santa Cruz County Code, is hereby amended, to read as follows:

3) Noticing. Noticing shall be as provided by Sections 18.10.222 and 18.10.224.

SECTION IV

Subdivision (c)6 of Section 13.10.235, "Minor Exceptions," of the Santa Cruz County Code, is hereby amended, to read as follows:

6) Appeal. The procedures for appeals shall be as provided by sections 18.10.310 and 18.10.324.

SECTION V

Section 13.10.260, "Nonconforming Uses -- Provisions that apply to all uses," Section 13.10.261, "Residential Nonconforming Uses," Section 13.10.262, "Nonresidential nonconforming uses" and Section 13.10.265, "Nonconforming structures," of the Santa Cruz County Code, are hereby deleted.

SECTION VI

Section 13.10.260, "Nonconforming uses and structures – general provisions," is hereby added to the Santa Cruz County Code to read as follows:

13.10.260 Nonconforming uses and structures – general provisions

(a) Purpose:

To establish regulations for nonconforming structures and uses that recognize 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. To allow legal nonconforming uses and structures to continue to exist, and to be improved, within appropriate parameters that address potential impacts to public health, safety and welfare. To establish a threshold for when changes to existing nonconforming uses and structures are subject to discretionary review, and establish findings for approval of discretionary permits to protect public health, safety, welfare and the environment. To establish provisions whereby nonconforming uses that are determined to be detrimental to public health, safety or welfare may be terminated by the Board of Supervisors.

(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. Intensification of Use, Non-Residential: Any change or expansion of a non-residential use which will result in both a greater than 10% increase in parking need and more than two spaces or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, shall be an "intensification of use" for the purposes of this Chapter.

2. 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 the purposes of this Chapter.

3. Major Structural Components: The foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components. The extent of alterations to major structural components will be calculated in accordance with

administrative guidelines adopted by resolution of the Board of Supervisors.

4. **Nonconforming Structure:** A structure that was lawfully erected prior to the adoption, revision or amendment of this Chapter but that does not conform with standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.

5. **Nonconforming Use:** A use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this Chapter, but does not conform to the current use standards, and density standards where applicable, of both the zone district and/ or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit.

6. **Reconstruction:** Modification or replacement of 65% or more of the major structural components (see 13.10.260(b)3) of an existing structure within any consecutive five-year period. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors.

(c) **General Requirements.**

1. **Determination of Nonconforming Status.** The property owner shall have the burden of proof in establishing the legal status of any nonconforming use or structure, in accordance with any administrative procedures that may be established by the Planning Director.

2. **Compliance with Other Provisions of the County Code.** The permits required in sections 13.10.260, 13.10.261, and 13.10.262 of this chapter are in addition to all other reviews and permits required by the Santa Cruz County Code, including requirements in Chapters 13.11, 13.20, 18.10 and in Title 16. Approvals issued pursuant to sections 13.10.260, 13.10.261, and 13.10.262 do not alter or supersede the permit and review requirements of other provisions of the Santa Cruz County Code. Work performed on a nonconforming structure or a structure accommodating a nonconforming use shall be pursuant to a building permit as required by Chapter 12.10, and shall meet the requirements of these Nonconforming Structures and Uses Regulations (sections 13.10.260, 13.10.261, and 13.10.262) unless a waiver or exception is granted as provided in these regulations. Except as provided by 13.10.262(a)4, "Reconstruction or replacement of a nonconforming structure after a catastrophic event," or as specifically authorized by other provisions of the Santa Cruz County Code, relocation of a nonconforming structure that does not result in a conforming structure shall require either variance approval or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

3. **Regulations in effect at the time of construction.** 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 or operation was or will be lawfully initiated in accordance with applicable regulations in effect at the time when a planning or building permit was approved.

4. **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.

5. **Exception for compliance with accessibility requirements.** Work performed solely to comply with the American with Disabilities Act or with Chapter 11 of the State Building Code shall be

excluded from calculations of reconstruction or alteration for the purposes of Sections 13.10.260, 13.10.261 and 13.10.262.

6. Exception for properties that have been designated as historic resources pursuant to County Code Chapter 16.42, or for corrective work on dangerous building elements. Work performed solely to comply with federal standards for rehabilitation of historic properties or with Chapter 16.42 of the County Code, or solely to comply with a notice or requirement of the County Building Official to correct dangerous building elements, shall be excluded from calculations of reconstruction or structural alteration for the purposes of Sections 13.10.260, 13.10.261 and 13.10.262.

7. Other regulations pertaining to nonconformity.

The following code sections establish additional regulations for nonconforming uses or structures:

- i. Nonconforming signs. See Section 13.10.588.
- ii. Nonconforming Greenhouses. See Section 13.10.636(c).
- iii. Nonconforming Farm Worker Housing. See Section 13.10.631.
- iv. Nonconforming Recycling Collection Facilities. See Section 13.10.658(b).
- v. "M-1" Zone District Uses Not in Compliance with Section 13.10.345(a). Uses in the "M-1" Light Industrial zone district which are not in compliance with the provisions of Section 13.10.345(a)(1-6) are considered nonconforming uses subject to Sections 13.10.345(a)(7) and 13.10.345(a)(8).
- vi. Lands designated with a "P" Combining District. Modification or expansion of uses on lands designated with a "P" Agricultural Preservation Combining District shall be processed as set forth in Section 13.10.473.
- vii. Expansion of Organized Camps with Nonconforming Densities. See Section 13.10.353(b)3.

SECTION VII

Section 13.10.261, "Nonconforming Uses" is hereby added to the Santa Cruz County Code to read as follows:

13.10.261 Nonconforming Uses

- (a) Applicability. This section applies to nonconforming uses in all zone districts.
- (b) General requirements.

1. Continuation of Nonconforming Uses and Nonconforming Rights. The lawful use of land existing on the effective date of the adoption, revision or amendment of the zoning designation or of the zoning regulations that affect a property 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. A nonconforming use that is not in use for at least three (3) out of the past five (5) years loses its status as a legal nonconforming use, and use of the land or site must conform to current uses allowed by the zone district. If cessation of use is caused involuntarily by fire or other catastrophic event, nonconforming rights are retained for three (3) years after the event, by which time a building permit

must be obtained and exercised to repair or reconstruct the nonconforming use in order to retain nonconforming rights. If nonconforming rights are lost due to failure of the use to be continued in three of the past five years or due to the failure to obtain and exercise a building permit within three years after a catastrophic event, and a conforming use has not been subsequently established at the site, the property owner may apply for a conditional use permit (Level 5) to reinstate the legal nonconforming use. The conditional use permit for reinstatement shall be subject to the findings required in subsection 13.10.261(f) below, as well as to all applicable requirements of the Santa Cruz County Code, and consistent with applicable General Plan and Local Coastal Program policies.

2. Termination of Use. The Board of Supervisors may order a nonconforming use to be terminated, upon recommendation of the Planning Commission, if such a use represents a threat to public health, safety, welfare, or the environment, or has been determined to be a public nuisance. The Planning Commission shall conduct a public hearing 15 or more days after written notice to the operator of the nonconforming use and the property owner. If the operator and/or property owner 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 operator and/or property owner 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 a recommendation or determination, the Planning Commission and the Board of Supervisors 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) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (vi) The degree of threat to public health, safety or welfare; and
- (viii) Other relevant factors.

Failure to comply with a Board of Supervisors Order to terminate a nonconforming use shall constitute a violation of this Chapter and shall constitute a determination that the use is a public nuisance subject to abatement in accordance with Chapter 1.14 of the Code.

3. Dwelling groups: Conforming unit. 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 primary 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 unit(s) shall be considered nonconforming and subject to the requirements of this Section.

(c) Changes to nonconforming uses: Permits required.

1. Modifications to a structure accommodating an existing nonconforming use.

The following types of modifications may be allowed to a structure that accommodates a nonconforming use, subject to obtaining the required permit and to the required findings noted in section (f) below.

Modifications to a structure accommodating a nonconforming use	Permit Required
Repairs and improvements to an existing structure, altering up to 65% of the major structural components.	Permitted upon issuance of a building permit and any approvals that may be required by other sections of the County Code and General Plan/ Local Coastal Program.
Reconstruction (as defined in 13.10.260(b) 6) of an existing structure.	Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))
Conforming additions not exceeding 50% of the square footage of the existing building, limited to once within a 5-year period.	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))
Conforming additions exceeding 50% of the square footage of the existing building, limited to once within a 5-year period.	Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))
Reconstruction (as defined in 13.10.260(b)6) of a structure accommodating a nonconforming use after a catastrophic event.	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))

2. Modifications to an existing nonconforming use

The following changes related to an existing legal nonconforming use may be allowed, subject to obtaining the required permit and to the required findings noted in section 13.10.261(f) below.

Type of Change to a Nonconforming Use	Permits Required
Expansion of an existing nonconforming use throughout an existing structure, with no intensification of the use	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))
Intensification of an existing nonconforming use as defined in 13.10.260(b)(2) for residential uses and 13.10.260(b)(1) for non-residential uses	Conditional Use Permit (Level 5 Approval) (See subsections 13.10.261(e) and (f))
Change of an existing nonconforming use to another nonconforming use with no intensification	Administrative Use Permit (Level 4 Approval) (See subsections 13.10.261(d) and (f))

(d) Procedures for Administrative Use Permit

1. Procedures for an Administrative Use Permit shall be in accordance with those established for Level 4 Approvals in Chapter 18.10. In addition, the findings in subsection 13.10.261(f) below shall be required for approval of an administrative use permit.

(e) Procedures for a Conditional Use Permit.

1. Procedures for a Conditional Use Permit shall be in accordance with those established for Level 5 Approvals in Chapter 18.10, including the requirement for a public hearing. In addition, the findings in 13.10.261(f) below shall be required for approval of a conditional use permit.

(f) Findings. Approval of an Administrative or Conditional Use Permit pursuant to subsections 13.10.261 (d) and (e) above is subject to the following findings:

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances.

3. That the proposed use will not overload utilities, and will not generate more than an acceptable level of traffic on streets in the vicinity.

4. That the proposed project, as it may be conditioned, will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

5. That additional parking requirements created by the project can be met in accordance with Section 13.10.551.

6. That the proposed project will not significantly impair economic development goals or key land use goals of the General Plan.

7. For a change of a use to a different nonconforming use of a site, conformance with uses currently allowed for the zone district is not feasible due to conditions on the site and surrounding land uses, or due to economic conditions.

8. For a nonconforming commercial, industrial or residential use on a site adjacent to residential property, the proposed modification to the nonconforming use, or the proposed reestablishment of a legal nonconforming use pursuant to subsection 13.10.261(b)1, does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences, and does not create excessive noise, vibration, illumination, glare, odors, dust, dirt, smoke or hazards such as noxious fumes to a level that substantially exceeds that of the existing or former legal nonconforming use of the site.

SECTION VIII

Section 13.10.262, “Nonconforming structures,” is hereby added to the Santa Cruz County Code to read as follows:

13.10.262 Nonconforming structures

(a) Changes to Nonconforming Structures: Permits required.

The requirements of this section are in addition to and do not supersede requirements or permit approvals required in other sections of the Santa Cruz County Code, including but not limited to Title 12, Title 13, Title 16 and Title 18.

1. **Structural Alterations.** Except as noted in subsection (4) below, structural alterations to an existing nonconforming structure within a consecutive five-year period that do not constitute reconstruction as defined by Section 13.10.260(b)(6) are permitted upon issuance of a building permit and any approvals or permits that may be required by other sections of the County Code.

2. **Conforming Additions.** Conforming additions that do not increase the nonconforming dimensions of the structure are permitted upon issuance of a building permit and any approvals that are required by other sections of the County Code. Nonconforming additions are not permitted unless a variance or minor exception is granted in accordance with Section 13.10.230 or Section 13.10.235.

3. **Reconstruction.** Reconstruction of a nonconforming structure requires an Administrative Site Development Permit (see 13.10.262 (b)). Except as provided by 13.10.262(a)6 and 7 below, or as specifically authorized by other provisions of the Santa Cruz County Code, any relocation of a nonconforming structure shall require approval of a variance or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

4. **Structural alteration or reconstruction of a nonconforming structure located over a property line, within a riparian corridor, within five (5) feet of a vehicular right-of-way or within five (5) feet of a planned vehicular right-of-way improvement.**

Altering more than 50% of the major structural components (up to and including reconstruction) within any consecutive 5-year period requires an Administrative Site Development Permit. The purpose of this review is to provide adequate opportunity to address potential impacts to the environment or public health, safety or welfare. For nonconforming structures located within five (5) feet of a vehicular right-of-way or within five (5) feet of a planned vehicular right-of-way improvement, the Planning Director may waive the requirement for an Administrative Site Development Permit for altering more than 50% of the major structural components if he or she determines that the proposed project will not adversely affect the environment or public health, safety or general welfare. If the requirement is waived, then the requirement for an Administrative Site Development Permit for reconstruction as specified in 13.10.262(a)3 shall apply. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.

5. **Exceptions.** Exceptions to the requirements of subsections 13.10.262(a) 1 through 4 are as follows:

(i) Exception for structures designated as historic resources:

Modifications to a nonconforming structure which has been designated as a historic resource pursuant to County Code Chapter 16.42 are permitted upon issuance of only those building permits and/or development permits that are required by other Sections of the County Code, including Chapter 16.42, if one or more of the following criteria are met:

A. The proposed alteration, reconstruction or addition conforms to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, and does not increase the nonconforming dimensions of the structure; or

B. The proposed alteration, reconstruction or addition does not conform to the lot coverage, yard setback, floor area ratio or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure and does not expand the perimeter foundation line 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; or

C. The proposed modifications are required to provide access for persons with disabilities to the structure.

(ii) Exception for corrective work on dangerous building elements:

Work performed to comply with a notice or requirement of the County Building Official to correct dangerous building elements shall not count towards overall limits on reconstruction in Section 13.10.262(a)3.

6. Reconstruction of a nonconforming structure after a catastrophic event.

Except as noted in subsection 7 below, reconstruction of a legal nonconforming structure after a catastrophic event is allowed upon issuance of a building permit and any approvals that may be required by other sections of the County Code if the reconstructed structure does not increase the nonconforming dimensions of the structure and is located in substantially the same location as the current/prior structure. New locations on the site may be considered without the need for an Administrative Site Development Permit, if the Planning Director finds that the new location results in greater conformance with code requirements. Relocation that does not result in greater conformance with code requirements requires variance approval in accordance with Section 13.10.230 or Minor Exception pursuant to 13.10.235. (Note: Additional permits may be required for reconstruction after a catastrophic event by other provisions of the Santa Cruz County Code, including Title 16 and Chapter 13.20.)

7. Structural alteration and reconstruction after a catastrophic event, for a nonconforming structure located over a property line, within a riparian corridor, within five (5) feet of a vehicular right-of-way or within five (5) feet of a planned vehicular right-of-way improvement.

Structural alteration after a catastrophic event, altering less than 65% of the major structural components, is allowed upon issuance of a building permit and permits that may be required by other sections of the County Code.

Reconstruction after a catastrophic event requires an Administrative Site Development Permit. The purpose of this review is to provide adequate opportunity to address potential impacts to the natural environment or public health, safety or welfare. New locations on the site may be considered as part of the Administrative Site Development Permit, if it is determined that the new location results in greater

conformance with code requirements. Relocation that does not result in greater conformance with code requirements shall require approval of a variance or minor exception in accordance with Section 13.10.230 or Section 13.10.235.

For nonconforming structures located within five (5) feet of a vehicular right-of-way or within five (5) feet of a planned vehicular right-of-way improvement, the Planning Director may waive the requirement for an Administrative Site Development Permit for reconstruction if he or she determines that the proposed project will not adversely affect the natural environment or public health, safety or general welfare. If the requirement is waived, then reconstruction shall conform to the requirements noted in 13.10.262(a)6 above.

(Note: Additional permits may be required for reconstruction after a catastrophic event by other provisions of the Santa Cruz County Code, including Title 16 and Chapter 13.20. Nothing in this ordinance is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.)

(b) Procedures for a Nonconforming Structure Administrative Site Development Permit.

Procedures for an Administrative Site Development Permit as required pursuant to Section 13.10.262 shall be in accordance with those established for Level 4 Approvals in Chapter 18.10, subject to the additional findings in subsection (c) below.

(c) Findings. The following findings apply to Site Development Permits for nonconforming structures as required under Section 13.10.262(a):

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.
2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances and the purpose of the zone district in which the site is located.
3. That the proposed structure and use is in substantial conformance with the County General Plan and with any Specific Plan which has been adopted for the area.
4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.
5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.
6. Any additional parking requirements created by the project can be met in accordance with Section 13.10.551.
7. The proposed project will not significantly impair economic development goals or key land use goals of the General Plan.

8. For nonconforming commercial, industrial or residential structures adjacent to residential property, the nonconforming structure does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences.

9. For nonconforming structures over a property line, within a riparian corridor, or within 5 feet of an existing or planned right-of-way, the proposed project has been conditioned to require greater conformance to current site development standards, or has been required to eliminate the nonconformity where feasible, considering economic factors and site conditions including size, shape, topography, existing development or improvements, and environmental constraints.

10. For projects within a riparian corridor, a condition of approval of the site development permit has been imposed to require riparian protection, preservation and/or enhancement on the site, as reasonably related to the project and in accordance with General Plan policy 5.2.2.

SECTION IX

Subdivision (a) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(a) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "CA" Commercial Agriculture Zone District, in the "A" Agriculture Zone District, or in the "AP" Agricultural Preserve Zone District unless that use is either (1) listed in Section 13.10.312 of this Chapter as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION X

Subdivision (b) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) It shall be unlawful for any person to establish, cause or permit a new use of land, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "RA" Residential Agricultural Zone District, in the "RR" Rural Residential Zone District, in the "R-1" Single-Family Residential Zone District, in the "RB" Ocean Beach Residential Zone District, or in the "RM" Multi-Family Residential Zone District unless that use is either (1) listed in Section 13.10.322 of this Chapter as a permitted use in the residential zone district in which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XI

Subdivision (c) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(c) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand or intensify an existing use of land, or construct, enlarge, or move a building for a use of land located in the "PA" Professional Administrative Office Zone District, in the "VA" Visitor Accommodations Zone District, in the "C-1" Neighborhood Commercial Zone District, in the "CT" Tourist Commercial Zone District, in the "C-2" Community Commercial Zone District, or in the "C-4" Commercial Services Zone District unless that use is either (1) listed in Section 13.10.332 of this Chapter as a permitted use in the commercial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (2) is a legal non-conforming use or structure in conformance with 13.10.260, 13.10.261 and 13.10.262.

SECTION XII

Subdivision (d) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(d) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "M-1" Light Industrial Zone District, in the "M-2" Heavy Industrial Zone District, or in the "M-3" Mineral Extraction Industrial Zone District unless that use is either (1) listed in Section 13.10.342 of this Chapter as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XIII

Subdivision (e) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(e) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PR" Parks, Recreation and Open Space Zone District unless that use is either (1) listed in Section 13.10.352 of this Chapter as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XIV

Subdivision (f) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(f) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PF" Public and Community Facilities Zone District unless that use is either (1) listed in Section 13.10.362 of this Chapter as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XV

Subdivision (g) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "TP" Timber Production Zone District unless that use is either (1) listed in Section 13.10.372 of this Chapter as a permitted use in the Timber Production Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Timber Production Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262.

SECTION XVI

Subdivision (h) of Section 13.10.275, "Violations of zoning use regulations," of the Santa Cruz County Code, is hereby amended, to read as follows:

(h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "SU" Special Use Zone District unless that use is either (1) listed in Section 13.10.382 of this Chapter as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Special Use Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260, 13.10.261 and 13.10.262. (Ord. 4390A, 4/2/96; Ord. 4496-C, 8/4/98)

SECTION XVII

Subdivision (e)5(B) of Section 13.10.323, "Development standards for residential districts," of the Santa Cruz County Code, is hereby amended to read as follows:

(B) With Design Review. Building heights up to a maximum of thirty three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer or Planning Director (or designee), and subject to approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10.

SECTION XVIII

Subdivision (e)6(B) of Section 13.10.323, "'Development standards for residential districts,'" of the Santa Cruz County Code is hereby amended to read as follows:

(B) Side and Rear Yards.

- i. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure;
- ii. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines;
- iii. Garden trellises, garden statuary, birdbaths, freestanding barbeques, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps and similar HVAC equipment and ground-mounted solar systems, if not exceeding six (6) feet in height, are not required to maintain side and rear yard setbacks and are excluded from the calculation of allowable lot coverage.

SECTION XIX

The first paragraph of Subdivision (d) of Section 13.10.325, "Large dwelling permit requirements and design guidelines," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Large Dwelling Design Guidelines. New large dwellings and related accessory structures regulated by this Section are subject to the following design guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer, Planning Director and Zoning Administrator in reviewing applications.

SECTION XX

The "KEY" and the section under the subheading, "Commercial change of use within existing structures," both of the "Commercial Uses Chart" of Subdivision (b) of Section 13.10.332, are hereby amended to read as follows:

Commercial Uses Chart

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site
 P = Principal permitted use (see Section 13.10.332(a)); no use approval necessary if “P” appears alone

- 1 = Approval Level I (administrative)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- * = Level IV for projects of less than 5,000 square feet
 = Level V for projects of 5,000 to 20,000 square feet
 = Level VI for projects of 20,000 square feet and up

USE	PA	VA	CT	C-1	C-2	C-4
Commercial change of use within existing structures:						
Change of use in accordance with an approved master occupancy program	1	1	1	1	1	1
Change of use subject to the Felton or Ben Lomond town plan, the Boulder Creek Specific Plan or the Soquel, Seacliff or Aptos village plan, to a use in conformance with the applicable plan and not resulting in an intensification of use	1	1	1	1	1	4
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will not result in an intensification of use	1	1	1	1	1	4/5/6*
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will result in an intensification of use	4	4	4	4	4	4/5/6*
Change from a use not approved by a valid development (use) permit, to another use allowed in the zone district for projects of:						

Under 5,000 sq. ft.	4	4	4	4	4	4
5,000 -20,000 sq. ft.	4	4	4	4	4	5
Over 20,000 sq. ft.	4	5	5	5	5	6

(For legal, nonconforming uses, see Sections 13.10.260 and .261 for additional requirements)

SECTION XXI

Subdivision (b), “Allowed uses,” of Section 13.10.332, “Commercial uses” of the Santa Cruz County Code, is hereby amended by deleting the category, “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.”

SECTION XXII

Subdivision (b), “Allowed uses,” of Section 13.10.332, “Commercial uses” of the Santa Cruz County Code, is hereby amended by deleting the category, “Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses.”

SECTION XXIII

Subdivision (b), “Allowed Uses,” of Section 13.10.342, “Uses in industrial districts” of the Santa Cruz County Code, is hereby amended by deleting the category, “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.”

SECTION XXIV

Subdivision (b), “Allowed Uses,” of Section 13.10.342, “Uses in industrial districts” of the Santa Cruz County Code, is hereby amended by deleting the category, “Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and 13.10.261, Nonconforming uses.”

SECTION XXV

Subdivision (b)3 of Section 13.10.353, “Development standards in the Parks, Recreation and Open Space “PR” District,” of the Santa Cruz County Code, is hereby amended, to read as follows:

3. Expansion of Organized Camps with Nonconforming Densities. For expansion of existing camps with use permits and nonconforming density, the densities of new facilities shall be calculated independent of existing nonconforming densities and shall be based solely on the number of matrix units the new land acquisition merits. Where the new land acquisition is contiguous with the parcel containing the nonconforming use, the facilities resulting from the matrix units for the land acquisition may, at the discretion of the Planning Commission and the Board of Supervisors, be located anywhere on the applicant's holdings. These provisions shall not be construed to prevent the Board of Supervisors from abating nonconforming uses or structures pursuant to Sections 13.10.260, 13.10.261 and 13.10.262 of the Zoning Ordinance where such facilities are found to create a public health hazard or a public nuisance or to be environmentally degrading.

SECTION XXVI

Subdivision (a) of Section 13.10.551, "Off-street parking facilities required," of the Santa Cruz County Code, is hereby amended to read as follows:

In all districts, in connection with every use, there shall be provided at the time of initial occupancy of a site, or construction of a structure, or major alteration or enlargement of a site or structure, off-street parking spaces for automobiles and bicycles in accordance with requirements prescribed in this Chapter, except as otherwise provided in this paragraph and as provided in (c) below for historic resources, as defined in Section 16.42.030. 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 an addition, remodel or change of residential use which would increase the number of parking spaces required by more than 10 percent of the total required; or an addition, remodel or change of non-residential use which would increase the number of required parking spaces by both more than 10 percent and more than two spaces. 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.

For any major alteration or enlargement affecting a non-residential structure or use for which the existing parking is or would become nonconforming, additional off-street parking shall be required only for the additional increment of square footage or use.

The planning director may authorize a reduction in the number of parking spaces in an existing parking area, to the extent necessary and appropriate to provide accessibility upgrades to existing buildings or parking areas in accordance with building code requirements.

SECTION XXVII

In Subdivision (b) of Section 13.10.552, "Schedule of off-street parking space requirements," of the Santa Cruz County Code, the use "Supermarkets, convenience stores" is hereby added after the use "Retail stores and service establishments;" and the uses "Business Offices," "Medical Offices," "Libraries, museums, art galleries" and "Retail stores and service establishments" and associated footnotes, are hereby amended, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Business Offices	1 per 300 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Medical Offices	1 per 225 sq. ft. of gross floor area; two minimum*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Libraries, museums, art galleries	1 per 300 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Retail stores and service establishments	1 per 300 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
Supermarkets, convenience stores	1 per 200 sq. ft. of gross floor area*	1 per 1000 sq. ft. of gross floor area*; 2 minimum
* Exclude any floor area used only for storage or truck loading.		

SECTION XXVIII

Subdivision (c) of Section 13.10.552, "Schedule of off-street parking requirements", of the Santa Cruz County Code, is hereby amended to read as follows:

(c) Other Uses. Any use not specified in this schedule shall require the same number of spaces as the most similar use, as determined by the Approval Body or, if it can be shown that a use is not expected to utilize the required number of spaces, and assurance is given by recorded indenture, or other means, that the required number of spaces will be provided when the use or circumstances of occupancy change, then a different parking requirement may be authorized by a Level IV Approval.

SECTION XXIX

The title of Section 13.10.553, "Variations to requirements," is hereby amended to read as follows:

13.10.553 Alternate parking requirements.

SECTION XXX

Subdivision (b) of Section 13.10.553, "Variations to requirements," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) Shared Parking. Parking reductions for two or more uses that share parking may be authorized by a Level 4 Use Approval. The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required for the single use among those proposed which is required to provide the most parking. Where the shared parking involves two or more separately owned properties, the owners of the properties shall enter into a legal agreement that describes access, use and maintenance of the shared parking. The reduction(s) shall be quantitatively justified by one or more of the following criteria applied to the participating uses:

1. The uses occur at separate times of day.
2. The uses overlap, but their peak hours occur at different times of day.
3. The uses are complimentary or foster multipurpose trips.
4. The uses serve seniors, youth or other demographic groups known for below-average rates of vehicle ownership.
5. Valid statistical parking data from the site, neighborhood or applicable larger area indicate an appropriate level for shared parking.
6. The parking reduction is commensurate with the level of vehicle activity typically associated with the proposed use(s), site location or incremental change in site floor area or intensity of use.

Any applicant proposing a parking reduction pursuant to section 13.10.553(b) shall submit a parking study prepared by a qualified, independent, professional transportation planner or transportation engineer. The analysis shall: (1) recommend an appropriate parking reduction based on the above criteria, and, (2) where the shared parking involves separately owned properties, recommend terms of the associated parking agreement. The requirement for a parking study may be waived by the Planning Director if the proposed parking reduction is clearly proportionate to the proposed and possible future uses involved.

SECTION XXXI

The first paragraph of Subdivision (d) of Section 13.10.553, "Variations to requirements," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Transportation and Parking Demand Management. Parking requirements prescribed for any use or combination of uses on the same or adjoining sites may be reduced by the Approving Body based upon a detailed Alternate Transportation and Parking Demand Management Program supplied by the applicant, and certified by the County, which may include, but is not limited to, provision of special

transit incentives for employees, the operation of effective pooling programs, priority parking for carpools, charter buses, club buses, company cars, employer's contribution to bus service cost, home delivery services or flexible work hours. Any proposed reduction greater than 20 percent shall include adequate evidence supporting the validity of a larger reduction.

SECTION XXXII

The first paragraph of Subdivision (b) of Section 13.10.658, "Recycling facilities," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) The following recycling collection facilities, which were in existence on July 23, 1987, are legal non-conforming uses in the zone district in which they are located and are subject to Sections 13.10.260, 13.10.261 and 13.10.262 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:

SECTION XXXIII

The definition for "Intensification of Use, Commercial" in Section 13.10.700-I of the Santa Cruz County Code is hereby amended to read as follows:

Intensification of Use, Non-residential. Any change or expansion of a non-residential use which will result in both a greater than 10% increase in parking need and more than two spaces, or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use and/or sewage generation shall be an "intensification of use" for purposes of this chapter. (Ord. 4285, 12/14/93; 4525, 12/8/98)

SECTION XXXIV

Section 13.10.700-M of the Santa Cruz County Code is hereby amended by adding the definition for "Major Structural Components" after the definition for "M-3," to read as follows:

Major Structural Components. The foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors.

SECTION XXXV

The definition for "Nonconforming Structure" in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

Nonconforming Structure. A structure that was lawfully erected prior to adoption, revision or

amendment of this chapter but that does not conform with standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.

SECTION XXXVI

The definition for “Nonconforming Use” in Section 13.10.700-N of the Santa Cruz County Code is hereby amended to read as follows:

Nonconforming use. A use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this chapter but does not conform to the current use standards, and density standards where applicable, of both the zone district and/or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit. (Ord. 4525, 12/8/98)

SECTION XXXVII

The definition for “Ordinary Maintenance and Repair in Kind” in Section 13.10.700-O of the Santa Cruz County Code is hereby deleted.

SECTION XXXVIII

The definition for “Reconstruction” in Section 13.10.700-R of the Santa Cruz County Code is hereby amended to read as follows:

Reconstruction. Modification or replacement of 65% or more of the major structural components (see 13.10.700-M) of an existing structure within any consecutive five-year period. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors.

(Ord. 4525, 12/8/98)

SECTION XXXIX

The definition for “Significantly Nonconforming Use” in Section 13.10.700-S of the Santa Cruz County Code is hereby deleted.

SECTION XL

The definition for “Structural Alteration” in Section 13.10.700-S of the Santa Cruz County Code is hereby deleted.

SECTION XLI

Subdivision (b) of Section 13.11.073, "Building design," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. The building elements listed below shall be reviewed to achieve a level of neighborhood compatibility appropriate to the architectural style, character and identity of both the proposed new building and the neighborhood:

(A) Massing of building form.

(B) Building silhouette.

(C) Spacing between buildings.

(D) Street face setbacks.

(E) Character of architecture.

(F) Building scale.

(G) Proportion and composition of projections and recesses, doors and windows, and other features.

(H) Location and treatment of entryways.

(I) Finish material, texture and color

(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.

SECTION XLII

Subdivision (s) of Section 16.10.040, "Definitions," of the Santa Cruz County Code, is hereby amended to read as follows:

(s) Development/Development Activities. For the purposes of this chapter, and this chapter only, any project that includes activity in any of the following categories is considered to be development or development activity. This chapter does not supersede Section 13.20.040 for purposes of determining whether a certain activity or project is considered development that requires a coastal permit; some activities and projects will require coastal permits although they do not fall under the following specific definition.

(1) The construction or placement of any habitable structure, including a manufactured home and including a non-residential structure occupied by property owners, employees and/or the public;

(2) Modification, reconstruction or replacement of 65% of the major structural components -- consisting of the foundation, floor framing, exterior wall framing, and roof framing -- of an existing habitable structure within any consecutive five-year period, or modification, reconstruction or replacement of 50 (fifty) percent of the major structural components of an existing critical structure or facility, as defined by this chapter, within any consecutive five-year

period, whether the work is done at one time or as the sum of multiple projects. For the purpose of this section, the following are not considered major structural components: exterior siding; non-structural door and window replacement; roofing material; decks; chimneys; and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing fixtures. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors;

(3) The addition of habitable square footage to any structure, where the addition increases the habitable square footage by more than fifty (50) percent or 500 square feet, whichever is greater, over the existing habitable space within a consecutive five-year period. This allows a total increase of up to fifty (50) percent of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions over a consecutive five-year period;

(4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the existing structure in a seaward direction;

(5) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public recreational use;

(6) Any change of use from non-habitable to habitable, according to the definition of “habitable” found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;

(7) Any repair, alteration, reconstruction, replacement or addition affecting any structure that meets either of the following criteria:

1. Posted “Limited Entry” or “Unsafe to Occupy” due to geologic hazards, or
2. Located on a site associated with slope stability concerns, such as sites affected by existing or potential debris flows;

(8) Grading activities of any scale in the 100-year floodplain or the coastal hazard area, and any grading activity which requires a permit pursuant to Chapter 16.20;

(9) Construction of roads, utilities, or other facilities;

(10) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not a building permit is required, sea walls, rip-rap erosion protection or retaining structures, and gabion baskets;

(11) Installation of a septic system;

(12) Any human made change to developed or undeveloped real estate in the Special Flood Hazard Area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-11;

(13) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazards, or that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review. (Ord. 4024, 10/24/89; 4080, 9/11/90)

SECTION XLIII

Article V, "Noticing Procedures" of the subdivision "Sections:" found at the start of Chapter 18.10, "Chapter 18.10 PERMIT AND APPROVAL PROCEDURES," of the Santa Cruz County Code, is hereby amended to read as follows:

Article V. Noticing Procedures

- 18.10.221 Level I through Level III (Field visit) – Public listing.
- 18.10.222 Level IV (Public Notice) – Notice of pending action.
- 18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors) – Notice of public hearing.
- 18.10.224 Notice of proposed development for Level IV through Level VII.
- 18.10.230 Findings required.
- 18.10.240 Permit conditions.

SECTION XLIV

Article VI, "Appeal Procedures," of the subdivision "Sections:" found at the start of Chapter 18.10, "Chapter 18.10 PERMIT AND APPROVAL PROCEDURES," of the Santa Cruz County Code, is hereby amended to read as follows:

- 18.10.310 General appeal procedures.
- 18.10.320 Appeals to Planning Director—From Level I through Level III (Field visit).
- 18.10.324 Appeals to Zoning Administrator—From Level IV (Planning).
- 18.10.330 Appeals to Planning Commission—From Level V (Zoning Administrator).
- 18.10.332 Planned Unit Development—Hearings.
- 18.10.340 Appeals to Board of Supervisors—From Level VI (PC).
- 18.10.350 Special consideration by Board of Supervisors.
- 18.10.360 Appeals to Coastal Commission.

SECTION XLV

Subdivision (a) of Section 18.10.112, "Processing levels," of the Santa Cruz County Code, is hereby amended to read as follows:

(a) Administrative Permits and Approvals. The following reviews shall be conducted and permits shall be acted upon by the Planning Director or his or her authorized designee charged with the administration of this Chapter.

- (1) Processing Level I includes planning review and administrative action on permits based on a description of the project.
- (2) Processing Level II (Plans required) includes planning review and administrative action on permits based on building plans as well as a description of the project.
- (3) Processing Level III (Field visit required) includes planning review that involves one or more visits to the site by staff planners in conjunction with review of the project description and plans prior to administrative action on permits.
- (4) Processing Level IV (Public Notice) includes those projects for which plans are required, field visits are conducted, and for which public notice is provided prior to administrative action on permits – in the form of posting of the property, notice posted on the County Planning Department website, notice to each member of the Board of Supervisors and mailed notice to the owners and occupants of the subject and surrounding properties.

SECTION XLVI

Table 18.10.121 of Section 18.10.121 "Summary chart of review process," of the Santa Cruz County Code, is hereby amended to read as follows:

Table 18.10.121							
SUBMITTALS REQUIRED	PROCESSING LEVEL						
	1	2	3	4	5	6	7
(See Section 18.10.210)	1	2	3	4	5	6	7
Application form, fee project description	X	X	X	X	X	X	X
Plot plan, building plans		X	X	X	X	X	X
Site development plans		X	X	X	X	X	X
Results of neighborhood meeting (see Sections 18.10.210 and 18.10.211)						X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X
PUBLIC NOTICES REQUIRED	PROCESSING LEVEL						
(See Sections 18.10.221 through 18.10.223)	1	2	3	4	5	6	7
List of official action	X	X	X				
Notice of pending action posted on County Planning Department website				X			
Notice of pending action or public hearing posted on project site				X	X	X	X*
Notice of proposed development sign placed on site by applicant				X	X	X	X
Notices of pending action or public hearing mailed by County to owners of property within 300 ft and to occupants within 100 feet and to the subject				X	X	X	X*

property							
Legal advertisement of public hearing					X	X	X*
* Required for both Planning Commission and Board of Supervisors hearings							
APPROVING BODY	PROCESSING LEVEL						
(See Section 18.10.112)	1	2	3	4	5	6	7
Planning Director or designated person	X	X	X	X			
Zoning Administrator					X*		
Planning Commission						X*	X
Board of Supervisors							X*

* and California Coastal Commission if appealed
 (Ord. 3604, 11/6/84; 4044, 1/9/90; Ord. 4496-C, 8/4/98; Ord. 4818 § 1, 3/7/06)

SECTION XLVII

Section 18.10.222, "Level IV (Public notice)—Notice of application submittal," of the Santa Cruz County Code, is hereby amended to read as follows:

18.10.222 Level IV (Public notice) — Notice of pending action.

(a) Procedures. Public notice of pending action on a permit application pursuant to Level IV. Not less than twenty-one (21) calendar days prior to the County taking action on a Level IV application, public notice shall be given in the following ways:

1. The County shall mail notice via postcard or letter to the applicant, to the owners of the subject property, to the owners of all property within three hundred (300) feet of the exterior boundaries of the subject property and to all lawful occupants of properties within one hundred (100) feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on a mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.
2. Posting on the County of Santa Cruz Planning Department website.
3. Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail.

(b) Not less than ten (10) calendar days following the date of the United States Postal Service postmark on the Notice of Pending action mailed pursuant to (a)1 in the preceding paragraph, the Notice of Pending Action shall be posted on the property in a conspicuous place.

(c) Contents of Notice. The contents of the notice shall be as follows:

- (1) Location of the proposed project.
- (2) Name of the applicant and owner.
- (3) Description of the proposed project.
- (4) How further information may be obtained and how to submit information on the proposed project.
- (5) Final date on which comments will be accepted, which shall be no less than 21 days following the date on which notices are mailed.
- (6) Date on which a decision may be made on the project.
- (7) Description of the appeal procedure.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

SECTION XLVIII

Section 18.10.320, Appeals to Planning Director—from Level I (No Plans) through Level IV (Public Notice)," of the Santa Cruz County Code, is hereby amended to read as follows:

18.10.320 Appeals to Planning Director—from Level I through Level III (Field Visit).

(a) Who May Appeal. Any decisions or actions of any staff person charged with the administration of this chapter may be administratively appealed to the Planning Director. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within fourteen (14) calendar days of the decision.

(b) Planning Director's Action. The Planning Director shall commence consideration of every appeal filed pursuant to this Section from acts or determinations at Levels I-III by reviewing the application file within twenty (20) business days of the submittal of the appeal. The Planning Director may decide the appeal on the basis of the written appeal, or may review the appeal with the applicant and/or the appellant. The decision of the Planning Director on the appeal shall be made in writing, and shall be provided to the applicant and/or the appellant within sixty (60) calendar days of the submittal of the appeal, unless the appellant agrees, in writing, to a longer period. (Ord. 746, 1/8/62; 1704, 4/25/72; 3639, 3/26/85; 4044, 1/9/90; 4075, 6/24/90; 4500-C, 8/4/98)

SECTION XLIX

Section 18.10.324, "Appeals to the Zoning Administrator from Level IV (Public Notice)," of the Santa Cruz County Code, is hereby added after Section 18.10.320, to read as follows:

18.10.324 Appeals to Zoning Administrator—From Level IV (Public Notice).

(a) Who May Appeal. Any person whose interests are adversely affected by a Level IV decision or action may appeal the decision to the Zoning Administrator. Such an appeal may be initiated by submitting a written request to the Planning Director within fourteen (14) calendar days of the decision.

(b) Notice of Hearing. Upon receipt of a notice of appeal from a decision or action at Level IV, the Planning Director or designee shall schedule a hearing to occur before the Zoning Administrator or, if public concern or other circumstances warrant, the Planning Commission. The date of the scheduled hearing shall be no more than sixty (60) calendar days after the date on which the notice of appeal is received. If no regular meeting of the Zoning Administrator (or Planning Commission, if applicable) is scheduled to occur within 60 calendar days after the date of receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the applicable body. Written notice of the time and place set for hearing the appeal shall be given to the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of an appeal hearing before the Zoning Administrator shall be given as provided by 18.10.222. Decisions by any reviewing body on the appeal shall be made in writing and shall be provided to the applicant and/or the appellant.

(c) Any person whose interests are adversely affected by a decision or action of the Zoning Administrator on an appeal of a Level IV determination may appeal the decision to the Planning Commission. Level IV appeals to the Planning Commission, whether direct or following an appeal reviewed by the Zoning Administrator, shall be processed as prescribed by 18.10.330.

(d) Any person whose interests are adversely affected by an appeal decision or action of the Planning Commission regarding a Level IV determination may appeal the decision to the Board of Supervisors. Level IV appeals to Board of Supervisors shall be processed as prescribed by 18.10.340.

SECTION L

Subdivision (b) of Section 18.10.330, "Appeals to Planning Commission—From Level V (Zoning Administrator)," of the Santa Cruz County Code, is hereby amended, to read as follows:

(b) Notice of Hearing. Upon receipt of a notice of appeal from a decision or action at Level V, the Planning Director or designee shall schedule a hearing to occur before the Planning Commission. The date of the scheduled hearing shall be no more than 60 calendar days following the date of receipt of the notice of appeal. If no regular meeting of the Planning Commission is scheduled to occur within 60 calendar days after receipt of the notice of appeal, the scheduled hearing date shall be that of the next regular meeting of the Planning Commission. Written notice of the time and place set for hearing the appeal shall be given the appellant and the original applicant, if he or she is not the appellant, at least twenty-one (21) calendar days prior to the hearing. Public notice of the appeal hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to section 18.10.224.

SECTION LI

Subdivision (e)1 of Section 18.10.340, "Appeals to Board of Supervisors—From Level VI (PC)" of the Santa Cruz County Code, is hereby amended, to read as follows:

1. If the Board, by a majority vote, determines to take jurisdiction for further review, the Planning Director or designee shall schedule a public hearing before the Board. The date of the scheduled hearing shall be no more than 60 calendar days following the decision to take jurisdiction. If no regular

meeting of the Board of Supervisors is scheduled to occur within 60 calendar days after the decision to take jurisdiction, the scheduled hearing date shall be that of the next regular meeting of the Board of Supervisors. Written notice of the time and place set for hearing the appeal shall be given to the appellant – and to the original applicant, if he or she is not the appellant – at least twenty-one (21) calendar days prior to the hearing. Public notice of the hearing shall be given in the same manner as required for the original action appealed from, except that no large sign or signs regarding the appeal hearing shall be required pursuant to section 18.10.224, and no neighborhood meeting regarding the appeal hearing shall be required pursuant to section 18.10.211.

SECTION LII

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

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2012 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chair of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

Copies to: County Counsel
 Planning Department