



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

January 18, 2017

AGENDA: January 25, 2017
Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Commissioners:

Introduction

As you know, two recent new laws govern how local jurisdictions may review, condition, and exercise discretion on applications to construct accessory dwelling units (ADUs) (AB2299, AB2406). The regulations are intended to make it easier to build ADUs and therefore to partially address our critical need for housing. ADUs provide additional small rental units which are in particularly short supply locally.

The new laws, in effect as of January 1, caused any local ordinances that were not in compliance with the law to become null and void. As a result the County does not currently have a valid ordinance, which is the reason for the accelerated timeline to develop an ordinance that complies with state law and which also addresses issues raised by the public, your Commission, and the Board of Supervisors.

Planning Commission Hearing December 14, 2016

On December 14, 2016 your Commission reviewed a proposed ordinance. Your discussion included appropriate height, size of ADUs, parcel size, increasing the allowable size of conversions on small lots, and fire safety, among other issues. In particular, your Commission was mindful of the infill nature of ADUs and the need to minimize impacts to neighbor properties. Your Commission amended the proposed ordinance to limit height in the urban area for detached ADUs to 13 feet, and to 19 feet for ADUs over garages in the urban area and which have reduced setbacks in the rural area. With that modification, along with others including prominent clarification that ADUs may not be vacation rentals and consistency in definitions throughout the code, the ordinance was unanimously recommended to the Board. The version of the ordinance recommended by your Commission is included as Attachments 4 and 5 of the staff report to the Board, which is included here as Exhibit G

Board of Supervisors Hearing January 10, 2017

On January 10 the Board held a public hearing on the proposed ordinance. In preparing the staff presentation, planning staff consulted with the Building Official to create illustrations of the proposed height standards, and in doing so noticed that the situations in which ADUs can be constructed within the amended standards, particularly the ADU over the garage at 19 feet but also the detached ADU at 13 feet, are quite limited. The Board voted to continue their consideration pending further consultation with your Commission on this topic. This staff report will present options to your Commission for the purpose of further discussion. One option for height standards, which provides more flexibility at 17' for a single story and 22' above a garage, is included in the current version of the proposed ordinance, shown in Exhibits C and D.

The Board also directed that your Commission consider the following issues, which are discussed separately:

- Review the fire safety aspect of the regulations;
- Consider adequate size of ADUs, size of ADUs relative to affordability deed restrictions, and adjustment of the size of units on rural lots, specifically by shifting the size categories to allow larger units on parcels smaller than 2.5 acres, with consideration of allowing the largest units beginning at 1 acre;
- Clarify the definition of conversion to ensure it is limited to legal structures and allows conversion of legal, non-conforming structures.

Staff will bring your Commission's recommendation to the Board on February 7, 2017.

Lastly, the Board discussed strategies for increasing the number of ADUs that are deed restricted for affordability, including the possibilities of allowing increased size as an incentive for deed restriction, and investigating using affordable housing in-lieu fees or other programs to pay down fees and other expenses. At this time, staff is recommending that financial and affordability issues be analyzed comprehensively as part of the planning process underway with our consultant team, to ensure that sufficient time and effort is given to consider and analyze a range of options before selecting a program to implement for Santa Cruz County. The report from that process will be presented to the Board on June 6 of this year, and will include programs to promote affordability.

Discussion of Height Standards for ADUs

As mentioned above, the illustrations that were prepared just prior to the Board meeting made clear that height limits of 19 feet and 13 feet for ADUs over garages and detached ADUs, respectively, will constrain opportunities for ADUs to properties that have very specific characteristics. The illustrations, included as pairs in Exhibits H and I, illustrate the design challenges and offer the option of 22 feet and 17 feet height limits, respectively, for your consideration. The additional increment of height would allow a modest amount of flexibility in design that may accommodate a greater range of construction scenarios while still addressing concerns about privacy. Your Commission may of course reaffirm the original 19' and 13' recommendation, recommend the alternate, or recommend another height limit that is not illustrated.

Regarding the options for ADUs built above garages, shown in Exhibit H:

The illustrations show a standard 24' wide, two-car garage, which allows a 16' wide garage door and 4' walls on either side. At 20' deep, this garage, and the second-floor ADU above would each have a floor area of 500 square feet. The first illustration shows that it is possible to build a structure within 19 feet when there is a slab foundation (expected for a garage), maximum 8' ceiling in the garage and maximum 6' 8" garage door, which provides enough clearance for most vehicles. However, considering 1' for floor joists, the ADU above would be limited to ceilings at 7' ceiling height (which is permissible under the new Building Code for habitable area) and a 3 in 12 roof pitch, the minimum slope that allows the use of roof shingles. Roofs with a pitch lower than 3 in 12 require alternative finishing material such as a waterproof membrane or tar and gravel. This also assumes there is no change in grade around the perimeter of the structure.

This is a fairly constrained situation in that many lots have some slope through the building footprint which increases the height on one or two the elevations, usually the rear. Garages are frequently built with 8'6" or 9', rather than 8', ceiling height. Other challenges are the 7' ceiling height in the ADU, especially because small living spaces benefit from the additional light and openness provided by taller ceilings.

The second illustration in Exhibit H shows the same 24' x20' two-car garage with an ADU above, both of which have a floor area of 500 square feet, at 22' high. The additional 3 feet would allow for 8' ceilings in the habitable area, which are low but more typical, and for a greater pitch on the roof, 4.5 in 12 for this scenario. This illustration shows that there is a bit more flexibility for accommodating more variety in site conditions and existing structures, and allows some tradeoffs. For example, if it is important that the roof be a certain design for compatibility with the main house, or there is a small change in grade, the ceiling height may be lowered to compensate.

Regarding the options for a new detached ADU in the urban area, shown Exhibit I:

The illustration shows a square building of 640 square feet (25' x25.6'). The first illustration shows that at 13' height the ceiling is limited to 8' for the habitable area, and that the foundation has a clearance of six inches, the minimum allowed by the Building Code. Similar to the "over the garage" scenario, the structure is limited to 3 in 12 roof pitch and assumes a flat building site. The height would not accommodate interior design features such as lofts, or higher ceilings that enhance livability in small spaces.

The second illustration in Exhibit I shows the same ADU at 17' height. The added 4 feet allows a higher foundation of 1 foot, plus 1 foot for floor joists, ceiling heights of 9', and a greater roof pitch of 5.5 in 12. The increased height also allows flexibility in cases of slopes, or designing roofs to complement the design of the primary residence (a requirement of the code). The additional height also addresses the need for flexibility to design units that are suited to the site where they are located. ADUs are currently limited to 17' (for ministerial review), and many parcels are able to design to this height.

Lastly, the 17' height limit matches the limit placed on garages built in the rear yard setback. Having the height limits match removes any incentive or loophole for a two-step process in which a garage is built and then later made into an ADU under the standards for a Conversion ADU in order to take advantage of an extra height allowance.

Discussion of ADU Unit Size

The Board directed further consideration of the adequate size of ADUs, and adjustment of the size of units on rural lots, specifically by shifting the size categories to allow larger units on parcels smaller than 2.5 acres, with consideration of allowing the largest units beginning at 1 acre. The proposed ordinance (Exhibits C and D) changes the threshold for the maximum size unit in the rural area, 1,200 s.f., from 2.5 acres to 1 acre. The proposed ordinance before your Commission includes this change. In addition, rural lots less than 10,000 feet are proposed to be allowed an 800 s.f., rather than 640 s.f. unit. Discussion at the Board included the fact that senior households, 40% or so of which are one person households, would benefit from the option of a larger unit when downsizing from the main house into the ADU, and this change would facilitate that shift in some cases.

In the urban area staff recommends that there be a similar accommodation for very large lots, over 10,000 square feet, to construct a larger ADU up to 800 s.f. in size. The rationale is that this size unit could accommodate a two-bedroom unit, and also, as in the rural area, could be more attractive for older homeowners who are interested in downsizing. We also received public comment supporting increased size for large lots, whether urban or rural. Simultaneously, for smaller lots under 5000 s.f., the current proposal limits the maximum size of a new construction ADU to no more than 10% of the parcel size. As discussed previously with your Commission, Conversion ADUs would be permitted to be up to 50% of the existing habitable square footage of the primary dwelling, not to exceed a maximum of 640 square feet.

Other Discussion at the Board Meeting

The County Fire Marshall raised concerns about the provision in the state law that prohibits the County from requiring fire sprinklers in ADUs when they are not present or not required for the main dwelling unit, at both the January 10 Board meeting and the Planning Commission hearing in December. Your Commission asked staff to ensure that the ordinance requires compliance with the County fire code, and the Board echoed that. However, after further consultation with the Fire Marshall, it is clear that there continues to be a conflict between the State Fire Code and the State Government Code on the issue of sprinklers, which cannot be resolved at the local level. Planning Staff and County Fire will continue to work together, and the Fire Marshall is optimistic that there will be additional guidance from the State Fire Marshall's office now that the State Fire Marshall position has been filled. Language highlighting the need to comply with the Fire Code was added to the ordinance, and staff is prepared to update codes as necessary to comply with State law.

Conclusion

In conclusion, the item before your Commission is seeking to balance the need for additional housing options with concerns about privacy and design associated with infill development. ADUs are one of the most accessible sources of smaller, rental units, especially where existing buildings can be added to or converted into ADUs, and increasing the number of ADUs is a goal and policy of the General Plan Housing Element. However, community values of quality design and neighborhood compatibility must be respected as well. Height, unit size, design, housing costs, and compatible development are all interrelated issues which will benefit from your Commission's continued review and recommendation.

Recommendation

It is therefore RECOMMENDED that your Commission:

1. Hold a public hearing on proposed General Plan/LCP and ordinance amendments;
2. Review and make a recommendation to the Board of Supervisors regarding the proposed General Plan/LCP and ordinance amendments;
3. Adopt the attached Resolution recommending that the Board of Supervisors adopt the General Plan/LCP and ordinance amendments.

Exhibits:

- A. Planning Commission Resolution
- B. Proposed CEQA Notice of Exemption
- C. Proposed Accessory Dwelling Unit Ordinance, Strikeout/Underline
- D. Proposed Accessory Dwelling Unit Ordinance, Clean
- E. Proposed amendments to the General Plan, Strikeout/Underline
- F. Proposed amendments to the General Plan, Clean
- G. 1/10/17 Board of Supervisors staff report and materials
- H. ADU over Garage Illustrations
- I. ADU new, detached Illustrations

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

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following Resolution is adopted:

**PLANNING COMMISSION RESOLUTION RECOMMENDING ADOPTION OF
PROPOSED AMENDMENTS TO THE SANTA CRUZ COUNTY GENERAL
PLAN AND TO SANTA CRUZ COUNTY CODE SECTIONS 12.02.020, 13.10.312,
13.10.322, 13.10.323, 13.20.107, 13.20.108, 13.10.418, 13.10.552, 13.10.681, 13.10.700,
14.01.107, AND 18.10.140 REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, the County of Santa Cruz has maintained an accessory dwelling unit ordinance since 1983; and

WHEREAS, the California State Legislature has approved amendments to the California Government Code which provide the enabling legislation for the local regulation of accessory dwelling units; and

WHEREAS, such amendments have been signed into law by Governor Brown and are set to take effect on January 1, 2017; and

WHEREAS, the amendments to the State law require the County to make amendments to the County Zoning Code as well as to the General Plan in order to comply; and

WHEREAS, the Planning Commission has held a public hearing to receive testimony from the public and has considered such testimony and other evidence submitted, and provided its written recommendation to the Board; and

WHEREAS, the Board of Supervisors, upon a noticed public hearing, considered and voted to refer proposed modifications to the proposed ordinance to the Planning Commission for further review and recommendation; and

WHEREAS, the Planning Commission has considered proposed modifications to the proposed ordinance and hereby provides its recommendation and report; and

WHEREAS, the Planning Commission finds that the proposed ordinance and General Plan amendments satisfy the requirements of the state law; and

WHEREAS, the Planning Commission finds that the proposed amendments comply with the California Coastal Act; and

WHEREAS, the proposed substantive amendments implement Government Code Section 65852.2 and are therefore statutorily exempt from CEQA pursuant to Section 21080.17 of the Public Resources Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors confirm that a Notice of Exemption is appropriate under CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the proposed amendments to the Accessory Dwelling Unit regulations of the County General Plan and the County Code, as presented on this date, be adopted by the Board of Supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 25th day of January, 2017 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department



County of Santa Cruz

PLANNING DEPARTMENT

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 KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
 www.sccoplanning.com

NOTICE OF EXEMPTION

To: Clerk of the Board
 Attn: Susan Galloway
 701 Ocean Street, Room 500
 Santa Cruz, CA 95060

Project Name: Accessory Dwelling Unit General Plan and Ordinance Amendments
Project Location: Countywide
Assessor Parcel No.: N/A
Project Applicant: County of Santa Cruz
Project Description: Amendments to the County General Plan/LCP and Zoning Code required to comply with AB2299 and SB1069 regarding the regulation of Accessory Dwelling Units on residential property.

Agency
Approving Project: County of Santa Cruz
County Contact: Sarah Neuse Telephone No. 831-325-6141
Date Completed:

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on _____ (date) and found the project to be exempt from CEQA under the following criteria:

Exempt status: (check one)

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☐ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
 Specify type: CCR 15282 (h) regarding the adoption of an ordinance regarding second units by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code."
- ☐ **Categorical Exemption**

Reasons why the project is exempt:

Signature: _____ Date: _____ Title: Environmental Coordinator

EXHIBIT B

12.02.020 Definitions.

(11) Permits for ~~second~~ accessory dwelling units as provided for in SCCC 13.10.681.

13.10.312 Uses in agricultural districts.

(B) Allowed Uses.

USE	CA	A	AP
Second <u>Accessory Dwelling</u> units, outside the Coastal Zone, subject to the provisions of SCCC 13.10.681	4	BP	—

The term "Second Unit" is being replaced with "Accessory Dwelling Unit" throughout the County Code to mirror the language used in state law.

13.10.322 Residential uses.

(B) Allowed Uses.

USE	RA	RR	R-1	RB	RM
Second <u>Accessory Dwelling</u> unit, subject to SCCC 13.10.681	BP3	BP3	BP3	BP3	BP3

13.10.323 Development standards for residential districts.

(B) Site and Structural Dimensions.

**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	<u>Second Accessory dwelling units—Detached New Construction within USL</u>	*	*	*	*	17	*	<u>1-story</u> N/A	*	*
	<u>Second Accessory dwelling units – Attached New Construction</u>	*	*	*	*	<u>28</u>	*	<u>2</u>	*	*
	<u>Accessory Dwelling Units—Detached New Construction – outside USL</u>	*	*	*	*	*	*	*	*	*
	<u>Accessory dwelling units – New Construction above a garage—outside USL Reduced setbacks OR Standard Setbacks</u>	*	<u>5</u> OR *	<u>5</u> OR *	*	<u>22</u> OR *	*	<u>2</u> OR *	*	*
	<u>Accessory dwelling units – New Construction above a garage – inside USL</u>	*	<u>5</u>	<u>5</u>	*	<u>22</u>	*	<u>2</u>	*	*
	<u>Accessory dwelling units – Conversions</u>	†	†	†	†	†	†	†	†	†

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

** Number of stories is limited outside the urban services line by the General Plan.

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

On January 10, the Board of Supervisors directed further discussion of height limits by the Planning Commission. These options for height are proposed for Planning Commission review and recommendation.

**RM MULTIFAMILY 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	<u>Second-Accessory dwelling units—Detached New Construction within USL</u>	*	*	*	*	17	*	4-story N/A	*	*
	<u>Second-Accessory dwelling units – Attached New Construction</u>	*	*	*	*	* 28	*	* 2	*	*
	<u>Accessory Dwelling Units--Detached New Construction – outside USL</u>	-	-	-	-	-	-	-	-	-
	<u>Accessory dwelling units – New Construction above a garage – outside USL</u> <u>Reduced setbacks</u> <u>OR</u> <u>Standard Setbacks</u>	-	<u>5</u> <u>OR</u> *	<u>5</u> <u>OR</u> *	-	<u>22</u> <u>OR</u> *	-	<u>2</u> <u>OR</u> *	-	-
	<u>Accessory dwelling units – New Construction above a garage – inside USL</u>	-	<u>5</u>	<u>5</u>	-	<u>22</u>	-	<u>2</u>	-	-
	<u>Accessory dwelling units - Conversions</u>	†	†	†	†	†	†	†	†	†

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR 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 SCCC and SCCC 13.10.681 and 13.10.685.

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

** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

13.10.323 Development standards for residential districts.

(E) Site and Structural Dimension Exceptions Relating to Structures.

(6) Accessory Structures.

(g) Detached New Construction ADUs Inside the Urban Services Boundary With Design Review. Building heights up to 5 feet in excess of the zoning standard may be allowed without increased yards or variance approval, subject to design review and subject to approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10 SCCC.

13.10.418 Use and development standards in the “D” Designated Park Site Combining District.

(A)

- (1) A building permit for a new single-family dwelling or a new construction or conversion second accessory dwelling unit;
- (2) A coastal development permit for a new single-family dwelling or a new construction or conversion second accessory dwelling unit;

13.10.552 Schedule of off-street parking space requirements.

(A) Off-street parking spaces for residential uses shall be provided according to the type and size of residence as described below:

(7) ~~second~~ Accessory dwelling units. One parking space is required for each bedroom ~~in a second unit, unless the ADU meets the definition of Conversion ADU under 13.10.681(B)(2) or otherwise exempted under 13.10.681 (F)2.~~

13.10.681 Second Accessory Dwelling units.

(A) Purpose. The purpose of this section is to provide for and regulate ~~second accessory dwelling~~ units in order to provide needed housing for County residents and to further the housing goals of the housing element of the County General Plan.

(B) Definitions. For the purposes of this section, terms shall be defined as follows:

(1) "New Construction ADU" shall mean any ADU that does not meet the definition of Conversion ADU.

(2) "Conversion ADU" shall mean the conversion of any portion of a legal accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 "R", and any conversion that exceeds that limit, or otherwise does not comply with subsection (E) of this section, shall be considered a New Construction ADU for the purposes of this section.

These definitions were made necessary by CA Gov't Code Section 65852.2 (e), which reads in part: "*a local agency shall ministerially approve...within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure...*" Conversions of accessory structures are limited to structures built prior to January 1, 2017 in order to avoid the situation of new accessory structures being constructed and then converted to ADUs under the more lenient conversion rules.

(BC) Application Processing. Second-~~All~~ accessory dwelling units shall be processed in accordance with this section and the requirements of Government Code Section 65852.2 and, for those ~~second-accessory dwelling~~ units located within the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. A building permit only, and no public notice or hearing, shall be required for a new construction or conversion development of a second-accessory dwelling unit within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District, unless the ~~second-accessory dwelling unit~~ is located in an area, or is a part of a larger project, that requires a public hearing discretionary development permit, or if a variance is requested. Pursuant to Government Code Section 65852.2 applications for ADUs within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District shall be approved or denied ministerially within 120 days of submission of a complete application. All applications for ~~second-accessory dwelling~~ units in the Commercial Agricultural Zone District outside the Coastal Zone shall be subject to review by the Agricultural Policy Advisory Commission.

~~Second-Accessory dwelling~~ units are subject to the following processes:

(1) Outside the Coastal Zone: Building permit issuance.

(2) Inside the Coastal Zone (nonappealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:

The legislative amendments to state law specifically maintain the integrity and authority of the Coastal Act, and therefore the requirements for a Coastal Development Permit for ADUs inside the Coastal Zone will remain unchanged.

(a) Within 10 calendar days of accepting an application for a nonappealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

- (i) A statement that the development is within the Coastal Zone;
- (ii) The date of filing of the application and the name of the applicant;
- (iii) The number assigned to the application;
- (iv) A description of development and its proposed location;
- (v) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
- (vi) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

(3) Inside the Coastal Zone (appealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:

(a) Within 10 calendar days of accepting an application for an appealable coastal development permit, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be

on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:

- (i) Statement that the development is within the Coastal Zone;
- (ii) The date of filing of the application and the name of the applicant;
- (iii) The number assigned to the application;
- (iv) A description of the development and its proposed location;
- (v) A brief description of the general procedure concerning the conduct of local actions;
- (vi) The system for Coastal Commission appeals.

(b) Notice After Final Local Decision. Within seven calendar days of approval of the coastal development and building permit, the County shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

(c) The County shall include notice on the coastal development and building permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.

(GD) Requirements for New Construction ADUs. Before a permit for a New Construction ADU or expansion of an existing structure for use as an second-accessory dwelling unit can be granted, the following requirements shall be met:

- (1) Location-Zoning. The second-accessory dwelling unit shall be located on a residentially zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family

dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed second accessory dwelling unit. An second accessory dwelling unit may be located on agriculturally zoned land outside the Coastal Zone or on a parcel designated for agricultural use in the General Plan outside the Coastal Zone;

~~(2) Parcel Size. The size of the parcel, if located within the urban services line, is no smaller than that required by the minimum lot size standards of the respective zoning district. The size of the parcel, if located outside the urban services line, is at least one acre in area, unless the parcel is served by public sewer. Parcels outside of the urban services line (USL) with public sewer service shall meet the requirements of subsection (D)(2) of this section;~~

Removes reference to minimum site area required by the zone district allowing ADUs on all residential parcels subject to a new limit on size, described in detail in section 13.10.681(F)(1). Also removes reference to minimum one acre in compliance with Government Code Section 65852.2(a)(1)(D), as explained in the text box following 13.10.681(F)(1)

(32) Development Standards. All development standards for the applicable agricultural or residential zone district shall be satisfied; and the development shall be consistent with all County policies and ordinances, except that regardless of any other zone district standards, the following provisions shall apply to New Construction ADUs:

(a) An ADU that is built on the second floor over an existing detached or new detached garage shall be permitted to maintain minimum side and rear setbacks of 5 feet, with a maximum height of 22 feet when located inside the Urban Services Boundary or outside the Urban Services Boundary and taking advantage of the reduced setbacks. Outside of the Urban Services Boundary, ADUs above garages shall have a maximum height of 28 feet when conforming to standard setbacks for the zone district. All doors, windows, decks, balconies and exterior stairways shall be oriented toward the front or interior of the lot unless standard setbacks for the zone district are met.

(b) Inside the Urban Services Line, the maximum height for a detached, New Construction ADU 17 feet.

On January 10, the Board of Supervisors directed further discussion of height limits by the Planning Commission. These options for height are proposed for Commission review and recommendation.

(c) ADUs that are attached to the primary dwelling on the property shall be subject to the standards that are otherwise applicable to the primary dwelling based on the zone district including height, stories, setbacks, lot coverage, and FAR.

(d) All ADUs shall comply with all applicable provisions of SCCC Chapter 12.10 Building Code and 7.92 Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.

Based on further discussion with the County Fire Marshall, the text states that compliance with the Fire Code is required. However, based on Counsel recommendation, the state regulation found in Government Code Section 65852.2 (c) that sprinklers are specifically not required when they are not required for the main house, also is included. Conflict between the fire code and the Government Code are expected to be resolved at the state level.

(43) Design. The design, materials and color of the New Construction second accessory dwelling unit shall be compatible with that of the main dwelling and The design of the second unit is shall be consistent with the design and development standards and guidelines set forth in subsection (D6) of this section; and

(54) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer Chapters 7.38, 7.71 and 7.73 SCCC; and

(65) In the Coastal Zone, at the findings for development permits set forth in SCCC 18.10.230(A), and the coastal development permit findings of SCCC 13.20.110 must be made is required pursuant to the requirements of SCCC 13.20.

The findings from 18.10 are not consistent with a ministerial review process required by the state law. A Coastal Development Permit will still be required, pursuant to the Coastal Act.

(D6) Design and Development Additional Standards. The following standards shall be applied to every second accessory dwelling unit not defined as a Conversion ADU, and shall be conditions for any approval under this section:

(4a) Location of Second Accessory Dwelling Unit. The second accessory dwelling unit may be either attached to the main dwelling or may be detached from it. Inside the urban services line, no second accessory

dwelling unit shall be located more than 100 feet from the main dwelling or be accessed by a separate driveway or right-of-way. Outside the Coastal Zone, on land designated agriculture by the General Plan, the ~~second~~accessory dwelling unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.

(3b) Lot Coverage and Floor Area Ratio. No ~~second~~accessory dwelling unit shall be allowed which would, when combined with existing lot coverage and gross floor area, exceed the allowable lot coverage or the allowable floor area ratio for the parcel.

(4c) Site Standards. All site standards of the zoning district in which the ~~second~~accessory dwelling unit is proposed shall be met, unless expressly superseded by SCCC subsection 13.10.681(D)(2). ~~Within the urban services line, second units exceeding 17 feet in height or one story may be constructed if a Level V development permit is obtained, pursuant to Chapter 18.10 SCCC.~~ Outside the Coastal Zone, on land zoned or designated agricultural, all setbacks of the agricultural zone districts shall be met and all ~~second~~accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F), as determined by the Agricultural Policy Advisory Commission, if applicable.

The State Law removes the authority for local jurisdictions to require any discretionary review for ADU permits on residentially zoned parcels. Section 65852.2(b) states, in part: "...the local agency shall accept the [adu building permit] application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a)..."

(E) Requirements for Conversion ADUs. Where an accessory dwelling unit is proposed as a Conversion ADU (as defined in 13.10.681(B)(2)), the following requirements shall be met:

(1) Zoning. The ADU shall be located on a parcel within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District, which contains an existing single family home.

(2) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall meet applicable requirements of the Environmental Health Officer.

(3) In the Coastal Zone, the requirements of 13.10.681(C)(2) and (C)(3) shall apply.

(4) Design and Development standards for Conversion ADUs. The following standards shall be applied to every accessory dwelling unit converted from part of an existing single-family home or existing accessory structure, and shall be conditions for any approval under this section:

(a) The ADU shall have an exterior entrance that is independent of the existing single-family dwelling.

(b) The ADU shall meet setbacks sufficient for fire safety in conformance with the Building Code (SCCC Chapter 12.10) and Fire Code (SCCC Chapter 7.92).

Based on further discussion with the County Fire Marshall, the text states that compliance with the Fire Code is required. However, based on Counsel recommendation, the state regulation found in Government Code Section 65852.2 (c) that sprinklers are specifically not required when they are not required for the main house, also is included. Conflict between the fire code and the Government Code are expected to be resolved at the state level.

(c) If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section.

(d) Conversion for use as an ADU shall include construction which occupies the same footprint and vertical space as the existing structure upon completion. No additional square footage is permitted by this section, however added square footage may be considered under 13.10.681(D) Requirements for New Construction ADUs.

(e) The ADU shall comply with all applicable provisions of SCCC Chapter 12.10 Building Code and 7.92 Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.

(FG) Site standards. For both New Construction ADUs and Conversion ADUs the following site standards apply.

(21) Size of Second Accessory Dwelling Unit. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU is defined in the tables below, based on location inside or outside the Urban Services Line (USL) and parcel size. Where multiple standards apply on urban lots below 5,000 square feet, ADUs shall comply with whichever standard allows for a larger ADU, except that no case shall an ADU on these parcels exceed 640 square feet in size-unit shall not exceed the following standards, based on parcel size:

<u>New Construction ADUs Outside the USL</u>			
<u>Parcel Size</u>	<u><10,000 sq. ft.</u>	<u>10,000 sq. ft. to < 1 acre</u>	<u>1 acre or larger</u>
<u>Size of ADU</u>	<u>800 sq. ft.</u>	<u>1000 sq. ft.</u>	<u>1,200 sq. ft.</u>

<u>New Construction ADUs Inside the USL</u>			
<u>Parcel Size</u>	<u><5,000 sq. ft</u>	<u>5,000 – 9,999 sq. ft</u>	<u>10,000+ sq. ft</u>
<u>Size of ADU</u>	<u>10% of Parcel Size</u>	<u>640 sq. ft</u>	<u>800 sq. ft</u>

<u>All Conversions</u>		
<u>Parcel Size</u>	<u><5,000 sq ft</u>	<u>5,000+ sq. ft</u>
<u>Size of ADU</u>	<u>Up to 50% of the existing habitable sq. ft of primary dwelling, not to exceed 640 sq ft</u>	<u>Use standards for New Construction ADUs in tables above</u>

The Board has directed the Planning Commission to consider changes to the size of ADUs as related to parcel size Government Code section 65852.2(a)(1)(D)(iv) and (v) provide that an ADU may not exceed 1200 SF of floor area/floorspace..

Maximum Gross Floor Area Within the Urban Services Line (USL)		
Type of Sewer Service	Parcel Size	
	<10,000 sq. ft.⁽¹⁾	10,000 sq. ft. or Larger⁽¹⁾
With public sewer	640 sq. ft.	640 sq. ft.
Without public sewer	Not allowed	640 sq. ft. maximum (must meet requirements of Chapter 7.38SCCC)

~~(1) The size of the parcel must be no smaller than that required by the minimum lot size standards of the zoning district.~~

Maximum Gross Floor Area Outside of the Urban Services Line (USL)

Type of Sewer Service	Parcel Size			
	< 10,000 sq. ft.	10,000 sq. ft. to <1 acre	1 acre or larger to < 2.5 acres	2.5 acres or larger
With Public Sewer	640 sq. ft.	800 sq. ft.	800 sq. ft.	1,200 sq. ft.
Without Public Sewer	Not allowed	Not allowed	800 sq. ft.	1,200 sq. ft.

Section 65852.2(a)1(D) lists the requirements with which ADUs must comply, and the authority granted to local jurisdictions in this section regarding septic systems is only that we may require "(ix) Approval by the local health officer where a private sewage disposal system is being used, if required." These two charts are being deleted because the County no longer has authority to prohibit ADUs based on the presence of a private sewage system.

~~(52) Parking. Off-street parking shall be provided to meet the requirements of SCCC 13.10.550 for the main dwelling and one additional space for each bedroom in the second accessory dwelling unit, and may be provided as double or triple tandem parking. Where parking permits are required for on-street parking year-round, permits shall be offered to the occupants of the ADU. Required parking shall not apply under the circumstances described below, and no parking shall be required for the ADU under these circumstances:~~

(a) The accessory dwelling unit is located within the USL or RSL and within one-half mile of public transit stop with minimum 30-minute headways (time between buses running on the same route in the same direction).

State law section 65852.2 (d)(1), states that "...a local agency...shall not impose parking standards for an accessory dwelling unit [when]...the accessory dwelling unit is located within one-half mile of public transit." Staff believes that defining the phrase "within one half mile of transit" to refer to transit stops along bus lines that run in thirty minute intervals in the USL and RSL, where there is pedestrian infrastructure and on street parking, meets the intent of the regulation. Rural areas that have qualifying bus routes frequently lack safe pedestrian access to the bus route and on street parking and are therefore not included. Definition of "headway" added for clarity.

(b) The accessory dwelling unit is located within a designated architecturally and historically significant historic district.

(c) The accessory dwelling unit is a conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage.

(e) When there is a dedicated parking space reserved for a publicly-available car share vehicle located within one block of the accessory dwelling unit. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.

All the exemptions from parking requirements are expressly required by Government Code Section 65852.2(d).

~~(6) Design. The design, materials and color of the second unit shall be compatible with that of the main dwelling.~~

~~(73) Other Accessory Uses. Not more than one second accessory dwelling unit shall be constructed on any one parcel. An second accessory dwelling unit and agricultural caretakers' quarters, except farmworker housing on agricultural parcels greater than 10 acres outside the Coastal Zone, shall not be permitted on the same parcel. Habitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC13.10.611.~~

~~(84) Service Requirements. Written acknowledgements shall be provided from the applicable sanitation, water, and fire districts and/or Environmental Health Services indicating that there will be adequate water, sanitation and fire protection~~

Will-serve letters are required by some, but not all of the special districts serving the unincorporated County. Removing the requirement allows the various policies and practices of each agency to govern.

services to the project site with the inclusion of a second unit. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all sections of the California Fire Code as codified in SCCC 7.92 except that in no case shall fire sprinklers be required for the ADU where they are not also required for the primary dwelling.

(95) Fees. Prior to the issuance of a building permit for the ~~second~~accessory dwelling unit, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department's fee schedule as may be amended from time to time, and any other applicable fees.

(EG) Occupancy Standards. The following occupancy standards shall be applied to every ~~second~~accessory dwelling unit and shall be conditions for any approval under this section:

(1) Occupancy Restrictions. The maximum occupancy of a ~~second~~accessory dwelling unit may not exceed that allowed by the State Uniform Housing Code, or other applicable State law, based on the unit size and number of bedrooms in the unit.

(2) Owner Residency. Unless owned by a public agency, the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption, or by other satisfactory documentation of residence, on the parcel in either the main dwelling or the ~~second~~accessory dwelling unit. If the ~~second~~accessory dwelling unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the ~~second~~accessory dwelling unit, shall be required to submit a property tax exemption prior to occupancy of the ~~second~~accessory dwelling unit, and shall be subject to the deed restriction noted in subsection (E)(5) of this section.

(a) Exceptions. Temporary rental of both dwelling units may be authorized by the Planning Director in the case of sudden and unexpected changes in life circumstances. ADU property owners may be authorized to rent both the primary dwelling and the ADU if the property owner is unable to continue to occupy the property temporarily by reason of illness or absence from the area for other than vacation purposes as determined by the Planning Director in

his/her sole discretion based on reasonable evidence. Evidence shall be submitted to the Planning Department in writing, and requests for extension of the absence shall also require evidence in writing. The authorization to rent both units shall be limited to one year, and may be extended at the discretion of the Planning Director.

(3) Sale. The ADU is not intended for sale separate from the primary residence and may be rented for periods of 30 days or more.

(4) Vacation Rental Use. In no case shall a vacation rental be permitted in an ADU, per SCCC 13.10.694(B).

(35) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a declaration of restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:

(a) The property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence, in either the main dwelling or the secondaccessory dwelling unit, unless owned by a public agency that is providing housing for special populations, in which case the declaration of restrictions shall indicate that any subsequent nonpublic agency owner shall abide by the terms of this subsection and subsection (E)(2) of this section.

(b) The declaration is binding upon all successors in interest.

(c) The declaration shall include a provision for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(FH) Permit Allocations. Each secondaccessory dwelling unit may be are is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

(G) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the ~~second~~accessory dwelling unit ordinance. The annual analysis shall include the number of ~~second~~accessory dwelling units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. The cumulative impact issue areas to be covered include, but are not limited to, traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource. [Ord. 5182 § 10, 2014; Ord. 5079 § 1, 2010; Ord. 4921 §§ 15—18, 2008; Ord. 4779 § 1, 2004; Ord. 4751 §§ 1—3, 2003; Ord. 4727 §§ 1—3, 2003; Ord. 4659 § 2, 2002; Ord. 4495 § 7, 1998; Ord. 4457-A § 4, 1997; Ord. 4324A § 5, 1994; Ord. 4282 § 5, 1993; Ord. 3996 § 2, 1989; Ord. 3500 § 1, 1984; Ord. 3432 § 1, 1983].

13.10.700-A "A" definitions.

"Accessory Dwelling Unit" means, in compliance with California Government Code Sections 65852 and 65853, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. See also *Conversion ADU* and *New Construction ADU*.

13.10.700-C "C" definitions.

"Conversion ADU" shall mean the conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 "R", and any conversion that exceeds that limit, or otherwise does not comply with SCCC 13.10.681(E), shall be considered a New Construction ADU.

13.10.700-N "N" definitions.

"New Construction ADU" shall mean any ADU that does not meet the definition of Conversion ADU.

13.10.700-S "S" definitions.

"Second unit" – see definition for Accessory Dwelling Unit. means a structure for human habitation, subject to the requirements of SCCC 13.10.681 and limited in size to 640 gross square feet within the urban services line (USL) and up to 1,200 square feet outside the USL, providing complete independent living facilities, including permanent provision for living, sleeping, eating, cooking and sanitation, with the restriction that only one kitchen is allowed.

13.20.107 Coastal development permit review of second accessory dwelling units (nonappealable).

Any proposed ~~second~~ accessory dwelling unit located within the Coastal Zone but located outside of the appealable area, as described in SCCC 13.20.040, that does not qualify for a coastal development permit exclusion or exemption shall require a coastal development permit, requiring no public hearing, processed concurrently with a Building Permit, subject to the following noticing requirements:

(A) Within 10 calendar days of accepting an application for a nonappealable coastal development permit for a proposed ~~second~~ accessory dwelling unit, the County shall provide, by first class mail, a notice of pending permit decision action. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and occupants within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

13.20.108 Coastal development permit review of ~~second~~ accessory dwelling units (appealable).

All proposed ~~second~~ accessory dwelling units located within the Coastal Zone and located within an appealable area as described in SCCC 13.20.040, or otherwise appealable, shall require a coastal development permit, requiring no public hearing, processed concurrently with a building permit, subject to the following noticing requirements:

14.01.107 Applicability.

This chapter shall apply to all subdivisions of land in the unincorporated area of the County of Santa Cruz subject to the following exemptions:

(D) Financing or leasing of ~~second~~ accessory dwelling units pursuant to the provisions of SCCC 13.10.681. This chapter shall apply to the sale or transfer of such ~~second~~ accessory dwelling units. [Ord. 3912 § 2, 1988].

18.10.140 Conformity with the General Plan and other legal requirements.

(B) All proposals for residential development of property within the urban services line, except for ~~second~~ accessory dwelling units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the development review group (see SCCC 18.10.210(C)(1)). Following completion of the development review group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within 45 days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within 60 days from the date of the DRG meeting. [Ord. 4671 § 3, 2002; Ord. 4044 § 2, 1990].

ORDINANCE NO. _____

**ORDINANCE AMENDING VARIOUS SECTIONS OF THE SANTA CRUZ COUNTY CODE
RELATING TO ACCESSORY DWELLING UNITS**

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

SECTION I

The Santa Cruz County Code is hereby amended by changing Section 12.02.020(11) to read as follows:

(11) Permits for accessory dwelling units as provided for in SCCC 13.10.681.

SECTION II

The Santa Cruz County Code is hereby amended by changing the entry for "second unit" in Section 13.10. 312(B) Uses Chart to read as follows:

USE	CA	A	AP
Accessory Dwelling Unit, Outside the Coastal Zone, subject to the provisions of SCCC 13.10.681	4	BP	-

SECTION III

The Santa Cruz County Code is hereby amended by changing the entry for "second unit" in Section 13.10. 322(B) Uses Chart to read as follows:

USE	RA	RR	R-1	RB	RM
Accessory Dwelling Unit	BP	BP	BP	BP	BP

SECTION IV

The Santa Cruz County Code is hereby amended by changing the entries for "second unit" in Section 13.10. 323(B) Site and Structural Dimensions Charts to read as follows:

**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	Accessory dwelling units— Detached New Construction within USL	*	*	*	*	17	*	N/A	*	*
	Accessory dwelling units – Attached New Construction	*	*	*	*	*	*	*	*	*
	Accessory Dwelling Units— Detached New Construction – outside USL	*	*	*	*	*	*	*	*	*
	Accessory dwelling units – New Construction above a garage— outside USL Reduced setbacks OR Standard Setbacks	*	5 OR *	5 OR *	*	22 OR *	*	2 OR *	*	*
	Accessory dwelling units – New Construction above a garage – inside USL	*	5	5	*	22	*	2	*	*
	Accessory dwelling units – Conversions	†	†	†	†	†	†	†	†	†

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

** Number of stories is limited outside the urban services line by the General Plan.

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

**RM MULTIFAMILY RESIDENTIAL ZONE DISTRICTS
SITE AND STRUCTURAL DIMENSIONS CHART**

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLIN G UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAG E**	MAXIM UM HEIGHT (FEET)	FLOOR AREA RATIO ***	MAXIM UM NUMBE R STORIE S	MINIM UM SITE WIDTH (FEET)	MINIMU M SITE FRONTA GE
		FRO NT	SID E	REA R						
All Districts	Accessory dwelling units— Detached New Construction within USL	*	*	*	*	17	*	N/A	*	*
	Accessory dwelling units – Attached New Construction	*	*	*	*	*	*	*	*	*
	Accessory Dwelling Units-- Detached New Construction – outside USL	*	*	*	*	*	*	*	*	*
	Accessory dwelling units – New Construction above a garage – outside USL Reduced setbacks OR Standard Setbacks	*	5 OR *	5 OR *	*	22 OR *	*	2 OR *	*	*
	Accessory dwelling units – New Construction above a garage – inside USL	*	5	5	*	22	*	2	*	*
	Accessory dwelling units - Conversions	†	†	†	†	†	†	†	†	†

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For

additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR 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 SCCC and SCCC 13.10.681 and 13.10.685.

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

** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

SECTION V

The Santa Cruz County Code is hereby amended by adding Section 13.10.323(E)(6)(g) which will read as follows:

13.10.323 Development standards for residential districts.

(E) Site and Structural Dimension Exceptions Relating to Structures.

(6) Accessory Structures.

(g) Detached New Construction ADUs Inside the Urban Services Boundary With Design Review. Building heights up to 5 feet in excess of the zoning standard may be allowed without increased yards or variance approval, subject to design review and subject to approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10 SCCC.

SECTION VI

The Santa Cruz County Code is hereby amended by changing Section 13.10.418(A)(1) and (A)(2) to read as follows:

(1) A building permit for a new single-family dwelling or a new accessory dwelling unit;

(2) A coastal development permit for a new single-family dwelling or a new accessory dwelling unit;

SECTION VII

The Santa Cruz County Code is hereby amended by changing Section 13.10.552(A)(7) to read as follows:

13.10.552 Schedule of off-street parking space requirements.

(A) Off-street parking spaces for residential uses shall be provided according to the type and size of residence as described below:

(7) Accessory dwelling units. One parking space is required for each bedroom unless the ADU meets the definition of Conversion ADU under 13.10.681(B)(2) or otherwise exempted under 13.10.681 (F)2.

SECTION VIII

The Santa Cruz County Code is hereby amended by changing Section 13.10.681 to read as follows:

(A) Purpose. The purpose of this section is to provide for and regulate accessory dwelling units in order to provide needed housing for County residents and to further the housing goals of the housing element of the County General Plan.

(B) Definitions. For the purposes of this section, terms shall be defined as follows:

(1) "New Construction ADU" shall mean any ADU that does not meet the definition of Conversion ADU.

(2) "Conversion ADU" shall mean the conversion of any portion of a legal accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 "R", and any conversion that exceeds that limit, or otherwise does not comply with subsection (E) of this section, shall be considered a New Construction ADU for the purposes of this section.

(C) Application Processing. All accessory dwelling units shall be processed in accordance with this section and the requirements of Government Code Section 65852.2 and, for those accessory dwelling units located within the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. A building permit only, and no public notice or hearing, shall be required for a new construction or conversion accessory dwelling unit within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District, unless the accessory dwelling unit is located in an area, or is a part of a larger project, that requires a discretionary development permit, or if a variance is requested. Pursuant to Government Code Section 65852.2 applications for ADUs within any residential zone district or on land designated residential in the General

Plan, or outside the Coastal Zone within the Agriculture Zone District shall be approved or denied ministerially within 120 days of submission of a complete application. All applications for accessory dwelling units in the Commercial Agricultural Zone District outside the Coastal Zone shall be subject to review by the Agricultural Policy Advisory Commission.

Accessory dwelling units are subject to the following processes:

- (1) Outside the Coastal Zone: Building permit issuance.
- (2) Inside the Coastal Zone (nonappealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:
 - (a) Within 10 calendar days of accepting an application for a nonappealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:
 - (i) A statement that the development is within the Coastal Zone;
 - (ii) The date of filing of the application and the name of the applicant;
 - (iii) The number assigned to the application;
 - (iv) A description of development and its proposed location;
 - (v) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
 - (vi) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.
- (3) Inside the Coastal Zone (appealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:

(a) Within 10 calendar days of accepting an application for an appealable coastal development permit, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:

- (i) Statement that the development is within the Coastal Zone;
- (ii) The date of filing of the application and the name of the applicant;
- (iii) The number assigned to the application;
- (iv) A description of the development and its proposed location;
- (v) A brief description of the general procedure concerning the conduct of local actions;
- (vi) The system for Coastal Commission appeals.

(b) Notice After Final Local Decision. Within seven calendar days of approval of the coastal development and building permit, the County shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

(c) The County shall include notice on the coastal development and building permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.

(D) Requirements for New Construction ADUs. Before a permit for a New Construction ADU or expansion of an existing structure for use as an accessory dwelling unit can be granted, the following requirements shall be met:

(1) Zoning. The accessory dwelling unit shall be located on a residentially zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed accessory dwelling unit. An accessory dwelling unit may be located on agriculturally zoned land outside the Coastal Zone or on a parcel designated for agricultural use in the General Plan outside the Coastal Zone;

(2) Development Standards. All development standards for the applicable agricultural or residential zone district shall be satisfied; and the development shall be consistent with all County policies and ordinances, except that regardless of any other zone district standards, the following provisions shall apply to New Construction ADUs:

(a) An ADU that is built on the second floor over an existing detached or new detached garage shall be permitted to maintain minimum side and rear setbacks of 5 feet, with a maximum height of 22 feet when located inside the Urban Services Boundary or outside the Urban Services Boundary and taking advantage of the reduced setbacks. Outside of the Urban Services Boundary, ADUs above garages shall have a maximum height of 28 feet when conforming to standard setbacks for the zone district. All doors, windows, decks, balconies and exterior stairways shall be oriented toward the front or interior of the lot unless standard setbacks for the zone district are met.

(b) Inside the Urban Services Line, the maximum height for a detached, New Construction ADU 17 feet.

(c) ADUs that are attached to the primary dwelling on the property shall be subject to the standards that are otherwise applicable to the primary dwelling based on the zone district including height, stories, setbacks, lot coverage, and FAR.

(d) All ADUs shall comply with all applicable provisions of SCCC Chapter 12.10 Building Code and 7.92 Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.

(3) Design. The design, materials and color of the New Construction accessory dwelling unit shall be compatible with that of the main dwelling and shall be consistent with the development standards and guidelines set forth in subsection (6) of this section; and

(4) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer; and

(5) In the Coastal Zone, a coastal development permit is required pursuant to the requirements of SCCC 13.20.

(6) Additional Standards. The following standards shall be applied to every accessory dwelling unit not defined as a Conversion ADU, and shall be conditions for any approval under this section:

(a) Location of Accessory Dwelling Unit. The-accessory dwelling unit may be either attached to the main dwelling or may be detached from it. Inside the urban services line, no accessory dwelling unit shall be located more than 100 feet from the main dwelling or be accessed by a separate driveway or right-of-way. Outside the Coastal Zone, on land designated agriculture by the General Plan, the accessory dwelling unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.

(b) Lot Coverage and Floor Area Ratio. No accessory dwelling unit shall be allowed which would, when combined with existing lot coverage and gross floor area, exceed the allowable lot coverage or the allowable floor area ratio for the parcel.

(c) Site Standards. All site standards of the zoning district in which the accessory dwelling unit is proposed shall be met, unless expressly superseded by SCCC subsection 13.10.681(D)(2). Outside the Coastal Zone, on land zoned or designated agricultural, all setbacks of the agricultural zone districts shall be met and all accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F), as determined by the Agricultural Policy Advisory Commission, if applicable.

(E) Requirements for Conversion ADUs. Where an accessory dwelling unit is proposed as a Conversion ADU (as defined in 13.10.681(B)(2)), the following requirements shall be met:

(1) Zoning. The ADU shall be located on a parcel within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District, which contains an existing single family home.

(2) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall meet applicable requirements of the Environmental Health Officer.

(3) In the Coastal Zone, the requirements of 13.10.681(C)(2) and (C)(3) shall apply.

(4) Design and Development standards for Conversion ADUs. The following standards shall be applied to every accessory dwelling unit converted from part of an existing single-family home or existing accessory structure, and shall be conditions for any approval under this section:

(a) The ADU shall have an exterior entrance that is independent of the existing single-family dwelling.

(b) The ADU shall meet setbacks sufficient for fire safety in conformance with the Building Code (SCCC Chapter 12.10) and Fire Code (SCCC Chapter 7.92).

(c) If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section.

(d) Conversion for use as an ADU shall include construction which occupies the same footprint and vertical space as the existing structure upon completion. No additional square footage is permitted by this section, however added square footage may be considered under 13.10.681(D) Requirements for New Construction ADUs.

(e) The ADU shall comply with all applicable provisions of SCCC Chapter 12.10 Building Code and 7.92 Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.

(F) Site standards. For both New Construction ADUs and Conversion ADUs the following site standards apply.

(1) Size of Accessory Dwelling Unit. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU is defined in the tables below, based on location inside or outside the Urban Services Line (USL) and parcel size. Where multiple standards apply on urban

lots below 5,000 square feet, ADUs shall comply with whichever standard allows a larger ADU, except that in no case shall an ADU on these parcels exceed 640 square feet in size:

New Construction ADUs Outside the USL			
Parcel Size	<10,000 sq. ft.	10,000 sq. ft. to < 1 acre	1 acre or larger
Size of ADU	800 sq. ft.	1000 sq. ft.	1,200 sq. ft.

New Construction ADUs Inside the USL			
Parcel Size	<5,000 sq. ft	5,000 – 9,999 sq. ft	10,000+ sq. ft
Size of ADU	10% of Parcel Size	640 sq. ft	800 sq. ft

All Conversions		
Parcel Size	<5,000 sq ft	5,000+ sq. ft
Size of ADU	Up to 50% of the existing habitable sq. ft of primary dwelling, not to exceed 640 sq ft	Use standards for New Construction ADUs in tables above

(2) Parking. Off-street parking shall be provided to meet the requirements of SCCC 13.10.550 for the main dwelling and one additional space for each bedroom in the accessory dwelling unit, and may be provided as double or triple tandem parking. Where parking permits are required for on-street parking year-round, permits shall be offered to the occupants of the ADU. Required parking shall not apply under the circumstances described below, and no parking shall be required for the ADU under these circumstances:

- (a) The accessory dwelling unit is located within the USL or RSL and within one-half mile of public transit stop with minimum 30-minute headways (time between buses running on the same route in the same direction).

- (b) The accessory dwelling unit is located within a designated architecturally and historically significant historic district.
- (c) The accessory dwelling unit is a conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage.
- (e) When there is a dedicated parking space reserved for a publicly-available car share vehicle located within one block of the accessory dwelling unit. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.
- (3) Other Accessory Uses. Not more than one accessory dwelling unit shall be constructed on any one parcel. An accessory dwelling unit and agricultural caretakers' quarters, except farmworker housing on agricultural parcels greater than 10 acres outside the Coastal Zone, shall not be permitted on the same parcel. Habitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC13.10.611.
- (4) Service Requirements. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all sections of the California Fire Code as codified in SCCC 7.92 except that in no case shall fire sprinklers be required for the ADU where they are not also required for the primary dwelling.
- (5) Fees. Prior to the issuance of a building permit for the accessory dwelling unit, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department's fee schedule as may be amended from time to time, and any other applicable fees.
- (G) Occupancy. The following occupancy standards shall be applied to every accessory dwelling unit and shall be conditions for any approval under this section:
- (1) Occupancy Restrictions. The maximum occupancy of a accessory dwelling unit may not exceed that allowed by the State Uniform Housing Code, or other applicable State law, based on the unit size and number of bedrooms in the unit.
- (2) Owner Residency. Unless owned by a public agency, the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption, or by other satisfactory

documentation of residence, on the parcel in either the main dwelling or the accessory dwelling unit. If the accessory dwelling unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the accessory dwelling unit, shall be required to submit a property tax exemption prior to occupancy of the accessory dwelling unit, and shall be subject to the deed restriction noted in subsection (E)(5) of this section.

(a) Exceptions. Temporary rental of both dwelling units may be authorized by the Planning Director in the case of sudden and unexpected changes in life circumstances. ADU property owners may be authorized to rent both the primary dwelling and the ADU if the property owner is unable to continue to occupy the property temporarily by reason of illness or absence from the area for other than vacation purposes as determined by the Planning Director in his/her sole discretion based on reasonable evidence. Evidence shall be submitted to the Planning Department in writing, and requests for extension of the absence shall also require evidence in writing. The authorization to rent both units shall be limited to one year, and may be extended at the discretion of the Planning Director.

(3) Sale. The ADU is not intended for sale separate from the primary residence and may be rented for periods of 30 days or more.

(4) Vacation Rental Use. In no case shall a vacation rental be permitted in an ADU, per SCCC 13.10.694(B).

(35) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a declaration of restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:

(a) The property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence, in either the main dwelling or the accessory dwelling unit, unless owned by a public agency that is providing housing for special populations, in which case the declaration of restrictions shall indicate that any subsequent nonpublic agency owner shall abide by the terms of this subsection and subsection (E)(2) of this section.

(b) The declaration is binding upon all successors in interest.

(c) The declaration shall include a provision for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(FH) Permit Allocations. Each accessory dwelling unit is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

(GI) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the accessory dwelling unit ordinance. The annual analysis shall include the number of accessory dwelling units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. The cumulative impact issue areas to be covered include, but are not limited to, traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource. [Ord. 5182 § 10, 2014; Ord. 5079 § 1, 2010; Ord. 4921 §§ 15—18, 2008; Ord. 4779 § 1, 2004; Ord. 4751 §§ 1—3, 2003; Ord. 4727 §§ 1—3, 2003; Ord. 4659 § 2, 2002; Ord. 4495 § 7, 1998; Ord. 4457-A § 4, 1997; Ord. 4324A § 5, 1994; Ord. 4282 § 5, 1993; Ord. 3996 § 2, 1989; Ord. 3500 § 1, 1984; Ord. 3432 § 1, 1983].

SECTION IX

The Santa Cruz County Code is hereby amended such that Section 13.10. 700-A shall add the following:

“Accessory Dwelling Unit” means, in compliance with California Government Code Sections 65852 and 65853, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. See also *Conversion ADU* and *New Construction ADU*.

SECTION X

The Santa Cruz County Code is hereby amended such that Section 13.10. 700-C shall add the following:

“Conversion ADU” shall mean the conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 “R”, and any conversion that exceeds that limit, or otherwise does not comply with SCCC 13.10.681(E), shall be considered a New Construction ADU.

SECTION XI

The Santa Cruz County Code is hereby amended such that Section 13.10. 700-N shall add the following:

“New Construction ADU” shall mean any ADU that does not meet the definition of Conversion ADU.

SECTION XII

The Santa Cruz County Code is hereby amended such that the definition of “Second Unit” found in Section 13.10. 700-S shall now read as follows:

“Second unit” – see definition for Accessory Dwelling Unit.

SECTION XIII

The Santa Cruz County Code is hereby amended such that Section 13.10.552(A)(7) shall read as follows:

(7) Accessory dwelling units. One parking space is required for each bedroom, unless exempted under 13.10.681 (F)2.

SECTION XIV

The Santa Cruz County Code is hereby amended such that Section 13.20.107(A) shall now read as follows:

13.20.107 Coastal development permit review of accessory dwelling units (nonappealable).

Any proposed accessory dwelling unit located within the Coastal Zone but located outside of the appealable area, as described in SCCC 13.20.040, that does not qualify for a coastal development permit

exclusion or exemption shall require a coastal development permit, requiring no public hearing, processed concurrently with a Building Permit, subject to the following noticing requirements:

(A) Within 10 calendar days of accepting an application for a nonappealable coastal development permit for a proposed accessory dwelling unit, the County shall provide, by first class mail, a notice of pending permit decision action. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and occupants within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

SECTION XV

The Santa Cruz County Code is hereby amended such that Section 13.20.108(A) shall now read as follows:

13.20.108 Coastal development permit review of accessory dwelling units (appealable).

All proposed second accessory dwelling units located within the Coastal Zone and located within an appealable area as described in SCCC 13.20.040, or otherwise appealable, shall require a coastal development permit, requiring no public hearing, processed concurrently with a building permit, subject to the following noticing requirements:

SECTION XVI

The Santa Cruz County Code is hereby amended such that Section 14.01.107(D) shall read as follows:

(D) Financing or leasing of accessory dwelling units pursuant to the provisions of SCCC 13.10.681. This chapter shall apply to the sale or transfer of such accessory dwelling units. [Ord. 3912 § 2, 1988].

SECTION XVII

The Santa Cruz County Code is hereby amended such that Section 18.10.140(B) shall now read as follows:

(B) All proposals for residential development of property within the urban services line, except for accessory dwelling units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to

review by the development review group (see SCCC 18.10.210(C)(1)). Following completion of the development review group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within 45 days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within 60 days from the date of the DRG meeting. [Ord. 4671 § 3, 2002; Ord. 4044 § 2, 1990].

SECTION XVIII

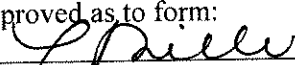
This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2017, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to form:

County Counsel

General Plan/LCP Policy 5.5.4 Minimum Size for Existing Parcels in Water Quality Constraint Areas:

Require 2½ net acre minimum parcel sizes for development of anything other than one accessory dwelling unit where a single-family home already exists on existing lots of record within Water Quality Constraint Areas. Allow exceptions to the 2½ net acre minimum parcel size only where consistent with the existing Sewage Disposal ordinance.

General Plan/LCP Policy 5.5.5 Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds:

Require one acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one acre minimum parcel size for the creation of one accessory dwelling unit on parcels already developed with a single-family residence or only for an existing parcel of record that meets all of the following criteria:

- The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial in the General Plan that was adopted on May 24, 1994,
- It is to be developed for commercial use,
- It is within the rural services line,
- The proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the sewage Disposal Ordinance (Revised by Resolution 309-2000)

General Plan/LCP Policy 5.5.16 Minimum Lot Size In Septic Constraint Areas:

Require a 15,000 net square foot minimum lot size for existing lots of record in Septic Constraint Areas unless constraint area designation is removed in accordance with the provisions of the Sewage Disposal ordinance. For parcels already developed with a single-family residence, allow the creation of one accessory dwelling unit per parcel, in conformance with the requirements of the County Code.

General Plan/LCP Policy 5.5.4 Minimum Size for Existing Parcels in Water Quality Constraint Areas:

Require 2½ net acre minimum parcel sizes for development of anything other than one accessory dwelling unit where a single-family home already exists on existing lots of record within Water Quality Constraint Areas. Allow exceptions to the 2½ net acre minimum parcel size only where consistent with the existing Sewage Disposal ordinance.

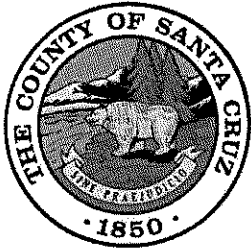
General Plan/LCP Policy 5.5.5 Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds:

Require one acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one acre minimum parcel size for the creation of one accessory dwelling unit on parcels already developed with a single-family residence or for an existing parcel of record that meets all of the following criteria:

- The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial in the General Plan that was adopted on May 24, 1994,
- It is to be developed for commercial use,
- It is within the rural services line,
- The proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the sewage Disposal Ordinance (Revised by Resolution 309-2000)

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County of Santa Cruz

Planning Department

701 Ocean Street, 4th Floor, Santa Cruz, CA 95060
 Phone: (831) 454-2580 Fax: (831) 454-2131 TDD: (831) 454-2123
 Kathleen Molloy Previsich, Planning Director

Meeting Date: January 10, 2017
Date: December 27, 2016
To: The Board of Supervisors
From: Kathy Previsich, Planning Director
Subject: Public Hearing ADU Ordinance

State law that affects how local jurisdictions may review and exercise discretion on applications to construct ADUs has recently changed. SB 1069 and AB 2299, which were adopted to make it easier to build ADUs and therefore to partially address the urgent need for housing, are effective January 1, 2017. Under the new state provisions, any local ADU regulations which conflict with the state provisions are no longer in effect. The proposed ordinance recommended by the Planning Commission is intended to be consistent with and implement state law. In that the proposed ordinance represents Santa Cruz County's current interpretation of how the State provisions would integrate with local ADU provisions, in the interim before a final ordinance is adopted by the Coastal Commission, staff will administer the state law in a manner consistent with the provisions of the proposed local ordinance amendments. However, in that a local government is not required to take action on an ADU building permit application until 120 days after filing, which would be May 2, 2017 at the earliest, it is expected that the County will be able to apply adopted final ADU regulations to any applications that are filed in 2017. That is because it is expected that the Coastal Commission will approve the proposed amendments at its March 8-10, 2017 meeting.

BACKGROUND

ADUs have the potential to be an important source of small unit housing. In an effort to facilitate construction of ADUs, the County recently partnered with the Housing Authority of Santa Cruz County to hire consultants to prepare an ADU Study. Part of that scope of work was for a review of ADU regulations. Most of the regulatory changes that were to be evaluated are actually addressed by and effected within the new State laws, and so the currently proposed ordinance amendments accomplish most of the contemplated regulatory changes. Any further proposed refinements of regulations, as well as supportive design and financing tools that will result from that ADU Study, will be brought to the Board of Supervisors later this year. Only about 18 ADUs were permitted in 2016, which illustrates the continuing need for the County to better understand the obstacles to building ADUs in appropriate areas and to develop a program to assist property owners.

Please see Attachment 6 to review materials from the Planning Commission meeting of

EXHIBIT, G

December 14, 2016, including a summary of the State law and Exhibits with the text of the State laws.

PROPOSED GENERAL PLAN AMENDMENTS

Among other changes, the County is now required to permit an ADU on any parcel with a single-family home in a single-family or multi-family zone district, and the County's current ordinance also allows ADUs on parcels designated as residential in the General Plan which contain a single family dwelling and on parcels zoned Agriculture outside of the Coastal Zone that contain a single family dwelling. Three policies in the County's General Plan/LCP, policies 5.5.4, 5.5.5 and 5.5.16, conflict with that principle by requiring a minimum parcel size for any "development" in water quality constraint, water quality supply, and septic constraint areas, respectively. Adding a phrase to indicate that no development is allowed on parcels under stated minimum sizes, other than one ADU where there is already an existing single family dwelling, will create compliance with State law. Water quality will continue to be protected because any new or expanded septic system must meet standards and be approved by Environmental Health Services. The proposed amendments are worded to ensure that property that is not currently developable remains undevelopable. Attachment 5 is a strikethrough and underline version of the proposed amendments.

PROPOSED ORDINANCE AMENDMENTS

State law allows jurisdictions to have an ordinance that is different from the State regulations as long as certain regulations are included in the ordinance and any other local regulations are less restrictive of ADUs [65852.2(g)]. Proposed ordinance amendments include:

- Creation of a definition and different standards for "Conversion ADUs". The state provisions clearly intend to make it easier to convert existing accessory structures, and garages and portions of existing single family homes, into ADUs. Local governments are not allowed to require addition of parking spaces for Conversion ADUs, and requiring compliance with current local standards for height, setbacks, FAR and lot coverage is also not allowed, but the size limit for Conversion ADUs can reflect the state's 1,200 square foot maximum.
- The proposed ordinance preserves existing ADU size standards for "New Construction ADUs", which limit ADUs to a maximum of 640 sf. in the urban area and up to 1200 sf. outside the USL based upon parcel size. While ADUs now must be allowed on parcels that are smaller than the minimum parcel size for the zoning district if the parcel contains a single family dwelling, the State law does allow local governments to establish ADU size limits, and it is proposed to limit the size of an ADU on a substandard lot to either 10% of the lot size or 50% of the existing home size whichever is greater.
- State law mandates that local governments allow reduced side and rear yard setbacks of 5 feet for New Construction ADUs that are located over a garage. While the proposed ordinance incorporates these setbacks, it is also proposed that height of these types of ADUs be limited to 19 feet, and that doors, windows, decks, balconies and exterior stairways be oriented toward the front or interior of the lot unless standard setbacks for the zoning district are met.
- State law requires a ministerial process for all ADU building permit applications with

EXHIBIT G

action within 120 days, therefore discretionary review of two story ADUs has been eliminated. However, since local governments are allowed to regulate heights for New Construction ADUs, it is proposed that the maximum height of a detached ADU (not over a garage) be limited to 13 feet, and the maximum height over a garage be limited to 19 feet, through ministerial building permit processes. Greater height could only be pursued through the provision in the existing County Code that requires a noticed public hearing and Zoning Administrator approval of a discretionary Design Review permit [13.10.323(E)(5)(b)].

- State law states that no parking is required for ADUs "within one half mile of public transit" but does not define the term "public transit" [65852.2(d)(1)]. Recognizing that good access to transit decreases the need for parking, "public transit" is proposed to mean a public transit stop in the Urban Services Line or Rural Services Line that is served by a bus at least every 30 minutes. However, the proposed amendments do not include 30 minute transit stops in the rural area, because sidewalks and pedestrian safety infrastructure connecting homes to bus stops are frequently lacking within one half mile of bus routes, and on-street parking is not often available on narrow rural roads.
- Under the amended State law, local authority to regulate ADU permits based on septic sewage disposal systems is limited to requiring applications to receive approval of the local health officer [65852.2(a)(1)(D)(ix)]. Approval of a septic system by the Environmental Health Officer is based on technical standards that are independent of lot size. Therefore, current regulations which differentiate between lots that are served by public sewer and those that are not, and which do not allow ADUs on septic to be constructed on lots that do not meet a minimum parcel size, do not comply with the statute and are proposed to be deleted. County Environmental Health imposes requirements for septic systems based on numbers of bedrooms and nature of cooking facilities. The determinations are not based on parcel size itself, but on capacity of a parcel to accommodate the required system. Environmental Health therefore has no objection to the proposed amendments.

The strikeout and underline version of the ordinance in Attachment 5 shows all proposed ordinance amendments.

REVIEW BY THE PLANNING COMMISSION

The Planning Commission held a public hearing on the proposed amendments on December 14, 2016. One member of the public spoke in support of the amendments and of ADUs in general, highlighting the need to continue to reduce impediments to constructing ADUs, to encourage ADUs close to bus stops, and to base regulations on the existing development pattern.

The Commission also heard from Chris Walters, Deputy County Fire Marshal, who expressed concern about conflict between the Fire Code and the new state ADU law, which does not allow sprinklers to be required in ADUs when they are not required in the existing single family home. County Fire currently administers the Code in a manner that requires sprinklers in detached ADUs regardless of the sprinkler status of the existing home. It appears to planning staff that the intent of the state ADU law is that ADUs be treated more like additions to existing homes rather than new, stand-alone residences. The state law takes this approach relative to septic regulations, parking, and utility connections, and the provision against sprinkler requirements is

EXHIBIT G

consistent with that approach. This is also the approach currently taken by County Environmental Health Services when evaluating ADUs.

The Planning Commission was concerned about consistency with the Fire Code, and directed that Planning staff include language in the recommended ordinance to ensure consistency with State and local fire codes. This has been accomplished within sections 13.10.681(E)(4) (b) and (e), which require ADUs to meet minimum setbacks and provisions of the Building Code and Fire Code, except that per the state law it is also stated that "fire sprinklers shall not be required for an ADU where they are not required for the primary residence". New language was also added to 13.10.681(F)(4) to link the size of an ADU to the existing Fire Code sprinkler provisions which apply to additions of habitable square footage of 50% or greater, such that when an attached New Construction ADU is 50% or greater, then the existing dwelling and the new ADU must both comply with the Fire Code, which can include fire sprinklers for the structure.

Planning staff believes that any further resolution of possible conflicts between the new State law and the existing Fire Code, is best done at the State level by parties who are expert in the fire code. With the understanding that guidance may be forthcoming from the State Fire Marshal, staff does not propose any further language changes to the proposed ordinance at this time. The ADU regulations could return to your Board for amendment, if necessary, when any conflict has been resolved, perhaps when the previously mentioned ADU Study is brought to your Board this year.

The Planning Commission was also concerned about privacy and visual impacts from ADUs, particularly in urban infill environments, because most ADU permits will be ministerial. In some cases, such as with ADUs over garages, they must be allowed with smaller setbacks than are currently prescribed for the zone district generally. The Planning Commission for certain cases therefore recommends decreasing the maximum allowed height of ADUs that would be attainable through the ministerial building permit process. In the urban area, detached ADUs are proposed to be limited to thirteen feet, and ADUs over garages limited to nineteen feet. For comparison, current limits are seventeen feet and one story with a ministerial building permit, and twenty eight feet and two stories with a discretionary permit approval, regardless of whether the ADU is attached, detached, or over a garage. It is also proposed that all openings and decks, etc. face the front or interior of the lot.

In some neighborhoods it is common that homes on small lots are designed with habitable space on a lower story that has exterior access. The Commission acknowledged this situation by recommending that existing, permitted, habitable space in homes on lots that are smaller than the zone district minimum size, be able to be converted to an ADU that is up to 50% of the size of the existing home. This recognizes that there would not be additional impacts created by the conversion of already existing space in this circumstance.

The Commission also recommended that the ordinance prominently state that ADUs may not be rented as vacation rentals for periods of less than thirty days, and that definitions within 13.10.681 be repeated in section 13.10.700 for ease of use.

The proposed ADU ordinance attached to this memo reflects the Planning Commission recommendations.

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COMPLIANCE WITH THE CALIFORNIA COASTAL ACT

The state laws and the proposed ordinance amendments maintain the integrity of the Coastal Development regulations, in that a Coastal Development Permit (CDP) continues to be required for any ADU located within the Coastal Zone. Nothing in the proposed ordinance changes the process for obtaining a CDP for an ADU in the Coastal Zone or the findings that must be made to approve such a permit.

CEQA REVIEW

This project is statutorily exempt from CEQA under section 21080.17 of the California Public Resources Code. That section exempts the adoption of an ordinance regarding second units by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. See Attachment 2, CEQA Notice of Exemption.

CONCLUSION

The proposed amendments will bring the Santa Cruz County Accessory Dwelling Unit ordinance and General Plan/LCP into compliance with recently adopted State law. The legislature's intent was to increase the availability of housing throughout the state by creating ADUs on existing parcels developed with single-family homes. If the County's comprehensive review of ADU related policies and regulations, which was ongoing when the State law was amended, identifies that further refinements are necessary to encourage ADUs in appropriate locations, those proposals will be brought before the Board of Supervisors for consideration later this year, along with other results of the ADU Study pertaining to design, utilities and financing.

RECOMMENDATION

It is therefore RECOMMENDED that your Board take the following actions:

1. Hold a public hearing on the proposed amendments;
2. Confirm the CEQA Notice of Exemption (Attachment 2);
3. Adopt the Resolution amending the General Plan/LCP (Attachment 1);
4. Approve the Ordinance amending the County Code, in concept (Attachment 4);
5. Direct the Clerk to place the Ordinance for second reading and final approval on the next available agenda;
6. Direct staff to submit the adopted General Plan/LCP and Ordinance to the Coastal Commission after Board adoption at the second reading.

Submitted by:


Kathy Previsich, Planning Director 12/27/2016

Recommended:

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Susan A. Mauriello, County Administrative Officer

Attachments:

- a 1) Resolution Adopting Amendments to the General Plan/LCP and County Code (incl. GP/LCP clean language)
- b 2) CEQA Notice of Exemption
- c 3) General Plan/LCP Policy Language as Amended (strikeout/underline)
- d 4) Proposed County Code/LCP LUP amendments (clean copy)
- e 5) Proposed County Code/LCP LUP amendments (strikeout/underline)
- f 6) December 14, 2016 Planning Commission Staff Report and Materials
- g 7) Planning Commission Resolution

EXHIBIT G

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

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:
The following Resolution is adopted:

**RESOLUTION ADOPTING AMENDMENTS TO THE SANTA CRUZ COUNTY
GENERAL PLAN/LOCAL COASTAL PROGRAM AND TO SANTA CRUZ
COUNTY CODE SECTIONS 12.02.020, 13.10.312, 13.10.322, 13.10.323, 13.20.107,
13.20.108, 13.10.418, 13.10.552, 13.10.681, 13.10.700, 14.01.107, AND 18.10.140
REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, the County of Santa Cruz has maintained an accessory dwelling unit ordinance since 1983; and

WHEREAS, the California State Legislature has approved amendments to the California Government Code which provide the enabling legislation for the local regulation of accessory dwelling units; and

WHEREAS, such amendments have been signed into law by Governor Brown and are set to take effect on January 1, 2017; and

WHEREAS, the amendments to the State law require the County to make amendments to the County Zoning Code as well as to the General Plan/Local Coastal Program in order to comply; and

WHEREAS, the Board finds that the proposed ordinance and General Plan/Local Coastal Program amendments satisfy the requirements of the state law; and

WHEREAS, the Board finds that the proposed amendments comply with the California Coastal Act; and

WHEREAS, the Board finds and determines that this action is exempt on the basis of the entire record and as further set forth in the draft Notice of Exemption contained therein, and directs County staff to execute and file the Notice of Exemption; and

WHEREAS, the Planning Commission met on December 14th and voted to recommend that the BOS adopt the ordinance as presented on this date; and

WHEREAS, the Board has held a duly noticed public hearing to receive testimony from the public and has considered such testimony and other evidence submitted.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors confirms that a Notice of Exemption is appropriate under CEQA; and

BE IT FURTHER RESOLVED that the Board of Supervisors directs staff to submit the proposed amendments to the County General Plan/Local Coastal Program and County Code as presented to or modified by the Board on this date, to the California Coastal Commission for review and approval, in compliance with the California Coastal Act.


PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2017 by the following vote:

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

Chair of the Board

ATTEST: _____
County Administrative Officer

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

Attachment: 1) Resolution Adopting Amendments to the General Plan/LCP and County Code (incl. GP/LCP clean language) (3210 : Public

General Plan/Local Coastal Program Amendments Required to Implement AB2299 and SB1069

General Plan/LCP Policy 5.5.4 Minimum Size for Existing Parcels in Water Quality Constraint Areas:

Require 2½ net acre minimum parcel sizes for development of anything other than one accessory dwelling unit where a single-family home already exists on existing lots of record within Water Quality Constraint Areas. Allow exceptions to the 2½ net acre minimum parcel size only where consistent with the existing Sewage Disposal ordinance.

General Plan/LCP Policy 5.5.5 Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds:

Require one acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one acre minimum parcel size for the creation of one accessory dwelling unit on parcels already developed with a single-family residence or for an existing parcel of record that meets all of the following criteria:

- The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial in the General Plan that was adopted on May 24, 1994,
- It is to be developed for commercial use,
- It is within the rural services line,
- The proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the sewage Disposal Ordinance (Revised by Resolution 309-2000)

General Plan/LCP Policy 5.5.16 Minimum Lot Size In Septic Constraint Areas:

Require a 15,000 net square foot minimum lot size for existing lots of record in Septic Constraint Areas unless constraint area designation is removed in accordance with the provisions of the Sewage Disposal ordinance. For parcels already developed with a single-family residence, allow the creation of one accessory dwelling unit per parcel, in conformance with the requirements of the County Code.

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County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
 KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
 www.sccoplanning.com

NOTICE OF EXEMPTION

To: Clerk of the Board
 Attn: Susan Galloway
 701 Ocean Street, Room 500
 Santa Cruz, CA 95060

Project Name: Accessory Dwelling Unit General Plan and Ordinance Amendments
Project Location: Countywide
Assessor Parcel No.: N/A
Project Applicant: County of Santa Cruz
Project Description: Amendments to the County General Plan/LCP and Zoning Code required to comply with AB2299 and SB1069 regarding the regulation of Accessory Dwelling Units on residential property.

Agency
Approving Project: County of Santa Cruz
County Contact: Sarah Neuse Telephone No. 831-325-6141
Date Completed:

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on _____ (date) and found the project to be exempt from CEQA under the following criteria:

Exempt status: (check one)

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☐ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
 Specify type: CCR 15282 (h) regarding the adoption of an ordinance regarding second units by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code."
- ☐ **Categorical Exemption**

Reasons why the project is exempt:

Signature: _____ Date: _____ Title: Environmental Coordinator

Attachment: 2) CEQA Notice of Exemption (3210 : Public Hearing ADU Ordinance)

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General Plan/Local Coastal Program Amendments Required to Implement AB2299 and SB1069

General Plan/LCP Policy 5.5.4 Minimum Size for Existing Parcels in Water Quality Constraint Areas:

Require 2½ net acre minimum parcel sizes for development of anything other than one accessory dwelling unit where a single-family home already exists on existing lots of record within Water Quality Constraint Areas. Allow exceptions to the 2½ net acre minimum parcel size only where consistent with the existing Sewage Disposal ordinance.

General Plan/LCP Policy 5.5.5 Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds:

Require one acre minimum parcel sizes for development of existing lots of record in water supply watersheds in the Coastal Zone and in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the existing Sewage Disposal ordinance and incorporate as General Plan and LCP Land Use Plan requirements the provisions of the existing Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one acre minimum parcel size for the creation of one accessory dwelling unit on parcels already developed with a single-family residence or only for an existing parcel of record that meets all of the following criteria:

- The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial in the General Plan that was adopted on May 24, 1994,
- It is to be developed for commercial use,
- It is within the rural services line,
- The proposed sewage disposal system will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the sewage Disposal Ordinance (Revised by Resolution 309-2000)

General Plan/LCP Policy 5.5.16 Minimum Lot Size In Septic Constraint Areas:

Require a 15,000 net square foot minimum lot size for existing lots of record in Septic Constraint Areas unless constraint area designation is removed in accordance with the provisions of the Sewage Disposal ordinance. For parcels already developed with a single-family residence, allow the creation of one accessory dwelling unit per parcel, in conformance with the requirements of the County Code.

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ORDINANCE NO. _____

**ORDINANCE AMENDING VARIOUS SECTIONS OF THE SANTA CRUZ COUNTY CODE
RELATING TO ACCESSORY DWELLING UNITS**

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

SECTION I

The Santa Cruz County Code is hereby amended by changing Section 12.02.020(11) to read as follows:

- (11) Permits for accessory dwelling units as provided for in SCCC 13.10.681.

SECTION II

The Santa Cruz County Code is hereby amended by changing the entry for "second unit" in Section 13.10.312(B) Uses Chart to read as follows:

USE	CA	A	AP
Accessory Dwelling Unit, Outside the Coastal Zone, subject to the provisions of SCCC 13.10.681	4	BP	-

SECTION III

The Santa Cruz County Code is hereby amended by changing the entry for "second unit" in Section 13.10.322(B) Uses Chart to read as follows:

USE	RA	RR	R-1	RB	RM
Accessory Dwelling Unit	BP	BP	BP	BP	BP

SECTION IV

The Santa Cruz County Code is hereby amended by changing the entries for "second unit" in Section 13.10.323(B) Site and Structural Dimensions Charts to read as follows:

**R-1 SINGLE-FAMILY RESIDENTIAL ZONE DISTRICTS
SITE AND STRUCTURAL DIMENSIONS CHART**

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLIN G 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	Accessory dwelling units— Detached New Construction within USL	*	*	*	*	13	*	N/A	*	*
	Accessory dwelling units –Attached New Construction	*	*	*	*	*	*	*	*	*
	Accessory Dwelling Units-- Detached New Construction – outside USL	*	*	*	*	*	*	*	*	*
	Accessory dwelling units – New Construction above a garage— outside USL Reduced setbacks OR Standard Setbacks	*	5 OR *	5 OR *	*	19 OR *	*	2 OR *	*	*
	Accessory dwelling units – New Construction above a garage – inside USL	*	5	5	*	19	*	2	*	*
	Accessory dwelling units - Conversions	†	†	†	†	†	†	†	†	†

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

** Number of stories is limited outside the urban services line by the General Plan.

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

Attachment: 4) Proposed County Code/LCP LUP amendments (clean copy) (3210 : Public Hearing ADU Ordinance)

**RM MULTIFAMILY RESIDENTIAL ZONE DISTRICTS
SITE AND STRUCTURAL DIMENSIONS CHART**

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLIN G 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	Accessory dwelling units— Detached New Construction within USL	*	*	*	*	13	*	N/A	*	*
	Accessory dwelling units –Attached New Construction	*	*	*	*	*	*	*	*	*
	Accessory Dwelling Units--Detached New Construction – outside USL	*	*	*	*	*	*	*	*	*
	Accessory dwelling units – New Construction above a garage – outside USL Reduced setbacks OR Standard Setbacks	*	5 OR *	5 OR *	*	19 OR *	*	2 OR *	*	*
	Accessory dwelling units – New Construction above a garage – inside USL	*	5	5	*	19	*	2	*	*
	Accessory dwelling units - Conversions	†	†	†	†	†	†	†	†	†

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR 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 SCCC and SCCC 13.10.681 and 13.10.685.

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

** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

SECTION V

The Santa Cruz County Code is hereby amended by changing Section 13.10.418(A)(1) and (A)(2) to read as follows:

- (1) A building permit for a new single-family dwelling or a new construction or conversion accessory dwelling unit;
- (2) A coastal development permit for a new single-family dwelling or a new construction or conversion accessory dwelling unit;

SECTION VI

The Santa Cruz County Code is hereby amended by changing Section 13.10.552(A)(7) to read as follows:

- (7) Accessory dwelling units. One parking space is required for each bedroom, unless the ADU meets the definition of Conversion ADU under 13.10.681(B)(2) or otherwise exempted under 13.10.681 (F)2.

SECTION VII

The Santa Cruz County Code is hereby amended by changing Section 13.10.681 to read as follows:

13.10.681 Accessory Dwelling units.

(A) Purpose. The purpose of this section is to provide for and regulate accessory dwelling units in order to provide needed housing for County residents and to further the housing goals of the housing element of the County General Plan.

(B) Definitions. For the purposes of this section, terms shall be defined as follows:

- (1) "New Construction ADU" shall mean any ADU that does not meet the definition of Conversion ADU.
- (2) "Conversion ADU" shall mean the conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 "R", and any conversion that exceeds that limit, or otherwise does not comply with subsection (E) of this section, shall be considered a New Construction ADU for the purposes of this section.

(C) Application Processing. All accessory dwelling units shall be processed in accordance with this section and the requirements of Government Code Section 65852.2 and, for those accessory dwelling units located within the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. A building permit only, and no public notice or hearing, shall be required for a new construction or conversion accessory dwelling unit within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone

within the Agriculture Zone District, unless the accessory dwelling unit is located in an area, or is a part of a larger project, that requires a discretionary development permit, or if a variance is requested. Pursuant to Government Code Section 65852.2 applications for ADUs within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District shall be approved or denied ministerially within 120 days of submission of a complete application. All applications for accessory dwelling units in the Commercial Agricultural Zone District outside the Coastal Zone shall be subject to review by the Agricultural Policy Advisory Commission.

Accessory dwelling units are subject to the following processes:

- (1) Outside the Coastal Zone: Building permit issuance.
- (2) Inside the Coastal Zone (nonappealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:
 - (a) Within 10 calendar days of accepting an application for a nonappealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:
 - (i) A statement that the development is within the Coastal Zone;
 - (ii) The date of filing of the application and the name of the applicant;
 - (iii) The number assigned to the application;
 - (iv) A description of development and its proposed location;
 - (v) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
 - (vi) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

(3) Inside the Coastal Zone (appealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:

(a) Within 10 calendar days of accepting an application for an appealable coastal development permit, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:

- (i) Statement that the development is within the Coastal Zone;
- (ii) The date of filing of the application and the name of the applicant;
- (iii) The number assigned to the application;
- (iv) A description of the development and its proposed location;
- (v) A brief description of the general procedure concerning the conduct of local actions;
- (vi) The system for Coastal Commission appeals.

(b) Notice After Final Local Decision. Within seven calendar days of approval of the coastal development and building permit, the County shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

(c) The County shall include notice on the coastal development and building permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.

(D) Requirements for New Construction ADUs. Before a permit for a New Construction ADU or expansion of an existing structure for use as an accessory dwelling unit can be granted, the following requirements shall be met:

- (1) Zoning. The accessory dwelling unit shall be located on a residentially zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed accessory dwelling unit. An accessory dwelling unit may be located on agriculturally zoned land outside the Coastal Zone or on a parcel designated for agricultural use in the General Plan outside the Coastal Zone;
- (2) Development Standards. All development standards for the applicable agricultural or residential zone district shall be satisfied; and the development shall be consistent with all County policies and ordinances, except that regardless of any other zone district standards, the following provisions shall apply to New Construction ADUs:
- (a) An ADU that is built on the second floor over an existing detached or new detached garage shall be permitted to maintain minimum side and rear setbacks of 5 feet, and shall be no greater than 19' in height. All doors, windows, decks, balconies and exterior stairways shall be oriented toward the front or interior of the lot unless standard setbacks for the zone district are met.
 - (b) Inside the Urban Services Line, a detached, New Construction ADU shall be no greater than 13' in height.
 - (c) ADUs that are attached to the primary dwelling on the property shall be subject to the standards that are otherwise applicable to the primary dwelling based on the zone district including height, stories, setbacks, lot coverage, and FAR.
- (3) Design. The design, materials and color of the New Construction accessory dwelling unit shall be compatible with that of the main dwelling and shall be consistent with the development standards and guidelines set forth in subsection (6) of this section; and
- (4) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer; and
- (5) In the Coastal Zone, a coastal development permit is required pursuant to the requirements of SCCC 13.20.

(6) Development Standards. The following standards shall be applied to every accessory dwelling unit not defined as a Conversion ADU, and shall be conditions for any approval under this section:

(a) Location of Accessory Dwelling Unit. The accessory dwelling unit may be either attached to the main dwelling or may be detached from it. Inside the urban services line, no accessory dwelling unit shall be located more than 100 feet from the main dwelling or be accessed by a separate driveway or right-of-way, unless a variance is obtained to allow a greater distance. Outside the Coastal Zone, on land designated agriculture by the General Plan, the accessory dwelling unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.

(b) Lot Coverage and Floor Area Ratio. No accessory dwelling unit shall be allowed which would, when combined with existing lot coverage and gross floor area, exceed the allowable lot coverage or the allowable floor area ratio for the parcel.

(4c) Site Standards. All site standards of the zoning district in which the -accessory dwelling unit is proposed shall be met, unless expressly superseded by SCCC subsection 13.10.681(D)(2). Outside the Coastal Zone, on land zoned or designated agricultural, all setbacks of the agricultural zone districts shall be met and all accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F), as determined by the Agricultural Policy Advisory Commission, if applicable.

(E) Requirements for Conversion ADUs. Where an accessory dwelling unit is proposed as a Conversion ADU (as defined in 13.10.681(B)(2)), the following requirements shall be met:

(1) Zoning. The ADU shall be located on a parcel within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District which contains an existing single-family dwelling.

(2) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall meet applicable requirements of the Environmental Health Officer.

(3) In the Coastal Zone, the requirements of 13.10.681(C)(2) and (C)(3) shall apply.

(4) Design and Development standards for Conversion ADUs. The following standards shall be applied to every accessory dwelling unit converted from part of an existing single-family home or existing accessory structure, and shall be conditions for any approval under this section:

- (a) The ADU shall have an exterior entrance that is independent of the existing single-family dwelling.
- (b) The ADU shall meet setbacks sufficient for fire safety in conformance with the Building Code (SCCC Chapter 12.10) and Fire Code (SCCC Chapter 7.92).
- (c) If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section.
- (d) Conversion for use as an ADU shall include construction which occupies the same footprint and vertical space as the existing structure upon completion. No additional square footage is permitted by this section, however added square footage may be considered under 13.10.681(D) Requirements for new construction.
- (e) The ADU shall comply with all applicable provisions of SCCC Chapter 12.10 and 7.92, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.

(F) Site standards. For both New Construction ADUs and Conversion ADUs the following site standards apply.

(1) Size of Accessory Dwelling Unit. Inside the Urban Services Line, the total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an accessory dwelling unit shall not exceed 640 square feet. In addition, on parcels that do not meet the net site area required by the applicable zone district, the total gross floor area of the habitable portion of an accessory dwelling unit shall not exceed 10% of the net site area, except in the case of a conversion ADU created within an existing single family dwelling, in which case the size may be up to 50% of the square footage of the existing dwelling, up to a maximum of 640 square feet. Outside the Urban Services Line, the total gross floor area of the habitable portion of an accessory dwelling unit relates to parcel size as described in the following table:

Parcel size	Outside the USL			Inside the USL	
	<10,000 sq. ft.	10,000 sq. ft. to < 2.5 acres	2.5 acres or larger	Meets zone district minimum lot size	Below zone district minimum lot size

Size of ADU	640 sq. ft.	800 sq. ft.	1,200 sq. ft.	640 sq. ft.	10% of net site area; or (for attached conversions) 50% of existing SFD, whichever is greater; up to max of 640 sq ft.
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(2) Parking. Off-street parking shall be provided to meet the requirements of SCCC 13.10.550 for the main dwelling and one additional space for each bedroom in the accessory dwelling unit, and may be provided as double or triple tandem parking. Where parking permits are required for on-street parking year-round, permits shall be offered to the occupants of the ADU. Required parking shall not apply under the circumstances described below, and no parking shall be required for the ADU under these circumstances:

- (a) The accessory dwelling unit is located within the USL or RSL and within one-half mile of public transit stop with minimum 30-minute headways.
- (b) The accessory dwelling unit is located within a designated architecturally and historically significant historic district.
- (c) The accessory dwelling unit is a conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage.
- (e) When there is a dedicated parking space reserved for a publicly-available car share vehicle located within one block of the accessory dwelling unit. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.

(3) Other Accessory Uses. Not more than one accessory dwelling unit shall be constructed on any one parcel. An accessory dwelling unit and agricultural caretakers' quarters, except farmworker housing on agricultural parcels greater than 10 acres outside the Coastal Zone, shall not be permitted on the same parcel. Habitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC13.10.611.

(4) Service Requirements. All requirements of the respective service agencies shall be satisfied, except that in no case shall fire sprinklers be required for the ADU where they are not also required for the primary dwelling. Where the addition of 50% or more of the habitable square footage of an existing dwelling for the creation of an attached New Construction ADU triggers the fire code requirement for retrofitting sprinklers

into existing construction, both the existing dwelling and the ADU shall comply with all sections of the California Fire Code as codified in SCCC 7.92.

(5) Fees. Prior to the issuance of a building permit for the accessory dwelling unit, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department's fee schedule as may be amended from time to time, and any other applicable fees.

(G) Occupancy. The following occupancy standards shall be applied to every accessory dwelling unit and shall be conditions for any approval under this section:

(1) Occupancy Restrictions. The maximum occupancy of an accessory dwelling unit may not exceed that allowed by the State Uniform Housing Code, or other applicable State law, based on the unit size and number of bedrooms in the unit.

(2) Owner Residency. Unless owned by a public agency, the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of residence, in either the main dwelling or the accessory dwelling unit. If the accessory dwelling unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the accessory dwelling unit, shall be required to submit a property tax exemption prior to occupancy of the accessory dwelling unit, and shall be subject to the deed restriction noted in subsection (E)(5) of this section.

(3) Sale. The ADU is not intended for sale separate from the primary residence and may be rented for periods of 30 days or more.

(4) Vacation Rental Use. In no case shall a vacation rental be permitted in an ADU, per SCCC 13.10.694(B).

(5) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a declaration of restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:

(a) The property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence, in either the main dwelling or the accessory dwelling unit, unless owned by a public agency that is providing housing for special populations, in which case the declaration of restrictions shall indicate that any subsequent

nonpublic agency owner shall abide by the terms of this subsection and subsection (E)(2) of this section.

(b) The declaration is binding upon all successors in interest.

(c) The declaration shall include a provision for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(H) Permit Allocations. Each accessory dwelling unit is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

(I) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the accessory dwelling unit ordinance. The annual analysis shall include the number of accessory dwelling units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. The cumulative impact issue areas to be covered include, but are not limited to, traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource. [Ord. 5182 § 10, 2014; Ord. 5079 § 1, 2010; Ord. 4921 §§ 15—18, 2008; Ord. 4779 § 1, 2004; Ord. 4751 §§ 1—3, 2003; Ord. 4727 §§ 1—3, 2003; Ord. 4659 § 2, 2002; Ord. 4495 § 7, 1998; Ord. 4457-A § 4, 1997; Ord. 4324A § 5, 1994; Ord. 4282 § 5, 1993; Ord. 3996 § 2, 1989; Ord. 3500 § 1, 1984; Ord. 3432 § 1, 1983].

SECTION VIII

The Santa Cruz County Code is hereby amended such that Section 13.10. 700-A shall add the following:

“Accessory Dwelling Unit” means, in compliance with California Government Code Sections 65852 and 65853, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. See also *Conversion ADU* and *New Construction ADU*.

SECTION IX

The Santa Cruz County Code is hereby amended such that Section 13.10. 700-C shall add the following:

“Conversion ADU” shall mean the conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 “R”, and any conversion that exceeds that limit, or otherwise does not comply with SCCC 13.10.681(E), shall be considered a New Construction ADU.

SECTION X

The Santa Cruz County Code is hereby amended such that Section 13.10. 700-N shall add the following:

“New Construction ADU” shall mean any ADU that does not meet the definition of Conversion ADU.

SECTION XI

The Santa Cruz County Code is hereby amended such that the definition of “Second Unit” found in Section 13.10. 700-S shall now read as follows:

“Second unit” – see definition for Accessory Dwelling Unit.

SECTION XII

The Santa Cruz County Code is hereby amended such that Section 13.10.552(A)(7) shall read as follows:

(7) Accessory dwelling units. One parking space is required for each bedroom, unless exempted under 13.10.681 (F)2.

SECTION XIII

The Santa Cruz County Code is hereby amended such that Section 13.20.107(A) shall now read as follows:

13.20.107 Coastal development permit review of accessory dwelling units (nonappealable).

Any proposed accessory dwelling unit located within the Coastal Zone but located outside of the appealable area, as described in SCCC 13.20.040, that does not qualify for a coastal development permit exclusion or exemption shall require a coastal development permit, requiring no public hearing, processed concurrently with a Building Permit, subject to the following noticing requirements:

(A) Within 10 calendar days of accepting an application for a nonappealable coastal development permit for a proposed accessory dwelling unit, the County shall provide, by first class mail, a notice of pending permit decision action. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and occupants within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

SECTION XIV

The Santa Cruz County Code is hereby amended such that Section 13.20.108(A) shall now read as follows:

13.20.108 Coastal development permit review of accessory dwelling units (appealable).

All proposed second accessory dwelling units located within the Coastal Zone and located within an appealable area as described in SCCC 13.20.040, or otherwise appealable, shall require a coastal development permit, requiring no public hearing, processed concurrently with a building permit, subject to the following noticing requirements:

SECTION XV

The Santa Cruz County Code is hereby amended such that Section 14.01.107(D) shall read as follows:

(D) Financing or leasing of accessory dwelling units pursuant to the provisions of SCCC 13.10.681. This chapter shall apply to the sale or transfer of such accessory dwelling units. [Ord. 3912 § 2, 1988].

SECTION XVI

The Santa Cruz County Code is hereby amended such that Section 18.10.140(B) shall now read as follows:

(B) All proposals for residential development of property within the urban services line, except for accessory dwelling units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the development review group (see SCCC 18.10.210(C)(1)). Following completion of the development review group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within 45 days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within 60 days from the date of the DRG meeting. [Ord. 4671 § 3, 2002; Ord. 4044 § 2, 1990].

SECTION XVII

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2017, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

Approved as to form:

[Signature]
County Counsel

Attachment: 4) Proposed County Code/LCP LUP amendments (clean copy) (3210 : Public Hearing ADU Ordinance)

12.02.020 Definitions.

(11) Permits for ~~second~~ accessory dwelling units as provided for in SCCC 13.10.681.

13.10.312 Uses in agricultural districts.

(B) Allowed Uses.

USE	CA	A	AP
Second <u>Accessory Dwelling</u> units, outside the Coastal Zone, subject to the provisions of SCCC 13.10.681	4	BP	—

The term “Second Unit” is being replaced with “Accessory Dwelling Unit” throughout the County Code to mirror the language used in state law.

13.10.322 Residential uses.

(B) Allowed Uses.

USE	RA	RR	R-1	RB	RM
Second <u>Accessory Dwelling</u> unit, subject to SCCC 13.10.681	BP3	BP3	BP3	BP3	BP3

13.10.323 Development standards for residential districts.

(B) Site and Structural Dimensions.

Attachment: 5) Proposed County Code/LCP LUP amendments (strikeout/underline) (3210 : Public Hearing ADU Ordinance)

**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	<u>Second-Accessory dwelling units—Detached New Construction within USL</u>	*	*	*	*	<u>47</u> <u>13</u>	*	N/A	*	*
	<u>Second-Accessory dwelling units – Attached New Construction</u>	*	*	*	*	<u>*</u> <u>28</u>	*	<u>*</u> <u>2</u>	*	*
	<u>Accessory Dwelling Units-- Detached New Construction – outside USL</u>	-	-	-	-	-	-	-	-	-
	<u>Accessory dwelling units – New Construction above a garage— outside USL</u> <u>Reduced setbacks</u> <u>OR</u> <u>Standard Setbacks</u>	-	<u>5</u> <u>OR</u> <u>*</u>	<u>5</u> <u>OR</u> <u>*</u>	-	<u>19</u> <u>OR</u> <u>*</u>	-	<u>2</u> <u>OR</u> <u>*</u>	-	-
	<u>Accessory dwelling units – New Construction above a garage – inside USL</u>	-	<u>5</u>	<u>5</u>	-	<u>19</u>	-	<u>2</u>	-	-
	<u>Accessory dwelling units - Conversions</u>	†	†	†	†	†	†	†	†	†

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

** Number of stories is limited outside the urban services line by the General Plan.

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

**RM MULTIFAMILY 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	<u>Second-Accessory dwelling units—Detached New Construction within USL</u>	*	*	*	*	<u>47</u> <u>13</u>	*	<u>N/A</u>	*	*
	<u>Second-Accessory dwelling units – Attached New Construction</u>	*	*	*	*	<u>*</u> <u>28</u>	*	<u>*</u> <u>2</u>	*	*
	<u>Accessory Dwelling Units—Detached New Construction – outside USL</u>	-	-	-	-	-	-	-	-	-
	<u>Accessory dwelling units – New Construction above a garage – outside USL</u> <u>Reduced setbacks</u> <u>OR</u> <u>Standard Setbacks</u>	-	<u>5</u> <u>OR</u> *	<u>5</u> <u>OR</u> *	-	<u>19</u> <u>OR</u> *	-	<u>2</u> <u>OR</u> *	-	-
	<u>Accessory dwelling units – New Construction above a garage – inside USL</u>	-	<u>5</u>	<u>5</u>	-	<u>19</u>	-	<u>2</u>	-	-
	<u>Accessory dwelling units - Conversions</u>	†	†	†	†	†	†	†	†	†

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR 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 SCCC and SCCC 13.10.681 and 13.10.685.

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

** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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 historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC 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.

† See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.

Attachment: 5) Proposed County Code/LCP LUP amendments (strikeout/underline) (3210 : Public Hearing ADU Ordinance)

13.10.418 Use and development standards in the "D" Designated Park Site Combining District.

(A)

- (1) A building permit for a new single-family dwelling or a new construction or conversion second accessory dwelling unit;
- (2) A coastal development permit for a new single-family dwelling or a new construction or conversion second accessory dwelling unit;

13.10.552 Schedule of off-street parking space requirements.

(A) Off-street parking spaces for residential uses shall be provided according to the type and size of residence as described below:

- (7) second Accessory dwelling units. One parking space is required for each bedroom in a second unit, unless the ADU meets the definition of Conversion ADU under 13.10.681(B)(2) or otherwise exempted under 13.10.681 (F)2.

13.10.681 Second Accessory Dwelling units.

(A) Purpose. The purpose of this section is to provide for and regulate second accessory dwelling units in order to provide needed housing for County residents and to further the housing goals of the housing element of the County General Plan.

(B) Definitions. For the purposes of this section, terms shall be defined as follows:

- (1) "New Construction ADU" shall mean any ADU that does not meet the definition of Conversion ADU.
- (2) "Conversion ADU" shall mean the conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 "R", and any conversion that exceeds that limit, or otherwise does not comply with subsection (E) of this section, shall be considered a New Construction ADU for the purposes of this section.

These definitions were made necessary by CA Gov't Code Section 65852.2 (e), which reads in part: *"a local agency shall ministerially approve...within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure..."* Conversions of accessory structures are limited to structures built prior to January 1, 2017 in order to avoid the situation of new accessory structures being constructed and then converted to ADUs under the more lenient conversion rules.

(BC) Application Processing. ~~Second~~All accessory dwelling units shall be processed in accordance with this section and the requirements of Government Code Section 65852.2 and, for those ~~second accessory dwelling~~ units located within the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. A building permit only, and no public notice or hearing, shall be required for a new construction or conversion or construction development of an second accessory dwelling unit within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District, unless the ~~second accessory dwelling~~ unit is located in an area, or is a part of a larger project, that requires a public hearing discretionary development permit, or if a variance is requested. Pursuant to Government Code Section 65852.2 applications for ADUs within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District shall be approved or denied ministerially within 120 days of submission of a complete application. All applications for ~~second accessory dwelling~~ units in the Commercial Agricultural Zone District outside the Coastal Zone shall be subject to review by the Agricultural Policy Advisory Commission.

~~Second~~Accessory dwelling units are subject to the following processes:

- (1) Outside the Coastal Zone: Building permit issuance.
- (2) Inside the Coastal Zone (nonappealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:

The legislative amendments to state law specifically maintain the integrity and authority of the Coastal Act, and therefore the requirements for a Coastal Development Permit for ADUs inside the Coastal Zone will remain unchanged.

- (a) Within 10 calendar days of accepting an application for a nonappealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

- (i) A statement that the development is within the Coastal Zone;
 - (ii) The date of filing of the application and the name of the applicant;
 - (iii) The number assigned to the application;
 - (iv) A description of development and its proposed location;
 - (v) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
 - (vi) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.
- (3) Inside the Coastal Zone (appealable area): Issuance of a combined coastal development and building permit, subject to the following noticing requirements:

(a) Within 10 calendar days of accepting an application for an appealable coastal development permit, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:

- (i) Statement that the development is within the Coastal Zone;
- (ii) The date of filing of the application and the name of the applicant;
- (iii) The number assigned to the application;
- (iv) A description of the development and its proposed location;

(v) A brief description of the general procedure concerning the conduct of local actions;

(vi) The system for Coastal Commission appeals.

(b) Notice After Final Local Decision. Within seven calendar days of approval of the coastal development and building permit, the County shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

(c) The County shall include notice on the coastal development and building permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.

(GD) Requirements for New Construction ADUs. Before a permit for a New Construction ADU or expansion of an existing structure for use as an second accessory dwelling unit can be granted, the following requirements shall be met:

(1) Location-Zoning. The second accessory dwelling unit shall be located on a residentially zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed second accessory dwelling unit. An second accessory dwelling unit may be located on agriculturally zoned land outside the Coastal Zone or on a parcel designated for agricultural use in the General Plan outside the Coastal Zone;

~~(2) Parcel Size. The size of the parcel, if located within the urban services line, is no smaller than that required by the minimum lot size standards of the~~

Removes reference to minimum site area required by the zone district allowing ADUs on all residential parcels subject to a new limit on size, described in detail in section 13.10.681(F)(1). Also removes reference to minimum one acre in compliance with Government Code Section 65852.2(a)(1)(D), as explained in the text box following 13.10.681(F)(1)

~~respective zoning district. The size of the parcel, if located outside the urban services line, is at least one acre in area, unless the parcel is served by public sewer. Parcels outside of the urban services line (USL) with public sewer service shall meet the requirements of subsection (D)(2) of this section;~~

(32) Development Standards. All development standards for the applicable agricultural or residential zone district shall be satisfied; and the development shall be consistent with all County policies and ordinances, except that regardless of any other zone district standards, the following provisions shall apply to New Construction ADUs:

(a) An ADU that is built on the second floor over an existing detached or new detached garage shall be permitted to maintain minimum side and rear setbacks of 5 feet, and shall be no greater than 19' in height. All doors, windows, decks, balconies and exterior stairways shall be oriented toward the front or interior of the lot unless standard setbacks for the zone district are met.

(b) Inside the Urban Services Line, a detached, New Construction ADU shall be no greater than 13' in height.

(c) ADUs that are attached to the primary dwelling on the property shall be subject to the standards that are otherwise applicable to the primary dwelling based on the zone district including height, stories, setbacks, lot coverage, and FAR.

(43) Design. The design, materials and color of the New Construction second accessory dwelling unit shall be compatible with that of the main dwelling and ~~The design of the second unit is shall be~~ consistent with the design and development standards and guidelines set forth in subsection (D6) of this section; and

(54) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer~~Chapters 7.38, 7.71 and 7.73 SCCC~~; and

(65) In the Coastal Zone, ~~at the findings for development permits set forth in SCCC 18.10.230(A), and the coastal development permit findings of SCCC 13.20.110 must be made~~ is required pursuant to the requirements of SCCC 13.20.

The findings from 18.10 are not consistent with a ministerial review process required by the state law. A Coastal Development Permit will still be required, pursuant to the Coastal Act.

(D6) ~~Design and Development Standards.~~ The following standards shall be applied to every ~~second~~accessory dwelling unit not defined as a Conversion ADU, and shall be conditions for any approval under this section:

(4a) Location of ~~Second~~Accessory Dwelling Unit. The ~~second~~accessory dwelling unit may be either attached to the main dwelling or may be detached from it. Inside the urban services line, no ~~second~~accessory dwelling unit shall be located more than 100 feet from the main dwelling or be accessed by a separate driveway or right-of-way, unless a variance is obtained to allow a greater distance. Outside the Coastal Zone, on land designated agriculture by the General Plan, the ~~second~~accessory dwelling unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.

(3b) Lot Coverage and Floor Area Ratio. No ~~second~~accessory dwelling unit shall be allowed which would, when combined with existing lot coverage and gross floor area, exceed the allowable lot coverage or the allowable floor area ratio for the parcel.

(4c) Site Standards. All site standards of the zoning district in which the ~~second~~accessory dwelling unit is proposed shall be met, unless expressly superseded by SCCC subsection 13.10.681(D)(2). ~~Within the urban services~~

~~line, second units exceeding 17 feet in height or one story may be constructed if a Level V development permit is obtained, pursuant to Chapter 18.10 SCCC. Outside the Coastal Zone, on land zoned or designated agricultural, all setbacks of the agricultural zone districts shall be met and all second accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F), as determined by the Agricultural Policy Advisory Commission, if applicable.~~

The State Law removes the authority for local jurisdictions to require any discretionary review for ADU permits on residentially zoned parcels. Section 65852.2(b) states, in part: "...the local agency shall accept the [adu building permit] application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a)..."

(E) Requirements for Conversion ADUs. Where an accessory dwelling unit is proposed as a Conversion ADU (as defined in 13.10.681(B)(2)), the following requirements shall be met:

(1) Zoning. The ADU shall be located on a parcel within any residential zone district or on land designated residential in the General Plan, or outside the Coastal Zone within the Agriculture Zone District, which contains an existing single family home.

(2) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall meet applicable requirements of the Environmental Health Officer.

(3) In the Coastal Zone, the requirements of 13.10.681(C)(2) and (C)(3) shall apply.

(4) Design and Development standards for Conversion ADUs. The following standards shall be applied to every accessory dwelling unit converted from part of an existing single-family home or existing accessory structure, and shall be conditions for any approval under this section:

(a) The ADU shall have an exterior entrance that is independent of the existing single-family dwelling.

(b) The ADU shall meet setbacks sufficient for fire safety in conformance with the Building Code (SCCC Chapter 12.10) and Fire Code (SCCC Chapter 7.92).

(c) If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section.

(d) Conversion for use as an ADU shall include construction which occupies the same footprint and vertical space as the existing structure upon completion. No additional square footage is permitted by this section, however added square footage may be considered under 13.10.681(D) Requirements for new construction.

(e) The ADU shall comply with all applicable provisions of SCCC Chapter 12.10 and 7.92, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.

(FG) Site standards. For both New Construction ADUs and Conversion ADUs the following site standards apply.

(21) Size of ~~Second~~ Accessory Dwelling Unit. Inside the Urban Services Line, ~~the~~ total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an accessory dwelling unit ~~second unit~~ shall not exceed 640 square feet. In addition, on parcels that do not meet the net site area required by the applicable zone district, the total gross floor area of the habitable portion of an accessory dwelling unit shall not exceed 10% of the net site area, except in the case of a conversion ADU created within an existing single family dwelling, in which case the size may be up to 50% of the square footage of the existing dwelling, up to a maximum of 640 square feet. Outside the Urban Services Line, the total gross floor area of the habitable portion of an accessory dwelling unit relates to parcel size as described in the following table:

Parcel	Outside the USL			Inside the USL	
	<10,000	10,000 sq. ft. to <	2.5 acres	Meets zone district	Below zone district

<u>size</u>	<u>sq. ft.</u>	<u>2.5 acres</u>	<u>or larger</u>	<u>minimum lot size</u>	<u>minimum lot size</u>
<u>Size of ADU</u>	<u>640 sq. ft.</u>	<u>800 sq. ft.</u>	<u>1,200 sq. ft.</u>	<u>640 sq. ft.</u>	<u>10% of net site area; or (for attached conversions) 50% of existing SFD, whichever is greater; up to max of 640 sq ft.</u>

Government Code section 65852.2(a)(1)(D)(iv) and (v) provide that an ADU may not exceed 1200 SF of floor area/floorspace.

~~Maximum Gross Floor Area Within the Urban Services Line (USL)~~

Type of Sewer Service	Parcel Size	
	<10,000 sq. ft.⁽¹⁾	10,000 sq. ft. or Larger⁽¹⁾
With public sewer	640 sq. ft.	640 sq. ft.
Without public sewer	Not allowed	640 sq. ft. maximum (must meet requirements of Chapter 7.38SCCG)

~~(1) The size of the parcel must be no smaller than that required by the minimum lot size standards of the zoning district.~~

~~Maximum Gross Floor Area Outside of the Urban Services Line (USL)~~

Type of Sewer Service	Parcel Size			
	< 10,000 sq. ft.	10,000 sq. ft. to < 1 acre	1 acre or larger to < 2.5 acres	2.5 acres or larger
With Public Sewer	640 sq. ft.	800 sq. ft.	800 sq. ft.	1,200 sq. ft.
Without Public Sewer	Not allowed	Not allowed	800 sq. ft.	1,200 sq. ft.

Section 65852.2(a)1(D) lists the requirements with which ADUs must comply, and the authority granted to local jurisdictions in this section regarding septic systems is only that we may require *"(ix) Approval by the local health officer where a private sewage disposal system is being used, if required."* The chart is being deleted because the County no longer has authority to prohibit ADUs based on the presence of a private sewage system.

(52) Parking. Off-street parking shall be provided to meet the requirements of SCCC 13.10.550 for the main dwelling and one additional space for each bedroom in the ~~second~~ accessory dwelling unit, and may be provided as double or triple tandem parking. Where parking permits are required for on-street parking year-round, permits shall be offered to the occupants of the ADU. Required parking shall not apply under the circumstances described below, and no parking shall be required for the ADU under these circumstances:

(a) The accessory dwelling unit is located within the USL or RSL and within one-half mile of public transit stop with minimum 30-minute headways.

State law section 65852.2 (d)(1), states that *"...a local agency...shall not impose parking standards for an accessory dwelling unit [when] ...the accessory dwelling unit is located within one-half mile of public transit."* Staff believes that defining the phrase "within one half mile of transit" to refer to transit stops along bus lines that run in thirty minute intervals in the USL and RSL, where there is pedestrian infrastructure and on street parking, meets the intent of the regulation. Rural areas that have qualifying bus routes frequently lack safe pedestrian access to the bus route and on street parking and are therefore not included.

(b) The accessory dwelling unit is located within a designated architecturally and historically significant historic district.

(c) The accessory dwelling unit is a conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage.

(e) When there is a dedicated parking space reserved for a publicly-available car share vehicle located within one block of the accessory dwelling unit. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.

All the exemptions from parking requirements are expressly required by Government Code Section 65852.2(d).

~~(6) Design. The design, materials and color of the second unit shall be compatible with that of the main dwelling.~~

(73) Other Accessory Uses. Not more than one ~~second~~accessory dwelling unit shall be constructed on any one parcel. An ~~second~~accessory dwelling unit and agricultural caretakers' quarters, except farmworker housing on agricultural parcels greater than 10 acres outside the Coastal Zone, shall not be permitted on the same parcel. Habitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC13.10.611.

(84) Service Requirements. ~~Written acknowledgements shall be provided from the applicable sanitation, water, and fire districts and/or Environmental Health Services indicating that there will be adequate water, sanitation and fire protection services to the project site with the inclusion of a second unit.~~ All requirements of the respective service agencies shall be satisfied, except that in no case shall fire sprinklers be required for the ADU where they are not also required for the primary dwelling. Where the addition of 50% or more of the habitable square footage of an existing dwelling for the creation of an attached New Construction ADU triggers the fire code requirement for retrofitting sprinklers into existing construction, both the existing dwelling and the ADU shall comply with all sections of the California Fire Code as codified in SCCC 7.92.

Will-serve letters are required by some, but not all of the special districts serving the unincorporated County. Removing the requirement allows the various policies and practices of each agency to govern.

(95) Fees. Prior to the issuance of a building permit for the ~~second~~accessory dwelling unit, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department's fee schedule as may be amended from time to time, and any other applicable fees.

(EG) Occupancy Standards. The following occupancy standards shall be applied to every ~~second~~accessory dwelling unit and shall be conditions for any approval under this section:

(1) Occupancy Restrictions. The maximum occupancy of a ~~second~~accessory dwelling unit may not exceed that allowed by the State Uniform Housing Code, or other applicable State law, based on the unit size and number of bedrooms in the unit.

(2) Owner Residency. Unless owned by a public agency, the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of residence, in either the main dwelling or the ~~second~~accessory dwelling unit. If the ~~second~~accessory dwelling unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the ~~second~~accessory dwelling unit, shall be required to submit a property tax exemption prior to occupancy of the ~~second~~accessory dwelling unit, and shall be subject to the deed restriction noted in subsection (E)(5) of this section.

(3) Sale. The ADU is not intended for sale separate from the primary residence and may be rented for periods of 30 days or more.

(4) Vacation Rental Use. In no case shall a vacation rental be permitted in an ADU, per SCCC 13.10.694(B).

(35) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a declaration of restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:

- (a) The property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence, in either the main dwelling or the ~~second~~accessory dwelling unit, unless owned by a public agency that is providing housing for special populations, in which case the declaration of restrictions shall indicate that any subsequent nonpublic agency owner shall abide by the terms of this subsection and subsection (E)(2) of this section.
- (b) The declaration is binding upon all successors in interest.
- (c) The declaration shall include a provision for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(FH) Permit Allocations. Each ~~second~~accessory dwelling unit ~~may be~~ are is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

(GI) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the ~~second~~accessory dwelling unit ordinance. The annual analysis shall include the number of ~~second~~accessory dwelling units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. The cumulative impact issue areas to be covered include, but are not limited to, traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource. [Ord. 5182 § 10, 2014; Ord. 5079 § 1, 2010; Ord. 4921 §§ 15—18, 2008; Ord. 4779 § 1, 2004; Ord. 4751 §§ 1—3, 2003; Ord. 4727 §§ 1—3, 2003; Ord. 4659 § 2, 2002; Ord. 4495 § 7, 1998; Ord. 4457-A § 4, 1997; Ord. 4324A § 5, 1994; Ord. 4282 § 5, 1993; Ord. 3996 § 2, 1989; Ord. 3500 § 1, 1984; Ord. 3432 § 1, 1983].

13.10.700-A "A" definitions.

"Accessory Dwelling Unit" means, in compliance with California Government Code Sections 65852 and 65853, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same

parcel as the single-family dwelling is situated. See also Conversion ADU and New Construction ADU.

13.10.700-C "C" definitions.

"Conversion ADU" shall mean the conversion of any portion of an accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating a new accessory dwelling unit. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in 13.10.700 "R", and any conversion that exceeds that limit, or otherwise does not comply with SCCC 13.10.681(E), shall be considered a New Construction ADU.

13.10.700-N "N" definitions.

"New Construction ADU" shall mean any ADU that does not meet the definition of Conversion ADU.

13.10.700-S "S" definitions.

"Second unit" – see definition for Accessory Dwelling Unit. means a structure for human habitation, subject to the requirements of SCCC 13.10.681 and limited in size to 640 gross square feet within the urban services line (USL) and up to 1,200 square feet outside the USL, providing complete independent living facilities, including permanent provision for living, sleeping, eating, cooking and sanitation, with the restriction that only one kitchen is allowed.

13.20.107 Coastal development permit review of second accessory dwelling units (nonappealable).

Any proposed ~~second~~ accessory dwelling unit located within the Coastal Zone but located outside of the appealable area, as described in SCCC 13.20.040, that does not qualify for a coastal development permit exclusion or exemption shall require a coastal development permit, requiring no public hearing, processed concurrently with a Building Permit, subject to the following noticing requirements:

(A) Within 10 calendar days of accepting an application for a nonappealable coastal development permit for a proposed ~~second~~ accessory dwelling unit, the County shall provide, by first class mail, a notice of pending permit decision action. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and occupants within 100 feet (not including roads) of the perimeter of the

parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

13.20.108 Coastal development permit review of ~~second~~ accessory dwelling units (appealable).

All proposed ~~second~~ accessory dwelling units located within the Coastal Zone and located within an appealable area as described in SCCC 13.20.040, or otherwise appealable, shall require a coastal development permit, requiring no public hearing, processed concurrently with a building permit, subject to the following noticing requirements:

14.01.107 Applicability.

This chapter shall apply to all subdivisions of land in the unincorporated area of the County of Santa Cruz subject to the following exemptions:

(D) Financing or leasing of ~~second~~ accessory dwelling units pursuant to the provisions of SCCC 13.10.681. This chapter shall apply to the sale or transfer of such ~~second~~ accessory dwelling units. [Ord. 3912 § 2, 1988].

18.10.140 Conformity with the General Plan and other legal requirements.

(B) All proposals for residential development of property within the urban services line, except for ~~second~~ accessory dwelling units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the development review group (see SCCC 18.10.210(C)(1)). Following completion of the development review group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within 45 days from the date of application, and shall be considered by the Board of Supervisors at a public hearing

within 60 days from the date of the DRG meeting. [Ord. 4671 § 3, 2002; Ord. 4044 § 2, 1990].

Strikeout/Underline
12/22/16

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COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

December 1, 2016

AGENDA: December 14, 2016
Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: PROPOSED AMENDMENTS TO COUNTY GENERAL PLAN /LOCAL COASTAL PLAN AND COUNTY CODE CHAPTERS 12.02, 13.10, 13.20, 14.01, AND 18.10, TO IMPLEMENT RECENT CHANGES IN STATE LAW REGULATING ACCESSORY DWELLING UNITS (ADUS), THESE INCLUDE COASTAL IMPLEMENTING ORDINANCES.

Members of the Planning Commission:

Following the 2015/2016 legislative session Governor Brown signed two bills that affect how local jurisdictions may review, condition, and exercise discretion on applications to construct accessory dwelling units (AB2299, AB2406). The new regulations, which are intended to make it easier to build ADUs and therefore to partially address the critical need for housing, become effective January 1, 2017. Local entities are required to begin implementing the new regulations on that date. While the ordinance amendments being proposed today will not be in effect by January 1, largely because changes to these ordinances require approval from the Coastal Commission, staff is working to ensure we have a compliant ordinance in place at the earliest possible time.

The main challenge during the period between January 1 and the time the County Code and General Plan reflect the revisions will be keeping the public informed of the regulations that apply to ADUs. The Department will make every effort to keep this interim period short and to provide assistance to potential ADU applicants.

BACKGROUND

ADUs have the potential to be an important source of small unit housing. The Housing Element of the General Plan anticipates the rate of construction of ADUs will increase to between 30 and 40 units per year during the Housing Element period 2015-2023. As part of the effort to facilitate construction of ADUs, the County partnered with the Housing Authority of Santa Cruz County for a review of ADU policy and regulations. Land use planning consultants Dyett & Bhatia were hired to study the current ADU regulations, understand the role of ADUs in the market, and lead a public process to create new standards and financial tools to help applicants construct ADUs. This process was underway when the state legislation was signed by the Governor at the end of September 2016. Most of the regulatory changes that were discussed by the Board of Supervisors and which were contemplated at the start of the County's ADU policy review have been accomplished by the new State laws, and are the topic of your Commission's discussion today. Any further refinements of regulations, as well as supportive design and financing tools that will result from Dyett and Bhatia's work, are expected to be brought to your Commission in 2017. The most recent statistics indicate that only about 18 ADUs will have been permitted in 2016, which illustrates the continuing need for the County to better understand the obstacles to building ADUs in appropriate areas and to develop a comprehensive program to assist property owners where needed.

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SUMMARY OF STATE LAW

California Government Code Sections 65852.1 and 65852.2 provide enabling legislation for local ADU regulations and zoning standards. These sections were significantly modified by two bills this fall, AB2299 and SB1069 (Exhibits G and H), which facilitate ADUs in residential zone districts by removing local authority to require discretionary approvals of any kind, removing the ability for local jurisdictions to require parking in certain circumstances, and creating a category for ADUs that are created by converting existing structures, "conversion ADUs", for which the regulations are more permissive than for new ADUs.

The State law lays out minimum criteria for ADUs, which must be adopted by local agencies that choose to have an ADU ordinance. Local jurisdictions must develop ministerial processes to review these applications on residentially zoned parcels and must approve applications that meet the criteria. Highlights of the State law include:

- ADU building permits must be reviewed within 120 days;
- Discretionary permits, except for Coastal Permits, may no longer be required;
- New concessions on setbacks and site standards are mandated for the conversion of existing garages and existing accessory structures to ADUs, and a building permit application to convert a portion of an existing home or existing accessory building, regardless of other zoning standards, must be approved;
- Parking requirements are eliminated for conversion ADUs, for ADUs within half a mile of transit, and in certain other less common circumstances;
- Fire sprinklers shall not be required in an ADU when sprinklers are not required in the primary residence.

PROPOSED ORDINANCE AMENDMENTS

State law gives local agencies the authority to impose standards including, but not limited to, parking, height, setback, lot coverage, landscape, and maximum size of a unit. The law also allows jurisdictions to have an ordinance that is different from the State regulations as long as certain regulations are included in the ordinance and any other local regulations are less restrictive of ADUs (CA Government Code Section 65852.2(g)). Where current County standards comply or do not conflict with State law they have been maintained. Where there are conflicts between existing standards and State law, standards are proposed to be modified or eliminated. Where interpretation of the State law is required because the law is not sufficiently explicit or it does not take local circumstances into account, staff has developed, in consultation with County Counsel, proposed regulations that meet the intent of the State law while also addressing our local circumstances. Proposed ordinance amendments include the following:

- State law establishes a maximum size of 50% of the primary dwelling, up to 1200 sf. for an attached ADU and 1200 sf. for a detached ADU. The County ordinance makes no distinction between attached and detached, and preserves our existing size standards which limit ADUs up to 640 sf. in the urban area and up to 1200 sf. outside the USL and commensurate with parcel size.
- A Ministerial review process is required for all ADU building permits applications on residentially zoned parcels, therefore discretionary review of ADUs that exceed 17 feet height or one story has been eliminated.
- State law states that no parking is required for ADUs "within one half mile of public transit" but does not define the term "public transit" (CA Government Code Section 65852.2(d)(1)). Recognizing that good access to transit decreases the need for parking, "public transit" is proposed to mean a public transit stop in the Urban Services Line or Rural Services Line that is served by a bus at least every 30 minutes. The proposed amendments do not include 30 minute transit stops in the rural area because sidewalks and pedestrian safety infrastructure connecting homes to bus stops are frequently lacking within one half mile of bus routes, and on-street parking is not often available on narrow rural roads.
- State law allows conversion of existing structures to ADUs in single family zone districts without regard to on site parking, height, setbacks, lot coverage, architectural review, or maximum size, among other standards, and therefore is very permissive (CA Government Code Section 65852.2(e)). The proposed

County ordinance limits the maximum size for a conversion ADU consistent with the maximum size allowed for a new ADU in the same circumstances, as we believe there is a justifiable public interest in maintaining such a limit, and that it meets the legislative intent of the State.

- The proposed ordinance would allow an ADU on a parcel that is smaller than the minimum size parcel for the zoning district, when the ADU is limited in size to 10% of the parcel size up to a maximum of 640 sf. This is similar to the parcel size thresholds used by other jurisdictions to allow smaller ADUs on parcels that do not meet the zone district size standard.
- Under the amended State law, the authority local agencies have to regulate ADU permits based on septic sewage disposal systems is limited to requiring applications on parcels served by septic systems to receive approval by the local health officer (CA Government Code 65852.2(a)(1)(D)(ix)). Approval of a septic system by the Environmental Health Department is based on technical standards that are independent of lot size. Therefore, current regulations which differentiate between lots that are served by public sewer and those that are not, and which do not allow ADUs to be constructed on lots with septic systems that do not meet a minimum parcel size, do not comply with the statute and are proposed to be deleted.

The strikeout and underline version of the ordinance in Exhibit C shows all proposed ordinance amendments and includes explanatory text boxes that provide more detail for certain proposed changes.

PROPOSED GENERAL PLAN AMENDMENTS

Among other changes created by the State law, the County is now obligated to permit an ADU on any parcel with a single-family home in a single family or multi-family zone district, and the County's current ordinance also allows ADUs on parcels designated as residential in the General Plan which contain a single family dwelling. Three policies in the County's General Plan, policies 5.4, 5.5 and 5.16, conflict with that principle by requiring a minimum parcel size for any "development" in water quality constraint, water quality supply, and septic constraint areas, respectively. Adding a phrase to indicate that no development is allowed except for a single ADU where there is already an existing single family dwelling, will create compliance with State law. Water quality will continue to be protected because any new or expanded septic system must meet standards and be approved by Environmental Health Services. The amendments are worded to ensure that property that is not currently developable under the County Code remains undevelopable. Exhibit E is a strikethrough/underline version of the proposed amendments.

COMPLIANCE WITH THE CALIFORNIA COASTAL ACT

The ordinance amendments maintain the integrity of the Coastal Development regulations in that a Coastal Development Permit (CDP) continues to be required for any ADU located within the Coastal Zone. Nothing in the proposed ordinance changes the process for acquiring a CDP for an ADU in the Coastal Zone or the findings that must be made to approve such a permit.

CEQA REVIEW

This project is exempt from CEQA under section 21080.17 of the California Public Resources Code. That section exempts the adoption of an ordinance regarding second units by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. See Attachment B, the CEQA Notice of Exemption.

CONCLUSION

The proposed ordinance amendments will bring the Santa Cruz County Accessory Dwelling Unit ordinance into compliance with recently adopted State law. The legislature's intent was to increase the availability of housing throughout the state by creating units within existing developed single-family and multi-family areas. While there are a few key points where interpretations may vary among local agencies, the overall effect state wide will be to allow greater numbers of ADUs to be constructed. If the County's comprehensive review of ADU related policies and regulations, which was ongoing when the State law was amended, identifies that further refinements are necessary to encourage ADUs in appropriate locations, those proposals will be brought to your Commission for consideration in the future.

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RECOMMENDATION

It is therefore RECOMMENDED that your Commission:

1. Hold a public hearing and consider public testimony on proposed General Plan/LCP and ordinance amendments;
2. Adopt the attached Resolution recommending that the Board of Supervisors adopt the General Plan/LCP and ordinance amendments.

Exhibits:

- A. Planning Commission Resolution
- B. Proposed CEQA Notice of Exemption
- C. Proposed Accessory Dwelling Unit Ordinance, Strikeout/Underline
- D. Proposed Accessory Dwelling Unit Ordinance, Clean
- E. Proposed amendments to the General Plan, Strikeout/Underline
- F. Proposed amendments to the General Plan, Clean
- G. CA State Assembly Bill 2299, 2015/16
- H. CA State Senate Bill 1069, 2015/16

EXHIBIT G

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California

LEGISLATIVE INFORMATION

AB-2299 Land use: housing: 2nd units. (2015-2016)

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) Any local agency may, by ordinance, provide for the creation of ~~second-~~ accessory dwelling units in single-family and multifamily residential areas. The ordinance ~~may shall~~ do any all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ accessory dwelling units on traffic flow: flow and public safety.

(B) Impose standards on ~~second-~~ accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

~~(C)~~ (D) Provide that ~~second-~~ accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second-~~ accessory dwelling unit is located, and that ~~second-~~ accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(E) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not

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feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units permits, within 120 days after receiving the application.~~ A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second~~ accessory dwelling units.

~~(b) (4) (1) Any~~ When existing ordinance governing the creation of accessory dwelling units by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1993, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single family or multifamily use.

(C) The lot contains an existing single family dwelling.

(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

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~~(3)~~ (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed ~~second- accessory dwelling~~ units on lots zoned for residential use which ~~that~~ contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision ~~or subdivision (a)~~, subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

~~(4)~~ (7) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second- accessory dwelling~~ units if these provisions are consistent with the limitations of this subdivision.

~~(5)~~ (8) ~~A second unit which conforms to the requirements of~~ An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which ~~that~~ is consistent with the existing general plan and zoning designations for the lot. The ~~second- accessory dwelling~~ units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e)~~ (b) ~~No~~ When a local agency ~~shall accept or deny an application for a permit to construct a second unit within a single-family or multifamily zoned area unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.~~ that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

~~(d)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second- accessory dwelling~~ units. No minimum or maximum size for a ~~second- accessory dwelling~~ unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which ~~that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards.

~~(e)~~ Parking requirements for ~~second units~~ shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the ~~second unit~~ and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

~~(f)~~ (d) Fees charged for the construction of ~~second- accessory dwelling~~ units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

~~(g)~~ (e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units~~; accessory dwelling units, provided those requirements comply with subdivision (a).

~~(h)~~ (f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

~~(i)~~ (g) As used in this section, the following terms mean:

(1) "Living area," area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~Second-~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(C) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(f) (h) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-~~ accessory dwelling units in single-family and multifamily residential areas. The ordinance ~~may shall~~ do any all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ accessory dwelling units on traffic ~~flow~~: flow and public safety.

(B) (i) Impose standards on ~~second-~~ accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-~~ accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second-~~ accessory dwelling unit is located, and that ~~second-~~ accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Within 120 days after receiving the application, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~ A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units, an accessory dwelling unit.

~~(b) (4) (1) An existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is~~

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located.

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots a proposed accessory dwelling unit on a lot zoned for residential use which contain that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant owner-occupant or that the property be used for rentals of terms longer than 30 days.~~

~~(4) (7) It is the intent of the legislature that local agencies be encouraged to implement this subdivision. Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.~~

~~(5) (8) A second unit which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which that is consistent with the existing general plan and zoning designations for the lot. The second units accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~

~~(e) (b) No When a local agency shall adopt an ordinance which totally precludes second units within single family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(d) (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached second accessory dwelling units. No minimum or maximum size for a second an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:~~

- ~~(1) The accessory dwelling unit is located within one-half mile of public transit.~~
- ~~(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~
- ~~(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.~~
- ~~(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~
- ~~(5) When there is a car share vehicle located within one block of the accessory dwelling unit.~~

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(e) ~~Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

(f) (1) Fees charged for the construction of ~~second-~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~ 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units~~ an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," ~~area~~ means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~Second-~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code),

except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ accessory dwelling units.

SEC. 2. *Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.*

SEC. 3. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*



California LEGISLATIVE INFORMATION

SB-1069 Land use: zoning. (2015-2016)

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) ~~Second~~ Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).
- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for ~~second-~~ accessory dwelling units based on the number of ~~second-~~ accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available for rent at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing

development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the attached housing development was deemed complete:

- (i) A general plan.
- (ii) A revision or update to the general plan that includes at least the land use and circulation elements.
- (iii) An applicable community plan.
- (iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include ~~a second- an accessory dwelling~~ unit, as defined by paragraph (4) of subdivision (h) (j) of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4. Section 65852.150 of the Government Code is amended to read:

65852.150. (a) *The Legislature finds and declares all of the following:*

(1) Accessory dwelling units are a valuable form of housing in California.

~~The (2) Legislature finds and declares that second units are a valuable form of housing in California. Second units~~ *Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create second units benefit from added income, and an increased sense of security.*

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that any second-unit ordinance an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of second- accessory dwelling units and that provisions in these ordinances this ordinance relating to matters including unit size, parking, fees fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create second- accessory dwelling units in zones in which they are authorized by local ordinance.

SEC. 5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) ~~Any A~~ *A local agency may, by ordinance, provide for the creation of second- accessory dwelling units in single-family and multifamily residential areas. The ordinance may shall do any all of the following:*

(A) Designate areas within the jurisdiction of the local agency where second- accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second- accessory dwelling units on traffic flow: flow and public safety.

(B) Impose standards on second- accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second- accessory dwelling units do not exceed the allowable density for the lot upon which the second- accessory dwelling unit is located, and that second- accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days of submittal of a complete building permit application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second~~ accessory dwelling units.

(b) (1) When a local agency ~~which that~~ has not adopted an ordinance governing ~~second~~ accessory dwelling units in accordance with subdivision (a) ~~or (c)~~ receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) ~~or (c)~~ within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ~~grant a variance or special use permit for~~ ministerially approve the creation of ~~a second~~ an accessory dwelling unit if the ~~second~~ accessory dwelling unit complies with all of the following:

(A) The unit is not intended for sale ~~separate from the primary residence~~ and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ~~second~~ accessory dwelling unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ~~second~~ accessory dwelling unit shall not exceed ~~30~~ 50 percent of the existing living ~~area~~ area, with a maximum increase in floor area of 1,200 square feet.

(F) The total area of floorspace for a detached ~~second~~ accessory dwelling unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements ~~which that~~ apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed ~~second~~ accessory dwelling units on lots zoned for residential use ~~which that~~ contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant *or that the property be used for rentals of terms longer than 30 days.*

(4) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second~~ accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(5) ~~A second unit which conforms to the requirements of~~ An accessory dwelling unit that conforms to this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is consistent with the existing general plan and zoning designations

for the lot. The ~~second- accessory dwelling~~ units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) No local agency shall adopt an ordinance which totally precludes second units within single family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single family and multifamily zoned areas justify adopting the ordinance.~~

~~(d)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second- accessory dwelling~~ units. No minimum or maximum size for a ~~second- an accessory dwelling~~ unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which that does not otherwise permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

~~(e)~~ (d) Parking requirements for ~~second- accessory dwelling~~ units shall not exceed one parking space per unit or per bedroom. Additional parking These spaces may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings, provided as tandem parking on an existing driveway.

Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. conditions. This subdivision shall not apply to a unit that is described in subdivision (e).

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

~~(f)~~ (g) (1) Fees charged for the construction of ~~second- accessory dwelling~~ units shall be determined in accordance with Chapter 5 (commencing with Section 66000) ~~66000~~ and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section

66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

~~(g)~~ (h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second-~~ accessory dwelling units.

~~(h)~~ (i) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

~~(i)~~ (j) As used in this section, the following terms mean:

(1) "Living ~~area,~~ area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~"Second-~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

~~(j)~~ (k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ accessory dwelling units.

SEC. 5.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) ~~Any A~~ A local agency may, by ordinance, provide for the creation of ~~second-~~ accessory dwelling units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do any all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ accessory dwelling units on traffic ~~flow,~~ flow and public safety.

(B) (i) Impose standards on ~~second-~~ accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-~~ accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second-~~ accessory dwelling unit is located, and that ~~second-~~ accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Notwithstanding Section 65901 or 65906, every local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall~~

~~(b) (4) (1) An existing ordinance governing the creation of an accessory dwelling unit by a local agency which is in effect on July 1, 2003, shall not be null and void upon the effective date of the act adding this paragraph. (2) (c) receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall~~

EXHIBIT H

EXHIBIT G

~~grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

~~(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.~~

~~(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots a proposed accessory dwelling unit on a lot zoned for residential use which contain that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant, owner-occupant or that the property be used for rentals of terms longer than 30 days.~~

~~(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.~~

~~(5) (8) A second unit which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which that is consistent with the existing general plan and zoning designations for the lot. The second units accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~

~~(e) (b) No When a local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(d) (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached second accessory dwelling units. No minimum or maximum size for a second an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which that does not permit at least an efficiency unit to be constructed in~~

compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) ~~Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing conditions in the neighborhood.~~ Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of ~~second~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~ 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units~~ an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~"Second-~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A-second~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ accessory dwelling units.

SEC. 6. Section 66412.2 of the Government Code is amended to read:

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or ~~second-~~ accessory dwelling units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SEC. 7. Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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

RESOLUTION NO. _____

On the motion of Commissioner:

Duly seconded by Commissioner:

The following Resolution is adopted:

**PLANNING COMMISSION RESOLUTION RECOMMENDING ADOPTION OF
PROPOSED AMENDMENTS TO THE SANTA CRUZ COUNTY GENERAL
PLAN AND TO SANTA CRUZ COUNTY CODE SECTIONS 12.02.020, 13.10.312,
13.10.322, 13.10.323, 13.20.107, 13.20.108, 13.10.418, 13.10.552, 13.10.681, 13.10.700,
14.01.107, AND 18.10.140 REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, the County of Santa Cruz has maintained an accessory dwelling unit ordinance since 1983; and

WHEREAS, the California State Legislature has approved amendments to the California Government Code which provide the enabling legislation for the local regulation of accessory dwelling units; and

WHEREAS, such amendments have been signed into law by Governor Brown and are set to take effect on January 1, 2017; and

WHEREAS, the amendments to the State law require the County to make amendments to the County Zoning Code as well as to the General Plan in order to comply; and

WHEREAS, the Planning Commission finds that the proposed ordinance and General Plan amendments satisfy the requirements of the state law; and

WHEREAS, the Planning Commission finds that the proposed amendments comply with the California Coastal Act; and

WHEREAS, the proposed substantive amendments implement Government Code Section 65852.2 and are therefore statutorily exempt from CEQA pursuant to Section 21080.17 of the Public Resources Code; and

WHEREAS, the Planning Commission has held a duly noticed public hearing to receive testimony from the public and has considered such testimony and other evidence submitted.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors confirm that a Notice of Exemption is appropriate under CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the proposed amendments to the Accessory Dwelling Unit regulations of the County General

Attachment: 7) Planning Commission Resolution (3210 : Public Hearing ADU Ordinance)

EXHIBIT G

Packet Pg. 426

Plan and the County Code as presented on this date, be adopted by the Board of Supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 14th day of December, 2016 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

McLuth
Chairperson

ATTEST: *Steven Guiney*
Secretary

APPROVED AS TO FORM:

JM Heats 12/7/16
COUNTY COUNSEL

cc: County Counsel
Planning Department

Attachment: 7) Planning Commission Resolution (3210 : Public Hearing ADU Ordinance)

EXHIBIT G

Packet Pg. 427

2320 Paul Minnie Avenue
Santa Cruz, CA 95062
January 10, 2017

Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Dear Board of Supervisors,

I'm writing you in regards to the proposed ADU Ordinance amendments before your Board in response to changes in State law. I appreciate the time constraints that the Planning Department was under to come up with these changes, and I think there are a couple more changes that should be made.

First, for the definition of "within one half mile of public transit" the proposed County definition is: "(a) The accessory dwelling unit is located within the USL or RSL and within one-half mile of public transit stop with minimum 30-minute headways." This is too vague. If it means "every 30 minutes" as the memo to your Board explains then it rules out the whole county. Busses do not run all night; they have different schedules during the school year and different schedules for different times of the day. I called the Santa Cruz Metropolitan Transit District and they informed me that some of the busses run during the mornings to do school drop-off but not in the afternoon for pick-up. Also if sometimes the bus runs one way and sometimes the other and sometimes it is another whole route that comes through the stop. This section needs to be clarified so that a normal person could go on the Metro website and check their local bus stop and tell if it applies.

Second, the purpose of this change is to add more safe and legal housing by making the legal process easier for applicants. This purpose was thwarted when the Planning Commission made the height requirements more restrictive. It should be changed back to allow better home designs and better housing.

Third, the size restrictions will be simpler and make more sense without the distinction between inside and outside the USL. For all parcels that are 10,000 sq. ft. an Accessory Dwelling Unit of 800 sq. ft. would surely be appropriate. Also, if for parcels of 2.5 acres or larger certainly 1,200 sq. ft. would also be fine. The maximum ADU size of 640 sq. ft. is not necessary for larger parcels. The "Below zone district minimum lot size" could also apply to both categories. I would also add for each category of parcel (except Below zone district) "or 50% of the existing SFD, whichever is larger." This means on a 10,000 sq. ft. parcel with a 900 sq. ft. garage the whole garage could be converted, not just a small portion of it.

Thank you for your time and consideration,



Lani Garcia

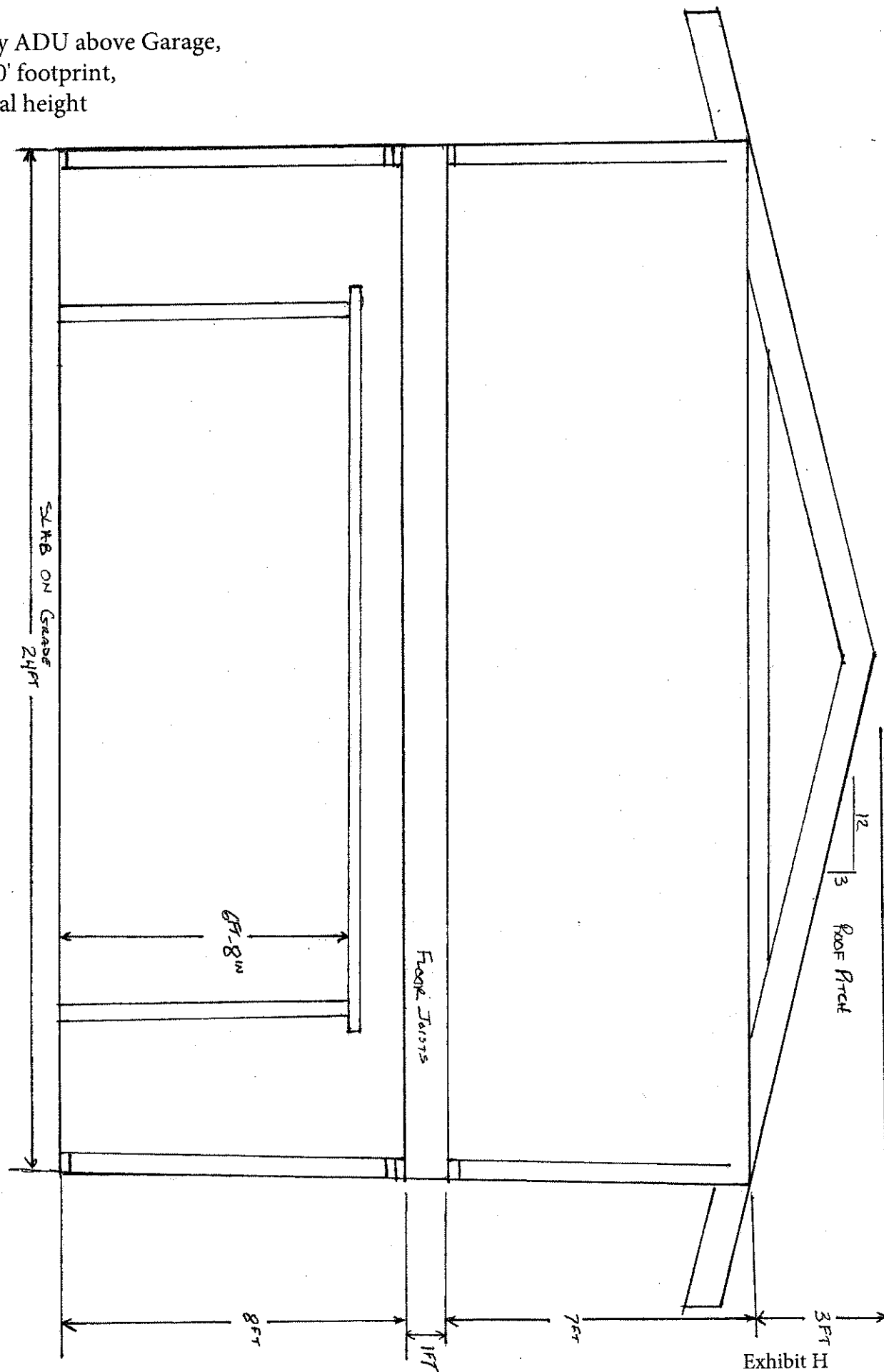
EXHIBIT G

RECEIVED
BOARD OF SUPERVISORS

JAN 01 2017
10
SANTA CRUZ COUNTY

8:40am

2-story ADU above Garage,
 24' x20' footprint,
 19' total height



2-story ADU above Garage,
24' x20' footprint,
22' total height

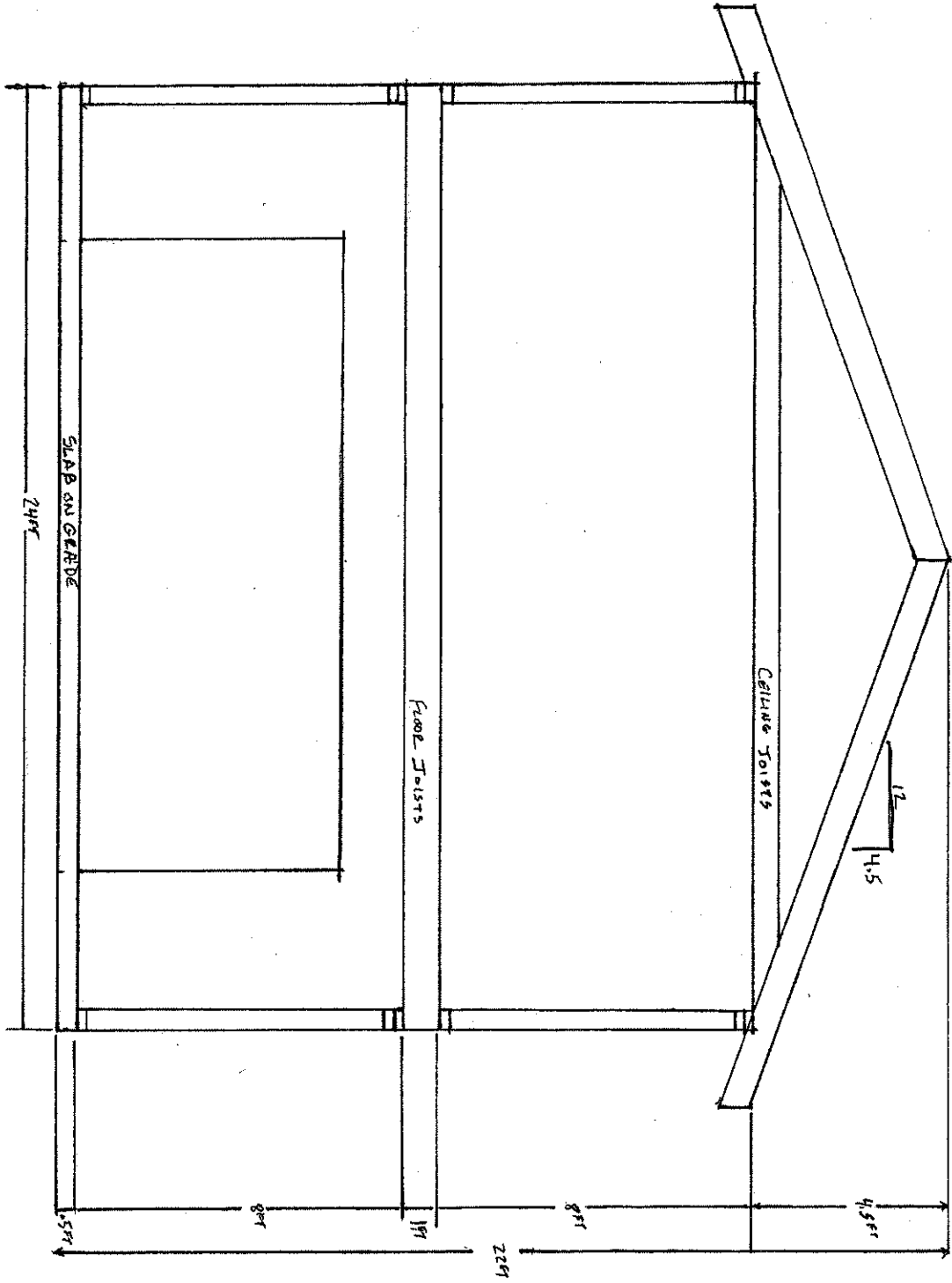
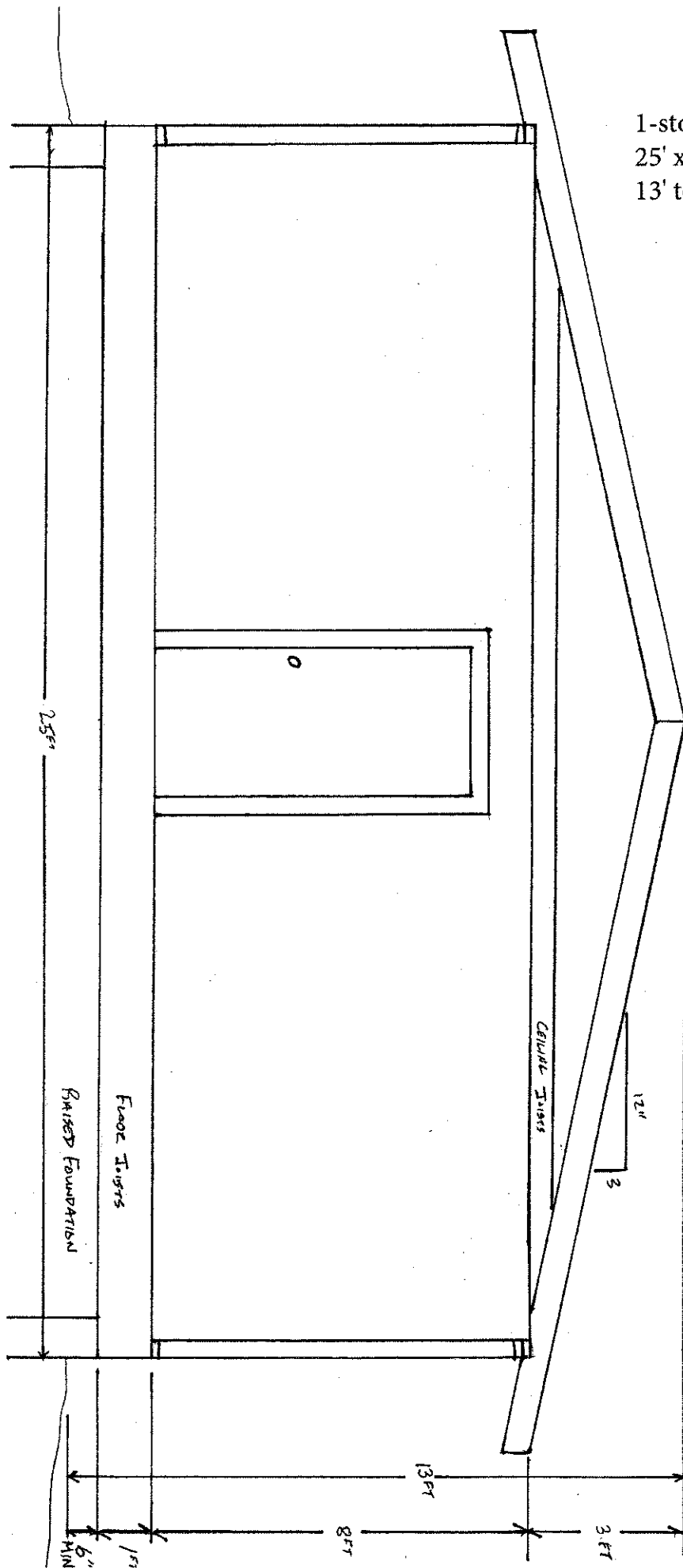
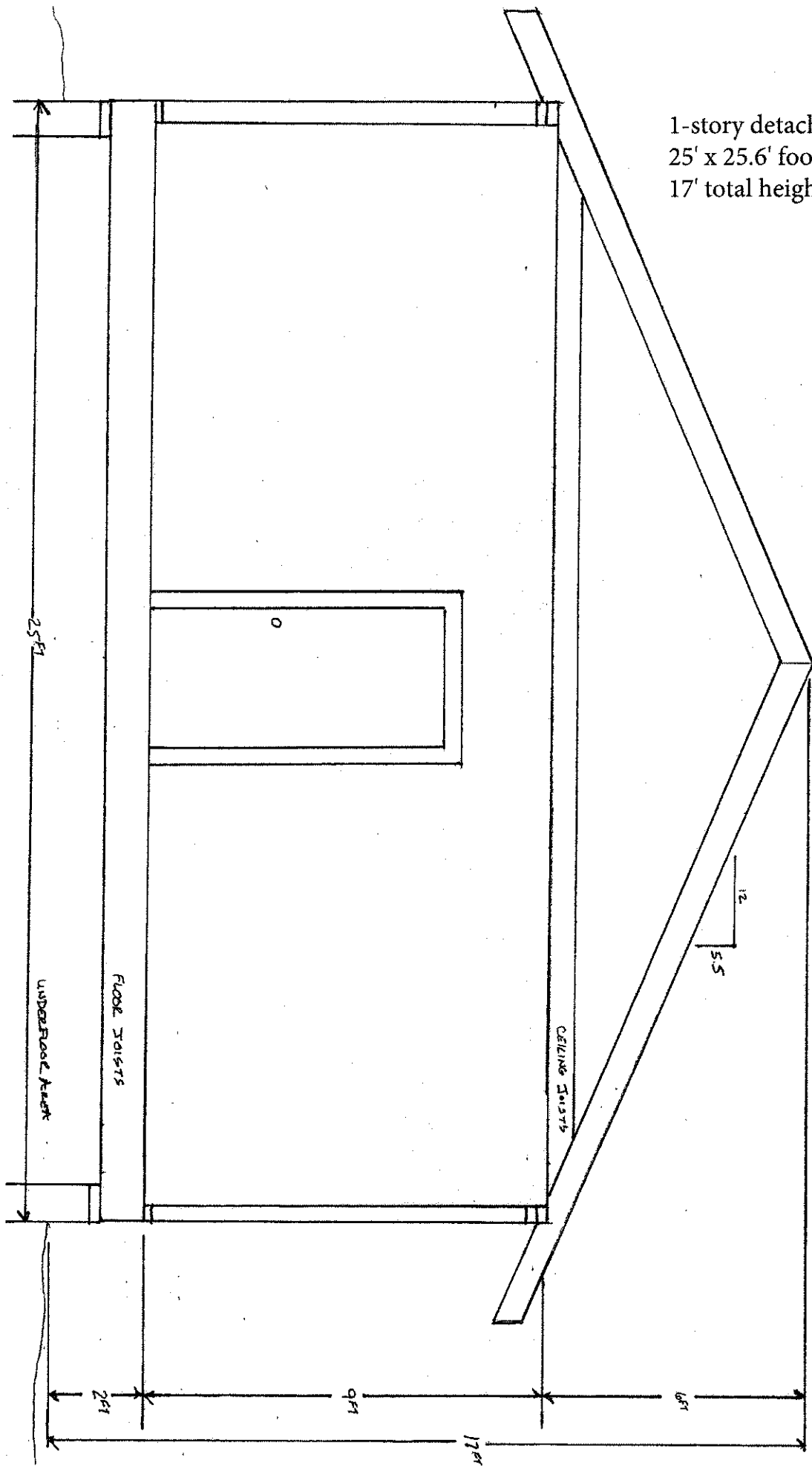


Exhibit H



1-story detached ADU,
25' x 25.6' footprint,
13' total height

Exhibit I



1-story detached ADU,
25' x 25.6' footprint,
17' total height

Exhibit I