



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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**KATHLEEN MOLLOY, PLANNING DIRECTOR**

December 31, 2019

**AGENDA DATE: January 8, 2020**

**AGENDA ITEM: 7**

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

### **SUBJECT: INFORMATIONAL REPORT ON STATE HOUSING LAWS AND IMPACTS TO LOCAL RULES AND PROCEDURES**

#### **Recommended Action:**

Accept the informational report on the Planning Department's implementation of recently enacted state housing laws.

#### **EXECUTIVE SUMMARY**

The 2019 legislative cycle produced a new package of state housing bills that aim to streamline and stimulate housing production throughout the state in response to the housing crisis. Certain new bills, along with bills from other recent legislative cycles, are directly impacting land use policy and practices in the County. This memo presents housing bills covering the topics of streamlined development review, accessory dwelling units, density bonus law, agricultural employee housing, supportive housing, large family daycare, and General Plan Housing Element requirements and annual reporting. The content of the bills is presented along with the County's implementation strategy for compliance with state law.

#### **BACKGROUND**

California is facing a housing crisis. Over time, land use practices have had the effect of limiting residential development and favoring single family housing development. Housing production has fallen short of accommodating population growth, and most of the new housing that is produced is unaffordable for existing residents. Many Californians can only afford housing located far from their jobs, and the rate of homelessness in the state has also risen considerably. State lawmakers have responded to this crisis over the past few years with bills aimed at removing barriers to housing production and encouraging the production of accessory dwelling units (ADUs) and multifamily housing close to job centers and transit. For instance, under Governor Brown, two rounds of ADU bills were passed in 2016 and 2017 that streamlined the ADU approval process and relaxed development standards for these units. In 2017, a large package of housing bills including Senate Bill (SB) 35 and others, provided state funding for housing projects, streamlined review for multifamily and mixed-use developments, strengthened the Housing Accountability Act, and required jurisdictions to identify and facilitate realistic opportunities to meet regional housing needs assessment (RHNA) requirements for housing production.

Despite passage of these housing bills, California's housing production was actually down by 20% in the first half of 2019 as compared to the first half of 2018. As a result, housing production and affordability have continued to be top priorities for Governor Newsom. The state budget signed in June made a \$1.75 billion investment in new housing and allocated \$1 billion to help cities and counties fight homelessness. The 2019 legislative cycle, which ended on October 13, produced a new package of housing bills that the Governor has signed into law. There is consensus among lawmakers that restrictive local zoning laws, expensive permits and lengthy environmental review have contributed to the housing crisis and have discouraged multifamily housing. The new housing bills therefore generally lessen local control and streamline housing project approval. These bills include SB 330 ("The Housing Crisis Act of 2019"), as well as bills regarding ADUs, farmworker housing, density bonuses, care facilities, housing data collection and reporting, protections for renters and homeowners, and property tax exemptions.

## ANALYSIS

This staff report provides the County's interpretation and implementation of recent state housing laws, specifically focusing on laws that require the County to make changes to land use policies and regulations. This analysis does not cover new state laws on other housing topics such as homelessness, landlord-tenant rules, the 2019 building code, housing finance, or other state housing programs that do not directly impact local land use regulations.<sup>1</sup> A summary table of the housing laws discussed in this analysis is provided as Exhibit A.

### Streamlined Housing Development Review

**SB 35 (Weiner).** SB 35, which went into effect January 1, 2018, modified Government Code sections 65400 and 65582.1 and added Section 65913.4 providing a streamlined review process for eligible multifamily projects in cities and counties that have not built their share of housing to accommodate the region's population growth. In unincorporated Santa Cruz County, not enough housing has been built to meet our share of regional housing needs. Therefore, projects in Santa Cruz County may be eligible for SB 35 streamlining.

Under the streamlined review process, eligible projects are routed directly to "ministerial" review (review for project compliance with the County's objective<sup>2</sup> planning and zoning standards, followed by building permit review). SB 35 projects skip both "discretionary" review (subjective project review) and environmental review under the California Environmental Quality Act (CEQA). The streamlined process also provides more flexible density and parking requirements, reduced project review timelines and extended project approval expirations.

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<sup>1</sup>A comprehensive description of all bills passed in the 2019 legislative cycle is available from the League of California Cities: <https://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Legislative-Resources/Legislative-Reports/2019-Legislative-Report>. A formal summary from the California Department of Housing and Community Development is not available at this time, but there are also many summaries of 2019 housing legislation available: <https://www.meyersnave.com/wp-content/uploads/Housing-Update-2019.pdf>  
<https://www.hklaw.com/en/insights/publications/2019/10/californias-2020-housing-laws-what-you-need-to-know>  
<https://turnercenter.berkeley.edu/blog/2019-california-housing-legislation-round-up>

<sup>2</sup> "Objective" means involving no personal or subjective judgement by public officials and being uniformly verifiable by reference to an external and uniform benchmark or criterion.

Projects eligible for streamlined review must be located within a US Census urbanized area, in a residential or mixed-use zone district or General Plan designation, outside environmental hazard areas, must not demolish rental housing or historic structures, and developers must pay prevailing wages. Also, under SB 35, at least 10% of housing units in proposed projects must be affordable to low income households.<sup>3</sup> Under the streamlined review process, staff must complete determination of consistency/non-consistency with SB 35 within 60 to 90 days from the date of project submittal, depending on the number of units included in the project, and (for projects determined to be consistent with SB 35) must complete SB 35 streamlined review approval within 90 to 180 days from date of submittal.

No projects have applied for SB 35 streamlining yet in Santa Cruz County. To staff's knowledge, the only SB 35 project applications in the state so far have been located in Berkeley, San Francisco and Cupertino. However, the California Department of Housing and Community Development (HCD) published SB 35 guidelines in 2019 which have clarified the SB 35 approval process, so it is possible that with this added clarity, more developers will seek SB 35 approval in the future.

SB 35 requires that local jurisdictions must have informational material available to applicants and must be prepared to intake SB 35 applications. In compliance with this requirement, an SB 35 Streamlined Multifamily Review Process Application Form has been prepared as well as an SB 35 Streamlined Review Guide. These documents, provided as Exhibits B and C, are intended to inform and guide applicants through the SB 35 application process. Staff has also prepared lists of objective planning standards contained in the County's General Plan (Exhibit D) and municipal code (Exhibit E) that are to be used to evaluate SB 35 projects.

**SB 330: The Housing Crisis Act of 2019 (Skinner).** SB 330 aims to accelerate housing production over the next five years by streamlining permitting and approval processes and ensuring no net loss in housing capacity. The bill makes changes to the Housing Accountability Act (HAA) and the Permit Streamlining Act (PSA) and establishes the Housing Crisis Act of 2019. These changes are temporary; they go into effect on January 1, 2020 and expire on January 1, 2025 unless they are extended.

HAA and PSA Changes. The HAA (Government Code Section 65589.5) is generally focused on prohibiting local agencies from denying affordable housing projects or emergency shelters unless a local agency makes specified written findings. The HAA was strengthened in 2017 by AB 678 (Bocanegra), SB 167 (Skinner) and AB 1515 (Daly) by increasing the standard of proof required for a local agency to legally deny affordable housing projects.

The PSA (Government Code Section 65920 et seq), requires each state and local agency to compile and make available lists that specify in detail the information that will be required from any applicant for a discretionary development project. In Santa Cruz County, this list is known as the "List of Required Information" (LORI) and is readily available to applicants that visit the

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<sup>3</sup> Government Code Section 65913.4 has been further modified by AB 1485 (Wick), in effect January 1, 2020. This bill provides that projects with at least 20% of units affordable to moderate income households will also be eligible for SB 35 streamlining. However, this provision only applies in the San Francisco Bay Area counties which do not include Santa Cruz.

Planning Department. The PSA also requires agencies to review and approve or deny discretionary development projects within certain timeframes.

SB 330 modifies the HAA and PSA by defining a “housing development project” as including any residential project, mixed-use project with at least two thirds residential square footage, or transitional or supportive housing project. The bill creates an optional preliminary application process for housing development projects, with a list of 17 materials that must be submitted as part of the preliminary application. If an applicant submits a preliminary application for a housing development project, that project shall only be subject to the policies, standards, and fees adopted and in effect when the preliminary application was submitted, except in cases of annual fee adjustments per cost index, major changes or delays to the project, or findings made by the local agency that new policies and standards must be used. Applicants who have submitted preliminary applications must submit the remainder of their discretionary application materials within a certain timeframe in order to retain the benefit of frozen policies, standards and fees.

The preliminary review process is intended to provide security to project applicants by reducing uncertainty and risk associated with changes in a local agency’s development requirements or fees over the course of a project’s discretionary review process. The freezing of policies, standards and fee rates at the time a preliminary application is submitted will require coordination between the Planning Department and other departments and agencies.

Under SB 330, all housing development projects are subject to the following changes in the discretionary review process, regardless of whether they have opted to pursue the preliminary application process:

- If a jurisdiction determines an application to be incomplete, the applicant must be provided with an exhaustive list of items that were not submitted and subsequent completeness reviews may not demand additional items that were not listed on this initial list.
- Historic resources must be identified at the time the application is deemed complete.
- A maximum of five public hearings may be held for any housing development project that is consistent with objective standards in place at the time the application is deemed complete. Any public meetings conducted by the County count toward this total of five hearings, including continued hearings, workshops, and commission meetings.
- After an Environmental Impact Report (EIR) has been certified, a decision must be made to approve or deny a project within 60 to 90 days depending on project size.

As required by state law, staff has created an SB 330 guide (Exhibit F) as well as a preapplication form (Exhibit G). These materials are being made available on the County website and at the Planning Department counter.

Both SB 35 and SB 330 offer streamlining opportunities for discretionary review on housing development projects. SB 330 sets a much lower bar for participation (all housing development projects are eligible) whereas SB 35 requires that projects meet a long list of eligibility criteria. Applicants with projects eligible for both streamlining opportunities may opt for SB 35 streamlining



in order to skip CEQA review and obtain ministerial approval, although the requirement to pay prevailing wages may dissuade some developers from pursuing SB 35 streamlining.

Housing Crisis Act of 2019. SB 330 also adds Section 66300: Housing Crisis Act of 2019 to the Government Code. Census designated places that lie wholly within urbanized Santa Cruz County are called “affected county areas” and are subject to this government code. The official list of unincorporated areas subject to the Housing Crisis Act will be released by HCD in 2020, but based on preliminary staff review it appears to include the following Census designated places: Live Oak, Pleasure Point, Twin Lakes, Seacliff, Rio Del Mar, Pasatiempo, Paradise Park, Amnesti, and possibly Soquel, Mount Hermon and Freedom (see map, Exhibit H). Within these areas, on land where housing is an allowable use the County cannot enact a development policy, standard or condition<sup>4</sup>, that would have any of these effects:

- Changing General Plan designation or zoning to a less intensive use as compared to January 1, 2018. This includes not only rezoning or re-designating specific sites but also changing development standards related to building height, density, floor area ratio, open space, lot size, setbacks, frontage, lot coverage, in any way that would reduce the number of housing units that could be constructed on a given site. However, the housing potential on one site can be reduced if the potential is concurrently increased by at least the same amount on another site.
- Moratorium or restriction on housing development unless HCD has approved this restriction.
- Imposing or enforcing non-objective design standards that are established after January 1, 2020.
- Limiting the number of housing permits or population unless this limit was approved by voters before January 1, 2005 and the jurisdiction is primarily agricultural (half of land is agricultural and total agricultural land is greater than 550,000 acres). The County does not have enough agricultural land to qualify for this exception.
- Demolition of residential dwelling units unless at least as many units will be replaced. There are further restrictions for “protected units” (units that are rent controlled, deed restricted affordable, and/or rented to low income residents) regarding relocation for residents and affordability requirements for replacement units.

The Housing Crisis Act does not supercede CEQA mitigation measures, the California Coastal Act, or actions that reduce land use intensity in mobile home parks.

The requirements of the Housing Crisis Act have the following implications for Santa Cruz County:

- As the General Plan and Santa Cruz County Code (SCCC) are updated to implement the Sustainable Santa Cruz Plan, any new subjective standards or new policies that directly or indirectly result in a reduction in potential housing units will not be enforceable within affected areas, at least until January 1, 2025. Likewise, non-objective portions of the forthcoming Countywide Design Guidelines will also not be enforceable within affected areas.

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<sup>4</sup> “Development policy, standard or condition”: Includes General Plan, specific plan, zoning ordinance, subdivision standard or criterion.

- The County will not be able to implement the Growth Goal limit on housing permits within affected areas while this temporary bill is in place. Other aspects of Measure J unrelated to limiting building permits will not be impacted by this bill. In recent years, the number of building permits for new housing units has not come close to the County's growth goal, so it is not expected that this provision of SB 330 will impact the County's volume of permits for new housing.
- The requirements for no downzoning or net reduction in housing units will be applied to individual housing development projects within the affected areas.

### **Accessory Dwelling Unit Regulations**

The County's existing Accessory Dwelling Unit (ADU) ordinance (SCCC 13.10.681) was updated in 2017 and again in 2018 to be consistent with state laws passed in 2016 and 2017 (SB 1069, AB 2299, AB 2406, SB 229 and AB 494).

This year, new laws were passed relating to regulation of ADUs that aim to further encourage and streamline ADU construction. These laws are in effect January 1, 2020.

**AB 881 (Bloom): ADU Standards and Streamlining.** This bill modifies Government Code Section 65852.2 regarding ADU development standards and ministerial permit streamlining<sup>5</sup>, with changes including a reduced timeline for streamlined ADU review, reduced fees, more lenient development standards, lower parking requirements, multifamily dwelling ADUs, removal of owner occupancy requirement, prohibition of short-term rentals, and allowance of nonconformities. The SCCC must be updated to comply with these new requirements.

AB 881 also provides that when jurisdictions submit ADU ordinances to HCD for review and approval, HCD must provide comments within 30 days of receipt of the ordinance and these comments must be in the format of findings. Local agencies must amend ordinances to comply with HCD findings or will be in violation of state law.

**AB 68 (Ting): Junior ADUs.** This bill modifies Section 65852.22 of the Government Code<sup>4</sup> regarding Junior ADUs (JADUs), allowing JADUs to be constructed concurrently with new single-family dwelling units, clarifying that JADUs shall have efficiency kitchens, and confirming that JADUs are subject to the same 60-day review time as regular ADUs. The SCCC must now define JADUs in order to track these project types with this streamlined approval timeline.

**SB 13 (Wieckowski): ADU Code Enforcement.** This bill adds new code section 17980.12 to the State Health and Safety Code.<sup>4</sup> At the request of a property owner, an agency must delay code

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<sup>5</sup> The operative provisions of AB 881 are bill sections 1.5 and 2.5 which modify Government Code Section 65852.2. AB 68 and SB 13 also modified Government Code Section 65852.2, but since AB 881 modified the same code section and was approved last, AB 881 overrides these portions of AB 68 and SB 13. The operative provision of AB 68 is section 2 modifying Government Code section 65852.22, and the operative provision of SB 13 is section 3 adding Government Code section 17980.12. See State Legislature rules on "Chaptering Out" and "Double Joining":  
<http://leginfo.legislature.ca.gov/faces/glossaryTemplate.xhtml>

enforcement on ADU properties for up to five years. This provision, which sunsets in 2030, must be added to the SCCC.

**AB 587 (Friedman): Separate Sale of ADUs.** Agencies have the option of allowing separate sale or conveyance of ADUs from the primary dwelling unit in limited situations involving non-profit housing projects with enforceable restrictions on the use of the land between the nonprofit and qualified low-income buyer with a tenancy-in-common agreement.

**SB 670 (Friedman): HOAs and ADUs.** AB 670 makes any governing Home Owner Association (HOA) document void and unenforceable to the extent that it prohibits, or effectively prohibits, the construction or use of ADUs. However, HOAs may still place “reasonable restrictions” on ADUs in common interest developments if the restrictions do not discourage construction or unreasonably increase construction cost.

On December 11, 2019, the Planning Commission held a study session to review the new state laws regarding ADUs. At the study session, the Commission provided feedback to staff on complying with AB 68, AB 881 and SB 13, and directed staff to add provisions to the ordinance to comply with optional provisions in AB 587. This feedback has been incorporated into a proposed ordinance for Commission consideration. Staff is pursuing a timeline that would allow the Board of Supervisors to consider this ordinance at its meeting of January 28, 2020. Staff has prepared an informational worksheet for applicants regarding the new ADU laws. This worksheet is provided as Exhibit I.

### **Density Bonus Law**

The County’s Density Bonus Program (SCCC 17.12) has been in existence since 2006 allowing up to 35% density bonus for projects with certain percentages of low or very low income housing. The state made this density bonus program mandatory in 2014, and added further provisions in 2016 via AB 2501, AB 1934, AB 2556 and AB 2442. In 2019, the SCCC was amended to comply with these state laws and to provide an Enhanced Density Bonus option allowing up to 50% density bonus for projects providing larger percentages of affordable housing and up to 75% bonus for 100% affordable projects.

**AB 1763 (Chiu)**, which takes effect January 1, 2020, further modifies state density bonus law for 100% affordable projects that include at least 80% low income units and up to 20% moderate income units. For these projects, the law now allows four (rather than three) incentives or concessions, and for projects within 0.5 mile of an existing or planned major transit stop, the law allows a height of three stories (33 feet) and no maximum density. The County does not have existing major transit stops as defined by this law but there are “planned transit stops” (existing transit stops for which more service is planned in the future that would make them major transit stops). See Exhibit J for a map of these planned major transit stop locations. The law also removes parking requirements for supportive housing and special needs developments.

In the first quarter of 2020, the County will prepare an ordinance modifying the SCCC to incorporate AB 1763.

### **Agricultural Employee Housing**

The state recognizes the need to facilitate and protect affordable housing for farmworkers. With that in mind, in 2017 urgency measure AB 571 redefined farmworker housing; modified the state's low income tax credit rules regarding farmworkers; authorized HCD to advance up to 20% annual costs to operators of migrant housing centers at the beginning of each season to allow them to get up and running; and extended the period of time that migrant housing centers may be occupied from 180 to 275 days.

**AB 1783 (Rivas)**, which takes effect January 1, 2020, further clarifies rules for "farmworker" and "agricultural employee" housing. This bill creates a streamlined, ministerial approval process for agricultural employee housing that meets certain criteria and includes agricultural employee housing in the definition of "employee housing" with associated tenants' rights. AB 1783 also requires that agricultural employee housing must be maintained as such, and HCD must establish an application and review process for certifying affordable housing organizations for operating agricultural employee housing. The bill also establishes that farmworker housing subject to H-2A visas is not eligible for state funding.

On December 10, 2019, the Board voted to approve General Plan/Local Coastal Program and SCCC amendments to clarify that certain types of farmworker housing projects are an agricultural use permitted on land zoned for agriculture consistent with AB 1783, and also clarified existing codes for small farmworker housing projects and established a new discretionary review process for development of affordable farmworker housing projects by qualified non-profit housing developers on qualifying agricultural parcels.

### **Supportive Housing**

Per AB 2162, which became active in January 2019, supportive housing is already a use by right in multifamily and mixed-use zones, approved ministerially if the project meets certain specified criteria and the developer provides the local agency with a plan for providing supportive services, including a requirement that the project receives public funding to ensure that 100% of the units be dedicated to lower income households.

**SB 744**, effective in January 2020, further clarifies the allowances for supportive housing that were introduced with AB 2162, and clarifies that local agencies cannot apply any requirement, including fees, on a project solely on the basis of its status as supportive housing or based on the development's eligibility for ministerial approval. The bill also affirms that projects qualifying for No Place Like Home Program funding may be eligible for exemption from CEQA and establishes noticing and posting requirements for NPLH projects.

**SB 450** provides that for five years (January 1, 2020 – January 1, 2025), the conversion of a structure certified for occupancy as a motel, hotel, residential hotel, or hostel into a supportive or transitional housing facility is exempt from CEQA. In order for this exception to apply, the conversion may not result in more than a 10% expansion of the floor area in any living unit within the structure, or result in any significant impacts relating to traffic, noise, air quality, or water quality.

No particular action is needed from the County in response to these laws, but it is important to be aware of these new provisions.

## **Large Family Daycare**

**SB 234 (Skinner)** revises statutes regarding licensed family daycare homes. The law requires that large family daycare homes be treated as a residential use of property for purposes of local ordinances and makes other associated updates to California Health and Safety Code Sections 1596 and 1597.

Currently, the County's residential uses chart presented in SCCC Section 13.10.322(B) classifies daycare centers as commercial uses subject to Level 5 (Zoning Administrator) review, so staff intends to prepare an ordinance updating this code section in the first or second quarter of 2020.

## **Housing Element Compliance and Reporting**

The County's Housing Element (chapter 4 of the General Plan), which is updated every eight years, must identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that County regulations allow for this planned housing development. The Housing Element must identify where the County can accommodate its "fair share" of housing as determined by the RHNA process.<sup>6</sup> Each year in April, the County provides an annual progress report (APR) to HCD regarding the last year's progress toward producing housing to meet the need identified in the County's RHNA allocation for the current eight-year planning cycle.

Housing Element Compliance. There are several bills from this legislative cycle as well as from other recent cycles that will impact the next update of the County's Housing Element, which will occur in 2023.

**AB 1397 (Low)**, in effect since January 1, 2018, modified Government Code 65580, 65583, 65583.2, requiring that a housing element's land inventory for residential development may only include sites with "realistic, demonstrated potential" for development during the eight-year housing element cycle, and must specify the number of units and income level of units that can be accommodated. Vacant sites identified in two or more previous planning periods and non-vacant sites identified in one previous planning period cannot be identified in subsequent Housing Element updates as appropriate RHNA sites, with certain exceptions. Sites less than 0.5 acres or greater than 10 acres are presumed inappropriate for low income housing for the purposes of planning for future development. There are additional specific requirements regarding planning for affordable housing. If an inventory does not identify enough sites to meet RHNA, the jurisdiction must rezone sites within three years of Housing Element adoption.

These requirements represent a departure from what was previously required by law, which was simply that a Housing Element identify sites where housing development could occur. Jurisdictions must now commit to facilitating development on these sites during the eight-year

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<sup>6</sup> The RHNA allocation is a three-step process: first the Department of Finance and HCD develop regional housing needs estimates; second, Councils of Governments (COGs, in this case the Association of Monterey Bay Area Governments) allocate housing within each region based on these estimates, and finally, cities and counties incorporate these allocations into their housing elements.

planning cycle. To be successful, this will necessitate careful planning and collaboration between staff, property owners, developers and decision makers.

**SB 166 (Skinner)**, also known as the “No Net Loss Law”, has also been in effect since January 2018 and deals with Government Code section 65863. The purpose of this law is to ensure that development opportunities remain available throughout the planning period to accommodate the RHNA, especially for lower- and moderate-income households. The bill requires that if a specific site is developed at lower density or a different income category than specified in the Housing Element, the County must identify and make available (including rezoning and CEQA as necessary) an alternate site for that housing within 180 days in order to maintain “no net loss” of housing. A housing project cannot be denied only because an alternative site will need to be found to accommodate a specific income category.

This bill requires the County to track applications on parcels that are identified in the Housing Element; track income categories associated with projects on these sites; and determine if there is a shortage of sites in any income category so that the County is prepared with alternative site options when a development project is proposed on a site in a deficient income category. This task is in progress. In October 2019, HCD released a technical memo to assist jurisdictions with implementation.

**SB 828 (Weiner)** and **AB 1771 (Bloom)**, both in effect January 2019, modified Government Code section 65584 regarding the RHNA intent, methodology and allocation process, affirming the intention of the RHNA to lead to actual housing production rather than just identification of housing sites, and addressing issues related to overcrowding, jobs/housing balance and regional versus local power in allocating housing.

**AB 671 (Friedman)**, in effect January 2020, requires Housing Elements to encourage affordable (very low, low, moderate income) ADU rentals and requires HCD to develop a list of state grants and financial incentives for affordable ADUs by the end of 2020.

**AB 101 (Committee on Budget, Housing Development and Financing)**. The administration passed Assembly Bill (AB) 101 in July 2019, which took effect immediately as a trailer bill to the budget and included tools to assist HCD with holding cities accountable for Housing Element compliance. The administration has proceeded with notifying cities that are out of compliance with meeting their RHNA requirements that they are in jeopardy of legal action.

Housing Development Reporting. Recent bills also impact the County’s APR requirements. Per **AB 879** and **SB 35**, which took effect in 2018, more detailed information was required in the APR beginning in 2019 for the 2018 year. Reports are now required to include:

- Number of housing development applications, including the number of all development applications, the number of units in all applications, the number of units approved, and the number of units disapproved as a result of project denial or reduction in project density;
- Completed entitlements, building permits and Certificates of Occupancy by APN, income level (very low, low, moderate or above moderate), and tenure (rental or for-sale);
- Number of units that are converted to affordable housing;
- List of sites rezoned in order to accommodate RHNA requirements; and

- SB 35 Tracking (number of SB 35 applications, number of building permits, number of units by tenure and income category, location of developments).

Santa Cruz County met these reporting requirements last year, although there was nothing to report regarding SB 35 since there have not been any SB 35 project applications.

Surplus Land Reporting. In recognition of the importance of surplus land as a resource for affordable housing development, the Surplus Land Act<sup>7</sup> has been expanded. Per **AB 1486 (Ting)** and **AB 1255 (Rivas)**, starting in April 2021 for the year 2020, local governments must include specified information relating to surplus lands in housing elements and APRs:

- Inventory of surplus lands located in urbanized areas or urban clusters;
- List of sites owned by the city or county, and included in Housing Element inventory, that have been sold, leased, or otherwise disposed of in the prior year; and
- For non-vacant sites that are owned by the city or county, a description of whether there are plans to dispose of the property during the planning period and how the city or county will comply with the Surplus Lands Act.

The bills also expand the list of exemptions from the Surplus Land Act and prohibit price negotiations between a disposing agency and interested entities. Finally, when the County disposes of surplus land for the purpose of developing low- and moderate-income housing, a notice of availability must be sent to housing sponsors that have notified HCD of their interest, and HCD must maintain a list of notices of availability on its website. Upon request, the County must provide a list of its surplus land to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation free of charge.

At the state level, per **AB 1255 (Rivas)**, **AB 1486 (Ting)** and **SB 6 (Beall)**, HCD must create a digitized public inventory of local sites suitable for residential development (synthesized from jurisdiction Housing Elements and APRs), along with state surplus lands.

Additional Reporting Requirements. **AB 1483 (Grayson)**, in effect January 2020, requires the County to publicly share information about zoning ordinances, development standards, fees, exactions, and affordability requirements. The bill also requires HCD to develop and update a 10-year “housing data strategy” as part of the regular update to the California Statewide Housing Plan. This data strategy, to be created by a group of state and local representatives, will include an evaluation of data priorities, a strategy for how to achieve a more consistent terminology for housing data across the state, an assessment of the quality of data submitted by APRs and recommendations based on that assessment.

## STRATEGIC PLAN

The approved housing bills aim to streamline and increase housing production, which meets strategic plan goals 2A: Affordable Housing and 2C: Local Inventory.

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<sup>7</sup> California's Surplus Land Act directs local agencies to prioritize the development of low-income housing when selling or leasing “surplus land” (land owned by the County that is determined in a regular public meeting to be no longer necessary for the agency's use).

## **FINANCIAL IMPACT**

Financial impacts will vary depending upon whether and how the new state laws are used by applicants.

Daisy Allen  
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Stephanie Hansen  
Principal Planner

## **Exhibits:**

- A) Summary Table: Implementing California Housing Legislation in Santa Cruz County
- B) SB 35 Streamlined Review Guide
- C) SB 35 Streamlined Review Application Form
- D) List of Objective Santa Cruz County General Plan Standards
- E) List of Objective Santa Cruz County Code Standards
- F) SB 330 Housing Crisis Act of 2019 Guide
- G) SB 330 Preliminary Application Form
- H) Housing Crisis Act: Map of Affected County Areas
- I) Accessory Dwelling Units: New Requirements in Effect January 1, 2020
- J) Planned High Quality Transit Stops in Santa Cruz County



# IMPLEMENTING STATE HOUSING LEGISLATION WITH LAND USE POLICIES, PROCEDURES AND REGULATIONS IN SANTA CRUZ COUNTY

[Updated December 31, 2019]

Housing Bill	Description of Bill	County Implementation
<b>STREAMLINED HOUSING DEVELOPMENT REVIEW</b>		
<b><u>SB35 (Weiner)</u></b>	<p><b>SB 35 Eligibility:</b> In jurisdictions (including Santa Cruz County) where housing production has not met RHNA projections, projects may pursue SB 35 streamlined approval if:</p> <ul style="list-style-type: none"> <li>• Multifamily (2+ unit) or mixed-use (2/3 residential square footage)</li> <li>• Infill development with no environmental site constraints or rental/affordable housing demolition/replacement</li> <li>• Developer pays prevailing wages</li> <li>• Project includes at least 10% affordable units for low-income residents</li> </ul> <p><b>SB 35 Benefits for Applicants:</b></p> <ul style="list-style-type: none"> <li>• Ministerial approval</li> <li>• No CEQA review</li> <li>• Maximum 1 parking space/unit (and certain projects are exempt from parking requirements)</li> </ul> <p><b>SB 35 Process:</b> SB 35 streamlined ministerial review replaces the usual discretionary review process and takes a maximum of 90 to 120 days. Jurisdictions must make this streamlined process available to applicants. The SB 35 review process does not include building permit review. SB 35 approval expires after 3 years (subject to a one-year extension) unless a building permit has been obtained and construction is in progress.</p> <p><b>Annual Housing Element Report:</b> Detailed housing production information must be included in the annual Housing Element Report submitted by each jurisdiction to HCD.</p> <p><b>2020 Update:</b> Government Code Section 65913.4 has been further modified by AB 1485 (Wicks), which goes into effect January 1, 2020. This bill provides that projects with at least 20% of units affordable to moderate income households will also be eligible for SB 35 streamlining; however, this provision only applies in the nine San Francisco Bay Area counties (not Santa Cruz County).</p>	<p>Effective 1/1/18. HCD Guidelines were released in 2019.</p> <p>No SB 35 project applications have been submitted in Santa Cruz County yet.</p> <p>Santa Cruz is in compliance with state requirements:</p> <ul style="list-style-type: none"> <li>• SB 35 Application Form and County Guidelines are available to the public.</li> <li>• Staff has reviewed SCCC and General Plan and determined which standards are objective and will be included in SB 35 review</li> <li>• Staff is prepared to follow the SB 35 streamlined timeline for eligible project applications.</li> <li>• Annual Housing Element report to HCD has met new data requirements to report the number of units that are: <ul style="list-style-type: none"> <li>○ Rehabbed or converted to affordable housing;</li> <li>○ Rental vs. for-sale</li> <li>○ Entitled, permitted, and Certificate of Occupancy</li> <li>○ Very low, low, moderate and market rate</li> <li>○ SB35 streamlining units</li> </ul> </li> </ul>

Housing Bill	Description of Bill	County Implementation
<p><b>SB 330</b> <b>(Skinner)</b> <b>"Housing Crisis Act of 2019"</b></p>	<p>Makes changes to Housing Accountability Act and Permit Streamlining Act and establishes Housing Crisis Act of 2019. The bill aims to accelerate housing production over the next five years by streamlining permitting and approval processes and ensuring no net loss in housing capacity. All parts of this bill are temporary (5 years – expires 1/1/25).</p> <p><i>Housing Accountability Act and Permit Streamlining Act updates. This bill builds on 2017 legislation: <u>AB 1515 (Daly)</u>, <u>AB 678 (Bocanegra)</u> and <u>SB 167 (Skinner)</u> with the following changes:</i></p> <p>Optional preapplication process for discretionary "Housing Development Projects"<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>○ Applicant submits "preliminary application" with basic project drawings and information about proposed housing units</li> <li>○ Agency standards and fees applied to the project are those in place on the date of preliminary submittal</li> <li>○ In order to retain the benefit of using existing standards and fees, applicant must submit any required completeness information within 90 days of receiving an incomplete letter, and must submit all information to process the application within 180 days of preliminary application submittal</li> </ul> <p>Changes to discretionary application process for all "Housing Development Projects":</p> <ul style="list-style-type: none"> <li>○ Agency must determine whether proposed housing site is a historic site at the time the project is deemed complete</li> <li>○ If project complies with objective<sup>2</sup> standards at time it is deemed complete, maximum of 5 hearings (including continued hearings, commission hearings, workshops. Not including appeal hearings)</li> <li>○ If zoning is inconsistent with General Plan, project shall be deemed complete if consistent with General Plan</li> <li>○ Reduction in time for project approval 60 or 90 days from date of EIR certification for housing development projects</li> </ul>	<p>Effective 1/1/20, expires 1/1/25</p> <p><i>The County has developed a guide and a preliminary application form with an application checklist and is prepared to coordinate pre-application and streamlined review processes to begin 1/1/20.</i></p>

<sup>1</sup> "Housing development project": residential, mixed use with at least 2/3 residential square footage, and transitional or supportive housing.

<sup>2</sup> "Objective" means involving no personal or subjective judgement by public officials and being uniformly verifiable by reference to an external and uniform benchmark or criterion.

Housing Bill	Description of Bill	County Implementation
	<ul style="list-style-type: none"> <li>○ Applicants for emergency shelter or low-income housing projects may legally challenge agencies that disapprove housing projects that comply with objective standards or require the project to be developed at lower density (without making appropriate findings)</li> </ul> <p><b>Housing Crisis Act</b></p> <p>Within “affected city or county” areas (census designated places based on 2013-2017 ACS, wholly within urbanized areas, excluding very high fire hazard severity areas):</p> <p>On land where housing is an allowable use, affected city or county cannot enact a development policy, standard or condition<sup>3</sup> that would:</p> <ul style="list-style-type: none"> <li>○ change designation or zoning to a less intensive use (compared to 1/1/18). This includes reduction in height, density<sup>4</sup>, FAR, open space, lot size, setbacks, frontage, lot coverage, or anything else that would limit housing.             <ul style="list-style-type: none"> <li>○ County may lower building intensity on one site if concurrently increase intensity on another site</li> </ul> </li> <li>○ Establish a moratorium or similar restriction on housing development (including mixed use development) unless HCD has approved this restriction</li> <li>○ Impose or enforce non-objective design standards that are established after 1/1/20</li> <li>○ Limit number of housing permits or population UNLESS this limit was approved by voters before 1/1/05 and jurisdiction is primarily agricultural (1/2 land is ag and &gt;550000 acres).             <ul style="list-style-type: none"> <li>○ Demo residential dwelling units unless at least as many units will be replaced. There are further restrictions for “protected units” (rent controlled, deed restricted affordable, rented to low income residents) - relocation for residents, affordability requirements for replacement units.</li> </ul> </li> </ul> <p>Housing Crisis Act does not supersede: CEQA mitigation measures, California Coastal Act, or reducing land use intensity in mobile home parks (replacement units or concurrent up-zoning not required).</p>	<p><i>The County has developed a draft map of affected county areas as defined in the Housing Crisis Act, subject to change when the official list/map of affected county areas is released by HCD.</i></p> <p><i>As the General Plan and Santa Cruz County Code (SCCC) are updated to implement the Sustainable Santa Cruz Plan, new policies must be evaluated to ensure they do not directly or indirectly result in a reduction in potential housing units.</i></p> <p><i>New subjective standards developed as part of the General Plan, SCCC, and the new Countywide Design Guidelines will not be enforceable within affected areas until January 1, 2025.</i></p> <p><i>The County will not be able to implement the Growth Goal limit on housing permits within affected county areas while this bill is in place. The County does not have enough agricultural land to qualify for an exception to this rule.</i></p> <p><i>The requirements for no downzoning or net reduction in housing units will apply to individual housing development projects within the affected areas.</i></p>

<sup>3</sup> “Development policy, standard or condition”: Includes GP, specific plan, zoning ordinance, subdivision standard or criterion.

<sup>4</sup> “Lower density” includes conditions that impact the ability of a project to provide housing.

Housing Bill	Description of Bill	County Implementation
ACCESSORY DWELLING UNITS: DEVELOPMENT STANDARDS AND STREAMLINED REVIEW		
AB 881 (Bicam)	<p>Modifies Government Code Section 65352.2 as follows:</p> <ul style="list-style-type: none"><li>• <u>Streamlined Review</u>: Jurisdictions must approve an ADU or junior ADU meeting the new state standards within 60 days of receiving a complete application.</li><li>• <u>Reduced Fees</u>: Impact fees may not be charged for ADUs less than 750 square feet, and impact fees for larger ADUs must be proportional to ADU size. Utility connection fees may be charged for detached ADUs in proportion to the square footage of the structure or the number of fixtures.</li><li>• <u>ADU Development Standards</u>: No minimum lot size for ADU projects. Jurisdictions may not require the ADU to be larger than 220 SF, or smaller than 850 square feet for studio and one-bedroom ADUs, and or smaller than 1,000 square feet for two or more bedrooms. Localities may not impose any standard that would prevent the development of at least an 800 square foot, 16-foot tall ADU, and may not require side and rear setbacks of more than 4 feet. Conversion and attached new construction ADUs have a maximum size of 50% of the existing primary dwelling; detached new construction ADUs still have a maximum of 1,200 square feet.</li><li>• <u>Parking</u>: Jurisdictions may no longer require replacement parking when a garage is converted to an ADU, nor when the ADU is within 1/2 mile walking distance of public transit (now defined as any transit stop).</li><li>• <u>Number of ADUs – Single Family Dwellings</u>: Single-family dwellings may have one ADU and one Junior ADU.</li><li>• <u>Number of ADUs – Multifamily Dwellings</u>: Multifamily and mixed-use lots may have conversion ADUs associated with up to 25 percent of the existing multifamily dwelling units, converted from non-livable space. Up to two detached ADUs are also allowed on multifamily and mixed-use lots.</li><li>• <u>Owner Occupancy Requirements</u>: Between January 1, 2020 and January 1, 2025, ADUs are exempt from owner-occupancy requirements imposed as a</li></ul>	<p>Effective 1/1/20. Operative sections are bill sections 1.5 and 2.5.<sup>5</sup></p> <p><i>The provisions of this bill are incorporated in the draft ADU ordinance to be reviewed at a Planning Commission public hearing on 1/8/20.</i></p> <p><i>Per Planning Commission direction, different rules regarding parking are proposed in the Coastal Zone and different rules regarding development standards are proposed in the Pleasure Point and Seascapes Beach Estates neighborhoods.</i></p>

<sup>5</sup> The operative provisions of AB 881 are bill sections 1.5 and 2.5, which modify Government Code Section 65852.2. The operative section of AB 68 is bill section 2 modifying Government Code Section 65852.22. The operative section of SB 13 is bill Section 3 regarding Health and Safety Code Section 17980.12. AB 68 and SB 13 both also modified Government Code Section 65852.2, but AB 881 was chaptered last of the three bills and therefore overrides changes to this code section made by the other two bills. See State Legislature rules on “Chaptering Out” and “Double Joining”: <http://leginfo.ca.gov/faces/glossaryTemplate.xhtml>

Housing Bill	Description of Bill	County Implementation
	<p>permit condition or by local ordinance. Single family dwellings with JADUs must be owner occupied.</p> <ul style="list-style-type: none"> <li>• <u>No Short-term Rentals</u>: Short-term rental of ADUs is now prohibited by state law.</li> <li>• <u>Nonconformities</u>: Physical nonconforming zoning issues may not be required to be corrected as part of an ADU or JADU permit.</li> <li>• <u>Limited Options to Restrict ADU Location</u>: Adequacy of water and sewer services, or ADU impacts on traffic flow or public safety are the only allowable reasons for prohibiting ADUs in certain areas.</li> </ul>	
<b>AB 68 (Ting)</b>	Modifies Government Code Section 65852.22 regarding Junior ADUs (JADUs), allowing JADUs to be constructed concurrently with new single family dwelling units, removing restrictions to the types of kitchen appliances allowed in JADUs, and confirming that JADUs are subject to the same 60-day review time as regular ADUs.	Effective 1/1/20. Operative section is bill Section 2. <sup>5</sup> <i>The provisions of this bill are incorporated in the draft ADU ordinance to be reviewed at a Planning Commission public hearing on 1/8/20.</i>
<b>SB 13 (Wieckowski)</b>	From January 1, 2020 until January 1, 2030, at the request of a property owner, a jurisdiction must delay code enforcement on ADU properties for up to five years.	Effective 1/1/20. Operative section is bill Section 3. <sup>5</sup> <i>The provisions of this bill are incorporated in the draft ADU ordinance to be reviewed at a Planning Commission public hearing on 1/8/20.</i>
<b>AB 587 (Friedman)</b>	<p>Jurisdictions can adopt an ordinance to allow ADUs to be sold separately from main dwelling units if ALL of the following apply:</p> <ul style="list-style-type: none"> <li>○ Property was built or developed by qualified nonprofit corporation</li> <li>○ Buyer and nonprofit record deed restriction on use of land</li> <li>○ Property is held in recorded tenancy in common agreement including (1) each has interest in the property based on size of dwelling (2) buyer must first offer property to nonprofit if decides to sell later (3) buyer must occupy the ADU (4) deed restricted affordability for at least 45 years and must be resold to qualified buyer.</li> </ul>	Effective 1/1/20. <i>Planning Commission has directed staff to incorporate this provision into the draft ADU ordinance to be reviewed in a public hearing on 1/8/20.</i>
<b>AB 670 (Friedman)</b>	HOA covenants will be unenforceable if they include restrictions that conflict with State ADU laws. HOAs may place "reasonable restrictions" on ADUs and junior ADUs but cannot discourage ADU or JADU construction or unreasonably increase the cost to construct them.	Effective 1/1/20. <i>No County action required.</i>

Housing Bill	Description of Bill	County Implementation
<b>DENSITY BONUS REGULATIONS</b>		
<b><u>AB 1763 (Chiu)</u></b>	<p>Revises state density bonus law, which had previously been modified in 2016 with <u>AB 2501</u>, <u>AB 1934</u>, <u>AB 2556</u> and <u>AB 2442</u>:</p> <ul style="list-style-type: none"> <li>o Jurisdiction can grant a density bonus with four (as opposed to three) incentives or concessions if the proposed housing development (excluding units permitted by the density bonus) contains at least 80% low income households and up to 20% moderate-income households. If this project type is located within ½ mile of a “major transit stop” (train/ferry/bus stop with at least two routes with 15-minute headways at peak period), applicant shall also be allowed a height of 3 stories (33 feet) and there is no maximum density.</li> <li>o If a development receives a waiver from max density controls, not eligible for a waiver or reduction of any other development standards under density bonus law.</li> </ul> <p>Supportive housing and special needs developments shall have no minimum parking requirements.</p>	<p>Effective 1/1/20.</p> <p><i>The County updated the municipal code in 2019 to comply with the previous laws. AB 1763 requires an additional update to Code Section 17.12.060, anticipated second quarter 2020.</i></p>
<b>AGRICULTURAL EMPLOYEE HOUSING</b>		
<b><u>AB 571 (E Garcia)</u></b>	<ul style="list-style-type: none"> <li>• Authorized CA Tax Credit Allocation Committee to allocate farmworker housing credit even if taxpayer receives federal credits for buildings in designated difficult development areas or qualified census tracts.</li> <li>• Redefined farmworker housing as housing where &gt;50% units occupied by farmworker households.</li> <li>• Authorized HCD to advance 20% annual costs to operators of migrant housing centers at the beginning of each season to allow them to get up and running.</li> <li>• Extended time migrant housing centers may be occupied from 180 to 275 days.</li> </ul>	<p>This bill was an urgency measure that was part of the 2017 housing package, and became effective in September 2017.</p>
<b><u>AB 1783 (Rivas)</u></b>	<p>Streamlined approval process for agricultural employee housing development, building on 2017 legislation.</p> <p>(1) Prohibits the use of state funding for the planning, developing, or operating of any housing for farmworkers holding federal H-2A (temporary/seasonal) visas. State funding includes funding from Community Service Block Grants, Building Homes and Jobs Trust Fund, Joe Serna, Jr. Farmworker Housing Grant Program, and other programs for migratory workers, but does not include any allocation of federal or state low-income housing tax credits.</p>	<p>Effective 1/1/20.</p> <p><i>Provisions of AB 1783 were incorporated into updates to SCCC 13.10.321, 13.10.631, 16.50.095 that were approved by the Board of Supervisors 12/10/19.</i></p>

Housing Bill	Description of Bill	County Implementation
	<p>(2) Includes "agricultural employee housing" in definition of "employee housing" with associated tenant rights.</p> <p>(3) Creates a streamlined, ministerial approval process for "agricultural employee housing" if certain criteria are met:</p> <ul style="list-style-type: none"> <li>• The land is zoned for agricultural uses;</li> <li>• The land is not located in environmentally unsafe or sensitive areas;</li> <li>• The development does not contain dormitory-style housing; and</li> <li>• The development consists of no more than 36 units or spaces designed for use by a single family or household.</li> </ul> <p>"Agricultural employee housing" is maintained and operated by affordable housing organization, and not eligible for state funding. Establishes time limits for local agency review of these projects (90 days for development ≤50 units, 180 days for &gt;50 units). Project approval may include review of certain objective design standards listed in the code.</p> <p>(4) Agricultural employee housing must be maintained as such (permittee must choose another certified affordable housing organization to maintain the housing if the existing certified organization is unable or unwilling to continue)</p> <p>(5) Requires HCD to establishes application and review process for certifying affordable housing organizations for operating agricultural employee housing</p>	
<b>PERMANENT SUPPORTIVE HOUSING</b>		
<b><u>AB 2162 (Chiu)</u></b>	<p>Created CEQA exemption for developments that are 100% affordable, set aside at least 25 percent of units for the homeless and that include optional support services. Requires by-right, ministerial approval (no discretionary local government review or CEQA review) for supportive housing in any multi-family residential or mixed-use zone. Defines supportive housing as any lower-income, subsidized rental project with at least 12 units of permanent supportive housing, or 25% of the units in the project, whichever is greater.</p>	Effective 1/1/19.
<b><u>SB 744 (Caballero)</u></b>	<p>This bill updates the existing streamlined process for supportive housing developments and confirms that developments that qualify for No Place Like Home (NPLH) funding may be eligible for CEQA exemption. If an NPLH project qualifies as a use by right, the local agency must file and post the notice. HCD must notify the Speaker of the Assembly and the Pro Tem of the Senate when NPLH funds have</p>	Effective 1/1/20.



Housing Bill	Description of Bill	County Implementation
	been fully allocated and that information must be posted on HCD website for at least one year.	
<u><b>SB 450</b></u> <u><b>(Umbarger)</b></u>	Provides that conversion of a structure certified for occupancy as a motel, hotel, residential hotel, or hostel into a supportive or transitional housing facility is exempt from CEQA (requirements: max 10% expansion of the floor area in any living unit and no significant impacts to traffic, noise, air quality, or water quality)	Effective 1/1/20. Temporary provisions; sunsets 1/1/25.
<b>LARGE FAMILY DAYCARE</b>		
<u><b>SB 234</b></u> <u><b>(Skinner)</b></u>	<p>Requires a large family daycare home to be treated as a residential use of property. This gives large family daycare homes the same status as small family daycare homes with regard to local ordinances. This measure additionally revises provisions of law to:</p> <ul style="list-style-type: none"> <li>• Update housing protections for licensed family daycare providers to ensure they will not be prohibited from living in a home solely based on the fact that they are operating a family daycare home;</li> <li>• Clarify that licensed family daycare homes are permitted to operate in apartments and other types of multifamily units;</li> <li>• Clarify that family daycare providers may be subject to remedies and procedures available to them under FEHA; and;</li> <li>• Requires update the building and fire standards relating to life and fire safety for large and small family daycare homes.</li> </ul>	<p>Effective 1/1/20.</p> <p><i>County staff is reviewing zone district use charts and anticipates bringing an ordinance to align with state law in first or second quarter 2020.</i></p>
<b>HOUSING ELEMENT COMPLIANCE AND REPORTING</b>		
<u><b>AB 1397 (Low)</b></u>	<p>Requires land inventory for residential development in Housing Element to include only sites with “realistic, demonstrated potential” for development <i>during the planning period</i> to meet RNHA. Inventory must ID properties by APN and describe current utility infrastructure and must specify the number units and income level of units that can be accommodated.</p> <p><u>Site Eligibility:</u> Housing Element must review density of projects on similar sites at similar affordability levels and market as indicators of affordable housing potential on inventory sites. Vacant sites that were ID’d in 2+ previous planning periods and non-vacant sites ID’d in a previous planning period can’t be used for RNHA unless</p>	<p>Effective 1/1/18.</p> <p><i>These requirements will be incorporated into the County’s next Housing Element (2023).</i></p>



Housing Bill	Description of Bill	County Implementation
	<p>site will be rezoned within 3 years OR zoning allows by-right development for 20% low-income affordable projects.</p> <p><u>Lower Income Units:</u> Sites &lt;0.5 acre or &gt;10 acres presumed inappropriate for low-income housing unless there is an application for development. 20 units/acre considered appropriate density for low income housing in "suburban jurisdictions" such as Santa Cruz County. If non-vacant sites make up &gt;50% of RHNA for low income households, it is assumed existing use impedes new residential development. At least 50% lower income development must be on sites where non-residential uses are not permitted. If new housing displaces low or very low income units, those units must be replaced.</p> <p>If inventory does not ID enough sites to meet RHNA, jurisdiction must rezone to meet RNHA within 3 years of Housing Element adoption.</p>	
<p><b><u>SB 166</u></b> <b><u>(Skinner)</u></b> <b>No Net Loss</b></p>	<p>Housing Elements must list specific sites that can accommodate RHNA for lower (very low and low), moderate, and above-moderate income levels. If a specific site is developed at lower density <i>OR a different income category</i> than specified in the Housing Element, jurisdiction must ID and make available an alternate site for that housing within 180 days (including rezoning and CEQA) in order to maintain "no net loss" of housing.</p> <p>Jurisdictions cannot deny housing project only because an alternative site will need to be found to accommodate a specific income category.</p>	<p>Effective 1/1/18. Technical Assistance Memo released October 2019.</p> <p>County staff will review all applications approved on Housing Element-identified sites since the 2015 Housing Element adoption; list the number of units approved and income category; list all housing approved on sites not listed in housing element and their income category; and determine if there is a current shortage of sites in any income category so that we prepared when a development project is proposed on a site in a deficient income category.</p>
<p><b><u>SB 828</u></b> <b><u>(Weiner)</u></b></p>	<p>Modifies existing codified intent language that recognizes that cities may not meet their RHNA and implies that RHNA is a production mandate. Makes numerous changes to the methodology to account for overcrowding, jobs/housing imbalance, and "cost burdening."</p>	<p>Effective 1/1/19.</p> <p>These requirements will be incorporated into the County's next Housing Element (2023).</p>
<p><b><u>AB 1771</u></b> <b><u>(Bloom)</u></b></p>	<p>Makes a number of changes to the RHNA methodology and allocation process. Limits flexibility for two local governments to agree to an alternative distribution of appealed housing allocations. Allows a Council of Government to identify significant barriers to affirmatively furthering fair housing at the regional level and recommend strategies or actions to overcome those barriers.</p>	<p>Effective 1/1/19.</p> <p>These requirements will be incorporated into the County's next Housing Element (2023).</p>

<b>Housing Bill</b>	<b>Description of Bill</b>	<b>County Implementation</b>
<u><b>AB 671</b></u> <u><b>(Friedman)</b></u>	Housing Elements must now promote ADUs for affordable rent. HCD must provide financial incentives for affordable ADUs.	Effective 1/1/20.  <i>This requirement will be incorporated into the County's next Housing Element (2023).</i>
<u><b>AB 101</b></u> <u><b>(Committee on Budget, Housing Devel + Financing)</b></u>	Trailer bill to the budget. Included a number of tools to assist the California Department of Housing and Community Development (HCD) with holding cities accountable for Housing Element compliance. The administration has proceeded with notifying cities that are out of compliance with meeting their RHNA requirements that they are in jeopardy of legal action.	Effective 7/31/19.  <i>Santa Cruz County is meeting RHNA requirements for the current Housing Element in terms of allocating sites for housing development.</i>
<u><b>AB 879</b></u> <u><b>(Grayson)</b></u>	Annual report to HCD must include number of housing development applications, number of units approved/disapproved, list of sites rezoned to accommodate RHNA if necessary. Requires HCD to deliver a report to the Legislature on how local fees impact the cost of housing development.	Effective 1/1/18.  <i>County met new reporting requirements April 2019 for the year 2018.</i>
<u><b>AB 1255</b></u> <u><b>(Rivas)</b></u>	Requires cities and counties to report to the state an inventory of surplus lands in urbanized areas. Requires the state to include this information in a digitized inventory of state surplus land sites.	In effect January 1, 2020.  <i>County to address new surplus land and housing site reporting requirements for annual report (April 2021 for the year 2020) and Housing Element update (2023).</i>
<u><b>AB 1486 (Ting)</b></u>	Expands Surplus Land Act requirements for local agencies, requires local governments to include specified information relating to surplus lands in their Housing Elements and annual progress reports (APRs), and requires the state Department of Housing and Community Development (HCD) to establish a database of surplus lands. Penalties for noncompliance starting in 2021.	
<u><b>SB 6 (Beali and McGuire)</b></u>	Requires the state Dept of General Services and HCD to identify adequate sites for housing construction and make this database available online for the public, updated annually. Local governments must prepare housing element inventory of sites using standards, forms, definitions adopted by HCD.	
<u><b>AB 1483</b></u> <u><b>(Grayson)</b></u>	Requires local jurisdictions to publicly share information about zoning ordinances, development standards, fees, exactions, and affordability requirements. The bill also requires HCD to develop and update a 10-year housing data strategy.	



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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## SB 35 STREAMLINED MULTIFAMILY REVIEW PROCESS GUIDE

### What is Senate Bill 35 (SB 35)?

In 2017, Governor Brown signed into law Senate Bill 35 (SB 35) as part of a package of bills created to address the State of California's housing shortage. The new law provides a streamlined review process for eligible multifamily projects in cities and counties that have not built their share of housing to accommodate the region's population growth. In unincorporated Santa Cruz County, not enough housing has been built to meet our share of regional housing needs. Therefore, multifamily projects in Santa Cruz County may be eligible for SB 35 streamlining.

### What is the SB 35 Streamlined Multifamily Review Process?

Under the streamlined review process, applicants are routed directly to "ministerial" project review (review of project compliance with the County's objective standards). This means that SB 35 applicants skip both "discretionary" review (subjective project review) and environmental review under the California Environmental Quality Act (CEQA). The streamlined process also provides more flexible density and parking requirements, reduced project review timelines and extended project approval expirations. The California Office of Housing and Community Development (HCD) has prepared guidelines that further explain this process.

### Is my project eligible for the Streamlined Multifamily Review Process?

The streamlined review process is only available to multifamily projects that meet specific criteria. Please refer to Page 2 of this guide to determine if your project is eligible for the streamlined process.

### How do I apply for the SB 35 Streamlined Multifamily Review Process?

Applicants must complete the SB 35 Streamlined Multifamily Review Process Application Form. A pre-application meeting with County Planning staff is recommended to review the Application Form and any necessary supporting documentation prior to submittal. Once the application is officially submitted, the County will review the project to complete the consistency determination and design review within the timelines shown on Page 3 of this guide. After the project is approved for SB 35 streamlining, the applicant may apply for a building permit.

### What are Objective Planning Standards?

Objective planning standards are standards that involve no personal or subjective judgement by a public official. These standards can be found in the County Code and General Plan/Local Coastal Program. For example, a building height limit of 3 stories is an objective standard. In comparison, a requirement that a building must blend appropriately with the neighborhood character is a subjective standard.

## **IS MY PROJECT ELIGIBLE FOR THE STREAMLINED MULTIFAMILY REVIEW PROCESS?**

**A project may be eligible for the streamlined review process if it meets the following criteria:**

### **Multifamily Residential Development**

The project must involve the development of 2 or more attached residential units. The project may be mixed use, but a minimum of two-thirds of above ground development square footage must be designated for residential use.

### **Infill Parcels Only**

At least 75% of the perimeter of the site must adjoin parcels developed with urban uses, which includes current or former residential, commercial, public institutional, or transit facility uses. Parcels separated by a street or highway are considered adjoining.

### **Consistent with Objective Standards**

The project must be consistent with objective zoning, subdivision, and design review standards.

### **Labor Requirements**

All projects of 10 units or more are subject to special labor requirements. Projects involving subdivisions or lot mergers may qualify for SB 35 streamlining with certain labor requirements.

### **No Demolition of Housing or Historic Structures**

The project cannot involve demolition of certain categories of housing or a historic structure and cannot develop on a site where rental housing was demolished within the last 10 years.

### **Affordable Housing Requirements**

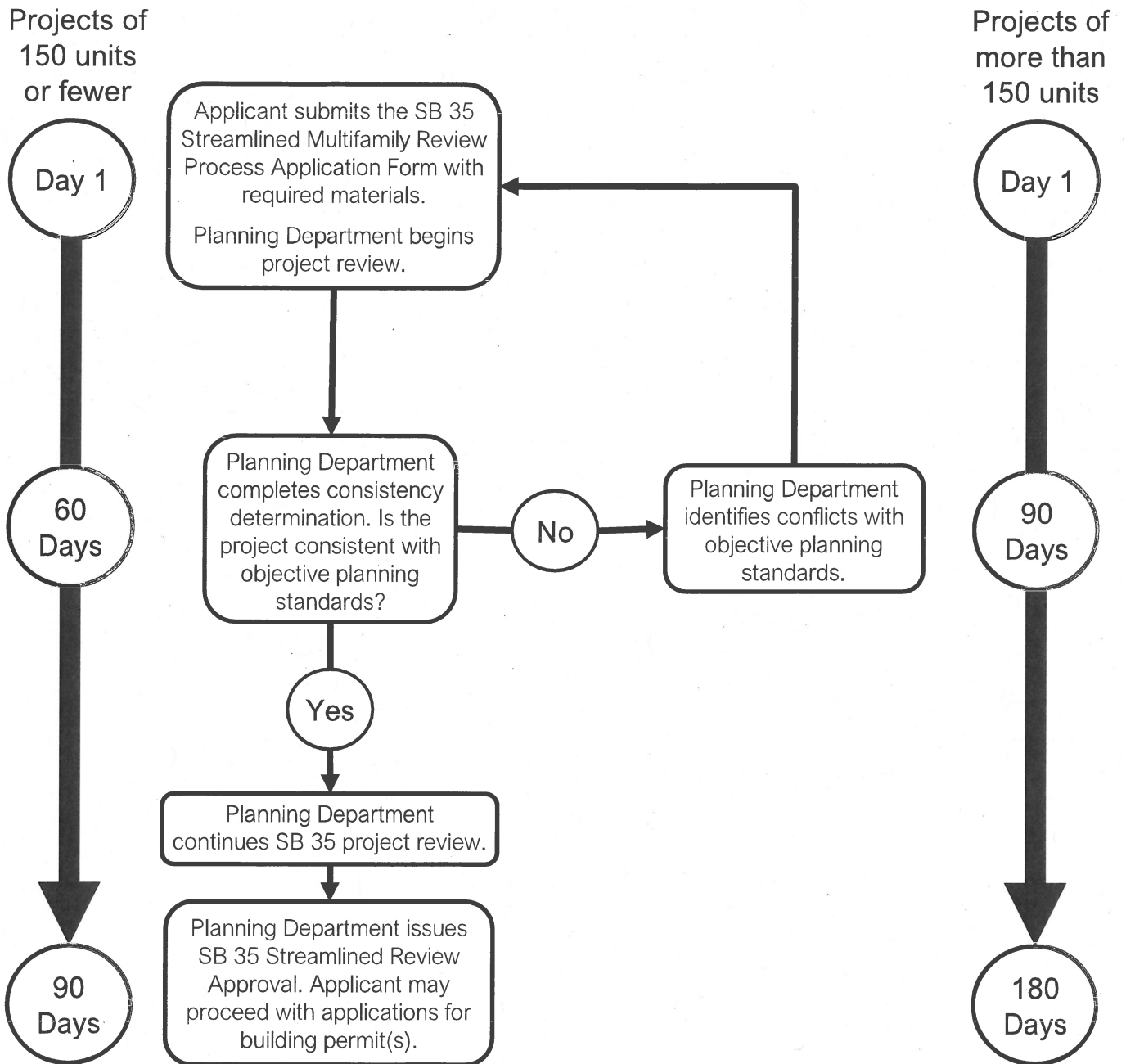
In addition to the affordability requirements in County Code Chapter 17.10, projects of 10 units or more must provide at least 10% of the units as deed-restricted affordable housing for households making below 80% of the Area Median Income.

### **Not Within Protected Resource Areas**

The project site cannot be within the Coastal Zone or within a conservation area, and cannot contain protected species habitat, prime farmland, farmland of statewide importance, wetlands, floodways, or conservation easements. If the site is in a very high fire hazard severity zone, earthquake fault zone, or 100-year flood plain, the project must mitigate those hazards.

These are general guidelines. Please refer to Gov. Code §65400, §65582.1, and §65913.4, or review the SB 35 Streamlined Multifamily Review Process Application Form for detailed eligibility information.

## STREAMLINED MULTIFAMILY REVIEW PROCESS TIMELINE



### EXPIRATION OF SB 35 STREAMLINED REVIEW APPROVAL

SB 35 streamlined review approval does not expire if 50% of the units are affordable to households making below 80% of the area median income. ♦ For all other projects, approval expires after 3 years. ♦ Projects may be eligible for a one-time, one-year extension with documentation showing significant progress has been made towards starting construction. ♦ Approval does not expire if vertical construction is in progress.





# COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT  
701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

## SB 35 STREAMLINED MULTIFAMILY REVIEW PROCESS APPLICATION FORM

Senate Bill 35 (SB 35) provides a streamlined review process for eligible multifamily residential developments<sup>1</sup>. A project may be eligible for the SB 35 Streamlined Multifamily Review Process if it meets all of the eligibility criteria per Government Code §65913.4.

### PROJECT INFORMATION

Site Address: \_\_\_\_\_ APN(s): \_\_\_\_\_  
Project Name: \_\_\_\_\_ Gross Acres: \_\_\_\_\_

### PRIMARY CONTACT INFORMATION

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

**IF YOU CHECKED "NO" FOR ONE OR MORE ELIGIBILITY REQUIREMENT BELOW, YOUR PROJECT IS NOT ELIGIBLE FOR THE STREAMLINED MULTIFAMILY REVIEW PROCESS.**

- ☐ I HEREBY CERTIFY THAT MY PROJECT IS ELIGIBLE FOR THE SB 35 STREAMLINED MULTIFAMILY REVIEW PROCESS pursuant to Gov. Code §65913.4, as demonstrated in the eligibility checklist below, and request the streamlined review process for my project.

### REQUIRED ATTACHMENTS

- ☐ Supporting documentation for all eligibility requirements  
☐ Additional application materials required - see Universal List of Required Information (LORI)

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date \_\_\_\_\_  
Applicant Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date \_\_\_\_\_

PLANNING DEPARTMENT USE ONLY			
APP#:	CONSISTENCY DETERMINATION: <input type="checkbox"/> ELIGIBLE <input type="checkbox"/> NOT ELIGIBLE		APPROVAL DUE: / /
SUBMITTAL DATE: / /	DETERMINATION DUE: / /	DETERMINATION DATE: / /	APPROVAL DATE: / /

ELIGIBILITY REQUIREMENTS		YES	NO	N/A
1. The development is a multifamily residential development that contains two or more residential units (subd.(a)(1)).		<input type="checkbox"/>	<input type="checkbox"/>	
2. The site is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United State Census Bureau (subd.(a)(2)(A)).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Note: County GIS parcel lines may not be accurate, particularly in the rural area. If more than 75% of your project parcel(s) is within a Census urban area based on County GIS data, please select N/A.				
3. At least 75 percent of the perimeter of the site adjoins parcels that are developed with "urban uses" (subd.(a)(2)(B)).		<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Parcels separated by a street or highway are considered adjoining (subd.(a)(2)(B)).</li> <li>• Per subd.(h)(8), "urban uses" includes current or former residential, commercial, public institutional, or transit facility uses.</li> </ul>				
4. The site has a zoning or general plan designation that allows residential use or residential mixed-use development with at least two-thirds of the square footage <sup>2</sup> of the development designated for residential use (subd.(a)(2)(C)).		<input type="checkbox"/>	<input type="checkbox"/>	
5. The project meets all affordable housing requirements (subd.(a)(3)).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Per subd.(a)(3), developments of 10 units or more must meet the following requirements:               <ol style="list-style-type: none"> <li>1) At least 10% of units are affordable to households making below 80% of the Area Median Income,</li> <li>2) All affordable units are built on-site AND</li> <li>3) Deed-restricted as affordable (45 years for owner-occupied units or 55 years for rental units).</li> </ol> </li> <li>• Per Santa Cruz County Code (SCCC) section 17.10.030, developments of 7 or more owner-occupied units must meet the following requirements<sup>3</sup>:               <ol style="list-style-type: none"> <li>1) At least 15% of units are affordable to households of moderate-, low-, or very low income,</li> <li>2) All affordable units may be built on- or off-site AND</li> </ol>               Deed-restricted as affordable in perpetuity.             </li> </ul>				
6. The development is consistent with objective zoning, subdivision, and design review standards in effect at the time that the development is submitted (subd.(a)(5)).		<input type="checkbox"/>	<input type="checkbox"/>	
"Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.				
7. The property IS NOT located within the following areas (subd.(a)(6)):		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Coastal Zone</li> <li>• Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure</li> <li>• Wetlands</li> <li>• Very high fire hazard severity zone<sup>4</sup></li> <li>• Hazardous waste site</li> <li>• Earthquake fault zone<sup>5</sup></li> <li>• FEMA-designated 100-year flood hazard area<sup>6</sup></li> <li>• FEMA-designated floodway<sup>7</sup></li> <li>• Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan</li> <li>• Habitat for state and federally protected species<sup>8</sup></li> <li>• Lands under conservation easement</li> </ul>				

ELIGIBILITY REQUIREMENTS		YES	NO	N/A
<b>8. The development IS NOT located on a site where any of the following apply (subd.(a)(7)):</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>The development would require the demolition of the following types of housing:               <ul style="list-style-type: none"> <li>Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.</li> <li>Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.</li> <li>Housing that has been occupied by tenants within the past 10 years.</li> </ul> </li> <li>The site was previously used for housing that was occupied by tenants that was demolished within the last 10 years.</li> <li>The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.</li> <li>The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.</li> </ul>				
<b>9. The project meets all labor requirements (subd.(a)(8)).</b>		<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>For projects with more than 10 units, the following labor restrictions apply:               <ol style="list-style-type: none"> <li>The development must be a public work and/or all workers must be paid at the prevailing wage.</li> </ol> </li> <li>For large projects of 50 units or more, the following labor restrictions apply<sup>9</sup>:               <ol style="list-style-type: none"> <li>A skilled and trained workforce must be used AND</li> <li>The applicant must either demonstrate that all contractors and subcontractors are subject to a project labor agreement requiring compliance with the skilled and trained workforce requirement OR the applicant must provide the County with a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.</li> </ol> </li> </ul>				
<b>10. If the development involves parcel subdivisions, mergers, or lot line adjustments, the project will: (1) provide prevailing wages AND (2) use low-income housing tax credit funding OR a skilled and trained workforce (subd.(a)(9)).</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. The development IS NOT located on a site governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act (subd.(a)(10)).</b>		<input type="checkbox"/>	<input type="checkbox"/>	

<sup>1</sup> For more information, see the SB 35 Streamlined Multifamily Review Process Guide.

<sup>2</sup> Square footage of the development does not include underground space per subd.(a)(2)(C).

<sup>3</sup> All other types of development are subject to affordable housing impact fees pursuant to SCCC Chapter 17.10.

<sup>4</sup> Does not apply to sites excluded from the specified hazard zones by a local agency, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development per subd.(a)(6)(D).

<sup>5</sup> Does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission, and by any local building department per subd.(a)(6)(F).

<sup>6</sup> Does not apply if the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program per subd.(a)(6)(G).

<sup>7</sup> Does not apply if the development has received a no-rise certification per subd.(a)(6)(H).

<sup>8</sup> May require site visit from a County environmental planner to determine presence of protected species habitat.

<sup>9</sup> A skilled and trained workforce is required for projects that are not 100% subsidized affordable housing as follows: until December 31, 2021, developments of 75 or more units. January 1, 2022 – December 31, 2023, developments of 50 or more units per subd.(a)(8).



**List of SB 35 Objective Standards: General Plan**  
**Updated October 2019**

**Chapter 2: Land Use Element**

**Objectives<sup>1</sup>**

- 2.4 Mountain Residential Designation (R-M)
- 2.5 Rural Residential Designation (R-R)
- 2.6 Suburban Residential Designation (R-S)
- 2.7 Urban Very Low Density Residential Designation (R-UVL)
- 2.8 Urban Low Density Residential Designation (R-UL)
- 2.9 Urban Medium Density Residential Designation (R-UM)
- 2.10 Urban High Density Residential Designation (R-UH)
- 2.13 Neighborhood Commercial Designation (C-N)
- 2.14 Community Commercial Designation (C-C)
- 2.15 Professional and Administrative Office Designation (C-O)
- 2.21 Public Facility/Institutional Designation (P)
- 2-24 Village, Town, Community and Specific Plans

**Policies**

- 2.1.13 Prohibition On Utility Extensions - San Andreas Planning Area
- 2.1.14 Minimize Utility Sizing - San Andreas Planning Area
- 2.1.15 Watsonville Utility Pipeline Non-Access Strips - San Andreas Planning Area
- 2.1.16 Harkins Slough Road Improvements
- 2.2.1 Public Facility Standards for New Development
- 2.3.4 Rural Development Clustering
- 2.4.1 Parcel Size Determination
- 2.4.2 San Lorenzo Valley: Blake Hammond Manor
- 2.5.2 Bonny Doon
- 2.5.3 Eureka Canyon: Spring Hills Golf Course
- 2.6.2 Aptos Hills
- 2.7.1 Minimum Lot Sizes
- 2.8.1 Minimum Lot Sizes
- 2.8.4 Aptos: Parcel Size Restrictions
- 2.9.1 Minimum Parcel Sizes
- 2.10.1 Minimum Parcel Sizes
- 2.10.2 Minimum Lot Size
- 2.10.5 Live Oak: Pacific Family Mobile Home Park
- 2.11.1 Density Bonus for Housing Development
- 2.12.1 Office Uses in Commercial Designation
- 2.12.2 Public Facility Uses in Commercial Designations
- 2.12.3 Residential Uses in Commercial Designations
- 2.13.3 Allowed Uses in the Neighborhood Commercial Designation
- 2.13.7 Aptos: Cabrillo Drive Neighborhood Commercial
- 2.13.8 Live Oak: 17th Avenue Neighborhood Commercial
- 2.14.2 Allowed Uses in the Community Commercial Designation
- 2.14.3 Cottage Industries with On-Site Retail Sales
- 2.14.8 Aptos Village Community Commercial
- 2.14.9 Skyline and Summit: Commercial Development
- 2.15.2 Allowed Uses
- 2.15.4 Aptos; Soquel Drive and Ledyard Way
- 2.15.5 Aptos; Soquel Drive Area, Southwest of Aptos Village
- 2.15.6 San Lorenzo Valley
- 2.15.7 Soquel Village Mixed Use Area
- 2.16.9 Conversion of Visitor Accommodations to Residential Use
- 2.18.1 Continuation of Non-Conforming Commercial or Light Industrial Uses

- 2.18.4 Non-Conforming Signage for Commercial or Light Industrial Uses
- 2.21.1 Public Facility/Institutional Land Use Designation
- 2.21.2 Location of Public Facility/Institutional Land Uses
- 2.21.3 Allowed Uses in Public Facility/Institutional Designations
- 2.24.1 Development Review in Areas with Adopted Village, Town, Community and Specific Plans

## **Figures**

- 2-3 Allowable Densities for Urban Residential Land Use Designations

## **Chapter 3: Circulation Element**

### **Policies**

- 3.12.1 Levels of Service (LOS) Policy<sup>2</sup>
- 3.12.2 Level of Service (LOS) Calculation Methods
- 3.12.3 Transportation Impact Fees as Mitigation Measures
- 3.12.4 Reduced Traffic Generation
- 3.20.6 Planned Future Road Projects

## **Chapter 4: Housing Element**

Policy 1.2

Policy 1.3

Policy 2.1

## **Chapter 5: Conservation Element**

### **Policies**

- 5.1.1 Sensitive Habitat Designation, subsections (a) and (c)
- 5.1.2 Definition of Sensitive Habitat, subsections (a),(b),(d),(f),(i),(j)
- 5.1.6 Development Within Sensitive Habitats
- 5.1.7 Site Design and Use Regulations
- 5.1.12 Habitat Restoration With Development Approval
- 5.2.1 Designation of Riparian Corridors and Wetlands
- 5.2.3 Activities Within Riparian Corridors and Wetlands<sup>3</sup>
- 5.2.4 Riparian Corridor Buffer Setback<sup>3</sup>
- 5.2.5 Setbacks From Wetlands
- 5.2.6 Riparian Corridors and Development Density
- 5.2.8 Environmental Review for Riparian Corridor and Wetland Protection
- 5.2.9 Management Plans for Wetland Protection
- 5.2.10 Development in Wetland Drainage Basins
- 5.2.11 Breaching of Lagoon, River, Stream or Creek Sandbars
- 5.3.5 Anadromous Fish Streams
- 5.5.4 Minimum Size for Existing Parcels in Water Quality Constraint Areas
- 5.5.5 Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds
- 5.5.6 Land Division and Density Requirements in Water Supply Watersheds
- 5.5.7 Land Division and Density Requirements in Least Disturbed Watersheds
- 5.5.8 Allowed Uses in Water Supply and Least Disturbed
- 5.5.9 Development Activities Within Water Supply and Least Disturbed Watersheds
- 5.5.12 Drainage Design in Water Supply Watersheds
- 5.5.14 Development Activities Within Proposed Reservoir Protection Areas

<sup>1</sup> General Plan Objectives generally provide guidance for the County; however, they may be considered applicable to proposed projects in so far as they pertain to the uses and densities allowed in each land use designation.

<sup>2</sup> The portion of this policy related to 1% increase in the traffic volume is not longer enforceable. All other portions of the policy still apply.

<sup>3</sup> Riparian exceptions will not be granted under SB 35, therefore proposed projects cannot propose any development activities within these areas.

- 5.5.16 Minimum Lot Size In Septic Constraint Areas
- 5.6.1 Minimum Stream Flows for Anadromous Fish Runs
- 5.7.1 Impacts From New Development On Water Quality
- 5.7.2 Minimum Septic System Setback From Natural Waterways
- 5.7.3 Erosion Control For Stream and Lagoon Protection
- 5.7.5 Protecting Riparian Corridors and Coastal Lagoons
- 5.8.4 Drainage Design in Primary Groundwater Recharge Areas
- 5.8.5 Developing Groundwater Resources
- 5.10.4 Preserving Natural Buffers
- 5.10.5 Preserving Agricultural Vistas
- 5.10.10 Designation of Scenic Roads
- 5.10.13 Landscaping Requirements
- 5.10.13 Protecting Views in the North Coast and Bonny Doon
- 5.10.19 Highway One Signage in Rural Areas
- 5.10.20 Highway One Signage in Urban Areas
- 5.10.21 Illuminated Signs Visible from Scenic Roads
- 5.10.22 Requirement for Sign Plans
- 5.10.23 Transmission Lines and Facilities
- 5.10.24 Utility Service Lines
- 5.10.25 Access Roads for Transmission Lines
- 5.11.3 Development Within Urban Open Space Areas
- 5.11.6 Density and Parcel Size Determination for Resource Conservation Lands
- 5.13.22 Conversion to Non-Agricultural Uses Near Urban Areas
- 5.13.23 Agricultural Buffers Required
- 5.13.24 Agricultural Buffer Findings Required for Reduced Setbacks
- 5.13.28 Residential Uses on Commercial Agricultural Land
- 5.13.29 Residential Use Ancillary to Commercial Agriculture
- 5.14.12 Non-Commercial Agricultural Land Division and Density Requirements
- 5.17.2 Design Structures for Solar Gain
- 5.17.7 Street Lighting
- 5.18.1 New Development
- 5.18.2 Non-Attainment Pollutants
- 5.18.3 Air Quality Mitigations
- 5.18.4(a) Offshore Oil and Gas Development
- 5.18.4(b) Onshore Oil and Gas Development
- 5.19.2 Site Surveys
- 5.19.3 Development Around Archaeological Resources
- 5.19.4 Archaeological Evaluations
- 5.19.5 Native American Cultural Sites

## **Chapter 6: Public Safety and Noise**

### **Policies**

- 6.1.2 Geologic Reports for Development in Alquist-Priolo Zones
- 6.1.4 Site Investigation Regarding Liquefaction Hazard
- 6.1.5 Location of New Development Away From Potentially Hazardous Areas
- 6.1.9 Recordation of Geologic Hazards
- 6.1.10 Density Recommendations for Proposed Development
- 6.1.11 Setbacks from Faults
- 6.1.12 Minimum Parcel Size in Fault Zones
- 6.2.1 Geologic Hazards Assessments for Development On and Near Slopes
- 6.2.2 Engineering Geology Report
- 6.2.3 Conditions for Development and Grading Permits
- 6.2.4 Mitigation of Geologic Hazards and Density Considerations
- 6.2.5 Slope Considerations for Land Division Calculations
- 6.2.6 Location of Structures and Drainage Considerations in Unstable Areas
- 6.2.7 Location of Septic Leachfields

- 6.2.9 Recordation of Geologic Hazards
- 6.3.3 Abatement of Grading and Drainage Problems
- 6.3.4 Erosion Control Plan Approval Required for Development
- 6.3.6 Earthmoving in Least Disturbed or Water Supply Watersheds
- 6.3.7 Reuse of Topsoil and Native Vegetation Upon Grading Completion
- 6.3.8 On-Site Sediment Containment
- 6.3.9 Site Design to Minimize Grading
- 6.3.10 Land Clearing Permit
- 6.3.11 Sensitive Habitat Considerations for Land Clearing Permits
- 6.4.1 Geologic Hazards Assessment Required in Flood Hazard Areas
- 6.4.5 New Parcels in 100-Year Floodplains
- 6.4.6 Density Calculations
- 6.4.7 New Construction to be Outside Flood Hazard Areas
- 6.4.8 Elevation of Residential Structures
- 6.4.9 Septic Systems, Leach Fields, and Fill Placement
- 6.5.1 Access Standards
- 6.5.3 Conditions for Project Approval
- 6.5.4 Fire Protection Standards for Land Divisions Outside the Urban Services Line
- 6.5.5 Standards for New Dead End Roads
- 6.5.6 Maintenance for Private Roads
- 6.5.7 Certification of Adequate Fire Protection Prior to Permit Approval
- 6.5.9 Consistency With Adopted Codes Required for New Development
- 6.5.10 Land Divisions Access Requirements
- 6.5.11 Fire Protection Standards for Land Divisions Inside the Urban Services Line
- 6.7.5 Floodplains and Sensitive Habitats
- 6.8.2 Measuring Ambient Magnetic Fields
- 6.8.3 Development Mitigation Measures
- 6.9.1 Land Use Compatibility Guidelines
- 6.9.2 Acoustical Studies
- 6.9.3 Noise Sensitive Land Uses
- 6.9.4 Commercial and Industrial Development
- 6.9.5 Residential Development
- 6.9.6 Vibrations from Rail
- 6.9.7 Construction Noise
- 6.10.2 Evaluation and Mitigation
- 6.11.3 Mitigation for Interior Noise

## **Chapter 7: Parks, Recreation and Public Facilities Element**

### **Policies**

- 7.16.1 Reviewing New Development for Fire Protection
- 7.16.2 Development to be Consistent With Fire Hazards Policies
- 7.18.2 Written Commitments Confirming Water Service Required for Permits
- 7.19.1 Sewer Service to New Development
- 7.19.2 Development Linkage to Downstream Sewer System Improvements
- 7.19.3 Sewer System Connections in Carbonera
- 7.19.4 Community Sewage Disposal Systems, Within the Rural Services Line
- 7.20.2 Rural Services Line Areas Without Community Sewage Disposal Systems
- 7.21.2 Minimum Parcel Sizes and Maximum Densities With Individual Sewage Disposal Systems
- 7.21.3 Maximum Slopes for Individual Sewage Disposal Systems
- 7.21.4 Alternative Sewage Disposal Systems
- 7.21.5 Community Sewage Disposal Systems Outside the Urban Service Line and Rural Services Line
- 7.21.6 Sanitary Service Connections Outside Urban Services Line and Rural Services Line

- 7.23.1 New Development
- 7.23.3 On-Site Stormwater Detention
- 7.23.4 Downstream Impact Assessments
- 7.23.5 Control Surface Runoff
- 7.26.1 Undergrounding Lines

## Figures

- 7-2 Santa Cruz County Public Parks and Recreation Facilities

## Chapter 8: Community Design Element

### **Policies**

- 8.2.3 Design Criteria for Utilities
- 8.2.6 Circulation Systems for Persons With Disabilities
- 8.3.1 Clustering for Environmental Protection
- 8.5.3 Areas with Unique Design Guidelines
- 8.6.3 Story Limitation
- 8.6.5 Designing With the Environment
- 8.7.2 Utilize Native Species in Rural Areas
- 8.7.3 Appropriate Plants in Urban Areas
- 8.8.4 Davenport Character
- 8.8.5 Historic Structures
- 8.8.6 New Development (*Seacliff Beach Area Special Community*)
- 8.8.7 New Development (*Rio Del Mar Flats/ Esplanade Area Special Community*)

### Aptos Village Plan

**Residential Uses:** "...this Plan limits the number of new residential units in the Village Core to not exceed 63 units (this figure includes transitional residential units at the north of the Village Core)" (Page 33).

**Pedestrian Improvements:** "Making the Village pedestrian friendly is an important Village Plan goal. New development will be required to create a network of sidewalks that provide for pedestrian connectivity. The elements of a pedestrian-friendly neighborhood include:

- Sidewalks along the edge of all streets, where feasible, and along all building frontages.
- Sidewalk widths that are comfortable for walking two or three people abreast.
- Sidewalks within parking areas and connecting parking areas to street frontages.
- Mid-block sidewalks that connect to parking located at mid-block.
- Crosswalks of a contrasting color and/or texture to heighten their visibility and aid in calming traffic.
- Pedestrian amenities such as benches, lights, trash receptors and landscaping.
- Shading for principal sidewalks with street trees, awnings, canopies and arcades.

It is critical that most of these improvements be installed concurrently with the private commercial and residential improvements, particularly the crossings of Soquel Drive. Needed sidewalk improvements are illustrated in Figure 16" (Page 41).

**Storm Drainage:** "Future development must provide engineered drainage improvements that will maintain or improve pre-development release rates and include an engineered system of inlets and storm drains designed to convey peak runoff to designated points of discharge near Aptos Creek and Valencia Creek (as conceptually illustrated in Figure 21). Detention basins, bioswales, rain gardens and other similar "Best Management Practices" will be required to maintain or improve pre-development release rates, maintain water quality and supply and protect the two creeks from hydrologic disturbances. Future developers of the Village Core area will be required to coordinate drainage infrastructure and management" (Page 49).

**Infrastructure Financing:** "Design and construction of a new east-west street, and new north-south street connecting Soquel Drive to the new east-west street by the developer will qualify for fee offsets.

The following off-site improvements qualify for fee offsets, based on total costs:

- Design and construction of drainage systems outside the boundaries of the Village Core.
- Although not offsite, the active public recreational use area donation (dedication) to the County.
- Modification of signal phasing to provide permissive left-turn phasing for Aptos Rancho Road, located outside of Aptos Village." (Page 53).

**Private Business Signage:** "The following are the sign standards for the Village Plan area:

- The maximum sign area is limited to ½ square foot (72 square inches) per lineal foot of the frontage of the business. Sign area includes:
  - The area within a well-defined sign border;
  - On a sign without a defined border, the area within the perimeter which encloses the letters, symbols or logo.
- More than one sign per business is allowed as long as the maximum sign area is not exceeded.

Allowable sign types include (also see Figure 22):

1. Wall signs
2. Blade signs: Blade signs may extend out from the façade or hang from porch and arcade soffits. There must be at least 7 feet of headroom to the bottom of the sign. The sign is limited to 24" extending from a wall or hanging from a soffit. Soffit signs must have a 6" gap between the sign and the soffit. One blade sign is allowed per business
3. A-Frame (Sandwich Board) sign: (one maximum per business) not exceeding 24" in width and 36" in height located inside a dooryard and not impeding pedestrian traffic. The sign shall be removed when the business is not open.
4. Window Signs: Window signs are allowed in storefront windows except in any portion of the window between 3 feet and 6 feet above the sidewalk. Window sign area must not exceed 20% of the glass area of the window in which it is located.
5. One monument sign may be allowed for each of those buildings facing Soquel Drive or Trout Gulch Road.

Prohibited sign types include:

1. Roof signs
2. A-Frame (Sandwich Board) signs located outside of a dooryard or impeding pedestrian traffic.
3. Monument signs for buildings not facing Soquel Drive or Trout Gulch Road.

#### Sign Lighting

Wall, blade and window signs may be lit from above. Monument signs may be lit from below. Internally lit and box signs are not allowed. Neon signs are not allowed; however, accents are allowed." (Page 56).

**Defining Opportunity Sites:** "At the time of initial construction, the total number of residential units, and the residential square footage, may be modified up to 10% to allow minor flexibility in the construction of the project. (Added by Resolution 239-2012)

- A. Increases in the residential square footage and the total number of units can only occur within the building sites defined by the Aptos Village Plan. No increase in building height or overall square footage is allowed.

- B. Residential units are not allowed within the first floor or second floor of Building 4, or on the first floor of any mixed-use commercial building.
- C. The maximum increase in residential units is not allowed to exceed 6 additional residential units.
- D. Any increase in residential square footage shall replace approved commercial square footage in the mixed use portion of the development. No additional commercial square footage is authorized." (Page 59)

**Figure 23:** Map of Village with Key Features and Development Opportunity (Page 60)

**Figure 24:** Description of Development Potential of Sites (Page 61-62)

**Residential Transitional Area:** "Solely residential uses are allowed along the northern edge of the Village Core and on both sides of the existing Granite Way, opposite the Post Office, at densities consistent with the Residential Urban-High and Residential Urban-Medium land use designations. Since land on the south side of Granite Way will be redesignated from commercial to exclusive residential use, future developers will be required to provide 40% of the resulting residential units as affordable units, pursuant to Chapter 17.10 of the County Code. Inclusionary housing requirements can be met by dispersing the units throughout the Village Core area" (Page 71).

#### **Boulder Creek Village Plan**

**Commercial Development Standards in Village Core:** C-I (Chapter IV, Page 24-27)

**Design Guidelines for the Railroad Avenue/Junction Area:** A. 1-4 (Chapter IV, Page 31)

**Development Standards:** 1-9 (Chapter IV, Page 37)

**Commercial Use Performance Standards:** 1-4, 6-7 (Chapter IV, Page 37-38)

#### **Felton Village Plan**

**Scenic View Corridor #1:** Guideline a2, Application Requirements A-E (Page 14)

**Scenic View Corridor #2:** Guideline a1&3, Application Guidelines 1-2 (Page 15)

**Scenic View Corridor #3:** Guidelines 1-3, Application Requirements 1-2 (Page 16)

**Scenic View Corridor #4:** Guidelines 2, Application Requirements 1-4 (Page 17)

**Townscape Design Guidelines:** Highway 9 Design Criteria D-H, Highway 9 Circulation D (Page 35)

Roof Materials A-D, Street Lighting A-C (Page 36-37)

#### **Seacliff Village Plan**

**Design Recommendations:** Application Requirements a-c, Lighting Program, Streetscape Program c-d (Page 62-70)

**Design Area 1 – McGregor Site:** Streetscape b, Specific Site Regulations a, (Page 71-74)

**Design Area 4, Center Street:** Building Design (Page 76)

#### **Soquel Village Plan**

**Soquel Drive Design Policies:** 5 (Page 31)

**Porter Street Design Guidelines:** 1 and 5 (Page 35)

**Townscape Guidelines:** 2b-c, Design Guidelines for New Construction and Remodeling: (3), Crosswalk Pavers, Daubenhiss house (2), Soquel Drive Daubenhiss Avenue Site (5) (Page 36-41)

**Village Entryway Design Guidelines:** Soquel Drive West Entry (1-2), Soquel Drive East Entryway (2-3) (Page 42-43)

**List of SB 35 Objective Standards: County Code**  
**Updated October 2019**

**Chapter 13.10 Zoning Regulations**

- 13.10.140 Applicability.
- 13.10.170 General Plan consistency
- 13.10.260 Nonconforming uses and structures—General provisions. (C)
- 13.10.262 Nonconforming structures. (A) (1) & (A)(4)
- 13.10.322 Residential uses.
- 13.10.323 Development standards for residential districts.
- 13.10.324 Design and operating criteria for congregate senior housing.
- 13.10.324.1 Public facilities requirements for residential districts.
- 13.10.332 Commercial uses.
- 13.10.333 Development standards for commercial districts.
- 13.10.334 Public facilities requirements for commercial districts.
- 13.10.335 Special standards and conditions for commercial districts.
- 13.10.362 Public and community facilities uses.
- 13.10.363 Development standards in the Public and Community Facilities PF District.
- 13.10.364 Design criteria for the Public and Community Facilities PF District.
- 13.10.382 Uses in the Special Use SU District.
- 13.10.383 Development standards for the Special Use SU District.
- 13.10.384 Design criteria for the Special Use SU District.
- 13.10.400 Combining zone districts
- 13.10.418 Use and development standards in the "D" Designated Park Site Combining District.
- 13.10.423 Use and development standards in the Geologic Hazards GH Combining District.
- 13.10.433 Use and development standards in the Assisted Housing H Combining District.
- 13.10.436 Residential development in the SBE Combining District
- 13.10.446 Residential development standards in the Pleasure Point Community Design PP Combining District.
- 13.10.453 Use and development standards in the Historic Landmark L Combining District.
- 13.10.458 Use and development standards in the Mobile Home Park MH Combining District.
- 13.10.463 Use and development standards for the Open Space Easement O Combining District.
- 13.10.473 Use and development standards in the Agricultural Preserve and Farmland Security P Combining District.
- 13.10.476 Density, requirement for planned unit development (PUD), and permit processing standards.
- 13.10.477 Development standards in the Regional Housing Need R Combining District.
- 13.10.483 Use and development standards in the Salamander Protection SP Combining District.
- 13.10.493 Use and development standards in the Watsonville Utility Prohibition W Combining District.
- 13.10.510 Application of site standards.
- 13.10.520 Site frontage.
- 13.10.521 Site access.
- 13.10.525 Regulations for fences and retaining walls within required yards.
- 13.10.551 Off-street parking facilities required.
- 13.10.552 Schedule of off-street parking space requirements. (A),(B),(E)
- 13.10.553 Alternate parking requirements.
- 13.10.554 Standards of off-street parking facilities.
- 13.10.555 Location of off-street parking facilities.
- 13.10.556 Outdoor storage of personal property and materials.
- 13.10.560 Bicycle parking provisions.
- 13.10.570 Off-street loading facilities required.
- 13.10.571 Standards for and location of off-street loading facilities.
- 13.10.575 Existing uses.
- 13.10.576 Reduction of off-street parking and loading facilities.
- 13.10.577 Designation of off-site loading facilities.



- 13.10.578 Off-street parking and off-street loading.
- 13.10.580 Signs in R-1, RB, RR, RA, RM, A, AP, and CA Districts.
- 13.10.581 Signs in C, CT, VA, PA, PF and M Districts.
- 13.10.582 Signs in the PR District.
- 13.10.583 Temporary signs in all districts.
- 13.10.584 Directional signs.
- 13.10.591 Trip reduction requirements for development projects to be occupied by 50 or more employees.
- 13.10.592 Trip reduction requirements for residential development projects of 25 or more housing units.
- 13.10.611 Accessory structures.
- 13.10.631 Farm worker/caretaker housing—Mobile homes, farm worker quarters and farm worker camps. (C) (2-3), (E) (1-3, 5-8)
- 13.10.651 Restaurants, bars and food outlets in the PA Zone District.
- 13.10.654 Night clubs, on-site liquor sales, live entertainment.
- 13.10.658 Recycling facilities.
- 13.10.672 Use of urban open space land.
- 13.10.673 Lot line adjustment applications regarding additional building sites and parcel size. (A),(C),(E)
- 13.10.681 Accessory dwelling units. (D)(1-2,4,6), (E)(1-2,4), (F), (G)
- 13.10.682 Permanent occupancy of manufactured homes.
- 13.10.684 Mobile home parks.

#### **Chapter 13.11 Site, Architectural and Landscape Review**

- 13.11.040 Projects requiring design review. (A-I),(K)
- 13.11.050 Procedure for design review.
- 13.11.060 Compliance with approved site plan, architecture, and landscape architecture requirements, maintenance and enforcement.
- 13.11.072 Site design. (D)(1)(a-c,e), (2)(b), (F)(1)(a)
- 13.11.073 Building design. (D)(1)(b), (E)(1)(b)
- 13.11.074 Access, circulation and parking. (A)(1)(a,e,h-i), (A)(2)(a), (A)(3-4), (C)(1)(a-e,g-h), (C)(2), (D)
- 13.11.075 Landscaping. (A)(1)(a-b), (A)(2)(a,c), (A)(3), (A)(4)(b-c), (B)(1)(a)(c), (B)(2), (C)

#### **Chapter 13.13 Water Conservation – Water Efficient Landscaping**

- 13.13.040 Landscape plan or landscape checklist required. (B)
- 13.13.050 Persons qualified to prepare landscape plans.
- 13.13.060 Landscape water conservation standards. (A-B), (C)(1,5,6,8), (D)(2-10), (E), (F)(1-2,4-5)

#### **Chapter 13.30 Mobile Home Park Conversions**

- 13.30.030 Applications for mobile home park conversions. (B), (C)(1-2), (D)
- 13.30.050 Findings.

#### **Chapter 14.01 Subdivision Regulations**

- 14.01.107.4 Approval of lot line adjustment application. (A), (C), (D)
- 14.01.107.5 Designated remainder and omitted parcels.
- 14.01.108 Parcel legality status determination.
- 14.01.110 Combination of parcels by action of owner. (A)(1,3,4), (B)
- 14.01.111 Merger. (A)(B)(1-3),(C)
- 14.01.201 Map requirements.
- 14.01.203 Parcel map exemptions.
- 14.01.206 Form and content of tentative maps.
- 14.01.207 Preliminary engineered improvement plans.
- 14.01.317 Protection of the environment.
- 14.01.402 Compliance with General Plan—Area plan—Zoning.
- 14.01.407.2 Solar design considerations. (A)-(F), (H)
- 14.01.407.5 Agricultural notification.
- 14.01.422 Banks of waterways—Easements. (A)

- 14.01.423 Designation—Public agencies.
- 14.01.432 Preliminary.
- 14.01.434 Further investigation.
- 14.01.435 Corrective action—Approval.
- 14.01.603 Consistency.
- 14.01.620 Effect of approval or conditional approval of vesting tentative map. (A),(B)

#### **Chapter 14.04 Annual Limit—Rural Land Divisions**

- 14.04.030 Annual limitation on new residential parcels that may be created by rural land division.

#### **Chapter 15.10 Roadway and Roadside Improvements**

- 15.10.030 Applicability.
- 15.10.050 Development requirements. (A)-(D), (F)(2),(F)(4-5),(G)
- 15.10.060 Improvement standards.
- 15.10.070 In-lieu fee.

#### **Chapter 16.10 Geologic Hazards**

- 16.10.050 Requirements for geologic assessment.
- 16.10.060 Assessment and report preparation and review.
- 16.10.070 Permit conditions.
- 16.10.080 Project density limitations.
- 16.10.090 Project denial.
- 16.10.110 Appeals.

#### **Chapter 16.20 Grading Regulations**

- 16.20.050 Exemptions
- 16.20.060 Application.
- 16.20.080 Approval limitations and conditions.
- 16.20.090 Environmental review.
- 16.20.120 Fees.
- 16.20.130 Securities.
- 16.20.140 Design standards for excavations.
- 16.20.150 Design standards for fills.
- 16.20.160 Cut and fill slope setback.
- 16.20.170 Design standards for drainage facilities and terraces.
- 16.20.180 Design standards for rural private roads and driveways.

#### **Chapter 16.22 Erosion Control**

- 16.22.050 Project design.
- 16.22.060 Erosion control plan. (A)-(D)
- 16.22.070 Runoff control.
- 16.22.080 Land clearing approval. (A)(1,3), (B)-(E)
- 16.22.090 Winter operations. (A)
- 16.22.130 Fees.
- 16.22.150 Applicable laws and regulations.

#### **Chapter 16.30 Riparian Corridor and Wetlands Protection**

- 16.30.040 Protection.

#### **Chapter 16.32 Sensitive Habitat Protection**

- 16.32.080 Report preparation and review. (A),(B)
- 16.32.090 Approval conditions – Sensitive Habitat Standards (2-3)
- 16.32.095 Project density limitations.

#### **Chapter 16.40 Native American Cultural Sites**

- 16.40.030 Archaeological assessments required.

- 16.40.035 Project approval.
- 16.40.040 Site discovered during excavation or development. (A)

#### **Chapter 16.42 Paleontological Resource Protections**

- 16.44.040 Paleontological assessments required. (A)(1)
- 16.44.050 Applications, preparation and review of assessments. (B), (C)

#### **17.02 Urban Services Line and Rural Services Line**

- 17.02.070 Urban development standards.
- 17.02.081 Harkins Slough Road.

#### **17.10 Affordable Housing Requirements**

- 17.10.030 Ownership residential projects—Inclusionary housing requirements. (A),(B),(D)-(E),(F)(1-2,4)
- 17.10.032 Residential projects—Requirements for on-site affordable units.
- 17.10.034 Residential projects—Affordable housing impact fees. (B),(D)(1), (E)-(F)
- 17.10.035 Affordable housing requirements and incentives for land division.
- 17.10.039 Residential projects—Rental affordable units.
- 17.10.040 Priority processing.
- 17.10.050 Initial sale and resale of ownership affordable units.

#### **17.12 Residential Density Bonuses and Affordability Incentives**

- 17.12.020 Eligibility for regulatory incentives.
- 17.12.030 Affordability restrictions.
- 17.12.040 Request for incentive or concession.
- 17.12.050 Request for waiver or reduction of standard.
- 17.12.060 Density bonuses.
- 17.12.065 Enhanced density bonus.
- 17.12.070 Land donations.
- 17.12.080 Child care facilities.
- 17.12.090 Parking.
- 17.12.100 Condominium conversions.
- 17.12.105 Commercial development contributing affordable housing.
- 17.12.110 Application procedures.
- 17.12.120 Review procedures.



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

## SB 330 HOUSING CRISIS ACT OF 2019 GUIDE

### **What is Senate Bill 330 (SB 330)?**

In October 2019, Governor Newsom signed into law Senate Bill 330 (SB 330) as part of a package of bills created to address California's housing shortage. The new law establishes the Housing Crisis Act of 2019 and declares a statewide housing emergency that will be in effect until 2025. The bill makes temporary changes to the Housing Accountability Act (HAA) and Permit Streamlining Act intended to expedite the permitting process for housing development projects. SB 330 further protects tenants from being displaced by new development and prevents local governments from downzoning or otherwise adopting standards that would decrease housing capacity.

### **Is my project eligible for SB 330 expedited permitting?**

SB 330 expedited permitting is available to all housing development projects that require discretionary review, including any residential development, mixed use projects with a minimum of two-thirds of development square footage designated for residential use, and transitional or supportive housing projects. However, it may be more helpful for large multifamily projects that generally require more time for project review and approval.

### **How does SB 330 expedite the permitting process?**

The law provides a new preliminary application process which freezes the policies, standards, and fees in effect when a Preliminary Application Form is submitted. Applicants who utilize this process would then submit the discretionary permit application(s) within the timelines detailed on Page 2. In addition, all housing development projects benefit from the following SB 330 expedited permitting: reduced project approval time after an Environmental Impact Report (EIR) has been certified (current County process certifies EIR at project approval), historic site determination at the time the application is deemed complete, and a maximum of five public hearings when a project is consistent with the objective standards in place at the time the application is deemed complete, which includes continued public hearings, workshops, and any similar meetings conducted by the County.

### **How do I apply for the SB 330 preliminary application process?**

Applicants must submit a completed SB 330 Preliminary Application Form to apply for the new preliminary application process. Please refer to the SB 330 Preliminary Application Form to see what information is required.

### **What fees apply to projects permitted under the SB 330 expedited process?**

Under SB 330, housing development projects are subject only to the ordinances, policies, and standards in effect when the Preliminary Application Form is submitted, including development impact fees, capacity or connection fees or charges, permit or processing fees, and any other required payments.

### **When is SB 330 in effect?**

SB 330 will be in effect for five years starting January 1, 2020 and ending January 1, 2025.



# SB 330 EXPEDITED PERMITTING TIMELINES

## Completeness Determination

### Preliminary Application Submittal

Applicant submits SB 330 Preliminary Application Form with required information. Project is subject to all standards and fees in effect at this time\*.

Applicant must submit all information required to process discretionary permit(s) within 180 days.

### Discretionary Application Submittal

Applicant submits discretionary permit applications(s) with items required in Universal List of Required Information.

County must determine if the application is complete within 30 days after discretionary application submittal.

### Completeness Determination

County determines if discretionary application(s) complete.

If the application is incomplete, the County will send the Applicant a letter detailing specific information required to process the application.

### Amend Application

Applicant must submit additional materials needed to complete the application within 90 days of receiving County's letter or preliminary application will expire.

County must determine if the application is complete within 30 days after materials submitted.

\*Per Gov. Code §65589.5(o)(2), projects may be subject to standards adopted after the preliminary application was submitted under the following circumstances:

- Any fee changes related to annual fee adjustments per cost index
- Changes are necessary to mitigate or avoid specific, adverse impact upon public health or safety or under CEQA
- Project has not started construction within 2.5 years after final approval
- Revisions to the project result in 20% or more changes to total residential units or building area compared to preliminary application figures. The preliminary application must then be resubmitted.
- Any payments required after the building permit has received final inspection, including inspections, rent control, vacation rental bans, etc.



# COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT  
701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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## SB 330 PRELIMINARY APPLICATION FORM

Senate Bill 330 (SB 330) provides a preliminary application process for all housing development projects. Applicants must submit this form with the information required in the checklist below to apply for the preliminary application process. Please refer to the SB 330 Guide to learn more about SB 330.

### PROJECT INFORMATION

Site Address: \_\_\_\_\_ APN(s): \_\_\_\_\_

Existing Use(s): \_\_\_\_\_ Proposed Use(s): \_\_\_\_\_

### PRIMARY CONTACT INFORMATION

Name: \_\_\_\_\_ Contact type: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

**IF YOU CHECKED "NO" FOR ONE OR MORE REQUIRED ITEMS BELOW, YOUR PRELIMINARY APPLICATION IS INCOMPLETE AND WILL NOT BE ACCEPTED.**

☐ I HEREBY CERTIFY THAT MY SB 330 PRELIMINARY APPLICATION FORM IS COMPLETE pursuant to Gov. Code §65941.1, as demonstrated in the checklist below.

### REQUIRED ATTACHMENTS

- ☐ Supporting documentation/plans required for checklist items 1-17
- ☐ \$1,500 deposit for permit processing fee

Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date \_\_\_\_\_

PLANNING DEPARTMENT USE ONLY	
APPLICATION#:	SUBMITTAL DATE: / /
NOTE: THIS PRELIMINARY APPLICATION SHALL EXPIRE IF THE APPLICANT DOES NOT SUBMIT A COMPLETE DISCRETIONARY APPLICATION (PER §65940, §65941, §65941.5) WITHIN 180 CALENDAR DAYS AFTER SUBMITTING THIS FORM.	DISCRETIONARY APPLICATION ITEMS DUE (180 DAYS FROM PRELIMINARY APPLICATION SUBMITTAL DATE): / /

PRELIMINARY APPLICATION CHECKLIST		YES	NO	N/A
1.	The specific location, including parcel numbers, a legal description, and site address, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.	<input type="checkbox"/>	<input type="checkbox"/>	
3.	A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.	<input type="checkbox"/>	<input type="checkbox"/>	
4.	The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	
5.	The proposed number of parking spaces.	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Any proposed point sources of air or water pollutants.	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Any species of special concern known to occur on the property.	<input type="checkbox"/>	<input type="checkbox"/>	
8.	Whether a portion of the property is located within any of the following:	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Check all that apply:</p> <p><input type="checkbox"/> (A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.</p> <p><input type="checkbox"/> (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).</p> <p><input type="checkbox"/> (C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.</p> <p><input type="checkbox"/> (D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.</p> <p><input type="checkbox"/> (E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.</p> <p><input type="checkbox"/> (F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.</p>				
9.	Any historic or cultural resources known to exist on the property.	<input type="checkbox"/>	<input type="checkbox"/>	
10.	The number of proposed below market rate units and their affordability levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Government Code §65915.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.	<input type="checkbox"/>	<input type="checkbox"/>	









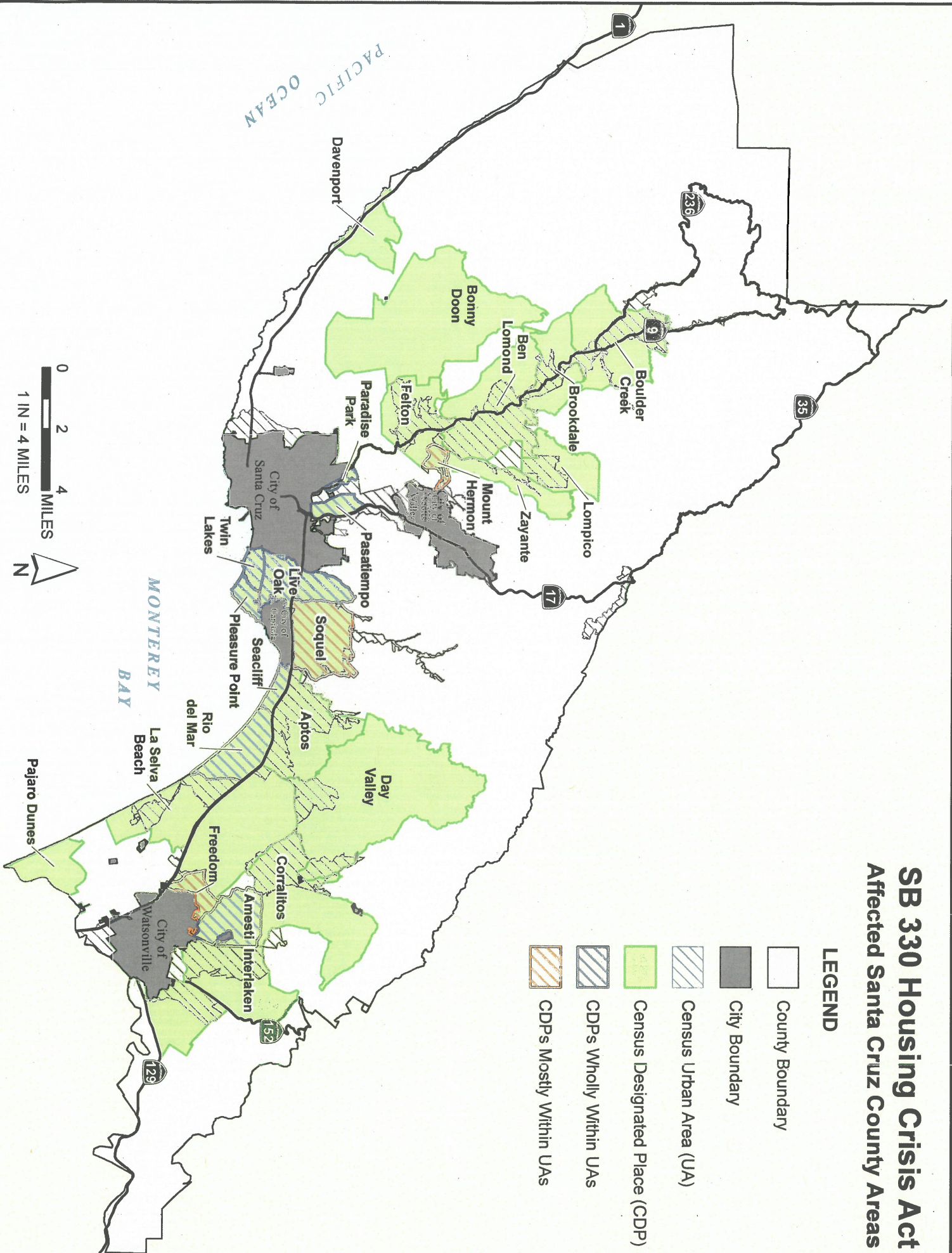
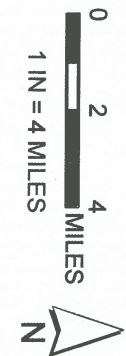
PRELIMINARY APPLICATION CHECKLIST		YES	NO	N/A
<b>13.</b> The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application (see Owner-Agent Authorization Form PLG-210 attached).		<input type="checkbox"/>	<input type="checkbox"/>	
<b>14.</b> For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Check all that apply:				
<input type="checkbox"/> (A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.				
<input type="checkbox"/> (B) Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.				
<input type="checkbox"/> (C) A tsunami run-up zone.				
<input type="checkbox"/> (D) Use of the site for public access to or along the coast.				
<b>15.</b> The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16.</b> A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.		<input type="checkbox"/>	<input type="checkbox"/>	
<b>17.</b> The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# SB 330 Housing Crisis Act Affected Santa Cruz County Areas

## LEGEND

-  County Boundary
-  City Boundary
-  Census Urban Area (UA)
-  Census Designated Place (CDP)
-  CDPs Wholly Within UAs
-  CDPs Mostly Within UAs





## COUNTY OF SANTA CRUZ BROCHURES

PLANNING DEPARTMENT • 701 OCEAN STREET, 4<sup>TH</sup> FLOOR • SANTA CRUZ, CA 95060  
ZONING INFORMATION: [planning.zoninginfo@santacruzcounty.us](mailto:planning.zoninginfo@santacruzcounty.us) • (831) 454-2130

### **ADU Regulations in effect January 1, 2020**

New state laws Assembly Bill (AB) AB 68, AB 881 and Senate Bill (SB) 13 regarding accessory dwelling units (ADUs) are in effect January 1, 2020. The Santa Cruz County Code is being updated to comply with these laws, but in the meantime, the state law takes precedence over County Code.

#### **How do the new ADU laws change the ADU regulations for Santa Cruz County?**

**Where ADUs are Allowed.** ADUs are now allowed on parcels in all zone districts and General Plan designations that allow single-family or multi-family residential development or mixed-use residential and non-residential development.

**Junior ADUs.** JADUs are now allowed. JADUs are 220-500 square feet, converted from living areas in single family dwelling units, and have an efficiency kitchen and a bathroom that is either independent or shared with the primary dwelling unit.

**Number of ADUs Allowed.** Lots with single family dwellings may now have one ADU and one JADU. Lots with multifamily dwellings may now have up to two new construction detached ADUs plus up to 25% of units can have conversion<sup>1</sup> ADUs created from areas that are not currently livable space (such as storage rooms).

**Owner Occupancy.** Owner occupancy of the primary dwelling unit is required for JADUs. Owner occupancy is NOT required for ADUs first permitted during the five-year period from January 1, 2020 through January 1, 2025.

**Reduced Fees.** Impact fees are not charged for ADUs less than 750 square feet, and impact fees for larger ADUs are proportional to ADU size. Utility connection fees are charged for detached ADUs in proportion to the square footage of the structure or the number of fixtures. ADUs are considered a new residential use for new utility service fees only if constructed in conjunction with a new dwelling unit.

**Development Standards.** Development standards for ADUs have been relaxed.

- **ADU Size.** Minimum ADU size is 220 square feet. Conversion ADUs still have a maximum size of 50% of the primary dwelling unit. For new construction ADUs on properties less than one acre, maximum sizes are 850 square feet for studios and one-bedroom ADUs

<sup>1</sup> A "conversion ADU" means the conversion of any portion of a legal accessory structure, or any portion of a single-family dwelling, or any garage, for the purpose of creating an ADU. A "new construction ADU" means a new structure that is either detached or attached to the main dwelling unit.

and 1,000 square feet for multiple bedroom ADUs. On properties greater than one acre, maximum size for detached new construction ADUs is 1,200 sf and maximum size for attached new construction ADUs is 50% of the main dwelling unit.

- **Setbacks and Height.** Side and rear setbacks for ADUs are now four feet; front yard setbacks have not changed. ADU height is the same as the zone district standard except that detached new construction ADUs within the urban services line shall be maximum 16 feet and ADUs above detached garages shall be 24 feet (20 feet at exterior wall). Height requirements may be different in the Seascapes Beach Estates and Pleasure Point communities – please check with County staff regarding height in these communities.
- **800-Square-Foot ADU Allowance.** If a property exceeds maximum allowed floor area ratio or lot coverage for the zone district, an ADU up to 800 square feet is allowed, subject to maximum height 16 feet and 4-foot side and rear setbacks.
- **Parking.** ADUs are now exempt from parking requirements if they are within a half-mile walking distance from any transit stop. Also, no parking replacement is required for the main dwelling unit when ADUs are converted from existing covered parking. These parking exemptions may not apply within the Coastal Zone – please check with County staff regarding parking requirements in the Coastal Zone.

**Nonconforming Conditions.** The County does not require the correction of most nonconforming conditions when approving a building permit for an ADU or JADU.

**Code Enforcement.** Between January 1, 2020 and January 1, 2030, code enforcement for ADUs may be delayed for up to five years for ADUs built before January 1, 2020.

**Building Permit Approval Timeline.** ADU and Junior ADU (JADU) building permit applications will be approved or denied within 60 days from the date a complete application is submitted, subject to certain exceptions.

### **Want to Learn More?**

- **Visit the ADU website** which will be updated with new information as available:  
<http://www.sccoplanning.com/ADU.aspx>
- **Attend a public hearing on this topic.** The Planning Commission has a public hearing scheduled for January 8, 2020. Visit the Planning Commission website to learn more:  
<http://www.sccoplanning.com/PlanningHome/ZoningDevelopment/AgendasHearings/PlanningCommission.aspx>
- **Contact Daisy Allen, Senior Planner, 454-2801, with questions about the new state laws or to be added to the ADU mailing list for email updates on this topic.**



# High Quality Transit Stops Santa Cruz County, CA

- LEGEND**
- County Boundary
  - City Boundary
  - Existing Major Transit Stops**
    - Major Transit Stops
  - Half Mile Buffer
  - Future Major Transit Stops**
    - Major Transit Stops
    - Half Mile Buffer

