



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY, PLANNING DIRECTOR

December 31, 2019

AGENDA DATE: January 8, 2020

AGENDA ITEM: #8

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

SUBJECT: PUBLIC HEARING TO REVIEW AND PROVIDE RECOMMENDATION TO BOARD OF SUPERVISORS REGARDING: PROPOSED AMENDMENTS TO COUNTY CODE TO MEET NEW STATE LAW REQUIREMENTS FOR ACCESSORY DWELLING UNITS; AND CEQA NOTICE OF EXEMPTION. AMENDMENTS TO CHAPTERS 7.73 and 13.10 ARE COASTAL IMPLEMENTING AND WILL REQUIRE COASTAL COMMISSION CERTIFICATION AFTER COUNTY ADOPTION.

Recommended Action(s):

- 1) Conduct a public hearing to review proposed County Code Amendments that would modify rules for accessory dwelling units (ADUs) to reflect new state law requirements, with associated CEQA Notice of Exemption; and
- 2) Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors:
 - a. Direct staff to file the California Environmental Quality Act (CEQA) Notice of Exemption (Exhibit B) with the Clerk of the Board; and
 - b. Adopt the ordinance (Exhibit C) modifying County Code regarding Accessory Dwelling Units.

EXECUTIVE SUMMARY

New state laws Assembly Bill (AB) 68, AB 587, AB 881 and Senate Bill (SB) 13 regarding accessory dwelling units (ADUs) take effect beginning January 1, 2020. Key provisions contained in these laws cover the topics of streamlined ADU review, reduced fees, more lenient development standards, lower parking requirements, Junior ADUs (JADUs), multifamily dwelling ADUs, owner occupancy requirements, short-term rentals, nonconformities, and code enforcement. The draft ordinance presents local code amendments to align with state law, informed by a Planning Commission study session held on December 11, 2019. Certain development standards are proposed to be different in the Coastal Zone in order to effectively implement the Coastal Act as allowed by state law. This ordinance is exempt from environmental review per statutory CEQA exemptions §15061(b)(3) and §15282(h). A resolution has been prepared for Planning Commission recommendation of the draft ordinance to the Board of Supervisors.

BACKGROUND

On December 11, 2019, the Planning Commission held a study session to review new state laws regarding ADUs that take effect January 1, 2020. At the study session, the Commission provided feedback to staff on strategies to comply 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 the proposed ordinance for Commission consideration.

ANALYSIS

Following is a summary of key topics covered by the ADU bills, along with associated proposed Santa Cruz County Code (SCCC) amendments to comply with these bills, per Planning Commission direction. The proposed ordinance is provided as Exhibits C (clean) and D (strikethrough-underline). Text of the operative provisions¹ of these bills is provided as Exhibits E-H.

AB 881 (Bloom): ADU Standards and Streamlining. This bill modifies Government Code Section 65852.2 regarding ADU development standards and ministerial permit streamlining.

- **Ministerial Approval Timeline.** ADU and JADU applications must be approved or denied within 60 days from the date an application is deemed complete, subject to certain exceptions. To comply with this requirement, the review timeline has been reduced from 120 to 60 days in SCCC section 13.10.681(H)(2) in Exhibits C and D.
 - *No change has been made to the draft ordinance on this topic since the 12-11-19 study session.*
- **ADUs and Multifamily Development.** ADUs are now allowed in all zone districts and General Plan designations that allow residential or mixed-use development. Also, jurisdictions must now allow JADUs, which are ADUs converted from existing primary dwelling living space with a maximum size of 500 square feet and an efficiency kitchen.
 - **Single Family Dwellings.** Single family dwellings may now have one ADU and one JADU. To comply with this requirement, JADUs have been added as an allowed use in zones where single family dwellings are allowed (SCCC 13.10.681[D][1] and use charts for relevant zone districts). Also, the definition of “Dwelling Unit” (13.10.700-D) has been updated so that primary dwelling units can still include just one full kitchen and one limited food preparation area, now called an “Efficiency Kitchen,” consistent with state law.
 - **Multifamily Dwellings.** Lots with multifamily dwellings may now have up to two new construction ADUs plus up to 25% of units can have conversion ADUs created from

¹ 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 adding 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>

areas that are not currently livable space (such as storage rooms). This has been updated per SCCC 13.10.681(D)(3)(b).

- *As proposed by staff at the 12-11-19 Planning Commission study session, the draft ordinance has been updated to reflect the fact that JADUs are within single-family dwellings and therefore specific reference to JADUs is not needed in SCCC sections 13.10.314 (Agricultural Zone District – Special Findings) and 13.10.418 (“D” Combining District – development standards).*
- *Permit requirements for ADUs and JADUs in the parks and public facilities districts (SCCC 13.10.352 and 13.10.362, respectively) have been updated since the 12-11-19 study session to allow lower level approval for ADUs and JADUs in those districts with the understanding that single and multi-family dwellings in those districts require discretionary review and ADUs and JADUs are accessory uses to existing dwellings.*
- **Lot Size.** Agencies cannot establish minimum lot sizes for ADUs. The SCCC is already in compliance with this rule.
 - *No change has been made to the draft ordinance on this topic since the 12-11-19 study session.*
- **ADU Size.** Maximum size for detached new construction ADUs is still 1,200 square feet, but there is now no universal maximum size for attached and conversion ADUs; instead, maximum size for attached and conversion ADUs is 50% of the primary dwelling. As allowed by state law, the draft ordinance (SCCC 13.10.681[D][6]) limits new construction ADUs on parcels smaller than one acre to 850 square feet for studio and one-bedroom ADUs, and 1,000 square feet for multiple bedroom units.
 - *The draft ordinance presented at the study session limited ADU size to 850 sf and 1,000 sf only for detached new construction ADUs; per Commission direction this approach has now also been applied to attached new construction ADUs.*
- **Height and Setbacks.** Agencies may not impose any development standard that would prevent the development of at least an 800 square foot, 16-foot tall ADU with 4-foot side and rear setbacks. In the draft ordinance, setbacks and heights have been adjusted to meet the new state requirements with updates to height limits per Planning Commission direction. See SCCC 13.10.681(D)(7)(a) and (b).
 - *Per Planning Commission direction, ADU height is proposed to be the same as zone district standards, with the following exceptions:*
 - *Detached new construction ADUs within USL: 16 feet (updated from staff proposal of 18 feet/16 feet at exterior wall per Planning Commission direction)*
 - *ADUs above detached garages within USL: 24 feet/20 feet at exterior wall (no change from 12-11-19 study session)*
 - *ADUs above garages within Pleasure Point Combining Zone: 22 feet/18 feet at exterior wall (added per Planning Commission direction)*

- *The ordinance has also been updated to clarify that in the Seascape Beach Estates Combining Zone District, which is a Coastal Special Community, ADUs must follow the structure setbacks and height defined for that district in SCCC 13.10.436, and the minimum 800-square foot ADU allowance does not apply in this zone district. See the Local Coastal Program Consistency discussion below for more explanation of this proposal.*
- *Due to these various caveats regarding ADU development standards, the draft ordinance simplifies the footnotes in the residential development standards tables in SCCC 13.10.323 and directs readers to SCCC 13.10.681 for the ADU standards.*
- **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 can be required for the main dwelling unit when ADUs are converted from covered parking. These requirements have been updated in the draft ordinance (SCCC 13.10.681[D][7][d]), with differing requirements inside the Coastal Zone per Planning Commission direction.
 - *Per Planning Commission direction, certain parking exceptions described in AB 881 are not proposed to be available within the Coastal Zone where parking is constrained:*
 - *Inside the Coastal Zone, replacement parking must be provided when a garage, carport or covered parking structure is demolished or converted in association with ADU construction*
 - *Inside the Live Oak, Seacliff/Aptos, or Davenport/Swanton Designated Areas, proximity to transit stops does not exempt new construction ADUs from parking requirements.*

See the Local Coastal Program Consistency discussion below for more explanation of this proposal.

- **ADU Location.** ADU geographic location can be limited in local ordinances based on adequacy of water or sewer services and the impact of ADUs on traffic flow and public safety; the SCCC does not limit ADU geographic location in this way. For properties on septic, AB 881 clarifies that a local agency may require a water percolation test to determine whether existing septic capacity can accommodate an ADU. This provision is included in the draft ordinance as SCCC 13.10.681(D)(10)(b)(iii)(A).
 - *Per Planning Commission direction at the 12-11-19 study session, proposed code section 13.10.681(D)(4)(b) has been added stating that ADUs and JADUs are subject to environmental buffers and constraints identified in SCCC Title 16.*
- **Owner Occupancy.** Agencies may no longer require owner occupancy on ADU properties. This provision of AB 881 is temporary and expires January 1, 2025. ADUs permitted during these five years shall not thereafter ever be subject to owner occupancy requirements. Government Code section 65852.22 requires owner occupancy for primary dwelling units that have JADUs. These requirements have been updated in the draft ordinance, see SCCC 13.10.681(G).

- *Per Planning Commission direction, the requirement for ADU owner occupancy has been retained in the draft ordinance, with the caveat that this provision of the SCCC does not apply to ADUs permitted between January 1, 2020 and January 1, 2025.*
- **Short-Term Rentals.** Short-term rentals (rentals less than 30-days such as vacation rentals and hosted rentals) are now prohibited by state law in ADUs and JADUs; the SCCC already includes this provision.
 - *No change has been made to the draft ordinance on this topic since the 12-11-19 study session.*
- **Nonconforming Conditions.** An agency cannot require the correction of nonconforming zoning provisions as a condition for ministerial approval of an ADU or JADU. This provision has been added in the draft ordinance as SCCC 13.10.681(E). The rules regarding parking have also been updated to reflect this new provision, clarifying that if the primary dwelling unit has less than the required parking, the primary dwelling's parking may remain nonconforming (see draft ordinance, SCCC 13.10.681[D][7][d][ii][C]).
 - *No change has been made to the draft ordinance on this topic since the 12-11-19 study session.*
- **Reduced Fees.** 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 (see draft ordinance, SCCC 13.10.681[H][3]). Utility connection fees may be charged for detached ADUs in proportion to the square footage of the structure or the number of fixtures. ADUs can be considered a new residential use for new utility service fees only if constructed in conjunction with a new dwelling unit (see draft ordinance, SCCC 13.10.681[D][10][b][ii]).
 - *No change has been made to the draft ordinance on this topic since the 12-11-19 study session.*

AB 68 (Ting): Junior ADUs. This bill modifies Section 65852.22 of the Government Code regarding Junior ADUs (JADUs), allowing JADUs to be constructed concurrently with new single-family dwelling units, allowing efficiency kitchens in JADUs, and confirming that JADUs are subject to the same 60-day review time as regular ADUs. As discussed regarding AB 881, the draft SCCC changes incorporate these requirements.

- *No change has been made to the draft ordinance on this topic since the 12-11-19 study session.*

SB 13 (Wieckowski): ADU Code Enforcement. This bill adds new code section 17980.12 to the State Health and Safety Code. At the request of a property owner, an agency must delay code enforcement on ADU properties for up to five years for ADUs built before January 1, 2020 and for ADUs built after January 1, 2020 the if local ordinance was noncompliant when the unit was built but was updated to comply with state law. This provision of state law is available to property owners until January 1, 2030. The requirements are included in the draft ordinance, SCCC 13.10.681(J).

- *This code section has been updated to remove the condition related specifically to ADUs or JADUs built between January 1, 2020 and the effective date that Santa Cruz*

County has a compliant ADU ordinance. The County is still subject to this provision of state law, but it does not make sense to include this provision in the ordinance because this gap in time will be very short for this jurisdiction.

AB 587 (Friedman): Separate ADU Sale. This bill enables but does not require agencies to pass ordinances allowing separate sale of ADUs under the following conditions:

- The property was built or developed by a qualified nonprofit corporation².
 - There is a recorded contract between a qualified buyer³ and qualified nonprofit corporation per requirements in the Revenue and Taxation Code.
 - The property is held in a recorded “tenancy in common”⁴ agreement that includes the following:
 - The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - A requirement that the qualified buyer occupy the property as the buyer’s principal residence.
 - Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for a minimum of 45 years as low-income housing for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - A grant deed is recorded, and a Preliminary Change of Ownership Report is filed concurrently with this grant deed pursuant the Revenue and Taxation Code.
 - If requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.
- *Per Commission direction, the provisions of AB 587 have been incorporated into the draft ordinance in SCCC section 13.10.681(G)(2)(a). Since this is likely to be a rare occurrence, the Government Code section is simply referenced rather than copying all the separate sale conditions into the SCCC.*

Other Topics. Beyond the requirements for complying with state law, the draft ordinance also proposes updates to the organization of SCCC 13.10.681 that aim to make the ordinance more concise and understandable to applicants and staff. The Planning Commission was supportive of these organizational changes at the 12-11-19 study session.

Certain additional changes to the ordinance that are unrelated to state law have been made since the study session:

- *ADUs and farmworker housing.* Section 13.10.681(D)(9)(a) of the draft ordinance has been updated to link to the new farmworker housing code approved by the Board of Supervisors on 12-10-19.

² “Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

³ “Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

⁴ “Tenancy in common” is a form of real property ownership where two or more people share ownership of a property. Owners may hold title to unequal fractional shares of the entire property in this arrangement.

- Accessory Structures. Section 13.10.611 regarding accessory structures has been removed from the ordinance, because no changes are proposed to development standards for non-ADU accessory structures. At the 12-11-19 study session, the Commission inquired whether staff could use this opportunity to make changes to development standards for nonhabitable accessory structures (lowering maximum allowed height). Staff has confirmed that this code section is being updated as part of the Sustainable Policy and Regulatory Update which is in progress, and the requested height change has been incorporated in the draft code for that update. Therefore, the proposed change to nonhabitable accessory structure height is more appropriate to consider along with other changes to SCCC section 13.10.611 that will be presented comprehensively to the Planning Commission in the Sustainable Policy and Regulatory Update.
- Structural Encroachments. Staff has updated SCCC 13.10.323(E)(1) to clarify that allowances for structural encroachments into setbacks must necessarily be different for ADUs due to their smaller side and rear setbacks.
- JADUs and Coastal Development Permits. Staff is no longer proposing text changes in code sections 13.20.061, 13.20.107 or 13.20.108 regarding coastal development permits. The draft code presented at the study session included an update to these code sections to reference JADUs, but this text has been removed because JADUs are conversions within primary dwelling living space and as such generally will not require a coastal development permit. Instead, the following text has been added in SCCC section 13.10.681(H), Application Processing: "JADUs constituting an intensification of use as defined in 13.20.040 shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a single-family dwelling remodel or addition is evaluated."

ENVIRONMENTAL REVIEW

Amendments to the County's ADU ordinance are exempt from California Environmental Quality Act (CEQA) review per two statutory requirements. First, the changes proposed per AB 881 are subject to CEQA §15282(h): "adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code." Second, the remaining changes are serving to implement provisions of state law that are already in effect statewide with the exception of AB 587 which only impacts sale of ADUs and not environmental impacts. Therefore, there is no potential for significant environmental impacts and the amendments are exempt from environmental review per CEQA §15061(b)(3).

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed amendments will require a Local Coastal Program Amendment because SCCC Chapters 7.73 and 13.10 are implementing ordinances of the Santa Cruz County Local Coastal Program. Due to the urgent nature of these ADU code updates, the draft ADU ordinance will be bifurcated so that it will go into effect outside the Coastal Zone after approval by the Board of

Supervisors. It will become active inside the Coastal Zone after certification by the California Coastal Commission.

State ADU law does not supersede or in any way alter or lessen the effect or application of the Coastal Act. Therefore, local agencies may enact different ADU rules in the Coastal Zone from what is required by state law if it can be demonstrated these the statewide rules will have a negative impact on application of the Coastal Act. Staff reviewed the proposed amendments with respect to the Coastal Act regarding potential loss of agricultural land, negative impacts to public viewsheds, coastal access, and impingement on visitor accommodations within the Coastal Zone. There are two areas where special situations indicate a need for different ADU rules within the Coastal Zone:

- **Parking.** Within the Coastal Zone, on-street parking is shared between residents and visitors, and parking supply is often constrained. This is especially true in the visitor accommodation “hot spots” in the Davenport/Swanton, Live Oak, and Seacliff/Aptos Designated Areas that were identified when the Vacation Rental ordinance was established. In these areas, in order to preserve coastal access and reduce impingement on visitor accommodations, it is reasonable that ADUs within 0.5 mile of a transit stop should not be exempt from parking requirements. Also, throughout the Coastal Zone, it is reasonable that conversion of covered parking areas to ADUs should require replacement parking for the primary dwelling unit.
- **Seascape Beach Estates Combining Zone District.** Seascape Beach Estates is a 152-parcel Coastal Special Community with development standards that are dictated in SCCC 13.10.436. These standards, which include structure height, setbacks, FAR and lot coverage, were established through a comprehensive community process for the purpose of preserving coastal views and unique community character. It is appropriate that these development standards should apply throughout the district, including to ADUs.

STRATEGIC PLAN

The proposed amendments advance the County Strategic Plan’s “Affordable Housing” and “Local Inventory” goals within the “Attainable Housing” focus area by further streamlining the approval process and development standards related to ADUs. These housing units are affordable by design to renters due to their small size, and the income generated by ADUs and JADUs enable property owners to remain in Santa Cruz County amid increasing housing costs.

FINANCIAL IMPACT

AB 881 removes the ability of agencies to charge impact fees for ADUs less than 750 square feet. This means that the County will continue to process these applications but will receive less revenue in return. The County is also currently engaged in a three-year pilot program where planning fees are not charged for ADUs 640 square feet and smaller, in an effort to make ADU construction more attractive and encourage smaller ADUs that are affordable by design. The new state law provision has the same intent but expands the size of ADUs to be exempted.

Exhibits:

- A) Proposed Resolution
- B) CEQA Notice of Exemption
- C) Proposed Ordinance – clean
- D) Proposed Ordinance – strikeout/underline
- E) Assembly Bill 881 (operative sections 1.5 and 2.5)
- F) Assembly Bill 68 (operative section 2)
- G) Senate Bill 13 (operative section 3)
- H) Assembly Bill 587

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

RESOLUTION NO. _____

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

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF
SANTA CRUZ RECOMMENDING ADOPTION OF PROPOSED
AMENDMENTS TO SANTA CRUZ COUNTY CODE SECTIONS 7.73.020,
12.02.020, 13.10.312, 13.10.322, 13.10.323, 13.10.332, 13.10.333, 13.10.352, 13.10.353,
13.10.362, 13.10.363, 13.10.372, 13.10.446, 13.10.552, 13.10.681, 13.10.700, 14.01.107
and 17.10.020 REGARDING ACCESSORY DWELLING UNITS AND CEQA
NOTICE OF EXEMPTION**

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

WHEREAS, in September 2019, the California State Legislature passed multiple bills to amend California Government Code sections 65852.2, 65852.22, 65852.26 and Health and Safety Code Section 17980.12, updating statewide ADU regulations regarding ministerial review, fees, development standards, parking requirements, Junior ADUs, multifamily dwelling ADUs, owner occupancy, short-term rentals, zoning nonconformities, code enforcement, and separate sale of ADUs; and

WHEREAS, in October 2019, Governor Newsom signed these bills into law, and they took effect on January 1, 2020; and

WHEREAS, the County wishes to amend County Code Chapters 7.73, 12.02, 13.10, 14.01 and 17.10 to comply with the State's updated ADU regulations; and

WHEREAS, County Code Chapters 7.73 and 13.10 are Local Coastal Program implementing ordinances; and

WHEREAS, the Planning Commission has reviewed the County's proposed ordinance amendments and finds that they are necessary to implement the State's updated ADU regulations, are consistent with all elements of the General Plan/Local Coastal Program, and comply with the California Coastal Act; and

WHEREAS, the proposed ordinance amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.17 as they serve to implement State ADU regulations and, per CEQA Guidelines section 15061(b)(3), the amendments present no possibility of a significant impact on the environment.

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

BE IT FURTHER RESOLVED that the Planning Commission recommends that the proposed ordinance amendments to the County Code as presented on this date be adopted by the Board of Supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 8th day of January, 2020 by the following vote:

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

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:



ASSISTANT COUNTY COUNSEL

cc: County Counsel
Planning Department



County of Santa Cruz

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY, PLANNING DIRECTOR

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NOTICE OF EXEMPTION

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

Project Name: Accessory Dwelling Unit Regulations Update

Project Location: Countywide

Assessor Parcel No.: N/A

Project Applicant: County of Santa Cruz Planning Department

Project Description: The project updates the Santa Cruz County Code for Accessory Dwelling Units to comply with California state laws AB 68, AB 587, AB 881 and SB 13 regarding streamlined review, fees, development standards, parking requirements, Junior ADUs, multifamily dwelling ADUs, owner occupancy, short-term rentals, nonconformities, code enforcement and separate sale of ADUs.

Agency Approving Project: County of Santa Cruz Board of Supervisors

County Contact: Daisy Allen

Telephone No. 831-454-2801

Date Completed: December 30, 2019

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

Exempt status: (check one)

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☒ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.

☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: 15282(h)

☐ **Categorical Exemption**

Class 1

Reasons why the project is exempt:

First, the changes proposed per AB 881 are subject to CEQA §15282(h): "adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code." Second, the remaining changes are serving to implement provisions of state law that are already in effect statewide with the exception of AB 587 which only impacts sale of ADUs and not environmental impacts. Therefore, there is no potential for significant environmental impacts and the amendments are exempt from environmental review per CEQA §15061(b)(3).

Signature: _____ Date: _____ Title: Environmental Coordinator

Revised 12/30/2019

EXHIBIT B

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS 7.73.020, 12.02.020, 13.10.312, 13.10.322, 13.10.323, 13.10.332, 13.10.333, 13.10.352, 13.10.353, 13.10.362, 13.10.363, 13.10.372, 13.10.446, 13.10.552, 13.10.611, 13.10.681, 13.10.700, 14.01.107 and 17.10.020 RELATING TO ACCESSORY DWELLING UNITS

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

SECTION I

The Santa Cruz County Code is hereby amended by changing SCCC 7.73.020(B), Individual Water Systems, Definitions to read as follows:

(B) "Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories. These restrictions shall not apply where an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is permitted pursuant to SCCC 13.10. ADUs and JADUs shall be considered as extensions of the primary dwelling unit.

SECTION II

The Santa Cruz County Code is hereby amended by changing SCCC 12.02.020(11), Residential Permit Allocation System Definitions, Exempted Permit, to read as follows:

(11) Permits for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as provided for in SCCC 13.10.681.

SECTION III

The Santa Cruz County Code is hereby amended by changing the "Accessory Dwelling Unit" portion of the Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

USE	CA	A	AP (P Comb. ⁺)
Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU), subject to the provisions of SCCC <u>13.10.681</u>			—
Inside the Coastal Zone	5	BP	—
Outside the Coastal Zone	4	BP	—

SECTION IV

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Units” portion of the Residential Uses Chart in SCCC 13.10.322 to read as follows:

USE

RA RR R-1 RB RM

Residential uses:

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)
subject to SCCC 13.10.681

BP BP BP BP BP

SECTION V

The Santa Cruz County Code is hereby amended by changing the Residential Site and Structural Dimensions Charts in SCCC 13.10. 323(B) to read as follows:

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

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)		MAXIMUM PARCEL COVERAGE ***	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO ****	MAXIMUM NUMBER STORIES**	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	REAR						
All Districts	Minimum to garage/carport entrance	20	20	20					
	Parcels <60 feet wide (except for corner lots)	5&5							
	Detached Garages, inside the USL	*	*	*	24 and 20 exterior wall				
	Accessory Dwelling Units†	‡	‡	‡	‡	‡	‡	N/A	N/A
	General requirements	10	0&5	10	25; on beach side: 17	0.5:1	2; on beach side: 1	40	40
	Corner lots	10	0&10	10	See above	0.5:1	See above	40	40
	Lots on beach side of street	10	0&5	0	See above	0.5:1	See above	40	40
	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of- way	10	0&5	10					
	General requirements	15	5&5	15	28	0.5:1	2	35	35
	Corner lots—existing parcels	15	5&10	15	28	0.5:1	2	35	35
R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft.	—creating new parcels	5&15							
	Parcels >5,000 sq. ft.	20	5&8	15	28	0.5:1	2	35	35
	General requirements	20	5&8	15	28	0.5:1	2	50	50
	Corner lots—existing parcels	20		15	28	0.5:1	2	50	50
R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.	—creating new parcels								
	Parcels 4 to <5,000 sq. ft.	20	5&8	15	28	0.5:1	2	50	50

RB > or = 4,000 sq. ft.

R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft.	General requirements	20	5&8	15	40%	28	0.5:1	2	60	60
	Corner lots—existing parcels		5&10							
	—creating new parcels	20		15	40%	28	0.5:1	2	60	60
R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft.	Parcels >4,800 to <5,999 sq. ft.	20	5&8	15	40%	28	0.5:1	2		
	General requirements	20	10&1 0	15	40%	28	0.5:1	2	60	60
	Creating new corner lots	20	10&2 0	15	40%	28	0.5:1	2	60	60
R-1-16 to R-1-<1 acre 16,000 sq. ft. to <1 acre	General requirements	30	15&1 5	15	20%	28	N/A	2	90	60
	General requirements—1 to <5 acres	40	20&2 0	20	10%	28	N/A	2	100	60
RR, RA and R-1-1 >1 acre	General requirements—5 acres or more	40	20&2 0	20	10%	28	N/A	2	150	100

NOTE: This chart contains the single-family residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 SCCC and SCCC 13.10.681 and 13.10.685.

* Site standard for the applicable zone district must be met.

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

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

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

‡ See SCCC 13.10.681(D) for standards governing ADUs.

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

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE**	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO** *	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
All Districts	Minimum to garage/carport entrance	20	20	20						
	Parcels <60 feet wide (except for corner lots)		5&5							
	Detached Garages, inside the USL	*	*	*		24 and 20 exterior wall				
	Accessory Dwelling Units†	‡	‡	‡	‡	‡	‡	‡	N/A	N/A
RM-1.5 to RM-4.9 0 to <5,000 sq. ft.	General requirements for all parcels within these zone districts	15	5&5	15	40%	28	0.5:1	Per use permit or 2	35	35
	Corner lots—existing parcels	15	5&10	15	40%	28	0.5:1		35	35
	—creating new parcels	15	5&15	15	40%	28	0.5:1		35	35
	Parcels >5,000 sq. ft.	20	5&8	15	40%	28	0.5:1		35	35
RM-5 to RM-5.9 5,000 to <6,000 sq. ft.	General requirements and for parcels >6,000 sq. ft.	20	5&8	15	40%	28	0.5:1	Per use permit or 2	50	50
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1		50	50
	—creating new parcels	20	5&10	15	40%	28	0.5:1		50	50
	Parcels >4,000 to <5,000 sq. ft.	20	5&8	15	40%	28	0.5:1		50	50
RM-6 to RM-9.9 6,000 to <10,000 sq. ft.	General requirements	20	5&8	15	40%	28	0.5:1	Per use permit or 2	60	60
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1		60	60

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE**	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO** *	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
	—creating new parcels	20	5&20	15	40%	28	0.5:1		60	60

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 SCCC and SCCC 13.10.681 and 13.10.685.

* Site standard for the applicable zone district must be met.

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

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

‡ See SCCC 13.10.681(D) for standards governing ADUs.

SECTION VI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.323(E)(1) regarding structural encroachments to read as follows:

(1) Structural Encroachments. Eaves, chimneys, bay windows (less than 60 inches in height), uncovered, unenclosed porches, decks, stairways and landings may extend into required front yard six feet; and may extend into rear yard six feet on non-ADU structures; provided, that balconies, or decks must be cantilevered in order to encroach. Eaves, chimneys and uncovered, unenclosed stairways and landings may extend into required side yards three feet on non-ADU structures and two feet on ADUs. Decks less than 18 inches high may be constructed to property lines. Second story rooftop decks and landings are not permitted.

SECTION VII

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.323(E)(6)(b)(i) regarding side and rear yards of residential accessory structures to read as follows:

(i) An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure, except that Accessory Dwelling Units must be allowed side and rear setbacks of 4 feet and demolished/rebuilt habitable accessory structures/ADUs must be allowed the same setback as the demolished structure;

SECTION VIII

The Santa Cruz County Code is hereby amended by changing the “Key” and “Residential” portions of the Commercial Uses Chart in SCCC 13.10.332(B) to read as follows:

KEY:

- A = Use must be ancillary and incidental to a principal permitted use on the site
- P = Principal permitted use (see subsection (A) of this section); no use approval necessary if P appears alone
- BP = Building Permit Only
- 1 = Approval Level I (administrative)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)

KEY:

7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)

— = Use not allowed in this zone district

* = Level IV for projects of less than 5,000 square feet

Level V for projects of 5,000 to 20,000 square feet

Level VI for projects of 20,000 square feet and larger

USE	C-					
	PA	VA	CT	C-1	C-2	4
Residential uses, such as:						
Dwelling units, single-family and multifamily, up to 50% (67% if project is 100% affordable) of the floor area of the entire development, developed according to development standards of urban high residential						
1—4 units	5	—	5	5	—	
5—19 units	6	—	6	6	—	
20+ units	7	—	7	7	—	
Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681	BP	-	-	BP	BP	-
Junior Accessory Dwelling Units (JADUs) in single-family dwellings, subject to SCCC 13.10.681	BP	-	-	BP	BP	-
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and 13.10.700-C definition)	5	—	—	5	5	—
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P	—	—	P	P	—
Convalescent hospitals	4/5/6*	—	—			
Hosted rentals, subject to SCCC 13.16.690	1P	1P	1P	1P	1P	1P
Nursing homes (see SCCC 13.10.700-N definition)	4/5/6*	—	—			
Residential care homes serving 6 or fewer residents (see SCCC 13.10.700-R definition)	P	P	P	P	P	P

SECTION IX

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.333(A), Development standards for commercial districts: Site and Structural Dimensions, to read as follows:

(A) Site and Structural Dimensions. The following minimum parcel size, frontage, yard dimensions, and building height limits shall apply within all commercial zone districts, except as noted elsewhere in this section or in the general exceptions as noted in SCCC 13.10.510, et seq.

COMMERCIAL SITE AND STRUCTURAL DIMENSIONS CHART^{1,2,4}

District Designation	Minimum Site Area per Parcel (net developable square feet)	Minimum Parcel Frontage (feet)	Minimum Yards (feet)			Maximum Building Height Limit (feet) ³
			Front	Side	Rear	
PA	10,000	60	10	Interior: 0 Street: 10	10	3 stories, but not to exceed 35 feet
VA	10,000	60	10	10	10	3 stories, but not to exceed 35 feet
CT	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-1	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-2	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-4	10,000	60	10	0	0	3 stories, but not to exceed 35 feet

Footnotes:

- (1) See also general site standards exceptions in SCCC 13.10.510, 13.10.520 and 13.10.521.
- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.
- (3) See also Chapter 12.28 SCCC, Solar Access Protection; subject to solar access requirements in SCCC 13.11.072.
- (4) See also Accessory Dwelling Unit site development standards in SCCC 13.10.681. Where there are conflicts between commercial site and structural dimensions chart and 13.10.681, SCCC 13.10.681 shall take precedence.

SECTION X

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.333(B), Development standards for commercial districts: Yards, Exceptions, subsection (2) to read as follows:

- (2) See SCCC 13.10.681(D) regarding setback requirements for Accessory Dwelling Units.

SECTION XI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.333(D), Development standards for commercial districts: Other Regulations to read as follows:

- (D) Other Regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
Accessory Dwelling Units	13.10.681
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.

	SCCC
Minimum parcel sizes	13.10.510(g)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION XII

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the Parks, Recreation and Open Space PR District Uses Chart in SCCC 13.10.352(B) to read as follows:

Residential uses , permanent, such as:	PR
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and SCCC 13.10.700-C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P
Hosted rentals, subject to SCCC 13.10.690	1P
One single-family dwelling, subject to the park site review process pursuant to SCCC 15.01	3
One single-family dwelling on property designated urban open space, subject to SCCC 13.10.672 and the park site review process pursuant to SCCC 15.01	5
Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681	3
Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681	BP
Dwelling units, associated with an open space or private recreational facility for the owner or lessee of the land or for staff, a caretaker, watchman, or manager of the property, pursuant to SCCC <u>13.10.353(B)</u>	5A
Dwelling units for State or County park operating personnel, pursuant to SCCC <u>13.10.353(B)</u>	5A
Expansion of dwelling units in organized camps and recreational facilities up to a cumulative total of an additional 500 square feet per dwelling unit	3

SECTION XIII

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.353(A), Development standards for Parks, Recreation and Open Space PR District, to read as follows:

(A) Site and Structural Dimensions. The following site width, frontage, yard dimensions, and building height limit shall apply within the PR District.

PR SITE AND STRUCTURAL DIMENSIONS CHART

District	Minimum Site Area (net developable acres)	Minimum Site Width (feet)	Minimum Site Frontage (feet)	Yards (Front, Side and Rear) (feet)	Maximum Height (feet)
PR	20	100	60	all yards 30	28

Footnote:

(1) For single-family dwellings and accessory structures, the district development standards shall be the same as those contained in SCCC 13.10.323 pertaining to residential districts and shall further be based on the size of the parcel for purposes of applying SCCC 13.10.323(B). Accessory Dwelling Units shall be subject to the site and structural dimensions in SCCC 13.10.681.

SECTION XIV

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the PF Uses Chart in SCCC 13.10.362(B) to read as follows:

PF USES CHART

USE	APPROVAL LEVEL
Residential Uses	
One single family dwelling	3
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681	BP
Affordable rental housing (see 13.10.365)	
2-4 units	5
5 or more units	6
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and 13.10.700-C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P
School Employee Housing (see 13.10.365)	
2-4 units	5
5 or more units	6
Temporary mobile home or manufactured housing for caretaker, manager or staff, for a period of not more than 3 years	5A
Other residential uses pursuant to a master use permit	5/6/7A

SECTION XV

The Santa Cruz County Code is hereby amended by adding SCCC 13.10.363(B)(4), Development standards for commercial districts, Yards-Exceptions, Accessory Dwelling Units, to read as follows:

(4) Accessory Dwelling Units shall be subject to the site and structural dimensions in SCCC 13.10.681. Where there are conflicts between this section and SCCC 13.10.681, SCCC 13.10.681 shall take precedence.

SECTION XVI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.363(C), Development standards for commercial districts, Other Regulations, to read as follows:

(C) Other Regulations. Other development standards applicable to the Public and Community Facilities Zone District are contained in the following sections of this code:

	SCCC
Accessory Dwelling Units	13.10.681
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION XVII

The Santa Cruz County Code is hereby amended by changing the “Accessory Structures” and “Residential” portions of the TP Uses Chart in SCCC 13.10.372(B) to read as follows:

USE	PERMIT REQUIRED
Accessory structures, habitable (not including ADUs), when incidental to a residential use (subject to SCCC <u>13.10.611</u> , <u>13.10.322(B)</u> , and <u>13.10.373</u>). See ADUs under “Residential” below.	BP/5**
Accessory structures, nonhabitable, when incidental to a residential use (subject to SCCC <u>13.10.611</u> , <u>13.10.322(B)</u> and <u>13.10.373</u>)	BP/5**
Accessory structures, nonhabitable, when incidental to timber production or agricultural use, subject only to the provisions of SCCC <u>16.22.060</u>	BP Only

USE	PERMIT REQUIRED
Residential: one single-family dwelling per existing parcel of record	3
Dwelling groups of single-family dwelling (subject to the density and other requirements in SCCC <u>13.10.373</u> , <u>13.10.374</u> , and <u>13.10.375</u>)	5 (2 dwelling units) 7 (more than 2 dwelling units)
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) subject to SCCC 13.10.681	2A
Child care homes, large family (must be in conjunction with residential use) (see SCCC <u>13.10.686</u> and SCCC <u>13.10.700-C</u> definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC <u>13.10.700-C</u> definition)	P
Mobile home, temporary, for not more than five years for a caretaker or watchman in isolated areas on a minimum of 10 acres	5
Hosted rentals, subject to SCCC <u>13.10.690</u>	1P

SECTION XVIII

The Santa Cruz County Code is hereby amended to change the introduction to SCCC 13.10.446 (Residential development standards in the Pleasure Point Community Design PP Combining District) to read as follows:

In addition to the residential site standards found in SCCC 13.10.323(B), the following standards and incentives apply to residential development in the Pleasure Point Community Design PP Combining District. Where there are differences between this section and SCCC 13.10.323(B), the provisions of this section shall apply. Where there are differences between this section and SCCC 13.10.681(D) regarding Accessory Dwelling Units (ADUs), the provisions of SCCC 13.10.681(D) shall apply, including a height provision specific to the PP Combining District for ADUs above garages.

SECTION XIX

The Santa Cruz County Code is hereby amended to such that SCCC 13.10.552(A)(7), Schedule of off-street parking space requirements, Residential Uses, Accessory Dwelling Units shall be revised, as follows:

- (7) Accessory Dwelling Units. One parking space is required for each accessory dwelling unit unless the ADU is exempted under SCCC 13.10.681(D)(7)(d).

SECTION XX

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

13.10.681 Accessory Dwelling units.

- (A) Purpose. The purpose of this section is to provide for and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in order to provide needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.

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

- (1) "Accessory Dwelling Unit" (ADU) shall be defined per 13.10.700-A: In compliance with California Government Code Section 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of *Kitchen*), and sanitation.
- (2) "Junior Accessory Dwelling Unit" (JADU) shall be defined per 13.10.700-J: In compliance with California Government Code Section 65852.22, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (area meeting the definition of *Efficiency Kitchen* but not a standard *Kitchen*), and shared or separate sanitation facilities with the main dwelling unit.
- (3) "New Construction ADU" shall mean an ADU that does not meet the definition of conversion ADU.
- (4) "Conversion ADU" shall mean 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. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in SCCC 13.10.700-R, with the exception that Conversion ADUs can include additions of no more than 150 square feet. Any conversion that exceeds these limits shall be considered a New Construction ADU for the purposes of this section.

If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section and must be processed as a new construction ADU.
- (5) "Attached," in reference to ADUs throughout the Santa Cruz County Code, shall mean sharing any part of a wall, ceiling or floor with the primary dwelling on the property, with the ADU located above, below, beside, or a combination, the primary dwelling on the property.
- (5) "Detached," in reference to ADUs throughout the Santa Cruz County Code, shall mean any ADU that does not meet the definition of "Attached."

(C) Accessory Use. ADUs and JADUs are accessory uses to the primary residential dwelling and shall not be considered in calculation of residential density for a lot.

(D) Site Requirements. Before a permit for an ADU or JADU can be granted, the following requirements shall be met:

- (1) Zoning and General Plan.
 - (a) The ADU shall be located on a parcel allowing residential or mixed uses either by zoning or General Plan designation.
 - (b) The JADU shall be located on a parcel allowing single-family residential use either by zoning or General Plan designation.
- (2) Presence of Primary Dwelling Unit. A primary dwelling unit must exist or be proposed for construction concurrently with the proposed ADU or JADU.
- (3) Number of ADUs Allowed.
 - (a) Single-family dwellings. On lots with existing or proposed detached or semi-detached single-family dwellings, including dwelling groups, the following are allowed:

- (i) Up to one ADU and one JADU per single family dwelling.
 - (b) Multifamily dwellings. On lots with existing or proposed attached multifamily developments such as apartments, condominiums and townhomes, the following are allowed:
 - (i) Up to two detached ADUs; and
 - (ii) Conversion ADUs associated with up to 25% of multifamily units. Conversion ADUs in multifamily developments must be converted from areas not previously used as living space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- (4) Location on a Parcel.
 - (a) ADUs may be attached or detached from the primary dwelling unit. JADUs must be attached.
 - (b) ADUs and JADUs shall be subject to the setback requirements in SCCC 13.10.681(D)(7)(a) except where larger setbacks are required due to environmental buffers and constraints identified per SCCC Title 16, including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.
 - (c) On land zoned or designated agricultural, accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F). A detached ADU shall be located within 100 feet of the main dwelling on the property, unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land as determined by the Agricultural Policy Advisory Commission, if applicable.
- (5) Access.
 - (a) The ADU or JADU shall have an exterior entrance that is independent of the existing single-family dwelling.
 - (b) Inside the urban services line, no ADU or JADU shall be accessed by a separate driveway or right-of-way, unless access via a second driveway would result in a superior site plan in terms of safety and protection of environmental resources, and is approved by the Public Works Director or designee.
- (6) Unit Size. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU shall be as follows.
 - (a) Minimum unit size, JADU or ADU: 220 square feet ("efficiency unit" per California Building Code)
 - (b) Maximum unit size, JADU: 500 square feet
 - (c) Maximum unit size, ADU:
 - (i) Conversion ADU: 50% of primary dwelling size
 - (ii) New Construction ADU, Attached:
 - A. Parcel size < 1 acre: 850 sf (studio or 1 bedroom), 1000 sf (>1 bedroom)
 - B. Parcel size ≥ 1 acre: 50% of primary dwelling size
 - (iii) New Construction ADU, Detached:
 - A. Parcel size < 1 acre: 850 sf (studio or 1 bedroom), 1000 sf (>1 bedroom)

B. Parcel size \geq 1 acre: 1,200 sf

(iv) Regardless of subsections i-iii of this section and other site standards, an ADU must be allowed to be at least 800 square feet with up to 16-foot height and 4-foot minimum side and rear setbacks.

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

(a) Setbacks.

(i) JADUs and Conversion ADUs. Setbacks shall be sufficient for fire safety in conformance with the Building Code (SCCC 13.10) and Fire Code (SCCC 7.92). Additions up to 150 square feet shall meet setback requirements for New Construction ADUs.

(ii) New Construction ADUs. Maximum side and rear ADU setbacks shall be 4 feet or the setback for the applicable zone district, whichever is less, with the following exceptions.

A. ADUs that are created in the same location as an existing structure being demolished or rebuilt may have the same setbacks as the existing or demolished structure.

B. ADUs located in the Seascape Beach Estates (SBE) Combining District shall meet the setback requirements in SCCC 13.10.436.

(b) Height.

(i) JADUs and Conversion ADUs. Additions up to 150 square feet shall meet height requirements for New Construction ADUs.

(ii) New Construction ADUs. Height is subject to the applicable zone district height standard with the following exceptions.

A. Inside the urban services line except for in the Seascape Beach Estates Combining Zone District, new construction detached ADUs shall be maximum 16 feet.

B. Inside the urban services line except for in the Pleasure Point and Seascape Beach Estates Combining Zone Districts, ADUs that are built above detached garages shall be a maximum 20 feet at exterior wall and 24 feet at roof peak.

C. Inside the Pleasure Point Combining Zone District, ADUs that are built above attached and detached garages shall be maximum 18 feet at exterior wall and 22 feet at roof peak.

D. Building height up to 5 feet in excess of an applicable zoning standard, but in no case exceeding 28 feet, may be allowed subject to design review and to the coastal view protection standards of SCCC 13.20.130(B)(7) (if located in the Coastal Zone), and subject to approval by the Zoning Administrator following a public hearing.

(c) Lot Coverage and Floor Area Ratio (FAR).

(i) JADUs and Conversion ADUs: additions up to 150 square feet shall meet lot coverage and FAR requirements for New Construction ADUs.

(ii) New Construction ADUs: Lot coverage and FAR is the standard for the applicable zone district with the following exceptions.

A. Where ADUs are developed on parcels 6,000 square feet or smaller an additional two percent (2%) Lot Coverage and two percent (2%) FAR shall be available by right, including within the Pleasure Point (-PP) Combining Zone District but excluding within the Seascape Beach Estates (-SBE) Combining Zone District.

B. An ADU of up to 800 square feet shall be allowed per SCCC 13.10.681(D)(6)(c)(iv), regardless of lot coverage and FAR.

(d) Parking.

(i) JADUs and Conversion ADUs: no required off-street parking.

(ii) New Construction ADUs: one off-street parking space per ADU.

A. ADU parking can be provided as double or triple tandem parking.

B. ADU parking may be located within setback areas unless findings are made that parking in setback areas is not feasible based upon specific site or regional topographical or fire and life safety conditions.

C. If the primary dwelling unit has less than the required parking per SCCC 13.10.552, one new parking space must be provided for the ADU but parking for the primary dwelling may remain nonconforming.

D. Outside the Coastal Zone, when a garage, carport, or covered parking structure is demolished or converted for construction of an ADU, no replacement parking is required for the primary dwelling unit.

(iii) New Construction ADUs: exceptions to off-street parking requirements. No parking shall be required for the ADU under these circumstances:

A. The ADU is located within one-half mile walking distance of any public transit stop and is not located in the Live Oak, Seacliff/Aptos, or Davenport/Swanton Designated Areas.

B. The ADU is located within a designated architecturally and historically significant historic district.

C. There is a dedicated parking space reserved for a publicly available car share vehicle located within one block of the ADU. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.

(iv) Parking Permits. Where parking permits are required for on-street parking during any part of the year, permits shall be offered to the occupants of the ADU and/or JADU.

(8) Existing Conditions of Approval. Proposed additions associated with Conversion ADUs shall comply with any existing development permit conditions of approval.

(9) Other Accessory Uses.

(a) One ADU may be associated with a single-family dwelling unit on a parcel that also has farmworker housing as defined in SCCC 13.10.631.

(b) Non-ADU habitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC 13.10.611.

(10) Utility and Service Requirements. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of SCCC 12.10, Building Code, and SCCC 7.92, Fire Code, except for the following specific exceptions for ADUs:

(a) Life Safety.

- (i) Fire sprinklers shall not be required for the ADU where they are not also required for the primary dwelling.
- (ii) For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.

(b) Utility Connections and Fees.

- (i) JADUs and Conversion ADUs: new utility connection or capacity charges shall not be required.
- (ii) New Construction ADUs: A local agency, special district, or water corporation may require a new or separate utility connection directly between the ADU and the utility, subject to a connection fee or capacity charge proportionate to the burden of the ADU on the water or sewer system, based upon either the square footage of the ADU or its drainage fixture unit values as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials.
- (iii) The sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer.

A. As part of the application to create an ADU connected to an onsite water treatment system, a percolation test must be completed within the last five years or if the percolation test has been recertified, within the last 10 years.

(E) Nonconforming conditions. Correction of existing nonconforming zoning conditions cannot be required as a condition of ADU approval.

(F) Design. The design, materials and color of the new construction ADU shall be compatible with that of the main dwelling.

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

(1) Occupancy Restrictions. The maximum occupancy of an ADU or JADU may not exceed that allowed by the State Uniform Housing Code, or other applicable State law.

(2) Sale. ADUs and JADUs shall not be sold separately from the primary residence with the following exception.

- (a) An ADU can be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and all provisions of California Government Code Section 65852.26 are met.

(3) Short-Term Rental Use. In no case shall a short-term rental use of less than 30 days be permitted in an ADU or JADU. A property with an ADU or JADU shall not be eligible for participation in the vacation rental or hosted rental programs.

(4) Owner Residency. The following requirements apply to all JADUs and apply to all ADUs except those permitted between January 1, 2020 and January 1, 2025.

- (a) Unless owned by a government agency, land trust, or public or nonprofit housing organization, the property owner shall permanently reside, as evidenced by a homeowner's

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

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

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

(i) The property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence, in either the primary dwelling or the ADU or JADU, unless owned by a government agency, land trust, or public or nonprofit housing organization that is providing housing for special populations, in which case the declaration of restrictions shall indicate that any subsequent nonpublic owner shall abide by the terms of this subsection.

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

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

(iv) A restriction on the size and attributes of the ADU or JADU that conforms with this section.

(v) JADUs only: A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(H) Application Processing. All ADUs and JADUs shall be processed in accordance with this section and the requirements of Government Code Sections 65852.2 and 65852.22 and, for those ADUs located in the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. JADUs located in the Coastal Zone that constitute an intensification of use as defined in 13.20.040 shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a single-family dwelling remodel or addition is evaluated.

(1) Ministerial review requirement. Pursuant to Government Code Section 65852.2, applications for ADUs and JADUs shall be approved or denied ministerially with a building permit, and no public notice or hearing shall be required, with the following exceptions.

(a) Exceptions to ministerial review requirement (discretionary review may be required).

(i) Inside the Coastal Zone, ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 require issuance of a combined coastal development and building permit, subject to the noticing requirements in SCCC 13.20.107 (properties in the Coastal Zone nonappealable area) and the noticing and appeal requirements in SCCC 13.20.108 (properties in the Coastal Zone appealable area).

(ii) ADU and JADU applications requiring a variance shall be processed per SCCC 13.10.230.

(iii) ADU and JADU applications in the Commercial Agricultural (CA) zone district shall be processed per SCCC 13.10.312, with special findings per 13.10.314(A) and (B) and subject to discretionary review by the Agricultural Policy Advisory Commission prior to building permit approval.

(iv) ADU applications in the Parks and Recreation (PR) zone district shall be processed per SCCC 13.10.352(B) and subject to special findings per 13.10.355. JADU applications in the PR zone district shall be reviewed ministerially.

(v) ADU and JADU applications in the Timber Production (TP) zone district shall be processed per SCCC 13.10.372(B), with special findings per 13.10.375(A).

(2) Ministerial review time. ADU and JADU applications that are subject to ministerial review must be approved or denied within 60 days of receipt of a completed building permit application.

(a) Exception to ministerial review time. When a permit application to create an ADU or JADU is submitted along with a permit application for a new primary dwelling, the permit application for the ADU or JADU shall not be subject to a 60-day approval period but shall instead be subject to the approval period for the primary dwelling. If the new primary dwelling application requires discretionary review, the application for the ADU or JADU shall still be considered ministerially unless the application meets one of the exceptions in SCCC 13.10.681(H)(1)(a).

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

(a) The County of Santa Cruz and any other local agency, special district or water corporation shall not impose any impact fee upon the development of an ADU less than 750 square feet.

(b) Impact fees charged for ADUs greater than or equal to 750 square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(c) For the purposes of this section, "impact fee" includes "fees" as defined in California Government Code Section 66000(b) and fees specified in California Government Code Section 66477. Impact fees do not include utility connection fees or capacity charges.

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

(J) Code Enforcement Amnesty. Per California Government Code Section 17980.12, the following amnesty provisions are available until January 1, 2030, for ADUs and JADUs that were built before January 1, 2020.

- (1) A notice to correct a violation of any provision of any building standard for an ADU or JADU shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement.
- (2) The owner of an eligible ADU or JADU that receives a notice to correct violations or abate nuisances related to any building standard may submit a letter to the County of Santa Cruz Planning Department, Code Enforcement Division, requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.
- (3) The County of Santa Cruz shall grant a delay in enforcement if the Planning Department Code Enforcement Division, in consultation with the Building Official, determines that correcting the violation is not necessary to protect health and safety.

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

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource.

SECTION XXI

The Santa Cruz County Code is hereby amended to add the following to SCCC 13.10.700-A:

"Accessory Dwelling Unit" (ADU) means, in compliance with California Government Code Section 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of "Kitchen"), and sanitation. See also *Junior Accessory Dwelling Unit*, *Conversion ADU* and *New Construction ADU*.

SECTION XXII

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-D, definition of "Dwelling unit" shall be revised, as follows:

"Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation,

with the following restrictions: one *Kitchen* is allowed in each dwelling unit; interior connection shall be maintained throughout the home; and an interior stairway shall be provided between all stories. Dwelling units may include up to one additional *Efficiency Kitchen* in addition to one *Kitchen*. If a dwelling unit includes a *Junior Accessory Dwelling Unit (JADU)*, then an additional *Efficiency Kitchen* outside the JADU is not allowed.

SECTION XXIII

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-J, definition of “Junior Accessory Dwelling Unit” shall be added:

“Junior Accessory Dwelling Unit” (JADU) means, in compliance with California Government Code Section 65852.22, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (area meeting the definition of *Efficiency Kitchen* but not a standard *Kitchen*), and shared or separate sanitation facilities with the main dwelling unit. See also *Accessory Dwelling Unit*.

SECTION XXIV

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-K, definition of “Kitchen” shall be revised, as follows:

“Kitchen” means any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing all of the following: a sink having a drain outlet larger than one and one-half inches in diameter, a refrigerator larger than two and one-half cubic feet, a permanent cooking appliance typically including a full-size gas or 220-volt electric range/oven with a range/hood ventilation system, and space for food preparation and storage. See also *Efficiency Kitchen*.

SECTION XXV

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-L, definition of “Limited Food Preparation Area” shall be renamed “Efficiency Kitchen” and moved to SCCC 13.10.700-E and shall read as follows:

“Efficiency Kitchen” means limited kitchen facilities including a sink, a refrigerator, small electric kitchen appliances that do not require electrical service greater than 120 volt, an appropriately sized food preparation counter, and storage cabinets. Full-sized electric, gas, or propane cooking appliances are not allowed in an Efficiency Kitchen.

SECTION XXVI

The Santa Cruz County Code is hereby amended such that SCCC 14.01.107(D), Subdivision Regulations Applicability, Financing or leasing of Accessory Dwelling Units shall be revised, as follows:

(D) Financing or leasing of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to the provisions of SCCC 13.10.681. Separate sale or transfer of such dwelling units is prohibited except as detailed in SCCC 13.10.681(G)(2)(a).

SECTION XXVII

The Santa Cruz County Code is hereby amended such that SCCC 17.10.020, Affordable Housing Regulations, Definitions, shall be revised as follows:

“Rental residential project” means any residential project that creates new dwelling units that cannot be sold individually, including Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) except as detailed in SCCC 13.10.681(G)(2)(a).

**EXPLANATION OF PROPOSED AMENDMENTS TO SANTA CRUZ COUNTY CODE
SECTIONS 7.73.020, 12.02.020, 13.10.312, 13.10.322, 13.10.323, 13.10.332, 13.10.333, 13.10.352,
13.10.353, 13.10.362, 13.10.363, 13.10.372, 13.10.446, 13.10.552, 13.10.611, 13.10.681, 13.10.700,
14.01.107 and 17.10.020 RELATING TO ACCESSORY DWELLING UNITS**

SECTION I

Updates to SCCC 7.73.020 (Health and Safety: Individual Water Systems) to include Junior ADUs.

The Santa Cruz County Code is hereby amended by changing SCCC 7.73.020(B), Individual Water Systems, Definitions to read as follows:

(B) "Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories. These restrictions shall not apply where an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is permitted pursuant to ~~Chapter 13.10~~ SCCC 13.10. ~~An accessory dwelling unit~~ ADUs and JADUs shall be considered ~~an as~~ extensions of the primary dwelling unit.

SECTION II

Updates to SCCC 12.02.020 (Building Regulations, Definitions) to include Junior ADUs.

The Santa Cruz County Code is hereby amended by changing SCCC 12.02.020(11), Residential Permit Allocation System Definitions, Exempted Permit, to read as follows:

(11) Permits for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as provided for in SCCC 13.10.681.

SECTION III

Updates to SCCC 13.10.312 (Agricultural Zone Districts – Use Chart) to include Junior ADUs.

The Santa Cruz County Code is hereby amended by changing the "Accessory Dwelling Unit" portion of the Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

USE	AP (P		
	CA	A	Comb. ⁺)
Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU), subject to the provisions of SCCC 13.10.681			—
Inside the Coastal Zone	5	BP	—
Outside the Coastal Zone	4	BP	—

SECTION IV

Updates to SCCC 13.10.322 (Residential Zone Districts – Use Chart) to include Junior ADUs.

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Units” portion of the Residential Uses Chart in SCCC 13.10.322 to read as follows:

USE

Residential uses:

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)
subject to SCCC 13.10.681

RA RR R-1 RB RM

BP BP BP BP BP

SECTION V

The residential development standards charts have been updated to remove the ADU chart and reference the ADU standards in 13.10.681 using a footnote in the single- and multifamily residential standards charts.

The Santa Cruz County Code is hereby amended by changing the Residential Site and Structural Dimensions Charts in SCCC 13.10. 323(B) to read as follows:

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

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET) FRONT SIDE REAR	MAXIMUM PARCEL COVERAGE ***	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO ****	MAXIMUM NUMBER STORIES**	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
All Districts	Minimum to garage/carport entrance	20 20 20						
	Parcels <60 feet wide (except for corner lots)	5&5						
	Detached Garages, inside the USL	*	*	24 and 20 exterior wall				
	Accessory Dwelling Units†	‡	‡	‡	‡	‡	N/A	N/A
	General requirements	10 0&5 10	40%	25; on beach side: 17	0.5:1	2; on beach side: 1	40	40
	Corner lots	10 0&10 10	40%	See above	0.5:1	See above	40	40
	Lots on beach side of street	10 0&5 0	40%	See above	0.5:1	See above	40	40
	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of- way	10 0&5 10						
	General requirements	15 5&5 15	40%	28	0.5:1	2	35	35
	Corner lots—existing parcels	15 5&10 15	40%	28	0.5:1	2	35	35
R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft.	—creating new parcels	5&15						
	Parcels >5,000 sq. ft.	20 5&8 15	40%	28	0.5:1	2	35	35
	General requirements	20 5&8 15	40%	28	0.5:1	2	50	50
	Corner lots—existing parcels	20 5&8 15	40%	28	0.5:1	2	50	50
R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.	—creating new parcels	20 5&8 15	40%	28	0.5:1	2	50	50
	Parcels 4 to <5,000 sq. ft.	20 5&8 15	40%	28	0.5:1	2	50	50

R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft.	General requirements	20	5&8	15	40%	28	0.5:1	2	60	60
	Corner lots—existing parcels		5&10							
	—creating new parcels	20		15	40%	28	0.5:1	2	60	60
	Parcels >4,800 to <5,999 sq. ft.	20	5&8	15	40%	28	0.5:1	2		
R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft.	General requirements	20	10&1 0	15	40%	28	0.5:1	2	60	60
	Creating new corner lots	20	10&2 0	15	40%	28	0.5:1	2	60	60
	General requirements	30	15&1 5	15	20%	28	N/A	2	90	60
	General requirements—1 to <5 acres	40	20&2 0	20	10%	28	N/A	2	100	60
RR, RA and R-1-1 >1 acre	General requirements—5 acres or more	40	20&2 0	20	10%	28	N/A	2	150	100

NOTE: This chart contains the single-family residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 SCCC and SCCC 13.10.681 and 13.10.685.

* Site standard for the applicable zone district must be met.

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

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State Office of Historic Preservation guidance. ~~Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) Lot Coverage shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

**** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the floor area ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance. ~~Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) FAR shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

‡ See SCCC 13.10.681(D)(B)2 and (E) for standards governing conversion ADUs.

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

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE**	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO** *	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
All Districts	Minimum to garage/carport entrance	20	20	20						
	Parcels <60 feet wide (except for corner lots)		5&5							
	Detached Garages, inside the USL	*	*	*		24 and 20 exterior wall				
	Accessory Dwelling Units†	‡	‡	‡	‡	‡	‡	‡	N/A	N/A
RM-1.5 to RM-4.9 0 to <5,000 sq. ft.	General requirements for all parcels within these zone districts	15	5&5	15	40%	28	0.5:1	Per use permit or 2	35	35
	Corner lots—existing parcels	15	5&10	15	40%	28	0.5:1		35	35
	—creating new parcels	15	5&15	15	40%	28	0.5:1		35	35
	Parcels >5,000 sq. ft.	20	5&8	15	40%	28	0.5:1		35	35
RM-5 to RM-5.9 5,000 to <6,000 sq. ft.	General requirements and for parcels >6,000 sq. ft.	20	5&8	15	40%	28	0.5:1	Per use permit or 2	50	50
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1		50	50
	—creating new parcels	20	5&10	15	40%	28	0.5:1		50	50
	Parcels >4,000 to <5,000 sq. ft.	20	5&8	15	40%	28	0.5:1		50	50
RM-6 to RM-9.9 6,000 to <10,000 sq. ft.	General requirements	20	5&8	15	40%	28	0.5:1	Per use permit or 2	60	60
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1		60	60

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE**	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO** *	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
	—creating new parcels	20	5&20	15	40%	28	0.5:1		60	60

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 SCCC and SCCC 13.10.681 and 13.10.685.

* Site standard for the applicable zone district must be met.

** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State Office of Historic Preservation guidance. Where New Construction or Conversion ADUs are developed on parcels 6,000-square-foot or smaller after January 1, 2018 an additional two percent (2%) Lot Coverage shall be available by right, including within the Pleasure Point (PP) Combining Zone District.

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the floor area ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance. Where New Construction or Conversion ADUs are developed on parcels 6,000-square-foot or smaller after January 1, 2018 an additional two percent (2%) FAR shall be available by right, including within the Pleasure Point (PP) Combining Zone District.

‡ See SCCC 13.10.681(D)(B)2 and (E) for standards governing conversion ADUs.

ACCESSORY DWELLING UNIT RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART

ZONE DISTRICT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE ***	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO* ***	MAXIMUM NUMBER STORIES**	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
Accessory Dwelling Units, All Districts	New Construction—Detached from SFD, inside USL	*	*	*	*	17 and 15 exterior side wall	*	N/A	*	*
	New Construction—Detached from SFD, outside USL	*	*	*	*	*	*	*	*	*
	New Construction—Attached to SFD	*	*	*	*	*	*	*	*	*
	New Construction above a Detached garage—inside USL	*	5	5	*	24 and 20 exterior wall	*	2	*	*
	New Construction above an Attached garage—inside USL	*	5	5	*	24 between 5' and zone district setback; with 20 exterior wall; * at zone district setback	*	2	*	*
	New Construction above a Detached or Attached garage—outside USL <i>Reduced setbacks</i>	*	5	5	*	24 between 5' and zone district setback; with 20 exterior wall; * at zone district setback	*	2	*	*
	New Construction above a Detached or Attached garage—outside USL <i>Standard Setbacks</i>	*	*	*	*	*	*	*	*	*
	Conversion ADUs	‡	‡	‡	‡	‡	‡	‡	‡	‡

*—Site standard for the applicable zone district must be met.

**—For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16-42 SCCC standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State

Office of Historic Preservation guidance. Where New Construction or Conversion ADUs are developed on parcels 6,000-square feet or smaller after January 1, 2018 an additional two percent (2%) Lot Coverage shall be available by right, including within the Pleasure Point (PP) Combining Zone District.

~~*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the floor area ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance. Where New Construction or Conversion ADUs are developed on parcels 6,000-square feet or smaller after January 1, 2018 an additional two percent (2%) FAR shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

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

SECTION VI

Updates to SCCC 13.10.323(E)(1) to clarify that allowances for structural encroachments into setbacks must necessarily be different for ADUs due to their smaller side and rear setbacks.

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.323(E)(1) regarding structural encroachments to read as follows:

(1) Structural Encroachments. Eaves, chimneys, bay windows (less than 60 inches in height), uncovered, unenclosed porches, decks, stairways and landings may extend into required front yard six feet; and may extend into rear yard six feet on non-ADU structures; provided, that balconies, or decks must be cantilevered in order to encroach. Eaves, chimneys and uncovered, unenclosed stairways and landings may extend into required side yards three feet on non-ADU structures and two feet on ADUs. Decks less than 18 inches high may be constructed to property lines. Second story rooftop decks and landings are not permitted.

SECTION VII

Updates to SCCC 13.10.323(E)(6) (residential zone district standards for accessory structures) to incorporate new state rules regarding ADU setbacks. JADUs are not included in this section because per California Government Code 65852.22, JADUs are not allowed in accessory structures.

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.323(E)(6)(b)(i) regarding side and rear yards of residential accessory structures to read as follows:

(i) An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure, except that Accessory Dwelling Units must be allowed side and rear setbacks of 4 feet and demolished/rebuilt habitable accessory structures/ADUs must be allowed the same setback as the demolished structure;

SECTION VIII

Updates to SCCC 13.10.332 (commercial zone districts – use chart) to allow ADUs in mixed use commercial/residential developments.

The Santa Cruz County Code is hereby amended by changing the “Key” and “Residential” portions of the Commercial Uses Chart in SCCC 13.10.332(B) to read as follows:

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site

KEY:

- P = Principal permitted use (see subsection (A) of this section); no use approval necessary if P appears alone
- BP = Building Permit Only
- 1 = Approval Level I (administrative)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- * = Level IV for projects of less than 5,000 square feet
 Level V for projects of 5,000 to 20,000 square feet
 Level VI for projects of 20,000 square feet and larger

	USE	PA	VA	CT	C-1	C-2	C-4	C-
Residential uses, such as:								
Dwelling units, single-family and multifamily, up to 50% (67% if project is 100% affordable) of the floor area of the entire development, developed according to development standards of urban high residential								
1—4 units		5	—	5	5	—		
5—19 units		6	—	6	6	—		
20+ units		7	—	7	7	—		
<u>Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681</u>		BP	—	—	BP	BP	—	
<u>Junior Accessory Dwelling Units (JADUs) in single-family dwellings, subject to SCCC 13.10.681</u>		BP	—	—	BP	BP	—	
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and 13.10.700-C definition)		5	—	—	5	5	—	
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)		P	—	—	P	P	—	
Convalescent hospitals		4/5/6*	—	—				
Hosted rentals, subject to SCCC 13.16.690		1P	1P	1P	1P	1P	1P	
Nursing homes (see SCCC 13.10.700-N definition)		4/5/6*	—	—				

SECTION VIX

Updates to SCCC 13.10.333 (commercial zone districts – development standards) to provide development standards for ADUs in mixed use developments. JADUs are not referenced here since JADUs must be part of the primary dwelling.

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.333(A), Development standards for commercial districts: Site and Structural Dimensions, to read as follows:

(A) Site and Structural Dimensions. The following minimum parcel size, frontage, yard dimensions, and building height limits shall apply within all commercial zone districts, except as noted elsewhere in this section or in the general exceptions as noted in SCCC 13.10.510, et seq.

COMMERCIAL SITE AND STRUCTURAL DIMENSIONS CHART^{1,2,4}

District Designation	Minimum Site Area per Parcel (net developable square feet)	Minimum Parcel Frontage (feet)	Minimum Yards (feet)			Maximum Building Height Limit (feet) ³
			Front	Side	Rear	
PA	10,000	60	10	Interior: 0 Street: 10	10	3 stories, but not to exceed 35 feet
VA	10,000	60	10	10	10	3 stories, but not to exceed 35 feet
CT	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-1	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-2	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-4	10,000	60	10	0	0	3 stories, but not to exceed 35 feet

Footnotes:

- (1) See also general site standards exceptions in SCCC 13.10.510, 13.10.520 and 13.10.521.
- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.
- (3) See also Chapter 12.28 SCCC, Solar Access Protection; subject to solar access requirements in SCCC 13.11.072.
- (4) See also Accessory Dwelling Unit site development standards in SCCC 13.10.681. Where there are conflicts between commercial site and structural dimensions chart and 13.10.681, SCCC 13.10.681 shall take precedence.

SECTION X

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.333(B), Development standards for commercial districts: Yards, Exceptions, subsection (2) to read as follows:

(2) See SCCC 13.10.681(D) regarding setback requirements for Accessory Dwelling Units. Subject to exceptions as provided in subsections (B) and (C) of this section.

SECTION XI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.333(D), Development standards for commercial districts: Other Regulations to read as follows:

(D) Other Regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
<u>Accessory Dwelling Units</u>	<u>13.10.681</u>
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(g)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION XII

Accessory Dwelling Units are already allowed in the PR district in Santa Cruz County since this zone allows single family residential use, but ADUs were not previously added to the PR uses chart (13.10.352[B]) below. This corrects that error.

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the Parks, Recreation and Open Space PR District Uses Chart in SCCC 13.10.352(B) to read as follows:

Residential uses , permanent, such as:	PR
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and SCCC 13.10.700-C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P
Hosted rentals, subject to SCCC 13.10.690	1P

One single-family dwelling, subject to the park site review process pursuant to Chapter <u>SCCC 15.01-SCCC</u>	3
One single-family dwelling on property designated urban open space, subject to SCCC 13.10.672 and the park site review process pursuant to Chapter <u>SCCC 15.01-SCCC</u>	5
<u>Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681</u>	<u>3</u>
<u>Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681</u>	<u>BP</u>
Dwelling units, associated with an open space or private recreational facility for the owner or lessee of the land or for staff, a caretaker, watchman, or manager of the property, pursuant to SCCC <u>13.10.353(B)</u>	5A
Dwelling units for State or County park operating personnel, pursuant to SCCC <u>13.10.353(B)</u>	5A
Expansion of dwelling units in organized camps and recreational facilities up to a cumulative total of an additional 500 square feet per dwelling unit	3

SECTION XIII

Updates to SCCC 13.10.353 (PR district – development standards) to clarify development standards for ADUs in the PR district.

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.353(A), Development standards for Parks, Recreation and Open Space PR District, to read as follows:

(A) Site and Structural Dimensions. The following site width, frontage, yard dimensions, and building height limit shall apply within the PR District.

PR SITE AND STRUCTURAL DIMENSIONS CHART

District	Minimum Site Area (net developable acres)	Minimum Site Width (feet)	Minimum Site Frontage (feet)	Yards (Front, Side and Rear) (feet)	Maximum Height (feet)
PR	20	100	60	all yards 30	28

Footnote:

(1) For single-family dwellings and accessory structures, the district development standards shall be the same as those contained in SCCC 13.10.323 pertaining to residential districts and shall further be based on the size of the parcel for purposes of applying SCCC 13.10.323(B). Accessory Dwelling Units shall be subject to the site and structural dimensions in SCCC 13.10.681.

SECTION XIV

Updating the PF district uses chart (13.10.362[B]) to allow ADUs and JADUs with a building permit, and to clarify that single family dwellings are allowed in the PF district with Level 3 review and that the master use permit requirement applies to other residential uses not listed in this table.

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the PF Uses Chart in SCCC 13.10.362(B) to read as follows:

PF USES CHART

USE	APPROVAL LEVEL
Residential Uses	
<u>One single family dwelling</u>	<u>3</u>
<u>Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681</u>	<u>BP</u>
Affordable rental housing (see 13.10.365)	
2-4 units	5
5 or more units	6
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and 13.10.700-C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P
Residential uses pursuant to a master use permit	5/6/7A
School Employee Housing (see 13.10.365)	
2-4 units	5
5 or more units	6
Temporary mobile home or manufactured housing for caretaker, manager or staff, for a period of not more than 3 years	5A
<u>Other residential uses pursuant to a master use permit</u>	<u>5/6/7A</u>

SECTION XV

Updates to SCCC 13.10.363 (PF zone district development standards) to provide development standards for ADUs in the PF district.

The Santa Cruz County Code is hereby amended by adding SCCC 13.10.363(B)(4), Development standards for commercial districts, Yards-Exceptions, Accessory Dwelling Units, to read as follows:

(4) Accessory Dwelling Units shall be subject to the site and structural dimensions in SCCC 13.10.681. Where there are conflicts between this section and SCCC 13.10.681, SCCC 13.10.681 shall take precedence.

SECTION XVI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.363(C), Development standards for commercial districts, Other Regulations, to read as follows:

(C) Other Regulations. Other development standards applicable to the Public and Community Facilities Zone District are contained in the following sections of this code:

	SCCC
Accessory Dwelling Units	<u>13.10.681</u>
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION XVII

Accessory Dwelling Units are already allowed in the TP district in Santa Cruz County since this zone allows single family residential use, but ADUs were not previously added to the TP uses chart (13.10.372[B]) below. This corrects that error and clarifies that ADUs are not subject to the permit requirements for other types of accessory structures.

The Santa Cruz County Code is hereby amended by changing the “Accessory Structures” and “Residential” portions of the TP Uses Chart in SCCC 13.10.372(B) to read as follows:

USE	PERMIT REQUIRED
Accessory structures, habitable (not including ADUs), when incidental to a residential use (subject to SCCC <u>13.10.611</u> , <u>13.10.322(B)</u> , and <u>13.10.373</u>). See ADUs under “Residential” below.	BP/5**
Accessory structures, nonhabitable, when incidental to a residential use (subject to SCCC <u>13.10.611</u> , <u>13.10.322(B)</u> and <u>13.10.373</u>)	BP/5**
Accessory structures, nonhabitable, when incidental to timber production or agricultural use, subject only to the provisions of SCCC <u>16.22.060</u>	BP Only

USE	PERMIT REQUIRED
Residential: one single-family dwelling per existing parcel of record	3
Dwelling groups of single-family dwelling (subject to the density and other requirements in SCCC <u>13.10.373</u> , <u>13.10.374</u> , and <u>13.10.375</u>)	5 (2 dwelling units) 7 (more than 2 dwelling units)
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) subject to SCCC <u>13.10.681</u>	<u>2A</u>
Child care homes, large family (must be in conjunction with residential use) (see SCCC <u>13.10.686</u> and SCCC <u>13.10.700-C</u> definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC <u>13.10.700-C</u> definition)	P
Mobile home, temporary, for not more than five years for a caretaker or watchman in isolated areas on a minimum of 10 acres	5
Residential uses, permanent, such as:	-
Hosted rentals, subject to SCCC <u>13.10.690</u>	1P

SECTION XVIII

SCCC 13.10.446 (Pleasure Point Combining District Residential Uses) was updated to align with ADU requirements. Per Planning Commission direction at 12/11/19 study session, a 22-foot height limit (18 feet at exterior wall) was added in SCCC 13.10.681 for ADUs above garages in the PP Combining District.

The Santa Cruz County Code is hereby amended to change the introduction to SCCC 13.10.446 (Residential development standards in the Pleasure Point Community Design PP Combining District) to read as follows:

In addition to the residential site standards found in SCCC 13.10.323(B), the following standards and incentives apply to residential development in the Pleasure Point Community Design PP Combining District. Where there are differences between this section and SCCC 13.10.323(B), the provisions of this section shall apply. Where there are differences between this section and SCCC 13.10.681(D) regarding (ADUs), the provisions of SCCC 13.10.681(D) shall apply, including a height provision specific to the PP Combining District for ADUs above garages. ~~except that for Accessory Dwelling Units built above attached or detached garages the provisions of 13.10.323 and 13.10.681(D)(2)(a) shall apply this section regarding setbacks and second story setbacks; and the additional 2% allowance for Lot Coverage and Floor Area Ratio for any parcel with an ADU on lots 6000 sf or smaller shall also apply~~

SECTION XIX

The Santa Cruz County Code is hereby amended to such that SCCC 13.10.552(A)(7), Schedule of off-street parking space requirements, Residential Uses, Accessory Dwelling Units shall be revised, as follows:

- (7) Accessory Dwelling Units. One parking space is required for each accessory dwelling unit unless the ADU is exempted under SCCC 13.10.681(D)(72)(d).

SECTION XX

SCCC 13.10.681 provides the standards and application process for ADUs and JADUs. This section has been updated to meet new state law requirements and to provide clarity and simplification to planners and applicants.

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

13.10.681 Accessory Dwelling units.

(A) Purpose. The purpose of this section is to provide for and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in order to provide needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.

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

The definitions for ADU and JADU come from state law, with the exception that the SCCC definitions are more specific regarding kitchen facilities. JADU has not previously been defined in SCCC; the definition of ADU was previously located only in SCCC 13.10.700. The ADU definition has been updated to reflect the fact that ADUs are now allowed in both single-family and multifamily dwellings per state law. Both definitions have been added to this code section as well as SCCC 13.10.700 for ease of understanding for applicants and planners.

The text in the second paragraph in the definition of "Conversion ADU" is taken from the existing ADU ordinance "Location" section but has been moved here for clarity.

(1) "Accessory Dwelling Unit" (ADU) shall be defined per 13.10.700-A: In compliance with California Government Code Section 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of Kitchen), and sanitation.

(2) "Junior Accessory Dwelling Unit" (JADU) shall be defined per 13.10.700-J: In compliance with California Government Code Section 65852.22, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (area meeting the definition of Efficiency Kitchen but not a standard Kitchen), and shared or separate sanitation facilities with the main dwelling unit.

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

(42) "Conversion ADU" shall mean the conversion of any portion of a legal accessory structure built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating an accessory dwelling unit ADU. Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in SCCC 13.10.700-R, with the exception that Conversion ADUs can include additions of no more than 150 square feet. and aAny

conversion that exceeds that ~~these~~ limits, ~~or otherwise does not comply with subsection (E) of this section~~ shall be considered a New Construction ADU for the purposes of this section.

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

(53) “Attached,” in reference to ADUs throughout the Santa Cruz County Code, shall mean sharing any part of a wall, ceiling or floor with the primary dwelling on the property, with the ADU located above, below, beside, or a combination, the primary dwelling on the property.

(6) “Detached,” in reference to ADUs throughout the Santa Cruz County Code, shall mean any ADU that does not meet the definition of “Attached.”

Application Processing has been moved to SCCC 13.10.681(H).

~~(C) Application Processing.~~

SCCC 13.10.681(C) Accessory Use has been added to clarify that ADUs and JADUs shall not be counted toward density calculations, consistent with state law.

(C) Accessory Use. ADUs and JADUs are accessory uses to the primary residential dwelling and shall not be considered in calculation of residential density for a lot.

Site requirements for new construction and conversion ADUs and JADUs have been consolidated into 13.10.681[D] rather than having separate sections for each type of ADU (previous sections 13.10.681[D], [E], [F]). This change was made to clarify requirements and comparisons between ADU types and reduce the overall length and repetition of SCCC 13.10.681.

13.10.681(D) incorporates JADUs and reflects state-required changes to ADU location, setbacks, height, size and parking.

~~(D) Requirements for New Construction ADUs. Before a permit for a New Construction ADU or expansion of an existing structure beyond the allowance in subsection (E)(4)(d) of this section for use as an accessory dwelling unit can be granted, the following requirements shall be met:~~

~~(1) Zoning and General Plan. The accessory dwelling unit shall be located on a parcel allowing single-family uses either by zoning (A, CA, R-1, RA, RM, RR, PR, TP) or General Plan designation (R) which contains no more than one existing detached, single-family dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed accessory dwelling unit. Subject to discretionary development permit and coastal development permit processes and findings for approval, and after review and approval by the Agricultural Policy Advisory Commission an accessory dwelling unit may be located on land zoned for Commercial Agriculture (CA) or on a parcel designated for agricultural use in the General Plan (A);~~

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

- (a) ~~Inside the Urban Services Line, an ADU that is built on the second floor over an existing or new garage shall be permitted to maintain minimum side and rear setbacks of five feet, with a maximum exterior wall height of 20 feet measured from finished grade and a height not exceeding 24 feet for a structure that is detached from the primary dwelling, and not exceeding 24 feet within the area of the zoning district setback for a structure that is attached to the primary dwelling. Outside the Urban Services Boundary, an ADU that is built on the second floor over an existing or new garage shall be permitted to maintain minimum side and rear setbacks of five feet, with a maximum exterior wall height of 20 feet measured from finished grade and a height not exceeding 24 feet within the area of the zoning district setback. Outside of the Urban Services Boundary, ADUs above garages shall have a maximum height consistent with zoning district standards when conforming to standard setbacks for the zone district.~~
- (b) ~~Inside the Urban Services Line, the maximum height for a detached new construction ADU shall be 17 feet, with a maximum exterior side wall height of 15 feet measured from finished grade.~~
- (c) ~~ADUs that are attached to the primary dwelling on the property shall be subject to the standards that are otherwise applicable to the primary dwelling based on the zone district including height, stories, setbacks, lot coverage, and FAR, except that:~~
- ~~(i) ADUs that are built above a garage shall be subject to the standards of subsection (D)(2)(a) of this section and to the site standards of SCCC 13.10.323.~~
 - ~~(ii) Parcels that are 6,000 square feet or smaller shall be eligible for additional floor area ratio and lot coverage subject to subsection (F)(6) of this section.~~
- (d) ~~All ADUs shall comply with all applicable provisions of Chapter 12.10 SCCC, Building Code, and Chapter 7.92 SCCC, Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence;~~
- (3) ~~Design. The design, materials and color of the new construction accessory dwelling unit shall be compatible with that of the main dwelling and shall be consistent with the development standards and guidelines set forth in subsection (D)(6) of this section; and~~
- (4) ~~Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer; and~~
- (5) ~~In the Coastal Zone, a coastal development permit is required pursuant to the requirements of SCCC 13.20.107 et seq., unless the proposed ADU meets the standard for exemption or exclusion under SCCC 13.20.050 et seq., in which case no coastal development permit shall be required;~~
- (6) ~~Additional Standards. The following standards shall be applied to every accessory dwelling unit not defined as a conversion ADU, and shall be conditions for any approval under this section:~~
- ~~(a) Location of Accessory Dwelling Unit. The accessory dwelling unit may be either attached to the main dwelling or may be detached from it. Inside the urban services line, no accessory dwelling unit shall be accessed by a separate driveway or right of way, unless access via a second driveway would result in a superior site plan in terms of safety and protection of environmental resources, and is approved by the Public Works Director or designee. On land designated agriculture by the General Plan, the accessory dwelling unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.~~

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

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

~~(E) — Requirements for Conversion ADUs. Where an accessory dwelling unit is proposed as a conversion ADU (as defined in subsection (B)(2) of this section), the following requirements shall be met:~~

~~(1) — Zoning and General Plan. The ADU accessory dwelling unit shall be located on a parcel allowing single-family uses either by zoning (A, CA, R-1, RA, RM, RR, PR, TP) or General Plan designation (R), or subject to applicable discretionary development permit and coastal development permit processes and findings for approval, and after review and approval by the Agricultural Policy Advisory Commission an accessory dwelling unit may be located within the Agriculture Commercial Zone District, or on land designated for agricultural use in the General Plan (A), which contains an existing single-family home.~~

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

~~(3) — In the Coastal Zone, a coastal development permit is required pursuant to the requirements of SCCC 13.20.107 et seq., unless the proposed ADU meets the standard for exemption or exclusion under SCCC 13.20.050 et seq., in which case no coastal development permit shall be required.~~

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

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

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

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

~~(d) — Conversion for use as an ADU shall include construction which occupies substantially the same footprint and vertical space as the existing structure upon completion, with additions to the existing structure increasing overall floor area of the conversion ADU by no more than 30 percent or 150 square feet, whichever is less. Additions to square footage exceeding that level shall may be considered under subsection (D) of this section as new construction ADUs. Proposed additions with conversion ADUs shall comply with applicable zoning development standards and any existing development permit conditions of approval.~~

~~(i) — For conversion ADUs on parcels 5,000 square feet and smaller, the addition of up to 30 percent of conversion area, not to exceed 150 square feet, shall be in addition to the 50 percent~~

the primary dwelling which may be converted to an ADU per subsection (F)(1) of this section, so long as in no case does the total habitable area of the ADU exceed 640 square feet.

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

(DF) Site Standards Requirements. For both new construction ADUs and conversion ADUs the following site standards apply. Before a permit for an ADU or JADU can be granted, the following requirements shall be met:

(1) Zoning and General Plan.

(a) The ADU shall be located on a parcel allowing residential or mixed uses either by zoning or General Plan designation.

(b) The JADU shall be located on a parcel allowing single-family residential use either by zoning or General Plan designation.

(2) Presence of Primary Dwelling Unit. A primary dwelling unit must exist or be proposed for construction concurrently with the proposed ADU or JADU.

(3) Number of ADUs Allowed.

Per Planning Commission direction at the 12/11/19 study session, the proposed number of ADUs are minimum state law requirements.

(a) Single-family dwellings. On lots with existing or proposed detached or semi-detached single-family dwellings, including dwelling groups, the following are allowed:

(i) Up to one ADU and one JADU per single family dwelling.

(b) Multifamily dwellings. On lots with existing or proposed attached multifamily developments such as apartments, condominiums and townhomes, the following are allowed:

(i) Up to two detached ADUs; and

(ii) Conversion ADUs associated with up to 25% of multifamily units. Conversion ADUs in multifamily developments must be converted from areas not previously used as living space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(4) ADU Location on a Parcel.

(a) ADUs may be attached or detached from the primary dwelling unit. JADUs must be attached.

Per state law, ADU location can be geographically limited based on adequacy of water and sewer services, and the impact of ADUs on traffic flow and public safety, but geographic limitation is not recommended for Santa Cruz County.

Per direction received at the 12/11/19 Planning Commission study session, 4(b) clarifies that environmental constraints such as riparian corridors, floodplains and geologic hazards apply to ADUs. 4(c) is carried over from the County's current ADU code.

(b) ADUs and JADUs shall be subject to the setback requirements in SCCC 13.10.681(D)(7)(a) except where larger setbacks are required due to environmental buffers and constraints identified per SCCC Title 16, including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

(c) On land zoned or designated agricultural, accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F). A detached ADU shall be located within 100 feet of the main dwelling on the property, unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land as determined by the Agricultural Policy Advisory Commission, if applicable.

5(a) is a state law requirement. 5(b) is carried over from the County's current ADU code, updated to include JADUs.

(5) Access.

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

(b) Inside the urban services line, no ADU or JADU shall be accessed by a separate driveway or right-of-way, unless access via a second driveway would result in a superior site plan in terms of safety and protection of environmental resources, and is approved by the Public Works Director or designee.

~~(1) Size of Accessory Dwelling Unit. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU is defined in the tables below, based on location inside or outside the Urban Services Line (USL) and parcel size. In no case shall an ADU on a parcel under 5,000 square feet exceed 640 square feet in size:~~

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

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

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

These unit size rules are implementing minimum state law requirements, with the exception that per direction received at the 12/11/19 Planning Commission study session, staff is proposing to retain a tiered maximum ADU size limit for new construction ADUs within the confines of state law.

(6) Unit Size. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU shall be as follows.

- (a) Minimum unit size, JADU or ADU: 220 square feet (“efficiency unit” per California Building Code)
- (b) Maximum unit size, JADU: 500 square feet
- (c) Maximum unit size, ADU:
 - (i) Conversion ADU: 50% of primary dwelling size
 - (ii) New Construction ADU, Attached:
 - A. Parcel size < 1 acre: 850 sf (studio or 1 bedroom), 1000 sf (>1 bedroom)
 - B. Parcel size ≥ 1 acre: 50% of primary dwelling size
 - (iii) New Construction ADU, Detached:
 - A. Parcel size < 1 acre: 850 sf (studio or 1 bedroom), 1000 sf (>1 bedroom)
 - B. Parcel size ≥ 1 acre: 1,200 sf
 - (iv) Regardless of subsections i-iii of this section and other site standards, an ADU must be allowed to be at least 800 square feet with up to 16-foot height and 4-foot minimum side and rear setbacks.

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

These setback rules are implementing minimum state law requirements.

- (a) Setbacks.
 - (i) JADUs and Conversion ADUs. Setbacks shall be sufficient for fire safety in conformance with the Building Code (SCCC 13.10) and Fire Code (SCCC 7.92). Additions up to 150 square feet shall meet setback requirements for New Construction ADUs.
 - (ii) New Construction ADUs. Maximum side and rear ADU setbacks shall be 4 feet or the setback for the applicable zone district, whichever is less, with the following exceptions.
 - A. ADUs that are created in the same location as an existing structure being demolished or rebuilt may have the same setbacks as the existing or demolished structure.
 - B. ADUs located in the Seascape Beach Estates (SBE) Combining District shall meet the setback requirements in SCCC 13.10.436.

Per direction at the 12/11/19 Planning Commission study session, within the USL staff proposes to limit height of detached ADUs to 16 feet and limit height of ADUs above detached garages to 24 feet. Special zoning height limits in the SBE and PP coastal combining zone districts apply.

- (b) Height.
 - (i) JADUs and Conversion ADUs. Additions up to 150 square feet shall meet height requirements for New Construction ADUs.
 - (ii) New Construction ADUs. Height is subject to the applicable zone district height standard with the following exceptions.

A. Inside the urban services line except for in the Seascape Beach Estates Combining Zone District, new construction detached ADUs shall be maximum 16 feet.

B. Inside the urban services line except for in the Pleasure Point and Seascape Beach Estates Combining Zone Districts, ADUs that are built above detached garages shall be a maximum 20 feet at exterior wall and 24 feet at roof peak.

C. Inside the Pleasure Point Combining Zone District, ADUs that are built above attached and detached garages shall be maximum 18 feet at exterior wall and 22 feet at roof peak.

D. Building height up to 5 feet in excess of an applicable zoning standard, but in no case exceeding 28 feet, may be allowed subject to design review and to the coastal view protection standards of SCCC 13.20.130(B)(7) (if located in the Coastal Zone), and subject to approval by the Zoning Administrator following a public hearing.

(c)(i) and (c)(ii)(B) are state law requirements. (c)(ii)(A) is carried over from the County's existing ADU ordinance.

(c) Lot Coverage and Floor Area Ratio (FAR).

(i) JADUs and Conversion ADUs: additions up to 150 square feet shall meet lot coverage and FAR requirements for New Construction ADUs.

(ii) New Construction ADUs: Lot coverage and FAR is the standard for the applicable zone district with the following exceptions.

A. Where ADUs are developed on parcels 6,000 square feet or smaller an additional two percent (2%) Lot Coverage and two percent (2%) FAR shall be available by right, including within the Pleasure Point (-PP) Combining Zone District but excluding within the Seascape Beach Estates (-SBE) Combining Zone District.

B. An ADU of up to 800 square feet shall be allowed per SCCC 13.10.681(D)(6)(c)(iv), regardless of lot coverage and FAR.

~~(2) — Parking. Off-street parking shall be provided to meet the requirements of SCCC 13.10.550 for the main dwelling and one additional space for the accessory dwelling unit, and may be provided as double or triple tandem parking, in any location on the property. Where parking permits are required for on-street parking during any part of the year, permits shall be offered to the occupants of the ADU. Off-street parking shall be required for any new construction or conversion accessory dwelling unit located on a block subject to a permit parking requirement.~~

~~In all other locations, required parking for the ADU shall not apply under the circumstances described below, and no parking shall be required for the ADU under these circumstances:~~

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

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

~~(c) The accessory dwelling unit is part of the primary dwelling on the property, or is part of an accessory structure.~~

~~(d) The accessory dwelling unit is a conversion ADU.~~

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

These parking requirements are all state law requirements, with the exception that state law does not require parking permits (d)(ii)(E) but state law does exempt ADUs from parking requirements if the site is located in an area with on-street parking permits and ADU occupants are not offered permits.

Per direction at the 12/10/19 Planning Commission study session, staff proposes that within the Coastal Zone, replacement parking must be provided for garage conversions. Also, within the parking-constrained LODA, SADA, DASDA designated coastal areas, ADUs shall not be exempt from parking requirements based on proximity to transit stops.

(d) Parking.

(i) JADUs and Conversion ADUs: no required off-street parking.

(ii) New Construction ADUs: one off-street parking space per ADU.

A. ADU parking can be provided as double or triple tandem parking.

B. ADU parking may be located within setback areas unless findings are made that parking in setback areas is not feasible based upon specific site or regional topographical or fire and life safety conditions.

C. If the primary dwelling unit has less than the required parking per SCCC 13.10.552, one new parking space must be provided for the ADU but parking for the primary dwelling may remain nonconforming.

D. Outside the Coastal Zone, when a garage, carport, or covered parking structure is demolished or converted for construction of an ADU, no replacement parking is required for the primary dwelling unit.

(iii) New Construction ADUs: exceptions to off-street parking requirements. No parking shall be required for the ADU under these circumstances:

A. The ADU is located within one-half mile walking distance of any public transit stop and is not located in the Live Oak, Seacliff/Aptos, or Davenport/Swanton Designated Areas.

B. The ADU is located within a designated architecturally and historically significant historic district.

C. There is a dedicated parking space reserved for a publicly available car share vehicle located within one block of the ADU. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.

(iv) Parking Permits. Where parking permits are required for on-street parking during any part of the year, permits shall be offered to the occupants of the ADU and/or JADU.

Section (D)(8) below is carried over from the County's existing ADU ordinance section (E)(4)(d).

(8) Existing Conditions of Approval. Proposed additions associated with Conversion ADUs shall comply with any existing development permit conditions of approval.

Section (D)(9) below is carried over from the County's existing ADU ordinance section (F)(3). Since the 12/11/19 Planning Commission study session, this section has been updated further to link to the new farmworker housing code approved by the Board of Supervisors on 12/10/19.

(93) Other Accessory Uses.

(a) One ADU may be associated with a single-family dwelling unit on a parcel that also has farmworker housing as defined in SCCC 13.10.631. ~~Not more than one accessory dwelling unit shall be constructed on any one parcel. An accessory dwelling unit and agricultural caretakers' quarters, except farmworker housing on agricultural parcels greater than 10 acres outside the Coastal Zone, shall not be permitted on the same parcel.~~

(b) Non-ADU hHabitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC 13.10.611.

(104) Utility and Service Requirements. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of SCCC 12.10, Building Code, and all sections of the California Fire Code as codified in Chapter SCCC 7.92-SCCC, Fire Code, except that in no case shall fire sprinklers be required for the ADU where they are not also required for the primary dwelling for the following specific exceptions for ADUs:

The utility and service requirements section has been expanded to include information about JADUs and provide updated utility connection/fee information.

(a) Life Safety.

(i) Fire sprinklers shall not be required for the ADU where they are not also required for the primary dwelling.

(ii) For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.

(b) Utility Connections and Fees.

(i) JADUs and Conversion ADUs: new utility connection or capacity charges shall not be required.

(ii) New Construction ADUs: A local agency, special district, or water corporation may require a new or separate utility connection directly between the ADU and the utility, subject to a connection fee or capacity charge proportionate to the burden of the ADU on the water or sewer system, based upon either the square footage of the ADU or its drainage fixture unit values as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials.

(iii) The sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer.

A. As part of the application to create an ADU connected to an onsite water treatment system, a percolation test must be completed within the last five years or if the percolation test has been recertified, within the last 10 years.

General information about fees has moved to “Application Processing” section, SCCC 13.10.681(H)(4).

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

Incentive information has moved to the “Lot Coverage and FAR” section, SCCC 13.10.681(7)(c).

(6) ~~Incentives. On parcels 6,000 square feet or smaller, where new construction ADUs or conversion ADUs are developed after January 1, 2018, an additional two percent shall be added to maximum lot coverage and maximum floor area ratio development standards in order to incentivize the creation of ADUs including within the Pleasure Point (PP) Combining Zone District. See footnotes on site and structural dimensions charts in SCCC 13.10.323(B).~~

This requirement regarding nonconforming conditions is a new state law requirement.

(E) Nonconforming conditions. Correction of existing nonconforming zoning conditions cannot be required as a condition of ADU approval.

This requirement regarding design is carried over from the County’s existing ADU ordinance, SCCC 13.10.681(D)(3).

(F) Design. The design, materials and color of the new construction ADU shall be compatible with that of the main dwelling.

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

(1) Occupancy Restrictions. The maximum occupancy of an accessory dwelling unit ADU or JADU may not exceed that allowed by the State Uniform Housing Code, or other applicable State law.

Per the 12/11/19 Planning Commission study session, section (2) has been updated to incorporate the separate sale of ADUs as allowed by AB 587. Since this is likely to be a rare occurrence, the SCCC simply references the Government Code rather than copy all of the requirements into the SCCC.

(23) Sale. ADUs and JADUs shall not be sold separately ~~The ADU is not intended for sale separate from the primary residence. An ADU may be rented for periods of 30 days or more.~~

(a) Exception. An ADU can be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and all provisions of California Government Code Section 65852.26 are met.

(34) ~~Vacation Rental or Short-Term Rental Use. In no case shall a vacation rental or any other short-term rental use of less than 30 days be permitted in an ADU or JADU. A property with an ADU or JADU shall not be eligible for participation in the vacation rental or hosted rental programs.~~

State law now disallows owner occupancy for ADUs between the dates of 1/1/20 and 1/1/25. However, deed-restricted proof of owner occupancy is required for JADUs. Per the 12/11/19 Planning Commission study session, the owner occupancy requirement in section (4) has been updated to reflect these new requirements, with a caveat that owner occupancy for ADUs is not active between 1/1/20 and 1/1/25.

(24) Owner Residency. The following requirements apply to all JADUs and apply to all ADUs except those permitted between January 1, 2020 and January 1, 2025.

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

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

(b5) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a declaration of restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:

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

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

(iiie) The declaration shall include a provision for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any occupancy not authorized by

the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(iv) A restriction on the size and attributes of the ADU or JADU that conforms with this section.

(v) JADUs only: A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

There are no changes proposed to the County's application process, but this section has been updated to incorporate JADUs and has been simplified for easier understanding by staff and applicants.

The application process for ADUs within the Coastal Zone has not changed. This process is detailed in SCCC 13.20.107 and 13.20.108. Duplicative text has been removed from SCCC 13.10.681.

Since the 12/11/19 Planning Commission study session, text has been added clarifying that JADUs are not subject to rules regarding Coastal Development Permits unless their construction is considered an intensification of use. With this addition of that text here in 13.10.681(H), no change is now needed in sections 13.20.107 or 13.20.108.

~~(CH) Application Processing. All accessory dwelling units ADUs and JADUs shall be processed in accordance with this section and the requirements of Government Code Sections 65852.2 and 65852.22 and, for those accessory dwelling units ADUs located within the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. JADUs located in the Coastal Zone that constitute an intensification of use as defined in 13.20.040 shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a single-family dwelling remodel or addition is evaluated. A building permit only, and no public notice or hearing, shall be required for a new construction or conversion accessory dwelling unit within any residential zone district or on land designated residential in the General Plan, or within the Agriculture Zone District, unless the accessory dwelling unit is located in an area, or is a part of a larger project, that requires a discretionary development permit, or if a variance is requested. Pursuant to Government Code Section 65852.2 applications for ADUs within any residential zone district or on land designated residential in the General Plan, or within the Agriculture Zone District shall be approved or denied ministerially within 120 days of submission of a complete application. All applications for accessory dwelling units in the Commercial Agricultural Zone District shall be subject to review by the Agricultural Policy Advisory Commission.~~

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

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

~~(2) Inside the Coastal Zone (nonappealable area): ADUs that meet the standard for exemption or exclusion under SCCC 13.20.050 et seq. require a building permit.~~

~~ADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 et seq. require issuance of a combined coastal development and building permit, subject to the following noticing requirements: (a) Within 10 calendar days of accepting an application for a nonappealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:~~

~~i. A statement that the development is within the Coastal Zone;~~

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

(3) — Inside the Coastal Zone (appealable area): ADUs that meet the standard for exemption or exclusion under SCCC 13.20.050 et seq. require a building permit.

ADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 et seq.: require issuance of a combined coastal development and building permit, subject to the following noticing requirements:

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

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

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

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

(1) Ministerial review requirement. Pursuant to Government Code Section 65852.2, applications for ADUs and JADUs shall be approved or denied ministerially with a building permit, and no public notice or hearing shall be required, with the following exceptions.

(a) Exceptions to ministerial review requirement (discretionary review may be required).

(i) Inside the Coastal Zone, ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 require issuance of a combined coastal development and building permit, subject to the noticing requirements in SCCC 13.20.107 (properties in the Coastal Zone nonappealable area) and the noticing

and appeal requirements in SCCC 13.20.108 (properties in the Coastal Zone appealable area).

(ii) ADU and JADU applications requiring a variance shall be processed per SCCC 13.10.230.

(iii) ADU and JADU applications in the Commercial Agricultural (CA) zone district shall be processed per SCCC 13.10.312, with special findings per 13.10.314(A) and (B) and subject to discretionary review by the Agricultural Policy Advisory Commission prior to building permit approval.

(iv) ADU applications in the Parks and Recreation (PR) zone district shall be processed per SCCC 13.10.352(B) and subject to special findings per 13.10.355. JADU applications in the PR zone district shall be reviewed ministerially.

(v) ADU and JADU applications in the Timber Production (TP) zone district shall be processed per SCCC 13.10.372(B), with special findings per 13.10.375(A).

(2) Ministerial review time. ADU and JADU applications that are subject to ministerial review must be approved or denied within 60 days of receipt of a completed building permit application.

(a) Exception to ministerial review time. When a permit application to create an ADU or JADU is submitted along with a permit application for a new primary dwelling, the permit application for the ADU or JADU shall not be subject to a 60-day approval period but shall instead be subject to the approval period for the primary dwelling. If the new primary dwelling application requires discretionary review, the application for the ADU or JADU shall still be considered ministerially unless the application meets one of the exceptions in SCCC 13.10.681(H)(1)(a).

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

The requirements of sections (a) – (c) below are taken from state law.

(a) The County of Santa Cruz and any other local agency, special district or water corporation shall not impose any impact fee upon the development of an ADU less than 750 square feet.

(b) Impact fees charged for ADUs greater than or equal to 750 square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(c) For the purposes of this section, "impact fee" includes "fees" as defined in California Government Code Section 66000(b) and fees specified in California Government Code Section 66477. Impact fees do not include utility connection fees or capacity charges.

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

Section (J) below is a new state law requirement. The law technically only applies to ADUs but staff suggests that this amnesty program should apply to both ADUs and JADUs.

(J) Code Enforcement Amnesty. Per California Government Code Section 17980.12, the following amnesty provisions are available until January 1, 2030, for ADUs and JADUs that were built before January 1, 2020.

(1) A notice to correct a violation of any provision of any building standard for an ADU or JADU shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement.

(2) The owner of an eligible ADU or JADU that receives a notice to correct violations or abate nuisances related to any building standard may submit a letter to the County of Santa Cruz Planning Department, Code Enforcement Division, requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The County of Santa Cruz shall grant a delay in enforcement if the Planning Department Code Enforcement Division, in consultation with the Building Official, determines that correcting the violation is not necessary to protect health and safety.

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

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource.

Updates to definitions in SCCC 13.10.700 to add a new JADU definition and modify the definitions of ADU, Dwelling Unit, and Kitchen to reflect the fact that SF parcels can now have one ADU + one JADU in addition to the primary dwelling unit, but JADUs shall have efficiency kitchens. Staff is proposing to rename "Limited Food Preparation Area" as "efficiency kitchen" so that this is still an option for MF dwelling units and for SF dwelling units that wish to build out guest space, game room, wet bar, etc that does not qualify as a JADU.

SECTION XXI

The Santa Cruz County Code is hereby amended to add the following to SCCC 13.10.700-A:

"Accessory Dwelling Unit (ADU)" means, in compliance with California Government Code Sections 65852.2 and 65853, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of "Kitchen"), and sanitation ~~on the same parcel as a single-family dwelling~~. See also Junior Accessory Dwelling Unit, Conversion ADU and New Construction ADU.

SECTION XXII

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-D, definition of “Dwelling unit” shall be revised, as follows:

“Dwelling unit” means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the following restrictions: one ~~“Kitchen”~~ is allowed in each dwelling unit, ~~plus up to one additional Limited Food Preparation Area~~; interior connection shall be maintained throughout the home; and an interior stairway shall be provided between all stories. Dwelling units may include up to one additional “Efficiency Kitchen” in addition to one “Kitchen.” If a dwelling unit includes a Junior Accessory Dwelling Unit (JADU), then an additional Efficiency Kitchen outside the JADU is not allowed.

SECTION XXIII

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-J, definition of “Junior Accessory Dwelling Unit” shall be added:

“Junior Accessory Dwelling Unit (JADU)” means, in compliance with California Government Code Section 65852.22, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (area meeting the definition of Efficiency Kitchen but not a standard Kitchen), and shared or separate sanitation facilities with the main dwelling unit. See also Accessory Dwelling Unit.

SECTION XXIV

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-K, definition of “Kitchen” shall be revised, as follows:

The definition of “Kitchen” is being updated to clarify that this refers to a standard kitchen which is required for primary dwelling units and ADUs, as opposed to an “Efficiency Kitchen” (formerly known as “Limited Food Preparation Area” in the SCCC) which is appropriate for JADUs.

~~“Kitchen or food preparation facilities”~~ means any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing ~~one or more~~ all of the following ~~appliances~~: any sink having a drain outlet larger than one and one-half inches in diameter, any refrigerator larger than two and one-half cubic feet, any permanent hot plate, burner, stove or oven cooking appliance typically including a full-size gas or 220-volt electric range/oven with a range/hood ventilation system, and space for food preparation and storage. See also Efficiency Kitchen.

SECTION XXV

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700-L, definition of “Limited Food Preparation Area” shall be renamed “Efficiency Kitchen” and moved to SCCC 13.10.700-E and shall read as follows:

~~“Limited Food Preparation Area”~~ “Efficiency Kitchen” means limited kitchen facilities including a sink, a refrigerator, small electric kitchen appliances that do not require electrical service greater than 120 volts, an appropriately sized food preparation counter, and storage cabinets. Full-sized electric, gas, or propane cooking appliances are not allowed in a ~~Limited Food Preparation Area~~ an Efficiency Kitchen.

SECTION XXVI

Subdivision regulations related to financing or leasing ADUs have been updated to incorporate JADUs and to clarify that separate sale of ADUs and JADUs is not allowed, except by non-profit housing providers per AB 587 as detailed in 13.10.681(G)(2)(a).

The Santa Cruz County Code is hereby amended such that SCCC 14:01.107(D), Subdivision Regulations Applicability, Financing or leasing of Accessory Dwelling Units shall be revised, as follows:

(D) Financing or leasing of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to the provisions of SCCC 13.10.681. ~~This chapter shall apply to the Separate sale or transfer of such accessory-dwelling units is prohibited except as detailed in SCCC 13.10.681(G)(2)(a).~~

SECTION XXVII

Affordable housing regulations have been updated below to incorporate JADUs and to clarify that separate sale of ADUs and JADUs is not allowed, except by non-profits per AB 587 as detailed in 13.10.681(G)(2)(a).

The Santa Cruz County Code is hereby amended such that SCCC 17.10.020, Affordable Housing Regulations, Definitions, shall be revised as follows:

“Rental residential project” means any residential project that creates new dwelling units that cannot be sold individually, including Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (JADUs) except as detailed in SCCC 13.10.681(G)(2)(a).

AB 881: Operative State Law Sections 1.5 and 2.5

Blue Text: Additions to existing government code

Red Text: Removals from existing government code

View Online: http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB881

SEC. 1.5.

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily *dwelling residential* use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. *A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.*

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

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

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

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

(i) The *accessory dwelling* unit may be rented separate from the primary residence, ~~buy but~~ may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily *dwelling residential* use and includes a proposed or existing ~~single-family~~ dwelling.

(iii) The accessory dwelling unit is either attached ~~to,~~ or located ~~within the living area of the~~ *within, the* proposed or existing primary ~~dwelling or~~ *dwelling, including attached garages, storage areas or similar uses, or an accessory structure* ~~or~~ detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) ~~The total area of floorspace of~~ *If there is an existing primary dwelling, the total floor area of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ *existing primary dwelling.*

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

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

(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*

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

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

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per *accessory dwelling* unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

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

(III) This clause shall not apply to ~~a~~ *an accessory dwelling* unit that is described in subdivision (d).

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

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

~~(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.~~

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that~~ If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void ~~upon the effective date of the act adding this paragraph~~ and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

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

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

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The

accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision ~~(a) within 120 days after receiving the application.~~ *(a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.*

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

~~*(c) (C) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum*~~ Any other minimum or maximum size for an accessory dwelling unit, ~~*or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance or limits on lot coverage, floor area ratio, open space, and minimum lot size,*~~ for either attached or detached dwellings that does not permit at least an ~~*efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. 800 square foot*~~ accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks ~~*to be constructed in compliance with all other local development standards.*~~

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

(1) The accessory dwelling unit is located within one-half mile *walking distance* of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process. within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

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

(2) ~~Accessory-~~ An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for ~~the~~ purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service~~. service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

~~(A)~~ (4) For an accessory dwelling unit described in *subparagraph (A) of paragraph (1) of subdivision (e)*, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity ~~charge~~ *charge, unless the accessory dwelling unit was constructed with a new single-family home.*

~~(B)~~ (5) For an accessory dwelling unit that is not described in *subparagraph (A) of paragraph (1) of subdivision (e)*, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its ~~size-square feet~~ or the number of its ~~plumbing fixtures~~, *drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials*, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) ~~Local (1) agencies-~~ *A local agency* shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.~~

(2) (A) *If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.*

(B) *The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:*

(i) *Amend the ordinance to comply with this section.*

(ii) *Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.*

(3) (A) *If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.*

(B) *Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.*

(i) *The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.*

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

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

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

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

~~(4)~~ (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit ~~which that~~ provides complete independent living facilities for one or more ~~persons-~~ *persons and is located on a lot with a proposed or existing primary residence*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family *or multifamily* dwelling is *or will be* situated. An accessory dwelling unit also includes the following:

(A) *An efficiency unit.*

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

~~(A) (3) An efficiency unit, "Efficiency unit" has the same meaning~~ as defined in Section 17958.1 of the Health and Safety Code.

~~(B) (4) A manufactured home, as defined in Section 18007 of the Health and Safety Code. "Living area" means the interior~~ habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

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

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

~~(5) (8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of~~ the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~(6) (11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a~~ lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

~~(j) (l)~~ Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2.5.

Section 65852.2 is added to the Government Code, to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

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

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

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

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

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

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

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

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

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

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

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

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

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory

dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

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

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

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

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

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

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

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

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

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

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

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

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

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

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

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

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

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

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

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall become operative on January 1, 2025.

AB 68: Operative State Law Section 2

Blue Text: Additions to existing government code

Red Text: Removals from existing government code

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SEC. 2.

Section 65852.22 of the Government Code is amended to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ *built, or proposed to be built*, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the ~~structure, and require the inclusion of an existing bedroom.~~ *proposed or existing single-family residence.*

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the ~~structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ *proposed or existing single-family residence.*

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~

~~(B) (A) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ *appliances.*

~~(C) (B)~~ A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether if~~ the junior accessory dwelling unit ~~is in compliance.~~ *complies* with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to~~

EXHIBIT F

create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For ~~the~~ purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For ~~the~~ purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

~~(g)~~ (h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ a single-family ~~structure~~ residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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

SB 13: Operative State Law Section 3

Blue Text: Additions to existing government code

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SEC. 3.

Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read:

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.



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AB-587 Accessory dwelling units: sale or separate conveyance. (2019-2020)

SECTION 1. Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read:

65852.26. (a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- (1) The property was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- (4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

- (1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
- (2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

EXHIBIT H