



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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KATHLEEN MOLLOY, PLANNING DIRECTOR

July 14, 2020

AGENDA DATE: July 22, 2020

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

SUBJECT: PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COUNTY CODE RELATED TO TEMPORARY USES AND STRUCTURES, RESIDENTIAL ACCESSORY STRUCTURES, HOME OCCUPATIONS, AND HOSTED RENTALS; AND CEQA NOTICE OF EXEMPTION (AMENDMENTS TO CHAPTER 13.10 ARE COASTAL IMPLEMENTING AND WILL REQUIRE COASTAL COMMISSION CERTIFICATION AFTER COUNTY ADOPTION)

Recommended Actions:

- 1) Conduct a public hearing to review and take public comment on proposed amendments to the Santa Cruz County Code (SCCC) that would modify regulations related to temporary uses and structures, accessory structures, home occupations, and hosted rentals, with associated California Environmental Quality Act (CEQA) Notice of Exemption.
- 2) Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors:
 - a. Confirm a CEQA Notice of Exemption (Exhibit B) is appropriate under CEQA.
 - b. Adopt the ordinance (Exhibit C) amending the County Code related to temporary uses and structures, residential accessory structures, home occupations, and hosted rentals, as modified to reflect the vacation rental language related to numerical caps and violations adopted by the Board of Supervisors; and
 - c. Direct staff to modify the hosted rental subsections to align SCCC Section 13.10.690 as necessary to reflect the final version of the vacation rental ordinance adopted by the Board of Supervisors on August 4, 2020 or thereafter.
 - d. Direct staff to submit the ordinance to the California Coastal Commission for certification within the Coastal Zone.

EXECUTIVE SUMMARY

The public health crisis known as the COVID-19 pandemic forced the closure of some businesses, limited the functionality of others, and required many people to work at home. As the County, like other jurisdictions, responds to the lifting of shelter-in-place orders, flexibility in the standards that

govern temporary uses and structures for both residential and commercial properties are necessary to help individuals and businesses recover economically and to find new ways to operate while implementing both social distancing and remote working.

Staff has prepared draft SCCC amendments that address the needs for flexibility in current residential and commercial standards related to accessory structures, temporary permits, home occupations, and hosted rentals. Staff recommends that the Planning Commission conduct a public hearing to review the draft amendments and take public comment, and adopt a resolution recommending that the Board of Supervisors adopt the code amendments.

BACKGROUND

As part of the code modernization package developed in 2015, staff drafted code amendments related to temporary uses and structures, residential accessory structures, and home occupations designed to address the evolving needs of residential and commercial properties in the unincorporated County. The draft code amendments were reviewed by the Board of Supervisors at two meetings in 2015, and staff was directed to include the amendments within the code modernization package, which was eventually folded into the Sustainability Policy and Regulatory Update.

To address the needs of the community and businesses in recovering from the COVID-19 health crisis, the Board of Supervisors also passed Resolution No. 133-20 on June 2, 2020, providing direction to staff to support the temporary permitting needs of individuals and business with temporary permit measures. The resolution also directed staff to follow up on the temporary measures by processing the code modernization sections related to temporary uses and structures, accessory structures, and home occupations (to better support remote work-from-home practices) as an ordinance that would amend various sections of the County Code, given the importance and “separate utility” of code changes to accommodate responses to the pandemic. The resolution directed staff to return to the Board of Supervisors in August 2020 with the proposed ordinance.

In addition, on May 27, 2020, the Planning Commission recommended to the Board of Supervisors revisions to the County’s regulations on vacation rentals, and the Board considered the amendments on June 16 and June 30, 2020 and will consider them again at their meeting of August 4, 2020. Minor amendments related to numbers of permits and violations to align the hosted rental regulations with the proposed vacation rental provisions are also included in the draft ordinance in order to avoid conflicts and clarify regulations regarding this additional use of residential structures.

The Planning Commission held a study session on the proposed amendments on July 8, 2020. The substantive changes to the proposed ordinance based on Planning Commission feedback are explained in bulleted text in the Analysis below.

ANALYSIS

Following is a summary of the key provisions of the draft proposed ordinance (see Exhibit C for the clean version and Exhibit D for the underline/strikethrough version):

Commercial and Industrial Uses Charts. The proposed code changes would delete text in the SCCC Sections 13.10.332 and 13.10.342 uses charts that define which zones allow temporary uses,

as under the proposed code changes, temporary uses and temporary structures could be allowed in every zone district, subject to the regulations and permit requirements.

Accessory Structures in Residential Zone Districts. The proposed code amends existing SCCC Section 13.10.611 to clarify the types and numbers of habitable and non-habitable accessory structures that are allowed on residential properties (see Table 13.10.611-1). The amendments would allow limited bathroom facilities in accessory structures, regulate showers and bathtubs, and include references to regulations for accessory dwelling units (ADUs). In Table 13.10.611-2, amendments related to the size, location, and permit requirements are included, with Level IV and V permits required for proposed accessory structures that exceed standards. Both habitable and non-habitable structures are limited by size on properties within the Urban and Rural Services Lines (USL/RSL). Conversions of non-habitable and habitable accessory structures into residential units continues to be illegal, unless permitted in accordance with the County Code.

- *Title of Section changed to avoid confusion with ADUs.*
- *Additional purpose statement added to avoid confusion with ADUs*
- *Titles of Tables 13.10.611-1 and 13.10.611-2 amended to avoid confusion with ADUs*
- *Previously proposed amendments to allowed heights of habitable and non-habitable structures in Table 13.10.611-2 have been removed, with allowed height maximum of one story and 17 feet retained for habitable structures in the USL/RSL, and maximum heights similar to ADUs proposed for non-habitable structures within the USL/RSL. Both habitable and non-habitable structures outside the USL/RSL would be allowed consistent with zone district standards.*

Cargo and Shipping Containers as Accessory Structures. This new section SCCC 13.10.612 would regulate the use of cargo and shipping containers as accessory structures, allowing their use only outside the USL/RSL with a Level III administrative permit approval. Cargo and shipping containers are subject to the same regulations as other accessory structures as regulated by SCCC 13.10.611, with additional regulations related to design of the structure (painting, screening). Cargo and shipping containers are not allowed in mapped scenic areas or within public view of scenic roads.

- *No changes since the Planning Commission Study Session*

Home Occupations. Home occupations are currently allowed in the SCCC and regulated by SCCC Section 13.10.613. The proposed amendments increase the percentage of the home that may be devoted to the home occupation and modernize the types of uses allowed, including cottage food businesses. Commercial firewood operations are prohibited as home occupations. Weddings and other community events are specifically not allowed as home occupations; provisions for those types of uses remain within the amendments associated with the Sustainability Policy and Regulatory Update. Two non-household employees may work in the home, and with a Level V conditional home occupation use permit up to five non-household employees would be allowed. The proposed amendments also clarify noise standards for the property.

- *The percentage of the home that can be devoted to the home occupation has been increased from 20% in the original code (SCCC Section 16.10.613[B][4]). The revised ordinance would now allow up to 35% of the home to be used (previously proposed at 25%).*

Temporary Uses and Structures. The current SCCC does not include a section of regulations for temporary uses and structures, and new SCCC Section 13.10.616 would add these regulations. The proposed code would specify temporary use permits as Level III administrative permits, except in the case where the temporary use involves amplified music, which requires a Level IV permit process with public notice (or a Level V noticed public hearing process for longer timeframes or repeated activities). The draft code allows temporary uses and/or structures for up to 180 days per year, which may be extended to allow up to three years for activities allowed by a temporary permit (unless a further extension is granted based on public health, safety and welfare). The use of parking lots for outdoor expansion of temporary uses is limited to 35% of the parking spaces but may be approved for up to 65% if the applicant can demonstrate adequate space or proposes alternatives such as shuttles or off-site parking. The draft ordinance further regulates signs, litter, and clean up after the temporary use has ceased.

Subsection (D) provides for exempt temporary uses, including limited garage and yard sales in residential districts and seasonal holiday sales (e.g., pumpkins and Christmas trees) in non-residential districts, subject to additional performance standards related to hours of operation, setbacks, access, fencing, signage, and fire protection.

Subsection (E) provides standards and permitting procedures for temporary storage containers and tents. Temporary storage boxes are allowed with a Level I administrative zoning clearance process for up to 90 days (can be extended to 180 days), with considerations related to site distance triangles, setbacks, use of public and private rights-of-way, and use of vacant parcels. Temporary tents up to 300 square feet and 12 feet in height are allowed without a permit, subject to the setback standards of the applicable zone district. Temporary tents exceeding the standards or time limits may be approved with a temporary permit (Level III). Temporary tents in back yards that are not visible from a public street may remain for a year without a permit.

- *This section has been reorganized to address conditions of approval on a temporary permit in one location (SCCC Section 16.10.161[B][2][c]).*
- *Language regarding the duration of temporary uses in SCCC Section 16.10.616(C)(2) has been amended for clarity. Temporary uses would typically be permitted up to 180 days, but can be permitted up to three years based on additional scrutiny and conditions of approval. Extension up to an additional three years would still be permitted, as previously proposed.*
- *The exception to the setback provisions for temporary tents (SCCC 13.10.616[E][2][b]) that allowed tents open on two sides to be allowed within five feet of a property line has been clarified to indicate that these are not permitted in front yard setbacks.*

Hosted Rentals. Hosted rentals, or the temporary rental of one or two rooms in a house occupied by the owner, are currently regulated in SCCC Section 13.10.690. Subsection (E) is proposed for amendment to eliminate language related to recognizing “existing rentals” at the time the ordinance was first implemented, and to otherwise bring the code into alignment with the recent amendments to the County’s related vacation rental regulations. The changes recognize the new waiting list procedures and maintain the current limit of 250 hosted rentals, while further limiting hosted rentals by area and block within the designated Live Oak Designated Area (LODA), the expanded Seacliff/Aptos/La Selva Designated Area (SALSDA), and the Davenport/Swanton Designated Area

(DASDA). Violation language consistent with the amendments to the vacation rental ordinance has also been proposed. No changes are proposed to the performance standards for hosted rentals.

- *Section 13.10.690(E)(2)(b) regarding the LODA, SALSDA, AND DASDA area caps has been updated to refer to the vacation rental section that limits the number of vacation and hosted rentals (instead of percentage caps) based on the number of currently permitted rentals.*
- *The violations language in SCCC 13.10.690(I) has been further update to correspond with the version of the vacation rentals ordinance that will be heard at the August 4, 2020 Board of Supervisors meeting.*

Definitions. The proposed code amends existing definitions for “temporary use or structure” and “home occupation” in SCCC Section 13.10.700 to clarify the nature of uses and structures allowed and to remove the 45-day time limit from the definition of temporary uses.

- *No change to these sections from the version reviewed by the Planning Commission at the July 8, 2020 study session.*

ENVIRONMENTAL REVIEW

The proposed amendments to the County Code are minor administrative changes that are not considered a project and are therefore exempt from California Environmental Quality Act (CEQA) review per CEQA §15378(b)(5). The amendments are also statutorily exempt under CEQA Guidelines §15269 (Emergency Projects) because temporary permits allow specific actions that would require safe physical distancing consistent with the State’s Resilience Roadmap and County and State Guidelines to mitigate the COVID-19 public health emergency. The amendments are also categorically exempt under CEQA Guidelines §15301 (Existing Facilities) because the actions are limited to the permitting and minor modifications of existing facilities, which would result in a negligible expansion of existing commercial uses and a negligible expansion of the public’s use of rights of way. As such, the amendments are further exempt as they pose no possibility of significant environmental impact (§15061[b][3]).

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed amendments will require a Local Coastal Program Amendment because SCCC Chapter 13.10 is an implementing ordinance of the Santa Cruz County Local Coastal Program. The final 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. The proposed updates to the code sections are relatively minor adjustments to existing code and will not result in any loss of agricultural land, any loss of coastal access, impingement on visitor accommodations, or any negative impacts to public viewsheds within the Coastal Zone.

STRATEGIC PLAN

The proposed amendments advance the County Strategic Plan’s “Local Businesses” goal within the “Dynamic Economy” focus area by allowing greater flexibility in standards related to accessory structures and allowing a clear path to pursue business needs through temporary uses. This is particularly true during the recovery to the COVID-19 pandemic.

Stephanie Hansen
Principal Planner

Kathleen Molloy
Planning Director

Exhibits:

- A) Proposed Resolution
- B) CEQA Notice of Exemption
- C) Proposed Ordinance – clean
- D) Proposed Ordinance – strikeout/underline

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 AMENDING
SECTIONS 13.10.332, 13.10.342, 13.10.611, 13.10.613, AND 13.10.700 AND
ADDING SECTIONS 13.10.612 AND 13.10.616 TO ESTABLISH AND
UPDATE REGULATIONS FOR ACCESSORY STRUCTURES IN
RESIDENTIAL ZONE DISTRICTS, HOME OCCUPATIONS, AND
TEMPORARY USES AND STRUCTURES; AMENDMENTS TO SECTION
13.10.690 TO ALIGN HOSTED RENTAL REGULATIONS WITH
VACATION RENTAL REGULATIONS; AND CEQA NOTICE OF
EXEMPTION**

WHEREAS, the Santa Cruz County Code ("SCCC") provides for the regulation of temporary uses and structures, residential accessory structures, home occupations, and hosted rentals; and

WHEREAS, the County of Santa Cruz ("County") desires to assist individuals and businesses in the economic recovery from the effects of the COVID-19 pandemic; and

WHEREAS, portions of the SCCC require updating to effectively establish a temporary permit system and regulate accessory and temporary uses and structures, as well as home occupations; and

WHEREAS, the County is in the process of updating the vacation rental ordinance and desires to make corresponding changes in the hosted rental ordinance; and

WHEREAS, SCCC 13.10 is a Local Coastal Program implementing ordinance; and

WHEREAS, the Planning Commission has reviewed the County's proposed ordinance amendments and finds that they are necessary to regulate temporary uses and structures, accessory structures, home occupations, and hosted rentals; are consistent with all elements of the General Plan/Local Coastal Program; and comply with the California Coastal Act; and

Exhibit A: Resolution

WHEREAS, the proposed ordinance amendments are minor administrative changes that are not considered a project and are therefore exempt from California Environmental Quality Act ("CEQA") review pursuant to CEQA Guidelines section 15378(b)(5); are statutorily exempt under CEQA Guidelines section 15269 (Emergency Projects); are categorically exempt under CEQA Guidelines section 15301 (Existing Facilities); and are further exempt as they pose no possibility of significant environmental impact pursuant to CEQA Guidelines section 15061(b)(3).

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

BE IT FURTHER RESOLVED that the Planning Commission recommends that any changes made by the Board of Supervisors upon adoption of SCCC 13.10.694, regarding vacation rentals, be incorporated on or after August 4, 2020, into the corresponding sections for hosted rentals in SCCC 13.10.690.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors direct staff to submit the proposed ordinance amendments to the California Coastal Commission for certification within the Coastal Zone.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors confirm that a Notice of Exemption is appropriate under CEQA.

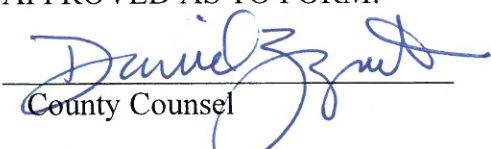
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 22nd day of July, 2020 by the following vote:

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

Chairperson

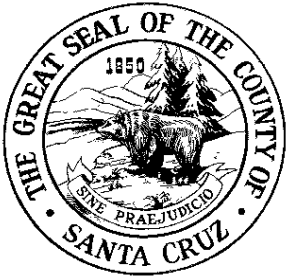
ATTEST: _____
Secretary

APPROVED AS TO FORM:



County Counsel

cc: County Counsel
Planning Department



County of Santa Cruz

PLANNING DEPARTMENT

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: Temporary Use and Structures, Accessory Structures, Home Occupations, and Hosted Rental Regulations Update

Project Location: Countywide

Assessor Parcel No.: N/A

Project Applicant: County of Santa Cruz Planning Department

Project Description: Proposed amendments to Santa Cruz County Code sections 13.10.332, 13.10.342, 13.10.611, 13.10.612, 13.10.613, 13.10.616, and 13.10.700 to establish and amend regulations for temporary uses and structures, residential accessory structures, and home occupations; and amendment of Section 13.10.690 to align hosted rental regulations with vacation rental regulations

Agency Approving Project: County of Santa Cruz Board of Supervisors

County Contact: Stephanie Hansen, Principal Planner

Telephone No. 831-454-3112

Date Completed: July 9, 2020

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: 15269

☒ **Categorical Exemption**

Class 1

Reasons why the project is exempt:

The proposed amendments to the County Code are minor administrative changes that are not considered a project and are therefore exempt from CEQA review per §15378(b)(5). The amendments are also statutorily exempt under CEQA Guidelines §15269 (Emergency Projects) because temporary permits allow specific actions that would require safe physical distancing consistent with the State's Resilience Roadmap and County and State Guidelines to mitigate the COVID-19 public health emergency. The amendments are also categorically exempt under CEQA Guidelines §15301 (Existing Facilities) because the actions are limited to the permitting and minor modifications of existing facilities, which would result in a negligible expansion of existing commercial uses and a negligible expansion of the public's use of rights of way. As such, the amendments are further exempt as they pose no possibility of significant environmental impact (§15061[b](3)).

Signature: _____ Date: _____ Title: Environmental Coordinator

ORDINANCE NO. _____

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS 13.10.332, 13.10.342, 13.10.611, 13.10.613, AND 13.10.700 AND ADDING SECTIONS 13.10.612 AND 13.10.616 TO ESTABLISH AND UPDATE REGULATIONS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONE DISTRICTS, HOME OCCUPATIONS, AND TEMPORARY USES AND STRUCTURES; AND AMENDING SECTION 13.10.690 TO ALIGN HOSTED RENTAL REGULATIONS WITH VACATION RENTAL REGULATIONS

The Board of Supervisors does ordain as follows:

SECTION I

Santa Cruz County Code Section 13.10.332, Commercial Uses Chart, and Section 13.10.342, Industrial Uses Chart, are amended to delete temporary uses provisions, as follows:

COMMERCIAL USES CHART

USE	PA	VA	CT	C-1	C-2	C-4
Temporary uses (See SCCC <u>13.10.700</u> T definition), such as:						
Carnivals and circuses	—	—	—	—	3	3
Christmas tree sales lots	—	—	—	3	3	3
Outdoor sales not to exceed 4 per year on any site	—	—	—	3	3	3

INDUSTRIAL USES CHART

USES	M-1	M-2	M-3
Temporary uses (see SCCC <u>13.10.700</u> T definition), such as:	3	3	—
Carnivals and circuses	-	-	-
Christmas tree sales lots	-	-	-
Outdoor sales, not to exceed 4 per year on any site			

SECTION II

Santa Cruz County Code Chapter 13.10, Zoning Regulations, Part VI, Regulations for Special Uses, Article I. Accessory Structures and Uses is amended to include the following changes and additions:

13.10.611 Accessory Structures in Residential Zone Districts

13.10.612 Cargo and Shipping Containers Used as Accessory Structures

13.10.613 Home Occupations as Secondary Uses

13.10.616 Temporary Permits, Uses, and Structures

SECTION III

Santa Cruz County Code Sections 13.10.611 and 13.10.613 are amended and Sections 13.10.612 and 13.10.616 are added as follows:

Part VI. REGULATIONS FOR SPECIAL USES

Article I. Accessory, Temporary, and Secondary Structures and Uses

13.10.611 Accessory structures in residential zone districts.

(A) Purpose. It is the purpose of this section to provide for the orderly regulation of accessory structures to ensure that accessory structures are subordinate and incidental to the main structure or main use of the land and to provide notice to future and current property owners that illegal conversion of any accessory structure is subject to civil penalties. This section does not address accessory dwelling units (ADUs), nor is an accessory structure in a residential zone district considered an ADU.

(B) Application Requirements.

(1) The proposed use of the structure shall be specified.

(2) Applications for habitable accessory structures and nonhabitable accessory structures shall be processed as specified in Tables 13.10.611-1 and 13.10.611-2.

(3) The regulations of this section are intended to complement and be implemented consistent with the allowed uses in residential zone districts listed in SCCC 13.10.322(B) and regulations for accessory structures found in SCCC 13.10.323(E)(6).

(C) Restriction on Accessory Structures.

(1) Any accessory structure shall be clearly appurtenant, subordinate, and incidental to the main structure or main use of the land as specified in the purposes of the appropriate zone district.

(2) Regulations on amenities for accessory structures on parcels with a main residence are as indicated in Table 13.10.611-1:

Table 13.10.611-1

**AMENITIES REGULATIONS FOR ACCESSORY STRUCTURES
IN RESIDENTIAL ZONE DISTRICTS**

Note: In the Coastal Zone, a Coastal Development Permit may be required per SCCC 13.20. For regulations governing ADUs, see SCCC 13.10.681.

Amenity	Nonhabitable	Habitable
Utility sink: outdoor non-enclosed shower	Allowed	Allowed
Toilet; lavatory sink ¹	Allowed ¹	Allowed ¹
Shower and/or bathtub	Pool cabanas: Shower allowed ¹ All other uses: Not allowed	Allowed ¹
Washer/dryer and water heater	Allowed	Allowed
Insulation/sheet rock or other finished wall covering	Both allowed	Both required
Built-in heating/cooling	Not allowed	Heating: Required Cooling: Allowed
Kitchen facilities, excluding sink, as defined in SCCC 13.10.700-K	Not allowed	Not allowed, unless approved as an ADU under SCCC 13.10.681
Electrical service maximum	100A/220V/single phase maximum unless a Level IV administrative use permit is obtained	100A/220V/single phase maximum unless a Level IV administrative use permit is obtained
Separate electric meter	Not allowed unless a Level IV administrative use permit is obtained	Not allowed unless a Level IV administrative use permit is obtained
Use for sleeping purposes	Not allowed	Allowed
Rent, let, or lease as an independent ADU	Not allowed	Not allowed, unless approved as an ADU under SCCC 13.10.681 with standard kitchen

¹ On parcels less than 10 acres, a maximum of one habitable or nonhabitable accessory structure with any combination of toilet, lavatory sink, shower and/or bathtub is permitted if consistent with tables 13.10.611-1 and 13.10.611-2. On parcels 10 acres or larger, a maximum of two accessory structures with any combination of toilet, lavatory sink, shower and/or bathtub are permitted if consistent with tables 13.10.611-1 and 13.10.611-2. When two or more habitable accessory structures exist on a parcel, the second habitable accessory structure and any additional habitable accessory structures shall be considered bedrooms for the purpose of calculating fees and determining parking requirements.

(3) Regulations for permit requirements, size, height, stories, total number of and locational restrictions for accessory structures in residential zone districts are as indicated in Table 13.10.611-2:

Table 13.10.611-2

**PERMIT REQUIREMENTS, SIZE, HEIGHT, STORIES,
TOTAL NUMBER OF AND LOCATIONAL REGULATIONS FOR
ACCESSORY STRUCTURES IN RESIDENTIAL ZONE DISTRICTS**

Note: In the Coastal Zone, a Coastal Development Permit may be required per SCCC 13.20. For regulations governing ADUs, see SCCC 13.10.681.

	Nonhabitable	Habitable
Permit required	<p>Within the urban and rural services lines (USL/RSL): building permit only for up to 640-square-foot size, in compliance with standards for detached ADUs in SCCC 13.10.681(D)(7)(b)¹</p> <p>Outside the USL/RSL: building permit only for up to 1,000-square-foot size, in compliance with zone district site development standards¹</p>	<p>Within the USL/RSL: building permit for up to 640-square-foot size, one story and 17-foot height, or in compliance with the zone district site development standards, whichever is more restrictive¹</p> <p>Outside the USL/RSL: building permit only for up to 1,000 square-foot size, in compliance with zone district site development standards¹</p> <p>In any area: ADUs subject to ADU regulations</p>
Permit required if exceeds size restrictions	<p>Outside the USL/RSL: Level IV administrative site development permit</p> <p>Inside the USL/RSL: Level V administrative site development permit</p>	Level V administrative site development permit
Permit required if exceeds maximum height or story limits	Variance (Level V process – public hearing required)	Variance (Level V process – public hearing required)
Number of accessory structures allowed	No limit, if in compliance with the site regulations of the zone district, however limits based on parcel size if accessory structure contains plumbing fixtures ²	One with building permit only; two with Level V conditional use and site development permit; more than two with Level VI Planning Commission public hearing and approval, with limits on plumbing fixtures ²
Locational restrictions related to the distance from the main	None, if in compliance with the site regulations of the zone district	In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-

	Nonhabitable	Habitable
residence and access to accessory structures		of-way, nor constructed on a slope greater than 30 percent, unless a Level IV administrative site development permit is obtained, or as otherwise permitted by County Code/Public Works Director

¹ Non-habitable structures that do not exceed 120 square feet in size and a height of 10 feet above grade (as defined by the Zoning Ordinance), do not require a building permit. However, a building permit is required for all accessory structures of any size that contain any plumbing fixtures and electricity, and a zoning permit may be required pursuant to Tables 13.10.611-1 and 13.10.611-2.

² On parcels less than 10 acres, a maximum of one habitable or nonhabitable accessory structure with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. On parcels 10 acres or larger, a maximum of two accessory structures with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. When two or more habitable accessory structures exist on a parcel, the second habitable accessory structure and any additional habitable accessory structures shall be considered bedrooms for the purpose of calculating fees and determining parking requirements. ADUs are regulated by SCCC 13.10.681.

(4) Absent an established residential use, accessory structures are prohibited.

(5) No habitable accessory structure shall be mechanically heated, cooled, humidified or dehumidified unless the structure or the conditioned portion thereof meets the energy conservation standards of the California Energy Code, Title 24, as adopted by SCCC [12.10](#).

(6) No nonhabitable accessory structure (other than a pool cabana) shall have a shower or bathtub installed, and no pool cabana shall have a bathtub installed. The Planning Director may grant an exception to allow a bathtub in a pool cabana as a reasonable accommodation pursuant to the Americans with Disabilities Act.

(D) Required Standards – Accessory Structures.

(1) Any building or development permit issued for the construction or renovation of a nonhabitable accessory structure shall include a restriction or condition requiring an agreement not to convert the structure into a dwelling unit, ADU, or into any structure for human habitation in violation of this code. Any building or development permit issued for the construction, conversion to or renovation of a habitable accessory structure, other than an attached or detached ADU, permitted as such, shall include a condition requiring an agreement not to convert the structure or space into a dwelling unit or into any other independent habitable structure in violation of this code. Each agreement required by this subsection shall provide the recovery by the County of reasonable attorney's fees and costs in bringing any legal action to enforce the agreement together with recovery of any rents collected for the illegal structure or, in the alternative, for the recovery of the reasonable rental value of an illegally converted structure from the date of conversion. The amount of any recovery of rents or of the reasonable rental value of an illegally converted structure shall be deposited into a fund designated by the Board of Supervisors to be used by the County for code compliance and abatement activities. The agreement shall provide for periodic condition compliance inspections by Planning Department staff. Nothing in this

section or the agreement shall be deemed to be a waiver of any property owner's rights to due process or to avoid unreasonable searches. The agreement shall be written to bind future owners of the property and include a reference to the deed under which the property was acquired by the present owner, and the agreement shall be filed with the County Recorder. Proof that the agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property.

(2) The Planning Director may charge a fee, as stated in the uniform fee schedule, for the cost of periodic condition compliance inspections. [Ord. 5265 § 10, 2018; Ord. 5264 § 11, 2018; Ord. 5061 §§ 16, 17, 2009; Ord. 4921 § 14, 2008; Ord. 4496-C § 52, 1998; Ord. 4457-A § 3, 1997; Ord. 4324A § 4, 1994; Ord. 4282 § 4, 1993; Ord. 4099 § 1, 1990; Ord. 3996 § 1, 1989; Ord. 3749 § 1, 1986; Ord. 3632 § 16, 1985; Ord. 3593 §§ 14, 15, 1984; Ord. 3432 § 1, 1983].

SECTION IV

Santa Cruz County Code Section 13.10.612 is added to the County Code as follows:

13.10.612 Cargo and shipping containers used as accessory structures.

(A) This section governs installation of any intermodal freight container or other commercial/shipping cargo container ("cargo container") or structure of analogous appearance and function for use as habitable or nonhabitable permanent accessory structures or as commercial structures on commercial and industrial sites. Cargo containers integral to a lawful shipping or storage business are exempt from these provisions and are regulated by the site standards of the applicable zone district.

(B) Cargo containers may be sited and used as accessory structures outside of the urban and rural services lines in all zone districts, subject to a Level III administrative site development permit. Inside the urban and rural service lines, cargo containers may be allowed on commercial or industrial properties only.

(C) Standards

(1) Cargo containers accessory to residential uses shall comply with all applicable provisions of SCCC 13.10.611.

(2) More than one accessory cargo container structure may be approved per parcel, based on demonstrated need and compliance with other provisions of this section 13.10.612. Multiple cargo containers attached into one structure are considered to be one cargo container structure.

(3) Cargo containers shall meet the following design standards:

(a) Painted and maintained a neutral color such as medium brown, gray brown, or medium green; or painted to complement existing buildings on the site; or painted in a manner that is considered aesthetically pleasing to persons of ordinary sensibilities.

(b) Located outside the boundaries of all mapped scenic resource areas and out of view or screened from view from any scenic roads.

(c) Screened from view, including from public views and views from adjacent properties, to the greatest extent feasible, by any combination of topographic features, other buildings, landscaping, natural vegetation or other screening measures. Where visible from public view or adjacent properties, the container exterior shall be modified as appropriate to be compatible with the architectural style and materials of other structures on the site or in the vicinity, or otherwise treated per (a) above.

(d) Where used as a habitable accessory structure, the design, color, and materials shall complement the existing structures on the parcel.

SECTION V

Santa Cruz County Code Section 13.10.613 is amended as follows:

13.10.613 Home occupations as secondary uses.

(A) Purposes. The purposes of regulations for home occupations are:

- (1) To allow persons to carry on income-producing activities on their property where they reside, secondary to a residential use.
- (2) To protect nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance.

(B) Restrictions on Home Occupations.

- (1) The home occupation shall be carried on entirely within the dwelling, or in an accessory structure normally allowed in the zone district in which the site is located, unless a Level V conditional home occupation use permit is obtained to authorize outdoor unenclosed activities.
- (2) There shall be no visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more than 40 feet from the front property line, the sign may be affixed to the mailbox. No larger sign, and no outdoor storage, operations or activity is allowed unless a Level V conditional home occupation use permit is obtained, in which case the allowed outdoor use shall be reasonably screened from the street and adjoining properties.
- (3) The home occupation shall be carried out primarily by one or more full-time inhabitants of the dwelling, with one or two employees who are not inhabitants also allowed to work at the home occupation site. A maximum of five additional regular employees may also work at the home occupation site if a Level V conditional home occupation use permit is obtained.

- (4) The home occupation shall not involve the use of floor area exceeding 35 percent of the total floor area of the dwelling, unless a Level V conditional home occupation use permit is obtained.
- (5) A home occupation involving personal services (i.e., hairdresser, barber shop, personal fitness trainer) or training (i.e., swimming lessons, musical instrument lessons, yoga classes, cooking classes, art lessons) may involve no more than two persons at a time, unless a Level V conditional home occupation use permit is obtained.
- (6) Sales of goods are allowed only if the goods to be sold are produced or assembled entirely on the premises, or if sales are by mail order, unless a Level V conditional home occupation use permit is obtained.
- (7) Only one vehicle, which is no larger than a three-quarter-ton pickup truck, in addition to other vehicles equal to the standard number of required parking spaces for the subject home, may be used for the home occupation unless a Level V conditional home occupation use permit is obtained. An off-street parking space shall be provided for any three-quarter-ton pickup truck vehicle used for the home occupation. Additional off-street parking may be required for employees or customers in excess of standard levels through approval of a Level V conditional home occupation use permit.
- (8) The home occupation shall not generate unacceptable levels of noise, as defined by the General Plan Noise Element, SCCC 8.30 Noise, and SCCC 13.15 Noise Planning.
- (9) Home occupations involving the handling of hazardous materials, as defined by SCCC [7.100.020](#), or of any amount of an acutely hazardous substance, as defined by State or Federal law, shall require a Level V conditional home occupation use permit and approval of other applicable permits such as those issued by the County's Environmental Health Division. "Hazardous materials" refer to materials defined in SCCC [7.100](#).
- (10) Cottage food businesses are allowed as home occupations if consistent with state law governing such operations and compliant with applicable requirements of the County's Environmental Health Division.
- (11) Commercial weddings and similar celebrations, community events, and fundraisers are not eligible to be permitted as home occupations.
- (12) A commercial firewood operation, where wood is cut, processed, and/or stored for sale to the public, is prohibited as a home occupation. [Ord. 4836 § 102, 2006; Ord. 4100 § 1, 1990; Ord. 3432 § 1, 1983].

SECTION VI

Santa Cruz County Code Section 13.10.616 is added to the County Code as follows:

13.10.616 Temporary permits, uses, and structures.

- (A) Purpose. The purposes of this section are as follows:

- (1) To ensure that temporary uses and structures are developed in an orderly fashion consistent with the purpose of the applicable zone district;
- (2) To ensure that temporary uses and structures remain secondary to primary uses that exist, are allowed on the site, and are compatible with neighboring land uses; and to limit temporary uses and structures on vacant properties;
- (3) To promote and protect the public health, safety, peace, convenience, and general welfare;
- (4) To protect the character, visual and environmental resources, and quality of residential, commercial, industrial, agricultural, recreational, and open space areas of the County;
- (5) To allow and establish regulations for temporary uses and structures that are not otherwise subject to regulations pertaining to permanent accessory or ancillary uses and structures, such as those governing home occupations (SCCC 3.10.613);
- (6) To accommodate temporary uses, structures, and activities that contribute to the quality of life, economic vitality or public interest of Santa Cruz County; and
- (7) To allow for temporary uses and structures that may not be generally consistent with the purposes of the applicable zone district, but which may be allowed for a defined temporary period due to emergency or other urgent public needs in the interest of public health, safety, and welfare.

(B) Temporary Permits. A temporary permit is required for any temporary use or structure that is not otherwise exempt or considered and processed as a special event or other similar short-term use.

- (1) Temporary permits shall be processed in accordance with procedures in SCCC 18.10 for Level III administrative permits. In the instance where a temporary use involves amplified music, a temporary permit shall be processed in accordance with procedures in SCCC 18.10 for noticed Level IV administrative permits, which may be elevated to a Level V permit process involving a noticed public hearing for proposals involving longer timeframes or multiple and repeated activities.
- (2) Temporary permits are subject to the following provisions:
 - (a) Term. The term of a temporary permit shall be for a period of time determined by the Planning Director or designee not to exceed three years and shall be in accordance with SCCC 13.10.616(C) and 13.10.616(E).
 - (b) Extension. A temporary permit may be extended for one additional term of up to three years, for a maximum of six total years, based upon findings of special circumstances related to public benefit and/or unusual economic conditions, as appropriate to site circumstances, and subject to conditions of approval.
 - (c) Conditions of Approval. A temporary permit may require conditions of approval to ensure public health and safety, including but not limited to:
 - (i) Standards from the Americans with Disabilities Act

- (ii) Site-specific evidence to support that the temporary use will not impact parking for other on-site uses, which may include letters of support from those uses.
- (iii) Requirements for alternate parking arrangements and/or alternate modes of access by customers.
- (iv) Documented compliance with any special event or permit requirements from other state or local agencies, such as: the County Department of Public Works; County Health Services Agency; County Department of Parks, Open Space and Cultural Services; Sheriff's Office; County Fire Districts; California Department of Alcoholic Beverage Control; or California Department of Motor Vehicles.

Permitted temporary uses and/or structures may be exempted from some or all permanent site improvement standards normally required for permanent uses and structures, such as site frontage improvements or parking lot landscaping standards.

- (d) Expiration. Upon expiration of a temporary permit, all temporary uses shall cease and all associated temporary structures shall be removed from the parcel no more than 21 days following expiration, unless a site development and/or use permit allows for permanent use, subject to the provisions of the applicable zone district.

(C) Temporary Uses. Unless exempted by SCCC 13.10.616(D), temporary uses shall require a temporary permit and shall comply with the following standards:

- (1) A temporary use may be approved in any zone district, unless specifically prohibited in this section or elsewhere in the SCCC; a commercial, for-profit event, where fees or other forms of remuneration are collected, is not permitted as a temporary use in any residential zone district.
- (2) A temporary use and any associated structures may remain on a site for up to a total of 180 days. A temporary use and any associated structures may remain on a site for more than 180 days and up to three years with a permit, where appropriate for the use based upon findings for approval and subject to conditions of approval.
- (3) A temporary use on developed property shall be secondary to the primary use of the parcel.
- (4) Other than temporary storage uses associated with an active building permit, temporary uses are prohibited on vacant properties in residential zone districts, but they may be allowed on vacant properties in non-residential zone districts, subject to approval of a temporary permit.
- (5) No temporary use shall, for any length of time, displace more than 35 percent of the parking spaces required by SCCC 13.10.550 et seq., unless:
 - (a) A County-approved street closure prevents access to such required parking during the period that the closure is in effect;
 - (b) An applicant for a temporary use permit provides site-specific evidence to demonstrate that the average peak parking used on the site is less than 65 percent of the available parking during the same hours and in the same season

of the year proposed for the temporary use; and the decisionmaker makes this finding in conjunction with approval;

(c) Alternate parking or shuttle arrangements are approved to meet parking space requirements in conjunction with issuance of a temporary permit; or

(d) By order of the County Health Officer, outdoor operations are encouraged and the limited number of parking spaces remaining as a result of outdoor operations is appropriate.

(6) Signs for temporary uses shall comply with SCCC 13.10.583.

(7) Premises of temporary use site shall be kept clean, sanitary, and free of litter.

(8) After the temporary use has ceased, all visible signs of the temporary use and temporary structures shall be removed, and the site shall be free of trash. Any damage to the site or existing structures caused by the temporary use shall be repaired.

(9) In addition to obtaining a temporary permit, temporary uses that extend onto the public right-of-way or other publicly owned property shall obtain an encroachment permit from the County Department of Public Works, as well as any special event approval, concession licenses, licensing agreements from the County Department of Parks, Open Space and Cultural Services, the State of California, or other entity as required.

(D) Exemptions for Temporary Uses. The following temporary uses are exempt from SCCC 13.10.616(B) and shall not require a temporary permit:

(1) Events and uses conducted entirely within public property or public rights-of-way that are not associated with an adjacent or nearby private use on private property, where special event, concession licenses, licensing agreements, and/or encroachment permits or the like are obtained from the County Department of Public Works, Department of Parks, Open Space and Cultural Services, the State of California, or other entity as required.

(2) Temporary uses conducted entirely within a building, such as a temporary sales area, for which all necessary County permits have been obtained and which allow the particular use.

(3) Temporary uses for which a use permit has already been issued that allows the temporary use.

(4) Garage or yard sales not exceeding four weekends per year on the site of a legal residential use.

(5) Seasonal Sales. Seasonal sales of Halloween pumpkins, Christmas trees, and similar products in all zone districts except residential. Seasonal sales in the RA zone district may be permitted as small-scale commercial agriculture with a Level III administrative use permit. Seasonal sales shall comply with the following standards:

(a) A Level I administrative zoning clearance shall be obtained prior to the establishment of a seasonal sales use.

(b) All activities associated with seasonal sales shall be conducted with a 10-foot setback from any property line with an existing residential use.

- (c) All activities associated with seasonal sales shall be conducted within the hours of 8:00 AM to 9:00 PM, unless a temporary permit is approved to allow.
- (d) Sales that occur in areas designated for such seasonal sales as set forth in a previously issued development permit shall meet the conditions of that permit and do not require a separate Level I administrative zoning clearance.
- (e) Temporary structures associated with seasonal sales are allowed without a separate temporary permit if they meet setback requirements for the zone district and comply with any applicable building code standards pursuant to SCCC 12.10. Temporary structures larger than 120 square feet and 10 feet in height, measured in accordance with the Zoning Ordinance, may require a building permit and inspections prior to use, unless otherwise exempted by SCCC 12.10.
- (f) Recreational vehicles are allowed in conjunction with seasonal sales and must comply with setbacks equivalent to the structural setback requirements for the zone district. Recreational vehicles utilized in conjunction with seasonal sales shall be removed from the parcel within 15 days following October 31st for pumpkin sales or following December 25th for Christmas tree sales.
- (g) Site ingress and egress shall not create a traffic or pedestrian safety hazard.
- (h) Any temporary fencing shall be placed outside the corner sight clearance triangle provided by SCCC 13.10.525 and shall not exceed eight feet in height.
- (i) Signage shall comply with SCCC 13.10.583.
- (j) Vendor shall maintain on-site a multi-purpose certified fire extinguisher (Type A, B, and C, minimum five-pound size) appropriate for Class A (non-metallic solids), B (flammable gasses), and C (electrical fires). Temporary membrane type structures shall be fire resistive and be NFPA-701 certified.

(E) Temporary Structures. Temporary structures are subject to standards and permit requirements depending on the type of structure, as provided below:

(1) Temporary Storage Boxes.

- (a) In any zone district, a maximum of one fully enclosed, temporary container designed for secure temporary storage, and obtained from and installed by a commercial vendor, may be installed pursuant to this section. All such temporary structures:
 - (i) Shall obtain a Level I administrative permit to check for zoning and setback compliance prior to installation.
 - (ii) Shall be removed within 90 days of installation, unless a time extension is authorized by a temporary permit to allow a temporary structure for up to 180 days (or during term of construction as provided in (b)(iii) below). If an application for a temporary permit or permit extension is submitted on or prior to the required removal date, the temporary structures may remain in place up to 30 additional days to provide for permit processing.

- (iii) Shall be located wholly outside any corner sight distance triangle, a minimum of five feet from any property line unless approved to be installed, wholly or partially, within a right-of-way.
- (iv) Shall not be subject to standards for lot coverage or floor area ratio.
- (v) Shall be subject to review by the Department of Public Works when proposed wholly or partially within a public right-of-way, and an encroachment permit or other license or agreement may be required.
- (vi) If proposed wholly or partially within a private right-of-way, the temporary structure shall require a temporary permit and be subject to the following standards:
 - A. Shall not be located in the private right-of-way if it can reasonably be installed in a driveway and shall not fully preclude use of the right-of-way.
 - B. May be located in parking spaces adjoining the subject parcel.
 - C. Shall not occupy any space reserved for persons with disabilities.
 - D. Shall not create a safety, traffic, or pedestrian hazard.
 - E. Shall not affect the line of sight established by any corner sight clearance triangle defined by SCCC 13.10.525(C)(2)(c).
 - F. Between the dates of October 15 and April 15, shall not be placed in any location where likely to divert, impede or otherwise adversely affect any established pattern of storm water runoff.

(b) Temporary Storage Boxes on Vacant Parcels.

- (i) Temporary storage boxes may be placed on vacant, non-residential parcels, subject to the provisions of SCCC 13.10.613(E)(1)(a).
- (ii) Temporary structures or storage boxes are not allowed on vacant parcels in residential zone districts in the absence of an active building permit.
- (iii) When associated with a building permit, temporary storage boxes may be installed on any parcel, vacant or developed, as provided by SCCC 13.10.613(E)(1)(a), except that the unit(s) may remain on-site for the active term of the building permit and shall be removed from the site within 15 days of the after the building permit is expired, voided, or withdrawn.

(2) Temporary Tent Structures.

- (a) In any district, one prefabricated, temporary tent structure used for parking, storage, or other use, constructed of light frame materials and covered with cloth or flexible plastic, is allowed for up to 180 days without a permit pursuant to the following standards:
 - (i) Maximum height shall be 12 feet.

- (ii) Maximum area shall be 300 square feet.
 - (iii) All structures and materials shall be maintained in good condition, free of tears and graffiti.
 - (b) Temporary tent structures shall be subject to setback standards of the applicable zone district, except that, outside the front setback area, tent structures that are open on at least two sides may be located a minimum of five feet from the side property lines in any residential district.
 - (c) Temporary tent structures greater than 12 feet in height or 300 square feet in area, or more than one on a site, or proposed to exist for more than 180 days, or requesting further reduced setbacks, may be considered with approval of a Temporary Permit (Level III administrative site development permit) for a period not to exceed one year.
 - (d) Temporary light frame tent structures with a maximum height of 12 feet and a maximum size of 300 square feet located in a residential rear yard and not visible from a public street may remain on a site for up to one year with no temporary permit required.
 - (e) Tent structures proposed for more permanent installations (greater than one year) shall be processed as regular structures under applicable regulations of the County Code.
- (3) Other Temporary Structures Associated with Authorized or Approved Temporary Uses.
- (a) Temporary permits granted for temporary uses may also authorize associated temporary structures, with appropriate conditions pertaining to number, size, height, design, materials, and location on the site.
 - (b) Temporary permits may also be approved for types of temporary structures that do not fall within the above categories, for time periods of up to three years, as reasonably related to the needs and purposes of a primary use of the site, or as determined to be in the interests of public health, safety, and welfare.

SECTION VII

Santa Cruz County Code Section 13.10.690 is amended as follows:

13.10.690 Hosted rentals.

- (A) The purpose of this section is to establish regulations applicable to bedrooms in a dwelling unit that are rented as hosted rentals for periods of less than 30 days at a time. These regulations are in addition to all other provisions of this title. This section does not apply to Pajaro Dunes where hosted rentals are governed by an existing development permit.
- (B) Hosted rentals are allowed in any legal dwelling unit in any zone district where a residential use is allowed without the requirement for any other use. Habitable and nonhabitable accessory structures, accessory dwelling units, legally restricted affordable housing units, balconies, porches, and sheds shall not be used for short-term commercial lodging. Tents and

recreational vehicles shall only be used for short-term commercial lodging on parcels appropriately zoned and permitted for such uses and are not allowable as a hosted rental use.

(C) For the purposes of this section, “hosted rental” means a dwelling unit, where a long-term resident acting as host occupies one bedroom in a dwelling unit while one or two legal bedrooms are rented for the purpose of overnight lodging for a period of less than 30 days.

For the purposes of these regulations the following are not considered to be hosted rentals: (1) ongoing month-to-month tenancy granted to the same tenant for the same space, (2) a single short-term commercial stay of up to seven days per year, (3) permitted vacation rentals in which the entire home is rented while no host is present, and (4) short-term rentals of up to five bedrooms within a home, which meet the requirements of bed and breakfast inns per SCCC 13.10.691 and are permitted as such.

(1) “Existing hosted rental” means a dwelling unit that was used as a hosted rental prior to December 5, 2017, and for which transient occupancy tax was paid for any hosted rental activity that took place during the three years preceding December 5, 2017.

(2) “New hosted rental” means a dwelling unit that was not used as a hosted rental prior to December 5, 2017, or for which transient occupancy tax payment was not made for activity in the three years preceding December, 2017.

(D) Permit Requirements. A hosted rental permit and transient occupancy tax registration, or proof of another tax payment arrangement approved by the County Tax Collector, are required for each hosted rental. Each permitted hosted rental shall comply with the requirements of this section. Permits are valid for a period of five years at a time. Approval of a hosted rental permit does not legalize any non-permitted use or structure. Hosted rental permits are issued to property owners for a specific property and are not transferable between owners or properties. Hosted rental permits are subject to revocation as provided for in SCCC 18.10.136, and subject to the violation provisions of Section 13.10.690(I).

(E) Relationship Hosted Rental Permit to Vacation Rental Permit. If a property owner has obtained a hosted rental permit in a location that is subject to limits on vacation rental permits, pursuant to SCCC 13.10.694, the hosted rental permit does not confer the ability to obtain a vacation rental permit where the limited number of vacation rental permits have already been issued.

(1) Existing Hosted Rental. At the inception of the Hosted Rental program, the County established a low-barrier method for recognizing and permitting then-existing hosted rentals. The term is retained here as an historic reference, but no longer has regulatory distinction and all hosted rentals are now considered to be either new or renewal hosted rentals.

(2) New Hosted Rentals. Permits will be made available to new hosted rentals based upon waiting list procedures, on a first come, first served basis, at such time that availability occur when the total number of issued permits falls below 250; however, availability and issuance will also be subject to area and block limitations within Designated Areas (LODA, SALSDA, and DASDA). If permits issued to existing hosted rentals exceed 250, no permits shall be issued to new hosted rentals until the total number of active hosted rental permits falls below 250 through attrition. For applications for new hosted rentals no public hearing shall be required and action on these applications shall be by the Planning Director or designee with no notice provided.

(a) In the Live Oak Designated Area (LODA), the Seacliff/Aptos/La Selva Designated Area (SALSDA), or the Davenport/Swanton Designated Area (DASDA), as defined in SCCC 13.10.694(C), no new hosted rental shall be approved if parcels with permitted vacation rentals and/or hosted rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use, excluding those parcels in the Mobile Home Park Combining District; except that in the following areas the percentage of parcels that may have vacation rentals and/or hosted rentals is not limited:

- (i) Pot Belly Beach Road;
- (ii) Las Olas Drive;
- (iii) Those residentially zoned parcels in the Rio Del Mar flats consisting of parcels fronting on Stephen Road, Marina Avenue, and Venetian Road between its intersection with the Esplanade and Aptos Beach Drive to its intersection with Lake Court and Stephen Road;
- (iv) Those parcels fronting on or gaining access from Cliff Court or fronting on or gaining access from Rio Del Mar Boulevard between its intersection with Aptos Beach Drive and Beach Drive to its intersection with Kingsbury Drive, Cliff Drive, and Beach Villa Lane;
- (v) Beach Drive; and Via Gaviota.

(b) Designated Area Caps. Within the LODA, SALSDA, and DASDA, a maximum number of vacation rental permits and hosted rental permits may be issued as established by SCCC 13.10.694(D)(2)(a), excluding those parcels in the Mobile Home Park Combining District.

- (i) Notwithstanding the 20 percent block maximums, each block in the LODA, the SALSDA, or the DASDA that has parcels that allow residential use, excluding those parcels in the Mobile Home Park Combining District, may have at least one parcel with a vacation rental and/or a hosted rental if the applicable vacation rental and hosted rental regulations otherwise allow for issuance of a vacation rental and/or hosted rental permit (i.e. the overall Designated Area limits on numbers of vacation rentals and numbers of hosted rentals within each of the Designated Areas, are not exceeded and applications for available vacation rental and/or hosted rental permits are being accepted for processing by the County Planning Department).
- (ii) A single parcel may hold permits for both a hosted rental and a vacation rental.

(c) Applicants for a permit for a new hosted rental shall provide the following to the Planning Department:

- (i) Completed application form.
- (ii) Nonrefundable application fee as established by the Board of Supervisors.
- (iii) Affidavit verifying the legality, safety and habitability of the guest room or rooms including the presence of an egress door or window in the

sleeping area, access to facilities for sanitation, and the proper number and location of working carbon monoxide detectors and smoke detectors in the residence.

(iv) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the performance standards listed in subsection (F) of this section.

(v) Copy of County of Santa Cruz transient occupancy tax certificate number, or proof of registry with a verified on-line platform, for the purpose of the operation of a hosted rental.

(vi) Hosted rental permits expire on the first business day on or after the date five years after the date of approval of the initial permit unless an application for renewal has been received by the Planning Department.

(3) Renewal of Hosted Rental Permits. Hosted rental permits must be renewed every five years. An application to renew a permit for a hosted rental shall be made no sooner than 180 days before the expiration date of the existing permit, and no later than the date of expiration of that permit. Determination that the application is complete shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in SCCC 18.10.124(B), no public hearing shall be required and administrative action on permit renewal applications shall be by the Planning Director or designee, with no public notice of the proposed action required.

(a) Applicants for renewal of a permit for a hosted rental shall provide the following to the Planning Department:

(i) Completed application form.

(ii) Nonrefundable application fee as established by the Board of Supervisors.

(iii) Proof of payment of transient occupancy tax for the use of the dwelling as a hosted rental and a summary of the dates the unit was used as a hosted rental between the time of issuance of the existing permit and the date of application for the renewal. Renewal applications must show significant rental use for three out of the previous five years. Significant rental use shall be interpreted to include no fewer than 10 percent of weekend nights in a given year, or a minimum occupancy of five weekends or 10 nights per calendar year.

(b) Approval or renewal of a hosted rental renewal permit shall be based on affirmative findings as set forth in SCCC 18.10.230(A), and with consideration of factors identified in the applicable hosted rental violations provisions below. Denial of an application for renewal shall be based on one or more of the required findings not being able to be made, as set forth in SCCC 18.10.230(A), and with consideration to factors that would support non-renewal of the hosted rental permit.

(F) All permitted hosted rentals shall comply with the following performance standards for their operations:

(1) Number of People Allowed. The maximum number of guests allowed in a hosted rental shall not exceed three people per hosted bedroom. Children under eight are not

counted toward maximum occupancy. Rental to unaccompanied minors under the age of 18 is prohibited.

(2) Posting of House Rules. Hosted rental house rules shall be included in the rental agreement and also posted inside the hosted rental in a location readily visible to all guests. The house rules shall include, but not necessarily be limited to, the following: number of guests allowed, number of vehicles, noise limits, rules for pets, prohibition on events and outdoor parties, no illegal behavior or disturbances including an explicit statement that fireworks are illegal in Santa Cruz County, trash management (e.g., trash to be kept in covered containers only), and emergency evacuation instructions.

(3) Noise. All hosted rentals shall comply with the standards of Chapter 8.30 SCCC, Noise, and a copy of that chapter shall be posted inside the hosted rental in a location readily visible to all guests. No use of equipment requiring more than standard household electrical current at 110 volts or activities that produce noise, dust, odor, or vibration detrimental to occupants of adjoining dwellings is allowed within the hosted rental room.

(4) Food. No cooking shall be allowed in any guest room or in any bathroom. Food service, if provided, shall be limited to breakfast served to guests only, and shall be subject to applicable regulations of the Santa Cruz County Environmental Health Department.

(5) Pets. Pets, if allowed by the owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

(6) Events Prohibited. No weddings, outdoor parties, or similar activities are authorized under a hosted rental permit.

(7) Habitability. The hosted rental shall provide facilities for sleeping, bathing, and toileting inside of a permanent dwelling that is suitable for human occupancy. Rental of sleeping space in or on balconies, porches, tents, sheds, vehicles, RVs, or outdoor areas is prohibited as a hosted rental.

(8) Management. The long-term resident of a hosted rental is responsible for ensuring that the property does not become a nuisance due to short-term rental activity.

(9) Signs. On-site advertising signs or other displays indicating that the residence is being utilized as a short-term rental are prohibited.

(10) Parking. Neighborhood parking impact shall be mitigated by limiting guests of hosted rentals to bringing only one car per hosted bedroom to the hosted rental property. These cars may be parked on site or in legal street parking close to the host property.

(11) Advertising. All advertising for hosted rentals shall include the hosted rental permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included.

(G) Transient Occupancy Tax. Each hosted rental shall meet the regulations and standards set forth in Chapter 4.24 SCCC, and as administered by the County Tax Collector including any required payment of transient occupancy tax.

(H) Transfer of Property with Hosted Rental Permit. When any property transfer triggers reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq. as determined by the Assessor, the hosted rental permit associated with the property shall expire

and shall become nonrenewable at the time of property transfer. Availability and issuance of a hosted rental permit for any property within the Designated Areas (LODA, SALSDA, DASDA) shall be subject to the waiting list procedures of the vacation rental regulations of SCCC 13.10.694.

(I) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section or any conditions of approval contained in a hosted rental permit. The penalties for violation of this section are set forth in SCCC 19.01, Enforcement of Land Use Regulations.

A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of the vacation rental regulations, or of any other provisions of the Santa Cruz County Code, may be grounds for denial of a renewal application, or revocation of an existing vacation rental permit, after consideration at a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).

If more than two significant violations occur on a hosted rental property within a 12-month period, a permit shall be noticed for a Level V public hearing to consider permit revocation. "Significant violations" are: citations for violation of SCCC 8.30 (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the hosted rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; delinquency in payment of transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the responsible property manager to respond to calls within 60 minutes; and failure to maintain signage in compliance with this section. In the event a permit is either revoked, the person or entity from whom the permit was revoked shall be barred from applying for a hosted rental permit for the same parcel without prior consent of the Board of Supervisors.

(J) It is unlawful to make a false report to the Sheriff's Office regarding activities associated with hosted rentals. [Ord. 5266 § 7, 2018].

SECTION VIII

Santa Cruz County Code Section 13.10.700 is hereby amended as follows:

13.10.700-H "H" definitions.

"Habitable accessory structure" means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities for habitable structures shown in Table 13.10.611-1.

"Home occupation" means an accessory use, which is secondary to the primary residential use, for gainful employment involving the manufacture, provision, or sale of goods and/or services performed by a full-time inhabitant of the unit that does not affect the residential character of the property or neighborhood. Commercial weddings and similar celebrations, community events, and fundraisers are not eligible to be permitted as home occupations.

13.10.700-N "N" definitions.

"Nonhabitable accessory structure" means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main

use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities for nonhabitable structures shown in Table 13.10.611-1.

13.10.700-T “T” definitions.

“Temporary use or structure” means a use or structure that is allowed to occur on a site for a limited time, subject to applicable regulations for temporary uses or structures, required permits, and site-specific permit conditions.

SECTION IX

The adoption of this ordinance is not a “project” within the meaning of the California Environmental Quality Act (CEQA) because it involves organizational or administrative activities of the County that will not result in direct or indirect physical changes in the environment pursuant to CEQA Guidelines section 15378(b)(5). The ordinance is statutorily exempt under CEQA Guidelines section 15269 (Emergency Projects) because temporary permits allow specific actions that would require safe physical distancing consistent with the State’s Resilience Roadmap and County and State Guidelines to mitigate the COVID-19 public health emergency. The ordinance is also categorically exempt under CEQA Guidelines section 15301 (Existing Facilities) because the actions are limited to the permitting and minor modifications of existing facilities, which would result in a negligible expansion of existing commercial uses and a negligible expansion of the public’s use of rights of way. The ordinance is further exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.

SECTION X

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to SCCC 13.10 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION XI

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION XII

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

PASSED AND ADOPTED this _____ day of _____, 2020 by the Board of Supervisors and the County of Santa Cruz by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

ORDINANCE NO. _____

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS 13.10.332, 13.10.342, 13.10.611, 13.10.613, AND 13.10.700 AND ADDING SECTIONS 13.10.612 AND 13.10.616 TO ESTABLISH AND UPDATE REGULATIONS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONE DISTRICTS, HOME OCCUPATIONS, AND TEMPORARY USES AND STRUCTURES; AND AMENDING SECTION 13.10.690 TO ALIGN HOSTED RENTAL REGULATIONS WITH VACATION RENTAL REGULATIONS

The Board of Supervisors does ordain as follows:

SECTION I

Santa Cruz County Code Section 13.10.332, Commercial Uses Chart, and Section 13.10.342, Industrial Uses Chart, are amended to delete temporary uses provisions, as follows:

COMMERCIAL USES CHART

USE	PA	VA	CT	C-1	C-2	C-4
Temporary uses (See SCCC <u>13.10.700</u> T definition), such as:						
Carnivals and circuses	—	—	—	—	3	3
Christmas tree sales lots	—	—	—	3	3	3
Outdoor sales not to exceed 4 per year on any site	—	—	—	3	3	3

INDUSTRIAL USES CHART

USES	M-1	M-2	M-3
Temporary uses (see SCCC <u>13.10.700</u> T definition), such as:	3	3	—
Carnivals and circuses	-	-	-
Christmas tree sales lots	-	-	-
Outdoor sales, not to exceed 4 per year on any site			

SECTION II

Santa Cruz County Code Chapter 13.10, Zoning Regulations, Part VI, Regulations for Special Uses, Article I. Accessory Structures and Uses is amended to include the following changes and additions:

13.10.611 Accessory Structures in Residential Zone Districts

13.10.612 Cargo and Shipping Containers Used as Accessory Structures

13.10.613 Home Occupations as Secondary Uses

13.10.616 Temporary Permits, Uses, and Structures

SECTION III

Santa Cruz County Code Sections 13.10.611 and 13.10.613 are amended and Sections 13.10.612 and 13.10.616 are added as follows:

Part VI. REGULATIONS FOR SPECIAL USES

Article I. Accessory, Temporary, and Secondary Structures and Uses

13.10.611 Accessory structures in residential zone districts.

(A) Purpose. It is the purpose of this section to provide for the orderly regulation of ~~residential~~ accessory structures ~~allowed as a use in any zone district~~, to ensure that accessory structures are subordinate and incidental to the main structure or main use of the land, and to provide notice to future and current property owners that illegal conversion of any accessory structure is subject to civil penalties. This section does not address accessory dwelling units (ADUs), nor is an accessory structure in a residential zone district considered an ADU.

(B) Application Requirements.

(1) The proposed use of the structure shall be specified.

(2) Applications for habitable accessory structures and nonhabitable accessory structures shall be processed as specified in Tables 13.10.611-1 and 13.10.611-2.

(3) The regulations of this section are intended to complement and be implemented consistent with the allowed uses in residential zone districts listed in SCCC 13.10.322(B) and regulations for accessory structures found in SCCC 13.10.323(E)(6).

(C) Restriction on Accessory Structures.

(1) Any accessory structure shall be clearly appurtenant, subordinate, and incidental to the main structure or main use of the land as specified in the purposes of the appropriate zone district.

(2) Regulations on amenities for accessory structures on parcels with a main residence are as indicated in Table 13.10.611-1:

Table 13.10.611-1

**AMENITIES REGULATIONS FOR ACCESSORY STRUCTURES
IN RESIDENTIAL ZONE DISTRICTS**

Note: In the Coastal Zone, a Coastal Development Permit may be required per SCCC 13.20. For regulations governing ADUs, see SCCC 13.10.681.

Amenity	Nonhabitable	Habitable
<u>Utility Sink: outdoor non-enclosed shower</u>	Allowed	Allowed
Toilet; <u>lavatory sink</u> ¹	Pool cabanas: Allowed All other uses: Not allowed unless a Level IV use approval is obtained (see subsection (C)(6) of this section) <u>Allowed</u> ¹	Not allowed unless a Level IV use approval is obtained (see subsection (C)(6) of this section) <u>Allowed</u> ¹
Shower and/or bathtub	Pool cabanas: <u>Shower</u> Allowed ¹ All other uses: Not allowed	Not a Allowed ¹
Washer/dryer and water heater	Allowed	Allowed
Insulation/sheet rock or other finished wall covering	Both allowed	Both required
Built-in heating/cooling	Not allowed	Heating: Required Cooling: Allowed
Kitchen facilities, excluding sink, as defined in SCCC <u>13.10.700-K</u>	Not allowed	Not allowed, <u>unless approved as an ADU under SCCC 13.10.681</u>
Electrical service maximum	100A/220V/single phase maximum unless a Level IV <u>administrative use approval permit</u> is obtained	100A/220V/single phase maximum unless a Level IV <u>administrative use approval permit</u> is obtained
Separate electric meter	Not allowed unless a Level IV <u>administrative use approval permit</u> is obtained	Not allowed unless a Level IV <u>administrative use approval permit</u> is obtained
Use for sleeping purposes	Not allowed	Allowed
Rent, let, or lease as an independent <u>dwelling unit</u> <u>ADU</u>	Not allowed	Not allowed, <u>unless approved as an ADU under SCCC 13.10.681 with standard kitchen</u>

¹ On parcels less than 10 acres, a maximum of one habitable or nonhabitable accessory structure with any combination of toilet, lavatory sink, shower and/or bathtub is permitted if consistent with tables 13.10.611-1 and 13.10.611-2. On parcels 10 acres or larger, a maximum of two accessory structures with any combination of toilet, lavatory sink, shower and/or bathtub are permitted if consistent with tables 13.10.611-1 and 13.10.611-2. When two or more habitable accessory structures exist on a parcel, the second habitable accessory structure and any additional

habitable accessory structures shall be considered bedrooms for the purpose of calculating fees and determining parking requirements.

(3) Regulations for ~~level of review~~permit requirements, size, height, ~~number of stories~~, total number of and locational restrictions for accessory structures in residential zone districts are as indicated in Table 13.10.611-2:

Table 13.10.611-2

LEVEL OF REVIEW PERMIT REQUIREMENTS, SIZE, HEIGHT, NUMBER OF STORIES, TOTAL NUMBER OF AND LOCATIONAL REGULATIONS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONE DISTRICTS

Note: In the Coastal Zone, a Coastal Development Permit may be required per SCCC 13.20. For regulations governing ADUs, see SCCC 13.10.681.

	Nonhabitable	Habitable
Size, story and height restrictions and p <u>Permit required</u>	<p>Within the urban and rural services lines (USL/RSL): building permit only for up to 640-square-foot size, two story and 28-foot height <u>in compliance with standards for detached ADUs in SCCC 13.10.681(D)(7)(b)¹</u>; detached garages limited to two story and 24-foot height and 20-foot exterior wall height (wall height measured from finished grade)</p> <p>Outside the USL/RSL: building permit only for up to 1,000-square-foot size, three story and 28-foot height <u>in compliance with zone district site development standards¹</u></p>	<p><u>Within the USL/RSL: Building permit only for up to 640-square-foot size, one story and 17-foot height, or in compliance with the zone district site development standards, whichever is more restrictive¹</u></p> <p><u>Outside the USL/RSL: building permit only for up to 1,000 square-foot size, in compliance with zone district site development standards¹</u></p> <p><u>In any area: ADUs subject to ADU regulations Standards for accessory dwelling units can be found in SCCC 13.10.681</u></p>
Permit required if exceeds size restrictions	<p>Outside the urban services line (USL/RSL): Level IV use approval<u>administrative site development permit</u></p> <p>Inside the USL/RSL: Level V use approval<u>administrative site development permit</u></p>	Level V use approval <u>administrative site development permit</u>
Permit required if exceeds <u>maximum height restrictions</u> or story limits	Variance (<u>Level V process – public hearing required</u>)	Level V use approval for structures exceeding 17 feet, up to 28 feet –

	Nonhabitable	Habitable
(See SCCC 13.10.323(E)(5) for exceptions)		Variance <u>(Level V process – public hearing required)</u> to exceed 28 feet
Permit required if exceeds story restrictions	Variance	Inside the USL: Level V use approval for two stories Variance for exceeding two stories – Outside the USL: Level V use approval for two or three stories Variance for exceeding three stories
Number of accessory structures allowed	No limit, if in compliance with the site regulations of the zone district, <u>however limits based on parcel size if accessory structure contains plumbing fixtures²</u>	One with building permit only; Maximum of two with Level V conditional use approval and site development permit; more than two with Level VI Planning Commission public hearing and approval, with limits on plumbing fixtures²
Locational restrictions <u>related to the distance from the main residence and access to accessory structures</u>	None, if in compliance with the site regulations of the zone district	In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30 percent, unless a Level IV <u>administrative site development permit</u> use approval is obtained, <u>or as otherwise permitted by County Code/Public Works Director</u>

¹ Non-habitable structures that do not exceed 120 square feet in size and a height of 10 feet above grade (as defined by the Zoning Ordinance), do not require a building permit. However, a building permit is required for all accessory structures of any size that contain any plumbing fixtures and electricity, and a zoning permit may be required pursuant to Tables 13.10.611-1 and 13.10.611-2.

² On parcels less than 10 acres, a maximum of one habitable or nonhabitable accessory structure with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. On parcels 10 acres or larger, a maximum of two accessory structures with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. When two or more habitable accessory structures exist on a parcel, the second habitable accessory structure and any additional habitable accessory structures shall be considered bedrooms for the purpose of calculating fees and determining parking requirements. ADUs are regulated by SCCC 13.10.681.

(4) ~~No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of-~~

~~way, or be constructed on a slope greater than 30 percent unless a Level V use approval is obtained. Absent an established residential use, accessory structures are prohibited.~~

(5) No habitable accessory structure shall be mechanically heated, cooled, humidified or dehumidified unless the structure or the conditioned portion thereof meets the energy conservation standards of the California Energy Code, Title 24, as adopted by SCCC Chapter 12.10 ~~SCCC~~.

(6) No nonhabitable accessory structure (other than a pool cabana) shall have a toilet shower or bathtub installed, and no pool cabana shall have a bathtub installed. ~~An The Planning Director may grant an exception may be granted to allow a bathtub in a pool cabana as a reasonable accommodation pursuant to the Americans with Disabilities Act.~~ toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance; for example, facilities required for employees.

(7) ~~An accessory structure shall not have any waste lines installed which are larger than one and one-half inches in size. An exception to allow two-inch drain lines may be granted, subject to Level IV use approval, when more than one plumbing fixture is needed in the structure, including, for example, a washer and an utility sink in a garage.~~

(8) ~~Any building permit for the construction of or conversion to an independent dwelling unit shall require an allocation for one housing unit as provided in SCCC 12.02.030 and shall comply with the dwelling density allowed for the zone district in which the parcel is located, except as provided by SCCC 13.10.681.~~

(D) Required ~~Conditions~~Standards – Accessory Structures.

(1) Any building or development permit issued for the construction or renovation of a nonhabitable accessory structure shall include a restriction or condition requiring an agreement not to convert the structure into a dwelling unit, ADU, or into any structure for human habitation in violation of this code. Any building or development permit issued for the construction, conversion to or renovation of a habitable accessory structure, other than an attached or detached ADU, permitted as such, shall include a condition requiring an agreement not to convert the structure or space into a dwelling unit or into any other independent habitable structure in violation of this code. Each agreement required by this subsection shall provide the recovery by the County of reasonable attorney's fees and costs in bringing any legal action to enforce the agreement together with recovery of any rents collected for the illegal structure ~~or, in the alternative, for the recovery of the reasonable rental value of the illegally converted structure~~ or, in the alternative, for the recovery of the reasonable rental value of an illegally converted structure from the date of ~~construction~~conversion. The amount of any recovery of rents or of the reasonable rental value of an illegally converted structure shall be deposited into a fund designated by the Board of Supervisors to be used by the County for code compliance and abatement activities. The agreement shall provide for periodic condition compliance inspections by Planning Department staff. Nothing in this section or the agreement shall be deemed to be a waiver of any property owner's rights to due process or to avoid unreasonable searches. The agreement shall be written ~~so as to be binding onto~~ bind future owners of the property; and include a reference to the deed under which the property was acquired by the present owner, and the agreement shall be filed with the County Recorder. Proof that

the agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property.

(2) The Planning Director may charge a fee, as stated in the uniform fee schedule, for the cost of periodic condition compliance inspections. [Ord. 5265 § 10, 2018; Ord. 5264 § 11, 2018; Ord. 5061 §§ 16, 17, 2009; Ord. 4921 § 14, 2008; Ord. 4496-C § 52, 1998; Ord. 4457-A § 3, 1997; Ord. 4324A § 4, 1994; Ord. 4282 § 4, 1993; Ord. 4099 § 1, 1990; Ord. 3996 § 1, 1989; Ord. 3749 § 1, 1986; Ord. 3632 § 16, 1985; Ord. 3593 §§ 14, 15, 1984; Ord. 3432 § 1, 1983].

SECTION IV

Santa Cruz County Code Section 13.10.612 is added to the County Code as follows:

13.10.612 Cargo and shipping containers used as accessory structures.

(A) This section governs installation of any intermodal freight container or other commercial/shipping cargo container ("cargo container") or structure of analogous appearance and function for use as habitable or nonhabitable permanent accessory structures or as commercial structures on commercial and industrial sites. Cargo containers integral to a lawful shipping or storage business are exempt from these provisions and are regulated by the site standards of the applicable zone district.

(B) Cargo containers may be sited and used as accessory structures outside of the urban and rural services lines in all zone districts, subject to a Level III administrative site development permit. Inside the urban and rural service lines, cargo containers may be allowed on commercial or industrial properties only.

(C) Standards

(1) Cargo containers accessory to residential uses shall comply with all applicable provisions of SCCC 13.10.611.

(2) More than one accessory cargo container structure may be approved per parcel, based on demonstrated need and compliance with other provisions of this section 13.10.612. Multiple cargo containers attached into one structure are considered to be one cargo container structure.

(3) Cargo containers shall meet the following design standards:

(a) Painted and maintained a neutral color such as medium brown, gray brown, or medium green; or painted to complement existing buildings on the site; or painted in a manner that is considered aesthetically pleasing to persons of ordinary sensibilities.

(b) Located outside the boundaries of all mapped scenic resource areas and out of view or screened from view from any scenic roads.

(c) Screened from view, including from public views and views from adjacent properties, to the greatest extent feasible, by any combination of topographic features, other buildings, landscaping, natural vegetation or other screening measures. Where visible from public view or adjacent properties, the container exterior shall be modified as appropriate to be compatible with the architectural style and materials of other structures on the site or in the vicinity, or otherwise treated per (a) above.

(d) Where used as a habitable accessory structure, the design, color, and materials shall complement the existing structures on the parcel.

SECTION V

Santa Cruz County Code Section 13.10.613 is amended as follows:

13.10.613 Home occupations as secondary uses.

(A) Purposes. The purposes of regulations for home occupations are:

(1) To allow persons to carry on ~~limited, income-producing~~ activities on their ~~residential~~ property where they reside, secondary to a residential use.

(2) To protect nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance.

(B) Restrictions on Home Occupations.

(1) The home occupation shall be carried on entirely within the dwelling, or in an accessory structure normally allowed in the zone district in which the site is located, unless a Level V conditional home occupation use permit is obtained to authorize outdoor unenclosed activities.

(2) There shall be no visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more than 40 feet from the front property line, the sign may be affixed to the mailbox. No larger sign, and no outdoor storage, operations or activity is allowed unless a Level V conditional home occupation use ~~approval permit~~ is obtained, in which case the allowed outdoor use shall be reasonably ~~completely~~ screened from the street and adjoining properties.

(3) The home occupation shall be carried out primarily by one or more ~~a full-time inhabitants~~ of the dwelling, with one or two employees who are not inhabitants also allowed to work at the home occupation site. ~~Not more than~~ A maximum of five additional regular employees may also work at the ~~be used for a~~ home occupation site if a Level V conditional home occupation use ~~approval permit~~ is obtained.

(4) The home occupation shall not involve the use of ~~more than one room, or floor area exceeding equal to 2035~~ percent of the total floor area of the dwelling, ~~whichever is less,~~ unless a Level V conditional home occupation use approval permit is obtained.

(5) ~~A H~~home occupations involving personal services (i.e., ~~beauty shop, hairdresser, barber shop, massage studio, personal fitness trainer~~) or training (i.e., swimming lessons, musical instrument lessons, ~~band practice, yoga classes, cooking classes, art lessons or philosophy~~) may involve no more than ~~one~~ two persons at a time, unless a Level V conditional home occupation use approval permit is obtained.

(6) Sales of goods are allowed only if the goods to be sold are produced or assembled entirely on the premises, or if sales are by mail order, unless a Level V conditional home occupation use approval permit is obtained.

(7) Only one vehicle, which is no larger than a three-quarter-ton pickup truck, in addition to other vehicles equal to the standard number of required parking spaces for the subject home no larger than a three-quarter-ton pickup, may be used for the home occupation unless a Level V conditional home occupation use approval permit is obtained. ~~All deliveries and shipments of equipment, supplies, and products shall be made only with this one vehicle.~~ An off-street parking space shall be provided for any three-quarter-ton pickup truck this vehicle used for the home occupation. Additional off-street parking ~~shall~~ may be required provided for employees or customers in excess of standard levels through approval of a Level V conditional home occupation use permit.

~~(8) No equipment with a motor of more than one-half horsepower may be used unless a Level V use approval is obtained.~~

~~(98) All noise shall be contained within the boundaries of the site. The home occupation shall not generate unacceptable levels of noise, as defined by the General Plan Noise Element, SCCC 8.30 Noise, and SCCC 13.15 Noise Planning.~~

~~(109) Home occupations involving the handling of hazardous materials, as defined by SCCC 7.100.020, or of any amount of an acutely hazardous substance, as defined by State or Federal law, shall require a Level V conditional home occupation use approval permit and approval of other applicable permits such as those issued by the County's Environmental Health Division. "Hazardous materials" refer to materials defined in SCCC Chapter 7.100 SCCC.~~

(10) Cottage food businesses are allowed as home occupations if consistent with state law governing such operations and compliant with applicable requirements of the County's Environmental Health Division.

(11) Commercial weddings and similar celebrations, community events, and fundraisers are not eligible to be permitted as home occupations.

(12) A commercial firewood operation, where wood is cut, processed, and/or stored for sale to the public, is prohibited as a home occupation. [Ord. 4836 § 102, 2006; Ord. 4100 § 1, 1990; Ord. 3432 § 1, 1983].

SECTION VI

Santa Cruz County Code Section 13.10.616 is added to the County Code as follows:

13.10.616 Temporary permits, uses, and structures.

(A) Purpose. The purposes of this section are as follows:

- (1) To ensure that temporary uses and structures are developed in an orderly fashion consistent with the purpose of the applicable zone district;
- (2) To ensure that temporary uses and structures remain secondary to primary uses that exist, are allowed on the site, and are compatible with neighboring land uses; and to limit temporary uses and structures on vacant properties;
- (3) To promote and protect the public health, safety, peace, convenience, and general welfare;
- (4) To protect the character, visual and environmental resources, and quality of residential, commercial, industrial, agricultural, recreational, and open space areas of the County;
- (5) To allow and establish regulations for temporary uses and structures that are not otherwise subject to regulations pertaining to permanent accessory or ancillary uses and structures, such as those governing home occupations (SCCC 3.10.613);
- (6) To accommodate temporary uses, structures, and activities that contribute to the quality of life, economic vitality or public interest of Santa Cruz County; and
- (7) To allow for temporary uses and structures that may not be generally consistent with the purposes of the applicable zone district, but which may be allowed for a defined temporary period due to emergency or other urgent public needs in the interest of public health, safety, and welfare.

(B) Temporary Permits. A temporary permit is required for any temporary use or structure that is not otherwise exempt or considered and processed as a special event or other similar short-term use.

- (1) Temporary permits shall be processed in accordance with procedures in SCCC 18.10 for Level III administrative permits. In the instance where a temporary use involves amplified music, a temporary permit shall be processed in accordance with procedures in SCCC 18.10 for noticed Level IV administrative permits, which may be elevated to a Level V permit process involving a noticed public hearing for proposals involving longer timeframes or multiple and repeated activities.
- (2) Temporary permits are subject to the following provisions:
 - (a) Term. The term of a temporary permit shall be for a period of time determined by the Planning Director or designee not to exceed three years and shall be in accordance with SCCC 13.10.616(C) and 13.10.616(E).
 - (b) Extension. A temporary permit may be extended for one additional term of up to three years, for a maximum of six total years, based upon findings of special circumstances related to public benefit and/or unusual economic

conditions, as appropriate to site circumstances, and subject to conditions of approval.

(c) Conditions of Approval. A temporary permit may require conditions of approval to ensure public health and safety, including but not limited to:

(i) Standards from the Americans with Disabilities Act

(ii) Site-specific evidence to support that the temporary use will not impact parking for other on-site uses, which may include letters of support from those uses.

(iii) Requirements for alternate parking arrangements and/or alternate modes of access by customers.

(iv) Documented compliance with any special event or permit requirements from other state or local agencies, such as: the County Department of Public Works; County Health Services Agency; County Department of Parks, Open Space and Cultural Services; Sheriff's Office; County Fire Districts; California Department of Alcoholic Beverage Control; or California Department of Motor Vehicles.

Permitted temporary uses and/or structures may be exempted from some or all permanent site improvement standards normally required for permanent uses and structures, such as site frontage improvements or parking lot landscaping standards.

(d) Expiration. Upon expiration of a temporary permit, all temporary uses shall cease and all associated temporary structures shall be removed from the parcel no more than 21 days following expiration, unless a site development and/or use permit allows for permanent use, subject to the provisions of the applicable zone district.

(C) Temporary Uses. Unless exempted by SCCC 13.10.616(D), temporary uses shall require a temporary permit and shall comply with the following standards:

(1) A temporary use may be approved in any zone district, unless specifically prohibited in this section or elsewhere in the SCCC; a commercial, for-profit event, where fees or other forms of remuneration are collected, is not permitted as a temporary use in any residential zone district.

(2) A temporary use and any associated structures may remain on a site for up to a total of 180 days. A temporary use and any associated structures may remain on a site for more than 180 days and up to three years with a permit, where appropriate for the use based upon findings for approval and subject to conditions of approval.

(3) A temporary use on developed property shall be secondary to the primary use of the parcel.

(4) Other than temporary storage uses associated with an active building permit, temporary uses are prohibited on vacant properties in residential zone districts, but they may be allowed on vacant properties in non-residential zone districts, subject to approval of a temporary permit.

(5) No temporary use shall, for any length of time, displace more than 35 percent of the parking spaces required by SCCC 13.10.550 et seq., unless:

(a) A County-approved street closure prevents access to such required parking during the period that the closure is in effect;

(b) An applicant for a temporary use permit provides site-specific evidence to demonstrate that the average peak parking used on the site is less than 65 percent of the available parking during the same hours and in the same season of the year proposed for the temporary use; and the decisionmaker makes this finding in conjunction with approval;

(c) Alternate parking or shuttle arrangements are approved to meet parking space requirements in conjunction with issuance of a temporary permit; or

(d) By order of the County Health Officer, outdoor operations are encouraged and the limited number of parking spaces remaining as a result of outdoor operations is appropriate.

(6) Signs for temporary uses shall comply with SCCC 13.10.583.

(7) Premises of temporary use site shall be kept clean, sanitary, and free of litter.

(8) After the temporary use has ceased, all visible signs of the temporary use and temporary structures shall be removed, and the site shall be free of trash. Any damage to the site or existing structures caused by the temporary use shall be repaired.

(9) In addition to obtaining a temporary permit, temporary uses that extend onto the public right-of-way or other publicly owned property shall obtain an encroachment permit from the County Department of Public Works, as well as any special event approval, concession licenses, licensing agreements from the County Department of Parks, Open Space and Cultural Services, the State of California, or other entity as required.

(D) Exemptions for Temporary Uses. The following temporary uses are exempt from SCCC 13.10.616(B) and shall not require a temporary permit:

(1) Events and uses conducted entirely within public property or public rights-of-way that are not associated with an adjacent or nearby private use on private property, where special event, concession licenses, licensing agreements, and/or encroachment permits or the like are obtained from the County Department of Public Works, Department of Parks, Open Space and Cultural Services, the State of California, or other entity as required.

(2) Temporary uses conducted entirely within a building, such as a temporary sales area, for which all necessary County permits have been obtained and which allow the particular use.

(3) Temporary uses for which a use permit has already been issued that allows the temporary use.

(4) Garage or yard sales not exceeding four weekends per year on the site of a legal residential use.

(5) Seasonal Sales. Seasonal sales of Halloween pumpkins, Christmas trees, and similar products in all zone districts except residential. Seasonal sales in the RA zone district may be permitted as small-scale commercial agriculture with a Level III administrative use permit. Seasonal sales shall comply with the following standards:

- (a) A Level I administrative zoning clearance shall be obtained prior to the establishment of a seasonal sales use.
- (b) All activities associated with seasonal sales shall be conducted with a 10-foot setback from any property line with an existing residential use.
- (c) All activities associated with seasonal sales shall be conducted within the hours of 8:00 AM to 9:00 PM, unless a temporary permit is approved to allow.
- (d) Sales that occur in areas designated for such seasonal sales as set forth in a previously issued development permit shall meet the conditions of that permit and do not require a separate Level I administrative zoning clearance.
- (e) Temporary structures associated with seasonal sales are allowed without a separate temporary permit if they meet setback requirements for the zone district and comply with any applicable building code standards pursuant to SCCC 12.10. Temporary structures larger than 120 square feet and 10 feet in height, measured in accordance with the Zoning Ordinance, may require a building permit and inspections prior to use, unless otherwise exempted by SCCC 12.10.
- (f) Recreational vehicles are allowed in conjunction with seasonal sales and must comply with setbacks equivalent to the structural setback requirements for the zone district. Recreational vehicles utilized in conjunction with seasonal sales shall be removed from the parcel within 15 days following October 31st for pumpkin sales or following December 25th for Christmas tree sales.
- (g) Site ingress and egress shall not create a traffic or pedestrian safety hazard.
- (h) Any temporary fencing shall be placed outside the corner sight clearance triangle provided by SCCC 13.10.525 and shall not exceed eight feet in height.
- (i) Signage shall comply with SCCC 13.10.583.
- (j) Vendor shall maintain on-site a multi-purpose certified fire extinguisher (Type A, B, and C, minimum five-pound size) appropriate for Class A (non-metallic solids), B (flammable gasses), and C (electrical fires). Temporary membrane type structures shall be fire resistive and be NFPA-701 certified.

(E) Temporary Structures. Temporary structures are subject to standards and permit requirements depending on the type of structure, as provided below:

(1) Temporary Storage Boxes.

- (a) In any zone district, a maximum of one fully enclosed, temporary container designed for secure temporary storage, and obtained from and installed by a commercial vendor, may be installed pursuant to this section. All such temporary structures:
 - (i) Shall obtain a Level I administrative permit to check for zoning and setback compliance prior to installation.
 - (ii) Shall be removed within 90 days of installation, unless a time extension is authorized by a temporary permit to allow a temporary structure for up to 180 days (or during term of construction as provided in (b)(iii) below). If an application for a temporary permit or permit extension

is submitted on or prior to the required removal date, the temporary structures may remain in place up to 30 additional days to provide for permit processing.

(iii) Shall be located wholly outside any corner sight distance triangle, a minimum of five feet from any property line unless approved to be installed, wholly or partially, within a right-of-way.

(iv) Shall not be subject to standards for lot coverage or floor area ratio.

(v) Shall be subject to review by the Department of Public Works when proposed wholly or partially within a public right-of-way, and an encroachment permit or other license or agreement may be required.

(vi) If proposed wholly or partially within a private right-of-way, the temporary structure shall require a temporary permit and be subject to the following standards:

A. Shall not be located in the private right-of-way if it can reasonably be installed in a driveway and shall not fully preclude use of the right-of-way.

B. May be located in parking spaces adjoining the subject parcel.

C. Shall not occupy any space reserved for persons with disabilities.

D. Shall not create a safety, traffic, or pedestrian hazard.

E. Shall not affect the line of sight established by any corner sight clearance triangle defined by SCCC 13.10.525(C)(2)(c).

F. Between the dates of October 15 and April 15, shall not be placed in any location where likely to divert, impede or otherwise adversely affect any established pattern of storm water runoff.

(b) Temporary Storage Boxes on Vacant Parcels.

(i) Temporary storage boxes may be placed on vacant, non-residential parcels, subject to the provisions of SCCC 13.10.613(E)(1)(a).

(ii) Temporary structures or storage boxes are not allowed on vacant parcels in residential zone districts in the absence of an active building permit.

(iii) When associated with a building permit, temporary storage boxes may be installed on any parcel, vacant or developed, as provided by SCCC 13.10.613(E)(1)(a), except that the unit(s) may remain on-site for the active term of the building permit and shall be removed from the site within 15 days of the after the building permit is expired, voided, or withdrawn.

(2) Temporary Tent Structures.

(a) In any district, one prefabricated, temporary tent structure used for parking, storage, or other use, constructed of light frame materials and covered with cloth

or flexible plastic, is allowed for up to 180 days without a permit pursuant to the following standards:

(i) Maximum height shall be 12 feet.

(ii) Maximum area shall be 300 square feet.

(iii) All structures and materials shall be maintained in good condition, free of tears and graffiti.

(b) Temporary tent structures shall be subject to setback standards of the applicable zone district, except that, outside the front setback area, tent structures that are open on at least two sides may be located a minimum of five feet from the side property lines in any residential district.

(c) Temporary tent structures greater than 12 feet in height or 300 square feet in area, or more than one on a site, or proposed to exist for more than 180 days, or requesting further reduced setbacks, may be considered with approval of a Temporary Permit (Level III administrative site development permit) for a period not to exceed one year.

(d) Temporary light frame tent structures with a maximum height of 12 feet and a maximum size of 300 square feet located in a residential rear yard and not visible from a public street may remain on a site for up to one year with no temporary permit required.

(e) Tent structures proposed for more permanent installations (greater than one year) shall be processed as regular structures under applicable regulations of the County Code.

(3) Other Temporary Structures Associated with Authorized or Approved Temporary Uses.

(a) Temporary permits granted for temporary uses may also authorize associated temporary structures, with appropriate conditions pertaining to number, size, height, design, materials, and location on the site.

(b) Temporary permits may also be approved for types of temporary structures that do not fall within the above categories, for time periods of up to three years, as reasonably related to the needs and purposes of a primary use of the site, or as determined to be in the interests of public health, safety, and welfare.

SECTION VII

Santa Cruz County Code Section 13.10.690 is amended as follows:

13.10.690 Hosted rentals.

(A) The purpose of this section is to establish regulations applicable to bedrooms in a dwelling unit that are rented as hosted rentals for periods of less than 30 days at a time. These regulations are in addition to all other provisions of this title. This section does not apply to Pajaro Dunes where hosted rentals are governed by an existing development permit.

(B) Hosted rentals are allowed in any legal dwelling unit in any zone district where a residential use is allowed without the requirement for any other use. Habitable and nonhabitable accessory structures, accessory dwelling units, legally restricted affordable housing units, balconies, porches, and sheds shall not be used for short-term commercial lodging. Tents and recreational vehicles shall only be used for short-term commercial lodging on parcels appropriately zoned and permitted for such uses, and are not allowable as a hosted rental use.

(C) For the purposes of this section, “hosted rental” means a dwelling unit, where a long-term resident acting as host occupies one bedroom in a dwelling unit while one or two legal bedrooms are rented for the purpose of overnight lodging for a period of less than 30 days.

For the purposes of these regulations the following are not considered to be hosted rentals: (1) ongoing month-to-month tenancy granted to the same tenant for the same space, (2) a single short-term commercial stay of up to seven days per year, (3) permitted vacation rentals in which the entire home is rented while no host is present, and (4) short-term rentals of up to five bedrooms within a home, which meet the requirements of bed and breakfast inns per SCCC 13.10.691 and are permitted as such.

(1) “Existing hosted rental” means a dwelling unit that was used as a hosted rental prior to December 5, 2017, and for which transient occupancy tax was paid for any hosted rental activity that took place during the three years preceding December 5, 2017.

(2) “New hosted rental” means a dwelling unit that was not used as a hosted rental prior to December 5, 2017, or for which transient occupancy tax payment was not made for activity in the three years preceding December, 2017.

(D) Permit Requirements. A hosted rental permit and transient occupancy tax registration, or proof of another tax payment arrangement approved by the County Tax Collector, are required for each hosted rental. Each permitted hosted rental shall comply with the requirements of this section. Permits are valid for a period of five years at a time. Approval of a hosted rental permit does not legalize any non-permitted use or structure. Hosted rental permits are issued to property owners for a specific property, and are not transferable between owners or properties. Hosted rental permits are subject to revocation as provided for in SCCC 18.10.136, and subject to the violation provisions of Section 13.10.690(H).

(E) Relationship Hosted Rental Permit to Vacation Rental Permit. If a property owner has obtained a hosted rental permit in a location that is subject to limits on vacation rental permits, pursuant to SCCC 13.10.694, the hosted rental permit does not confer the ability to obtain a vacation rental permit where the limited number of vacation rental permits have already been issued.

(1) Existing Hosted Rental. At the inception of the Hosted Rental program, the County established a low-barrier method for recognizing and permitting then-existing hosted rentals. The term is retained here as an historic reference, but no longer has regulatory distinction and all hosted rentals are now considered to be either new or renewal hosted rentals. An initial permit shall be obtained. For applications for existing hosted rentals no public hearing shall be required and action on these applications shall be by the Planning Director or designee, with no notice of the proposed action provided. For an existing hosted rental to be considered a legal use the applicant shall provide the following to the Planning Department within 90 days after the certification by the California Coastal Commission of the original hosted rental ordinance codified in this chapter:

(a) ~~Completed application form.~~

~~(b) Nonrefundable application fee as established by the Board of Supervisors.~~

~~(c) Proof that a dwelling unit was being used as a hosted rental prior to December 5, 2017. Such proof shall consist of documentation that transient occupancy tax has been paid for hosted rental activities at the specified parcel to the County of Santa Cruz, and may, at the discretion of the Planning Director, also include documentation that there has been hosted rental use of the unit. This documentation could include proof that the owner allowed transient guests to occupy bedroom(s) in the dwelling unit in exchange for compensation such as records of occupancy, guest reservation lists, and receipts, showing payment and dates of stay.~~

~~(i) Retroactive Payment of Transient Occupancy Tax. For those applicants who provide adequate documentation that a dwelling unit was used as a hosted rental prior to December 5, 2017, but where the owner has not registered and paid transient occupancy tax, proof of retroactive payment of the transient occupancy tax amount due to the County for the time a dwelling unit was used as a hosted rental during the three years preceding December 5, 2017, shall be submitted.~~

~~(d) Affidavit verifying the legality, safety and habitability of the guest room or rooms, including the presence of an egress door or window in the sleeping area, access to facilities for sanitation, and the proper number and location of working carbon monoxide detectors and smoke detectors in the residence. Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the house rules listed in subsection (E) of this section.~~

~~(e) Copy of transient occupancy tax certificate number, or proof of other arrangement approved by the County Tax Collector for the purpose of the operation of a hosted rental.~~

~~(f) Hosted rental permits expire on the first business day on or after the date five years after the date of approval of the initial permit unless an application for renewal has been received by the Planning Department.~~

~~(2) New Hosted Rentals. After permits have been issued to all existing hosted rentals,~~
Permits will be made available to new hosted rentals based upon waiting list procedures, on a first come, first served basis, at such time that availability occur when until the total number of issued permits falls below reaches 250; however, availability and issuance will also be subject to area and block limitations within Designated Areas (LODA, SALSDA, and DASDA). If permits issued to existing hosted rentals exceed 250, no permits shall be issued to new hosted rentals until the total number of active hosted rental permits falls below 250 through attrition. For applications for new hosted rentals no public hearing shall be required and action on these applications shall be by the Planning Director or designee with no notice provided.

(a) In the Live Oak Designated Area (LODA), the Seacliff/Aptos/La Selva Designated Area (SALSDA), or the Davenport/Swanton Designated Area (DASDA), as defined in SCCC 13.10.694(C), no new hosted rental shall be approved if parcels with permitted vacation rentals and/or hosted rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use, excluding those parcels in the Mobile Home Park Combining ~~Zone~~ District; except that in the following areas the percentage of parcels that may have vacation rentals and/or hosted rentals is not limited:

(i) Pot Belly Beach Road;

(ii) Las Olas Drive;

(iii) Those residentially zoned parcels in the Rio Del Mar flats consisting of parcels fronting on Stephen Road, Marina Avenue, and Venetian Road between its intersection with the Esplanade and Aptos Beach Drive to its intersection with Lake Court and Stephen Road;

(iv) Those parcels fronting on or gaining access from Cliff Court or fronting on or gaining access from Rio Del Mar Boulevard between its intersection with Aptos Beach Drive and Beach Drive to its intersection with Kingsbury Drive, Cliff Drive, and Beach Villa Lane;

(v) Beach Drive; and Via Gaviota.

(b) ~~Area and Block Limits~~Designated Area Caps. ~~No more than 15.12 percent of all of the parcels that allow residential use in the Live Oak Designated Area LODA, and no more than 3.9 percent in the Seacliff/Aptos Designated Area SALSDA, and no more than 10.3.3 percent of all the parcels that allow residential use in the Davenport/Swanton Designated Area DASDA, as defined in SCCC 13.10.694(C).~~ Within the LODA, SALSDA, and DASDA, a maximum number of vacation rental permits and hosted rental permits may be issued as established by SCCC 13.10.694(D)(2)(a), excluding those parcels in the Mobile Home Park Combining Zone District, may contain vacation rentals and/or hosted rentals.

(i) ~~Notwithstanding these 20 percent block maximums, each block in the Live Oak Designated Area LODA, the Seacliff/Aptos Designated Area SALSDA, or the Davenport/Swanton Designated Area DASDA that has parcels that allow residential use, excluding those parcels in the Mobile Home Park Combining Zone District, may have at least one parcel with a vacation rental and/or a hosted rental.~~ if the applicable vacation rental and hosted rental regulations otherwise allow for issuance of a vacation rental and/or hosted rental permit (i.e. the overall Designated Area limits on numbers of vacation rentals and numbers of hosted rentals within each of the Designated Areas, are not exceeded and applications for available vacation rental and/or hosted rental permits are being accepted for processing by the County Planning Department).

(ii) A single parcel may hold permits for both a hosted rental and a vacation rental.

(c) Applicants for a permit for a new hosted rental shall provide the following to the Planning Department:

(i) Completed application form.

(ii) Nonrefundable application fee as established by the Board of Supervisors.

(iii) Affidavit verifying the legality, safety and habitability of the guest room or rooms including the presence of an egress door or window in the sleeping area, access to facilities for sanitation, and the proper number and location of working carbon monoxide detectors and smoke detectors in the residence.

(iv) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the performance standards listed in subsection ~~(EF)~~ of this section.

(v) Copy of County of Santa Cruz transient occupancy tax certificate number, or proof of registry with a verified on-line platform, ~~other arrangement approved by the County Tax Collector~~ for the purpose of the operation of a hosted rental.

(vi) Hosted rental permits expire on the first business day on or after the date five years after the date of approval of the initial permit unless an application for renewal has been received by the Planning Department.

(3) **Renewal of Hosted Rental Permits.** Hosted rental permits must be renewed every five years. An application to renew a permit for a hosted rental shall be made no sooner than 180 days before the expiration date of the existing permit, and no later than the date of expiration of that permit. Determination that the application is complete shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in SCCC 18.10.124(B), no public hearing shall be required and administrative action on permit renewal applications shall be by the Planning Director or designee, with no public notice of the proposed action ~~provided~~ required.

(a) Applicants for renewal of a permit for a hosted rental shall provide the following to the Planning Department:

(i) Completed application form.

(ii) Nonrefundable application fee as established by the Board of Supervisors.

(iii) Proof of payment of transient occupancy tax for the use of the dwelling as a hosted rental and a summary of the dates the unit was used as a hosted rental between the time of issuance of the existing permit and the date of application for the renewal. Renewal applications must show significant rental use for three out of the previous five years. Significant rental use shall be interpreted to include no fewer than 10 percent of weekend nights in a given year, or a minimum occupancy of five weekends or 10 nights per calendar year. ~~Determination of significant rental use shall be made in accordance with guidelines adopted by resolution of the Board of Supervisors.~~

(b) Approval or renewal of a hosted rental renewal permit shall be based on affirmative findings as set forth in SCCC 18.10.230(A), and with consideration of factors identified in the applicable hosted rental violations provisions below. Denial of an application for renewal shall be based on one or more of the required findings not being able to be made, as set forth in SCCC 18.10.230(A), and with consideration to factors that would support non-renewal of the hosted rental permit.

(F) All permitted hosted rentals shall comply with the following performance standards for their operations:

(1) **Number of People Allowed.** The maximum number of guests allowed in a hosted rental shall not exceed three people per hosted bedroom. Children under eight are not

counted toward maximum occupancy. Rental to unaccompanied minors under the age of 18 is prohibited.

(2) Posting of House Rules. Hosted rental house rules shall be included in the rental agreement and also posted inside the hosted rental in a location readily visible to all guests. The house rules shall include, but not necessarily be limited to, the following: number of guests allowed, number of vehicles, noise limits, rules for pets, prohibition on events and outdoor parties, no illegal behavior or disturbances including an explicit statement that fireworks are illegal in Santa Cruz County, trash management (e.g., trash to be kept in covered containers only), and emergency evacuation instructions.

(3) Noise. All hosted rentals shall comply with the standards of Chapter 8.30 SCCC, Noise, and a copy of that chapter shall be posted inside the hosted rental in a location readily visible to all guests. No use of equipment requiring more than standard household electrical current at 110 volts or activities that produce noise, dust, odor, or vibration detrimental to occupants of adjoining dwellings is allowed within the hosted rental room.

(4) Food. No cooking shall be allowed in any guest room or in any bathroom. Food service, if provided, shall be limited to breakfast served to guests only, and shall be subject to applicable regulations of the Santa Cruz County Environmental Health Department.

(5) Pets. Pets, if allowed by the owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

(6) Events Prohibited. No weddings, outdoor parties, or similar activities are authorized under a hosted rental permit.

(7) Habitability. The hosted rental shall provide facilities for sleeping, bathing, and toileting inside of a permanent dwelling that is suitable for human occupancy. Rental of sleeping space in or on balconies, porches, tents, sheds, vehicles, RVs, or outdoor areas is prohibited as a hosted rental.

(8) Management. The long-term resident of a hosted rental is responsible for ensuring that the property does not become a nuisance due to short-term rental activity.

(9) Signs. On-site advertising signs or other displays indicating that the residence is being utilized as a short-term rental are prohibited.

(10) Parking. Neighborhood parking impact shall be mitigated by limiting guests of hosted rentals to bringing only one car per hosted bedroom to the hosted rental property. These cars may be parked on site or in legal street parking close to the host property.

(11) Advertising. All advertising for hosted rentals shall include the hosted rental permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included.

(G) Transient Occupancy Tax. Each hosted rental shall meet the regulations and standards set forth in Chapter 4.24 SCCC, and as administered by the County Tax Collector including any required payment of transient occupancy tax.

(H) Transfer of Property with Hosted Rental Permit. When any property transfer triggers reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq. as determined by the Assessor, the hosted rental permit associated with the property shall expire

and shall become nonrenewable at the time of property transfer. Availability and issuance of a hosted rental permit for any property within the Designated Areas (LODA, SALSDA, DASDA) shall be subject to the waiting list procedures of the vacation rental regulations of SCCC 13.10.694.

(I) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section or any conditions of approval contained in a hosted rental permit. The penalties for violation of this section are set forth in ~~Chapter SCCC 19.01~~ SCCC, Enforcement of Land Use Regulations.

A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of the vacation rental regulations, or of any other provisions of the Santa Cruz County Code, may be grounds for denial of a renewal application, or revocation of an existing vacation rental permit, after consideration at a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).

If more than two ~~documented~~, significant violations occur on a hosted rental property within any 12-month period, a permit may shall be reviewed/noticed for a Level V public hearing to consider permit revocation, or an application for renewal may be denied. Evidence of ~~s~~ “Significant violations” includes are; but is not limited to, copies of citations, for violation of SCCC 8.30 (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the hosted rental; written warnings, or other documentation filed by law enforcement; copies of homeowner association warnings, reprimands, or other association actions; a permit holder providing false or misleading information on an application or renewal application; evidence of violations of State or County health regulations; evidence that a permit holder is delinquent/delinquency in payment of transient occupancy taxes, fines, or penalties; evidence of non-responsive property management, including failure by the responsible property manager to respond to calls within 60 minutes; and failure to maintain signage in compliance with this section; verified neighbor complaints of noise or other disturbances, particularly those involving the use of fireworks by occupants of the hosted rental; or other documents which substantiate allegations of significant violations. In the event a permit is either revoked, ~~or a renewal is denied by the County, no application for a hosted rental permit by the person or entity from whom the permit was revoked or who was denied renewal shall be filed barred from applying for a hosted rental permit for~~ the same parcel ~~within two years after the date of revocation or denial, without prior consent of the Board of Supervisors.~~

(J) It is unlawful to make a false report to the Sheriff’s Office regarding activities associated with hosted rentals. [Ord. 5266 § 7, 2018].

SECTION VIII

Santa Cruz County Code Section 13.10.700 is hereby amended as follows:

13.10.700-H “H” definitions.

“Habitable accessory structure” means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities for habitable

structures shown in Table 13.10.611-1, ~~Amenities Regulations, for habitable accessory structures.~~

“Home occupation” means an accessory use of a dwelling unit, which is secondary to the primary residential use, for gainful employment involving the manufacture, provision, or sale of goods and/or services performed by a full-time inhabitant of the unit that does not affect the residential character of the property or neighborhood. Commercial weddings and similar celebrations, community events, and fundraisers are not eligible to be permitted as home occupations.

13.10.700-N “N” definitions.

“Nonhabitable accessory structure” means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed features and amenities for nonhabitable structures shown in Table 13.10.611-1, ~~Amenities Regulations, for nonhabitable accessory structures.~~

13.10.700-T “T” definitions.

“Temporary use or structure” means ~~an intermittent (not more than four times per year) commercial activity, the period of operation of which does not exceed 45 days at any one time a~~ use or structure that is allowed to occur on a site for a limited time, subject to applicable regulations for temporary uses or structures, required permits, and site-specific permit conditions.

SECTION IX

The adoption of this ordinance is not a “project” within the meaning of the California Environmental Quality Act (CEQA) because it involves organizational or administrative activities of the County that will not result in direct or indirect physical changes in the environment pursuant to CEQA Guidelines section 15378(b)(5). The ordinance is statutorily exempt under CEQA Guidelines section 15269 (Emergency Projects) because temporary permits allow specific actions that would require safe physical distancing consistent with the State’s Resilience Roadmap and County and State Guidelines to mitigate the COVID-19 public health emergency. The ordinance is also categorically exempt under CEQA Guidelines section 15301 (Existing Facilities) because the actions are limited to the permitting and minor modifications of existing facilities, which would result in a negligible expansion of existing commercial uses and a negligible expansion of the public’s use of rights of way. The ordinance is further exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.

SECTION X

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to SCCC 13.10 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION XI

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION XII

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

PASSED AND ADOPTED this _____ day of _____, 2020 by the Board of Supervisors and the County of Santa Cruz by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel