



County of Santa Cruz

Department of Community Development and Infrastructure

701 Ocean Street, Fourth Floor, Santa Cruz, CA 95060

Planning (831) 454-2580

Public Works (831) 454-2160

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Matt Machado –Deputy CAO, Director of Community Development & Infrastructure

Agenda Date: October 23, 2024

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

Subject: Public Hearing to Review and Provide Recommendation to Board of Supervisors Regarding Proposed Amendments to County Code for accessory dwelling units, and CEQA Notice of Exemption. Amendments to County Code Chapter 13.10 are Coastal Implementing and will require Coastal Commission certification after County Adoption.

RECOMMENDED ACTIONS:

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

EXECUTIVE SUMMARY

Updates to the SCCC are proposed for the purpose of aligning the ADU regulations with recent updates to state law, resolving points of confusion in existing ADU regulations, further streamlining ADU development in Santa Cruz County, and aligning with the ADU Guidebook released by the California Department of Housing and Community Development (HCD). A proposed ordinance is presented for Commission recommendation to the Board of Supervisors.

BACKGROUND

The County's ADU regulations have been in place for many years and were most recently updated in October 2021, in response to state laws passed in 2019 and 2020. Since then, HCD has released an updated "ADU Handbook" (Exhibit E) that clarifies and interprets the new provisions of state ADU law. More recently, additional state ADU laws have been enacted that require amendments to local ADU regulations. There are some aspects of the SCCC that could be updated to resolve points of confusion for staff and applicants.

The intent of the state ADU law is to remove barriers to ADU construction. County Code may be more lenient but may not be more restrictive than state law in terms of allowing for ADU

construction. For topics that are not covered by state law, the County has flexibility as to what ADU regulations to impose, although it may be desirable to align County regulations with the overall intent of state law. In the Coastal Zone, ADU regulations must be balanced with provisions of the California Coastal Act.

ANALYSIS

The proposed ordinance presented as Exhibit C (clean) and Exhibit D (track changes) includes the following changes to the County's ADU regulations.

Cross References

Pursuant to Senate Bill (SB) 477, state laws for ADUs and JADUs were relocated and consolidated in a different section of the Government Code. Cross references to the state law in the County Code have been updated accordingly. In addition, as a result of the Sustainability Update and Code modernization project some internal cross references within the ADU regulations to other sections of the County Code have changed and these cross references have been updated.

Junior ADU Cooking Facilities 13.10.681(B)(2) & 13.10.700-J

State law provides a general definition for cooking facilities in a JADU. Updates to the County Code provide greater consistency with state law by deleting the reference to the detailed definition of an efficiency kitchen and replacing it with the definition from state law. This would also be consistent with actual practice, which is to allow flexibility in what types of kitchen facilities are provided in a JADU.

Number of ADUs allowed 13.10.681(D)(3)(b)

A new state law (SB 1211) changed and clarified the number of ADUs allowed on multifamily dwelling parcels. The law clarified that on parcels with proposed multifamily dwellings, up to two detached ADUs are allowed. On parcels with existing multifamily dwellings, the number of detached ADUs allowed was increased from two to not more than eight detached ADUs or not more than the existing number of multifamily units, whichever is less.

A staff-initiated update clarifies that conversion ADUs associated with up to 25 percent of existing multifamily units does not apply to *proposed* multifamily dwellings. In other words, incorporating non-living areas in proposed multifamily projects for the purpose of later conversion to ADUs is prohibited. This prohibition is necessary to ensure proper implementation of density bonus law based on the actual number of units proposed in a multifamily dwelling project.

Access 13.10.681(D)(5)(a)

A new state law (SB 897) clarifies that a JADU that does not include a separate bathroom must have a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

Front Setback 13.10.681(D)(7)(a)(ii)(F)

A new state law (SB 1211) eliminates the requirement for a front setback for an ADU if it would preclude the construction of an ADU no more than 800 square feet and adheres to other setback requirements. HCD has further interpreted this to mean that jurisdictions can impose a front setback but must allow an ADU of 800 square feet or fewer in the front setback, regardless of whether such an ADU could exist somewhere else on the lot.

Height 13.10.681(D)(7)(b)(ii)(F) & (G)

A new state law (SB 897) added new provisions related to the height of ADUs. Inside the Urban Services Line (USL) a new construction detached ADU that is within ½ mile of a high quality transit corridor can be up to 18 feet with an additional two feet allowed if the roof pitch aligns with the primary unit. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Such corridors existing along Soquel Drive in the mid-county area and along Freedom Boulevard in the Watsonville area and they are mapped on the County GISWeb. The height of a detached ADU associated with a multifamily dwelling can be up to 18 feet.

Parking 13.10.681(D)(7)(d)(iv)

For consistency with SB 1211, a minor clarification is proposed to the replacement parking provision to make clear that uncovered surface parking for the primary unit does not have to be replaced when it is converted for construction of an ADU.

Other Accessory Uses 13.10.681(D)(9)(b)

A minor amendment to this subsection clarifies that decks associated with an ADU must meet setback requirements of the underlying zone district.

Utility, Infrastructure, and Service Requirements 13.10.681(D)(10)(a)

A new state law (SB 897) does not allow the construction of an ADU to trigger a requirement for fire sprinklers in the existing primary dwelling. However, pursuant to the Fire Code, sprinklers are required if an attached ADU exceeds 50 percent of the existing primary dwelling square footage.

SB 897 also prevents the construction of an ADU from triggering a change of occupancy classification unless the Building Official makes specific findings that a change of occupancy classification is necessary to address an impact on health and safety. In some cases, the construction of dwelling units on a property can trigger a change of occupancy classification under the building and fire codes, which also triggers enhanced building code requirements and additional requirements for inspections. This was seen as a potential barrier to ADU construction prompting the enactment of this particular state law.

Nonconforming Conditions 13.10.681(E)

As a result of a new state law (SB 897), this subsection was clarified to add County Code violations and unpermitted structures to the list of conditions that cannot be required to be corrected unless there is a threat to public health and safety or they are affected by the construction of the ADU.

Occupancy 13.10.681(G)

A new state law (SB 976) removed the owner-occupancy requirement for ADUs (not JADUs).

Application Processing 13.10.681(H)

This subsection is amended to clarify the processing of application for ADUs in the Coastal Zone. If a Coastal Development Permit (CDP) is required, the procedure for a combined building permit and CDP with no public hearing is outlined in SCCC 13.20.107 and .108. In addition to the required findings for the CDP, special findings are also required if the ADU is located in the Commercial Agriculture (CA), Parks and Recreation (PR), or Timber Production (TP) zone districts. The use charts for those zone districts are also proposed to be amended to clarify permit processing level and code references for ADUs and JADUs.

Unpermitted ADUs 13.10.681(K)

A new state law (SB 2533) addresses ADUs constructed prior to 2020 without permits. A local agency cannot deny an application for a permit for such an ADU or JADU due to either a building or fire code violation or noncompliance with local ADU laws. However, the local agency may deny the application based on a finding that correcting the violation is necessary to correct a condition that would qualify the structure as a substandard building pursuant to the State Health and Safety Code. This provision would not apply to a substandard structure that cannot be brought into compliance with state housing laws through correcting specific conditions and the entire structure is deemed substandard.

AB 1033

Existing law prohibits an ADU from being sold or otherwise conveyed separate from the primary residence, except to a qualified buyer if certain conditions are met, including that the property was built or developed by a qualified nonprofit corporation and that the property is held pursuant to a recorded tenancy in common agreement that meets specified requirements. This law, enacted in 2023, authorizes local agencies to allow ADUs to be sold separately or conveyed from the primary residence as a condominium. The process to establish the condominiums must comply with both the Davis-Stirling Common Interest Development Act, which governs homeowners associations (HOAs), and the Subdivision Map Act, which governs the subdivision of property. Any lienholder must consent to the establishment of the condominiums and any existing homeowners association, that homeowners association must approve the creation of the condominium. Staff is not recommending the County pursue such an ordinance at this time. If directed to amend the ADU ordinance to allow these condominium conversions, more in-depth analysis would be necessary regarding how such a process could best be implemented in the County and the potential impacts and benefits. Community outreach would be an important component of this process to discuss how this would affect diverse neighborhoods in different ways throughout the County.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Amendments to the County's ADU regulations that are consistent with state law are exempt from California Environmental Quality Act (CEQA) review per CEQA §15282(h): "adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code." Note that Assembly Bill 477 approved by the Governor in March 2024 made organizational changes to the state ADU regulations, relocating the regulations to Government Code Sections 66310 through 66339. Further, Assembly Bill 3057, approved by the Governor in August 2024, expands this CEQA exemption to include the adoption of the ordinance regarding JADUs.

A notice of exemption has been prepared (Exhibit B).

GENERAL PLAN AND LOCAL COASTAL PROGRAM CONSISTENCY

The ADU regulations and the proposed amendments are consistent with and implement the goals and policies of the Housing Element of the General Plan. Policies and programs in the Housing Element encourage and support the development of ADUs in accordance with state law. The proposed amendments will further align local ADU regulations with state ADU law.

The proposed amendments will require a Local Coastal Program Amendment because SCCC Chapter 13.10 are implementing ordinances of the Santa Cruz County Local Coastal Program. After Board of Supervisors approval, the proposed ordinance will be reviewed at a Coastal Commission public hearing and will become active after certification by the California Coastal

Commission.

State ADU law does not supersede or in any way alter or lessen the effect or application of the Coastal Act. Therefore, local agencies may enact different ADU rules in the Coastal Zone from what is required by state law if it can be demonstrated that the statewide rules will have a negative impact on application of the Coastal Act. For this reason, the existing ADU regulations include provisions to retain some off-street ADU parking in coastal access visitor hot spots, for example. In addition, state ADU law does not require the County to hold a public hearing for coastal development permit (CDP) applications for ADUs. However, SCCC 13.20 Coastal Zone Regulations includes provisions for processing CDPs for ADUs with a streamlined process that provides for public notice but no public hearing.

The County's ADU regulations have previously been found to be in conformity with and adequate to carry out the certified land use plan (LCP). Because the proposed amendments would further align the County ADU regulations with state law and make other clarifying changes without altering or lessening the effect or application of the Coastal Act, the proposed amendments can be found to be in conformity with the certified LCP.

STRATEGIC PLAN

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

Submitted by:

David Carlson
Resource Planner

Reviewed by:

Mark Connolly
Principal Planner
Policy Section

Exhibits:

A: Resolution
B: CEQA Notice of Exemption
C: Ordinance amending Chapter 13.10 SCCC
D: Ordinance Chapter 13.10 edits (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 13.10.312, 13.10.352, 13.10.372, 13.10.681, AND 13.10.700
REGARDING ACCESSORY DWELLING UNITS, AND
RECOMMENDING THE FILING OF A CEQA NOTICE OF EXEMPTION**

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

WHEREAS, in 2020 and 2021, the Santa Cruz County Code (“County Code” or “SCCC”) was amended to comply with state ADU regulations contained in California Government Code Sections 66310 through 66339 (formerly Government Code Sections 65852.2, 65852.22, 65852.23, 65852.150) and Health and Safety Code Section 17980.12; and

WHEREAS, in September 2020, the California Department of Housing and Community Development released the ADU Handbook, which was update in July 2022, and which provided interpretations and clarifications to the state ADU regulations; and

WHEREAS, in September 2022 Governor Newsom signed AB 2221 and SB 897, which took effect on January 1, 2023;

WHEREAS, in October 2023 Governor Newsom signed AB 976, which took effect on January 1, 2024;

WHEREAS, in May 2024 Governor Newsom signed SB 477, which makes organizational changes to the state ADU regulations, relocating the regulations to Government Code Sections 66310 through 66339;

WHEREAS, in September 2024 Governor Newsom signed four more ADU bills (AB 2533, Ab 3057, SB 1211, and SB 1077), that will each take effect on January 1, 2025;

WHEREAS, the County wishes to amend SCCC 13.10 to comply with the ADU Handbook and updated state ADU regulations, and resolve points of confusion in the existing County Code; and

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

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2024, and has reviewed the County’s proposed County Code amendments and finds that they are necessary to implement the State’s updated ADU regulations, are consistent with all elements of the General Plan/Local Coastal Program, and comply with the California Coastal Act; and

WHEREAS, the proposed County Code amendments are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 because they serve to implement state ADU and JADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment;

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

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 _____ day of _____, 2024 by the following vote:

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

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:

DocuSigned by:
Natalie Kirkish

D52DC6AA0E74498
OFFICE OF THE COUNTY COUNSEL

cc: County Counsel
Community Development and Infrastructure Department

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

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- ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.



County of Santa Cruz

Department of Community Development and Infrastructure

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Matt Machado –Deputy CAO, Director of Community Development & Infrastructure

NOTICE OF EXEMPTION

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

Project Name: Accessory Dwelling Unit Regulations Update

Project Location: Countywide

Assessor Parcel No.: N/A

Project Applicant: County of Santa Cruz Planning Department

Project Description: The project updates the Santa Cruz County Code for Accessory Dwelling Units to comply with California state laws and remove areas of confusion in the County regulations.

Agency Approving Project: County of Santa Cruz Board of Supervisors

County Contact: David Carlson

Telephone No. 831-454-3173

Date Completed: [Date]

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

Exempt status: (*check one*)

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

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

Specify type: 15282(h)

☐ **Categorical Exemption**

Class 1

Reasons why the project is exempt:

Amendments to the County's ADU regulations that are consistent with state law are exempt from California Environmental Quality Act (CEQA) review per CEQA §15282(h): "adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code." Note that Assembly Bill 477 approved by the Governor in March 2024 made organizational changes to the state ADU regulations, relocating the regulations to Government Code Sections 66310 through 66339. Further, Assembly Bill 3057, approved by the Governor in August 2024, expands this CEQA exemption to include the adoption of the ordinance regarding JADUs.

Signature: _____ Date: _____ Title: Environmental Coordinator

ORDINANCE NO. _____

**ORDINANCE OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF
SANTA CRUZ AMENDING SANTA CRUZ COUNTY CODE SECTIONS
13.10.312, 13.10.352, 13.10.372, 13.10.681, AND 13.10.700 REGARDING
ACCESSORY DWELLING UNITS**

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

SECTION I

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Unit” portion of Table 13.10.312-1: Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

USE	PERMIT REQUIRED BY ZONE		REFERENCES AND NOTES
	CA	A	
Housing - Residential Units			
Accessory Dwelling Unit (ADU) or Junior ADU located within 100 feet of the primary dwelling	P ^A	P	13.10.681 13.20.107 & 108 13.10.313 13.10.314 16.50.095

SECTION II

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Unit” portion of Table 13.10.352-1: Parks, Recreation and Open Space PR Uses Chart in SCCC 13.10.352 to read as follows:

USE	Permit Required ¹	References and Notes
Residential Units		
Accessory Dwelling Unit (ADU)	P	13.10.681 13.20.107 & 108 13.10.418 13.10.354
Junior ADU	P	13.10.681

SECTION III

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Unit” portion of Table 13.10.372-1: Timber Production TP Uses Chart in SCCC 13.10.372 to read as follows:

USE	Permit Required ¹	References and Notes
Residential Units		
Accessory Dwelling Unit (ADU) or Junior ADUs	P ^A	13.10.681 13.20.107 & 108 13.10.374

SECTION IV

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

13.10.681 Accessory dwelling units.

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

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

(1) “Accessory Dwelling Unit” (ADU) shall be defined per SCCC 13.10.700-A: In compliance with California Government Code Section 66313, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for eating, cooking (area meeting the definition of Kitchen), and sanitation. A tiny home on wheels may be used as an ADU.

(2) “Junior Accessory Dwelling Unit” (JADU) shall be defined per SCCC 13.10.700-J: In compliance with California Government Code Section 66313, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (cooking facility with appliances and food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU), and shared or separate sanitation facilities with the main dwelling unit.

(3) “New Construction ADU” shall be defined per SCCC 13.10.700-N: An ADU that does not meet the definition of Conversion ADU. A tiny home on wheels may be used as a new construction ADU.

(4) “Conversion ADU” shall be defined per SCCC 13.10.700-C: The conversion of any portion of a legal accessory structure, or any portion of a single-family dwelling, or any garage, for the purpose of creating an ADU. Conversion ADUs can include demolition and rebuilding of a structure with the same footprint and building envelope. Conversion ADUs can also include additions of up to 150 square feet. Any conversion

that exceeds this limit shall be considered a New Construction ADU for the purposes of this section.

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

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

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

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

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

(1) Zoning and General Plan. The parcel must allow residential land use either by zoning or General Plan designation.

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

(a) Exception. An ADU may be constructed prior to a primary dwelling in the case of rebuilding after a disaster. The location for the development envelope for the future primary dwelling must be indicated on the plans submitted for the ADU.

(3) Number of ADUs Allowed.

(a) Single-Family Dwellings. On parcels with existing or proposed single-family dwellings: one ADU and one JADU are allowed per single-family dwelling.

(i) Dwellings that share walls but are located on separate parcels with separate building footprints (such as townhomes or halfplexes) are considered single-family dwellings for the purposes of determining the number of ADUs allowed.

(ii) Properties with dwelling groups (multiple single-family dwellings) are allowed one ADU and one JADU per single-family dwelling if the dwelling group is conforming with maximum density for the zone district. An existing dwelling in a dwelling group may be relabeled as an ADU if it meets ADU use and development standards. If the dwelling group is

nonconforming with maximum density for the zone district, see SCCC 13.10.261(B)(3).

(b) **Multifamily Dwellings.** On parcels with existing or proposed attached multifamily dwellings, such as apartments, condominiums, or a combination of single- and multifamily dwellings, the following are allowed:

- (i) On parcels with proposed multifamily dwelling structures, up to two detached ADUs, which may be attached to each other; and
- (ii) On parcels with existing multifamily dwellings, not more than eight detached ADUs, which may be attached to each other, or not more than the number of existing units on the parcel, whichever is less; and
- (iii) Conversion ADUs associated with up to 25 percent of existing multifamily units. Conversion ADUs in existing multifamily developments must be converted from areas not previously used as living space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. This provision does not apply to proposed multifamily dwellings.
- (iv) New multifamily dwelling projects for which applications are submitted after January 1, 2020 are ineligible for detached ADUs or conversion ADUs pursuant to 13.10.681(D)(3)(b)(ii) or 13.10.681(D)(3)(b)(iii).

(c) **Nonconforming Land Uses.** Regardless of existing dwelling conformity with land use and density requirements for a parcel's zone district or General Plan designation, permitted single-family dwellings shall be subject to subsection (D)(3)(a) of this section and permitted multifamily dwellings shall be subject to subsection (D)(3)(b) of this section.

(4) **ADU Location on a Parcel.**

- (a) ADUs may be attached or detached from the primary dwelling unit. JADUs must be attached.
- (b) ADUs and JADUs shall be subject to the setback requirements in subsection (D)(7)(a) of this section.

(5) **Access.** The ADU or JADU shall have an exterior entrance that is independent of the existing primary dwelling. A JADU may also be internally connected to the primary dwelling.

- (a) If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(6) Unit Size. The habitable floor area as defined in SCCC 13.10.700-H shall be as follows:

- (a) Minimum unit size, JADU or ADU: 150 square feet (“efficiency unit” per California Health and Safety Code Section 17958.1).
- (b) Maximum unit size, JADU: 500 square feet.
- (c) Maximum unit size, ADU:
 - (i) Conversion ADU: No maximum size.
 - (ii) New Construction ADU, Attached:
 - A. Parcel size less than one acre: 850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms), or 50 percent of primary dwelling habitable square footage, whichever is smaller.
 - B. Parcel size greater than or equal to one acre: 50 percent of primary dwelling habitable square footage.
 - (iii) New Construction ADU, Detached:
 - A. Parcel size less than one acre: 850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms).
 - B. Parcel size greater than or equal to one acre: 1,200 square feet.
 - (iv) Regardless of subsections (D)(6)(c)(i) through (iii) of this section, an ADU of at least 800 square feet shall be allowed.

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

- (a) Setbacks.
 - (i) JADUs and Conversion ADUs.
 - A. Additions up to 150 square feet shall meet setback requirements for New Construction ADUs.
 - B. Existing structures with nonconforming setbacks can be demolished and rebuilt with the same setbacks, except where larger setbacks are required pursuant to Chapter 7.92 SCCC (Fire Code), Chapter 12.10 SCCC (Building Regulations), or SCCC Title 16 (Environmental and Resource Protection).

(ii) New Construction ADUs. ADUs shall comply with front setbacks for the applicable zone district. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone district, whichever is less, including on double frontage lots and corner lots, with the following exceptions:

A. An eight-foot rear setback is required for any portion of an ADU that is more than 16 feet tall. Stairways may encroach into the rear yard setback pursuant to 13.10.323(F)(1) if stairway windows are minimum 52 inches from floor level.

B. Setbacks shall be sufficient for fire safety in conformance with Chapter 7.92 SCCC (Fire Code) and Chapter 12.10 SCCC (Building Regulations).

C. ADUs shall be subject to environmental buffers and constraints identified per SCCC Title 16 (Environmental and Resource Protection), including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

D. On parcels zoned or designated agricultural, a detached ADU shall be located within 100 feet of the primary dwelling on the property unless additional distance is required to meet the minimum agricultural buffer setback standards in SCCC 16.50.095.

E. ADUs located in the Seascape Beach Estates Combining District shall meet the setback requirements in SCCC 13.10.436.

F. A front setback shall not be imposed if it would preclude construction of an ADU no more than 800 square feet and adheres to 4-foot minimum rear and side setbacks and other setback requirement in this section. Adequate sight distance shall be maintained pursuant to SCCC 13.16.093

(iii) Minimum separation distance between ADUs and other structures shall be three feet.

(b) Height.

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

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

A. Inside the urban services line, new construction detached ADUs shall be a maximum of 16 feet. This exception does not

apply in the Seascape Beach Estates Combining District (see SCCC 13.10.436).

B. Inside the urban services line, ADUs that are built above detached garages shall be a maximum of 20 feet at exterior wall and 24 feet at roof peak. This exception does not apply in the Pleasure Point or Seascape Beach Estates Combining Zone Districts.

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

D. Building height up to five feet in excess of an applicable zoning standard, but in no case exceeding 28 feet, may be allowed subject to design review findings (SCCC 18.10.230(A)(2)), development permit findings (SCCC 18.10.230), and the coastal view protection standards of SCCC 13.20.130(B)(7) (if located in the coastal zone), and subject to approval by the Zoning Administrator following a public hearing.

F. Notwithstanding 13.10.681(D)(7)(b)(ii)(A), inside the urban services line, the height of a new construction detached ADU that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor shall be a maximum of 18 feet. An additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

G. Inside the urban services line, the height of a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling shall be a maximum of 18 feet.

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

(i) Parcels with ADUs and JADUs shall meet lot coverage and FAR standards for the applicable zone district, except that JADU and/or ADU square footage up to 800 square feet may be excluded from FAR and lot coverage calculations for both existing and new parcels.

(ii) ADUs and JADUs shall not be counted in large dwelling unit calculations per SCCC 13.10.324.

(d) Parking.

(i) JADUs and Conversion ADUs: no required off-street parking for the JADU and/or Conversion ADU.

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

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

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

C. If the primary dwelling unit has less than the required parking per SCCC 13.16.050, one new parking space must be provided for the ADU but parking for the primary dwelling may remain nonconforming.

D. No additional parking for an ADU shall be required if the ADU is located within one-half mile walking distance of any public transit stop, within a designated historic district, or within one block of a dedicated parking space reserved for a publicly available car share vehicle.

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

(iv) Replacement Parking. When a garage, carport, covered parking structure, or uncovered surface parking is demolished or converted for construction of an ADU or JADU, no replacement parking is required for the primary dwelling unit.

(v) Special Coastal Zone Parking Requirements. In the following coastal zone locations, one parking space is required for New Construction ADUs, with no exceptions, and replacement parking is required when existing parking is demolished or converted for construction of an ADU:

A. Live Oak Designated Area (LODA) as defined in SCCC 13.10.694(C).

B. Sea Cliff/Aptos/La Selva Designated Area (SALSDA) as defined in SCCC 13.10.694(C).

C. Davenport/Swanton Designated Area (DASDA) as defined in SCCC 13.10.694(C).

D. Opal Cliff Drive between 41st Avenue and the City of Capitola.

(8) Existing Conditions of Approval. Proposed additions associated with Conversion ADUs shall comply with any existing development permit conditions of approval that are not otherwise superseded by provisions of SCCC 13.10.681.

(9) Other Accessory Uses.

- (a) One ADU may be associated with a single-family dwelling unit on a parcel that also has farmworker housing as defined in SCCC 13.10.631.
- (b) Non-ADU habitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC 13.10.611.

(10) Utility, Infrastructure, and Service Requirements.

- (a) Life Safety. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of Chapter 7.92 SCCC (Fire Code) and Chapter 12.10 SCCC (Building Regulations).

- (i) Fire sprinklers shall not be required for an ADU or JADU where they are not also required for the primary dwelling, except sprinklers are required for detached ADUs larger than 1,200 square feet and ADUs that constitute or are part of an addition to the primary dwelling equal to more than 50 percent of the existing primary dwelling square footage pursuant to SCCC 7.92.903.1 (Fire Code).

- (ii) The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling except sprinklers are required for the primary dwelling if the attached ADU exceeds 50 percent of the existing primary dwelling square footage pursuant to SCCC 7.92.903.1 (Fire Code).

- (iii) For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit if an internal connection to the primary dwelling unit is maintained.

- (iv) ADUs and JADUs that do not have an internal connection to the primary dwelling shall maintain a separate street address from the primary dwelling unit.

- (v.) Change of Occupancy Classification. The construction of an ADU shall not constitute a "Group R" occupancy change under SCCC Chapter 12.10 (Building Regulations) unless the Building Official or Fire Code Official makes a written finding based on substantial evidence in the record that the ADU could have a specific, adverse impact on health and safety. This paragraph shall not be interpreted to prevent the Building Official from changing the occupancy code of a space that was non-habitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this Section.

- (b) Utility Connections and Fees.

- (i) JADUs and Conversion ADUs: new utility connection or capacity charges may only be charged for Conversion ADUs and JADUs built concurrently with a primary dwelling.

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

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

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

(c) Public Improvements. Frontage improvements and other public right-of-way work cannot be required as a condition of approval for an ADU or JADU, unless required per Chapter 7.92 SCCC (Fire Code) or Chapter 12.10 SCCC (Building Regulations) or to correct illegal right-of-way encroachments.

(E) Nonconforming Conditions. Correction of existing nonconforming zoning conditions, County Code violations, or unpermitted structures cannot be required as a condition of ADU or JADU approval unless the corrections are required to address a threat to public health and safety or are affected by the construction of the ADU.

(F) Design.

(1) Architectural Design. Exterior design of ADUs and JADUs that are visible from a road or other public area shall include three or more of the following elements:

(a) Roof pitch matching dominant roof slope primary dwelling(s). Dominant roof slope is the slope shared by the largest portion of the roof.

(b) Roof material matching primary dwelling(s).

(c) Primary siding material or color matching primary dwelling(s).

(d) Window and door trim matching primary dwelling(s).

(e) Porch, bay window, or other facade articulation to break up flat wall planes.

(f) Fencing or landscaping to buffer the view of the ADU or JADU from a road or other public area. Fencing shall be subject to SCCC 13.10.525, Regulations for fences and retaining walls within required yards. Landscaping shall be subject to Chapter 13.13 SCCC, Water Conservation—Water Efficient Landscaping.

(2) Historic Preservation. ADUs and JADUs on properties in the L (Historic Landmark) Combining District that do not involve demolition, relocation, or alterations to the exterior of historic buildings shall meet the provisions of SCCC 16.42.060(D) to be reviewed ministerially. ADUs and JADUs that exceed these provisions shall be subject to discretionary review per SCCC 16.42.060.

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

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

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

(a) An ADU can be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and all provisions of California Government Code Section 66341 are met.

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

(4) Owner Residency. The following requirements apply to all JADUs:

(a) Unless owned by a government agency, land trust, or public or nonprofit housing organization, the property owner or relative of the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption, or by other satisfactory documentation of residence, on the parcel in either the primary dwelling unit or JADU. If the JADU is newly constructed on a parcel within a subdivision, then the purchaser or relative of the purchaser of said property shall permanently reside in either the main dwelling or the JADU, shall be required to submit a property tax exemption prior to occupancy of the JADU, and shall be subject to the deed restriction noted in subsection (G)(4)(b) of this section.

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

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

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

(ii) The declaration shall be binding on all successors in interest.

(iii) The declaration shall provide for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any unauthorized occupancy or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(iv) The declaration shall provide a restriction on the size and attributes of the JADU that conforms with this section.

(v) The declaration shall provide a prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(H) Application Processing.

(1) Ministerial Review. Pursuant to Government Code Sections 66317 and 66335, applications for ADUs and JADUs shall be approved or denied ministerially with a building permit, and no public notice or hearing shall be required, with the following exceptions:

(a) Exceptions to Ministerial Review.

(i) Inside the coastal zone, the following discretionary review requirements apply:

A. ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.061 or 13.20.071, respectively, require issuance of a combined coastal development permit (CDP) and building permit, with noticing and appeal requirements per SCCC 13.20.107 and 13.20.108, and subject to findings per SCCC 13.20.110.

B. ADUs and JADUs located in the Commercial Agricultural (CA) zone district shall be subject to additional findings per SCCC 13.10.314(B).

C. ADUs in the Parks and Recreation (PR) zone district shall be subject to special conditions per SCCC 13.10.354(B). JADU applications in the PR zone district shall be reviewed ministerially.

D. ADUs and JADUs in the Timber Production (TP) zone district shall be subject to special findings per SCCC 13.10.374(A).

(ii) ADU and JADU applications that do not meet the development standards contained in this section may require a variance (per SCCC 13.10.230), minor exception (per SCCC 13.10.235), or other discretionary approval.

(2) Ministerial Review Time. ADU and JADU applications that are subject to ministerial review must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed building permit application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.

(a) Exception to Ministerial Review Time. When a permit application to create an ADU or JADU is submitted along with a permit application for a new primary dwelling, the permit application for the ADU or JADU shall not be subject to a 60-day approval period but shall instead be subject to the approval period for the primary dwelling. If the new primary dwelling application requires discretionary review, the application for the ADU or JADU shall still be considered as a ministerially allowable use/development, unless the application meets one of the exceptions in subsection (H)(1)(a) of this section.

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

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

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

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

(4) Declarations of Restriction for Nonhabitable Structures. A recorded declaration of restriction limiting an existing accessory structure to nonhabitable use must be rescinded to allow ADUs or JADUs in these structures.

(I) Permit Allocations. Each ADU and JADU is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

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

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

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

(3) The County of Santa Cruz shall grant a delay in enforcement if the Planning Department Code Enforcement Division, in consultation with the Building Official, determines that correcting the violation is not necessary to protect health and safety. The provisions of SCCC 12.01.070 shall not apply to ADUs for which this delay has been granted.

(K) Unpermitted ADUs

(1) Notwithstanding any other law, and except as otherwise provided in SCCC 13.10.681(K)(2), a permit for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, shall not be denied due to either of the following:

(a) The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code (Enforcement of Building and Fire Codes).

(b) The ADU does not comply with state or local ADU or JADU laws.

(2) Notwithstanding SCCC 13.10.681(K)(1), a permit for an ADU subject to SCCC 13.10.681(K)(1) may be denied if the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.

(3) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

(L) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the ADU ordinance. The annual analysis shall include the number of ADUs

constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the coastal zone. JADUs are not required to be accounted for and reported upon in this annual review. The cumulative impact issue areas to be covered include, but are not limited to, traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

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

SECTION V

The Santa Cruz County Code is hereby amended by changing the definition of "Accessory dwelling unit" or "ADU" in SCCC 13.10.700-A to read as follows:

"Accessory dwelling unit" or "ADU" means, in compliance with California Government Code Section 66313, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of "kitchen"), and sanitation. See also "junior accessory dwelling unit," "conversion ADU," and "new construction ADU."

SECTION VI

The Santa Cruz County Code is hereby amended by changing the definition of "Junior accessory dwelling unit" or "JADU" in SCCC 13.10.700-J to read as follows:

"Junior accessory dwelling unit" or "JADU" means, in compliance with California Government Code Section 66313, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (cooking facility with appliances and food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU), and shared or separate sanitation facilities with the main dwelling unit. See also "Accessory dwelling unit."

SECTION VII

This ordinance and these amendments to the Santa Cruz County Code are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 because they serve to implement state ADU and JADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment.

SECTION VIII

Effective Date. This ordinance shall take effect upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____ 2024, by the Board of Supervisors of 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:

Office of the County Counsel

13.10.312 Uses in agricultural districts.

Table 13.10.312-1: Agricultural Uses Chart

USE	PERMIT REQUIRED BY ZONE		REFERENCES AND NOTES
	CA	A	
Housing - Residential Units			
Accessory Dwelling Unit (ADU) or Junior ADU located within 100 feet of the primary dwelling	P ^A	P	13.10,313 13.10.681 13.11.037 13.20.107 & 108 <u>13.10.314</u> 16.50.095

13.10.352 Uses in the Parks, Recreation and Open Space PR District.

Table 13.10.352-1: Parks, Recreation and Open Space PR Uses Chart

USE	Permit Required ¹	References and Notes
Residential Units		
Accessory Dwelling Unit (ADU)	P /MUP	P outside coastal zone; MUP inside coastal zone. 13.10.681 <u>13.20.107 & 108</u> <u>13.10.418</u> <u>13.10.354</u>
Junior ADU	P	13.10.681

13.10.372 Uses in the Timber Production TP District.

Table 13.10.372-1: Timber Production TP Uses Chart

USE	Permit Required ¹	References and Notes
Residential Units		
Accessory dwelling unit (ADUs) or junior accessory dwelling units (JADUs)	P ^A /MUP^A	13.10.681 <u>13.20.107 & 108</u> <u>13.10.374</u>

13.10.681 Accessory dwelling units.

(A) Purpose. The purpose of this section is to provide for and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in order to provide needed housing

for County residents and to further the housing goals of the Housing Element of the County General Plan.

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

(1) “Accessory Dwelling Unit” (ADU) shall be defined per SCCC 13.10.700-A: In compliance with California Government Code Section ~~65852.266313~~, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for eating, cooking (area meeting the definition of Kitchen), and sanitation. A tiny home on wheels may be used as an ADU.

(2) “Junior Accessory Dwelling Unit” (JADU) shall be defined per SCCC 13.10.700-J: In compliance with California Government Code Section ~~65852.2266313~~, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (~~area meeting the definition of Efficiency Kitchen but not a standard Kitchen~~cooking facility with appliances and food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU), and shared or separate sanitation facilities with the main dwelling unit.

(3) “New Construction ADU” shall be defined per SCCC 13.10.700-N: An ADU that does not meet the definition of Conversion ADU. A tiny home on wheels may be used as a new construction ADU.

(4) “Conversion ADU” shall be defined per SCCC 13.10.700-C: The conversion of any portion of a legal accessory structure, or any portion of a single-family dwelling, or any garage, for the purpose of creating an ADU. Conversion ADUs can include demolition and rebuilding of a structure with the same footprint and building envelope. Conversion ADUs can also include additions of up to 150 square feet. Any conversion that exceeds this limit shall be considered a New Construction ADU for the purposes of this section.

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

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

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

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

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

(1) Zoning and General Plan. The parcel must allow residential land use either by zoning or General Plan designation.

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

(a) Exception. An ADU may be constructed prior to a primary dwelling in the case of rebuilding after a disaster. The location for the development envelope for the future primary dwelling must be indicated on the plans submitted for the ADU.

(3) Number of ADUs Allowed.

(a) Single-Family Dwellings. On parcels with existing or proposed single-family dwellings: one ADU and one JADU are allowed per single-family dwelling.

(i) Dwellings that share walls but are located on separate parcels with separate building footprints (such as townhomes or halfplexes) are considered single-family dwellings for the purposes of determining the number of ADUs allowed.

(ii) Properties with dwelling groups (multiple single-family dwellings) are allowed one ADU and one JADU per single-family dwelling if the dwelling group is conforming with maximum density for the zone district. An existing dwelling in a dwelling group may be relabeled as an ADU if it meets ADU use and development standards. If the dwelling group is nonconforming with maximum density for the zone district, see SCCC 13.10.261(B)(3).

(b) Multifamily Dwellings. On parcels with existing or proposed attached multifamily dwellings, such as apartments, condominiums, or a combination of single- and multifamily dwellings, the following are allowed:

(i) On parcels with proposed multifamily dwelling structures, Up to two detached ADUs, which may be attached to each other; and

(ii) On parcels with existing multifamily dwellings, not more than eight detached ADUs, which may be attached to each other, or not more than the number of existing units on the parcel, whichever is less; and

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

State building standards for dwellings. This provision does not apply to proposed multifamily dwellings.

(iv) New multifamily dwelling projects for which applications are submitted after January 1, 2020 are ineligible for detached ADUs or conversion ADUs pursuant to 13.10.681(D)(3)(b)(ii) or 13.10.681(D)(3)(b)(iii).

(c) Nonconforming Land Uses. Regardless of existing dwelling conformity with land use and density requirements for a parcel's zone district or General Plan designation, permitted single-family dwellings shall be subject to subsection (D)(3)(a) of this section and permitted multifamily dwellings shall be subject to subsection (D)(3)(b) of this section.

(4) ADU Location on a Parcel.

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

(b) ADUs and JADUs shall be subject to the setback requirements in subsection (D)(7)(a) of this section.

(5) Access. The ADU or JADU shall have an exterior entrance that is independent of the existing primary dwelling. A JADU may also be internally connected to the primary dwelling.

(a) If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(6) Unit Size. The habitable floor area as defined in SCCC 13.10.700-H shall be as follows:

(a) Minimum unit size, JADU or ADU: 150 square feet ("efficiency unit" per California Health and Safety Code Section 17958.1).

(b) Maximum unit size, JADU: 500 square feet.

(c) Maximum unit size, ADU:

(i) Conversion ADU: No maximum size.

(ii) New Construction ADU, Attached:

A. Parcel size less than one acre: 850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms), or 50 percent of primary dwelling habitable square footage, whichever is smaller.

B. Parcel size greater than or equal to one acre: 50 percent of primary dwelling habitable square footage.

(iii) New Construction ADU, Detached:

A. Parcel size less than one acre: 850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms).

B. Parcel size greater than or equal to one acre: 1,200 square feet.

(iv) Regardless of subsections (D)(6)(c)(i) through (iii) of this section, an ADU of at least 800 square feet shall be allowed.

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

(a) Setbacks.

(i) JADUs and Conversion ADUs.

A. Additions up to 150 square feet shall meet setback requirements for New Construction ADUs.

B. Existing structures with nonconforming setbacks can be demolished and rebuilt with the same setbacks, except where larger setbacks are required pursuant to Chapter 7.92 SCCC (Fire Code), Chapter 12.10 SCCC (Building Regulations), or SCCC Title 16 (Environmental and Resource Protection).

(ii) New Construction ADUs. ADUs shall comply with front setbacks for the applicable zone district. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone district, whichever is less, including on double frontage lots and corner lots, with the following exceptions:

A. An eight-foot rear ~~yard~~ setback is required for any portion of an ADU that is more than 16 feet tall. Stairways may encroach into the rear yard setback pursuant to SCCC 13.10.323(F)(1) if stairway windows are minimum 52 inches from floor level.

B. Setbacks shall be sufficient for fire safety in conformance with Chapter 7.92 SCCC (Fire Code) and Chapter 12.10 SCCC (Building Regulations).

C. ADUs shall be subject to environmental buffers and constraints identified per SCCC Title 16 (Environmental and Resource Protection), including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

D. On parcels zoned or designated agricultural, a detached ADU shall be located within 100 feet of the primary dwelling on the property unless additional distance is required to meet the minimum agricultural buffer setback standards in SCCC 16.50.095.

E. ADUs located in the Seascapes Beach Estates Combining District shall meet the setback requirements in SCCC 13.10.436.

F. A front setback shall not be imposed if it would preclude construction of an ADU no more than 800 square feet and adheres to 4-foot minimum rear and side setbacks and other setback requirement in this section. Adequate sight distance shall be maintained pursuant to SCCC 13.16.093

(iii) Minimum separation distance between ADUs and other structures shall be three feet.

(b) Height.

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

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

A. Inside the urban services line, new construction detached ADUs shall be a maximum of 16 feet. This exception does not apply in the Seascapes Beach Estates Combining District (see SCCC 13.10.436).

B. Inside the urban services line, ADUs that are built above detached garages shall be a maximum of 20 feet at exterior wall and 24 feet at roof peak. This exception does not apply in the Pleasure Point or Seascapes Beach Estates Combining Zone Districts.

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

D. Building height up to five feet in excess of an applicable zoning standard, but in no case exceeding 28 feet, may be allowed subject to design review findings (SCCC 18.10.230(A)(2)), development permit findings (SCCC 18.10.230), and the coastal view protection standards of SCCC 13.20.130(B)(7) (if located in the coastal zone), and subject to approval by the Zoning Administrator following a public hearing.

F. Notwithstanding 13.10.681(D)(7)(b)(ii)(A), inside the urban services line, the height of a new construction detached ADU that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor shall be a maximum of 18 feet. An additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

G. Inside the urban services line, the height of a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling shall be a maximum of 18 feet.

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

(i) Parcels with ADUs and JADUs shall meet lot coverage and FAR standards for the applicable zone district, except that JADU and/or ADU square footage up to 800 square feet may be excluded from FAR and lot coverage calculations for both existing and new parcels.

(ii) ADUs and JADUs shall not be counted in large dwelling unit calculations per ~~SCCC 13.10.325~~ SCCC 13.10.324.

(d) Parking.

(i) JADUs and Conversion ADUs: no required off-street parking for the JADU and/or Conversion ADU.

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

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

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

C. If the primary dwelling unit has less than the required parking per SCCC 13.16.050, one new parking space must be provided for the ADU but parking for the primary dwelling may remain nonconforming.

D. No additional parking for an ADU shall be required if the ADU is located within one-half mile walking distance of any public transit stop, within a designated historic district, or within one block of a dedicated parking space reserved for a publicly available car share vehicle.

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

(iv) Replacement Parking. When a garage, carport, covered parking structure, or uncovered surface parking is demolished or converted for construction of an ADU or JADU, no replacement parking is required for the primary dwelling unit.

(v) Special Coastal Zone Parking Requirements. In the following coastal zone locations, one parking space is required for New Construction ADUs, with no exceptions, and replacement parking is required when existing parking is demolished or converted for construction of an ADU:

A. Live Oak Designated Area (LODA) as defined in SCCC 13.10.694(C).

B. Sea Cliff/Aptos/La Selva Designated Area (SALSDA) as defined in SCCC 13.10.694(C).

C. Davenport/Swanton Designated Area (DASDA) as defined in SCCC 13.10.694(C).

D. Opal Cliff Drive between 41st Avenue and the City of Capitola.

(8) Existing Conditions of Approval. Proposed additions associated with Conversion ADUs shall comply with any existing development permit conditions of approval that are not otherwise superseded by provisions of SCCC 13.10.681.

(9) Other Accessory Uses.

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

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

(10) Utility, Infrastructure, and Service Requirements.

(a) Life Safety. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of Chapter 7.92 SCCC (Fire Code) and Chapter 12.10 SCCC (Building Regulations).

(i) Fire sprinklers shall not be required for an ADU or JADU where they are not also required for the primary dwelling, except sprinklers are required for detached ADUs larger than 1,200 square feet and ADUs that constitute or are part of an addition to the primary dwelling equal to more than 50 percent of the existing primary dwelling square footage ~~per~~

California Residential Code Section R313.2, pursuant to SCCC 7.92.903.1 (Fire Code).

(ii) The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling, except sprinklers are required for the primary dwelling if the attached ADU exceeds 50 percent of the existing primary dwelling square footage pursuant to SCCC 7.92.903.1 (Fire Code).

(iii) For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit if an internal connection to the primary dwelling unit is maintained.

~~(iiiiv)~~ ADUs and JADUs that do not have an internal connection to the primary dwelling shall maintain a separate street address from the primary dwelling unit.

(v.) Change of Occupancy Classification. The construction of an ADU shall not constitute a "Group R" occupancy change under SCCC Chapter 12.10 (Building Regulations) unless the Building Official or Fire Code Official makes a written finding based on substantial evidence in the record that the ADU could have a specific, adverse impact on health and safety. This paragraph shall not be interpreted to prevent the Building Official from changing the occupancy code of a space that was non-habitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this Section.

(b) Utility Connections and Fees.

(i) JADUs and Conversion ADUs: new utility connection or capacity charges may only be charged for Conversion ADUs and JADUs built concurrently with a primary dwelling.

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

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

A. As part of the application to create an ADU connected to an on-site water treatment system, a percolation test must be

completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(c) Public Improvements. Frontage improvements and other public right-of-way work cannot be required as a condition of approval for an ADU or JADU, unless required per Chapter 7.92 SCCC (Fire Code) or Chapter 12.10 SCCC (Building Regulations) or to correct illegal right-of-way encroachments.

(E) Nonconforming Conditions. Correction of existing nonconforming zoning conditions, County Code violations, or unpermitted structures cannot be required as a condition of ADU or JADU approval unless the corrections are required to address a threat to public health and safety or are affected by the construction of the ADU.

(F) Design.

(1) Architectural Design. Exterior design of ADUs and JADUs that are visible from a road or other public area shall include three or more of the following elements:

(a) Roof pitch matching dominant roof slope primary dwelling(s). Dominant roof slope is the slope shared by the largest portion of the roof.

(b) Roof material matching primary dwelling(s).

(c) Primary siding material or color matching primary dwelling(s).

(d) Window and door trim matching primary dwelling(s).

(e) Porch, bay window, or other facade articulation to break up flat wall planes.

(f) Fencing or landscaping to buffer the view of the ADU or JADU from a road or other public area. Fencing shall be subject to SCCC 13.10.525, Regulations for fences and retaining walls within required yards. Landscaping shall be subject to Chapter 13.13 SCCC, Water Conservation—Water Efficient Landscaping.

(2) Historic Preservation. ADUs and JADUs on properties in the L (Historic Landmark) Combining District that do not involve demolition, relocation, or alterations to the exterior of historic buildings shall meet the provisions of SCCC 16.42.060(D) to be reviewed ministerially. ADUs and JADUs that exceed these provisions shall be subject to discretionary review per SCCC 16.42.060.

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

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

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

(a) An ADU can be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and all provisions of California Government Code Section ~~65852.2666341~~ are met.

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

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

(a) Unless owned by a government agency, land trust, or public or nonprofit housing organization, the property owner or relative of the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption, or by other satisfactory documentation of residence, on the parcel in either the primary dwelling unit, ~~ADU~~ or JADU. If the ~~ADU or~~ JADU is newly constructed on a parcel within a subdivision, then the purchaser or relative of the purchaser of said property shall permanently reside in either the main dwelling or the ~~ADU or~~ JADU, shall be required to submit a property tax exemption prior to occupancy of the ~~ADU or~~ JADU, and shall be subject to the deed restriction noted in subsection (G) ~~(5)(4)(b)~~ of this section.

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

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

(i) The declaration shall provide that the property owner or relative of the property owner permanently resides in either the primary dwelling or the JADU, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence. If the property is owned by a government agency, land trust, or public or nonprofit housing organization that is providing housing for special

populations, the declaration of restrictions shall indicate that any subsequent nonpublic owner shall abide by the terms of this subsection.

(ii) The declaration shall be binding on all successors in interest.

(iii) The declaration shall provide for the recovery by the County of reasonable attorney's fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any unauthorized occupancy or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(iv) The declaration shall provide a restriction on the size and attributes of the ~~ADU or~~ JADU that conforms with this section.

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

(H) Application Processing.

(1) Ministerial Review. Pursuant to Government Code Sections ~~65852.266317~~ and 66335, applications for ADUs and JADUs shall be approved or denied ministerially with a building permit, and no public notice or hearing shall be required, with the following exceptions:

(a) Exceptions to Ministerial Review.

(i) Inside the coastal zone, the following discretionary review requirements apply:

A. ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC ~~13.20.050~~13.20.061 or ~~13.20.054~~13.20.071, respectively, require issuance of a combined coastal development permit (CDP) and building permit, with noticing and appeal requirements per SCCC 13.20.107 and 13.20.108, and subject to findings per SCCC 13.20.110.

~~B. CDPs for~~ ADUs and JADUs located in the Commercial Agricultural (CA) zone district shall be subject to additional findings per SCCC 13.10.314~~(A) and (B)~~.

~~BC.~~ ADUs ~~applications in the coastal zone~~ in the Parks and Recreation (PR) zone district shall be ~~processed per SCCC 13.10.352(B)~~, subject to special findings conditions per SCCC 13.10.35~~4~~4(B). JADU applications in the PR zone district shall be reviewed ministerially.

~~CD.~~ ADUs and JADUs ~~applications in the coastal zone~~ in the Timber Production (TP) zone district shall be ~~processed per SCCC~~

~~13.10.372(B)~~, with subject to special findings per SCCC
13.10.3754(A).

(ii) ADU and JADU applications that do not meet the development standards contained in this section may require a variance (per SCCC 13.10.230), minor exception (per SCCC 13.10.235), or other discretionary approval.

(2) Ministerial Review Time. ADU and JADU applications that are subject to ministerial review must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed building permit application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.

(a) Exception to Ministerial Review Time. When a permit application to create an ADU or JADU is submitted along with a permit application for a new primary dwelling, the permit application for the ADU or JADU shall not be subject to a 60-day approval period but shall instead be subject to the approval period for the primary dwelling. If the new primary dwelling application requires discretionary review, the application for the ADU or JADU shall still be considered as a ministerially allowable use/development, unless the application meets one of the exceptions in subsection (H)(1)(a) of this section.

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

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

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

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

(4) Declarations of Restriction for Nonhabitable Structures. A recorded declaration of restriction limiting an existing accessory structure to nonhabitable use must be rescinded to allow ADUs or JADUs in these structures.

(I) Permit Allocations. Each ADU and JADU is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

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

- (1) A notice to correct a violation of any provision of any building standard for an ADU or JADU shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement.
- (2) The owner of an eligible ADU or JADU who receives a notice to correct violations or abate nuisances related to any building standard may submit a letter to the County of Santa Cruz Planning Department, Code Enforcement Division, requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to address an imminent hazard or dangerous condition.
- (3) The County of Santa Cruz shall grant a delay in enforcement if the Planning Department Code Enforcement Division, in consultation with the Building Official, determines that correcting the violation is not necessary to protect health and safety. The provisions of SCCC 12.01.070 shall not apply to ADUs for which this delay has been granted.

(K) Unpermitted ADUs

- (1) Notwithstanding any other law, and except as otherwise provided in SCCC 13.10.681(K)(2), a permit for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, shall not be denied due to either of the following:
 - (a) The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code (Enforcement of Building and Fire Codes).
 - (b) The ADU does not comply with state or local ADU or JADU laws.
- (2) Notwithstanding SCCC 13.10.681(K)(1), a permit for an ADU subject to SCCC 13.10.681(K)(1) may be denied if the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.
- (3) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

~~(KL)~~ Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the ADU ordinance. The annual analysis shall include the number of ADUs constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the coastal zone. JADUs are not required to be accounted for and reported upon in this annual review. The cumulative impact issue areas to be covered include, but are not limited to, traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The

preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

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

13.10.700-A "A" definitions.

"Accessory dwelling unit" or "ADU" means, in compliance with California Government Code Section ~~65852.266313~~, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of "kitchen"), and sanitation. See also "junior accessory dwelling unit," "conversion ADU," and "new construction ADU."

13.10.700-J "J" definitions.

"Junior accessory dwelling unit" or "JADU" means, in compliance with California Government Code Section ~~65852.2266313~~, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (~~area meeting the definition of efficiency-kitchen but not a standard kitchen~~ cooking facility with appliances and food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU), and shared or separate sanitation facilities with the main dwelling unit. See also "Accessory dwelling unit."