



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

October 5, 2009

AGENDA DATE: October 28, 2009

ITEM #: 10

TIME: After 9 AM

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

Subject: Public Hearing to consider minor "clean-up" amendments to the Santa Cruz County Code Chapters 5.08, 12.02, 13.10, 13.20, 14.01, 16.42, and 18.10

Members of the Commission:

In on-going efforts to improve the accuracy and functionality of the portions of the Santa Cruz County Code related to land use, Planning staff has identified numerous needed ordinance revisions. These 30 recommended minor ordinance amendments are before you today for your review and recommendation to the Board of Supervisors.

Minor amendments to County Code

Periodically, Planning staff identifies a number of corrections that are needed to the County Code and prepares a series of amendments to bring before your Commission for review and recommendation to the Board of Supervisors. Once again, Planning staff has compiled a list of needed corrections, with the intention of improving the internal consistency of the County Code and correcting typographical errors and minor inconsistencies with State law. These changes are minor, in that they do not involve a shift in County policy, or involve only minor changes to local regulations to be consistent with changes in State law. Planning staff has prepared an ordinance containing these minor amendments (Exhibit A). A detailed explanation of each of these proposed amendments, including the reason that the amendment is being recommended, is provided in Exhibit C.

Amendments to improve internal Code consistency

These amendments remove ambiguities in the County Code, so that our local regulations can be clearly understood and consistently applied. The amendments correct provisions in the Santa Cruz County Code that are inconsistent with County policies clearly stated elsewhere in the Code. Several of these minor amendments are required to ensure full implementation of recent ordinance amendments or new policies. To cite one example, the residential regulatory reforms approved in April 2008 included changes to the regulations for habitable accessory structures in County Code Section 13.10.611, and require either a Level 4 or Level 5 Use Approval for structures exceeding the specified size limits. To be consistent with this change,

the regulations for habitable accessory structures in the Agricultural Uses Chart in Section 13.12.312(b) also need to be amended.

Amendments correcting typographical errors

These amendments address numerous minor errors that have accumulated in the Code over the years, some of which obscure the meaning of the ordinance. These amendments include deleting extra words and correcting grammatical errors.

Amendments ensuring consistency with State law

These amendments address local regulations that should be amended to be consistent with changes in State law, but which will result in only minor changes to County regulations (see Exhibit E for the relevant State law provisions). For example, California law requires that the fees for a Vesting Tentative Map are determined at the time the map is deemed complete. However, Section 14.01.620(b) of the County Code states that fees are determined at the time the Vesting Tentative Map is filed. Since many of these State law provisions preempt local regulations, changes to our ordinance serve to codify changes to State laws that are already in effect.

CEQA Exemption

The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because there is no possibility that the proposed minor amendments will have a significant effect on the environment (Exhibit D).

Local Program Consistency

The proposed amendments involve only minor changes to coastal implementing ordinances (Chapters 13.10, 13.20, and 18.10) and will not result in any loss of agricultural land, any loss of coastal access, or any negative impact to public viewsheds within the Coastal Zone. The proposed amendment to Section 13.20.068(a)2(iv) ensures that the Coastal permits are issued in accordance with the amended language in the California Code of Regulations Section 13250. The amendments therefore meet the requirements of, and are consistent with, the County's certified Local Coastal Program and the California Coastal Act.

Recommendations

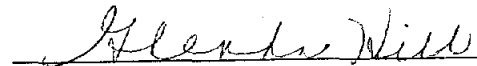
It is therefore RECOMMENDED that your Commission take the following actions:

1. Conduct a public hearing on the proposed "clean-up" ordinance amendments to Chapters 5.08, 12.02, 13.10, 13.20, 14.01, 16.42, and 18.10 of the County Code (Exhibit B); and
2. Adopt the resolution (Exhibit A) recommending that the Board of Supervisors approve the proposed ordinance amendments and certify the CEQA Notice of Exemption (Exhibit D).

Sincerely,



Annie Murphy
Planner II



Glenda Hill, AICP
Principal Planner

Exhibits:

Exhibit A: Resolution recommending approval of the proposed ordinance amendments
Attachment 1 to Exhibit A - Strikeout copy of the proposed Ordinance

Exhibit B: Clean Copy of the Ordinance

Exhibit C: Table summarizing clean-up amendments

Exhibit D: CEQA Notice of Exemption

Exhibit E: Text of State law relating to ordinance amendments

cc: County Counsel
Coastal Commission
Health Services Agency
Public Works

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 is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING MINOR AMENDMENTS TO
CHAPTERS 5.08, 12.02, 13.10, 13.20, 14.01, 16.42, AND 18.10 OF THE SANTA CRUZ
COUNTY CODE

WHEREAS, there are various corrections needed to the County Code to ensure internal code consistency, correct typographical errors, and make the Code consistent with State law; and

WHEREAS, the County of Santa Cruz has identified certain errors or corrections needed to the County Code; and

WHEREAS, the corrections to the County Code have been drafted and submitted to the Planning Commission for review (Attachment 1 to Exhibit A); and

WHEREAS, on October 28, 2009, the Planning Commission conducted a public hearing to consider the minor amendments to the Santa Cruz County Code; and

WHEREAS, the Planning Commission finds that the proposed amendments will be consistent with the policies of the General Plan and other provisions of the County Code, and will be consistent with State law; and

WHEREAS, the ordinance amendments have been found to be categorically exempt from further review under the California Environmental Quality Act; and

WHEREAS, Chapters 13.10, 13.20, and 18.10 are implementing ordinances of the Local Coastal Program (LCP) and the proposed amendments to these chapters constitute amendments to the LCP; and

WHEREAS, the proposed amendments to Chapters 13.10, 13.20 and 18.10 have been determined to be consistent with the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Planning Commission recommends that the minor amendments to the Santa Cruz County Code, and the Notice of Exemption, incorporated by reference, be approved by the Board of Supervisors.

Exhibit A

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2009 by the following vote:

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

Chairperson of the Planning Commission

ATTEST:

Secretary

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION: County Counsel
Planning Department

Exhibit A

ORDINANCE No. _____

**ORDINANCE AMENDING CHAPTERS 5.08, 12.02, 13.10, 13.20, 14.01, 16.42,
AND 18.10 OF THE SANTA CRUZ COUNTY CODE TO BE CONSISTENT
WITH STATE LAW, CORRECT TYPOGRAPHICAL ERRORS, AND CORRECT
INCONSISTENCES WITHIN THE COUNTY CODE.**

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

SECTION I

Subsection B. of Section 5.08.050, "Operation Requirements", of the Santa Cruz County Code is hereby repealed:

~~B. A minimum of one tub or shower and one toilet and washbasin shall be provided for the patrons in every bath or massage establishment; however, if male and female patrons are to be served simultaneously at the establishment, separate toilet facilities shall be provided for male and female patrons. Hot and cold running water under pressure, soap or detergent, and sanitary towels shall also be provided in all facilities.~~

SECTION II

Subsection 8 of Section 12.02.020, "Definitions", of the Santa Cruz County Code is hereby amended to read as follows:

8. Building permits for ~~guest houses, servant's quarters, and other structures~~ appurtenant to an existing or approved residence, provided that any subsequent conversion of such structures to permanent residential use shall not be exempt;

SECTION III

Section 13.10.278, "Violations of density limitations", of the Santa Cruz County Code is hereby amended to read as follows:

13.10.278 Violations of density limitations.

It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor to construct, enlarge, or modify a building or otherwise make a new use of a building for ~~a second or~~ an additional dwelling unit on a single parcel of land within any zone district unless a Development Permit has been obtained and is in effect which authorizes ~~such a second or~~ an additional dwelling unit.

SECTION IV

The categories "Inside the Coastal Zone", and "Outside the Coastal Zone" under "Dwelling unit, one detached single-family per parcel, subject to the provisions of Section 13.10.314", under "Agricultural Support and Related Facilities", in the "Agricultural Uses Chart" in Section 13.10.312(b) of the Santa Cruz County Code, are hereby amended to read as follows:

Inside the Coastal Zone
(Requires APAC review in the CA and AP zone districts)

| | | |
|---|-----|---|
| 5 | BP3 | 5 |
|---|-----|---|

Outside the Coastal Zone (Requires APAC review)

| | | |
|-----|-----|-----|
| BP3 | BP3 | BP3 |
|-----|-----|-----|

SECTION V

The category "Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of Section 13.10.611" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of Section 13.10.611

| | | |
|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|

SECTION VI

The category "Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.323(a))" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.323(a))

| | | |
|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|

SECTION VII

The category "Home occupations subject to the provisions of Section 13.10.613" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Home occupations subject to the provisions of Section 13.10.613

| | | |
|-----|-----|-----|
| P/5 | P/5 | P/5 |
|-----|-----|-----|

SECTION VIII

The category "Residential Care Home serving 6 or fewer residents" is hereby added under the category "Reservoirs or ponds" and above the category "Second Units..." under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, to read as follows:

Residential Care Home serving 6 or fewer residents,
(see Section 13.10.700-R definition)

| | | |
|----------|----------|----------|
| <u>P</u> | <u>P</u> | <u>P</u> |
|----------|----------|----------|

SECTION IX

The category "One Accessory structure, habitable (subject to Sections 13.10.611 and .323)" under "Accessory structures and uses, including", in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

One Accessory structure, habitable
(subject to Sections 13.10.611 and
.323)

| | | | | |
|--------|--------|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|--------|--------|

SECTION X

The category "Animal enclosures..." under "Accessory structures and uses, including" in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Animal enclosures: barns, stables,
paddocks, hutches and coops
(subject to the provisions of Sections
13.10.641 Stables and Paddocks; .
643 Animal Keeping in the RA Zone;
.644 Family Animal Raising; .645 bird
and small animal raising; .646 Turkey
Raising: these provisions require Level
5 in some cases. Also subject to
Section 13.10.611(c)(3)).

| | | | | |
|--------|--------|--------|----|----|
| BP/4/5 | BP/4/5 | BP/4/5 | -- | -- |
|--------|--------|--------|----|----|

~~In the R-1 Zone Districts,~~
~~Applications for non-habitable~~
~~accessory structures exceeding~~
~~specified size, height or story~~
~~restrictions shall be processed at~~
~~Level 4 outside the USL, and at~~
~~Level 5 inside the USL~~

SECTION XI

The category "Carports, detached; garages, detached; garden sheds" under "Accessory structures and uses, including" in the "Residential Uses Chart" in Section 13.10.322 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Carports, detached; garages,
detached; garden sheds
(subject to Sections 13.10.611
and 13.10.323)

| | | | | |
|--------|--------|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|--------|--------|

~~In the R-1 Zone District,
Applications for non-habitable
accessory structures exceeding
specified size, height or story
restrictions shall be processed at
Level 4 outside the USL, and at
Level 5 inside the USL~~

SECTION XII

The category "Dwelling units, multi-family" under "Residential Uses" in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Dwelling units, multi-family

2-4 units

5-19 units

20+ units

| | | | | |
|----|----|----|----|----|
| -- | -- | -- | -- | 5P |
| -- | -- | -- | -- | 6P |
| -- | -- | -- | -- | 7P |

SECTION XIII

A new category is hereby added under the category of "Nursing homes..." under "Residential Uses, such as" in the "Commercial Uses Chart" in Section 13.10.332(b) of the Santa Cruz County Code, to read as follows:

Residential Care Home serving 6 or fewer residents,
(see Section 13.10.700-R definition)

| | | | | | |
|---|---|---|---|---|---|
| P | P | P | P | P | P |
|---|---|---|---|---|---|

SECTION XIV

The first sentence of subsection 10.10.552(a)3 of Section 13.10.552, "Schedule of off-street parking space requirements", of the Santa Cruz County Code, is hereby amended to read as follows:

"No replacement mobile home may be installed in a mobile home park prior to approval of a parking certification ~~for~~ or an exception."

SECTION XV

Subsection 13.10.556(c) of Section 13.10.556, "Outdoor storage of personal property and materials", of the Santa Cruz County Code, is hereby amended to read as follows:

(c) Operative vehicles in excess of those allowed in the front yard pursuant to Section 13.10.554(d) must be parked in side or rear yards provided that the vehicle is screened from public view or stored within an approved structure constructed with the required building and zoning permits. Only one recreational vehicle or travel trailer may be stored on a property, pursuant to Section 13.10.683(i).

SECTION XVI

Section 13.10.611(c)(3), "Table Two, Level of Review, Size, Height, Number of Stories and Locational Regulations" of the Santa Cruz County Code is hereby amended to read as follows:

Section 13.10.611(c)(3)

TABLE TWO

**LEVEL OF REVIEW, SIZE, HEIGHT, NUMBER OF STORIES
AND LOCATIONAL REGULATIONS**

| | NON-HABITABLE | HABITABLE |
|---|--|--|
| SIZE, STORY AND HEIGHT RESTRICTIONS AND PERMIT REQUIRED | <p>Within the Urban Services Line (USL): Building Permit only for up to 640 square foot size, 2 story and 28-foot height.</p> <p>Outside the USL: Building Permit only for up to 1,000 square foot size, 3 story and 28-foot height.</p> | Building Permit only for up to 640 square foot size, 1 story and 17-foot height. |
| PERMIT REQUIRED IF EXCEEDS SIZE, STORY OR HEIGHT RESTRICTIONS | <p>Outside the Urban Services Line (USL): Level IV use approval</p> <p>Inside the USL: Level V use approval</p> | Level V use approval |
| <p>PERMIT REQUIRED IF EXCEEDS HEIGHT RESTRICTIONS</p> <p>(SEE SECTION 13.10.323(e)(5) FOR EXCEPTIONS)</p> | <u>Variance</u> | <p>Level V use approval for structures exceeding 17 feet, up to 28 feet</p> <p><u>Variance to exceed 28 feet</u></p> |
| PERMIT REQUIRED IF EXCEEDS STORY RESTRICTIONS | <u>Variance</u> | <p><u>Inside the USL:</u> Level V use approval for 2 stories <u>Variance for exceeding 2 stories</u></p> <p><u>Outside the USL:</u> Level V use approval for 2 or 3 stories <u>Variance for exceeding 3 stories</u></p> |
| NUMBER OF ACCESSORY STRUCTURES ALLOWED | No limit, if in compliance with the site regulations of the zone district. | One with Building Permit only. Maximum of two with Level V use approval. |
| LOCATIONAL RESTRICTIONS | None, if in compliance with the site regulations of the zone district | In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30%, unless a Level IV use approval is obtained. |

SECTION XVII

Subsection 13.10.611(c)(4) of Section 13.10.611, "Accessory Structures" of the Santa Cruz County Code is hereby amended to read as follows:

4. No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of-way, or be constructed on a slope greater than 30% unless a Level V Use Approval is obtained. Furthermore, a guest house can only be constructed and occupied on property where the property owner is a resident of the main structure. (Ord. 4324A, 8/9/94)

SECTION XVIII

Subsection (e)(2) of Section 13.10.623, "Massage and bath establishments", of the Santa Cruz County Code is hereby deleted:

~~(2) A minimum of one tub or shower and one toilet and wash basin shall be provided for the patrons in every bath or massage establishment; however, if male and female patrons are to be served simultaneously at said establishment, separate toilet facilities shall be provided for male and female patrons. Hot and cold running water under pressure, soap or detergent, and sanitary towels shall also be provided in all facilities.~~

SECTION XIX

Subsection (a)2(xvi) of Section 13.10.658 of the Santa Cruz County Code is hereby amended to read as follows:

(xvi) Parking requirements for small collection facilities shall conform to Section 13.10.553(j) (f).

SECTION XX

Section 13.10.683(i) of the Santa Cruz County Code is hereby amended to read as follows:

(i) A recreational, vehicle or travel trailer, maintained for the property owner's or occupant's recreational use, may be stored on the property. No utility connection is allowed, nor is any occupancy allowed. Such storage may not occur on any vacant parcel.

SECTION XXI

The definition for "Lot, Reversed Corner" in Section 13.10.700-L, "L Definitions", of the Santa Cruz County Code is hereby amended to read as follows:

Lot, Reversed Corner. A corner lot with three frontages, the side line of which is substantially a continuation of the front property line of the first lot to its rear. Property owner has only one opportunity to choose which yard is front and which yard is side.

SECTION XXII

Subsection (a)2(i) of Section 13.20.068, "Improvements to existing structures exemption", of the Santa Cruz County Code is hereby amended to read as follows:

- (i) Construction of ~~guest houses or~~ habitable accessory structures;

SECTION XXIII

Subsection (a)2(iv) of Section 13.20.068, "Improvements to existing structures exemption" of the Santa Cruz County Code, is hereby amended to read as follows:

- (iv) Where the residence or proposed improvement ~~would encroach~~ is located within 50 feet of the edge of a coastal bluff;

SECTION XXIV

Section 13.20.073(f) of the Santa Cruz County Code is hereby amended to read as follows:

- f) Water Supply Facilities. Water wells, well covers, pump houses, water storage tanks of less than ten thousand (10,000) gallons capacity and water distribution lines, including up to fifty (50) cubic yards of associated grading, provided that such water facilities are not in a groundwater emergency area as designated pursuant to Section 11.90.130 of the County Code pertaining to a Groundwater Emergencies and will be used for on-site agriculturally-related purposes only.

SECTION XXV

The first sentence of Subsection (b)2(i) of Section 13.20.150 of the Santa Cruz County Code is hereby amended to read as follows:

- i) System Master Plan based on buildout level in the Coastal Zone as defined in the General Plan and Local Coastal Program Chapter 1 and Policies 2.1.6 and 2.1.7 of the General Plan and Local Coastal Program Land Use Plan.

SECTION XXVI

The first sentence of Section 14.01.319 of the Santa Cruz County Code is hereby amended to read as follows:

The State Department of Transportation may file with the Director a map or an amended map of any territory within one mile on weither or both sides of any state highway in which territory it believes the subdivision would have an effect upon an existing state highway or a future state highway, the route of which has been adopted by the California Highway Commission.

SECTION XXVII

The first sentence of Section 14.01.620(b) of the Santa Cruz County Code is hereby amended to read as follows:

(b) The amount of any fee imposed on a subdivision development with an approved or conditionally approved vesting tentative map shall be determined at the time the final map or parcel map is filed deemed complete (unless expressly provided otherwise in the County Code) in accordance with the County Unified Fee Schedule.

SECTION XXIII

Subdivision (B) of Section 16.42.030(c)(2) of the Santa Cruz County Code, is hereby amended to read as follows:

(B) The demolition is other than minor, inconsequential or insignificant and has been determined by the Planning Director to affect the significance of the landmark or contributing resource;

SECTION XXIX

The third sentence, starting with "The amount of any recovery of rent", of Section 18.10.240(e), "Development Permit Agreement Condition", of the Santa Cruz County Code, is hereby amended to read as follows:

The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure or building shall be deposited ~~in the County's Affordable Housing Fund~~ into a fund designated by the Board of Supervisors.

SECTION XXX

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the

ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter.

SECTION XXXI

This Ordinance shall take effect on the 31st day after the date of final passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2009 by the following vote:

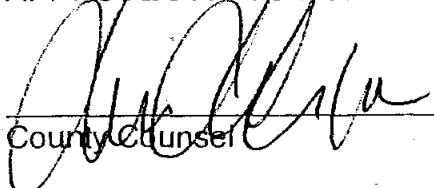
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chair of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: County Counsel
Planning Department

ORDINANCE No. _____

**ORDINANCE AMENDING CHAPTERS 5.08, 12.02, 13.10, 13.20, 14.01, 16.42,
AND 18.10 OF THE SANTA CRUZ COUNTY CODE TO BE CONSISTENT
WITH STATE LAW, CORRECT TYPOGRAPHICAL ERRORS, AND CORRECT
INCONSISTENCES WITHIN THE COUNTY CODE.**

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

SECTION I

Subsection B. of Section 5.08.050, "Operation Requirements", of the Santa Cruz County Code is hereby repealed.

SECTION II

Subsection 8 of Section 12.02.020, "Definitions", of the Santa Cruz County Code is hereby amended to read as follows:

8. Building permits for structures appurtenant to an existing or approved residence, provided that any subsequent conversion of such structures to permanent residential use shall not be exempt;

SECTION III

Section 13.10.278, "Violations of density limitations", of the Santa Cruz County Code is hereby amended to read as follows:

13.10.278 Violations of density limitations.

It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor to construct, enlarge, or modify a building or otherwise make a new use of a building for an additional dwelling unit on a single parcel of land within any zone district unless a Development Permit has been obtained and is in effect which authorizes an additional dwelling unit.

SECTION IV

The categories "Inside the Coastal Zone", and "Outside the Coastal Zone" under "Dwelling unit, one detached single-family per parcel, subject to the provisions of Section 13.10.314", under "Agricultural Support and Related Facilities", in the "Agricultural Uses Chart" in Section 13.10.312(b) of the Santa Cruz County Code, are hereby amended to read as follows:

Inside the Coastal Zone
(Requires APAC review in the CA and AP zone districts)

| | | |
|---|-----|---|
| 5 | BP3 | 5 |
|---|-----|---|

Outside the Coastal Zone

| | | |
|-----|-----|-----|
| BP3 | BP3 | BP3 |
|-----|-----|-----|

SECTION V

The category "Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of Section 13.10.611" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of Section 13.10.611

| | | |
|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|

SECTION VI

The category "Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.323(a))" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.323(a))

| | | |
|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|

SECTION VII

The category "Home occupations subject to the provisions of Section 13.10.613" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Home occupations subject to the provisions of Section 13.10.613

| | | |
|-----|-----|-----|
| P/5 | P/5 | P/5 |
|-----|-----|-----|

SECTION VIII

The category "Residential Care Home serving 6 or fewer residents" is hereby added under the category "Reservoirs or ponds" and above the category "Second Units..." under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, to read as follows:

Residential Care Home serving 6 or fewer residents,
(see Section 13.10.700-R definition)

| | | |
|---|---|---|
| P | P | P |
|---|---|---|

SECTION IX

The category "One Accessory structure, habitable (subject to Sections 13.10.611 and .323)" under "Accessory structures and uses, including", in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

One Accessory structure, habitable
(subject to Sections 13.10.611 and
.323)

| | | | | |
|--------|--------|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|--------|--------|

SECTION X

The category "Animal enclosures..." under "Accessory structures and uses, including" in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Animal enclosures: barns, stables,
paddocks, hutches and coops
(subject to the provisions of Sections
13.10.641 Stables and Paddocks; .
643 Animal Keeping in the RA Zone;
.644 Family Animal Raising; .645 bird
and small animal raising; .646 Turkey
Raising: these provisions require Level
5 in some cases. Also subject to
Section 13.10.611(c)(3)).

| | | | | |
|--------|--------|--------|----|----|
| BP/4/5 | BP/4/5 | BP/4/5 | -- | -- |
|--------|--------|--------|----|----|

SECTION XI

The category "Carports, detached; garages, detached; garden sheds" under "Accessory structures and uses, including" in the "Residential Uses Chart" in Section 13.10.322 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Carports, detached; garages,
detached; garden sheds
(subject to Sections 13.10.611
and 13.10.323)

| | | | | |
|--------|--------|--------|--------|--------|
| BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 | BP/4/5 |
|--------|--------|--------|--------|--------|

SECTION XII

The category "Dwelling units, multi-family" under "Residential Uses" in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Dwelling units, multi-family

2-4 units

5-19 units

20+ units

| | | | | |
|----|----|----|----|----|
| -- | -- | -- | -- | 5P |
| -- | -- | -- | -- | 6P |
| -- | -- | -- | -- | 7P |

SECTION XIII

A new category is hereby added under the category of "Nursing homes..." under "Residential Uses, such as" in the "Commercial Uses Chart" in Section 13.10.332(b) of the Santa Cruz County Code, to read as follows:

Residential Care Home serving 6 or fewer residents,
(see Section 13.10.700-R definition)

| | | | | | |
|---|---|---|---|---|---|
| P | P | P | P | P | P |
|---|---|---|---|---|---|

SECTION XIV

The first sentence of subsection 10.10.552(a)3 of Section 13.10.552, "Schedule of off-street parking space requirements", of the Santa Cruz County Code, is hereby amended to read as follows:

"No replacement mobile home may be installed in a mobile home park prior to approval of a parking certification or an exception."

SECTION XV

Subsection 13.10.556(c) of Section 13.10.556, "Outdoor storage of personal property and materials", of the Santa Cruz County Code, is hereby amended to read as follows:

(c) Operative vehicles in excess of those allowed in the front yard pursuant to Section 13.10.554(d) must be parked in side or rear yards provided that the vehicle is screened from public view or stored within an approved structure constructed with the required building and zoning permits. Only one recreational vehicle or travel trailer may be stored on a property, pursuant to Section 13.10.683(i).

SECTION XVI

Section 13.10.611(c)(3), "Table Two, Level of Review, Size, Height, Number of Stories and Locational Regulations" of the Santa Cruz County Code is hereby amended to read as follows:

Section 13.10.611(c)(3)

TABLE TWO

**LEVEL OF REVIEW, SIZE, HEIGHT, NUMBER OF STORIES
AND LOCATIONAL REGULATIONS**

| | NON-HABITABLE | HABITABLE |
|--|--|--|
| SIZE, STORY AND HEIGHT RESTRICTIONS AND PERMIT REQUIRED | <p>Within the Urban Services Line (USL): Building Permit only for up to 640 square foot size, 2 story and 28-foot height.</p> <p>Outside the USL: Building Permit only for up to 1,000 square foot size, 3 story and 28-foot height.</p> | Building Permit only for up to 640 square foot size, 1 story and 17-foot height. |
| PERMIT REQUIRED IF EXCEEDS SIZE RESTRICTIONS | <p>Outside the Urban Services Line (USL): Level IV use approval</p> <p>Inside the USL: Level V use approval</p> | Level V use approval |
| PERMIT REQUIRED IF EXCEEDS HEIGHT RESTRICTIONS (SEE SECTION 13.10.323(e)(5) FOR EXCEPTIONS) | Variance | <p>Level V use approval for structures exceeding 17 feet, up to 28 feet</p> <p>Variance to exceed 28 feet</p> |
| PERMIT REQUIRED IF EXCEEDS STORY RESTRICTIONS | Variance | <p>Inside the USL: Level V use approval for 2 stories Variance for exceeding 2 stories</p> <p>Outside the USL: Level V use approval for 2 or 3 stories Variance for exceeding 3 stories</p> |
| NUMBER OF ACCESSORY STRUCTURES ALLOWED | No limit, if in compliance with the site regulations of the zone district. | One with Building Permit only. Maximum of two with Level V use approval. |
| LOCATIONAL RESTRICTIONS | None, if in compliance with the site regulations of the zone district | In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30%, unless a Level IV use approval is obtained. |

SECTION XVII

Subsection 13.10.611(c)(4) of Section 13.10.611, "Accessory Structures" of the Santa Cruz County Code is hereby amended to read as follows:

4. No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of-way, or be constructed on a slope greater than 30% unless a Level V Use Approval is obtained. (Ord. 4324A, 8/9/94)

SECTION XVIII

Subsection (e)(2) of Section 13.10.623, "Massage and bath establishments", of the Santa Cruz County Code is hereby deleted.

SECTION XIX

Subsection (a)2(xvi) of Section 13.10.658 of the Santa Cruz County Code is hereby amended to read as follows:

(xvi) Parking requirements for small collection facilities shall conform to Section 13.10.553(f).

SECTION XX

Section 13.10.683(i) of the Santa Cruz County Code is hereby amended to read as follows:

(i) A recreational vehicle or travel trailer, maintained for the property owner's or occupant's recreational use, may be stored on the property. No utility connection is allowed, nor is any occupancy allowed. Such storage may not occur on any vacant parcel.

SECTION XXI

The definition for "Lot, Reversed Corner" in Section 13.10.700-L, "L Definitions", of the Santa Cruz County Code is hereby amended to read as follows:

Lot, Reversed Corner. A corner lot with three frontages, the side line of which is substantially a continuation of the front property line of the first lot to its rear. Property owner has only one opportunity to choose which yard is front and which yard is side.

SECTION XXII

Subsection (a)2(i) of Section 13.20.068, "Improvements to existing structures exemption", of the Santa Cruz County Code is hereby amended to read as follows:

- (i) Construction of habitable accessory structures;

SECTION XXIII

Subsection (a)2(iv) of Section 13.20.068, "Improvements to existing structures exemption" of the Santa Cruz County Code, is hereby amended to read as follows:

- (iv) Where the residence or proposed improvement is located within 50 feet of the edge of a coastal bluff;

SECTION XXIV

Section 13.20.073(f) of the Santa Cruz County Code is hereby amended to read as follows:

- f) **Water Supply Facilities.** Water wells, well covers, pump houses, water storage tanks of less than ten thousand (10,000) gallons capacity and water distribution lines, including up to fifty (50) cubic yards of associated grading, provided that such water facilities are not in a groundwater emergency area as designated pursuant to Section 11.90.130 of the County Code pertaining to Groundwater Emergencies and will be used for on-site agriculturally-related purposes only.

SECTION XXV

The first sentence of Subsection (b)2(i) of Section 13.20.150 of the Santa Cruz County Code is hereby amended to read as follows:

- i) System Master Plan based on buildout level in the Coastal Zone as defined in the General Plan and Local Coastal Program Chapter 1 and Policies 2.1.6 and 2.1.7 of the General Plan and Local Coastal Program Land Use Plan.

SECTION XXVI

The first sentence of Section 14.01.319 of the Santa Cruz County Code is hereby amended to read as follows:

The State Department of Transportation may file with the Director a map or an amended map of any territory within one mile on either or both sides of any state highway in which territory it believes the subdivision would have an effect upon an existing state highway or a future state highway, the route of which has been adopted by the California Highway Commission.

SECTION XXVII

The first sentence of Section 14.01.620(b) of the Santa Cruz County Code is hereby amended to read as follows:

(b) The amount of any fee imposed on a subdivision development with an approved or conditionally approved vesting tentative map shall be determined at the time the final map or parcel map is deemed complete (unless expressly provided otherwise in the County Code) in accordance with the County Unified Fee Schedule.

SECTION XXVIII

Subdivision (B) of Section 16.42.030(c)(2) of the Santa Cruz County Code is hereby amended to read as follows:

(B) The demolition is other than minor, inconsequential or insignificant and has been determined by the Planning Director to affect the significance of the landmark or contributing resource.

SECTION XXIX

The third sentence, starting with "The amount of any recovery of rent", of Section 18.10.240(e), "Development Permit Agreement Condition", of the Santa Cruz County Code is hereby amended to read as follows:

The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure or building shall be deposited into a fund designated by the Board of Supervisors.

SECTION XXX

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter.

SECTION XXXI

This Ordinance shall take effect on the 31st day after the date of final passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2009 by the following vote:

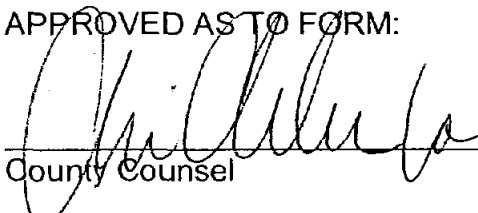
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chair of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: County Counsel
 Planning Department

CLEAN-UP AMENDMENTS TO THE SANTA CRUZ COUNTY CODE

Internal Code Consistency:

1. Amend subsections 12.02.020(8), 13.10.611(c) 4, and 13.20.068(a)(2)(i) to delete references to "guesthouse" and "servant's quarters" in the County Code, as we have deleted these terms from our definitions.
2. Amend Section 13.10.278, removing the reference stating that it is unlawful for a person to construct a second unit unless a Development Permit is obtained. A development permit for a second unit is no longer required by State law or the County Code.
3. Amend 13.10.312(b), removing the reference to APAC review for a dwelling unit located outside the Coastal Zone, to instead state that APAC review is required for dwelling units inside the Coastal Zone in the CA and AP Zone Districts, as is consistent with Section 13.10.314.
4. Amend 13.10.312(b), the Agricultural Uses Chart to include a Level 4 Use Approval as an additional approval level for habitable accessory structures, as is consistent with Section 13.10.611(c) 3.
5. Amend 13.10.312(b) "Agricultural Uses Chart" to include a Level 5 Use Approval for non-habitable accessory structures, as is consistent with Section 13.10.611(c) 3.
6. Amend 13.10.312(b) "Agricultural Uses Chart" to include a Level 5 Use Approval for home occupations, as is consistent with the requirements in Section 13.10.613.
7. Amend 13.10.322(b) "Residential Uses Chart" to include a Level 4 Use Approval for habitable accessory structures, as is consistent with Section 13.10.611(c) 3.
8. Amend 13.10.322(b), "Residential Uses Chart" to include a Level 5 Use Approval for animal enclosures, as is consistent with Section 13.10.611(c) 3.
9. Amend 13.10.322(b), "Residential Uses Chart" to include a Level 4 or Level 5 Use Approval for carports, detached garages, and garden sheds, as is consistent with Section 13.10.611(c) 3.
10. Amend Section 13.10.556(c), "Outdoor storage of personal property and materials", to state that only one RV or travel trailer may be stored on a property, as is consistent with Section 13.10.683(i).
11. Amend 13.10.611(c)(3) to clarify that a variance is required for habitable and non-habitable accessory structures exceeding the 28' height limit, or exceeding the 2-story limit in the Urban Services Line or the 3-story limit outside the USL, as is consistent with the requirements for other residential structures as specified in Section 13.10.323(b).
12. Amend Section 13.10.700-L, the definition of "Lot- Reversed Corner" to clearly indicate that a reversed corner lot has three frontages.
13. Amend 18.10.240(e), Development Permit Agreement Condition, reflecting changes already made to Section 13.10.611(d), to state that recovery of rents from illegally converted structure shall be "deposited into a fund designated by the Board of Supervisors".

Consistency with State Law (See also Exhibit E):

1. Amend County Code sections 5.08.050.B and 13.10.623 regarding massage establishments to delete the requirement for additional restroom and shower facilities. This change is consistent with Section 4612(b)(5) of the Business and Professions Code, which prohibits a local government from requiring additional restroom or shower facilities that are not also required for other types of commercial establishments.
2. Amend Section 13.10.312(b), Agricultural Uses Chart, to add a residential care home serving 6 or fewer residents as a principal permitted use, as is consistent with Section 1566.3 of the Health and Safety Code.
3. Amend Section 13.10.332(b), Commercial Uses Chart, to add a residential care home serving 6 or fewer residents is a principal permitted use, as is consistent with Section 1566.3 of the Health and Safety Code.
4. Amend section 13.20.068(a)(2)(iv) regarding coastal exemptions for structures located on Coastal Bluffs, changing the phrase "would encroach" to "is located", meaning that if either the proposed or the existing development is located within 50 feet of a Coastal Bluff, then a Coastal Permit is required. This change is consistent with the California Code of Regulations Section 13250.
5. Amend Section 14.01.620(b) to require fees be determined at the time the Vesting Tentative Map is deemed complete, to comply with Government Code Section 66410. Currently, Section 14.01.620(b) states that fees shall be determined at the time the final or parcel map is filed.

Typographical errors:

1. Amend Section 13.10.322(b), "Residential uses Chart":
Under "Residential Uses", "Dwelling units, multi-family" change "5-9 units" to "5-19" units
2. Amend Section 13.10.552(a) 3, changing "a parking certification for an exception" to "a parking certification or an exception".
3. Amend Section 13.10.658(a) 2(xvi) to reference the correct Code section 13.10.553 (f), deleting the current incorrect reference to 13.10.533(j).
4. Amend Section 13.10.683(i) to delete an extra comma between the words "recreational" and "vehicle".
5. Amend Section 13.20.073(f) to delete the word "a" in the phrase "pertaining to a Groundwater Emergencies", and add the word "and".
6. Amend 13.20.150(b) 2(i) to change the word "a" in the first sentence to "as":
...buildout level in the Coastal Zone a as defined in the General Plan"
7. Amend Section 14.01.319 to change the word "wither" to "either", and adding the word "the":
"...within one mile on wither either or both sides of any state highway"
"... in which territory it believes the subdivision..."
8. Amend Section 16.42.030(c)(2)(B), changing the semicolon to a period:
...affect the significance of the landmark or contributing resource; .

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of the CEQA Guidelines for the reason(s) which have been specified in this document.

Application Number: N/A

Assessor Parcel Numbers: Various parcels throughout County

Project Location: Countywide

Project Description: Minor amendments to Chapters 5.08, 12.02, 13.10, 13.20, 14.01, 16.42, and 18.10 of the Santa Cruz County Code to correct minor errors.

Person or Agency Proposing Project: County of Santa Cruz

Contact Phone Number: Annie Murphy (831) 454-3111

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. ☒ Categorical Exemption under CEQA Guidelines section 15601(b)(3).

Reasons why the project is exempt: The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15601(b)(3), a general rule stating that when it can be determined with certainty that a project will not have a significant effect on the environment, that project is exempt from CEQA. The minor amendments correct internal inconsistencies in the Santa Cruz County Code, correct typographical errors, and correct minor inconsistencies with State Law. Therefore, the amendments will not result in changes to County policy and do not have the potential to cause significant environmental effects.


Annie Murphy: Project Planner



Date:

EXHIBIT E:
STATE LAW PROVISIONS RELATING TO ORDINANCE AMENDMENTS

1. Amendments to County Code Sections 5.05.050.B and 13.10.623 relating to restrooms in massage establishments:

Business and Professions Code Section 4612(b)(5)

Local building code or physical facility requirements applicable to massage establishments or businesses shall not require additional restroom, shower, or other facilities that are not uniformly applicable to other professional or personal service businesses, nor shall building or facility requirements be adopted that (A) require unlocked doors when there is no staff available to assure security for clients and massage staff who are behind closed doors, or (B) require windows that provide a view into massage rooms that interfere with the privacy of clients of the massage business.

2. Amendments to County Code Sections 13.10.312(b) and 13.10.332(b) relating to residential care homes as a principal permitted use:

Health and Safety Code 1566.3

(a) Whether or not unrelated persons are living together, a residential facility that serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article.

(b) For the purpose of all local ordinances, a residential facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or the mentally infirm, foster care home, guest home, rest home, sanitarium, mental hygiene home, or other similar term which implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

(e) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

(f) Use of a family dwelling for purposes of a residential facility serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1. 5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent such sections are applicable to residential facilities providing care for six or fewer residents.

(g) For the purposes of this section, "family dwelling," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

3. Amendments to County Code Sections 13.20.068(a)(2)(iv) regarding coastal exemptions for new structures or additions to structures located on coastal bluffs:

California Administrative Code Title 14, Section 13250

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.

4. Amendments to County Code Sections 14.01.620(b) regarding when fees are determined for Vesting Tentative maps:

Government Code Section 66498.1.

(a) Whenever a provision of this division requires that a tentative map be filed, a vesting tentative map may instead be filed.

(b) When a local agency approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2. However, if Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

Government Code Section 66474.2.

(a) Except as otherwise provided in subdivision (b) or (c), in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.

(b) Subdivision (a) shall not apply to a local agency which, before it has determined an application for a tentative map to be complete pursuant to Section 65943, has done both of the following:

(1) Initiated proceedings by way of ordinance, resolution, or motion.

(2) Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.

A local agency which has complied with this subdivision may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map.

(c) If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.