

ORDINANCE NO. 5382

ORDINANCE OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF SANTA CRUZ AMENDING SANTA CRUZ COUNTY CODE SECTIONS 13.10.312, 13.10.323, 13.10.352, 13.10.372, 13.10.418, 13.10.681, AND 13.10.700, AND ADDING SECTION 13.20.051 REGARDING ACCESSORY DWELLING UNITS AND DE MINIMIS PROCEDURES FOR CERTAIN COASTAL DEVELOPMENT PERMITS

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 the Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

USE	CA	A	AP (P Comb.+)
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU), subject to the provisions of SCCC 13.10.681	BP	BP	—

SECTION II

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

- (i) An accessory structure which is attached to the main building shall be considered a part thereof and shall be required to have the same setbacks as the main structure, except that Accessory Dwelling Units must be allowed side and rear setbacks of 4 feet and accessory structures that are demolished/rebuilt as ADUs must be allowed the same setback as the demolished structure, subject to compliance with SCCC 7.92 (Fire Code), SCCC 12.10 (Building Regulations), and Title 16 (Environmental and Resource Protection).

SECTION III

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

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

SECTION IV

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

USE	PERMIT REQUIRED
Residential: one single-family dwelling per existing parcel of record	3
Dwelling groups of single-family dwelling (subject to the density and other requirements in SCCC 13.10.373 , 13.10.374 , and 13.10.375)	5 (2 dwelling units) 7 (more than 2 dwelling units)

USE	PERMIT REQUIRED
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) subject to SCCC 13.10.681 Inside the coastal zone Outside the coastal zone	 2A BP
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and SCCC 13.10.700-C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P
Mobile home, temporary, for not more than five years for a caretaker or watchman in isolated areas on a minimum of 10 acres	5
Hosted rentals, subject to SCCC 13.10.690	1P

SECTION V

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.418(A) to read as follows:

13.10.418 Use and development standards in the “D” Designated Park Site Combining District.

(A) Any project located within the “D” Combining District for which an application for one or more of the following permits or approvals is submitted in accordance with SCCC 18.10 may, at the discretion of the Director of Parks, Open Space and Cultural Services, be submitted to the County Parks and Recreation Commission for a park site review pursuant to SCCC 15.01.090(C):

- (1) A building permit for a new single-family dwelling;
- (2) A building permit for a new accessory dwelling unit inside the coastal zone;
- (3) A coastal development permit for a new single-family dwelling or an accessory dwelling unit that is not exempt or excluded pursuant to SCCC 13.20;
- (4) A land division permit;
- (5) A commercial development permit;
- (6) A policy amendment; or
- (7) Any other development permit processed at Level V or greater.

Each member of the Board of Supervisors shall be notified by the Director in writing if the determination of the Director is not to proceed with the review, and a member shall have 10 calendar days following receipt of such notification by the Board to refer the application to the Parks and Recreation Commission. The Parks and Recreation Commission shall consider possible County acquisition of the land and appropriate recreational development and use of it, pursuant to SCCC 15.01.

SECTION VI

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 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of Kitchen), and sanitation.

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

(3) "New Construction ADU" shall be defined per SCCC 13.10.700-N: An ADU that does not meet the definition of Conversion 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 half-plexes) 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 re-labeled 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) Up to two detached ADUs, which may be attached to each other; and

- (ii) Conversion ADUs associated with up to 25 percent of multifamily units. Conversion ADUs in multifamily developments must be converted from areas not previously used as living space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - (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 (a) of this section and permitted multifamily dwellings shall be subject to subsection (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.
- (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)(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 SCCC 7.92 (Fire Code), SCCC 12.10 (Building Regulations), or 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 if stairway windows are minimum 52 inches from floor level.

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

(C) ADUs shall be subject to environmental buffers and constraints identified per 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.

(iii) Minimum separation distance between ADUs and other structures shall be 3 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 13.11.052), 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.

(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.

(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 13.10.552, 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 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 SCCC 7.92 (Fire Code) and SCCC 12.10 (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% of the existing primary dwelling square footage per California Residential Code Section R313.2.

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

(iii) 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.

(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 onsite water treatment system, a percolation test must be completed within the last five years or if the percolation test has been recertified, within the last 10 years.

(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 SCCC 7.92 (Fire Code) or SCCC 12.10 (Building Regulations) or to correct illegal right-of-way encroachments.

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

(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 façade 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 SCCC 13.13: 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 65852.26 are met.

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

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

(a) Unless owned by a government agency, land trust, or public or nonprofit housing organization, the property owner 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) 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 reside in either the primary dwelling or the ADU, 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 Section 65852.2, applications for ADUs and JADUs shall be approved or denied ministerially with a building permit, and no public notice or hearing shall be required, with the following exceptions.

(a) Exceptions to Ministerial Review.

(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 or 13.20.051 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. 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).

(B) ADU 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 per SCCC 13.10.355. JADU applications in the PR zone district shall be reviewed ministerially.

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

(ii) ADU and JADU applications that do not meet the development standards contained in SCCC 13.10.681 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 SCCC 12.02.

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

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

(2) The owner of an eligible ADU or JADU 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) 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 VII

The Santa Cruz County Code is hereby amended by changing the definition of "Conversion ADU" and "Kitchen" in SCCC 13.10.700 to read as follows:

“Conversion ADU” shall mean the conversion of any portion of a legal accessory structure, or any portion of a single-family dwelling, or any garage, for the purpose of creating an accessory dwelling unit (ADU). Conversion ADUs can include demolition and rebuilding of a structure in the same footprint. 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.

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

SECTION VIII

The Santa Cruz County Code is hereby amended to add SCCC 13.20.051, to read as follows:

13.20.051 De Minimis Waiver of CDP.

The Planning Director has discretion to waive the requirement for a CDP through a De Minimis CDP Waiver in compliance with this section upon a written determination that the development meets all of the criteria and procedural requirements set forth in subsections A through G below:

- (A) No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.
- (B) LCP Consistency. The development is consistent with the LCP.
- (C) Not Appealable to the Coastal Commission. The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission.
- (D) Notice. Public notice of the proposed De Minimis CDP Waiver and opportunities for public comment shall be provided as required by SCCC 18.10, including notice to the Coastal Commission.
- (E) Executive Director Determination. The Planning Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a public hearing (see subsection F below). If the Executive Director notifies the Planning Director that a waiver should not be issued, the applicant shall be required to obtain a CDP if the applicant wishes to proceed with the development.
- (F) Review and Concurrence.

- (1) The Planning Director's determination to issue a De Minimis CDP Waiver shall be subject to review and concurrence by the Zoning Administrator (ZA) as considered at a public meeting of the ZA.
 - (2) The Planning Director shall not issue a De Minimis CDP Waiver until the public comment period expires, which period shall include at a minimum the reporting and consideration of the waiver at a public meeting. At such public meeting of the ZA, the matter may be included as a consent calendar item, however it may be shifted to the regular agenda and the public shall have the opportunity to testify and otherwise participate in the consideration of the De Minimis CDP Waiver. If the ZA does not approve the waiver, the De Minimis CDP Waiver shall not be issued and, instead, an application for a CDP shall be required and processed in accordance with the provisions of this chapter. Otherwise, the De Minimis CDP Waiver shall be deemed approved, effective, and issued the day of the public meeting.
 - (3) In addition to the noticing requirements in Section (D) above, the Planning Director, within seven calendar days of the effective date of a De Minimis CDP Waiver, shall send a Final Local Action Notice (FLAN) via first class mail describing the issuance and effectiveness of the De Minimis CDP Waiver to the Coastal Commission and any persons who specifically requested notice of such action.
- (G) Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular CDP shall be required for the development and/or use.

SECTION IX

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 regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment.

SECTION X

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


PASSED AND ADOPTED this 19th day of October 2021, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Supervisors: Coonerty, Caput, Koenig, Friend, and McPherson
NOES: None
ABSENT: None
ABSTAIN: None

DocuSigned by:
Bruce McPherson
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CHAIRPERSON, BOARD OF SUPERVISORS DS

DocuSigned by:
Stephanie Cabrera
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ATTEST: _____
Clerk of the Board



APPROVED AS TO FORM:

DocuSigned by:
Daniel Bazqueta
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Office of the County Counsel

10/5/2021 (AMS# 11506)