

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE  
INTERPRETATION**

Interpretation No.: RES-CDP-02 (Residential Improvements Requiring Coastal Approvals)

Effective Date: 03/01/10

Originally Issued: (Replaces RES-CDP-01, issued 6/1/03)

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**Question**

*What improvements to an existing single-family residence in the Coastal Zone are exempt from the requirement for a Coastal Approval?*

**Applicable Ordinance Section(s)**

**13.20.068(a)**

**13.20.070 through 13.20.078**

**California Administrative Code Title 14, Section 13250**

**INTERPRETATION:**

The following table lists exempt and non-exempt work for single-family residences located outside the appealable area:

<b>Exempt Work</b>	<b>Non-Exempt work</b>
Additions of new enclosed and covered floor area less than 500 sq. ft. * to an existing building or a new attached carport less than 500 sq. ft. <i>13.20.068(a)(1)(i)</i>	Additions of new enclosed and covered floor area 500 sq. ft. or greater* to an existing building or a new carport 500 sq. ft. or greater. <i>13.20.068(a)(1)(i)</i>
A new building less than 500 sq. ft.*, including both non-habitable and habitable accessory structures, or a new carport less than 500 sq. ft. <i>13.20.068(a)(1)(i), (2)(i)</i>	Any new building or carport 500 square feet* or greater. A habitable accessory structure with a bathroom. Second units. <i>13.20.068(a)(1)(i), 13.20.068(a)(2)(i)</i>
Demolition of structures other than buildings or carports, including decks and fences. Demolition less than 500 sq. ft. of a building or portion of a building.	Demolition of 500 sq. ft. or more of a building or portion of a building or carport.
Non-building improvements, such as swimming pools, fences, retaining walls and decks (attached, detached, enclosed and covered decks), and landscaping. <i>13.20.068(a)(1)(iii, iv)</i>	
The replacement of existing legal water storage tanks, wells, or septic systems. <i>13.20.068(a)(1)(v)</i>	The expansion of existing or the construction of new water wells or septic systems. <i>13.20.068(a)(2)(vi)</i>
Conversions of non-habitable structures or portions of a structure to habitable structures or areas, including non-habitable attics to habitable areas, except for conversions to a second unit or adding a bathroom to a habitable accessory structure. <i>13.20.068(a)(2)(i)</i>	Conversion of an existing structure to a second unit or to a habitable accessory structure with a bathroom. <i>13.20.068(a)(2)(i)</i>
	Any proposed improvement, new structure, or alterations to an existing structure, where the existing structure or the additions and/or alterations are located within 50 feet of the edge of a coastal bluff, on a beach, wetland, or seaward of the mean high tide line. Any significant alteration of land forms on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff. <i>13.20.068(a)(2)(iii, iv, v)</i>
	Any improvements where a previous Coastal Approval indicated that future improvements would require an Amendment or Coastal Approval. <i>13.20.068(a)(2)(ii)</i>

\* The square footage of new additions or structures is based upon a “net increase”:  
 If demolition of a building or portion of a building less than 500 sq ft occurs concurrently with an addition or a new structure, then the square footage of the area being demolished is subtracted from the square footage of the addition or new structure to determine the net increase. Demolition of structures other than buildings, such as decks, is not subtracted from the square footage of a new addition or structure in determining the net increase. Demolition exceeding 500 sq ft requires a Coastal Approval and cannot be subtracted from the square footage of the new addition or structure in determining the net increase. New single-family dwellings are not exempt from the requirement for a Coastal Approval.

The following table lists exempt and non-exempt work for single-family residences located inside the appealable area:

Exempt Work	Non-Exempt work
Additions of new enclosed covered floor area or a carport of up to 10% of an existing structure or up to 250 square feet*, whichever is less (one time only). <i>13.20.068(a)(1)(ii)</i>	Additions of new enclosed covered floor area or a carport that exceed 10% of the existing structure or that exceed 250 square feet*. <i>13.20.068(a)(1)(ii)</i>
New buildings up to 250 square feet*, including carports and habitable and non-habitable accessory structures (one time only). <i>13.20.068(a)(1)(ii)</i>	Any habitable accessory structure with a bathroom or a second unit. All new buildings, including garages and carports, that exceed 250 square feet*. <i>13.20.068(a)(1)(ii)</i>
Demolition of structures other than buildings, including decks and fences. Demolition of up to 250 square feet* of a building or portion of a building.	Demolition exceeding 250 square feet* of a building or carport or portion of a building.
Non-building improvements, such as swimming pools and decks (including attached, detached, enclosed and covered decks), landscaping, fences and retaining walls, excluding front yard or street-side fences or retaining walls greater than 3 feet in height. <i>13.20.068(a)(1)(iii)</i>	Front yard or street-side fences or retaining walls greater than 3 feet in height. <i>13.20.068(a)(1)(iii)</i>
The replacement of existing water storage tanks, wells, or septic systems <i>13.20.068(a)(1)(v)</i>	The expansion or construction of water wells or septic systems <i>13.20.068(a)(1)(v)</i>
Conversions of non-habitable structures or portions of a structure to habitable structures or areas, including non-habitable attics to habitable areas, except for conversions to a second unit or adding a bathroom to a habitable accessory structure. <i>13.20.068(a)(2)(i)</i>	Conversion of an existing structure to a second unit or to a habitable accessory structure with a bathroom. <i>13.20.068(a)(2)(i)</i>
	Any proposed improvements or new structures, or additions or alterations to an existing structure, where the existing structure or the additions and/or alterations are located within 50 feet of the edge of a coastal bluff, on a beach, wetland, or seaward of the mean high tide line. Any significant alteration of land forms on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff. <i>13.20.068(a)(2)(iii, iv, v)</i>
	Any improvements where a previous Coastal Approval indicated that future improvements would require an Amendment or Coastal Approval. <i>13.20.068(a)2(ii)</i>

\* The square footage of new additions or structures is based upon a “net increase”:

If demolition of up to 250 square feet of a building or portion of a building occurs concurrently with an addition or a new structure, then the square footage of the area being demolished is subtracted from the square footage of the addition or new structure to determine the net increase. Demolition exceeding 250 sq ft requires a Coastal Approval and cannot be subtracted from the square footage of the new addition or structure in determining the net increase. Demolition of other structures such as decks is not subtracted from the square footage of a new addition or structure in determining the net increase. New single-family dwellings are not exempt from the requirement for a Coastal Approval.

### **Reason**

This interpretation clarifies provisions in Section 13.20.068(a) of the Coastal Zone Regulations regarding improvements to single family residences that are exempt from the requirement for a Coastal Approval. The purpose is to ensure consistent application of our local Coastal regulations. The state law provisions that our local regulations implement (Section 13250 of the California Coastal Commission Administrative Regulations) were reviewed when needed to clarify specific provisions of our local regulations.

Following is a discussion of several of the specific exemptions listed in this interpretation.

- Exemptions for new buildings or carports or additions of enclosed covered floor area or carports to existing buildings:

County Code Sections 13.20.068(a)(1)(i) and 13.20.068(a)(1)(ii) specify the size of additions to existing structures or new structures that are exempt, with stricter requirements inside the appealable area. These sections refer specifically to buildings, since improvements and structures that are not buildings are exempted under Section 13.20.068(a)(1)(iii). Carports are included with buildings, since they have similar visual impacts. Since Section 13.20.050 states that development that is not specifically exempted requires a Coastal approval, then additions to buildings or new buildings exceeding the size limitations in Section 13.20.068(a) are not exempt. Also, any addition is not exempt if a previously issued Coastal Approval indicated that future additions would require a Coastal Approval or Amendment.

Within the appealable area, additions or new buildings are exempt from the requirement for a coastal permit one time only, consistent with Section 13250(b)(4) of the California Code of Regulations.

- Exemptions for habitable accessory structures:

Language in our Coastal Regulations suggests that habitable accessory structures are not exempt. However, over time the definitions for habitable and non-habitable accessory structures in the County Code have changed, such that the structures are now very similar, with the primary difference being the presence of area heat in habitable accessory structures. Consistent with these definitions, it is appropriate to treat habitable and non-habitable accessory structures similarly in the Coastal Zone. Therefore, both habitable and non-habitable accessory structures that comply with the size limits specified in Section 13.20.068(a) are exempt from the requirement for a Coastal Approval.

Under state law, guesthouses are not exempt from Coastal Approvals. Although we no longer have a definition for guesthouse in our County Code, a habitable accessory structure with a bathroom would be considered a guesthouse under most standard definitions. Therefore, to be consistent with state law, a Coastal Approval is required for a habitable accessory structure with a bathroom.

- Exemptions for demolition:

Our local regulations do not specifically exempt demolition. However, minor demolition has less potential for environmental effects than new construction or additions, and is therefore exempt from the requirement for a coastal approval. Larger scale demolition has greater potential for adverse environmental effects, particularly in sensitive habitats. Therefore, demolition exceeding 500 square feet outside the appealable area or exceeding 250 sq ft inside the appealable area is not exempt from the requirement for a coastal approval.

- Exemptions for non-building improvements, outside the appealable area:

County Code Section 13.20.068(a)(1)(iii) lists other improvements to single family residences that are exempt from the requirement for a Coastal Approval. Our local regulations are unclear as to whether structures such as swimming pools and fences are exempt, or whether it is only improvements to the structures that are exempt. However, outside the appealable area state law considers these types of improvements to be part of the single-family residence and therefore exempt. By extension, for single-family residences located outside the appealable area our local regulations also exempt structures such as swimming pools and fences that are not buildings from requiring a Coastal Approval.

- For properties in the appealable areas, front yard and street side yard fences and retaining walls greater than 3 feet in height are not exempt:

Within the appealable areas, state law specifies that significant structures including fences that have the potential for negative environmental effects are not exempt from coastal permits. Since front yard fences greater than 3 feet in height in the appealable areas have the potential for significant environmental effect by blocking the public viewshed, these fences are not exempt from the requirement for a coastal permit. Other types of structural site improvements, including decks and swimming pools, within the appealable area are exempt from the requirement for a Coastal permit, since these structures are unlikely to negatively impact the environment.

Other types of development on properties with single-family residences, such as grading, that are not specifically exempted in Section 13.20.068 are subject to Coastal Approvals. Development that is not exempt may still qualify for a Coastal Exclusion and therefore not require a Coastal Approval (see 13.20.070 through 13.20.078). Development in the Coastal Zone that is not exempt and does not qualify for an Exclusion requires a Coastal Approval.

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*Tom Burns, Planning Director*

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*Date*