**ORDINANCE NO. 5495****AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ AMENDING SANTA CRUZ COUNTY CODE SECTIONS 13.10.327 AND 13.10.328 BASED ON CALIFORNIA COASTAL COMMISSION FEEDBACK, ALLOWING TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS IN UNINCORPORATED AREAS OF SANTA CRUZ COUNTY**

WHEREAS, pursuant to authority delegated to the County of Santa Cruz by the California Coastal Commission, the County of Santa Cruz regulates development in the portion of the coastal zone that lies in the unincorporated area of the county and that is outside of the original jurisdiction of the California Coastal Commission; and

WHEREAS, Santa Cruz County Code (SCCC) Chapter 13.10 is an implementing ordinance of the adopted Local Coastal Program (LCP) and is part of the LCP Implementation Plan; and

WHEREAS, on October 29 and December 10, 2024, at duly noticed public hearings, the Board of Supervisors adopted an ordinance implementing Senate Bill (SB) 9 to allow two-unit developments and urban lot splits in the unincorporated areas of Santa Cruz County; and

WHEREAS, the Board of Supervisors directed staff to submit the proposed amendments to the sections of the SCCC that are LCP-implementing to the Coastal Commission for certification, as provided in SCCC Chapter 18.60; and

WHEREAS, on April 11, 2025, the Coastal Commission held a public hearing on the amendments to the LCP Implementation Plan adopted by the Board of Supervisors and certified them with suggested modifications; and

WHEREAS, in a letter dated April 16, 2025, the County received the Coastal Commission's Resolution of Certification and adopted findings approving the proposed amendments to the LCP, if modified as suggested; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on June 24, 2025, to consider the California Coastal Commission's suggested modifications to the SCCC; and

WHEREAS, staff has reviewed the amendments for compliance with the California Environmental Quality Act (CEQA) and found that, with the required regulations proposed therein, the Ordinance is statutorily exempt from CEQA pursuant to Government Code Sections 65852.21(j) and 66411.7(n). Additionally, the Ordinance is exempt from CEQA because there is no reasonably foreseeable significant impact on the environment, and staff prepared and filed a Notice of Exemption for the project; and

WHEREAS, pursuant to Title 14, California Code of Regulations Section 15251(f), the Coastal Commission's LCP amendment certification process is the functional equivalent of the

environmental review required by CEQA and the Coastal Commission found that the proposed LCP amendments, as modified, will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with Public Resources Code Section 21080.5(d)(2)(A);

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 13.10.327 of the Santa Cruz County Code is hereby amended, to read as follows:

13.10.327 Two-unit residential developments.

- (A) General Purposes. The purpose of this section is to provide for two-unit residential developments, pursuant to Government Code Section 65852.21. The regulations in this section are promulgated in order to preserve the public health, safety and general welfare of the people and environment of the County of Santa Cruz, and to promote orderly growth and development.
- (B) Definitions. Solely for the purposes of this section, the following words and phrases shall have the following definitions.
 - (1) “Census Urban Area” means an urbanized area or urban cluster, as designated by the United States Census Bureau and as mapped in the County Geographic Information System (GIS).
 - (2) “Dwelling Unit” shall have the same meaning as defined in SCCC 13.10.700-D.
 - (3) “Major Transit Stop,” as defined in Public Resources Code Section 21064.3, means a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (4) “Primary Dwelling Unit,” means one single-family or multi-family residential unit designated on a single parcel, as described in the definition of “Dwelling Unit” in SCCC 13.10.700-D.
- (C) Property Eligibility Requirements.
 - (1) An eligible parcel shall be located wholly within a Census Urban Area.
 - (2) An eligible parcel shall only be located within the SU, R-1, RA, or RR zone districts. A parcel within the SU zone district must have an underlying single family residential General Plan/Land Use Plan land use designation, including R-MT, R-R, R-S, R-UVL, R-UL, R-UM, or R-UH, to be eligible.

(3) An eligible site shall not be in:

- (a) Areas identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Government Code Section 65913.4.
- (b) Historic district or property included on the State Historic Resources Inventory or designated or listed as a County historic property or historic district in the County's Historic Resources Inventory.
- (c) Critical fire hazard area, as defined in SCCC 12.01.040.
- (d) Coastal Hazards Areas, including areas seaward of and on/adjacent to coastal bluffs, except for blufftop properties where proposed residences can meet the 100-year bluff erosion stability setback without reliance on any existing or proposed shoreline armoring.
- (e) Environmentally sensitive habitat areas or their buffers within the Coastal Zone boundary, except for properties where there is a buildable site available outside of such areas and their buffers.

(4) A parcel located in any of the following areas as identified in the County General Plan/Local Coastal Program or County Code requires sufficient State and local mitigation to be eligible under this section.

- (a) For areas not subject to SCCC 13.10.327(C)(3)(d) above, Geologic Hazards, as defined in SCCC 16.10.040(T). Parcels within Geologic Hazard areas may be required to provide a geologic hazard assessment pursuant to SCCC 16.10.050(B).
- (b) Outside of the Coastal Zone, 100-year flood hazard areas and floodways, as defined in SCCC 16.13. Parcels within these areas are only eligible if the flood hazards and floodways are mitigated pursuant to SCCC 16.13.
- (c) State Response Areas (SRAs), including very high, high, and moderate fire severity zones, as mapped by the California Department of Forestry and Fire Protection (CAL FIRE) and the California Board of Forestry and Fire Protection. Parcels within these areas are only eligible if mitigation is provided in compliance with Government Code Section 65913.4(a)(6)(D) and the parcel is located outside Critical Fire hazard areas.
- (d) Airport Safety Zones. Parcels within these areas are only eligible if they are compliant with standards and maximum densities established by SCCC 13.12.
- (e) Outside of the Coastal Zone, sensitive habitat areas and their buffers shall be protected pursuant to Title 16. A biotic approval through the biotic review

process outlined in SCCC Chapter 16.32 shall be obtained in order to establish appropriate development areas.

- (5) No Ellis Act (Government Code Section 7060 et seq.) evictions(s) have occurred for any existing housing on the parcel in the 15 years prior to submittal of the application.
- (6) An eligible parcel shall be a legal parcel of record created in compliance with the Subdivision Map Act, the LCP, and applicable provisions of the Santa Cruz County Code.

(D) Project Requirements.

- (1) For two-unit residential development only, the project shall contain no more than two primary residential units on a single parcel, plus accessory dwelling units (ADUs) or junior ADUs (JADUs) consistent with SCCC 13.10.681. The total number of units (primary units, ADUs and JADUs combined) may not exceed four units on a single parcel. ADUs and JADUs included in two-unit residential development must comply with the County ADU regulations.
- (2) The project will not require demolition or alteration of any of the following types of housing:
 - (a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (b) Housing that is subject to any form of rent or price control.
 - (c) Housing that has been occupied by a tenant (whether rent paying or not) in the last three years.
- (3) All new rental units resulting from any two-unit residential development project shall be rented long term (greater than 30 days).

(E) Objective Development Standards. Two-unit residential development shall comply with the objective development standards below, except that no standard shall preclude the development of a unit up to 800 square feet. In the event that a standard is reduced, the reduction shall be the minimum required to accommodate the unit.

- (1) Residential Structure Type.
 - (a) Attached single-family, detached single-family or multi-family duplex structures are allowed for two-unit residential developments. Duplexes may include either two primary units, or a primary unit and one ADU, or a primary unit and one JADU.

- (b) Mobile homes are allowed for two-unit residential developments compliant with the adopted California Building Code. A mobile home is required to be less than 10 years old and placed on a permanent foundation.
 - (c) Tiny Homes on Wheels (THOW) are allowed for two-unit residential developments as a primary dwelling unit.
 - (d) Existing ADUs on a parcel may be converted into a primary dwelling unit. If an ADU is to be converted, the maximum number of two primary dwellings units for a two-unit residential development will be achieved.
 - (e) A combination of three or four units, attached or detached, comprised of primary dwellings plus ADUs and JADUs will be allowed for a two-unit residential development.
- (2) Accessory Structures. Habitable and non-habitable accessory structures shall comply with SCCC 13.10.611.
- (3) Lot Standards.
- (a) For existing development on two-unit residential development applications, existing setbacks may be retained for an existing structure or for a structure reconstructed in the same location and to the same dimensions as an existing structure.
 - (b) Front yard setback, height, lot coverage, and floor area ratio shall meet the standards of the zoning district in SCCC 13.10.323, except as follows:
 - (i) The minimum side and rear setbacks are four feet, subject to restrictions of any onsite public utility easements.
 - (ii) Pleasure Point standards. Pleasure Point standards shall apply, except if the required 10-foot second story setbacks are infeasible for an 800 square foot dwelling, the setback may be reduced by the minimum necessary to accommodate the proposed project. Side and rear setbacks for the second story shall be no less than four feet. In the event of a conflict, the standards herein shall prevail.
- (4) Parking Standards.
- (a) One off-street parking space is required per dwelling unit, except as follows:
 - (i) If the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Sections 21155 and 21064.3, no parking shall be required.

- (ii) If the parcel is within one block of a car share vehicle rental location, no parking shall be required.
- (5) Two-unit residential development projects shall meet the following buildability criteria:
 - (a) All lots shall have a “Will Serve” letter from a water district or mutual water company, or an Individual Water Service Permit issued by the Environmental Health Division of the Health Services Agency for a well or other water source prior to issuance of a building permit as described in the current County Lists of Required Information (LORIs).
 - (b) The parcel shall have or qualify for a compliant sewage disposal system, either a septic system sized for the development and approved by the Environmental Health Division of the Health Services Agency, or a sewer connection provided by the wastewater provider, as applicable.
 - (c) If units are connected to an onsite wastewater treatment system (OWTS), the OWTS must meet or be upgraded to meet current standards in compliance with SCCC 7.38.
 - (d) Emergency Vehicle Access. The site access must comply with the fire district access standards applicable to both new and existing roads in SCCC 7.92.503.2.1.
 - (e) Site Safety. The building site shall be free from geologic hazards to the extent that the safety of the proposed development can be ensured. A geological hazards assessment, full geologic report, soils (also called “geotechnical”) report, or hydrologic report may be required to assess or address environmental/safety concerns pursuant to SCCC 16.10.
 - (f) Legal Access. A parcel may not be used as a building site unless it is accessible from a public right-of-way or has legally deeded access.
 - (g) Structures shall comply with required setbacks and buffers from environmentally sensitive habitat areas, geologic hazards, agricultural resource lands, and other environmental protection setbacks as specified in SCCC Title 16 or the setbacks established through a biotic report or geological hazards assessment, respectively.
- (F) Application Procedures.
 - (1) Two-unit residential development projects shall be approved ministerially if the application complies with the eligibility requirements and objective development standards herein.

(2) Two-unit residential applications must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.

(3) Projects in the Coastal Zone.

(a) Projects located within the Coastal Zone shall require a Coastal Development Permit pursuant to SCCC 13.20.100, the approval of which is subject to the required findings found in SCCC 13.20.110, except that no public hearing shall be required to approve said permit.

(b) Nothing in this chapter shall supersede or in any other way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code) except that the County shall not be required to hold public hearings for coastal development permits for an eligible development pursuant to this section.

(4) Basis for Project Denial.

(a) An application for a two-unit residential development shall be denied if any of the following are found:

(i) The two-unit residential development fails to comply with any objective development standard imposed by this section. Any such requirement or condition that is the basis for denial shall be specified in writing.

(ii) The Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as described in Government Code Section 65589.5(d)(2) and further specified in this section, upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid that specific, adverse impact.

(iii) Within the Coastal Zone, the two-unit residential development fails to meet the provisions of this section or the remainder of the certified Santa Cruz County Local Coastal Program.

SECTION II

Section 13.10.328 of the Santa Cruz County Code is hereby amended, to read as follows:

13.10.328 Urban lot split.

(A) General Purposes. The purpose of this section is to provide for urban lot splits, pursuant to Government Code Section 66411.7. These regulations are provided in order to preserve the public health, safety and general welfare of the people and environment of the County of Santa Cruz, and to promote orderly growth and development.

(B) Definitions.

(1) “Urban lot split” means a subdivision of a parcel within a “Single-Family Residential” zone district, as defined, into two parcels pursuant to Government Code Section 66411.7.

(2) See SCCC 13.10.327(B) for additional definitions relevant to this section.

(C) Nothing in this section shall be construed to supersede or in any other way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that the County shall not be required to hold public hearings for coastal development permits for an eligible urban lot split pursuant to this section.

(1) Urban lot splits located within the Coastal Zone shall require a coastal development permit pursuant to SCCC 13.20.100, the approval of which is subject to the required findings found in SCCC 13.20.110, except that no public hearing shall be required.

(D) Additional Eligibility Requirements for an Urban Lot Split.

(1) The requirements of SCCC 13.10.327(C) and (D) for two-unit residential developments apply as urban lot split eligibility requirements. Lot splits on parcels requiring mitigation under SCCC 13.10.327(C)(4) shall identify building footprint areas where adequate mitigation can be implemented.

(a) Urban lot splits are prohibited in Coastal Hazards Areas, including areas seaward of and on/adjacent to coastal bluffs, except for blufftop properties where proposed building sites can meet the 100-year bluff erosion stability setback without reliance on any existing or proposed shoreline armoring.

(2) Parcel Map Required. A parcel map is required for all urban lot splits pursuant to Government Code Section 66411.7 and shall comply with parcel map requirements in SCCC 14.01.

(3) No Prior Urban Lot Split. A parcel is only eligible for processing under this section if:

- (a) The parcel has not been established through a prior urban lot split; and
 - (b) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.
- (4) Property owners are required to sign an affidavit stating the intent to occupy a unit on one of the lots as their primary residence for a minimum of three years.
- (5) The site plan shall indicate at least one existing legal dwelling unit on the property or one existing dwelling unit under construction (passed first inspection) at the time of application submittal. Documentation of occupancy status of existing structures may be required.
- (6) Both new lots shall be limited to residential uses only.
- (7) Urban lot splits shall allow up to two minimum 800 square foot primary units on each lot created. Existing primary dwelling units are not subject to the 800 square foot provision. An accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU) count toward the two-unit total per lot. Units may be attached or detached. An urban lot split may include the development of two primary dwellings per lot or one primary dwelling and one ADU or one primary dwelling and one JADU per lot, or one primary dwelling on one lot and no development on the other lot. A maximum of four total units may result from an urban lot split.
- (8) ADUs and JADUs are subject to SCCC 13.10.681, except as explicitly provided in SCCC 13.10.327 or this section.
- (9) No urban lot split shall be allowed that requires a discretionary permit for an exception to objective standards or requires any other discretionary review other than a Coastal Development Permit.
- (E) Objective Development Standards. All urban lot splits shall comply with the objective development standards below, except that no standard shall preclude the development of a unit up to 800 square feet. In the event that a standard is reduced, the reduction shall be the minimum required to accommodate the unit.
- (1) Existing Parcel Size. The area of the existing parcel is 2,400 square feet or more (net developable site area).
 - (2) Number of New Parcels. The urban lot split creates no more than two new parcels.
 - (3) New parcels shall conform to the following standards:
 - (a) The gross site area of the larger parcel shall not be more than 60 percent of the gross site area of the existing parcel.

- (b) In no case shall the net developable site area of the smaller parcel be less than 1,200 square feet.
 - (c) Parcels with septic systems shall each comply with gross parcel size pursuant to SCCC 7.38.
- (4) The maximum parcel size allowed is 60 percent of the existing parcel's gross site area.
- (5) Any parcel proposed for an urban lot split must itself be a legal parcel of record created in compliance with the Subdivision Map Act, the LCP, and applicable provisions of the Santa Cruz County Code.
- (6) Any urban lot split involving a vacant parcel shall meet the buildability criteria stated in SCCC 13.10.327(E)(5).
- (7) Lots created by an urban lot split shall allow parking according to the standards requirements in SCCC 13.10.327(E)(4).
- (8) Access to Public Right-of-way. All newly created parcels shall provide access to, or adjoin, the public right-of-way in a manner sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code Section 503 (Fire Apparatus Access Roads) and California Code of Regulations Title 14, Section 1273.00 et seq.
 - (a) Shared Driveways. Driveway access shall meet the applicable fire agency standard, including driveway width, fire turnaround, turning radius, slope, and driveway surface.
 - (b) The minimum driveway width shall be 12 feet or the applicable standard of the fire agency having jurisdiction over the property, whichever is greater.
- (9) Setbacks. Lots created by an urban lot split shall allow for structures to meet the lot standards pursuant to SCCC 13.10.327(E)(3).
- (10) Existing Structure on One Parcel. The proposed lot split shall not result in the splitting of any structure between the two parcels and shall not create a new encroachment of an existing structure over a property line.
- (11) Floor Area and Lot Coverage. Lots created by an urban lot split shall allow for structures to meet the lot standards pursuant to SCCC 13.10.327(E)(3).
 - (a) If application of the zone district standard for lot coverage or FAR would preclude a proposed lot split, the standard may be reduced by the minimum amount necessary to allow development per the land division as determined by the Director of the Community Development and Infrastructure Department or their designee ("Director").

- (12) Compliance with Subdivision Requirements. The parcel map shall satisfy the objective requirements of the Subdivision Map Act and SCCC 14.01. Non-title site requirements, disclosures and other information may also be required on the Parcel Map documents by the Director.
 - (13) The site plan shall indicate at least one existing legal dwelling unit on the property or one existing dwelling unit under construction (permitted and passed first inspection) at the time of application submittal. The structure shall be final and occupied by the owner prior to map recordation. Documentation of occupancy status of existing structures may be required.
 - (14) Any vacant parcel proposed for a two-unit residential development or urban lot split must be a legal lot of record created in compliance with the Subdivision Map Act, the LCP, and Santa Cruz County Code.
- (F) Application Procedures. Urban lot split applications must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.
- (G) Deed Restrictions. Before obtaining building permits, the property owner shall file with the Santa Cruz County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
- (1) The primary use of the dwelling units must be residential.
 - (2) For an urban lot split with a shared driveway, maintenance and use of the shared driveway must be permanently provided through a reciprocal access easement and maintenance agreement or other comparable mechanism.
 - (3) The dwelling unit may not be used for vacation rentals as defined in SCCC 13.10.700-V.
 - (4) Affordable housing impact fees shall apply to projects pursuant to SCCC 17.10.034.
 - (5) The above declarations run with the land and are binding upon all successors in ownership of the property. Lack of compliance shall be cause for code enforcement pursuant to SCCC 19.01.
 - (6) The deed restriction shall lapse upon removal of all dwelling units established under this section.

SECTION III

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

SECTION IV

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

SECTION V

This ordinance shall take effect after the Executive Director of the California Coastal Commission reports to the Commission their determination that the County's actions are legally adequate, and the Commission does not object to the Executive Director's determination, and notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency.

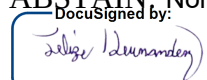
PASSED AND ADOPTED this 19th day of August 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Supervisors Koenig, De Serpa, and Martinez

NOES: Cummings and Hernandez

ABSENT: None

ABSTAIN: None

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9/2/2025

Felipe Hernandez
 CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

DocuSigned by:

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9/2/2025

Juliette Rezzato,
 Chief Deputy Clerk of the Board