CL 8/20/97

STATE OF CALIFORNIA – THE RESOURCES AGENCY
PETE WILSON, Governor

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W 11a

August 20, 1997

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director
Rick Hyman, Coastal Program Analyst

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-97.** For public hearing and Commission action at its meeting of September 9 -12, 1997, to be held at the Eureka Inn, 7th and F Streets, Eureka.

SUMMARY OF STAFF REPORT

DESCRIPTION OF AMENDMENT REQUEST

Santa Cruz County is proposing to amend the Implementation portion of its Local Coastal Program concerning accessory structures. The rules for accessory dwelling units (commonly termed "granny units") would be liberalized in the following ways:

- permit processing would change from Level 5 (public hearing) to Level 4 (public notice);
- accessory dwelling units in rural areas not served by public sewers would require minimum one acre parcel size;
- distance requirements between accessory units and the main house would be clarified, accessory units could now be more than 100 feet from main dwellings in rural areas;
- permitted size of accessory dwelling units on rural parcels 2.5 acres or larger would increase from 800 to 1,200 square feet; and on rural parcels between 1 and 2.5 acres would increase from 640 to 800 square feet;
- units could now stay vacant without requiring that kitchens be removed;
- occupancy standards would be modified, allowing, for example, low-income or senior households of more than two individuals;
- certification requirements would be modified (Sections 13.10.322, 16.10.681).

Also proposed are changes for "habitable accessory structures" (e.g., guest houses) to now prohibit toilets and sewer line drains in most instances (Sections 13.10.322, 13.10.611).

This amendment is part of a larger package filed on July 23 1997. The other portions were approved as "minor" amendments by the Commission on August 13, 1997. The standard of review of this Implementation Plan amendment is that it must be consistent with and adequate to carry out the policies of the certified Coastal Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve, only if modified,** the proposed amendment as submitted by the County for the reasons given in this report.

SUMMARY OF ISSUES AND COMMENTS

There are two issues with this amendment: the level of processing for accessory dwelling units and the maximum allowable size. Modifications are suggested to ensure consistency among the various provisions regarding processing level. The increase in maximum allowable size will not result in cumulative impacts due to monitoring and other limiting provisions, and is consistent with the County land use plan.

At the County hearings, the proposed amendment elicited support from affordable housing advocates and citizens wishing to construct granny units. Others raised concerns over occupancy requirements, appropriate maximum size of granny units, and whether toilets should be prohibited in garages and sheds.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Rick Hyman or Lee Otter, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

ATTACHMENT

Full Text Of Proposed Amendments

I. STAFF RECOMMENDATION

MOTIONS AND RESOLUTIONS

A. DENIAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #1-97 AS SUBMITTED

MOTION:

*"I move that the Commission **reject** Major Amendment #1-97 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by the County."*

Staff recommends a "yes" vote which would result in **denial** of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment (otherwise the amendment is approved as submitted).

RESOLUTION:

The Commission hereby rejects Major Amendment #1-97 to the Implementation Plan of the Santa Cruz County LCP, as submitted, for the specific reasons discussed in the following

findings, on the grounds that the amendment is not adequate to carry out the certified Land Use Plan.

B. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #1-97 IF MODIFIED

MOTION :

*"I move that the Commission **approve** Major Amendment #1-97 to the Santa Cruz County Local Coastal Program Implementation Plan, if modified according to Modifications # 1 and 2."*

Staff recommends a "YES" vote which would result in **approval** of this amendment if modified. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby approves Major Amendment #1-97 to the Implementation Plan of the Santa Cruz County LCP, for the specific reasons discussed in the following findings, on the grounds that, as modified, the amendment conforms with and is adequate to carry out the certified Land Use Plan. Approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

RECOMMENDED MODIFICATIONS

1. *Add the following underlined notation to the proposed revision of Section 13.10.322 use chart:*

KEY...

** = Accessory dwelling units located with the coastal zone and not excludable under Section 13.20.071 require a coastal permit which is processed at Level 5.

USE	RA	RR	R-1	RB	RM
Dwelling unit, accessory, subject to Section 13.10.681**					
inside the Urban Services Line	4	4	4	4	4
outside the Urban Services Line:	4	4	4	4	4

2. *Add the following underlined language to the first sentence of Section 13.10.681b:*

Application Requirements: Approval of ~~all~~ accessory dwelling units shall be processed in accordance with provisions in Chapter 18.10 and shall require public notice (Level IV), except

that accessory dwelling units located with the coastal zone and not excludable under Section 13.20.071 shall require a coastal permit which is processed at Level 5.

III. RECOMMENDED FINDINGS

The Commission finds and declares for Major Amendment # 1-97:

A. BACKGROUND AND DESCRIPTION

The proposed amendment to Sections 13.10.322 and 16.10.681 of the County Code revises the criteria for approving accessory dwelling units or granny units in several ways:

- permit processing would change from Level 5 (public hearing) to Level 4 (public notice);
- accessory dwelling units in rural areas not served by public sewers would require minimum one acre parcel size;
- distance requirements between accessory units and the main house would be clarified, accessory units could now be more than 100 feet from main dwellings in rural areas;
- permitted size of accessory dwelling units on rural parcels 2.5 acres or larger would increase from 800 to 1,200 square feet; and on rural parcels between 1 and 2.5 acres would increase from 640 to 800 square feet;
- units could now stay vacant without requiring that kitchens be removed;
- occupancy standards would be modified, allowing, for example, low-income or senior households of more than two individuals;
- certification requirements would be modified (Sections 13.10.322, 16.10.681).

Also proposed are changes for "habitable accessory structures" (e.g., guest houses) to now prohibit. toilets and sewer line drains in most instances (Sections 13.10.322, 13.10.611). The current proposals serve two purposes (according to County staff reports): to encourage the construction of granny units to facilitate affordable housing and to discourage the conversion of guest houses to illegal dwellings.

Accessory structures have been explicitly allowed and encouraged by State law since 1982 (SB 1534). The Government Code states that any local agency may provide for the creation of second units on lots in residential zones. Local governments may designate certain areas for second units and may impose various standards including parking, height, setback, lot coverage, and maximum size. They also may find that these units do not exceed the allowable density for the lot upon which the second unit is located. There are no state standards if the local government does this; local discretion is permitted. However, if the local government does not have a second unit ordinance in place, then it must approve an application for a second unit only if it :

- is not intended for sale and may be rented;
- is on a lot zoned for single-family or multifamily use;
- is on a lot containing an existing single-family dwelling;
- is either attached to or detached from the existing dwelling;

- has a total area of floor space not exceeding 1,200 square feet if detached; and
- complies with applicable district zoning standards.

The County Implementation Plan was certified on January 14, 1983 and included some provisions for granny units. In two amendments that year (# 2-83 and # 3-83), these provisions were revised and expanded resulting in two categories of accessory second dwelling units. All such units were limited to a maximum size of 640 square feet and subject to other restrictions.

The County's Coastal Land Use Plan is contained within its General Plan, which was extensively revised in 1994. There are no certified coastal policies which explicitly address second units. There are many relevant policies designed to prevent adverse impacts on coastal resources. Non-certified provisions of the General Plan call for implementing "the newly adopted Accessory Dwelling Ordinance so that more property owners are encouraged to provide second units." The Plan's stated objective is for 11,398 accessory dwelling units in the rural area and 4,373 units in the urban area at buildout, with a limitation of 5 units per year in the Live Oak planning area (which is mostly in the coastal zone).

The referenced ordinance, approved by the Coastal Commission as Amendment #1-94, provided greater flexibility in the areas of accessory unit design, size, location, tenancy types, and eligibility criteria. Specifically, this amendment combined the provisions for both types of second units, while differentiating between second units and guest homes; allowed accessory dwelling units and guest houses that do not meet setbacks; allowed accessory dwelling units on any legal residential parcel; allowed accessory units on parcels smaller than minimum size; increased maximum permitted size to 800 sq. ft. on rural parcels over 2.5 acres in size; allowed occupancy by any family member regardless of income; restricted occupancy limits permanently (as opposed to for just 30 years); limited Live Oak to having a maximum of 5 units annually; allowed accessory units to have the same water connection as the main unit; and set processing at "Level 5."

This latter amendment was modified at the Commission's direction to include an annual review of coastal resource impacts (see Section 13.10.681 (g) in Attachment). If a threat to coastal resources is found, then no more coastal permit applications for accessory units are to be accepted until the issue is resolved. The most recent report showed an average of one building permit for accessory structures issued per year in the coastal zone and hence no adverse cumulative impacts to date.

B. ISSUES

Many of the elements of the proposed amendment do not entail significant changes which would result in any conformance problems with the land use plan and by themselves could be considered "minor." None of the proposed changes, for example, would allow more accessory dwelling units to be built than currently would be allowed. But two aspects of this amendment are problematic: permit processing level and the allowable size of granny units.

1. Processing Level

The proposed amendment changes the processing level for accessory dwelling units from "Level 5" (public hearing) to "Level 4" (public notice). Under "Level 5" permits are heard by the Zoning Administrator, and then may be appealed to the Planning Commission, the Board of Supervisors, and in some cases prescribed by the Coastal Act, to the Coastal Commission. In contrast, appeals of "Level 4" permits beyond the Planning Director are typically discretionary:

> Processing Level IV (Public Notice) includes those projects for which plans are required, field visits are conducted, and for which public notice is provided in the form of a posting of the property, a published newspaper announcement of the pending project, notice to each member of the Board of Supervisors, and a mailed notice to surrounding property owners as well as to occupants of the subject property prior to administrative action on permits. (Section 18.10.112a)

A County staff report of April 14, 1995 further explains:

> Appeals to the Planning Director may be made to the issuance of a Development Permit at Level IV; the Planning Director's decision on an appeal is final, unless the Director refers the application for hearing by the Zoning Administrator or Planning Commission, or unless the permit is set for special consideration by the Board of Supervisors at the request of a member of the Board.

However, in this case an additional caveat is included in the amendment:

> Applications for accessory dwelling units which receive any negative public comment following the notice of application submittal, which can not be resolved administratively, shall require a public hearing and action by the Zoning Administrator (Level V).

Also requiring "Level V" review are accessory structures on any slope greater than 30%. And any exception to exceed allowable lot coverage requires a Variance Approval (also at "Level 5").

The purpose of this proposed amendment is to lower application costs and reduce processing time. The County staff report indicates that to date, applications for second units have not engendered public comment.

The problem with this proposal is that it, if read in isolation, sets up both an internal conflict within the Local Coastal Program and with the Coastal Act and State Administrative Code of Regulations. Section 13.20.100 of the certified local coastal program requires all coastal permits to be processed with a public hearing ("Level 5" at minimum). This section is not proposed for amendment thus resulting in an internal conflict in the County Code if the amendment is approved as submitted. The County staff report states that accessory units would still require coastal permits (Level 5) review, but two out of three sections in the County code would not say this, thus causing confusion.

State Law generally requires that at least appealable coastal permits be subject to a public hearing. County Coastal permits are appealable in two circumstances. One is if they are in the mapped appeal zone. Thus, notwithstanding other provisions, this category of proposed accessory dwelling units will always be appealable and thus must always receive Level V processing. The proposed amendment language fails to provide for this situation.

The amendment language could be read or interpreted in a manner to indicate that the County would be issuing coastal permits for accessory units without public hearings. This would be the first instance of the Commission approving this type of processing. The governing Code of Regulations sets several notice and related procedural requirements for a local government to issue (non-appealable) coastal permits without a public hearing under Section 13568. The County's Level IV procedures are similar to these requirements, but are lacking in some respects. For example, the County regulations do not specify notification of persons outside of the immediate project area who have requested notification which the State regulations require. The required contents of the notices also are not totally consistent. Thus, the County would have to restructure various zoning provisions were it to desire to process non-appealable coastal permits below Level V. Such changes are beyond the scope of this amendment request.

In conclusion, in order to approve an Implementing amendment, it must be found to be adequate to carry out the Land Use Plan. One test of adequacy is adherence to the State Regulations. Another test is assurance that all development be analyzed through the coastal permit process. Given the internal Code inconsistencies that this amendment could be read to create, as well as the inconsistency with the noted State regulations, the requisite finding can not be made and the amendment is denied as submitted.

2. Size of Granny Units

The proposed amendment would increase the allowable size of accessory dwelling units from 640 to 800 square feet on rural parcels of one to 2.5 acres in size and from 800 to 1,200 square feet on rural parcels 2.5 acres or larger. The County justified the increased size in order to accommodate low-income families and to make it easier to be able to legalize existing illegal units which might be greater in size than currently allowed. In County deliberations regarding a maximum size, the Planning Commission recommended 1,000 square feet, while County staff originally suggested no absolute maximum. The certified Land Use Plan does not give any direct guidance on granny unit size.

Increasing the maximum permissible size of second units raises potential cumulative impact concerns. The purpose of granny units is to provide housing for the elderly or low-income persons. Eight hundred square feet is a reasonable size for a modest one or two-bedroom home, which should be more than adequate for an elderly person or couple and even a small family. As noted, when the ordinance was first adopted in 1983, the maximum size was set at 640 square feet and occupancy was limited to one or two person households. Later, the maximum size was increased to 800 square feet for rural parcels greater than 2.5 acres.

The Commission has studied this issue of second unit size and concluded that 750 square feet is a reasonable maximum for the Malibu/Santa Monica Mountains area, given cumulative impact considerations regarding road capacity, services, recreational facilities and beaches.

The Commission's Malibu analysis found it had approved a range of maximum sizes from 500 square feet in the City of Santa Cruz to 1,200 in San Luis Obispo County. Each jurisdiction has somewhat different criteria which would govern how many and what sizes of second units could actually be built and has different resource constraints. Since the Santa Cruz County provision for 1,200 square feet only applies to large rural lots, since the Commission has approved a similar limit for San Luis Obispo County, and since State Law has a 1,200 square foot limit, this figure seems reasonable.

The likely effect of the amendment would be to allow an extra moderate bedroom (i.e., 160 sq. ft.) in second units on rural lots from one to 2.5 acres and an extra one or two bedrooms (i.e., 400 sq. ft. more) on rural lots greater than 2.5 acres (over what would currently be allowed). There are estimated 557 rural parcels of at least one acre in size in the County's coastal zone. Thus, assuming this amendment results in the accommodation on the average of one to three more people per second unit than the current size limitations would allow them to accommodate, the result could be an additional 557 to 1,671 additional people. While this could result in some cumulative impacts on services and infrastructure, the figure is not very significant for the following reasons. It represents no more than two years of the County's historical population growth. There are no restrictions on home sizes or bedrooms for main houses in rural areas; most bedroom additions would not even require coastal permits. Any approved unit would still have to be in conformance with all County resource protection policies. Larger rural parcels are generally served by on-site water and septic systems, and those would have to be found adequate in order to approve second units. Thus, the potentially most noticeable impact could be on rural roads, especially in Bonny Doon, where the vast majority of these parcels are located. Bonny Doon roads are not major coastal access routes, and the County has a congestion management plan to address any roads that have a deteriorated level of service. Most significantly, as noted above, this amendment retains a certified provision requiring an annual report on cumulative impacts with the ability to place a moratorium on new second unit applications if adverse effects are discovered.

In the absence of direct size guidance in the Land Use Plan, and with the assurances that Land Use Plan resource policies are not compromised, especially given that cumulative impacts are addressed by the annual evaluation and other criteria, this amended provision is found consistent with and adequate to carry out the certified Land Use Plan. This approval should not be construed to support a higher maximum size in other jurisdictions.

C. MODIFICATION

The proposed amendment can be simply modified to address the noted issue of processing level. Section 13.10.322 use chart can include an additional notation for accessory dwelling units in the coastal zone. This entry would show the level of processing to remain at Level 5 (Public hearing) to be consistent with Section 13.20.100. The language of Section 13.10.681d can be similarly revised (see suggested modifications 1 and 2 on pages 3 and 4). If the Implementation Plan is accordingly modified, it will be internally consistent as well as consistent with and adequate to carry out the certified Land Use Plan and hence can be approved.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information the local government has developed. The County issued a Negative Declaration for the proposed accessory dwelling unit amendment, with one mitigation regarding utility requirements. It found the part of the amendment regarding accessory structures to be categorically exempt from CEQA under the "Alterations in Land Use Limitations" category. The Commission concurs and finds no significant adverse impacts from this proposal for the reasons given in the above finding.

SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT # 1-97

ATTACHMENT

FULL TEXT OF PROPOSED AMENDMENT

ADDITIONS INDICATED BY HIGHLIGHTS
DELETIONS INDICATED BY STRIKE-OUTS
AS ADOPTED BY SANTA CRUZ COUNTY
(CLEAN COPY OF ADOPTED ORDINANCE ON FILE AT COMMISSION OFFICE)

"STRIKEOUT" VERSION WITH CHANGES FROM EXISTING ORDINANCE SHOWN BY HIGHLIGHTING (ADDITIONS) AND ~~CROSSOUT~~ (DELETIONS)

ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.322 RELATING TO RESIDENTIAL USES, SECTION 13.10.611 RELATING TO ACCESSORY STRUCTURES, AND SECTION 13.10.681 RELATING TO ACCESSORY DWELLING UNITS

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

SECTION I

Section 13.10.322 of the County Code is hereby amended to read as follows:

USE	RA	RR	R-1	RB	RM
Accessory structures and uses, including:					
One Accessory structure, habitable (subject to Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval)					
Total area of 640 square feet or less and not to exceed 1-story and 17 feet in height	BP Only	BP Only	BP Only	BP Only	BP Only
Total area of more than 640 square feet or exceeding 1-story or 17 feet in height	5	5	5	5	5
Accessory structures, non-habitable (subject to Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) comprised of:					
Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.644 Family Animal Raising; .643 Animal Keeping in the RA Zones; .645 bird and small animal raising; .641 Stables and Paddocks; .646 Turkey Raising: these provisions require Level 5 in some cases).					

Am#1-97

USE	RA	RR	R-1	RB	RM
When total area of the structure is:					
1,000 square feet or less	BP Only	3	3	--	--
more than 1,000 square feet	3	5	5	--	--
Carports, detached; garages, detached; garden structures; storage sheds (subject to Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:					
1,000 square feet or less	BP Only	BP Only	BP Only	BP Only	BP Only
more than 1,000 square feet	3	3	3	3	3
Dwelling unit, accessory, subject to Section 13.10.681					
Inside the Urban Services Line	4	4	4	4	4
Outside the Urban Services Line:	4	4	4	4	4

SECTION II

Subsection 13.10.611(c)(3) of the County Code is hereby amended to read as follows:

(3) Plumbing and electrical equipment appropriate to the use of the structure may be installed, with the following exceptions:

(i) No electrical service exceeding 100A/220V/single phase may be installed to an accessory structure incidental to a residential use unless a Level V approval is obtained;

(ii) No accessory structure shall have a toilet installed. An exception may be granted to allow a toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less that 70 square feet), or where required under the particular circumstance, for example, facilities required for employees.

Am# 1-97

(iii) An accessory structure shall not have any waste drain lines installed which are larger than one and one-half inches in size. An exception to allow two inch drain lines may be granted, subject to level IV use approval, when more than one plumbing fixture is needed in the structure, including, for example, a washer and an utility sink in a garage.

SECTION III

Section 13.10.681 of the County Code is hereby amended to read as follows:

(a) Purpose. The purpose of this section is to provide for and regulate accessory dwelling units in order to provided needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.

(cb) Application Requirements. Approval of all accessory dwelling units shall be processed in accordance with the provisions in Chapter 18.10 and shall require a public ~~hearing and action by the Zoning Administrator~~ notice (Level ~~VIV~~). Applications for accessory dwelling units which receive any negative public comment following the notice of application submittal, which cannot be resolved administratively, shall require a public hearing and action by the Zoning Administrator (Level V).

(bc) Required Findings. Before a development permit for an accessory dwelling unit can be granted, the general findings for development permits set forth in Subsection 18.10.230(a), and Coastal Permit findings of Section 13.20.110, when applicable, ~~and the following additional findings~~ must be made. The following additional findings must also be made:

(1) Location: The accessory dwelling unit shall be located on a residentially-zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, or ~~on which~~ where one detached single-family dwelling shall be constructed concurrently with the proposed accessory dwelling unit;

(2) Parcel Size: The size of the parcel, if located within the Urban Services Line, is no smaller than that required by the minimum lot size standards of the respective zoning district. The size of the parcel, if located outside the Urban Services Line, is at least one acre in area, unless the parcel is served by public sewer. Parcels outside of the Urban Services Line with public sewer service shall meet the requirements of Section 13.10.681(d)(2);~~is no smaller than that required by septic system regulations as specified in Chapter 7.38 of the County Code. Within the Urban Services Line (USL), minimum lot size standards of the respective zoning district shall apply;~~

(3) Development Standards: All development standards for the applicable residential zone district shall be satisfied, with allowance for a setback exception as provided for

Am# 1-97

in Subsection 13.10.323(e)(6)(ii); and the development shall be consistent with all County policies and ordinances;

(4) Design: The design of the accessory dwelling is consistent with the design and development standards and guidelines set forth in Subsection 13.10.681(d)~~(6)~~; and.

(5) Utility Requirements: All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of County Code Chapter 7.38, 7.71 and 7.73.

(d) Design and Development Standards. The following design and development standards~~, guidelines and occupancy requirements~~ shall be applied to ~~each and all~~ every accessory dwelling unit and shall be conditions for any approval under this section:

(1) Location of Accessory Unit: The accessory dwelling may be either attached to the main dwelling or detached from it. Inside the Urban Services Line, no accessory dwelling unit shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of way. No accessory dwelling unit shall be constructed on any slope greater than 30% unless a Level V Use Approval is obtained. ~~If the accessory dwelling is proposed to be detached from the main unit, it shall not be of a distance from the main dwelling so as to appear to be situated on a separate parcel~~.

(2) Size of Accessory Unit: The total, gross floor area, as defined in Subsection 13.10.700(f), of the habitable portion of an accessory dwelling unit shall not exceed the following standards, based on parcel size. ~~640 square feet within the Urban Services Line (USL) and 800 gross square feet outside the USL, provided that a net site area of 2-1/2 acres is required.~~:

Maximum Gross Floor Area Within the Urban Services Line (USL)

Type of Sewer Service	**Parcel Size**	
	Less than 10,000 square feet (1)	10,000 square feet or larger(1)
With Public Sewer	640 square feet	640 square feet
Without Public Sewer	Not allowed	640 square foot maximum (Must meet requirements of County Code Chapter 7.38)

(1) The size of the parcel must be no smaller than that required by the minimum lot size standards of the zoning district

Am#1-97

Maximum Gross Floor Area Outside of the Urban Services Line (USL)

Type of Sewer Service	Parcel Size			
	Less than 10,000 square feet	10,000 square feet, to less than 1 acre	1 acre or larger, to less than 2.5 acres	2.5 acres or larger
With Public Sewer	640 sq. ft.	800 sq. ft.	800 sq. ft.	1,200 sq. ft.
Without Public Sewer	Not allowed	Not allowed	800 sq. ft.	1,200 sq. ft.

(3) Lot Coverage: No accessory dwelling unit shall be allowed which would exceed the allowable lot coverage or the allowable Floor Area Ratio for the parcel. Any exception shall require a Variance Approval as provided for in Section 13.10.230.

(4) Setbacks: Setback requirements of the zoning district in which the accessory dwelling is proposed may be adjusted in accordance with Subsection 13.10.323(e)(6)(ii) based on site plan review and approval by the Zoning Administrator. However, a minimum 5-foot setback is required from any side property line and may be increased, at the discretion of the ~~Zoning Administrator~~ decision making body, to insure neighboring privacy and architectural compatibility within the proposed building site and within the surrounding neighborhood. If setback requirements are reduced, pursuant to a Variance Approval, a one-story height limit may be imposed on the proposed accessory dwelling.

(5) Parking: Off street parking shall be provided to meet the requirements of Section ~~13.10.652~~ 13.10.550 for the main dwelling and one additional non-tandem space for each bedroom in the accessory dwelling unit.

(6) Design: The design, materials and color of the accessory dwelling shall be compatible with that of the main dwelling and the existing scale and character of the neighborhood. The placement of any decks, balconies, stairs, doors, windows, and other features which may affect the privacy of adjacent properties shall be situated and designed to minimize potential privacy disturbance. Accessory dwellings proposed on smaller lots (e.g., 10,000 square feet or less) should be one-story unless adequate setbacks between adjacent parcels are provided for privacy purposes.

(7) Other Accessory Uses: Not more than one accessory dwelling unit shall be constructed on any one parcel. An accessory dwelling unit and any other accessory residential structure (including but not limited to agricultural caretakers quarters and guest houses) shall not be permitted on the same parcel. Habitable accessory structures such as artist's studios, garages, or workshops may be allowed.

Am #1-97

(8) Service Requirements: Written acknowledgments shall be provided from the applicable sanitation, water, and fire districts and/or Environmental Health Services indicating that there will be adequate water, sanitation and fire protection services to the project site with the inclusion of an accessory dwelling unit. All requirements of the respective service agencies shall be satisfied.

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

(10) Other Conditions: Other conditions deemed appropriate by the decision- making body may be applied to the development permit of an accessory dwelling to further the purpose of this Section and to implement the design standards of Subsection 13.10.681(c)(6).

(e) Occupancy Standards. The following occupancy standards shall be applied to every accessory dwelling unit and shall be conditions for any approval under this section.

(1) Occupancy Restrictions: The maximum occupancy of an accessory dwelling unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or permanent occupancy of the accessory dwelling unit shall be restricted for the life of the unit to ~~occupancy by~~ either:

(i) ~~One- or two-person~~ Households that meet the Income and Asset Guidelines requirements established by ~~the~~ Board of Supervisors resolution for lower income households; or

(ii) ~~One or two person~~ Senior households, where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or

(iii) ~~One or two~~ Persons sharing residency with the property owner and who are related by blood, marriage, or operation of law, or have evidence of a stable family relationship with the property owner.

(2) Owner Residency: The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the accessory dwelling unit. If the property owner resides in the accessory dwelling unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements of Subsection 13.10.681(e)(1).

Am #1-97

(3) Occupancy Status: Prior to final inspection approval of the unit, the property owner shall submit a statement to the ~~Santa Cruz County Housing Authority~~ administering agency, as defined in Subsection 17.10.020(a), ~~by registered or certified mail, a certificate of availability of the accessory dwelling unit~~ indicating whether the accessory unit will be rented, occupied by family members, or left vacant. Whenever a ~~subsequent vacancy~~ change in occupancy occurs, the owner shall notify the ~~Santa Cruz County Housing Authority~~ administering agency, by registered or certified mail, that the ~~unit is available for rental, or the owner shall request that the permit for the accessory dwelling unit be revoked~~ occupancy has changed, and indicating the new status of the unit. ~~If revocation of the permit occurs for any reason, all kitchen facilities related to the accessory dwelling shall be removed. If the property owner intends to have family members, as defined by Subsection 13.10.681(c)(6), occupy the accessory dwelling, notification to the Housing Authority, as prescribed above, shall occur with evidence of familial relationship also provided.~~

(4) Rent Levels: If rent is charged, the rent level for the accessory dwelling, or for the main unit, if the property owner resides in the accessory dwelling, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HUD) or its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.

(5) Certification Requirements: No person, including family members of the owner, shall rent or permanently occupy an accessory dwelling unit unless he/she has first obtained certification of his/her eligibility from the ~~Housing Authority~~ administering agency. The property owner ~~may~~ must refer persons who wish to rent or permanently occupy the unit to the ~~Housing Authority~~ administering agency for certification, prior to occupancy. ~~or the owner may request that the Housing Authority to refer eligible persons from a waiting list,. It is recognized that seniors sixty-two (62) years of age or older may need to live in close proximity to another dwelling. Therefore, in certifying and referring eligible persons to the owner, the Housing Authority shall give priority to seniors.~~ The ~~Housing Authority~~ administering agency may also charge a fee to the applicant for the certification process.

(6) Status Report: The owner shall ~~annually send~~ report the occupancy status of the accessory dwelling unit, when requested by to the ~~Housing Authority~~ administering agency, at least once every three years. This report shall include the status of the unit, the name ~~and proof of eligibility~~ of the current occupant(s) and the monthly rent charged, if applicable.

(7) 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 stating the following:

Am # 1-97

a. The unit may be occupied or rented only under the conditions of the development permit and in accordance with Section 13.10.681 and any amendments thereto.

b. The declaration is binding upon all successors in interest; and

c. The Declaration shall include a provision for the recovery by the County of reasonable attorney fees and costs in bringing legal action to enforce the Declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(f) Permit Allocations. Each accessory dwelling unit shall be exempt from the Residential Permit Allocation System of Chapter 12.02 of this Code. However, due to public service deficiencies of roadway design and drainage within the Live Oak planning area, no more than five (5) accessory units shall be approved within the Live Oak planning area in any calendar year.

(g) 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 second unit ordinance. The annual analysis shall include the number of second units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. 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 IV

If any section, subsection, division, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

Am #1-97

SECTION V

This Ordinance shall take effect outside of the Coastal Zone on the 31st day after final passage. This Ordinance shall take effect within the Coastal Zone on the 31st day after final passage, or upon certification by the California Coastal Commission, whichever is later. This ordinance shall be operative to all applications for accessory dwelling units pending when the ordinance becomes effective, except as to such applications filed with the applicable application fee prior to May 6, 1997 for which the applicants have submitted a written request on or before July 7, 1997, to the County Planning Department that their applications be processed under the regulations in effect prior to the effective date of this ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 1997, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Am #1-97