

CALIFORNIA COASTAL COMMISSIONCENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863

HEARING IMPAIRED: (415) 904-5200



Th 7a

DATE: November 12, 1997

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Tami Grove, Deputy Director
Rick Hyman, Coastal Program AnalystSUBJECT: County of Santa Cruz Local Coastal Program Major Amendment #1-97
Concurrence with the Executive Director's determination that the action by the County of Santa Cruz, accepting certification of Major Amendment #1-97 with modifications to the County's Local Coastal Program, is legally adequate.EXECUTIVE DIRECTOR'S DETERMINATION AND REPORT FOR
COMMISSION REVIEW AT THE MEETING OF DECEMBER, 9 -12, 1997Background

Local Coastal Program Major Amendment # 1-97 regarding accessory structures, was certified by the Commission on September 10, 1997, with a modification. On November 4, 1997 (within the six month time limit for acting on and responding to the Commission's certification of an LCP amendment), the Board of Supervisors considered the Commission's action, acknowledged receipt of the resolution of certification, and accepted the Commission's suggested modification under Resolution No. 432-97. Ordinance #4457-A effectuates the approved amendment, as modified.

Recommendation

Pursuant to Section 13544 of the California Code of Regulations, the Executive Director must determine that the action of Santa Cruz County is legally adequate and report that determination to the Commission. It is recommended that the Commission concur with the determination of the Executive Director that the action of the Board of Supervisors of Santa Cruz County accepting the certification of LCP Major Amendment #1-97 is legally adequate.

Attachments

- o Draft letter to Board of Supervisors Chairperson Wormhoudt
- o Copy of Resolution No. 432-97 with Ordinance #4457-A

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(408) 427-4883

HEARING IMPAIRED: (415) 904-5200



Page 2

-DRAFT-

December 15, 1997

Mardi Wormhoudt, Chairperson
Santa Cruz County Board of Supervisors
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

Re: County of Santa Cruz, Local Coastal Program Major Amendment #1-97

Dear Chairperson Wormhoudt:

This office has reviewed Santa Cruz County's Resolution No. 432-97 and accompanying Ordinance #4457-A adopted by the Board on November 4, 1997. By that action the County acknowledged the receipt of the Commission's certification and has incorporated the certified amendment into the County's Local Coastal Program. I have determined, and the Commission has concurred, that the County's action with respect to Local Coastal Program Major Amendment #1-97 regarding accessory structures, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Commission at the December 9 -12, 1997 meeting in San Rafael. The modified amendment is effective as of that date.

Very truly yours,

PETER M. DOUGLAS
Executive Director

TAMI GROVE
Deputy Director

cc: Mark Deming, Santa Cruz County Planning

RH

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 432-97

On the motion of Supervisor Belgard
duly seconded by Supervisor Beautz
the following is adopted:

RESOLUTION ADOPTING AN ORDINANCE AMENDING THE COUNTY LOCAL
COASTAL PROGRAM IMPLEMENTING ORDINANCES

WHEREAS, the County of Santa Cruz has adopted an Local Coastal Program, including implementing ordinances, which Program has been certified by the California Coastal Commission in accordance with the California Coastal Act (Public Resource Code Section 30000 et seq; and

WHEREAS, on May 6, 1997, the Board of Supervisors adopted Ordinance No. 4457 amending Sections 13.10.322, 13.10.611, and 13.10.681 of the County Code and submitted said ordinance to the Coastal Commission for certification;

WHEREAS, on September 10, 1997, the Coastal Commission considered Ordinance No. 4457 and certified it as conforming with the County's Local Coastal Program subject to certain modifications; and

WHEREAS, the Board of Supervisors has considered the recommended modifications and found them to be acceptable; and

WHEREAS, in compliance with CEQA and State and County Environmental Review Guidelines, amendments to Section 13.10.681 have been issued a Negative Declaration, which has been considered by the Planning Commission and the Board of Supervisors; and

WHEREAS, in compliance with CEQA and State and County Environmental Review Guidelines, amendments to Section 13.10.322 and 13.10.681 have been issued an Exemption, which has been considered by the Planning Commission and the Board of Supervisors, and the recommended modifications do not require additional environmental review; and

WHEREAS, Ordinance No. 4457 as modified is consistent with the General Plan; and

WHEREAS, Ordinance No. 4457 as modified is consistent with the California Coastal Act;

WHEREAS, the California Coastal Commission has certified the Implementation Program of the County's Local Coastal Program; and

250

WHEREAS, the proposed amendments are consistent with the County General Plan, and all components of the County Local Coastal Program Land Use Plan; and

WHEREAS, the proposed ordinance is consistent with the California Coastal Act and shall be carried out in accordance with Section 30510(a) of the Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby approves Ordinance No. 4457-A, attached hereto and entitled as follows, amending the Santa Cruz County Local Coastal Program, to become effective on the 31st day after final passage and to then supercede Ordinance No. 4457:

AN ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS INCLUDING LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCES: AMENDING SECTION 13.10.322 RELATING TO RESIDENTIAL USES, SECTION 13.10.611 RELATING TO ACCESSORY STRUCTURES, AND 13.10.681 RELATING TO ACCESSORY DWELLING UNITS

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 4th day of November, 1997 by the following vote:

AYES: SUPERVISORS Beautz, Belgard, Almquist and Wormhoudt
 NOES: SUPERVISORS Symons
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

MARDI WORMHOUDT

Mardi Wormhoudt, Chairperson
 Board of Supervisors

ATTEST:

SUSAN M. ROZARIO

Clerk of the Board

APPROVED AS TO FORM:

Dee S.
 County Counsel

DISTRIBUTION: County Counsel
 Planning Department

STATE OF CALIFORNIA
 COUNTY OF SANTA CRUZ
 I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 11-5 1997

SUSAN A. MAURIELLO, County
 Administrative Officer

Pandy Hauen

Santa Cruz 1-9

ORDINANCE 4457-A

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 AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION

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 add a category to the key to read as follows:

KEY:

** = Accessory dwelling units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal Permit which is processed at Level 5

SECTION II

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 BP BP BP BP
Only Only Only Only 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).

| 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 III

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 than 70 square feet), or where required under the particular circumstance, for example, facilities required for employees;
- (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 IV

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.
- (b) Application Requirements. Approval of all accessory dwelling units shall be processed in accordance with the provisions in Chapter 18.10 and shall require public notice (Level IV), except that accessory dwelling units located within the Coastal Zone and not excludable under Section 13.20.071 shall require a Coastal Zone Permit which is processed at Level 5. 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).
- (c) 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, 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 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);
 - (3) Development Standards: All development standards for the applicable residential zone district shall be satisfied, with allowance for a setback exception as provided for 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); 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 shall be applied to 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. .
 - (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: :

| 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 | | |

| 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 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 13.10.550 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.
 - (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 either:
 - (i) Households that meet the Income and Asset Guidelines requirements established by Board of Supervisors resolution for lower income households; or
 - (ii) 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) 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).
- (3) Occupancy Status: Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in Subsection 17.10.020(a), indicating whether the accessory unit will be rented, occupied by family members, or left vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.
- (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 administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. The administering agency may charge a fee to the applicant for the certification process.
- (6) Status Report: The owner shall report the occupancy status of the accessory dwelling unit, when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name 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:
- 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.
 - The declaration is binding upon all successors in interest; and
 - 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 V

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.

SECTION VI

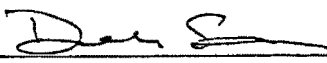
This Ordinance shall take effect 31st day after final passage and upon becoming effective shall supercede Ordinance No. 4457. This ordinance shall be operative to all applications for accessory dwelling units pending on June 6, 1997, except as to such applications filed with the applicable application 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 June 6, 1997.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 4th day of November, 1997, by the following vote:

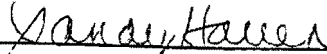
| | | |
|----------|-------------|---|
| AYES: | Supervisors | Beautz, Belgard, Almquist and Wormhoudt |
| NOES: | Supervisors | Symons |
| ABSENT: | Supervisors | None |
| ABSTAIN: | Supervisors | None |

MARDI WORMHOUDT
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: SUSAN M. ROZARIO
Clerk of the Board

APPROVED AS TO FORM: 
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 5th DAY OF November 1997 **43**
SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY  DEPUTY