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W19b

LCP-3-SCO-20-0020 (ACCESORY DWELLING UNITS)

MAY 13, 2020 HEARING

EXHIBITS

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Exhibit 1: Proposed LCP IP ADU Amendment in Strikethrough and Underline

ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS 7.73.020, 12.02.020, 13.10.312, 13.10.322, 13.10.323, 13.10.332, 13.10.333, 13.10.352, 13.10.353, 13.10.362, 13.10.363, 13.10.372, 13.10.446, 13.10.552, 13.10.611, 13.10.681, 13.10.700, 14.01.107 and 17.10.020 RELATING TO ACCESSORY DWELLING UNITS

7.73.020(B), Individual Water Systems.

(B) “Dwelling unit” means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories. These restrictions shall not apply where an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is permitted pursuant to Chapter 13.10 SCCC 13.10. ~~An accessory dwelling unit~~ ADUs and JADUs shall be considered ~~an~~ as extensions of the primary dwelling unit.

12.02.020(11), Residential Permit Allocation System Definitions, Exempted Permit.

(11) Permits for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as provided for in SCCC 13.10.681.

13.10.312, Agricultural Uses Chart, “Accessory Dwelling Unit”.

USE	CA	AP (P	
		A	Comb.+)
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU), subject to the provisions of SCCC 13.10.681			—
Inside the Coastal Zone	5	BP	—
Outside the Coastal Zone	4	BP	—

13.10.322, Residential Uses Chart, “Accessory Dwelling Units”.

USE	RA	RR	R-1	RB	RM
Residential uses:					
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) subject to SCCC 13.10.681	BP	BP	BP	BP	BP

13.10.323(B), Residential Site and Structural Dimensions Chart.

**R-1 SINGLE-FAMILY RESIDENTIAL ZONE DISTRICTS
SITE AND STRUCTURAL DIMENSIONS CHART**

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE ***	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO ****	MAXIMUM NUMBER STORIES**	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
All Districts	Minimum to garage/carport entrance	20	20	20						
	Parcels <60 feet wide (except for corner lots)		5&5							
	Detached Garages, inside the USL	*	*	*		24 and 20 exterior wall				
	<u>Accessory Dwelling Units</u> †	‡	‡	‡	‡	‡	‡	‡	<u>N/A</u>	<u>N/A</u>
RB > or = 4,000 sq. ft.	General requirements	10	0&5	10	40%	25; on beach side: 17	0.5:1	2; on beach side: 1	40	40
	Corner lots	10	0&10	10	40%	See above	0.5:1	See above	40	40
	Lots on beach side of street	10	0&5	0	40%	See above	0.5:1	See above	40	40
	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of- way	10	0&5	10						
	General requirements	15	5&5	15	40%	28	0.5:1	2	35	35
R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft.	Corner lots—existing parcels	15	5&10	15	40%	28	0.5:1	2	35	35
	—creating new parcels		5&15							
	Parcels >5,000 sq. ft.	20	5&8	15	40%	28	0.5:1	2	35	35
R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.	General requirements	20	5&8	15	40%	28	0.5:1	2	50	50
	Corner lots—existing parcels	20		15	40%	28	0.5:1	2	50	50
	—creating new parcels									

R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft.	Parcels 4 to <5,000 sq. ft.	20	5&8	15	40%	28	0.5:1	2	50	50
	General requirements	20	5&8	15	40%	28	0.5:1	2	60	60
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1	2	60	60
	—creating new parcels	20	5&20	15	40%	28	0.5:1	2	60	60
R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft.	Parcels >4,800 to <5,999 sq. ft.	20	5&8	15	40%	28	0.5:1	2	60	60
	General requirements	20	10&10	15	40%	28	0.5:1	2	60	60
	Creating new corner lots	20	10&20	15	40%	28	0.5:1	2	60	60
R-1-16 to R-1-<1 acre 16,000 sq. ft. to <1 acre	General requirements	30	15&15	15	20%	28	N/A	2	90	60
	General requirements—1 to <5 acres	40	20&20	20	10%	28	N/A	2	100	60
RR, RA and R-1-1 >1 acre	General requirements—5 acres or more	40	20&20	20	10%	28	N/A	2	150	100

NOTE: This chart contains the single-family residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 SCCC and SCCC 13.10.681 and 13.10.685.

* Site standard for the applicable zone district must be met.

** Number of stories is limited outside the urban services line by the General Plan.

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State Office of Historic Preservation guidance. ~~Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) Lot Coverage shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

**** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the floor area ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent

with State Office of Historic Preservation guidance. ~~Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) FAR shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

‡ See SCCC 13.10.681(D)(B)2 and (E) for standards governing ~~conversion~~ ADUs.

**RM MULTIFAMILY RESIDENTIAL ZONE DISTRICTS
SITE AND STRUCTURAL DIMENSIONS CHART**

ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE**	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO** *	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
All Districts	Minimum to garage/carport entrance	20	20	20						
	Parcels <60 feet wide (except for corner lots)		5&5							
	Detached Garages, inside the USL	*	*	*		24 and 20 exterior wall				
	<u>Accessory Dwelling Units</u> †	‡	‡	‡	‡	‡	‡	‡	<u>N/A</u>	<u>N/A</u>
RM-1.5 to RM-4.9 0 to <5,000 sq. ft.	General requirements for all parcels within these zone districts	15	5&5	15	40%	28	0.5:1	Per use permit or 2	35	35
	Corner lots—existing parcels	15	5&10	15	40%	28	0.5:1		35	35
	—creating new parcels	15	5&15	15	40%	28	0.5:1		35	35
	Parcels >5,000 sq. ft.	20	5&8	15	40%	28	0.5:1		35	35
RM-5 to RM-5.9 5,000 to <6,000 sq. ft.	General requirements and for parcels >6,000 sq. ft.	20	5&8	15	40%	28	0.5:1	Per use permit or 2	50	50
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1		50	50
	—creating new parcels	20	5&10	15	40%	28	0.5:1		50	50
	Parcels >4,000 to <5,000 sq. ft.	20	5&8	15	40%	28	0.5:1		50	50
RM-6 to RM-9.9 6,000 to <10,000 sq. ft.	General requirements	20	5&8	15	40%	28	0.5:1	Per use permit or 2	60	60
	Corner lots—existing parcels	20	5&10	15	40%	28	0.5:1		60	60

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ZONE DISTRICT AND MINIMUM NET SITE AREA PER DWELLING UNIT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE**	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO** *	MAXIMUM NUMBER STORIES	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
		—creating new parcels	20	5&20						

NOTE: This chart contains the multifamily residential zone district standards and some of the most commonly used exceptions. For additional exceptions relating to parcels, see SCCC 13.10.323(D). For additional exceptions relating to structures, see SCCC 13.10.323(E). Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for affordable housing units built on-site or off-site in accordance with Chapter 17.10 SCCC and SCCC 13.10.681 and 13.10.685.

* Site standard for the applicable zone district must be met.

** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State Office of Historic Preservation guidance. ~~Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) Lot Coverage shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the floor area ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance. ~~Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) FAR shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

‡ See SCCC 13.10.681 ~~(D)(B)2 and (E)~~ for standards governing ~~conversion~~ ADUs.

**ACCESSORY DWELLING UNIT RESIDENTIAL ZONE DISTRICTS
SITE AND STRUCTURAL DIMENSIONS CHART**

ZONE DISTRICT	PARCEL SPECIFIC CONDITION	SETBACKS (FEET)			MAXIMUM PARCEL COVERAGE ***	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO* ***	MAXIMUM NUMBER STORIES**	MINIMUM SITE WIDTH (FEET)	MINIMUM SITE FRONTAGE
		FRONT	SIDE	REAR						
Accessory Dwelling Units, All Districts	New Construction— Detached from SFD; inside USL	*	*	*	*	17 and 15 exterior side wall	*	N/A	*	*
	New Construction— Detached from SFD; outside USL	*	*	*	*	*	*	*	*	*
	New Construction— Attached to SFD	*	*	*	*	*	*	*	*	*
	New Construction above a Detached garage— inside USL	*	5	5	*	24 and 20 exterior wall	*	2	*	*
	New Construction above an Attached garage— inside USL	*	5	5	*	24 between 5' and zone district setback, with 20 exterior wall; * at zone district setback	*	2	*	*
	New Construction above a Detached or Attached garage— outside USL <i>Reduced setbacks</i>	*	5	5	*	24 between 5' and zone district setback, with 20 exterior wall; * at zone district setback	*	2	*	*
	New Construction above a Detached or Attached garage— outside USL <i>Standard Setbacks</i>	*	*	*	*	*	*	*	*	*
	Conversion ADUs	‡	‡	‡	‡	‡	‡	‡	‡	‡

*— Site standard for the applicable zone district must be met.

**— For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the maximum parcel coverage shall be 1.25 times that of the applicable zone district. Development shall be consistent with State

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~~Office of Historic Preservation guidance. Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) Lot Coverage shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

~~*** For parcels where there is an historic resource that has been designated consistent with the California Register of the State Office of Historic Preservation and Chapter 16.42 SCCC standards, the floor area ratio (FAR) shall be 0.6:1 in any zone district where the standard FAR is 0.5:1. Development shall be consistent with State Office of Historic Preservation guidance. Where New Construction or Conversion ADUs are developed on parcels 6,000 square feet or smaller after January 1, 2018 an additional two percent (2%) FAR shall be available by right, including within the Pleasure Point (PP) Combining Zone District.~~

~~‡ See Code Sections 13.10.681(B)2 and (E) for standards governing Conversion ADUs.~~

13.10.323(E)(1): Structural Encroachments.

(1) Structural Encroachments. Eaves, chimneys, bay windows (less than 60 inches in height), uncovered, unenclosed porches, decks, stairways and landings may extend into required front and rear yard by six feet; provided, that balconies, or decks must be cantilevered in order to encroach. Eaves, chimneys and uncovered, unenclosed stairways and landings may extend into required side yard three feet. Decks less than 18 inches high may be constructed to property lines. Second story rooftop decks and landings are not permitted. Structural encroachments associated with Accessory Dwelling Units must preserve minimum two-foot interior side and rear setbacks.

13.10.323(E)(6)(b): Side and Rear Yards, subsection (i).

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

13.10.332(B), Commercial Uses Chart, “Key”.

SECTION VIII

KEY:

- A = Use must be ancillary and incidental to a principal permitted use on the site
- P = Principal permitted use (see subsection (A) of this section); no use approval necessary if P appears alone
- BP = Building Permit Only
- 1 = Approval Level I (administrative)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- * = Level IV for projects of less than 5,000 square feet
 Level V for projects of 5,000 to 20,000 square feet
 Level VI for projects of 20,000 square feet and larger

13.10.332(B), Commercial Uses Chart, “Residential uses”.

USE	PA	VA	CT	C-1	C-2	C-4
Residential uses, such as:						
Dwelling units, single-family and multifamily, up to 50% (67% if project is 100% affordable) of the floor area of the entire development, developed according to development standards of urban high residential						
1—4 units	5	—	5	5	—	—
5—19 units	6	—	6	6	—	—
20+ units	7	—	7	7	—	—
<u>Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681</u>	<u>BP</u>	:	:	<u>BP</u>	<u>BP</u>	:
<u>Junior Accessory Dwelling Units (JADUs) in single-family dwellings, subject to SCCC 13.10.681</u>	<u>BP</u>	:	:	<u>BP</u>	<u>BP</u>	:
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and 13.10.700-C definition)	5	—	—	5	5	—
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P	—	—	P	P	—
Convalescent hospitals	4/5/6*	—	—	—	—	—
Hosted rentals, subject to SCCC 13.16.690	1P	1P	1P	1P	1P	1P
Nursing homes (see SCCC 13.10.700-N definition)	4/5/6*	—	—	—	—	—
Residential care homes serving 6 or fewer residents (see SCCC 13.10.700-R definition)	P	P	P	P	P	P

13.10.333(A), Development standards for commercial districts: Site and Structural Dimensions.

(A) Site and Structural Dimensions. The following minimum parcel size, frontage, yard dimensions, and building height limits shall apply within all commercial zone districts, except as noted elsewhere in this section or in the general exceptions as noted in SCCC 13.10.510, et seq.

COMMERCIAL SITE AND STRUCTURAL DIMENSIONS CHART^{1,2,4}

District Designation	Minimum Site Area per Parcel (net developable square feet)	Minimum Parcel Frontage (feet)	Minimum Yards (feet)			Maximum Building Height Limit (feet) ³
			Front	Side	Rear	
PA	10,000	60	10	Interior: 0 Street: 10	10	3 stories, but not to exceed 35 feet
VA	10,000	60	10	10	10	3 stories, but not to exceed 35 feet
CT	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-1	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-2	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-4	10,000	60	10	0	0	3 stories, but not to exceed 35 feet

Footnotes:

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- (1) See also general site standards exceptions in SCCC 13.10.510, 13.10.520 and 13.10.521.
- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.
- (3) See also Chapter 12.28 SCCC, Solar Access Protection; subject to solar access requirements in SCCC 13.11.072.
- (4) See also Accessory Dwelling Unit site development standards in SCCC 13.10.681. Where there are conflicts between commercial site and structural dimensions chart and 13.10.681, SCCC 13.10.681 shall take precedence.

13.10.333(B), Development standards for commercial districts: Yards, Exceptions, subsection (2).

(2) See SCCC 13.10.681(D) regarding setback requirements for Accessory Dwelling Units. Subject to exceptions as provided in subsections (B) and (C) of this section.

13.10.333(D), Development standards for commercial districts: Other Regulations.

(D) Other Regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
<u>Accessory Dwelling Units</u>	<u>13.10.681</u>
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(g)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

13.10.352(B), Parks, Recreation and Open Space PR District Uses Chart, “Residential”.

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

Exhibit 1

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13.10.353(A): Development standards for Parks, Recreation and Open Space: Site and Structural Dimensions.

(A) Site and Structural Dimensions. The following site width, frontage, yard dimensions, and building height limit shall apply within the PR District.

PR SITE AND STRUCTURAL DIMENSIONS CHART

District	Minimum Site Area (net developable acres)	Minimum Site Width (feet)	Minimum Site Frontage (feet)	Yards (Front, Side and Rear) (feet)	Maximum Height (feet)
PR	20	100	60	all yards 30	28

Footnote:

(1) For single-family dwellings and accessory structures, the district development standards shall be the same as those contained in SCCC 13.10.323 pertaining to residential districts and shall further be based on the size of the parcel for purposes of applying SCCC 13.10.323(B). Accessory Dwelling Units shall be subject to the site and structural dimensions in SCCC 13.10.681.

13.10.362(B): Public Facilities Uses Chart, “Residential”.

PF USES CHART

USE	APPROVAL LEVEL
Residential Uses	
<u>One single family dwelling</u>	<u>3</u>
<u>Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681</u>	<u>BP</u>
Affordable rental housing (see 13.10.365)	
2-4 units	5
5 or more units	6
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and 13.10.700-C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)	P
Residential uses pursuant to a master use permit	5/6/7A
School Employee Housing (see 13.10.365)	
2-4 units	5
5 or more units	6

Exhibit 1

PF USES CHART

USE	APPROVAL LEVEL
Temporary mobile home or manufactured housing for caretaker, manager or staff, for a period of not more than 3 years	5A
<u>Other residential uses pursuant to a master use permit</u>	<u>5/6/7A</u>

13.10.363(B)(4): Development standards for public facilities districts, Yards-Exceptions, Accessory Dwelling Units.

(4) Accessory Dwelling Units shall be subject to the site and structural dimensions in SCCC 13.10.681. Where there are conflicts between this section and SCCC 13.10.681, SCCC 13.10.681 shall take precedence.

13.10.363(C): Development standards for public facilities districts, Other Regulations.

(C) Other Regulations. Other development standards applicable to the Public and Community Facilities Zone District are contained in the following sections of this code:

	SCCC
<u>Accessory Dwelling Units</u>	<u>13.10.681</u>
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

13.10.372(B): Timber Production Uses Chart, “Accessory Structures”.

USE	PERMIT REQUIRED
Accessory structures, habitable (not including ADUs), when incidental to a residential use (subject to SCCC 13.10.611 , 13.10.322(B) , and 13.10.373). See ADUs under “Residential” below.	BP/5**
Accessory structures, nonhabitable, when incidental to a residential use (subject to SCCC 13.10.611 , 13.10.322(B) and 13.10.373)	BP/5**

Exhibit 1

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USE	PERMIT REQUIRED
Accessory structures, nonhabitable, when incidental to timber production or agricultural use, subject only to the provisions of SCCC 16.22.060	BP Only

13.10.372(B): Timber Production Uses Chart, “Residential”.

USE	PERMIT REQUIRED
Residential: one single-family dwelling per existing parcel of record	3
Dwelling groups of single-family dwelling (subject to the density and other requirements in SCCC 13.10.373 , 13.10.374 , and 13.10.375)	5 (2 dwelling units) 7 (more than 2 dwelling units)
<u>Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) subject to SCCC 13.10.681</u>	<u>2A</u>
Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and SCCC 13.10.700 -C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700 -C definition)	P
Mobile home, temporary, for not more than five years for a caretaker or watchman in isolated areas on a minimum of 10 acres	5
Residential uses, permanent, such as:	-
Hosted rentals, subject to SCCC 13.10.690	1P

13.10.446: Residential development standards in the Pleasure Point Community Design PP Combining District (introductory text).

In addition to the residential site standards found in SCCC 13.10.323(B), the following standards and incentives apply to residential development in the Pleasure Point Community Design PP Combining District. Where there are differences between this section and SCCC 13.10.323(B), the provisions of this section shall apply. Where there are differences between this section and SCCC 13.10.681(D) regarding (ADUs), the provisions of SCCC 13.10.681(D) shall apply, including a height provision specific to the PP Combining District for ADUs above garages. ~~except that for Accessory Dwelling Units built above attached or detached garages the provisions of 13.10.323 and 13.10.681(D)(2)(a) shall apply this section regarding setbacks and second story setbacks; and the additional 2% allowance for Lot Coverage and Floor Area Ratio for any parcel with an ADU on lots 6000 sf or smaller shall also apply~~

13.10.552(A)(7): Schedule of off-street parking space requirements, Residential Uses, Accessory Dwelling Units.

(7) Accessory Dwelling Units. One parking space is required for each accessory dwelling unit unless the ADU is exempted under SCCC [13.10.681](#)~~(DF)~~~~(72)~~(d).

13.10.681: Accessory Dwelling Units.

(A) Purpose. The purpose of this section is to provide for and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in order to provide needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.

(B) Definitions. For the purposes of this section, terms shall be defined as follows:

- (1) “Accessory Dwelling Unit” (ADU) shall be defined per 13.10.700-A: In compliance with California Government Code Section 65852.2, an attached or detached residential dwelling unit

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

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

~~(34)~~ “New Construction ADU” shall mean any ADU that does not meet the definition of conversion ADU.

~~(42)~~ “Conversion ADU” shall mean the conversion of any portion of a legal accessory structure ~~built or issued a building permit prior to January 1, 2017, or any portion of a single-family dwelling, or any garage, for the purpose of creating an accessory dwelling unit-ADU.~~ Conversion ADUs shall comply with the limit set forth for reconstruction, as defined in SCCC 13.10.700-R, with the exception that Conversion ADUs can include additions of no more than 150 square feet. and a Any conversion that exceeds that these limits, or otherwise does not comply with subsection (E) of this section shall be considered a N new Construction ADU for the purposes of this section.

If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section and must be processed as a new construction ADU.

~~(53)~~ “Attached,” in reference to ADUs throughout the Santa Cruz County Code, shall mean sharing any part of a wall, ceiling or floor with the primary dwelling on the property, with the ADU located above, below, beside, or a combination, the primary dwelling on the property.

(6) “Detached,” in reference to ADUs throughout the Santa Cruz County Code, shall mean any ADU that does not meet the definition of “Attached.”

~~(C) Application Processing.~~

(C) Accessory Use. ADUs and JADUs are accessory uses to the primary residential dwelling and shall not be considered in calculation of residential density for a lot.

~~(D) Requirements for New Construction ADUs. Before a permit for a New Construction ADU or expansion of an existing structure beyond the allowance in subsection (E)(4)(d) of this section for use as an accessory dwelling unit can be granted, the following requirements shall be met:~~

~~(1) Zoning and General Plan. The accessory dwelling unit shall be located on a parcel allowing single-family uses either by zoning (A, CA, R-1, RA, RM, RR, PR, TP) or General Plan designation (R) 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. Subject to discretionary development permit and coastal development permit processes and findings for approval, and after review and approval by the Agricultural Policy Advisory Commission an accessory dwelling unit may be located on land zoned for Commercial Agriculture (CA) or on a parcel designated for agricultural use in the General Plan (A);~~

~~(2) Development Standards. All development standards for the applicable zone district shall be satisfied; and the development shall be consistent with all County policies and ordinances, except that regardless of any other zone district standards, the following provisions shall apply to new construction ADUs:~~

~~(a) Inside the Urban Services Line, an ADU that is built on the second floor over an existing or new garage shall be permitted to maintain minimum side and rear setbacks of five feet, with a maximum exterior wall height of 20 feet measured from finished grade and a height not exceeding 24 feet for a structure that is detached from the primary dwelling, and not exceeding 24 feet within the area of the zoning district setback for a structure that is attached to the primary dwelling. Outside the Urban Services Boundary, an ADU that is built on the second floor over an existing or new garage shall be permitted to maintain minimum side and rear setbacks of five feet, with a maximum exterior wall height of 20 feet measured from finished grade and a height not exceeding 24 feet within the area of the zoning district setback. Outside of the Urban Services Boundary, ADUs above garages shall have a maximum height consistent with zoning district standards when conforming to standard setbacks for the zone district.~~

~~(b) Inside the Urban Services Line, the maximum height for a detached new construction ADU shall be 17 feet, with a maximum exterior side wall height of 15 feet measured from finished grade.~~

~~(c) ADUs that are attached to the primary dwelling on the property shall be subject to the standards that are otherwise applicable to the primary dwelling based on the zone district including height, stories, setbacks, lot coverage, and FAR, except that:~~

~~(i) ADUs that are built above a garage shall be subject to the standards of subsection (D)(2)(a) of this section and to the site standards of SCCC 13.10.323.~~

~~(ii) Parcels that are 6,000 square feet or smaller shall be eligible for additional floor area ratio and lot coverage subject to subsection (F)(6) of this section.~~

~~(d) All ADUs shall comply with all applicable provisions of Chapter 12.10 SCCC, Building Code, and Chapter 7.92 SCCC, Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence;~~

~~(3) Design. The design, materials and color of the new construction accessory dwelling unit shall be compatible with that of the main dwelling and shall be consistent with the development standards and guidelines set forth in subsection (D)(6) of this section; and~~

~~(4) 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 the Environmental Health Officer; and~~

~~(5) In the Coastal Zone, a coastal development permit is required pursuant to the requirements of SCCC 13.20.107 et seq., unless the proposed ADU meets the standard for exemption or exclusion under SCCC 13.20.050 et seq., in which case no coastal development permit shall be required;~~

~~(6) Additional Standards. The following standards shall be applied to every accessory dwelling unit not defined as a conversion ADU, and shall be conditions for any approval under this section:~~

~~(a) Location of Accessory Dwelling Unit. The accessory dwelling unit may be either attached to the main dwelling or may be detached from it. Inside the urban services line, no accessory dwelling unit shall be accessed by a separate driveway or right-of-way, unless access via a second driveway would result in a superior site plan in terms of safety and protection of environmental resources, and is approved by the Public Works Director or designee. On land designated agricultural, exhibit 14~~

General Plan, the accessory dwelling unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.

~~(b) Lot Coverage and Floor Area Ratio. No accessory dwelling unit shall be allowed which would, when combined with existing lot coverage and gross floor area, exceed the allowable lot coverage or the allowable floor area ratio for the parcel.~~

~~(c) Site Standards. All site standards of the zoning district in which the accessory dwelling unit is proposed shall be met, unless expressly superseded by subsection (D)(2) of this section. On land zoned or designated agricultural, all setbacks of the agricultural zone districts shall be met and all accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F), as determined by the Agricultural Policy Advisory Commission, if applicable.~~

~~(E) Requirements for Conversion ADUs. Where an accessory dwelling unit is proposed as a conversion ADU (as defined in subsection (B)(2) of this section), the following requirements shall be met:~~

~~(1) Zoning and General Plan. The ADU accessory dwelling unit shall be located on a parcel allowing single-family uses either by zoning (A, CA, R-1, RA, RM, RR, PR, TP) or General Plan designation (R), or subject to applicable discretionary development permit and coastal development permit processes and findings for approval, and after review and approval by the Agricultural Policy Advisory Commission an accessory dwelling unit may be located within the Agriculture Commercial Zone District, or on land designated for agricultural use in the General Plan (A), which contains an existing single-family home.~~

~~(2) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall meet applicable requirements of the Environmental Health Officer.~~

~~(3) In the Coastal Zone, a coastal development permit is required pursuant to the requirements of SCCC 13.20.107 et seq., unless the proposed ADU meets the standard for exemption or exclusion under SCCC 13.20.050 et seq., in which case no coastal development permit shall be required.~~

~~(4) Design and Development standards for Conversion ADUs. The following standards shall be applied to every accessory dwelling unit converted from part of an existing single-family home or existing accessory structure, and shall be conditions for any approval under this section:~~

~~(a) The ADU shall have an exterior entrance that is independent of the existing single-family dwelling.~~

~~(b) The ADU shall meet setbacks sufficient for fire safety in conformance with the Building Code (Chapter 12.10 SCCC) and Fire Code (Chapter 7.92 SCCC).~~

~~(c) If converting an existing accessory structure, applicant must be able to show that the structure was erected with all required permits, or that the structure is legal nonconforming. Structures that were built without benefit of permits are not eligible for conversion under this section and must be processed as a new construction ADU.~~

~~(d) Conversion for use as an ADU shall include construction which occupies substantially the same footprint and vertical space as the existing structure upon completion, with additions to the existing structure increasing overall floor area of the conversion ADU by no more than 30 percent or 150 square feet, whichever is less. Additions to square footage exceeding that level shall be considered under subsection (D) of this section as new construction ADUs. Proposed additions with~~

conversion ADUs shall comply with applicable zoning development standards and any existing development permit conditions of approval.

~~(i) For conversion ADUs on parcels 5,000 square feet and smaller, the addition of up to 30 percent of conversion area, not to exceed 150 square feet, shall be in addition to the 50 percent the primary dwelling which may be converted to an ADU per subsection (F)(1) of this section, so long as in no case does the total habitable area of the ADU exceed 640 square feet.~~

~~(e) The ADU shall comply with all applicable provisions of Chapter 12.10 SCCC, Building Code, and Chapter 7.92 SCCC, Fire Code, except that fire sprinklers shall not be required for an ADU where they are not required for the primary residence.~~

(DF) Site Standards Requirements. For both new construction ADUs and conversion ADUs the following site standards apply. Before a permit for an ADU or JADU can be granted, the following requirements shall be met:

(1) Zoning and General Plan.

(a) The ADU shall be located on a parcel allowing residential or mixed uses either by zoning or General Plan designation.

(b) The JADU shall be located on a parcel allowing single-family residential use either by zoning or General Plan designation.

(2) Presence of Primary Dwelling Unit. A primary dwelling unit must exist or be proposed for construction concurrently with the proposed ADU or JADU.

(3) Number of ADUs Allowed.

(a) Single-family dwellings. On lots with existing or proposed detached or semi-detached single-family dwellings, including dwelling groups, the following are allowed:

(i) Up to one ADU and one JADU per single family dwelling.

(b) Multifamily dwellings. On lots with existing or proposed attached multifamily developments such as apartments, condominiums and townhomes, the following are allowed:

(i) Up to two detached ADUs; and

(ii) Conversion ADUs associated with up to 25% of multifamily units. Conversion ADUs in multifamily developments must be converted from areas not previously used as living space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(4) ADU Location on a Parcel.

(a) ADUs may be attached or detached from the primary dwelling unit. JADUs must be attached.

(b) ADUs and JADUs shall be subject to the setback requirements in SCCC 13.10.681(D)(7)(a) except where larger setbacks are required due to environmental buffers and constraints identified per SCCC Title 16, including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

(c) On land zoned or designated agricultural, accessory dwelling units must meet the buffering requirements of SCCC 16.50.095(F). A detached ADU shall be located within 100 feet of the main dwelling on the property, unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering

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requirements and will meet the goal of preserving agricultural land as determined by the Agricultural Policy Advisory Commission, if applicable.

(5) Access.

(a) The ADU or JADU shall have an exterior entrance that is independent of the existing single-family dwelling.

(b) Inside the urban services line, no ADU or JADU shall be accessed by a separate driveway or right-of-way, unless access via a second driveway would result in a superior site plan in terms of safety and protection of environmental resources, and is approved by the Public Works Director or designee.

~~(1) Size of Accessory Dwelling Unit. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU is defined in the tables below, based on location inside or outside the Urban Services Line (USL) and parcel size. In no case shall an ADU on a parcel under 5,000 square feet exceed 640 square feet in size:~~

New Construction ADUs Outside the USL			
Parcel Size	<10,000 sq. ft.	10,000 sq. ft. to <1 acre	1 acre or larger
Size of ADU	800 sq. ft.	1,000 sq. ft.	1,200 sq. ft.

New Construction ADUs Inside the USL			
Parcel Size	<5,000 sq. ft.	5,000 sq. ft. — 9,999 sq. ft.	10,000+ sq. ft.
Size of ADU	10% of parcel size	640 sq. ft.	800 sq. ft.

All Conversion ADUs		
Parcel Size	<5,000 sq. ft.	5,000+ sq. ft.
Size of ADU	Up to 50% of the existing habitable sq. ft. of primary dwelling, not to exceed 640 sq. ft.	Use standards for New Construction ADUs in tables above

(6) Unit Size. The total gross floor area as defined in SCCC 13.10.700-F of the habitable portion of an ADU shall be as follows.

(a) Minimum unit size, JADU or ADU: 150 square feet (“efficiency unit” per California Health and Safety Code section 17958.1)

(b) Maximum unit size, JADU: 500 square feet

(c) Maximum unit size, ADU:

(i) Conversion ADU: 50% of primary dwelling size

(ii) New Construction ADU, Attached:

A. Parcel size < 1 acre: 850 sf (studio or 1 bedroom), 1000 sf (>1 bedroom), or 50% of primary dwelling size, whichever is smaller

B. Parcel size ≥ 1 acre: 50% of primary dwelling size

(iii) New Construction ADU, Detached:

A. Parcel size < 1 acre: 850 sf (studio or 1 bedroom), 1000 sf (>1 bedroom)

B. Parcel size ≥ 1 acre: 1,200 sf

(iv) Regardless of subsections i-iii of this section and other site standards, an ADU must be allowed to be at least 800 square feet. This rule shall not apply within the Seascape Beach Estates Combining Zone District.

(7) Development Standards. All development standards for the applicable zone district shall be satisfied and the development shall be consistent with all County policies and ordinances, except that regardless of any other zone district standards, the following provisions shall apply to ADUs:

(a) Setbacks.

(i) JADUs and Conversion ADUs. Setbacks shall be sufficient for fire safety in conformance with the Building Code (SCCC 13.10) and Fire Code (SCCC 7.92). Additions up to 150 square feet shall meet setback requirements for New Construction ADUs.

(ii) New Construction ADUs. ADUs shall comply with front and street side setbacks for the applicable zone district. Maximum interior side and rear setbacks shall be 4 feet or the setback for the applicable zone district, whichever is less, with the following exceptions.

A. ADUs that are created in the same location as an existing structure being demolished or rebuilt may have the same setbacks as the existing or demolished structure.

B. ADUs located in the Seascape Beach Estates (SBE) Combining District shall meet the setback requirements in SCCC 13.10.436.

C. ADUs may be subject to environmental buffers and constraints identified per SCCC Title 16.

(b) Height.

(i) JADUs and Conversion ADUs. Additions up to 150 square feet shall meet height requirements for New Construction ADUs.

(ii) New Construction ADUs. Height is subject to the applicable zone district height standard with the following exceptions.

A. Inside the urban services line except for in the Seascape Beach Estates Combining Zone District, new construction detached ADUs shall be maximum 16 feet.

B. Any new construction ADU or portion of a new construction ADU that exceeds FAR or lot coverage standards per 13.10.681(D)(6)(c)(iv) shall be maximum 16 feet except that ADUs above garages shall be subject to the height standards in subsections (C) and (D) of this section.

C. Inside the urban services line except for in the Pleasure Point and Seascape Beach Estates Combining Zone Districts, ADUs that are built above detached garages shall be a maximum 20 feet at exterior wall and 24 feet at roof peak.

D. Inside the Pleasure Point Combining Zone District, ADUs that are built above attached and detached garages shall be maximum 18 feet at exterior wall and 22 feet at roof peak.

E. Building height up to 5 feet in excess of an applicable zoning standard, but in no case exceeding 28 feet, may be allowed subject to design review and to the coastal view protection standards of SCCC 13.20.130(B)(7) (if located

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in the Coastal Zone), and subject to approval by the Zoning Administrator following a public hearing.

(c) Lot Coverage and Floor Area Ratio (FAR).

(i) JADUs and Conversion ADUs: additions up to 150 square feet shall meet lot coverage and FAR requirements for New Construction ADUs.

(ii) New Construction ADUs: Lot coverage and FAR is the standard for the applicable zone district with the following exceptions.

A. Where ADUs are developed on parcels 6,000 square feet or smaller an additional two percent (2%) Lot Coverage and two percent (2%) FAR shall be available by right, including within the Pleasure Point (-PP) Combining Zone District but excluding within the Seascapes Beach Estates (-SBE) Combining Zone District.

B. An ADU of up to 800 square feet shall be allowed per SCCC 13.10.681(D)(6)(c)(iv), regardless of lot coverage and FAR.

~~(2) Parking. Off street parking shall be provided to meet the requirements of SCCC 13.10.550 for the main dwelling and one additional space for the accessory dwelling unit, and may be provided as double or triple tandem parking, in any location on the property. Where parking permits are required for on-street parking during any part of the year, permits shall be offered to the occupants of the ADU. Off-street parking shall be required for any new construction or conversion accessory dwelling unit located on a block subject to a permit parking requirement.~~

~~In all other locations, required parking for the ADU shall not apply under the circumstances described below, and no parking shall be required for the ADU under these circumstances:~~

~~(a) The accessory dwelling unit is located within the USL or RSL and within one half mile of public transit stop with at least 30-minute headways (time between buses running on the same route in the same direction).~~

~~(b) The accessory dwelling unit is located within a designated architecturally and historically significant historic district.~~

~~(c) The accessory dwelling unit is part of the primary dwelling on the property, or is part of an accessory structure.~~

~~(d) The accessory dwelling unit is a conversion ADU.~~

~~(e) When there is a dedicated parking space reserved for a publicly available car share vehicle located within one block of the accessory dwelling unit. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.~~

(d) Parking.

(i) JADUs and Conversion ADUs: no required off-street parking for the ADU. Covered parking structures converted to ADUs may require replacement parking per 13.10.681(D)(7)(d)(v).

(ii) New Construction ADUs: one off-street parking space per ADU.

A. ADU parking can be provided as double or triple tandem parking.

B. ADU parking may be located within setback areas unless findings are made that parking in setback areas is not feasible based upon specific site or regional topographical or fire and life safety conditions.

C. If the primary dwelling unit has less than the required parking per SCCC 13.10.552, one new parking space must be provided for the ADU but parking for the primary dwelling may remain nonconforming.

(iii) New Construction ADUs: exceptions to off-street parking requirements. No parking shall be required for the ADU under these circumstances:

A. The ADU is located within one-half mile walking distance of any public transit stop and is not located in the Live Oak, Sealiff/Aptos, or Davenport/Swanton Designated Areas.

B. The ADU is located within a designated architecturally and historically significant historic district.

C. There is a dedicated parking space reserved for a publicly available car share vehicle located within one block of the ADU. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle's availability to future ADU residents.

(iv) Parking Permits. Where parking permits are required for on-street parking during any part of the year, permits shall be offered to the occupants of the ADU and/or JADU.

(v). Replacement Parking. Outside the Coastal Zone, when a garage, carport, or covered parking structure is demolished or converted for construction of an ADU, no replacement parking is required for the primary dwelling unit. Inside the Coastal Zone, replacement parking is required.

(8) Existing Conditions of Approval. Proposed additions associated with Conversion ADUs shall comply with any existing development permit conditions of approval.

(93) Other Accessory Uses.

(a) One ADU may be associated with a single-family dwelling unit on a parcel that also has farmworker housing as defined in SCCC 13.10.631. ~~Not more than one accessory dwelling unit shall be constructed on any one parcel. An accessory dwelling unit and agricultural caretakers' quarters, except farmworker housing on agricultural parcels greater than 10 acres outside the Coastal Zone, shall not be permitted on the same parcel.~~

(b) Non-ADU hHabitable and nonhabitable accessory structures may be allowed subject to all applicable requirements of the underlying zone district and SCCC 13.10.611.

(104) Utility and Service Requirements. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of SCCC 12.10, Building Code, and all sections of the California Fire Code as codified in Chapter SCCC 7.92-SCCC, Fire Code, except that in no case shall fire sprinklers be required for the ADU where they are not also required for the primary dwelling for the following specific exceptions for ADUs:

(a) Life Safety.

(i) Fire sprinklers shall not be required for the ADU where they are not also required for the primary dwelling.

(ii) For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.

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(b) Utility Connections and Fees.

(i) JADUs and Conversion ADUs: new utility connection or capacity charges shall not be required.

(ii) New Construction ADUs: A local agency, special district, or water corporation may require a new or separate utility connection directly between the ADU and the utility, subject to a connection fee or capacity charge proportionate to the burden of the ADU on the water or sewer system, based upon either the square footage of the ADU or its drainage fixture unit values as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials.

(iii) The sewage disposal system and water supply for the parcel shall comply with all applicable requirements of the Environmental Health Officer.

A. As part of the application to create an ADU connected to an onsite water treatment system, a percolation test must be completed within the last five years or if the percolation test has been recertified, within the last 10 years.

~~(5) 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.~~

~~(6) Incentives. On parcels 6,000 square feet or smaller, where new construction ADUs or conversion ADUs are developed after January 1, 2018, an additional two percent shall be added to maximum lot coverage and maximum floor area ratio development standards in order to incentivize the creation of ADUs including within the Pleasure Point (-PP) Combining Zone District. See footnotes on site and structural dimensions charts in SCCC 13.10.323(B).~~

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

(F) Design. The design, materials and color of the new construction ADU shall be compatible with that of the main dwelling.

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

(1) Occupancy Restrictions. The maximum occupancy of an accessory dwelling unit ADU or JADU may not exceed that allowed by the State Uniform Housing Code, or other applicable State law.

~~(23) Sale. ADUs and JADUs shall not be sold separately. The ADU is not intended for sale separate from the primary residence. An ADU may be rented for periods of 30 days or more.~~

(a) Exception. An ADU can be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and all provisions of California Government Code Section 65852.26 are met.

~~(34) Vacation Rental or Short-Term Rental Use. In no case shall a vacation rental or any other short-term rental use of less than 30 days be permitted in an ADU or JADU. A property with an ADU or JADU shall not be eligible for participation in the vacation rental or hosted rental programs.~~

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

(a) Unless owned by a public government agency, land trust, or public or nonprofit housing organization, the property owner shall permanently reside, as evidenced by a ~~Exhibit~~ owner's

property tax exemption, or by other satisfactory documentation of residence, on the parcel in either the ~~main primary dwelling unit, or the ADU or JADU accessory dwelling unit~~. If the accessory dwelling unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the accessory dwelling unit, shall be required to submit a property tax exemption prior to occupancy of the accessory dwelling unit, and shall be subject to the deed restriction noted in subsection (G)(5) of this section.

(ia) ~~Exceptions. Temporary rental of both dwelling units a primary dwelling unit and an ADU or JADU~~ may be authorized by the Planning Director in the case of sudden and unexpected changes in life circumstances. ~~ADU or JADU~~ Property owners may be authorized to rent both the primary dwelling and the ADU ~~or JADU~~ if the property owner is unable to continue to occupy the property temporarily by reason of illness or absence from the area for other than vacation purposes as determined by the Planning Director in his/her sole discretion based on reasonable evidence. Evidence shall be submitted to the Planning Department in writing, and requests for extension of the absence shall also require evidence in writing. The authorization to rent both units shall be limited to one year and may be extended at the discretion of the Planning Director.

(b5) 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:

(ia) The property owner shall permanently reside, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence, in either the ~~main primary dwelling or the accessory dwelling unit~~ ADU or JADU, unless owned by a government agency, land trust, or public or nonprofit housing organization ~~public agency~~ that is providing housing for special populations, in which case the declaration of restrictions shall indicate that any subsequent nonpublic ~~agency~~ owner shall abide by the terms of this subsection. ~~and subsection (G)(2) of this section.~~

(iib) The declaration is binding upon all successors in interest.

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

(iv) A restriction on the size and attributes of the ADU or JADU that conforms with this section.

(v) JADUs only: A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(CH) Application Processing. All ~~accessory dwelling units~~ ADUs and JADUs shall be processed in accordance with this section and the requirements of Government Code Sections 65852.2 and 65852.22 and, for those ~~accessory dwelling units~~ ADUs located within the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. JADUs located in the Coastal Zone that constitute an intensification of use as defined in 13.20.040 shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a

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~~single-family dwelling remodel or addition is evaluated. A building permit only, and no public notice or hearing, shall be required for a new construction or conversion accessory dwelling unit within any residential zone district or on land designated residential in the General Plan, or within the Agriculture Zone District, unless the accessory dwelling unit is located in an area, or is a part of a larger project, that requires a discretionary development permit, or if a variance is requested. Pursuant to Government Code Section [65852.2](#) applications for ADUs within any residential zone district or on land designated residential in the General Plan, or within the Agriculture Zone District shall be approved or denied ministerially within 120 days of submission of a complete application. All applications for accessory dwelling units in the Commercial Agricultural Zone District shall be subject to review by the Agricultural Policy Advisory Commission.~~

~~Accessory dwelling units are subject to the following processes:~~

- ~~(1) Outside the Coastal Zone: Building permit issuance.~~
- ~~(2) Inside the Coastal Zone (nonappealable area): ADUs that meet the standard for exemption or exclusion under SCCC [13.20.050](#) et seq. require a building permit.~~

~~ADUs that do not meet the standard for exemption or exclusion under SCCC [13.20.050](#) et seq. require issuance of a combined coastal development and building permit, subject to the following noticing requirements:(a) Within 10 calendar days of accepting an application for a nonappealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:~~

- ~~i. A statement that the development is within the Coastal Zone;~~
- ~~ii. The date of filing of the application and the name of the applicant;~~
- ~~iii. The number assigned to the application;~~
- ~~iv. A description of development and its proposed location;~~
- ~~v. The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;~~
- ~~vi. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.~~

- ~~(3) Inside the Coastal Zone (appealable area): ADUs that meet the standard for exemption or exclusion under SCCC [13.20.050](#) et seq. require a building permit.~~

~~ADUs that do not meet the standard for exemption or exclusion under SCCC [13.20.050](#) et seq.: require issuance of a combined coastal development and building permit, subject to the following noticing requirements:~~

~~(a) Within 10 calendar days of accepting an application for an appealable coastal development permit, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:~~

- ~~i. Statement that the development is within the Coastal Zone;~~

- ii. ~~The date of filing of the application and the name of the applicant;~~
- iii. ~~The number assigned to the application;~~
- iv. ~~A description of the development and its proposed location;~~
- v. ~~A brief description of the general procedure concerning the conduct of local actions;~~
- vi. ~~The system for Coastal Commission appeals.~~

~~(b) Notice After Final Local Decision. Within seven calendar days of approval of the coastal development and building permit, the County shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.~~

~~(c) The County shall include notice on the coastal development and building permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.~~

(1) Ministerial review requirement. Pursuant to Government Code Section 65852.2, applications for ADUs and JADUs shall be approved or denied ministerially with a building permit, and no public notice or hearing shall be required, with the following exceptions.

(a) Exceptions to ministerial review requirement (discretionary review may be required).

(i) Inside the Coastal Zone, ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 require issuance of a combined coastal development and building permit, subject to the noticing requirements in SCCC 13.20.107 (properties in the Coastal Zone nonappealable area) and the noticing and appeal requirements in SCCC 13.20.108 (properties in the Coastal Zone appealable area).

(ii) ADU and JADU applications requiring a variance shall be processed per SCCC 13.10.230.

(iii) ADU and JADU applications in the Commercial Agricultural (CA) zone district shall be processed per SCCC 13.10.312, with special findings per 13.10.314(A) and (B) and subject to discretionary review by the Agricultural Policy Advisory Commission prior to building permit approval.

(iv) ADU applications in the Parks and Recreation (PR) zone district shall be processed per SCCC 13.10.352(B) and subject to special findings per 13.10.355. JADU applications in the PR zone district shall be reviewed ministerially.

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

(2) Ministerial review time. ADU and JADU applications that are subject to ministerial review must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed building permit application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.

(a) Exception to ministerial review time. When a permit application to create an ADU or JADU is submitted along with a permit application for a new primary dwelling, the permit application for the ADU or JADU shall not be subject to a 60-day approval period but shall instead be subject to the approval period for the primary dwelling. If the new primary

Exhibit 1

dwelling application requires discretionary review, the application for the ADU or JADU shall still be considered ministerially unless the application meets one of the exceptions in SCCC 13.10.681(H)(1)(a).

(35) Fees. Prior to the issuance of a building permit for the ~~accessory dwelling unit~~ ADU, 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.

(a) The County of Santa Cruz and any other local agency, special district or water corporation shall not impose any impact fee upon the development of an ADU less than 750 square feet.

(b) Impact fees charged for ADUs greater than or equal to 750 square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(c) For the purposes of this section, "impact fee" includes "fees" as defined in California Government Code Section 66000(b) and fees specified in California Government Code Section 66477. Impact fees do not include utility connection fees or capacity charges.

(H) Permit Allocations. Each accessory dwelling unit is exempt from the residential permit allocation system of ~~Chapter~~ SCCC 12.02SCCC.

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

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

(2) The owner of an eligible ADU or JADU that receives a notice to correct violations or abate nuisances related to any building standard may submit a letter to the County of Santa Cruz Planning Department, Code Enforcement Division, requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The County of Santa Cruz shall grant a delay in enforcement if the Planning Department Code Enforcement Division, in consultation with the Building Official, determines that correcting the violation is not necessary to protect health and safety.

(K) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the accessory dwelling unit ordinance. The annual analysis shall include the number of accessory dwelling 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.

13.10.700-A: Accessory Dwelling Unit.

"Accessory Dwelling Unit (ADU)" means, in compliance with California Government Code Sections 65852.2 and 65853, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of "Kitchen"), and sanitation ~~on the same parcel as a single-family dwelling~~. See also Junior Accessory Dwelling Unit, Conversion ADU and New Construction ADU.

13.10.700-D: Dwelling Unit.

"Dwelling unit" means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the following restrictions: one "Kitchen" is allowed in each dwelling unit, ~~plus up to one additional Limited Food Preparation Area~~; interior connection shall be maintained throughout the home; and an interior stairway shall be provided between all stories. Dwelling units may include up to one additional "Efficiency Kitchen" in addition to one "Kitchen." If a dwelling unit includes a Junior Accessory Dwelling Unit (JADU), then an additional Efficiency Kitchen outside the JADU is not allowed.

13.10.700-J: Junior Accessory Dwelling Unit.

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

13.10.700-K: Kitchen.

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

13.10.700-L: Limited Food Preparation Area (move to 13.10.700-E).

~~"Limited Food Preparation Area"~~ "Efficiency Kitchen" means limited kitchen facilities including a sink, a refrigerator, small electric kitchen appliances that do not require electrical service greater than 120 volts, an appropriately sized food preparation counter, and storage cabinets. Full-sized electric, gas, or propane cooking appliances are not allowed in ~~a Limited Food Preparation Area~~ an Efficiency Kitchen.

14.01.107(D): Subdivision Regulations Applicability, Financing or leasing of Accessory Dwelling Units.

(D) Financing or leasing of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to the provisions of SCCC 13.10.681. ~~This chapter shall apply to the Separate sale or transfer of such accessory-dwelling units is prohibited except as detailed in SCCC 13.10.681 (C)(3)(a).~~ Exhibit 1.

17.10.020: Affordable Housing Regulations, Definitions, “Rental residential project”.

“Rental residential project” means any residential project that creates new dwelling units that cannot be sold individually, including Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (JADUs) except as detailed in SCCC 13.10.681(G)(2)(a).