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# F13a

### LCP-3-SCO-23-0003-1-PART A (TINY HOMES ON WHEELS) APRIL 14, 2023 HEARING EXHIBITS

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#### Exhibit 1: Proposed LCP Amendment Text

### 13.10.680 Tiny Homes on Wheels

(A) Purpose. The purpose of this section is to provide for and regulate Tiny Homes on Wheels 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) "Tiny Home on Wheels (THOW)" shall be defined per SCCC 13.10.700-T: An independent dwelling unit, maximum 400 gross square feet, excluding loft area space if that loft area space meets the requirements of Government Code Section 18009.3(b) and Section 18033 and maximum 14 feet in width at the maximum horizontal projection. It provides complete independent living facilities for one or more persons and is built upon a single chassis and is towable by a hitch mechanism and cannot move under its own power. It may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

(C) General Requirements.

(1) A THOW may function as a single-family dwelling as the primary unit or in place of an accessory dwelling unit (ADU) such that the total number of dwelling units on a parcel does not exceed the total number of dwelling units allowed on that parcel per provisions of state and local regulations. Only one THOW shall be allowed per parcel.

(2) THOWs that function as the primary unit shall be subject to all provisions of this code that apply to single family dwellings in addition to the requirements of this section.

(3) THOWs that function as an ADU shall be subject to all provisions of SCCC 13.10.681 as they apply to new construction ADUs in addition to the requirements in this section.

(D) Site Requirements.

(1) THOW Location on a Parcel.

(a) The THOW as an ADU shall be detached from the primary dwelling unit.

(b) A THOW shall not be located in an existing driveway.

(c) Parking Pad.

(i) Bumper guards, curbs, or other installations shall be adequate to prevent movement of the THOW.

(ii) The wheels shall not be removed and the parking pad shall be a level surface paved with two inches of asphalt concrete over five inches of Class II base rock or equivalent permeable or nonpermeable surface so as to provide a durable, dustless surface, and shall be graded and drained so as to prevent erosion and disperse surface water

(2) Access.

(a) The THOW parking pad shall be accessible by a path of travel such that the THOW is towable onto and off the property

(3) Size.

(a) The maximum size is as required to allow for towing on public roadways, but not to exceed 400 square feet.

(4) Development Standards.

(a) Meet all development standards in 13.10.681 and the maximum height of a THOW shall be as established by the California Department of Motor Vehicles for towing on public roads, but not to exceed 14 feet.

(E) Utilities.

(1) Electricity. The THOW shall be connected to a source of electricity in compliance with the latest edition of the California Electrical Code and local ordinance. If not connected to the local electric utility power source, an off-grid system may be used that is designed to provide sufficient power based on the expected loads. All off-grid systems shall include solar panels and battery storage. Within the Urban and Rural Service Lines a THOW shall not rely on a generator as a primary or stand-by source of electric power. Outside the Urban and Rural Service Lines a THOW shall not rely on a generator as a primary source of electric power and may include provisions for connection to a generator and meet all requirements of the California Electrical Code and local ordinance. Outside the Urban and Rural Service Lines, the generator shall be a stationary emergency stand-by generator as defined in, and in compliance with all provisions of, SCCC 13.15 Noise Planning.

(2) Water and Sewer. The THOW shall be connected to the approved water source and sewage disposal facility in compliance with the latest edition of the California Plumbing Code and local ordinance.

(F) Design.

(1) Incorporate design features and materials typically used for houses, such as siding or roofing materials, pitched roofs, eaves, and residential windows.

(2) Windows shall be at least double pane glass and shall include exterior trim or other design features to mimic windows on a building.

(3) The roof and exterior walls shall be fixed with no slide-outs, tip-outs, or other forms of mechanically articulating extensions that expand the interior space of the THOW.

(4) Mechanical equipment that is not incorporated within the structure shall be screened from public view and shall not be located on the roof. Plumbing vents and low-profile exhaust fans may be located on the roof. Electrical, and plumbing hook ups shall similarly be screened from public view.

(5) Skirting. When parked on its parking pad, the THOW shall include skirting to conceal the wheels and undercarriage.

(6) THOWs located in Wildland Urban Interface shall be designed with materials and construction methods for exterior wildfire exposure in compliance with Section R337 of the California Residential Code and local ordinance.

(G) Occupancy. A THOW that functions as an ADU may be excepted from the sales restrictions of SCCC 13.10.681(G)(2) in that the THOW may be conveyed separately from the primary residence.

(H) THOW Permit.

(1) Prior to moving a THOW onto any property, a ministerial THOW building permit shall be obtained authorizing parking and occupancy of each THOW on the property pursuant to SCCC 12.01.

(2) The THOW permit shall expire upon removal of the THOW from the property where it is permitted.

(3) On the property where it is permitted, the THOW permit shall be subject to renewal every five years or when the THOW is conveyed to a new owner, whichever occurs first. The permit renewal process may include a site inspection by County staff.

(4) Inside the Coastal Zone, a THOW that functions as a primary unit shall be required to obtain a coastal development permit pursuant to the provisions of SCCC 13.20.

(5) Inside the Coastal Zone, a THOW that functions as an ADU that does not meet the standard for exemption or exclusion under SCCC 13.20.050 or 13.20.051 require issuance of a coastal development permit (CDP) with noticing and appeal requirements per SCCC 13.20.107 and 13.20.108, and subject to findings per SCCC 13.20.110. CDPs for THOWs located in the Commercial Agricultural (CA) zone district, the Parks and Recreation (PR) zone district, and the Timber Production (TP) zone district shall be subject to additional permit processes and findings applicable to those zone districts.

(6) The THOW shall be registered annually with the DMV and all required annual registration fees shall be paid, including the Vehicle License Fee. Failure to register and pay all DMV fees annually shall cause the THOW permit to expire.

(I) Application Processing. The following additional information shall be submitted with the required information for a building permit application for a THOW:

(1) Certificate indicating that the THOW has been constructed in accordance with Standard No. A119.5 of the Standards of the American National Standards Institute (ANSI-A119.5 Park Model RV Standard).

(2) Valid DMV registration for towing to parking location.

(J) Administration. The Director is responsible for administering the County's THOW regulations. As part of the administration of these regulations, the Director may:

(1) Interpret the provisions of SCCC 13.10.680 and any other THOW regulations adopted by the Board of Supervisors;

(2) Develop forms, procedures, administrative practice guidelines, and application requirements related to siting of THOW; and

(3) Determine the amount of and collect, as a condition of accepting any application, including an application for permit renewal, the fees established by resolution of the

Board of Supervisors or the County Code. Such fees shall include, but are not limited to, a THOW monitoring fee and a THOW permit renewal fee.

### **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 SCCC 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. A tiny home on wheels may be used as an ADU.

(2) "Junior Accessory Dwelling Unit" (JADU) shall be defined per SCCC 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.

(3) "New Construction ADU" shall be defined per SCCC 13.10.700-N: An ADU that does not meet the definition of Conversion ADU. A tiny home on wheels may be used as a new construction ADU.

(4) "Conversion ADU" shall be defined per SCCC 13.10.700-C: The conversion of any portion of a legal accessory structure, or any portion of a single-family dwelling, or any garage, for the purpose of creating an ADU. Conversion ADUs can include demolition and rebuilding of a structure with the same footprint and building envelope. Conversion ADUs can also include additions of up to 150 square feet. Any conversion that exceeds this limit shall be considered a 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.

(5) "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 in some combination with 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) 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 parcel.

(D) Site Requirements. Before a permit for an ADU or JADU can be granted, the following requirements shall be met:

(1) Zoning and General Plan. The parcel must allow residential land 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.

(a) Exception. An ADU may be constructed prior to a primary dwelling in the case of rebuilding after a disaster. The location for the development envelope for the future primary dwelling must be indicated on the plans submitted for the ADU.

(3) Number of ADUs Allowed.

(a) Single-Family Dwellings. On parcels with existing or proposed single-family dwellings: one ADU and one JADU are allowed per single-family dwelling.

(i) Dwellings that share walls but are located on separate parcels with separate building footprints (such as townhomes or halfplexes) are considered single-family dwellings for the purposes of determining the number of ADUs allowed.

(ii) Properties with dwelling groups (multiple single-family dwellings) are allowed one ADU and one JADU per single-family dwelling if the dwelling group is conforming with maximum density for the zone district. An existing dwelling in a dwelling group may be relabeled as an ADU if it meets ADU use and development standards. If the dwelling group is nonconforming with maximum density for the zone district, see SCCC 13.10.261(B)(3).

(b) Multifamily Dwellings. On parcels with existing or proposed attached multifamily dwellings, such as apartments, condominiums, or a combination of single- and multifamily dwellings, the following are allowed:

(i) Up to two detached ADUs, which may be attached to each other; and

(ii) Conversion ADUs associated with up to 25 percent 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.

(c) Nonconforming Land Uses. Regardless of existing dwelling conformity with land use and density requirements for a parcel's zone district or General Plan designation, permitted single-family dwellings shall be subject to subsection (D)(3)(a) of this section and permitted multifamily dwellings shall be subject to subsection (D)(3)(b) of this section.

(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 subsection (D)(7)(a) of this section.

(5) Access. The ADU or JADU shall have an exterior entrance that is independent of the existing primary dwelling. A JADU may also be internally connected to the primary dwelling.

(6) Unit Size. The habitable floor area as defined in SCCC 13.10.700-H 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: No maximum size.

(ii) New Construction ADU, Attached:

A. Parcel size less than one acre: 850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms), or 50 percent of primary dwelling habitable square footage, whichever is smaller.

B. Parcel size greater than or equal to one acre: 50 percent of primary dwelling habitable square footage.

(iii) New Construction ADU, Detached:

A. Parcel size less than one acre: 850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms).

B. Parcel size greater than or equal to one acre: 1,200 square feet.

(iv) Regardless of subsections (D)(6)(c)(i) through (iii) of this section, an ADU of at least 800 square feet shall be allowed.

(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.

A. Additions up to 150 square feet shall meet setback requirements for New Construction ADUs.

B. Existing structures with nonconforming setbacks can be demolished and rebuilt with the same setbacks, except where larger setbacks are required pursuant to Chapter 7.92 SCCC (Fire Code), Chapter 12.10 SCCC

(Building Regulations), or SCCC Title 16 (Environmental and Resource Protection).

(ii) New Construction ADUs. ADUs shall comply with front setbacks for the applicable zone district. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone district, whichever is less, including on double frontage lots and corner lots, with the following exceptions:

A. An eight-foot rear yard setback is required for any portion of an ADU that is more than 16 feet tall. Stairways may encroach into the rear yard setback if stairway windows are minimum 52 inches from floor level.

B. Setbacks shall be sufficient for fire safety in conformance with Chapter 7.92 SCCC (Fire Code) and Chapter 12.10 SCCC (Building Regulations).

C. ADUs shall be subject to environmental buffers and constraints identified per SCCC Title 16 (Environmental and Resource Protection), including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

D. On parcels zoned or designated agricultural, a detached ADU shall be located within 100 feet of the primary dwelling on the property unless additional distance is required to meet the minimum agricultural buffer setback standards in SCCC 16.50.095.

E. ADUs located in the Seascope Beach Estates Combining District shall meet the setback requirements in SCCC 13.10.436.

(iii) Minimum separation distance between ADUs and other structures shall be three feet.

(b) Height.

(i) JADUs and Conversion ADUs. Additions up to 150 square feet shall meet height standards 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, new construction detached ADUs shall be a maximum of 16 feet. This exception does not apply in the Seascope Beach Estates Combining District (see SCCC 13.10.436).

B. Inside the urban services line, ADUs that are built above detached garages shall be a maximum of 20 feet at exterior wall and 24 feet at roof peak. This exception does not apply in the Pleasure Point or Seascope Beach Estates Combining Zone Districts.

C. 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.

D. Building height up to five feet in excess of an applicable zoning standard, but in no case exceeding 28 feet, may be allowed subject to



design review findings (SCCC 13.11.052), development permit findings (SCCC 18.10.230), and the coastal view protection standards of SCCC 13.20.130(B)(7) (if located 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) Parcels with ADUs and JADUs shall meet lot coverage and FAR standards for the applicable zone district, except that JADU and/or ADU square footage up to 800 square feet may be excluded from FAR and lot coverage calculations for both existing and new parcels.
  - (ii) ADUs and JADUs shall not be counted in large dwelling unit calculations per SCCC 13.10.325.
- (d) Parking.
  - (i) JADUs and Conversion ADUs: no required off-street parking for the JADU and/or Conversion ADU.
  - (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 and/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.
    - D. No additional parking for an ADU shall be required if the ADU is located within one-half mile walking distance of any public transit stop, within a designated historic district, or within one block of a dedicated parking space reserved for a publicly available car share vehicle.
  - (iii) 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.
  - (iv) Replacement Parking. When a garage, carport, covered parking structure, or surface parking is demolished or converted for construction of an ADU or JADU, no replacement parking is required for the primary dwelling unit.
  - (v) Special Coastal Zone Parking Requirements. In the following coastal zone locations, one parking space is required for New Construction ADUs, with no exceptions, and replacement parking is required when existing parking is demolished or converted for construction of an ADU:
    - A. Live Oak Designated Area (LODA) as defined in SCCC 13.10.694(C).
    - B. Sea Cliff/Aptos/La Selva Designated Area (SALSDA) as defined in SCCC 13.10.694(C).

C. Davenport/Swanton Designated Area (DASDA) as defined in SCCC 13.10.694(C).

D. Opal Cliff Drive between 41st Avenue and the City of Capitola.

(8) Existing Conditions of Approval. Proposed additions associated with Conversion ADUs shall comply with any existing development permit conditions of approval that are not otherwise superseded by provisions of SCCC [13.10.681](#).

(9) 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.

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

(10) Utility, Infrastructure, and Service Requirements.

(a) Life Safety. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of Chapter 7.92 SCCC (Fire Code) and Chapter 12.10 SCCC (Building Regulations).

(i) Fire sprinklers shall not be required for an ADU or JADU where they are not also required for the primary dwelling, except sprinklers are required for detached ADUs larger than 1,200 square feet and ADUs that constitute or are part of an addition to the primary dwelling equal to more than 50 percent of the existing primary dwelling square footage per California Residential Code Section R313.2.

(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 if an internal connection to the primary dwelling unit is maintained.

(iii) ADUs and JADUs that do not have an internal connection to the primary dwelling shall maintain a separate street address from the primary dwelling unit.

(b) Utility Connections and Fees.

(i) JADUs and Conversion ADUs: new utility connection or capacity charges may only be charged for Conversion ADUs and JADUs built concurrently with a primary dwelling.

(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 on-site 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.

(c) Public Improvements. Frontage improvements and other public right-of-way work cannot be required as a condition of approval for an ADU or JADU, unless required per Chapter 7.92 SCCC (Fire Code) or Chapter 12.10 SCCC (Building Regulations) or to correct illegal right-of-way encroachments.

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

(F) Design.

(1) Architectural Design. Exterior design of ADUs and JADUs that are visible from a road or other public area shall include three or more of the following elements:

(a) Roof pitch matching dominant roof slope primary dwelling(s). Dominant roof slope is the slope shared by the largest portion of the roof.

(b) Roof material matching primary dwelling(s).

(c) Primary siding material or color matching primary dwelling(s).

(d) Window and door trim matching primary dwelling(s).

(e) Porch, bay window, or other facade articulation to break up flat wall planes.

(f) Fencing or landscaping to buffer the view of the ADU or JADU from a road or other public area. Fencing shall be subject to SCCC 13.10.525, Regulations for fences and retaining walls within required yards. Landscaping shall be subject to Chapter 13.13 SCCC, Water Conservation—Water Efficient Landscaping.

(2) Historic Preservation. ADUs and JADUs on properties in the L (Historic Landmark) Combining District that do not involve demolition, relocation, or alterations to the exterior of historic buildings shall meet the provisions of SCCC 16.42.060(D) to be reviewed ministerially. ADUs and JADUs that exceed these provisions shall be subject to discretionary review per SCCC 16.42.060.

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

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

(2) Sale. ADUs and JADUs shall not be sold separately from the primary residence with the following exception:

(a) 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.

(3) Short-Term Rental Use. In no case shall a 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.

(4) 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 government agency, land trust, or public or nonprofit housing organization, the property owner or relative of the property owner shall permanently reside, as evidenced by a homeowner's property tax exemption, or by other satisfactory documentation of residence, on the parcel in either the primary dwelling unit, ADU or JADU. If the ADU or JADU is newly constructed on a parcel within a subdivision, then the purchaser or relative of the purchaser of said property shall permanently reside in either the main dwelling or the ADU or JADU, shall be required to submit a property tax exemption prior to occupancy of the ADU or JADU, and shall be subject to the deed restriction noted in subsection (G)(5) of this section.

(i) Exception. Temporary rental of both 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. Property owners may be authorized to rent both the primary dwelling and the ADU or JADU if the property owner or relative of 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 their 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.

(b) 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 containing the following provisions:

(i) The declaration shall provide that the property owner or relative of the property owner permanently resides in either the primary dwelling or the ADU, as evidenced by a homeowner's property tax exemption on the parcel or by other satisfactory documentation of owner residence. If the property is owned by a government agency, land trust, or public or nonprofit housing organization that is providing housing for special populations, the declaration of restrictions shall indicate that any subsequent nonpublic owner shall abide by the terms of this subsection.

(ii) The declaration shall be binding on all successors in interest.

(iii) The declaration shall provide 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 unauthorized occupancy or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

(iv) The declaration shall provide a restriction on the size and attributes of the ADU or JADU that conforms with this section.

(v) JADUs only: The declaration shall provide 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.

(H) Application Processing.

(1) Ministerial Review. 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.

(i) Inside the coastal zone, the following discretionary review requirements apply:

A. ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 or 13.20.051 require issuance of a combined coastal development permit (CDP) and building permit, with noticing and appeal requirements per SCCC 13.20.107 and 13.20.108, and subject to findings per SCCC 13.20.110. CDPs for ADUs and JADUs located in the Commercial Agricultural (CA) zone district shall be subject to additional findings per SCCC 13.10.314(A) and (B).

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

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

(ii) ADU and JADU applications that do not meet the development standards contained in this section may require a variance (per SCCC 13.10.230), minor exception (per SCCC 13.10.235), or other discretionary approval.

(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 dwelling application requires discretionary review, the application for the ADU or JADU shall still be considered as a ministerially allowable use/development, unless the application meets one of the exceptions in subsection (H)(1)(a) of this section.

(3) Fees. Prior to the issuance of a building permit for the ADU, the applicant shall pay to the County of Santa Cruz 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 a JADU or 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.

(4) Declarations of Restriction for Nonhabitable Structures. A recorded declaration of restriction limiting an existing accessory structure to nonhabitable use must be rescinded to allow ADUs or JADUs in these structures.

(I) Permit Allocations. Each ADU and JADU is exempt from the residential permit allocation system of Chapter 12.02 SCCC.

(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 who 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 address an imminent hazard or dangerous condition.

(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. The provisions of SCCC 12.01.070 shall not apply to ADUs for which this delay has been granted.

(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 ADU ordinance. The annual analysis shall include the number of ADUs constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the coastal zone. JADUs are not required to be accounted for and reported upon in this annual review. 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 "A" definitions.**

"A" means the Agricultural Zone District (SCCC [13.10.310](#)).

"Abutting, adjoining, adjacent" means touching the subject parcel and not separated from the subject parcel by a road, street, or other property.

Accessory. See "Appurtenant use."

"Accessory Dwelling Unit" (ADU) means, 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. [A tiny home on wheels may be used as an ADU](#). See also Junior Accessory Dwelling Unit, Conversion ADU and New Construction ADU.

"Affected property" means any property whose buildings, fences, other structures or vegetation interfere with, or is likely in the future to interfere with, the solar access of the existing or proposed solar energy system.

"Affordable housing" means housing capable of purchase or rental by a person with average or below average income, as determined periodically by the U.S. Department of Housing and Urban Development based on the median household income for Santa Cruz County.

"Agricultural caretakers' mobile home" means a travel trailer or mobile home maintained as temporary living quarters for persons employed principally for security needs and/or farming and related activities on the parcel on which the unit is located. This use is an accessory use to the main dwelling on the property or in place of the main dwelling.

"Agricultural custom work occupations" means an agricultural support service for hire which is conducted as a secondary or incidental use on a parcel where agriculture is the primary use such as fumigation services, land leveling, irrigation contracting and farm equipment repair.

"Agricultural lands, Types 1, 2, and 3" means agricultural land type designations applied pursuant to a County classified system as established in Chapter [16.50](#) SCCC (SCCC [16.50.030](#) and [16.50.040](#)).

"Agricultural Policy Advisory Commission" means an advisory commission created pursuant to Chapter [16.50](#) SCCC to advise the Board of Supervisors and Planning Commission on policy matters related to agricultural uses.

“Agricultural preserve” means a contract between a landowner and Santa Cruz County establishing that certain land will be used only for agricultural purposes for a minimum of 10 years. The 10-year period is renewed every year. In recognition of this land use restriction, the landowner may receive preferential taxation on that land.

“Agricultural service establishment” means a business engaged in activities designed to support agricultural production and marketing such as application of agricultural chemicals, grading and irrigation contracting, harvesting, hauling of produce or other agricultural products, and large scale off-site cold storage facilities. This service does not include manufacturing or processing.

“Agriculture” means the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock; tillage; husbandry; farming; horticulture.

“Air strip” means a landing strip for private planes of the property owner, employee, or guest; a noncommercial landing strip.

“Alley” means a passage or way open to public travel permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Allowed Use. See “Use, allowed.”

“Amusement park” means a site authorized for outdoor recreation consisting of rides, games of skill, and food concessions.

“Ancillary; subsidiary or subordinate” means a use secondary to the main use of a property. It is a use in support of and connected with that main use.

“Animal raising, family” means the noncommercial raising or maintaining of poultry or other fowl (not including guinea fowl, crowing roosters, turkey gobblers or peacocks) or rabbits, chinchillas, hamsters, guinea pigs or similar small animals. (See also SCCC [13.10.643](#) for animal keeping in the RA Zone.)

“AP” means the Agricultural Preserve Zone District (SCCC [13.10.310](#)).

“Approving body” means the officer or hearing body which makes the determination on applications at each processing level, as defined in SCCC [18.10.112](#), including the Planning Director, the Zoning Administrator, the Planning Commission and the Board of Supervisors.

“Appurtenant use” means any use accessory to the main use and customarily a part thereof; an appurtenant use is clearly incidental and secondary to the main use and does not change the character of the main use.

Aquaculture. Section 30100.2 (California Coastal Act) defines “aquaculture” and states: “‘Aquaculture’ means a form of agriculture as defined in Section [17](#) of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit issuing decisions governed by this division.”

Attached. For purposes of determining the requirement for minimum separation between structures, any two structures shall be considered attached and not required to maintain a minimum separation if they are connected by a continuous roofline which conforms to the architectural style of the structures.



“Attached structure” means a structure joined by a common wall or floor/ceiling assembly to another structure with a door or stairs providing interior access from the one to the other.

Attic. For planning and zoning purposes, an attic is the space between the underside of the roof framing (rafters or beams that directly support the roof sheathing) and the upperside of the ceiling framing. Attics are not considered a story. If any part of an attic is seven feet six inches or higher, then all areas greater than five feet zero inches in height shall count as area for FAR calculations.

“Automobile repair shop” means a structure or portion thereof where automobiles or parts thereof are overhauled, repaired, rebuilt, or reconditioned, including body and fender work or painting.

“Automobile service station” means a place where gasoline or other motor fuel, lubricating oil or grease for the operation of automobiles or other vehicles are offered for sale to the public, including lubrication and incidental repairing, maintenance and washing, but excluding body and fender work and painting. No chain conveyor, blower or steam-cleaning device shall be used in connection therewith. (See also “Gasoline station.”)

“Automobile Wrecking Yards.” See “Motor vehicle wrecking yard.”

#### **13.10.700-D “D” definitions.**

“Day-care center” means a State-licensed facility which provides nonmedical care for children or adults in need of personal services, supervision, or assistance, for periods of less than 24 hours per day.

“Day-care home, family” means a dwelling whose occupant provides care, protection, and supervision of not more than 12 disabled or ill children or adults, at any time, for periods of less than 24 hours a day.

“Density” means the number of permanent residential dwelling units (or their equivalent) or people per acre of land. All densities specified in the General Plan and LCP Land Use Plan with the exception of overriding minimum standards are expressed in net developable acres or net developable square footage per unit. Dwelling units include all residential units having kitchen facilities, including single-family homes, mobile homes, and individual townhouse, condominium, and apartment units. When a property is designated on the land use map and on the resources and constraints map for different density standards, consistency with the applicable standards can be met only by satisfying the most restrictive of the requirements for the affected portions of the property. Where a parcel has two different designations on the land use map, consistency with the General Plan and LCP Land Use Plan is met by conforming to the different standards for the different portions of the property.

“Density bonus” means the allocation of development rights that allow a parcel to accommodate additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision of affordable unit(s) pursuant to Chapter [17.12](#) SCCC.

“Density credit” means the number of dwelling units allowed to be built on a particular property determined by applying the designated General Plan and LCP Land Use designation density and implementing zone district to the developable portions of the property and to those nondevelopable portions of the property for which credit may be granted (see definition of “Developable land”). Where credit is allowed for a nondevelopable portion of the property, the

dwelling units must be located in the developable portion of the property. The following areas which are not developable land shall be granted density credit for development density.

Outside the USL and RSL:

- (1) Land with slopes between 30 and 50 percent.

Inside the USL and RSL:

- (1) Land with slopes less than 30 percent in the required buffer setback from the top of the arroyo or riparian corridor, up to a maximum of 50 percent of the total area of the property which is outside the riparian corridor.

Countywide Credits. The following areas are subject to special site and/or development criteria and shall be granted full density credit:

- (1) Rare and endangered plant and animal habitats.
- (2) Archaeological sites.
- (3) Critical fire hazard areas.
- (4) Buffer areas established between nonagricultural land uses and commercial agricultural land.
- (5) Landslide areas determined by a geological study to be stable and suitable for development.
- (6) Historic sites.

“Department” means the County Planning Department.

“Depth” means the horizontal distance between the front property line or the edge of the road right-of-way and the rear property line of a site measured along a line midway between the side property lines. The depth of a corridor lot shall be measured from the rear line of the corridor.

“Detached structure” means a structure that is freestanding or attached to another structure by a breezeway.

“Developable land” means land which is suitable as a location for structures and which can be improved through normal and conventional means, free of development hazards, and without disruption or significant impact on natural resource areas.

The following areas shall not be considered as developable land:

- (1) Land with slope greater than 30 percent and coastal bluffs.
- (2) Riparian corridors, wooded arroyos, canyons, stream banks, areas of riparian vegetation and areas within a 50-foot setback from the top of riparian corridor.
- (3) Lakes, marshes, sloughs, wetlands, water areas, beaches and areas within the 100-year floodplain.
- (4) Areas of recent or active landslides.

- (5) Land within 50 feet of an active or potentially active fault trace.
- (6) Commercial agricultural land and mineral resource areas.
- (7) Areas subject to inundation as defined by a geologic hazards assessment or full geologic report.

The definition of “net developable area” is found in SCCC 13.10.700-N. See definition of “density credit” in this section.

“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section [66410](#) of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

“Director” means the County Planning Director, or his or her authorized representative, appointed pursuant to law.

“Dog” means a domestic dog (*Canis familiaris*) of either sex, altered or unaltered, that has reached the age of four months.

“Drive-in uses” means all those facilities where:

- (1) Food, goods or services are dispensed to occupants of automobiles parked in designated spaces without the need to wait in line, including car-service restaurants.
- (2) Nonmechanical maintenance is performed on a vehicle parked in a designated space, usually while a customer remains on the premises, including conveyor type car washes and holding-tank dumping stations.

“Drive-through uses” means any use which provides food, goods, or services to occupants of automobiles passing continuously past a pick-up station, including drive-through fast-food restaurants, drive-through dairy products stores, drive-through banks, and drive-through cleaners.

“Dwelling” means a one-family dwelling, multiple-family dwelling, or lodging house. For purposes of this definition, automobile trailers, mobile homes, hotels, motels, labor camps, tents, railroad cars, and temporary structures shall not be deemed dwellings, except that a mobile home may be deemed to be a dwelling when it has been authorized to be used for single-family residential purposes by a permit issued pursuant to the provisions of SCCC [13.10.682](#).

“Dwelling group” means a group of two or more detached or semi-detached one-family or multiple-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

“Dwelling, single-family” means a detached building, or a semi-detached building sharing one common wall with an adjacent dwelling unit, which contains one 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; 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. [A tiny home on wheels, as defined in SCCC 13.10.700-T, may be used as a dwelling unit.](#)

### **13.10.700-N “N” definitions.**

“Net developable area” means the portion of a parcel which can be used for density calculations; public or private road rights-of-way and land not developable (see definition of “developable land”) are not included in the net developable area of a parcel.

“New construction ADU” shall mean any ADU that does not meet the definition of conversion ADU. [A tiny home on wheels may be used as a new construction ADU.](#)

“Nonconforming structure” means a structure that was lawfully erected prior to adoption, revision or amendment of this chapter but that does not conform with standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.

“Nonconforming use” means a use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this chapter but does not conform to the current use standards, and density standards where applicable, of both the zone district and/or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit.

“Nonhabitable accessory structure” means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities for nonhabitable structures shown in Table 13.10.611-1.

“North” means the direction of the terrestrial north pole.

“Nursing home” means a structure used for the rooming or boarding of any aged or convalescent person or persons whether ambulatory or nonambulatory, for which a license is required by a County, State or Federal agency. The term “convalescent” is construed to include the mentally ill and the addicted.

### **13.10.700-T “T” definitions.**

“TH” means timber harvesting permit (Chapter [16.52](#) SCCC).

“Temporary occupancy, limited (in an organized camp or conference center)” means sleeping facilities for participants (temporary occupants) which have time restrictions as to use.

“Temporary occupancy, unlimited (in an organized camp or conference center)” means sleeping facilities for participants (temporary occupants) which have no time restrictions as to use (i.e., they may be scheduled full time).

“Temporary relocation” means a temporary relocation of a use for a period not to exceed 18 months by reason of a natural disaster for which a local emergency has been declared by the Board of Supervisors.

“Temporary use or structure” means a use or structure that is allowed to occur on a site for a limited time, subject to applicable regulations for temporary uses or structures, required permits, and site-specific permit conditions.

“Timber” means trees of any species suitable for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, but not including nursery stock.

“Timberland” means privately owned land, or land acquired for State forest purposes, which is devoted to and used for growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

“Timber management plan” means a written plan for the development and utilization of timber resources and compatible uses which assures the continued viability of the timberland, and which includes reasonable rotation and cutting cycle date.

“Time-share visitor accommodations” means visitor accommodations facilities in which the ownership interest in individual units is divided in time. Time-share visitor accommodations units commonly are sold by the week for up to a maximum of 51 weeks per year.

“Tiny Home on Wheels” (THOW) means, an independent dwelling unit, maximum 400 gross square feet, excluding loft area space if that loft area space meets the requirements of Government Code Section 18009.3(b) and Section 18033 and maximum 14 feet in width at the maximum horizontal projection. It provides complete independent living facilities for one or more persons and is built upon a single chassis and is towable by a hitch mechanism and cannot move under its own power. It may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

“Town plan” means a plan adopted in conformance with the County General Plan which is applicable to a specific area that requires a detailed planning effort.

“Town plan area” means an area within the unincorporated area that has been subject to a more detailed, area-specific planning than is normally part of an overall General Plan update, and where a design framework, area plan, village plan, or specific plan has been adopted by the Board of Supervisors and incorporated into the County General Plan.

“TP” means the Timberland Preserve Zone District (SCCC [13.10.370](#)).

“Trailer park” means a site authorized for the temporary parking of privately owned, occupied travel trailers, campers, and recreational vehicles, but not mobile homes.

“Travel trailer” means a nonpowered portable dwelling designed for temporary occupancy and not larger than eight feet by 40 feet, which may be towed on public highways without a special permit; does not include campers, recreational vehicles, motorhomes, or mobile homes.