

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ AMENDING SANTA CRUZ COUNTY CODE CHAPTER 13.10 REGARDING ACCESSORY DWELLING UNITS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, the County of Santa Cruz (“County”) has maintained an accessory dwelling unit (“ADU”) ordinance since 1983; and

WHEREAS, in 2020 and 2021, the Santa Cruz County Code (“SCCC”) was amended to comply with State ADU regulations contained in Government Code Sections 66310 through 66339 (formerly Government Code Sections 65852.2, 65852.22, 65852.23, and 65852.150) and Health and Safety Code Section 17980.12; and

WHEREAS, in September 2020, the California Department of Housing and Community Development released the ADU Handbook, which was updated in July 2022 and January 2025, and which interpreted and clarified the State ADU regulations; and

WHEREAS, in September 2022 Governor Newsom signed AB 2221 and SB 897, which took effect on January 1, 2023; and

WHEREAS, in October 2023 Governor Newsom signed AB 976, which took effect on January 1, 2024; and

WHEREAS, in May 2024 Governor Newsom signed SB 477, which makes organizational changes to the State ADU regulations, relocating the regulations to Government Code Sections 66310 through 66339; and

WHEREAS, in September 2024 Governor Newsom signed four more ADU bills (AB 2533, AB 3057, SB 1211, and SB 1077), which took effect on January 1, 2025; and

WHEREAS, the County wishes to amend SCCC 13.10 to comply with updated State ADU regulations, resolve points of confusion in the existing SCCC, and further streamline the ADU permit process; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2024 and May 14, 2025, and recommended the Board approve the proposed amendments to SCCC 13.10;

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

SECTION I

The “Accessory Dwelling Unit” portion of Table 13.10.312-1 in Section 13.10.312 of the Santa Cruz County Code is hereby amended to read as follows:

Table 13.10.312-1: Agricultural Uses Chart

USE	PERMIT REQUIRED BY ZONE		REFERENCES AND NOTES
	CA	A	
Housing - Residential Units			
Accessory Dwelling Unit (ADU)	P ^A	P	13.10,313 13.10.681 13.11.037 13.20.107 & 108 13.10.314 16.50.095

SECTION II

The “Accessory Dwelling Unit” portion of Table 13.10.352-1 in Section 13.10.352 of the Santa Cruz County Code is hereby amended to read as follows:

Table 13.10.352-1: Parks, Recreation and Open Space PR Uses Chart

USE	Permit Required ¹	References and Notes
Residential Units		
Accessory Dwelling Unit (ADU)	P	13.10.681 13.20.107 & 108 13.10.418 13.10.354
Junior ADU	P	13.10.681

SECTION III

The “Accessory Dwelling Unit” portion of Table 13.10.372-1 in Section 13.10.372 of the Santa Cruz County Code is hereby amended to read as follows:

Table 13.10.372-1: Timber Production TP Uses Chart

USE	Permit Required ¹	References and Notes
Residential Units		
Accessory dwelling unit (ADUs) or junior accessory dwelling units (JADUs)	P ^A	13.10.681 13.20.107 & 108 13.10.374

SECTION IV

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

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 66313, 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 SCCC 13.10.700-J: In compliance with California Government Code Section 66313, a residential living area contained within a proposed or existing single-family residence that is no more than 500 square feet in size. JADUs shall include independent provisions for living, sleeping, eating, and cooking (cooking facility with appliances and food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU), 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.

(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 constructed after January 1, 2020, 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. Refer to SCCC 13.10.681(K) for structures constructed before January 1, 2020.

(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 permitted primary dwelling unit must exist or be proposed for construction concurrently with the proposed ADU or JADU. In the case of an unpermitted primary dwelling unit, the primary dwelling unit and the ADU or JADU must be permitted concurrently.

(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, one JADU, and one conversion ADU are allowed per lot.

(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 purpose of determining the number of ADUs allowed.

(ii) Properties with dwelling groups (multiple single-family dwellings) are allowed one ADU, one JADU, and one conversion ADU per lot. An

existing dwelling in a dwelling group may be relabeled as an ADU if it meets ADU use and development standards.

(b) Multifamily Dwellings. On parcels with existing or proposed multifamily dwellings, defined as two or more attached dwellings on a single lot, the following are allowed:

(i) On parcels with proposed multifamily dwelling structures, up to two detached ADUs, which may be attached to each other.

(ii) On parcels with existing multifamily dwellings, not more than eight detached ADUs, which may be attached to each other, or not more than the number of existing units on the parcel, whichever is less.

(iii) Conversion ADUs associated with up to 25 percent of existing multifamily units. Conversion ADUs in existing multifamily developments must be converted from areas not used as livable 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. Conversion ADUs cannot be proposed simultaneously with new development.

(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 constructed within the walls of the proposed or existing single-family residence.

(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.

(a) If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(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:

850 square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms), or, if there is an existing primary dwelling, 50 percent of existing primary dwelling habitable square footage, whichever is larger.
 - (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 objective 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 objective provisions shall apply to ADUs:

- (a) Setbacks.
 - (i) Conversion ADUs.
 - A. Additions up to 150 square feet shall meet setback requirements for New Construction ADUs and for fire and safety.
 - B. Existing structures with nonconforming setbacks can be demolished and rebuilt with the same setbacks, except where larger setbacks are required pursuant to SCCC 7.92 (Fire Code) or SCCC 12.10 (Building Regulations).
 - (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. Setbacks shall be sufficient for fire safety in conformance with SCCC 7.92 (Fire Code) and SCCC 12.10 (Building Regulations).

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

C. A front setback shall not be imposed if it would preclude construction of an ADU no more than 800 square feet and adheres to 4-foot minimum rear and side setbacks and other setback requirements in this section.

D. ADUs shall be subject to all objective standards in SCCC Title 16 (Environmental and Resource Protection). Outside the Coastal Zone this requirement shall not preclude construction of an ADU no more than 800 square feet which adheres to 4-foot minimum rear and side setbacks and other setback requirements in this section.

(iii) Minimum separation distance between ADUs and other structures shall comply with the Santa Cruz County Building and Fire Codes.

(b) Height.

(i) 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 Seascape 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 Seascape 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 18.10.230(A)(2)), 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.

F. Notwithstanding Section 13.10.681(D)(7)(b)(ii)A, inside the urban services line, the height of a new construction detached ADU that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor shall be a maximum of 18 feet. An additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

G. Inside the urban services line, the height of a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling shall be a maximum of 18 feet.

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

(i) Parcels with ADUs shall meet lot coverage and FAR standards for the applicable zone district, except that ADU square footage up to 800 square feet, whether attached or detached, 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 13.10.324.

(d) Parking.

(i) JADUs, Conversion ADUs, and detached new construction ADUs not exceeding 800 square feet with minimum four-foot side and rear setbacks and meeting height standards in SCCC 13.10.681(D)(7)(b): no required off-street parking.

(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 would violate objective standards related to 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 13.16.050, 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. This exemption also applies to an ADU

permit application submitted with an application for a single-family or multi-family dwelling on the same lot.

(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 uncovered surface parking is demolished or converted for construction of an ADU, no replacement parking is required.

(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 in the following areas:

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 of not more than 150 square feet associated with Conversion ADUs shall comply with any existing development permit conditions of approval, except that State ADU law and SCCC 13.10.681 supersede conflicting conditions from a prior approval.

(9) **Other Accessory Uses.**

(a) **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 SCCC 7.92 (Fire Code) and SCCC 12.10 (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 850

square feet (studio or one bedroom), 1,000 square feet (two or more bedrooms), or more than 50 percent of the existing primary dwelling square footage, whichever is larger, pursuant to SCCC 7.92.903.1 (Fire Code).

(ii) The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

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

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

(v) Change of Occupancy Classification. The construction of an ADU shall not constitute a "Group R" occupancy change under SCCC 12.10 (Building Regulations) unless the Building Official or Fire Code Official makes a written finding based on substantial evidence in the record that the ADU could have a specific, adverse impact on health and safety. This paragraph shall not be interpreted to prevent the Building Official from changing the occupancy code of a space that was non-habitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this Section.

(b) Utility Connections and Fees.

(i) Conversion ADUs: new utility connection or capacity charges may only be charged for Conversion ADUs 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 SCCC 7.92 (Fire Code) or SCCC 12.10 (Building Regulations) or to correct illegal right-of-way encroachments.

(E) Nonconforming Conditions.

(1) Outside the Coastal Zone, correction of existing nonconforming zoning conditions, County Code violations, or unpermitted structures cannot be required as a condition of ADU or JADU approval unless the corrections are required to address a threat to public health and safety and are affected by the construction of the ADU.

(2) Within the Coastal Zone, corrections shall be required in accordance with SCCC 13.20.170(C) unless the scope of development is limited to the ADU itself and all unpermitted development meets requisite coastal resource protection requirements (e.g., ESHA, wetland, and geologic hazard setbacks and associated requirements) and satisfies the Coastal Development Permit Findings set forth in SCCC 13.20.110.

(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 of the 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 the maximum fence height without a permit subject to SCCC 13.10.525, Regulations for fences and retaining walls within required yards.

(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.

(3) Exception. Outside the Coastal Zone, conversion ADUs and detached new construction ADUs that do not exceed four-foot side and rear yard setbacks, do not exceed a total floor area of 800 square feet, and meets the height limitations in SCCC

13.10.681(D)(7)(b) are exempt from architectural design and historic preservation standards.

(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 66341 are met.

(3) Short-Term Rental Use. In no case shall a short-term rental use of 30 days or less be permitted in an ADU. A property with a JADU may be eligible for participation in the short-term rental program, as provided by SCCC 13.10.694.

(4) Owner Residency. The following requirements apply to all JADUs:

(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 or JADU. If the 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 JADU, shall be required to submit a property tax exemption prior to occupancy of the JADU, and shall be subject to the deed restriction noted in subsection (G)(4)(b) of this section.

(i) Exception. Temporary rental of both a primary dwelling unit and a JADU may be authorized by the Director of the Community Development and Infrastructure Department in the case of sudden and unexpected changes in life circumstances. Property owners may be authorized to rent both the primary dwelling and the 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 Director of the Community Development and Infrastructure Department in their sole discretion based on reasonable evidence. Evidence shall be submitted to the Community Development and Infrastructure 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 Director of the Community Development and Infrastructure Department.

(b) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Community Development and Infrastructure 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 JADU, 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 JADU that conforms with this section.
- (v) 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 Sections 66317 and 66335, 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 13.20.061 or 13.20.071, respectively, 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.

B. ADUs and JADUs located in the Commercial Agricultural (CA) zone district shall be subject to additional findings per SCCC 13.10.314(B).

C. ADUs in the Parks and Recreation (PR) zone district shall be subject to special conditions per SCCC 13.10.354(B). JADU applications in the PR zone district shall be reviewed ministerially.

D. ADUs and JADUs in the Timber Production (TP) zone district shall be subject to special findings per SCCC 13.10.374(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 Community Development and Infrastructure 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 in these structures.
- (I) Permit Allocations. Each ADU and JADU is exempt from the residential permit allocation system of SCCC 12.02.
- (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 Community Development and Infrastructure 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 Community Development and Infrastructure 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) Unpermitted ADUs
- (1) Notwithstanding any other law, and except as otherwise provided in SCCC 13.10.681(K)(2), a permit for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, shall not be denied due to either of the following:
 - (a) The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code (Enforcement of Building and Fire Codes).
 - (b) The ADU does not comply with State or local ADU or JADU laws.
 - (2) Notwithstanding SCCC 13.10.681(K)(1), a permit for an ADU subject to SCCC 13.10.681(K)(1) may be denied if the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.
 - (3) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.
- (L) 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, the size of ADUs and the parking required, and the impacts such construction has created in each planning area, with particular attention to the environmental impacts, the increase in density and population, and the cumulative impacts. 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.

SECTION V

The definition of “Accessory dwelling unit” in Section 13.10.700-A is hereby amended to read as follows:

13.10.700-A “A” definitions

“Accessory dwelling unit” or “ADU” means, in compliance with California Government Code Section 66313, 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. See also “junior accessory dwelling unit,” “conversion ADU,” and “new construction ADU.”

SECTION VI

The definition of “Junior accessory dwelling unit” in Section 13.10.700-J is hereby amended to read as follows:

13.10.700-J “J” definitions

“Junior accessory dwelling unit” or “JADU” means, in compliance with California Government Code Section 66313, 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 (cooking facility with appliances and food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU), and shared or separate sanitation facilities with the main dwelling unit. See also “Accessory dwelling unit.”

SECTION VII

The definition of “New construction ADU” in Section 13.10.700-N is hereby amended to read as follows:

13.10.700-N “N” definitions

“New construction ADU” means any ADU that does not meet the definition of conversion ADU.

SECTION VIII

The proposed County Code amendments are exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15282(h): “adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement provisions of Sections 65852.1 and 65852.2 (now Sections 66310 through 66339) of the Government Code as set forth in Section 21080.17 of the Public Resources Code.” Note that Assembly Bill 477 approved by the Governor in March 2024 made organizational changes to the state ADU regulations, relocating the regulations to Government Code Sections 66310 through 66339. Further, Assembly Bill 3057, approved by the Governor in August 2024, expands this CEQA exemption to include the adoption of the ordinance regarding JADUs.

SECTION IX

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to SCCC 13.10 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION X

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

SECTION XI

This ordinance shall take effect upon final certification by the California Coastal Commission.

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

AYES:	Supervisors
NOES:	Supervisors
ABSENT:	Supervisors
ABSTAIN:	Supervisors

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Signed by:


D52DC6AA0E74498...
 Office of the County Counsel

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