

13.10.312 Uses in agricultural districts.

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) or Junior ADU located within 100 feet of the primary dwelling	P ^A	P	13.10.313 13.10.681 13.11.037 13.20.107 & 108 <u>13.10.314</u> 16.50.095

13.10.352 Uses in the Parks, Recreation and Open Space PR District.

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/ MUP	P outside coastal zone; MUP inside coastal zone. 13.10.681 <u>13.20.107 & 108</u> <u>13.10.418</u> <u>13.10.354</u>
Junior ADU	P	13.10.681

13.10.372 Uses in the Timber Production TP District.

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 / MUP ^A	13.10.681 <u>13.20.107 & 108</u> <u>13.10.374</u>

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 ~~65852.266313~~, 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 ~~65852.2266313~~, 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~~ 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. ~~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 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, ~~and~~ one JADU, and one conversion ADU are allowed per lotsingle 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, and one conversion ADU per lot.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 noneconforming 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,~~ 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; ~~and~~.

(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 ~~previously~~ used as livinglivable 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 attachedconstructed 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:

A. ~~Parcel size less than one acre:~~ 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 smallerlarger.

~~B. Parcel size greater than or equal to one acre and where there is an existing primary dwelling: 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 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) ~~JADUs and~~ 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 ~~Chapter SCCC 7.92 SCCC (Fire Code) or, Chapter SCCC 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.A.~~ Setbacks shall be sufficient for fire safety in conformance with ~~Chapter SCCC 7.92 SCCC (Fire Code) and Chapter SCCC 12.10 SCCC (Building Regulations)~~.

~~C. ADUs shall be subject to environmental buffers and constraints identified per all objective standards contained in 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.~~

~~EB.~~ ADUs located in the Seascope 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 ~~be three feet~~comply with the Santa Cruz County Building and Fire Codes.

(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 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 ~~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, 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 13.10.325~~ SCCC 13.10.324.

(d) Parking.

(i) ~~JADUs, and~~ 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 ~~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~~ 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 ~~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 in the following Coastal Zone 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, ~~that are not otherwise superseded by provisions of SCCC 13.10.681.~~ except that State ADU law and SCCC 13.10.681 supersede conflicting conditions from a prior approval.

(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 SCCC~~ 7.92 ~~SCCC~~ (Fire Code) and ~~Chapter SCCC~~ 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 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, per California Residential Code Section R313.2, 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. -except- sprinklers are required for the primary dwelling if the attached ADU exceeds 50 percent of the existing primary dwelling square footage pursuant to SCCC 7.92.903.1 (Fire Code).~~

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

~~(iiiiv) ADUs and 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 Chapter 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) ~~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-SCCC~~ 7.92 ~~SCCC~~ (Fire Code) or ~~Chapter-SCCC~~ 12.10 ~~SCCC~~ (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. ~~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.

(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 65852.2666341 are met.
- (3) Short-Term Rental Use. In no case shall a short-term rental use of ~~less than~~ 30 days or less be permitted in an ADU ~~or JADU~~. A property with an ~~ADU or JADU shall not may~~ be eligible for participation in the ~~vacation rental or hosted rental programs short-term rental program, as provided by SCCC 13.10.694.~~

(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)(4)(b)~~ 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 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 ~~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 of the Community Development and Infrastructure Department in their sole discretion based on reasonable evidence. Evidence shall be submitted to the Planning 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 Planning 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 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 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 ~~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 Sections ~~65852.266317 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 ~~13.20.050~~13.20.061 or ~~13.20.051~~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. 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).

~~BC.~~ ADUs ~~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 conditions per SCCC 13.10.35~~4(B)~~. JADU applications in the PR zone district shall be reviewed ministerially.

~~CD.~~ ADUs and JADUs ~~applications in the coastal zone~~ in the Timber Production (TP) zone district shall be ~~processed per SCCC 13.10.372(B), with subject to~~ special findings per SCCC 13.10.37~~4(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 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 SCCC 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 Community Development and Infrastructure 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 Community Development and Infrastructure 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) 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.

~~(KL)~~ 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 ~~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.

"Accessory dwelling unit" or "ADU" means, in compliance with California Government Code Section ~~65852.266313~~, 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."

13.10.700-J "J" definitions.

"Junior accessory dwelling unit" or "JADU" means, in compliance with California Government Code Section ~~65852.2266313~~, 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~~ 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."

13.10.700-N "N" definitions.

"New construction ADU" means any ADU that does not meet the definition of conversion ADU. ~~A tiny home on wheels may be used as a new construction ADU.~~