May 17, 2021

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Public Hearing to Review and Provide Recommendation to Board of Supervisors Regarding Proposed Amendments to County Code for Accessory Dwelling Units, and CEQA Notice of Exemption. Amendments to County Code Chapters 13.10 and 13.20 are Coastal Implementing and will require Coastal Commission certification after County Adoption.

RECOMMENDED ACTIONS:
1) Conduct a public hearing to review proposed amendments to the Santa Cruz County Code (SCCC) that would modify regulations related to accessory dwelling units (ADUs), with associated CEQA Notice of Exemption, and
2) Adopt the attached resolution (Exhibit A), recommending that the Board of Supervisors:
   a. Direct staff to file the California Environmental Quality Act (CEQA) Notice of Exemption (Exhibit B) with the Clerk of the Board; and
   b. Adopt the ordinance (Exhibit C) modifying County Code regarding Accessory Dwelling Units, and adding De Minimis Waiver provisions to coastal regulations; and
   c. Direct staff to transmit the amendments to the California Coastal Commission.

EXECUTIVE SUMMARY
Updates to the SCCC are proposed for the purpose of resolving points of confusion in existing ADU regulations, further streamlining ADU development in Santa Cruz County, and aligning with the ADU Guidebook released by the California Department of Housing and Community Development (HCD). It is also proposed to add De Minimis Waiver provisions that would apply within the Coastal Zone for minor projects with no impacts on coastal resources. For sites located outside the Coastal Commission appealable area that meet the criteria, no coastal development permit would be required if confirmed by the California Coastal Commission Executive Director
and by the County Zoning Administrator at a public meeting. A proposed ordinance is presented for Commission recommendation to the Board of Supervisors.

BACKGROUND

The County’s ADU regulations have been in place for many years and were most recently updated in January 2020, in response to new state laws. Since then, HCD has released an “ADU Handbook” (Exhibit E) that clarifies and interprets the new provisions of state ADU law. There are some aspects of the SCCC that could be updated to better align with the ADU Handbook. Additionally, certain topics are not covered by the ADU Handbook but require some clarification in the County Code in order to resolve points of confusion for staff and applicants.

The intent of the state ADU law is to remove barriers to ADU construction. County Code may be more lenient but may not be more restrictive than state law in terms of allowing for ADU construction. For topics that are not covered by state law, the County has flexibility as to what ADU regulations to impose, although it may be desirable to align County regulations with the overall intent of state law. In the Coastal Zone, ADU regulations may differ from state law requirements because the provisions of the California Coastal Act must be balanced against the provisions of state ADU law.

Several public meetings have been held to develop the proposed amendments. These further revisions to ADU regulations were first discussed at the March 3, 2021 meeting of the Housing Advisory Commission, and then at the March 9, 2021 Board of Supervisors meeting. Next, staff facilitated a stakeholder meeting on March 16, 2021 to gather input on topics within the County’s ADU regulations where changes are being considered. At this meeting, the topic of regulating “tiny homes” was also discussed. On March 24, 2021, the Planning Commission held a study session to discuss these topics and directed staff to separate the ADU and tiny homes topics into two policy projects, with additional community outreach on both topics. At the April 14, 2021 Planning Commission meeting, the Commission further directed staff to facilitate a second community meeting on the topic of ADUs before returning to the Planning Commission with a proposed ordinance, given that ADUs are so popular and state law has changed quickly on this topic over the past few years. The second broadly noticed community meeting was held on May 11, 2021. It involved notification via email to members of the public, as well as traditional media outlets, social media and outreach to community groups in collaboration with staff from the County Supervisorial districts. Outreach included the following:

- Social Media:
  - Facebook, Instagram, Nextdoor (reaching about 90,000 people)
- Newspapers:
  - Sentinel (article 5-10-21), Pajaronian, San Lorenzo Valley Post, Mountain Bulletin, Press Banner, Lookout Santa Cruz (online)
- TV/radio:
  - KSBW Television (5-11-21 story including televised interview), KBCZ Radio, KSCO Radio, KION Radio
- Community groups/organizations:
  - Aptos Chamber of Commerce
  - Architects Association of Santa Cruz County
  - Boulder Creek Business Association
  - Boulder Creek Recreation District
  - Coastal Property Owners of Santa Cruz County
  - County email listservs (ADU interest, architects/developers, housing)
  - Davenport/North Coast Association
  - Democratic Club of North Santa Cruz County
  - Habitat Monterey Bay
Please see Exhibit F for a full description of public outreach conducted and compiled public comments received.

ANALYSIS

The proposed ordinance presented as Exhibit C (clean) and Exhibit D (track changes) includes the following changes to the County’s ADU regulations.

Definitions

The definition of “Conversion ADU” has been updated to clarify that a structure may be demolished and rebuilt in place and still considered to be a “Conversion ADU.”

The definition of “kitchen” has been updated to clarify that in order to qualify as a “kitchen” that is required for a primary dwelling or an ADU, the cooking appliance must be built-in rather than portable. This rule does not apply to efficiency kitchens, which are required for JADUs.

Number and Type of ADUs Allowed

Single-family dwellings.

Townhomes. For the purposes of the number of ADUs allowed on a parcel, “single-family dwellings” now include townhomes, which are attached or semi-detached units on individual parcels. This is a change from how staff had previously interpreted the state ADU law. HCD staff has clarified that attached dwellings contained on one parcel are subject to multifamily ADU rules, whereas attached dwellings that are each on a separate parcel and are not contained within a common parcel are subject to single family ADU rules.

Dwelling groups. The existing County code allows one ADU and one Junior ADU (JADU) per single-family dwelling, meaning that properties with more than one single family dwelling
("dwelling groups") may have one ADU and one JADU associated with each single-family dwelling. At the March 24 Planning Commission study session, staff had proposed changing this regulation to align with the HCD Handbook and allow only one ADU and one JADU for the whole property on properties with dwelling groups. However, some commissioners and members of the public questioned this proposal since it would effectively reduce the number of ADUs that could be built in the County. Additional comments were received at the May 11 community meeting requesting multiple ADUs be allowed on larger rural parcels. The proposed ordinance addresses these concerns by allowing one ADU and one JADU for each single-family dwelling in a dwelling group on properties where the primary dwellings conform with density. The ordinance also allows existing primary dwellings in dwelling groups to be re-categorized as ADUs if they meet ADU use and development standards. This modified proposal serves to both facilitate the creation of ADUs and resolve existing nonconforming dwelling group situations, while avoiding over-building in single-family zone districts.

Example: a 10,000 square foot parcel in the R-1-5 zone district allows a maximum density of one dwelling per 5,000 square feet, so this parcel could be subdivided into two 5,000 square foot parcels, or the existing parcel could accommodate two single family dwellings as a dwelling group. In either case, the County code would allow each single-family dwelling to have one ADU and one JADU. If the same 10,000 square foot parcel had three existing single-family dwellings, the parcel would be considered “nonconforming” because the existing dwellings would exceed the maximum allowed density. Under the proposed modifications to the County’s ADU regulations, one of those existing dwellings could potentially be re-categorized as an ADU, thus resolving the nonconforming condition on the parcel and allowing for an additional ADU as well as two JADUs. If none of the existing dwellings could be re-categorized as ADUs, then a total of one ADU and one JADU would be allowed on the parcel, in alignment with the HCD Handbook and SCCC 13.10.261(B)(3).

There were also comments received at the May 11 community meeting in favor of allowing multiple ADUs to be associated with one single family dwelling on larger parcels where this could be supported. Other commenters expressed concern that more ADUs could lead to parking and other neighborhood impacts, and that number of ADUs allowed should be based on property size and conditions. The proposed ordinance does not include this type of provision, but the Commission may wish to consider this idea.

**JADUs.** According to the HCD Handbook, the code could be revised to disallow JADUs on properties with single family dwelling groups, but Commissioners and community members expressed support for leaving the existing code as is. No change is proposed.

Additionally, staff had considered adding a provision in the ordinance to clarify that a single-family dwelling with both an attached ADU and a JADU may be required to meet multifamily building occupancy standards, since this could be considered as three attached dwelling units in the eyes of the building code. The distinction that is therefore emphasized in the proposed ordinance is that an internal connection must be maintained between a JADU and the primary dwelling in order for the JADU to not be counted as a third unit for the purposes of building and fire code compliance. This distinction is further supported by the facts that: JADUs are conversions of existing space with only up to 150 new square feet allowed; maximum JADU size is 500 square feet.

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1 For reference, an ADU is an attached or detached residential dwelling unit associated with a single- or multifamily dwelling which provides complete independent living facilities, including permanent provisions for living, sleeping, eating, and cooking (area meeting the County’s definition of “Kitchen”). In comparison, a JADU is a residential living area created from within the walls of a single-family dwelling that is maximum 500 square feet, with bathrooms that are either shared or separate from the primary dwelling. JADU cooking facilities must meet the County’s definition of “Efficiency Kitchen.”
feet; and only efficiency kitchens are allowed in JADUS.

**Multifamily dwellings.**

On properties with multifamily dwellings, the existing County Code allows for two detached ADUs plus Conversion ADUs in up to 25% of primary dwellings (converted from nonhabitable space such as garages). The HCD Handbook clarifies that jurisdictions have the option to require property owners to choose one or the other of these types of ADUs. This option was presented at the March 24 Planning Commission study session and at the community meetings. Feedback was received from one commissioner and from some members of the public that the County should not change the existing provisions of the code. Other commissioners expressed support for the proposed amendments. The proposed ordinance reflects the minimum state law requirement of either two detached ADUs or 25% Conversion ADUs for multifamily dwellings. However, the Commission may wish to discuss this further.

The proposed ordinance also clarifies that duplexes (two attached dwellings on a single lot) are considered multifamily dwellings for the purposes of ADU regulations, in alignment with the HCD Handbook.

**Nonconforming dwellings.**

According to state ADU law, correction of nonconforming zoning conditions cannot be required as a condition of approval for an ADU. However, the state law does not provide clarity on how to determine what ADUs are allowed for a single or multifamily dwelling that is nonconforming in terms of density or other land use regulations that are determined by the General Plan as well as the zoning code. Examples of these nonconforming land use conditions include:

- Single-family or multifamily dwellings on property not zoned or designated for these land uses (example: single-family dwelling on a commercially zoned property without a commercial use on the property)
- Multifamily dwelling or single-family dwelling group that exceeds the allowed density for the zone district or General Plan land use designation (example: 5-unit apartment building on a parcel zoned to allow only 3 dwelling units)

At the March 24 Planning Commission study session, it was discussed that there could be two interpretations: (1) single-family ADU rules could be applied to single-family dwellings and multifamily ADU rules could be applied to multifamily dwellings, regardless of nonconforming land use conditions, or (2) applicants for ADUs on these nonconforming properties could be required to complete a Level 5 discretionary review per SCCC 13.10.261. There was some concern about adding ADUs to existing nonconforming residential land uses without discretionary review because additional dwellings on nonconforming parcels may lead to neighborhood impacts such as additional on-street parking and traffic and may contribute to development that is not aligned with the County’s long term land use plan as laid out in the General Plan.

Following the study session, staff has received feedback from HCD staff on this question. HCD has clarified that any single-family dwelling should be subject to the single-family ADU rules and any multifamily dwelling should be subject to the multifamily ADU rules, regardless of what density or type of residential use is allowed in the zone district where the dwelling is located. Parcels with both multifamily and single-family dwellings should follow the multifamily ADU rules. Local jurisdictions cannot require discretionary review for ADUs associated with nonconforming dwellings unless the application is for more ADUs than the state law minimum. In other words, since our local code allows multiple ADUs on properties with dwelling groups, in that case we may still refer applicants to SCCC 13.10.261. These updates are reflected in the proposed ordinance.
ADUs and Resource Constraints

At the March 24 Planning Commission study session, Commissioners discussed the idea that resource constraints should be addressed in the ADU ordinance, and that it may be appropriate to place certain limits in rural areas. Per state law, the County has the option to limit the geographic location where ADUs may be allowed based on either adequacy of water and sewer services or impact of ADUs on traffic and public safety. If the Commission is interested in pursuing this option, staff would need to coordinate with staff from fire districts, water districts, and the Departments of Public Works and Environmental Health to gather data in order to present the reasoning behind that decision to HCD. Another option would be to allow only the state law minimum number of ADUs in the rural area and a greater number of ADUs on parcels in other areas with more resources to accommodate that development. The proposed ordinance does clarify that in addition to the provisions of Title 16, ADUs may be subject to Building and Fire Code constraints beyond the development standards for ADUs.

ADU Size and Floor Area Calculations

Habitable square footage

The proposed ordinance clarifies that only habitable floor area should be counted toward ADU square footage, in alignment with the HCD Handbook.

Maximum size for Conversion ADUs

The existing County Code sets a maximum size for Conversion ADUs at 50% of primary dwelling square footage, which is the same as the maximum size for a New Construction attached ADU. The HCD ADU Handbook states that Conversion ADUs are not subject to size limitations. The Handbook provides an example that an existing 3,000 square foot barn could be converted to an ADU.

At the March 24 study session, staff presented two options to Commissioners: either remove the maximum size requirement for Conversion ADUs, in alignment with the HCD Handbook; or update the maximum size requirement in alignment with maximum size for attached and detached New Construction ADUs (50% of primary dwelling size for attached Conversion ADUs, and 1,200 square feet for detached Conversion ADUs). This second option was presented due to the concern that removing maximum Conversion ADU size requirements may not be in keeping with the policy intent that ADUs should be relatively small, affordable-by-design housing units.

Following the study session, staff has received feedback from HCD staff on this topic. HCD staff confirmed there is no maximum size for Conversion ADUs because Conversion ADUs are referenced in section 65852.2(e) of the state law, which provides that a Conversion ADU is allowed regardless of other provisions of California Government Code 65852.2 (including maximum size). There is an option to require a maximum size for Conversion ADUs that include additions, but staff does not recommend this because it would complicate the code and would be confusing for applicants and staff. The proposed ordinance includes no maximum size for Conversion ADUs.

Large dwelling unit calculations

The County Code requires Level 5 discretionary review for large dwellings, which are defined as dwellings that exceed 5,000 square feet. Based on Commission and community discussion on this topic, the proposed ordinance clarifies that attached ADUs and JADUs shall not be counted toward large dwelling unit calculations. Although attached ADU and JADU square footage adds to the bulk and mass of the overall structure, ADUs and JADUs are separate living units that are
not subject to discretionary review themselves, so it follows that their addition to or conversion from space within a primary dwelling should not trigger discretionary review for the primary dwelling. Also, continuing to include ADUs and JADUs in large dwelling unit calculations would be a disincentive to ADU/JADU creation and contrary to the intent of state law.

**Floor area and lot coverage credit for ADUs**

State ADU law requires local jurisdictions to allow an 800-square foot ADU regardless of the maximum floor area or lot coverage allowed by local zoning regulations. The existing County Code also allows an applicant to increase floor area ratio (FAR) and lot coverage by 2% for properties less than 6,000 square feet that have ADUs. The proposed ordinance removes this 2% credit, because the 800 square foot credit addresses the same policy issue (making room for ADUs on tight parcels) and retaining both provisions has created unnecessary confusion for applicants and staff.

The proposed ordinance also provides clarification regarding whether the 800 square foot ADU credit should be counted toward overall FAR and lot coverage for a parcel. This issue was discussed at the March 24 study session. Public comment was received requesting that the 800-square foot credit be treated similarly to the 225-square foot garage credit, which is not counted toward building square footage. The alternative option, which has been staff practice up until this point, has been to count ADU square footage such that additional building square footage is not allowed on parcels with ADUs exceeding FAR or lot coverage maximums. The Commission requested that staff correspond with HCD to obtain feedback on this topic. HCD has stated that it is up to local jurisdictions to make an interpretation as to whether or not the 800 square feet is treated as a credit. Based on public comments received, and in the interest of simplifying the County’s ADU regulations, staff is proposing to treat the 800 square feet as a credit, but only up to the actual size(s) of the ADU and/or JADU. This is reflected in the proposed ordinance.

Example: A 5,000 square foot parcel with an FAR of 0.5 is allowed up to 2,500 square feet of building area, plus 800 square feet of ADU area. If there is an existing 2,000 square foot primary dwelling on the parcel, plus a 650 square foot ADU, the revised County Code clarifies that the 650 square feet of ADU building area would not count toward FAR, and therefore 500 square feet of building development would still be allowed on this parcel.

The proposed ordinance extends this allowance to apply to JADUs as well.

**Setbacks**

The proposed ordinance reorganizes the setback section of the County Code for readability and makes two substantive changes. First, four-foot side yard setbacks are now applied on both interior side yards and on corner lots, in alignment with the HCD Handbook. Community and Commission feedback on this change has been supportive.

Second, on agricultural parcels, the proposed ordinance removes reference to discretionary Agricultural Policy Advisory Commission (APAC) review if the ADU meets agricultural buffer setback standards, and adds a clarification that ADUs may be located further than 100 feet from the primary dwelling if needed to meet these standards.

Staff notes that state law only requires a four-foot side and rear setback for ADUs up to 16 feet tall. Since the County Code allows ADUs taller than 16 feet, there is an option to add a step-back for second-story ADUs. For instance, the Commission may want to consider adding eight-foot minimum side and rear setbacks for the second story portions of attached ADUs within the urban services line, with exceptions for staircases. For neighborhood privacy purposes, it might also be
appropriate to limit window location on second story ADUs located with a given setback distance. These are new ideas that have not been presented at the community meetings held so far.

**Height**

The proposed ordinance includes references to the findings required to approve ADU height up to five feet in excess of height limits, as this has been a point of confusion for applicants and staff.

Also, the maximum height of 16 feet for any ADU (attached or detached) exceeding FAR and lot coverage has been removed, so that the height limits for these ADUs would be the same as height limits for ADUs that do not exceed FAR and lot coverage. This change allows flexibility for property owners with tight lots to construct second floor ADUs. There was a comment at the May 11 community meeting requesting further loosening of height restrictions for ADUs. For instance, the code still requires a maximum of 16 feet for detached ADUs within the urban services line.

**Access**

Existing County Code prohibits a second driveway to access an ADU within the urban services line, unless it is demonstrated that a second driveway would result in a superior site plan in terms of safety and protection of environmental resources and is approved by the Director of Public Works. The proposed ordinance expands this rule to apply county-wide, recognizing the importance of concentrating development on rural parcels to protect resources and maintain rural character. In fact, it is staff’s understanding that the original intent of this ordinance provision was that it would apply to rural areas, but the ordinance may have previously been published with a typo.

There was some feedback received at the May 11 community meeting requesting that this provision of the code be lessened or removed in order to allow property owners to more easily accommodate ADUs and provide parking for those ADUs without approval from the Public Works Director.

**Parking**

Per state ADU law, no parking may be required for Conversion ADUs or JADUs, and one parking space per ADU may be required for New Construction ADUs, subject to certain exceptions. Also, per state law, replacement parking cannot be required when garages are converted to ADUs, even if this results in a site being nonconforming in terms of parking supply. These requirements are reflected in the existing County Code.

**Replacement parking**

The proposed ordinance clarifies that replacement parking is also not required when ADUs are built in place of surface parking; this was a point of confusion, as the existing County Code states that replacement parking is not required for garage conversions, but does not address surface parking.

**Parking in the Coastal Zone**

The existing County Code includes special parking regulations in the Coastal Zone. Specifically, replacement parking is required for garage and surface parking space conversions throughout the Coastal Zone, and the ADU parking exemption for properties near transit stops does not apply within designated beach communities. Per state law, local jurisdictions are allowed to have different ADU regulations within the Coastal Zone as needed, in order to harmonize the goals of protecting coastal resources/access and providing housing.
At the March 24 study session, staff discussed the idea of removing special parking regulations in the Coastal Zone, for two reasons: (1) provision of parking has been a barrier to ADU project feasibility on urban coastal parcels, and (2) in 2020 the Coastal Commission issued a memorandum indicating support of the state ADU law as written, without special considerations within the Coastal Zone. Commissioners and community members were generally supportive of this idea, but staff was directed to conduct additional outreach to coastal community groups to gather more community feedback.

Since the March 24 study session, staff has received new information from local Coastal Commission staff regarding the issue of parking. Despite the Coastal Commission memo that was issued in support of the state law as written, in practice the Coastal Commission has taken a hybrid approach on this issue, keeping special ADU parking standards in the Coastal Zone in particular locations identified as key coastal access points for visitors. In these locations, the Coastal Commission has determined that it is important to require off street ADU parking to allow room for visitor parking. As an example, on May 14 the Coastal Commission approved an update to the City of Santa Cruz ADU ordinance, with a modification to require off-street parking for ADUs along West Cliff Drive, parts of the Seabright neighborhood, and other key coastal access areas.

At the May 11 community meeting, staff conducted a poll to gather feedback from the community on this topic. 49 participants responded to the poll, which asked the question: “Where should we require off-street parking for New Construction ADUs in the Coastal Zone?” Results were mixed, with the majority of respondents favoring either no off-street ADU parking or off-street parking only on streets near coastal access points.

1. Where should we require off-street parking for new construction ADUs in the coastal zone?

- Everywhere in the coastal zone: 6
- Within designated coastal co...: 7
- Only on specific streets near c...: 13
- Do not require off-street ADU ...: 18
- Other: 5

In light of the feedback received from the community and from local Coastal Commission staff on this issue, staff proposes to update the County Code to require one off-street parking space for New Construction ADUs (with no exception for transit proximity) and replacement parking for garage conversions on the following critical County-maintained beach access streets ONLY:

- Pleasure Point: East Cliff Drive and County-maintained streets between East Cliff Drive and the ocean, from 5th Avenue to 41st Avenue
- Opal Cliff Drive, from 41st Avenue to the Capitola City limits
- Seacliff/Aptos: Potbelly Beach Road, Las Olas Drive, Beach Drive, Stephen Road, Marina Avenue, Esplanade, Venetian Road, Rio Del Mar Boulevard between Aptos Beach Drive and Cliff Drive

The Commission may have further ideas for County-maintained coastal access streets that may be appropriate to add to this list. Alternative ideas might include limiting special ADU parking requirements to existing defined areas within the Coastal Zone, such as the Live Oak Permit Parking Area or the vacation rental “designated areas” that are already referenced in the existing ADU regulations.
Design Standards

The proposed ordinance includes removal of the subjective provision that ADUs “shall be compatible with the main dwelling.” Community members and Commissioners have expressed support for this change, as it allows for more flexibility in ADU design and supports the accommodation of factory built ADUs that are becoming more popular.

Objective standards for historic preservation have been incorporated into the proposed ordinance. Detached ADUs on properties in the -L Historic Resources Combining District would be subject to the objective standards that are already applied to minor projects on historic properties per County Code section 16.42.060(D). ADU projects that involve exterior alteration or addition to a designated historic structure that is inconsistent with historic standards would not be allowed within the ministerial ADU approval process. These provisions ensure that ADU projects do not negatively impact designated historic resources.

Rebuilding after a Disaster

The proposed ordinance includes a provision allowing property owners to rebuild an ADU before rebuilding a primary dwelling. There has been a lot of community support for this idea, especially given the rebuilding effort following the CZU Lightning Complex Fire. The ordinance includes a requirement that the development envelope for the future rebuilt primary dwelling must be shown on the plans. In addition, Coastal Commission staff has indicated that even if an ADU were to be built outside the footprint of the former building envelope, some of these ADU projects could be exempt from needing coastal development permits based on having a de minimis impact to coastal resources or public access, but this would be assessed on a project-by-project basis.

Owner Occupancy

State ADU law requires that for ADUs permitted between January 1, 2020 and January 1, 2025, local jurisdictions cannot require that the property owner reside on site. Also, state JADU law requires owner occupancy for properties with JADUs. County Code currently requires deed-restricted owner occupancy on properties with JADUs and on properties with ADUs that were permitted outside the five-year state-mandated window. At the March 24 study session, some Commissioners expressed support for keeping the ownership regulations as is, with the added flexibility of allowing a property owner’s relatives to qualify as the “owner.” Other Commissioners favored removing the ownership requirement. Staff has heard more community support for removing the owner occupancy requirement than for keeping it in the code. For this reason, and because owner occupancy is challenging for staff to enforce, the proposed ordinance removes the ownership requirement for both ADUs and JADUs.

Infrastructure Requirements

The ordinance adds clarification that fire sprinklers may be required when an ADU is part of a larger project involving an addition equal to more than 50% of the existing primary dwelling square footage. This information is already on the County’s ADU website, but it is helpful to add to the code as well, so that applicants are not surprised to see this requirement from fire districts.

As required by state law, the ordinance clarifies that public improvements cannot be required for the creation of an ADU or JADU. For example, an applicant shall not be required to improve sidewalks or carry out street improvements or access improvements to create an ADU. Per Commission direction, staff discussed this issue with HCD staff to better understand exactly where this rule would apply. HCD staff confirmed that all provisions of the building code would still apply, including fire access requirements.
Discretionary review

Per state law, ADUs and JADUs on properties zoned for residential or mixed-use development must be approved ministerially, which means that they only require a building permit. The HCD Handbook clarifies that a “residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by right or by conditional use.” For this reason, the proposed ordinance removes discretionary approval requirements for ADUs in certain nonresidential zone districts where this approval is currently required. These zone districts include the CA (Commercial Agriculture), TP (Timber Production), PR (Parks), and combining district D (future park dedication) zone districts. Commissioners and community members were supportive of this change when discussed at community meetings and the March 24 study session.

The proposed ordinance also provides clarification that when a proposed ADU project does not meet development standards, discretionary review is required. This review may take the form of a variance, minor exception, and/or other approvals such as review by the Agricultural Policy Advisory Commission.

Building Permits and Fees

The proposed ordinance clarifies that both ADUs and JADUs are exempt from the County’s residential permit allocation system. In other words, even if the County reaches the maximum number of building permits allocated for a calendar year, ADUs and JADUs may still be permitted. Also, the ordinance clarifies that although building permits cannot usually be issued on properties with active code enforcement cases, this rule does not apply to ADU code enforcement cases that are on hold per California Government Code Section 17980.12.

Regarding fees, the proposed ordinance clarifies that utility connection fees can be charged for Conversion ADUs and JADUs built in conjunction with a new single-family dwelling, in alignment with the HCD Handbook. The ordinance also clarifies that impact fees shall not be charged for JADUs, since these ADUs are less than 500 square feet.

Staff has received a lot of comments from the community regarding utility costs, in particular water connection fees and septic system requirements, which can be a real barrier to ADU construction. These issues are not addressed in this zoning ordinance but staff will continue to work with local water districts and the County’s Environmental Health Department to develop options where possible to improve this situation for applicants.

Declarations of Restriction

The proposed ordinance clarifies that existing accessory structures that were previously limited to nonhabitable use with a declaration of restriction can be converted to ADUs (or JADUs, for attached accessory structures), but the declaration must be rescinded. This may involve additional geotechnical or structural work on accessory structures that were not previously approved for habitation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Amendments to the County’s ADU regulations that are consistent with state law are exempt from California Environmental Quality Act (CEQA) review per CEQA §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 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.” The additional proposed changes to the County Code do not have potential for significant environmental impacts and the amendments
are exempt from environmental review per CEQA §15061(b)(3).
A notice of exemption has been prepared (Exhibit B).

LOCAL COASTAL PROGRAM CONSISTENCY
The proposed amendments will require a Local Coastal Program Amendment because SCCC Chapters 13.10 and 13.20 are implementing ordinances of the Santa Cruz County Local Coastal Program. After Board of Supervisors approval, the proposed ordinance will be reviewed at a Coastal Commission public hearing and will become active after certification by the California Coastal Commission.

State ADU law does not supersede or in any way alter or lessen the effect or application of the Coastal Act. Therefore, local agencies may enact different ADU rules in the Coastal Zone from what is required by state law if it can be demonstrated these the statewide rules will have a negative impact on application of the Coastal Act. For this reason, it may be appropriate to retain some off-street ADU parking in coastal access visitor hot spots, as described in the “Analysis” section of this report.

Proposal to Add Local De Minimis Waiver of CDP Provision to SCCC 13.20

Currently, when an LCP amendment goes before the California Coastal Commission, one option that the Commission has is to certify the amendment on the basis that there is a de minimis impact to the LCP and to coastal resources. Recently, the Coastal Commission has encouraged local jurisdictions to add a “de minimis waiver of Coastal Development Permit” provision into local LCPs in order to streamline the approval process for small projects that are located outside of the Coastal Commission’s appealable area and will have no impact on coastal resources. The Zoning Administrator and Coastal Executive Director could approve the waiver for a project that would otherwise require a CDP. This provision has recently been added to the LCPs for Monterey County as well as City of Capitola. For this reason, staff has added a new code section 13.20.051 outlining the De Minimis Waiver of CDP process. The language for this code section is adapted from the City of Capitola’s LCP.

STRATEGIC PLAN
The proposed amendments advance the County Strategic Plan’s “Affordable Housing” and “Local Inventory” goals within the “Attainable Housing” focus area by further streamlining the approval process and development standards related to ADUs. These housing units are affordable by design to renters due to their small size, and the income generated by ADUs and JADUs enable property owners to remain in Santa Cruz County amid increasing housing costs.

Submitted by:

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Sustainability and Special Projects

Reviewed by:

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Sustainability and Special Projects
Public Hearing: Accessory Dwelling Unit Code Amendments
Agenda Date: May 26, 2021

Exhibits:

A: Draft Resolution
B: Draft CEQA Notice of Exemption
C: Proposed Ordinance - clean
D: Proposed Ordinance – track changes
E: HCD ADU Handbook
F: Outreach and Public Comment
BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA  

RESOLUTION NO._______  

On the motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:  

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY  
OF SANTA CRUZ RECOMMENDING ADOPTION OF PROPOSED  
AMENDMENTS TO SANTA CRUZ COUNTY CODE AMENDING  
SECTIONS 13.10.312, 13.10.323, 13.10.352, 13.10.372, 13.10.418, 13.10.681,  
AND 13.10.700, AND ADDING SECTION 13.20.051 REGARDING  
ACCESSORY DWELLING UNITS AND DE MINIMIS PROCEDURES  
FOR CERTAIN COASTAL DEVELOPMENT PERMITS, AND  
RECOMMENDING THE FILING OF A NOTICE OF EXEMPTION  

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

WHEREAS, in January 2020, the Santa Cruz County Code ("County Code" or "SCCC") was amended to comply with state ADU regulations contained in California Government Code Sections 65852.2, 65852.22, 65852.26 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 provided interpretations and clarifications to the state ADU regulations; and  

WHEREAS, the County wishes to amend SCCC 13.10 and 13.20 to comply with the ADU Handbook and resolve points of confusion in the existing County Code; and  

WHEREAS, SCCC 13.10 and 13.20 are Local Coastal Program implementing ordinances; and  

WHEREAS, SCCC 13.20, Coastal Zone Regulations, would benefit from the addition of de minimis procedures allowed by the Coastal Act which may streamline permitting of certain ADUs within the coastal zone; and  

WHEREAS, the Planning Commission has reviewed the County’s proposed County Code amendments and finds that they are necessary to implement the State’s updated ADU regulations, are consistent with all elements of the General Plan/Local Coastal Program, and comply with the California Coastal Act; and  

WHEREAS, the proposed County Code amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17
because they serve to implement state ADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to the Santa Cruz County Code as presented on this date.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors confirm that a Notice of Exemption is appropriate under CEQA.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 26th day of May, 2021 by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

________________________________ 
Chairperson

ATTEST: _________________________
Secretary

APPROVED AS TO FORM:

__________________________
ASSISTANT COUNTY COUNSEL

cc: County Counsel
    Planning Department
NOTICE OF EXEMPTION

To: Clerk of the Board
   Attn: Stephanie Cabrera
   701 Ocean Street, Room 500
   Santa Cruz, CA 95060

Project Name: Accessory Dwelling Unit Regulations Update
Project Location: Countywide
Assessor Parcel No.: N/A
Project Applicant: County of Santa Cruz Planning Department
Project Description: The project updates the Santa Cruz County Code for Accessory Dwelling Units to comply with California state laws, assist disaster victims, and remove areas of confusion in the County regulations.
Agency Approving Project: County of Santa Cruz Board of Supervisors
County Contact: Daisy Allen
   Telephone No. 831-454-2801
Date Completed: May 17, 2021

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on ____________________________ (date) and found the project to be exempt from CEQA under the following criteria:

Exempt status: (check one)
☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
☒ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
☒ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Specify type: 15282(h)
☐ Categorical Exemption

Class 1

Reasons why the project is exempt:
First, the changes proposed per California state law are subject to CEQA §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 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.” Second, the remaining changes do not have potential for significant environmental impacts and the amendments are exempt from environmental review per CEQA §15061(b)(3).

Signature: __________________________ Date: __________ Title: Environmental Coordinator

Revised 5/19/2021
ORDINANCE NO.____


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 January 2020, the Santa Cruz County Code (“County Code” or “SCCC”) was amended to comply with state ADU regulations contained in California Government Code Sections 65852.2, 65852.22, and 65852.26 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 provided interpretations and clarifications to the state ADU regulations; and

WHEREAS, the County wishes to amend SCCC 13.10 and 13.20 to comply with the ADU Handbook and resolve points of confusion in the existing County Code; and

WHEREAS, SCCC 13.10 and 13.20 are Local Coastal Program implementing ordinances; and

WHEREAS, SCCC 13.20, Coastal Zone Regulations, would benefit from the addition of de minimis procedures allowed by the California Coastal Act which may streamline permitting of certain ADUs and other development projects within the coastal zone; and

WHEREAS, on May 26, 2021, the Planning Commission of the County of Santa Cruz held a duly-noticed public hearing and adopted a Resolution by a majority vote of its full membership recommending adoption of these proposed amendments to the County Code, finding the amendments were consistent with the General Plan, Local Coastal Program, and the California Coastal Act, and recommending the filing of a Notice of Exemption in compliance with the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Board of Supervisors for the County of Santa Cruz held a duly-noticed public hearing on [DATE] to consider the proposed amendments to the County Code regarding ADUs and the De Minimis procedures within the Coastal Zone; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to make these amendments to the Santa Cruz County Code;
NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Unit” portion of the Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

<table>
<thead>
<tr>
<th>USE</th>
<th>AP (P)</th>
<th>CA</th>
<th>A</th>
<th>Comb.*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU), subject to the provisions of SCCC 13.10.681</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION II

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.323(E)(6)(b)(i) regarding side and rear yards of residential accessory structures to read as follows:

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

SECTION III

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the Parks, Recreation and Open Space PR District Uses Chart in SCCC 13.10.352(B) to read as follows:

Residential uses, permanent, such as:

- Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and SCCC 13.10.700-C definition) 5
- Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition) 1P
- Hosted rentals, subject to SCCC 13.10.690 3
- One single-family dwelling, subject to the park site review process pursuant to SCCC 15.01 5
- One single-family dwelling on property designated urban open space, subject to SCCC 13.10.672 and the park site review process pursuant to SCCC 15.01
Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681
Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681

Dwelling units, associated with an open space or private recreational facility for the owner or lessee of the land or for staff, a caretaker, watchman, or manager of the property, pursuant to SCCC 13.10.353(B)

Dwelling units for State or County park operating personnel, pursuant to SCCC 13.10.353(B) 5A

Expansion of dwelling units in organized camps and recreational facilities up to a cumulative total of an additional 500 square feet per dwelling unit 3

SECTION IV

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the TP Uses Chart in SCCC 13.10.372(B) to read as follows:

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

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.418(A) to read as follows:

13.10.418 Use and development standards in the “D” Designated Park Site Combining District.

(A) Any project located within the “D” Combining District for which an application for one or more of the following permits or approvals is submitted in accordance with SCCC 18.10 may, at the discretion of the Director of Parks, Open Space and Cultural Services, be submitted to the County Parks and Recreation Commission for a park site review pursuant to SCCC 15.01.090(C):

(1) A building permit for a new single-family dwelling;

(2) A coastal development permit for a new single-family dwelling or an accessory dwelling unit that is not exempt or excluded pursuant to SCCC 13.20;

(3) A land division permit;

(4) A commercial development permit;

(5) A policy amendment; or

(6) Any other development permit processed at Level V or greater.

Each member of the Board of Supervisors shall be notified by the Director in writing if the determination of the Director is not to proceed with the review, and a member shall have 10 calendar days following receipt of such notification by the Board to refer the application to the Parks and Recreation Commission. The Parks and Recreation Commission shall consider possible County acquisition of the land and appropriate recreational development and use of it, pursuant to SCCC 15.01.

SECTION VI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.681 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 65852.2, an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking (area meeting the definition of Kitchen), and sanitation.

(2) “Junior Accessory Dwelling Unit” (JADU) shall be defined per 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 mean an ADU that does not meet the definition of Conversion ADU.

(4) “Conversion ADU” shall mean 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 the demolition of a structure and rebuilding of a structure in the same footprint. 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 a combination, the primary dwelling on the property.

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

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

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

(1) Zoning and General Plan.

(a) The ADU shall be located on a parcel allowing residential land use either by zoning or General Plan designation.
(b) The JADU shall be located on a parcel allowing single-family 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 half-plexes) 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 re-labeled 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 and condominiums, or a combination of single and multifamily dwellings, the following are allowed:

(i) Up to two detached ADUs; or

(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 residential land use and density requirements for the parcel’s zone district or General Plan designation, permitted single-family dwellings shall be subject to subsection (a) of this section and permitted multifamily dwellings shall be subject to subsection (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 except where larger setbacks are required due Building and Fire Code or environmental buffers and constraints identified per SCCC Title 16, including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

(c) On land zoned or designated agricultural, accessory dwelling units must meet the buffering requirements of SCCC 16.50.095. 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.

(5) Access.

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

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

(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)(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. Conversion ADUs may use or re-create building area in the same location as an existing structure being demolished with the same setbacks as the existing or demolished structure.

(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, with the following exceptions.

A. ADUs may be subject to environmental buffers and related setbacks identified per Title 16.

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

(iii) Minimum separation distance between ADUs and other structures is 3 feet.

(iv) Setbacks shall be sufficient for fire safety in conformance with the Building Code (SCCC 13.10) and Fire Code (SCCC 7.92).

(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 maximum 16 feet. This exception does not apply in the Seascape Beach Estates Combining District. ADUs located in the Seascape Beach Estates Combining District shall meet the height requirements in SCCC 13.10.436.

B. Inside the urban services line, ADUs that are built above detached garages shall be a maximum 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 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 13.10.052), 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 the 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. Pleasure Point: East Cliff Drive and County-maintained streets between East Cliff Drive and the ocean, from 5th Avenue to 41st Avenue.

B. Opal Cliff Drive, from 41st Avenue to the Capitola City limits.

C. Seacliff/Aptos: Beach Drive, Stephen Road, Marina Avenue, Esplanade, Venetian Road, Rio Del Mar Boulevard between Aptos Beach Drive and Cliff Drive.

(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 this section (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 SCCC 12.10, Building Code, and SCCC 7.92, Fire Code, except for the following specific exceptions for ADUs:

(i) Fire sprinklers shall not be required for the ADU where they are not also required for the primary dwelling. An ADU that constitutes or is part of a larger project involving an addition to the primary dwelling equal to more than 50% of the existing primary dwelling square footage will trigger a requirement to add fire sprinklers.

(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.

(b) Utility Connections and Fees.

(i) JADUs and Conversion ADUs: new utility connection or capacity charges may only be charged for 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 onsite water
treatment system, a percolation test must be completed within the last five
years or if the percolation test has been recertified, within the last 10 years.

(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, but compliance with
Building and Fire Code regulations is still required.

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

(F) 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. Property owners are not required to reside on properties with ADUs
and/or JADUs.

(H) Application Processing. 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.
(1) Exceptions to Ministerial Review Requirement.

(a) Inside the Coastal Zone, ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 or 13.10.051 require issuance of a combined coastal development and building permit, subject to the noticing requirements in SCCC 13.20.107 (properties in the Coastal Zone nonappealable area) and the noticing and appeal requirements in SCCC 13.20.108 (properties in the Coastal Zone appealable area). JADUs located in the coastal zone that constitute an intensification of use as defined in SCCC 13.20.040 (addition of a bedroom) shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a single-family dwelling remodel or addition is evaluated.

(b) ADU and JADU applications that do not meet the standards contained in SCCC 13.10.681 may require a variance (per SCCC 13.10.230), minor exception (per SCCC 13.10.235), APAC review (per SCCC 16.50.095), 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) Impact Fees. Prior to the issuance of a building permit for a New Construction ADU, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department’s fee schedule as may be amended from time to time, and any other applicable fees.

(a) The County of Santa Cruz and any other local agency, special district or water corporation shall not impose any impact fee upon the development of 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 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 that receives a notice to correct violations or abate nuisances related to any building standard may submit a letter to the County of Santa Cruz Planning Department, Code Enforcement Division, requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to 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.

SECTION VII

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700, as follows:
“Efficiency Kitchen” means limited kitchen facilities including a sink, a refrigerator, small electric kitchen appliances that do not require electrical service greater than 120 volt, an appropriately sized food preparation counter, and storage cabinets. Full-sized electric, gas, or propane cooking appliances are not allowed in an Efficiency Kitchen.

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

SECTION VIII

The Santa Cruz County Code is hereby amended to add SCCC 13.20.051, to read as follows:

13.20.051 De Minimis Waiver of CDP.
The Planning Director has discretion to waive the requirement for a CDP through a De Minimis CDP Waiver in compliance with this section upon a written determination that the development meets all of the criteria and procedural requirements set forth in subsections A through G below:

(A) No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.

(B) LCP Consistency. The development is consistent with the LCP.

(C) Not Appealable to the Coastal Commission. The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission.

(D) Notice. Public notice of the proposed De Minimis CDP Waiver and opportunities for public comment shall be provided as required by SCCC 18.10 (Permit and Approval Procedures), including notice to the Coastal Commission.

(E) Executive Director Determination. The Planning Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a public hearing (see subsection F below). If the Executive Director notifies the Planning Director that a waiver should not be issued, the applicant shall be required to obtain a CDP if the applicant wishes to proceed with the development.

(F) Review and Concurrence.

(1) The Planning Director’s determination to issue a De Minimis CDP Waiver shall be subject to review and concurrence by the Zoning Administrator (ZA) as considered at a public meeting of the ZA.
(2) The Planning Director shall not issue a De Minimis CDP Waiver until the public comment period expires, which period shall include at a minimum the reporting and consideration of the waiver at a public meeting. At such public meeting of the ZA, the matter may be included as a consent calendar item, however it may be shifted to the regular agenda and the public shall have the opportunity to testify and otherwise participate in the consideration of the De Minimis CDP Waiver. If the ZA does not approve the waiver, the De Minimis CDP Waiver shall not be issued and, instead, an application for a CDP shall be required and processed in accordance with the provisions of this chapter. Otherwise, the De Minimis CDP Waiver shall be deemed approved, effective, and issued the day of the public meeting.

(3) In addition to the noticing requirements in Section (D) above, the Planning Director, within seven calendar days of the effective date of a De Minimis CDP Waiver, shall send a Final Local Action Notice (FLAN) via first class mail describing the issuance and effectiveness of the De Minimis CDP Waiver to the Coastal Commission and any persons who specifically requested notice of such action.

(G) Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular CDP shall be required for the development and/or use.

SECTION IX

This ordinance and these amendments to the Santa Cruz County Code are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 because they serve to implement state ADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment.
SECTION X

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

PASSED AND ADOPTED this __ day of August 2021, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

____________________________________________
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: ______________________________________
            Clerk of the Board

APPROVED AS TO FORM:

___________________________________________
Office of the County Counsel
ORDINANCE NO.______


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 January 2020, the Santa Cruz County Code ("County Code" or "SCCC") was amended to comply with state ADU regulations contained in California Government Code Sections 65852.2, 65852.22, and 65852.26 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 provided interpretations and clarifications to the state ADU regulations; and

WHEREAS, the County wishes to amend SCCC 13.10 and 13.20 to comply with the ADU Handbook and resolve points of confusion in the existing County Code; and

WHEREAS, SCCC 13.10 and 13.20 are Local Coastal Program implementing ordinances; and

WHEREAS, SCCC 13.20, Coastal Zone Regulations, would benefit from the addition of de minimis procedures allowed by the California Coastal Act which may streamline permitting of certain ADUs and other development projects within the coastal zone; and

WHEREAS, on May 26, 2021, the Planning Commission of the County of Santa Cruz held a duly-noticed public hearing and adopted a Resolution by a majority vote of its full membership recommending adoption of these proposed amendments to the County Code, finding the amendments were consistent with the General Plan, Local Coastal Program, and the California Coastal Act, and recommending the filing of a Notice of Exemption in compliance with the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Board of Supervisors for the County of Santa Cruz held a duly-noticed public hearing on [DATE] to consider the proposed amendments to the County Code regarding ADUs and the De Minimis procedures within the Coastal Zone; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to make these amendments to the Santa Cruz County Code;
NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

Text boxes describe proposed changes to the County Code. Proposed changes are indicated using track changes.

SECTION I

The Santa Cruz County Code is hereby amended by changing the “Accessory Dwelling Unit” portion of the Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

<table>
<thead>
<tr>
<th>USE</th>
<th>CA</th>
<th>A</th>
<th>AP (P Comb.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit</td>
<td>BP</td>
<td>-BP</td>
<td>—</td>
</tr>
<tr>
<td>(JADU), subject to the provisions of SCCC 13.10.681</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inside the Coastal Zone</td>
<td>5</td>
<td>BP</td>
<td>—</td>
</tr>
<tr>
<td>Outside the Coastal Zone</td>
<td>4</td>
<td>BP</td>
<td>—</td>
</tr>
</tbody>
</table>

HCD ADU Handbook (page 9) clarifies that ADUs meeting the use and development standards of state law must be allowed ministerially in any zone district where residential uses are permitted, including districts where residential uses are permitted by conditional use. Within the coastal zone, a discretionary CDP may still be required per SCCC 13.20.107 and 13.20.108. A higher level of discretionary review for ADUs on CA parcels in the coastal zone is not anticipated to be necessary based on the 2020 memorandum issued by the Coastal Commission expressing support of the state ADU law as written.

SECTION II

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.323(E)(6)(b)(i) regarding side and rear yards of residential accessory structures to read as follows:

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

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the Parks, Recreation and Open Space PR District Uses Chart in SCCC 13.10.352(B) to read as follows:

**Residential uses**, permanent, such as:

<table>
<thead>
<tr>
<th>Use Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care homes, large family (must be in conjunction with residential use) (see SCCC 13.10.686 and SCCC 13.10.700-C definition)</td>
<td>5 PR</td>
</tr>
<tr>
<td>Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700-C definition)</td>
<td>P PR</td>
</tr>
<tr>
<td>Hosted rentals, subject to SCCC 13.10.690</td>
<td>1P</td>
</tr>
<tr>
<td>One single-family dwelling, subject to the park site review process pursuant to SCCC 15.01</td>
<td>3 BP</td>
</tr>
<tr>
<td>One single-family dwelling on property designated urban open space, subject to SCCC 13.10.672 and the park site review process pursuant to SCCC 15.01</td>
<td>5 BP</td>
</tr>
<tr>
<td>Accessory Dwelling Units (ADUs), subject to SCCC 13.10.681</td>
<td>BP3</td>
</tr>
<tr>
<td>Junior Accessory Dwelling Units (JADUs), subject to SCCC 13.10.681</td>
<td>BP</td>
</tr>
<tr>
<td>Dwelling units, associated with an open space or private recreational facility for the owner or lessee of the land or for staff, a caretaker, watchman, or manager of the property, pursuant to SCCC 13.10.353(B)</td>
<td>5A BP</td>
</tr>
<tr>
<td>Dwelling units for State or County park operating personnel, pursuant to SCCC 13.10.353(B)</td>
<td>5A BP</td>
</tr>
<tr>
<td>Expansion of dwelling units in organized camps and recreational facilities up to a cumulative total of an additional 500 square feet per dwelling unit</td>
<td>3 BP</td>
</tr>
</tbody>
</table>

HCD ADU Handbook (page 13) states that setbacks from side and rear lot lines shall be 4 feet (regardless of whether the lot is a corner lot), so it is no longer necessary to differentiate between “interior” and “street” side setbacks. Added clarification that additional building and fire code setbacks may be required.

SECTION IV

The Santa Cruz County Code is hereby amended by changing the “Residential” portion of the TP Uses Chart in SCCC 13.10.372(B) to read as follows:

HCD ADU Handbook (page 9) clarifies that ADUs meeting the use and development standards of state law must be allowed ministerially in any zone district where residential uses are permitted, including districts where residential uses are permitted by conditional use. Within the coastal zone, a discretionary CDP may still be required per SCCC 13.20.107 and 13.20.108.
**USE**

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

HCD ADU Handbook (page 9) clarifies that ADUs meeting the use and development standards of state law must be allowed ministerially in any zone district where residential uses are permitted, including districts where residential uses are permitted by conditional use. Within the coastal zone, a discretionary CDP may still be required per SCCC 13.20.107 and 13.20.108.

**SECTION V**

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.418(A) to read as follows:

**13.10.418 Use and development standards in the “D” Designated Park Site Combining District.**

(A) Any project located within the “D” Combining District for which an application for one or more of the following permits or approvals is submitted in accordance with Chapter SCCC 18.10 SCCC may, at the discretion of the Director of Parks, Open Space and Cultural Services, be submitted to the County Parks and Recreation Commission for a park site review pursuant to SCCC 15.01.090(C):

1. A building permit for a new single-family dwelling or a new accessory dwelling unit;

2. A coastal development permit for a new single-family dwelling or an accessory dwelling unit that is not exempt or excluded pursuant to Chapter 13.20 SCCC 13.20;
(3) A land division permit;
(4) A commercial development permit;
(5) A policy amendment; or
(6) Any other development permit processed at Level V or greater.

Each member of the Board of Supervisors shall be notified by the Director in writing if the
determination of the Director is not to proceed with the review, and a member shall have 10
calendar days following receipt of such notification by the Board to refer the application to the
Parks and Recreation Commission. The Parks and Recreation Commission shall consider
possible County acquisition of the land and appropriate recreational development and use of it,
pursuant to Chapter 15.01 SCCC 15.01.

HCD ADU Handbook (page 9) clarifies that ADUs meeting the use and development
standards of state law must be allowed ministerially in any zone district where residential
uses are permitted, including districts where residential uses are permitted by conditional use.

SECTION VI

The Santa Cruz County Code is hereby amended by changing SCCC 13.10.681 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 65852.2, an attached or detached
residential dwelling unit which provides complete independent living facilities for one or
more persons and is located on a lot with a proposed or existing primary residence. It shall
include permanent provisions for living, sleeping, eating, cooking (area meeting the definition
of Kitchen), and sanitation.

(2) “Junior Accessory Dwelling Unit” (JADU) shall be defined per 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 mean an ADU that does not meet the definition of Conversion ADU.

(4) “Conversion ADU” shall mean 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 shall comply with the limit set forth for reconstruction, as defined in SCCC 13.10.700-R, can include the demolition of a structure and rebuilding of a structure in the same footprint, with the exception that Conversion ADUs can also include additions of no more than up to 150 square feet. Any conversion that exceeds these limits this limit shall be considered a New Construction ADU for the purposes of this section.

HCD staff have confirmed that a structure may be demolished and rebuilt in place and still considered to be a “Conversion ADU.”

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 a combination, the primary dwelling on the property.

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

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

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

(1) Zoning and General Plan.

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

    (b) The JADU shall be located on a parcel allowing single-family 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.

This exemption provides a pathway for recovery from the CZU fire and future disasters.
(3) Number of ADUs Allowed.

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

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

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

Per HCD ADU Handbook page 21, two or more attached dwellings on a single lot are considered multifamily dwellings. HCD staff have confirmed that attached dwellings on separate lots (such as half-plexes or townhomes) are considered single family dwellings.

(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 re-labeled 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).

Per HCD ADU Handbook page 10, the state law requires local governments to allow at least one ADU and one JADU per parcel with single-family dwelling(s). However, the County may continue to exceed state law requirements. Also, the code is proposed to be updated to allow property owners to relabel existing nonconforming dwelling groups as conforming primary dwellings and ADUs, in situations where this is possible.

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

(i) Up to two detached ADUs; 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.

Per HCD ADU handbook page 15, jurisdictions can make subsections (b)(i) and (b)(ii) either/or instead of allowing both two detached ADUs and conversion ADUs for properties with multifamily dwellings. The draft ordinance reflects the state law minimum requirement.
(c) Nonconforming land uses. Regardless of existing dwelling conformity with residential land use and density requirements for the parcel’s zone district or General Plan designation, permitted single-family dwellings shall be subject to subsection (a) of this section and permitted multifamily dwellings shall be subject to subsection (b) of this section.

HCD staff has provided this clarification. Essentially, local jurisdictions must allow the minimum ADU state law requirement with ministerial review, even for dwellings that are nonconforming in terms of land use.

(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 except where larger setbacks are required due to Building and Fire Code or environmental buffers and constraints identified per SCCC Title 16, including but not limited to riparian corridors, geologic hazards, sensitive habitats, and agricultural buffers.

(c) On land zoned or designated agricultural, accessory dwelling units must meet the buffering requirements of SCCC 16.50.095. A detached ADU shall be located within 100 feet of the main primary dwelling on the property, unless another location is approved by the Agricultural Policy Advisory Commission that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land as determined by the Agricultural Policy Advisory Commission, if applicable additional distance is required to meet the minimum agricultural buffer setback standards in SCCC 16.50.095.

Correcting a typo in the reference to SCCC section 16.50.095, and removing language describing discretionary APAC review. Discretionary APAC review is only needed when projects do not meet buffer setback standards.

(5) Access.

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

Adding clarification that a JADU may have an internal connection to the primary dwelling. This is not a change in regulations.

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

Applying the rule regarding one access driveway to rural areas as well, recognizing the importance of protecting resources, reducing grading, and otherwise concentrating development.

(6) Unit Size. The total gross\textit{habitable} floor area as defined in SCCC 13.10.700-\textit{HF} of the habitable portion of an ADU shall be as follows:

Adding clarifying language indicating that ADU square footage is calculated as habitable floor area rather than gross floor area.

(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 \textless one acre: 850 square feet\textsuperscript{f} (studio or one bedroom), 1,000 square feet\textsuperscript{f} (two or more\textgreater one bedrooms), or 50 percent of primary dwelling size\textit{habitable square footage}, whichever is smaller.

B. Parcel size \textgreater or equal to one acre: 50 percent of primary dwelling size\textit{habitable square footage}.

HCD ADU Handbook (page 11) states that there is no maximum size for conversion ADUs. HCD staff confirmed that this is because conversion ADUs are referenced in section 65852.2(e) of the state law, which provides that a conversion ADU is allowed regardless of other provisions of California Government Code 65852.2 (including maximum size, which is in section 65852.2[a][1][D]).

(ii) New Construction ADU, Attached:

A. Parcel size \textless one acre: 850 square feet\textsuperscript{f} (studio or one bedroom), 1,000 square feet\textsuperscript{f} (two or more\textgreater one bedrooms), or 50 percent of primary dwelling size\textit{habitable square footage}, whichever is smaller.

B. Parcel size \textgreater or equal to one acre: 50 percent of primary dwelling size\textit{habitable square footage}.

Proposed change clarifies that the 50% calculation is based on primary dwelling habitable square footage (in the state law this is referred to as “living area”).

(iii) New Construction ADU, Detached:

A. Parcel size \textless one acre: 850 square feet\textsuperscript{f} (studio or one bedroom), 1,000 square feet\textsuperscript{f} (two or more\textgreater one bedrooms).
B. Parcel size greater than or equal to one acre: 1,200 square feet.

(iv) Regardless of subsections (D)(6)(i) through (iii) of this section and other site standards, any ADU must be allowed to be of at least 800 square feet. This rule shall not apply within the Seascape Beach Estates Combining Zone District.

Text about the Seascape Beach Estates Combining District is not needed in this portion of the code. See subsection 13.10.681[D][7][c] (an ADU cannot exceed FAR and lot coverage standards in the Seascape Beach Estates Combining District).

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

(a) Setbacks.

(i) JADUs and Conversion ADUs. Setbacks shall be sufficient for fire safety in conformance with the Building Code (Chapter 13.10 SCCC) and Fire Code (Chapter 7.92 SCCC):

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

B. Conversion ADUs may use or re-create building area in the same location as an existing structure being demolished with the same setbacks as the existing or demolished structure.

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

HCD ADU Handbook (page 13) clarifies that setbacks from side and rear lot lines shall be 4 feet (regardless of whether the lot is a corner lot). Also, code has been updated to clarify that 4 feet is a minimum rather than a maximum.

Note that state law only requires a 4-foot setback for ADUs up to 16 feet tall. There is an option to add a step-back for ADUs taller than 16 feet.

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

A. ADUs may be subject to environmental buffers and related setbacks identified per Title 16.
B. ADUs located in the Seascape Beach Estates (SBE) Combining District shall meet the setback requirements in SCCC 13.10.436.

C. ADUs may be subject to environmental buffers and constraints identified per SCCC Title 16. (iii) Minimum separation distance between ADUs and other structures is 3 feet.

Setbacks from ADUs to other structures is 3 feet. This question comes up frequently since it is different from the usual 10 ft minimum in the County Code. This special setback for ADUs is already addressed in SCCC 13.10.323(E)(6)(c)(iv), but adding the information here clarifies that this setback distance applies to ADUs in any zone district.

(iii) Setbacks shall be sufficient for fire safety in conformance with the Building Code (SCCC 13.10) and Fire Code (SCCC 7.92).

Fire safety setbacks apply to both conversion and new construction ADUs, so this provision of the code was moved from subsection (i).

(b) Height.

(i) JADUs and Conversion ADUs. Additions up to 150 square feet shall meet height requirements 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 except for in the Seascape Beach Estates Combining Zone District, new construction detached ADUs shall be maximum 16 feet. This exception does not apply in the Seascape Beach Estates Combining District. ADUs located in the Seascape Beach Estates Combining District shall meet the height requirements in SCCC 13.10.436.

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

Proposal to remove subsection B, which limited maximum ADU height to 16 feet for any ADU (detached or attached) that exceeded maximum FAR and lot coverage. On small lots where this extra ADU square footage is needed, it is often challenging to limit ADUs to a single story, and removing this requirement gives property owners the option to build two-story or second story ADUs. Within the urban services line, detached ADUs are still limited to 16 feet per subsection A.

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

CD. 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.

DE. 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 13.10.052), development permit findings (SCCC 18.10.230), and to 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 and Conversion ADUs: additions up to 150 square feet shall meet lot coverage and FAR requirements for New Construction ADUs.

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

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

B. An ADU of up to 800 square feet shall be allowed per SCCC 13.10.681(D)(6)(c)(iv), regardless of lot coverage and FAR.
Added language to clarify the County’s interpretation regarding three questions related to ADU floor area calculation:

(1) Does the 800 sf ADU allowance apply to newly created parcels as well as existing parcels?

➔ Yes, an applicant may subdivide and create new parcels, and may propose to maximize FAR on those new parcels, PLUS up to 800-sf additional ADU or JADU square footage on each parcel. Additional square footage only includes the actual ADU and/or JADU square footage.

(2) Should ADUs be included in large dwelling unit calculations?

➔ No, attached ADUs and JADUs should not count toward large dwelling unit calculations because ADUs and JADUs must be approved ministerially and should not trigger Level V review requirements, which would be a disincentive to ADU/JADU creation and contrary to the intent of state law.

(3) Should the 800 sf allowance for ADUs be considered as a “credit”?

➔ Yes, but only if there is a proposed or existing ADU on the parcel and the credit must be for the actual size of the ADU and/or JADU, up to a maximum of 800 square feet.

(d) Parking.

(i) JADUs and Conversion ADUs: no required off-street parking for the JADU and/or Conversion ADU. Covered parking structures converted to ADUs may require replacement parking per subsection (D)(7)(d)(v) of this section.

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

A. 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, and is not located in the Live Oak, Seacliff/Aptos, or Davenport/Swanton Designated Areas.

B. The ADU is located within a designated architecturally and historically significant historic district.
C. There is a dedicated parking space reserved for a publicly available car share vehicle located within one block of the ADU. Applicants shall be required to show the location of the dedicated parking space and confirm the vehicle’s availability to future ADU residents.

(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. Outside the Coastal Zone, when a garage, carport, or 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. Inside the Coastal Zone, 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:

A. Pleasure Point: East Cliff Drive and County-maintained streets between East Cliff Drive and the ocean, from 5th Avenue to 41st Avenue.

B. Opal Cliff Drive, from 41st Avenue to the Capitola City Limits.

C. Seacliff/Aptos: Beach Drive, Stephen Road, Marina Avenue, Esplanade, Venetian Road, Rio Del Mar Boulevard between Aptos Beach Drive and Cliff Drive.

Proposal for updated parking requirements in the coastal zone. Coastal Commission staff have indicated that there may be support for a hybrid approach like this that removes special parking restrictions in the coastal zone except on the most impacted coastal streets.

(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 this section (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.
Utility, Infrastructure, and Service Requirements. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of Chapters 12.10, Building Code, and 7.92 SCCC, Fire Code, except for the following specific exceptions for ADUs:

(a) Life Safety. All requirements of the respective service agencies shall be satisfied, and all ADUs shall comply with all applicable provisions of SCCC 12.10, Building Code, and SCCC 7.92, Fire Code, except for the following specific exceptions for ADUs:

(i) Fire sprinklers shall not be required for the ADU where they are not also required for the primary dwelling. An ADU that constitutes or is part of a larger project involving an addition to the primary dwelling equal to more than 50% of the existing primary dwelling square footage will trigger a requirement to add fire sprinklers.

(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.

(b) Utility Connections and Fees.

(i) JADUs and Conversion ADUs: new utility connection or capacity charges shall not be required; 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 onsite water treatment system, a percolation test must be completed within the last five years or if the percolation test has been recertified, within the last 10 years.

(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, but compliance with Building and Fire Code regulations is still required.

Per HCD ADU Handbook (page 16), public improvements cannot be required as a condition of approval for an ADU or JADU permit. However, HCD staff have confirmed that this does not override building and fire code safety requirements such as fire access.

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

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

Currently, this subjective design provision only applies to ADUs that are subject to discretionary review. It is proposed to remove this provision all together to accommodate pre-fabricated ADU designs that are becoming more common in the market.

(F) 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.

State law allows for objective standards related to historic properties. Section (F) provides a link to these standards, which are already included in the County Code.

(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.** Property owners are not required to reside on properties with ADUs and/or JADUs. 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 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 accessory dwelling unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the accessory dwelling unit, shall be required to submit a property tax exemption prior to occupancy of the accessory dwelling unit, and shall be subject to the deed restriction noted in subsection (G)(5) of this section.

(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 is unable to continue to occupy the property temporarily by reason of illness or absence from the area for other than vacation purposes as determined by the Planning Director in his/her sole discretion based on reasonable evidence. Evidence shall be submitted to the Planning Department in writing, and requests for extension of the absence shall also require evidence in writing. The authorization to rent both units shall be limited to one year and may be extended at the discretion of the Planning Director.

(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 stating the following:

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

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

(iii) The declaration shall include a provision for the recovery by the County of reasonable attorney’s fees and costs in bringing legal action to enforce the declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.
(iv) A restriction on the size and attributes of the ADU or JADU that conforms with this section.

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

Removing the owner occupancy requirement for ADUs and JADUs to allow for enhanced development potential for property owners. This exceeds the state law minimum which is to remove the owner occupancy requirement for ADUs only, between January 1, 2020 and January 1, 2025.

(H) Application Processing. All ADUs and JADUs shall be processed in accordance with this section and the requirements of Government Code Sections 65852.2 and 65852.22 and, for those ADUs located in the Coastal Zone, the processing requirements of SCCC 13.20.107 and 13.20.108. JADUs located in the Coastal Zone that constitute an intensification of use as defined in SCCC 13.20.040 shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a single-family dwelling remodel or addition is evaluated.

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

(1a) Exceptions to Ministerial Review Requirement. (Discretionary Review May Be Required).

(a) Inside the Coastal Zone, ADUs and JADUs that do not meet the standard for exemption or exclusion under SCCC 13.20.050 or 13.10.051 require issuance of a combined coastal development and building permit, subject to the noticing requirements in SCCC 13.20.107 (properties in the Coastal Zone nonappealable area) and the noticing and appeal requirements in SCCC 13.20.108 (properties in the Coastal Zone appealable area). JADUs located in the coastal zone that constitute an intensification of use as defined in SCCC 13.20.040 (addition of a bedroom) shall also be subject to SCCC 13.20.107 and 13.20.108 in the same manner that a single-family dwelling remodel or addition is evaluated.

Reorganized and streamlined the text in the “Application Processing” section.

(b) ADU and JADU applications that do not meet the standards contained in SCCC 13.10.681 may require requiring a variance (shall be processed per SCCC 13.10.230), minor exception (per SCCC 13.10.235), APAC review (per SCCC 16.50.095), or other discretionary approval.

Text updated to clarify that variances are not the only discretionary approval that could be required when an ADU does not meet development standards.
(iii) ADU and JADU applications in the Commercial Agricultural (CA) zone district shall be processed per SCCC 13.10.312, with special findings per SCCC 13.10.314(A) and (B) and subject to discretionary review by the Agricultural Policy Advisory Commission prior to building permit approval.

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

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

HCD ADU Handbook (page 9) clarifies that ADUs meeting the use and development standards of state law must be allowed ministerially in any zone district where residential uses are permitted, including districts where residential uses are permitted by conditional use.

(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 ministerially—as a ministerially allowable use/development, unless the application meets one of the exceptions in subsection (H)(1)(a) of this section.

(3) Impact Fees. Prior to the issuance of a building permit for the ADU, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department’s fee schedule as may be amended from time to time, and any other applicable fees.

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

The state law prohibits local jurisdictions from charging impact fees on ADUs less than 750 square feet, but there is not a similar limitation on JADUs. Given that JADUs are a maximum of 500 square feet, are often connected to the primary home, and involve only a maximum of 150 new square feet, it is not appropriate to impose impact fees on JADUs.
(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.

Adding this information regarding accessory structures with declarations of restriction to address questions raised by applicants. Owners would request the County to rescind the Declaration of Restriction in conjunction with review and approval of the ADU application.

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

Clarifying that the exemption from permit allocations applies to both ADUs and JADUs.

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

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

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

SCCC 12.01.070 states that a building permit cannot be granted for a property with an outstanding code violation. However, building permits are allowed for properties with ADUs that are delaying code enforcement.

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

SECTION VII

The Santa Cruz County Code is hereby amended such that SCCC 13.10.700, as follows:

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

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

Adding clarification that a full kitchen (required for a primary dwelling unit or ADU) must have a built-in cooking appliance, to ensure that ADUs function as fully independent dwellings.

Definition of efficiency kitchen provided for context.

SECTION VIII

The Santa Cruz County Code is hereby amended to add SCCC 13.20.051, to read as follows:

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EXHIBIT D

Page 21 of 24
13.20.051 De Minimis Waiver of CDP.
The Planning Director has discretion to waive the requirement for a CDP through a De Minimis CDP Waiver in compliance with this section upon a written determination that the development meets all of the criteria and procedural requirements set forth in subsections A through G below:

(A) No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.

(B) LCP Consistency. The development is consistent with the LCP.

(C) Not Appealable to the Coastal Commission. The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission.

(D) Notice. Public notice of the proposed De Minimis CDP Waiver and opportunities for public comment shall be provided as required by SCCC 18.10 (Permit and Approval Procedures), including notice to the Coastal Commission.

(E) Executive Director Determination. The Planning Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a public hearing (see subsection F below). If the Executive Director notifies the Planning Director that a waiver should not be issued, the applicant shall be required to obtain a CDP if the applicant wishes to proceed with the development.

(F) Review and Concurrence.

(1) The Planning Director’s determination to issue a De Minimis CDP Waiver shall be subject to review and concurrence by the Zoning Administrator (ZA) as considered at a public meeting of the ZA.

(2) The Planning Director shall not issue a De Minimis CDP Waiver until the public comment period expires, which period shall include at a minimum the reporting and consideration of the waiver at a public meeting. At such public meeting of the ZA, the matter may be included as a consent calendar item, however it may be shifted to the regular agenda and the public shall have the opportunity to testify and otherwise participate in the consideration of the De Minimis CDP Waiver. If the ZA does not approve the waiver, the De Minimis CDP Waiver shall not be issued and, instead, an application for a CDP shall be required and processed in accordance with the provisions of this chapter. Otherwise, the De Minimis CDP Waiver shall be deemed approved, effective, and issued the day of the public meeting.

(3) In addition to the noticing requirements in Section (D) above, the Planning Director, within seven calendar days of the effective date of a De Minimis CDP Waiver, shall send a Final Local Action Notice (FLAN) via first class mail describing the issuance and effectiveness of the De Minimis CDP Waiver to the Coastal Commission and any persons who specifically requested notice of such action.
(G) Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular CDP shall be required for the development and/or use.

Per discussion with California Coastal Commission staff, proposal to add a de minimis waiver for CDPs. This same language was recently added to the City of Capitola zoning code. With this waiver, some ADUs or other minor projects that would otherwise have required CDPs will no longer require CDPs, including some ADUs in disaster areas. The De Minimis Waiver would only be used on sites located outside of the Coastal Commission appealable area.

SECTION IX

This ordinance and these amendments to the Santa Cruz County Code are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 because they serve to implement state ADU regulations and CEQA Guidelines Section 15061(b)(3) because the amendments present no possibility of a significant impact on the environment.

SECTION X

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

PASSED AND ADOPTED this __ day of August 2021, by the Board of Supervisors of the County of Santa Cruz by the following vote:

| AYES: | SUPERVISORS |
| NOES: | SUPERVISORS |
| ABSENT: | SUPERVISORS |
| ABSTAIN: | SUPERVISORS |

____________________________________________
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: ______________________________
Clerk of the Board
APPROVED AS TO FORM:

______________________________
Office of the County Counsel
Accessory Dwelling Unit Handbook

December 2020

Where foundations begin
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Understanding Accessory Dwelling Units (ADUs) and Their Importance

California’s housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people’s needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

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Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively
modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California’s housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state’s needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Terner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about $450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.
Summary of Recent Changes to Accessory Dwelling Unit Laws

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California’s housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2021, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. The following is a summary of recent legislation that amended ADU law: AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019). Please see Attachment 1 for the complete statutory changes for AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019).

AB 3182 (Ting)

Chapter 198, Statutes of 2020 (Assembly Bill 3182) builds upon recent changes to ADU law (Gov. Code, § 65852.2 and Civil Code Sections 4740 and 4741) to further address barriers to the development and use of ADUs and JADUs.

This recent legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be deemed approved (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days.

- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met.

- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents.
• Provides for not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Gov. Code § 65852.2, 65852.22) and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

• Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).

• Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).

• Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 65852.2, subd. (a)(6)).

• Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 65852.2, subds. (c)(2)(B) & (C)).

• Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of offstreet parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).

• Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).

• Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).

• Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Gov. Code § 65852.2, subd. (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).

• Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).

• Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).

• Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy Regional Housing Needs Allocation (RHNA) housing needs (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m)).

• Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subds. (a)(3), (b), and (e)).
• Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); former Gov. Code § 65852.22, subd. (a)(5)).

• Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

• AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code, § 65852.26).

• AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ, Code, § 4751).

• AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code, § 65583; Health & Safety Code, § 50504.5).
Frequently Asked Questions:
Accessory Dwelling Units

1. Legislative Intent

a. Should a local ordinance encourage the development of accessory dwelling units?

Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California’s housing supply.

ADU law and recent changes intend to address barriers, streamline approval, and recent changes intend to address barriers, streamline approval,

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Government Code 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state’s economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California’s housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

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¹ Note: Unless otherwise noted, the Government Code section referenced is 65852.2.
and expand potential capacity for ADUs, recognizing their unique importance in addressing California’s housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code, Section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

In addition, ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies. (Gov. Code, § 65852.2, subd. (g)).

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

• Are ADUs allowed jurisdiction wide?

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

• Can a local government apply design and development standards?

Yes. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.
What does objective mean?

“objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

• Can ADUs exceed general plan and zoning densities?

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

• Are ADUs permitted ministerially?

Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3).)

• Can I create an ADU if I have multiple detached dwellings on a lot?

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure or a new construction detached ADU subject to certain development standards.

• Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?

Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).
As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) & (a)(5).)

B) Size Requirements

- **Is there a minimum lot size requirement?**

  No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

  **What is a statewide exemption ADU?**

  A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with 4 feet side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

  Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code section 17958.1.

  The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency’s adopted ordinance.

- **Can a percentage of the primary dwelling be used for a maximum unit size?**

  Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU’s size to less than the standard of at least 850 square feet (or at least 1000 square feet for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on
a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing percentages of the primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

  Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

  Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

### C) Parking Requirements

- **Can parking requirements exceed one space per unit or bedroom?**

  No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

  **What is Tandem Parking?**

  Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subds. (a)(1)(D)(x)(l) and (j)(11).)

  Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

- **Is flexibility for siting parking required?**

  Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

  When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xi).)

- **Can ADUs be exempt from parking?**

  Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10).

  1. Accessory dwelling unit is located within one-half mile walking distance of public transit.
(2) Accessory dwelling unit is located within an architecturally and historically significant historic district.
(3) Accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

Note: For the purposes of state ADU law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the coastal zone.

D) Setbacks

• Can setbacks be required for ADUs?

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

• Is there a limit on the height of an ADU or number of stories?

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)

F) Bedrooms

• Is there a limit on the number of bedrooms?
State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.

G) Impact Fees

• Can impact fees be charged for an ADU less than 750 square feet?

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

“Proportionately” is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

• Can local agencies, special districts or water corporations waive impact fees?

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

• Can school districts charge impact fees?

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

• What types of fees are considered impact fees?

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for
utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000)

- **Can I still be charged water and sewer connection fees?**

  ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A).)

**H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))**

- **Are local agencies required to comply with subdivision (e)?**

  Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

  b. **One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.**

c. **One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.**

d. **Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.**

e. **Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.**

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.
The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

  Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for health and safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

  Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. In addition, an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

  A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency’s adopted ordinance.

  As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

**I) Nonconforming Zoning Standards**

- **Does the creation of an ADU require the applicant to carry out public improvements?**

  No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)
J) Renter and Owner-occupancy

- **Are rental terms required?**

  Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subds. (a)(6) & (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

  No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

  However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.2, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Are fire sprinklers required for ADUs?**

  No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

  Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

- **Are solar panels required for new construction ADUs?**

  Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.
3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

- **Are two JADUs allowed on a lot?**

  No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

  JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs allowed in detached accessory structures?**

  No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subds. (a)(1), (a)(4), and (h)(1).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

  No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.22, subd. (e)(1)(A)(i).)

  This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

  Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes and ADUs

- **Are manufactured homes considered to be an ADU?**

  Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health & Saf. Code, § 18007).
5. ADUs and the Housing Element

- **Do ADUs and JADUs count toward a local agency’s Regional Housing Needs Allocation?**

  Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition, and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey, can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- **Is analysis required to count ADUs toward the RHNA in the housing element?**

  Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

  Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must...
include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.)

6. Homeowners Association

- Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

7. Enforcement

- Does HCD have enforcement authority over ADU ordinances?

Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency’s ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD’s findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- Are ADU ordinances existing prior to new 2020 laws null and void?

No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see Attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the compliant provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid – meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law – would be fully null and void and must follow all state standards until a compliant ordinance is adopted.
• **Do local agencies have to adopt an ADU ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

• **Is a local government required to send an ADU ordinance to the California Department of Housing and Community Development (HCD)?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1).)

Local governments may also submit a draft ADU ordinance for preliminary review by HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

• **Are charter cities and counties subject to the new ADU laws?**

Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as “…a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution” and concluded that ADU law applies to all cities, including charter cities.

• **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (I)).

Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the California Coastal Commission 2020 Memo and reach out to the locality's local Coastal Commission district office.

• **What is considered a multifamily dwelling?**

For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.
Resources
Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
Combined changes from (AB 3182 Accessory Dwelling Units)
and (AB 881, AB 68 and SB 13 Accessory Dwelling Units)
(Changes noted in strikeout, underline/italics)

Effective January 1, 2021, Section 65852.2 of the Government Code is amended to read:

65852.2.
(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
(D) Require the accessory dwelling units to comply with all of the following:
(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
(viii) Local building code requirements that apply to detached dwellings, as appropriate.
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are 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.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency’s ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department’s findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department’s findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit that 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, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

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(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

(7) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing 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 for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xi) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. **If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.** A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) **[A]** This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed...
accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not
more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.
(iii) The side and rear setbacks are sufficient for fire and safety.
(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
(i) A total floor area limitation of not more than 800 square feet.
(ii) A height limitation of 16 feet.
(C) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are 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.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions. 
(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(A) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(A) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling and side setbacks.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the
Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency’s ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department’s findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department’s findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit that 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, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

(7) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit
applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing 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 for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

1. The accessory dwelling unit was built before January 1, 2020.
2. The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed. become operative on January 1, 2025.

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in strikeout, underline/italics) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to his or her separate interest.

(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.

(c) For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

1. Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.
2. Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

(d) Prior to renting or leasing his or her separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant’s or lessee’s representative.

(e) Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.

Effective January 1, 2021 of the Section 4741 is added to the Civil Code, to read (AB 3182 (Ting)):

4741.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.

(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased.

(c) This section does not prohibit a common interest development from adopting and enforcing a provision in a
governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.

(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.

(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.

(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.

(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars ($1,000).

(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code is was amended to read (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

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EXHIBIT E
(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:
(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is was added to the Health and Safety Code, immediately following Section 17980.11, to read (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:
(A) The accessory dwelling unit was built before January 1, 2020.
(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, “accessory dwelling unit” has the same meaning as defined in Section 65852.2.
(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.
GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 587 Accessory Dwelling Units

Effective January 1, 2020 Section 65852.26 is was added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer’s principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) “Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) “Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units

Effective January 1, 2020, Section 4751 is was added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, “reasonable restrictions” means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability
to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6**

**AB 671 Accessory Dwelling Units**

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

**65583(c)(7).**

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is was added to the Health and Safety Code, to read (AB 671 (Friedman)):

**50504.5.**

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.
(b) The list shall be posted on the department's internet website by December 31, 2020.
(c) For purposes of this section, “accessory dwelling unit” has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.
### Attachment 2: State Standards Checklist

<table>
<thead>
<tr>
<th>YES/NO</th>
<th>STATE STANDARD*</th>
<th>GOVERNMENT CODE SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit is not intended for sale separate from the primary residence and may be rented.</td>
<td>65852.2(a)(1)(D)(i)</td>
</tr>
<tr>
<td></td>
<td>Lot is zoned for single-family or multifamily use and contains a proposed, or existing, dwelling.</td>
<td>65852.2(a)(1)(D)(ii)</td>
</tr>
<tr>
<td></td>
<td>The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing dwelling and located on the same lot as the proposed or existing primary dwelling.</td>
<td>65852.2(a)(1)(D)(iii)</td>
</tr>
<tr>
<td></td>
<td>Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.</td>
<td>65852.2(a)(1)(D)(iv), (c)(2)(B) &amp; C)</td>
</tr>
<tr>
<td></td>
<td>Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.</td>
<td>65852.2(a)(1)(D)(v)</td>
</tr>
<tr>
<td></td>
<td>Passageways are not required in conjunction with the construction of an accessory dwelling unit.</td>
<td>65852.2(a)(1)(D)(vi)</td>
</tr>
<tr>
<td></td>
<td>Setbacks are not required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.</td>
<td>65852.2(a)(1)(D)(vii)</td>
</tr>
<tr>
<td></td>
<td>Local building code requirements that apply to detached dwellings are met, as appropriate.</td>
<td>65852.2(a)(1)(D)(viii)</td>
</tr>
<tr>
<td></td>
<td>Local health officer approval where a private sewage disposal system is being used, if required.</td>
<td>65852.2(a)(1)(D)(ix)</td>
</tr>
<tr>
<td></td>
<td>Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.</td>
<td>65852.2(a)(1)(D)(x)(I)</td>
</tr>
</tbody>
</table>
Attachment 3: Bibliography

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

SECONDARY UNITS AND URBAN INFILL: A Literature Review (12 pp.)
By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood — i.e., the development or redevelopment of entire parcels of land in an already urbanized area — and the incremental type of infill that secondary unit development constitutes.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)
By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.
Regulating ADUs in California: Local Approaches & Outcomes (44 pp.)

By Deidra Pfeiffer
Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes (8 p.)

By David Garcia (2017)
Terner Center for Housing and Innovation, UC Berkeley

As California’s housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California’s major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community’s housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state’s residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California’s housing shortage.

Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver (29 pp.)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.
In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city’s zoning code regulates the ADU’s maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities’ zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city’s count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city’s density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.
Accessory Dwelling Units Ordinance Update 2021: Public Meetings, Community Outreach and Public Comments

Public Meetings:

- **March 3, 2021 – Housing Advisory Commission**
  Proposal for updates to ADU regulations and introduction of new “tiny homes” regulations were introduced. There was support from HAC members for both projects, including allowing tiny homes as ADUs.

- **March 9, 2021 – Board of Supervisors**
  Board directed staff to move forward with amendments to ADU regulations and development of new regulations for tiny homes in two phases (first to allow tiny homes as ADUs or primary dwellings, and second to explore additional options for tiny home regulations that might require General Plan amendments or environmental review).

- **March 16, 2021, 6:00 pm – Stakeholder Meeting**
  Staff held a virtual stakeholder meeting to discuss both the topics of ADUs and tiny homes. Outreach for this meeting included announcements at the HAC and BOS meetings, posting on the Planning Department website, and direct email to email lists for ADUs, housing, and developers/architects/contractors (approximately 350 people). There were approximately 100 participants at the meeting. Particular issues discussed related to ADUs included utility costs, CZU fire rebuilding, legalizing illegally constructed ADUs, parking requirements, ADU square footage calculations, design requirements for ADUs, cost and time associated with ADU permits, and the need for more coordination with design and construction professionals to further streamline the ADU permitting process. A recording of the meeting is available on the Planning Department ADU website.

- **March 24, 2021 – Planning Commission Study Session**
  A Planning Commission study session explored the policy questions related to updating the ADU regulations and creating new tiny homes regulations. Particular issues discussed related to ADUs included number of ADUs allowed on a property, owner occupancy requirements, parking, floor area maximums, resource and utility infrastructure constraints, and rebuilding after disaster. After some discussion, the Commission directed staff to separate the ADU and tiny homes policy projects and conduct additional community outreach and engagement on both topics before returning to the Commission.

- **May 11, 2021, 6:00 pm – Community Meeting**
  A second community meeting was conducted, focused only on the ADU regulations. Extensive community outreach was conducted in advance of this meeting. There were over 100 participants at the meeting. Particular issues discussed included number of ADUs allowed on a property, second driveway requirement for ADUs, cost associated with ADU construction, utility fees, owner occupancy, and HOA limitations. A recording of the meeting is available on the Planning Department ADU website.
Outreach for May 11 Community Meeting (and follow up for May 26 Planning Commission Hearing):

- Social Media:
  - Facebook, Instagram, Nextdoor posts (reaching about 90,000 people)

- Media:
  - Newspaper:
    - Santa Cruz Sentinel article 5/10/21: [https://www.santacruzsentinel.com/2021/05/10/meeting-on-santa-cruz-mountain-adus-is-wednesday/](https://www.santacruzsentinel.com/2021/05/10/meeting-on-santa-cruz-mountain-adus-is-wednesday/)
  - Television: KSBW (story aired 5-11-21 11:00 pm news, with staff interview)
  - Radio: KION, KBCZ, KSCO (community meeting announcements 5-3-21)
  - Staff also provided meeting notices the San Lorenzo Valley Post, Mountain Bulletin, Press Banner, Lookout Santa Cruz.

- Community groups/organizations:
  - Aptos Chamber of Commerce
  - Architects Association of Santa Cruz County
  - Boulder Creek Business Association
  - Boulder Creek Recreation District
  - Coastal Property Owners of Santa Cruz County
  - County email listservs (ADU interest, architects/developers, housing)
  - Davenport/North Coast Association
  - Democratic Club of North Santa Cruz County
  - Habitat Monterey Bay
  - Housing NOW
  - La Selva Beach Improvement Association
  - La Selva Beach Recreation District
  - Live Oak Neighbors
  - Pajaro Dunes Association
  - Rio Del Mar Beach Island HOA
  - Rio Del Mar Improvement Association
  - Santa Cruz County Association of Realtors
  - Seacliff Improvement Association
  - Seascape Beach Association
  - Seascape Neighbors
  - Twin Lakes Church
  - Valley Women’s Club

- Agencies, commissions:
  - Board members and staff
  - Coastal Commission staff
  - Department of Public Works staff
  - Environmental Health Department staff
  - Fire district staff
  - Housing Advisory Commission members
  - Local Coastal Program Amendment mailing list
  - Planning Commission members and alternates
  - Water district staff
Participants at the May 11, 2021 community meeting were asked to respond to a brief survey regarding their experience at the meeting. 24 participants responded to the survey.

1. Rate your overall satisfaction with this community meeting (1-5 stars)

   24
   Responses
   4.21 Average Rating

2. Would you like to provide any comments about the County's ADU regulations?

   Latest Responses
   "I do not agree in the removal of the owner occupancy requirement, b...
   "I'd like to see more common sense approaches when developing cou...
   "The number of additional parked cars on streets with new ADU's and...

   a little more clarification on how to go about getting permits
   Great job presenting the material, the interactive exercise was good and I would keep that up in future meetings
   Please allow more than one ADU if the parcel size is greater than 18,000 square feet. And all other conditions (parking, setbacks, lot coverage) are met. Please lift the owner occupancy requirement for those ADU's permitted and built prior to 2020.
   I am pro relaxing requirements and allowing ADUs and Tiny Homes (even on wheels) for humanitarian and environmental reasons. Thanks!
   Glad you are streamlining the process, but we are finding it is very expensive to build ADUs in Santa Cruz, like $100,000-$300,000. How can this process be cheaper and more transparent with cost?
   Please make it easier and more affordable to legalize existing ADUs! I bought a property with an unpermitted (but built-to-code) ADU, fully intending to permit it ASAP. I started trying to work with the county to do so after I moved in and it felt impossible from the get go. When I came into the county offices to discuss the best path forward, I felt that Planning treated me as if I was at fault or had done something wrong, when in fact I was making every effort to right the situation. What’s more, they began to look at the rest of my property under scrutiny, identifying code issues from years ago that I didn’t even know about - and am not currently in a financial position to rectify. I sank $5k already into having an architect draw up plans of my existing structure (as I was directed to do) and additional time and money into trying to figure out how to upgrade my septic system, only to learn that engineered is my only allowable option. Result…? Now I have a totally habitable structure sitting empty on my property that could be providing valuable housing to a local community member or fire victim… and no financially viable path forward to allow someone to live in this space.
   Would be helpful to include a rep from fire and environmental to help set expectations for their requirements as it relates ADUs
   Please add multi ADU (2) to any property and remove any provisions relating to owner occupied requirements.
Parking and height restrictions need to be liberalized, especially in the coastal zone.
I hope the owner/relative of owner requirement is eliminated. This would open up more housing opportunities.
Clarity on the second driveway requirements would be helpful.
Waive parking requirements in rural area.

I agree with others who have commented that while progress has been made in more easily permitting ADU’s, it is still a time consuming and expensive proposition for those of us who are not building professionals.

Too restrictive, too costly
Are there any rules on water district to restrict their arbitrary fee structures and limitations on them restricting additional connections.

I wonder if this meeting is largely attended by those who want to build additional ADU’s, and might that be skewing the comments that you are hearing toward relaxing requirements. I am one person who supports allowing some ADU’s, but not on lots where they just don’t make sense. I am also concerned about how the increase in population density in our county could impact the environment that most of us hold dear.

The number of additional parked cars on streets with new ADU’s and JADU’s is concerning. The number of ADU’s allowed per property should be dependent on parcel size.

I’d like to see more common sense approaches when developing county wide regulations. There’s a vast array of circumstances (e.g. urban, wild land interface, high density, low density, etc.) that property owners face. A one size fits all may not apply here. For example, my single family home is 480sq ft with a 384sq ft attached a garage. It is perfect for me. However, my aging mother needs care and I was considering building an adu for her. Considering my particular situation, I would have to invest hundreds of thousands of dollars to meet code that seemingly applies situations not mine.

I do not agree in the removal of the owner occupancy requirement, but agree to extend to include family.

3. How did you learn about today’s meeting?

- Social Media: 2
- Newspaper: 6
- County website: 4
- Email: 5
- Word of mouth: 2
- Other: 5

“Other” responses included KION radio, Santa Cruz local newsletter, and a flyer posted at the County government center.
Public Comments from 3/16/21 Stakeholder Meeting concerning changes to ADU regulations:

Oral Comments:

Paul M.E.: “I am in favor of loosening the parking regulations in the coastal zone and also in favor of relaxing the foundation requirements for tiny homes. Related to parking, that was the main reason that you cited for tightening the [county] regulations on the number of ADUs per property. Do you have data that would support tightening these regulations, like parking complaints, to back up this idea of the county being more restrictive than the state?”

Rose-Marie McNair: “I was at another meeting where we were talking about the rebuilding and one of the comments that was made was that the access roads are not wide enough, so that adds an impediment to the reconstruction. And I’m wondering how that is going to be dealt with.”

Brent White: “I am one of those people in the harbor area who has a really small lot, I am interested in doing an ADU or JADU. I read the requirements and my only limiting condition that I can see at this point is the parking condition. I’m wondering if that is going to be lifted for areas in the coastal zone, as it is for areas that are not in the coastal zone...the standard size lots here are about 2400 to about 4000, median being about 3000 square foot lots, so you will never ever have someone have the opportunity to build an ADU unless that is lifted within this area, especially because these beach lots have been drawn out and they’re so small comparatively to lots in unincorporated Live Oak and other areas of the county.”

Cove Britton: “I don’t agree...on many of the County staff’s interpretations, I don’t agree with the County of Santa Cruz’s approach that they get to determine what they think is okay or not okay...the County and the County really needs to hear from the professionals who are processing these permits what the problems are, and also needs to hear from the public what the County’s opinion is, and then what attorney’s opinions are and other people’s opinions are. This is not something where the County staff dictate to the public what are the rules. It’s a conversation...Parking should not be different in the coastal area...The credit idea – its not a credit – it’s the idea that if you are allowed 800 square feet, you have 800 square feet, just like garages...because (otherwise) it means that you would have an ADU and demolish it in order to get the credit, and that’s silly...The idea of a duplex as a multifamily dwelling, they are a multifamily dwelling, that is obvious. When you add a JADU and an ADU, that is also a multifamily dwelling, which changes your building code requirements...It means that it is really hard to process that permit. It means that the person with a duplex is going to spend hundreds of thousands of dollars to build that ADU. Planning staff isn’t telling you that...The barriers that are being put in place by the Planning staff – they are not more lenient, that is an illusion. They are more restrictive. Timeframes – you are supposed to get something permitted in 60 days, that’s the rule. Our office has been through a process of at least a year [for an ADU application] where we had discussions of what type of siding is required...Where the rubber meets the road, it’s not happening. There needs to be a community discussion about the cultural program with the County Planning staff saying we are trying to help you, and the actual result. And that needs to come from the professionals. Discretionary permits [design review] – how much time do you want to spend on whether your little cottage looks like the house in front? Who benefits? Are you happy with what you did? It should be fine. Why is staff getting into an
aesthetic discussion about whether your ADU looks like the house in front? What if the house in front looks horrible? The reason why we have these rules about ADUs is the 1970s concepts of planning failed and the state of California said we are tired of that, so anything you can do to make it more straightforward, do it...The process of what you have to go through to get these things approved is terrible...We as a community to take this process and we are the community are the ones to decide whether Planning is okay or not okay...The County of Santa Cruz has failed, and this is the time to change that...I’m hoping that they will go to the licensed professionals for input.”

**Meeting Chat Comments:**

[3/16 6:33 PM] alexie (Guest)
A major issue for us is the fire department regulation on sprinklers. Even thought the county does not require sprinklers. The fire department says they will. can anything be done about this?

[3/16 6:33 PM] "Ana Harris (Guest)"
Is there any change to the price structure for Soquel Creek Water District to lower their rates for requiring a separate water meter for new construction ADUs?

[3/16 6:43 PM] Nicole (Guest)
Requiring connection to sewer restricts the use of Tiny Homes and development of ADUs. Is there a reason that composting toilets aren’t allowed other than requiring connection to the grid? Could this change in the ordinance updates?

[3/16 6:48 PM] White, Brent (Guest)
I live in the coastal zone, will the requirement for additional parking be lifted to allow ADU or JADU?

[3/16 6:48 PM] nick (Guest)
Please make composting & incinerating toilets a priority.

[3/16 7:11 PM] Hector (Guest)
It’s definitely not for low income people witch are the ones that need the help the most

[3/16 7:14 PM] nick (Guest)
SC County is notorious for decades of petty rules, permitting and taxes, time for this to come to an end.

[3/16 7:19 PM] Jenifer Levini (Guest)
This is an explanation of Tim’s question about septic systems. He referred to the fact that County of Santa Cruz does not have a Local Agency Management Plan approved by the State of California. Because our county lacks an approved plan, Environmental Health Department cannot approve a simple septic system installation. Instead, everyone is forced to install an enhanced septic system which costs a lot more. Here’s the link to the state website showing Santa Cruz is not approved. https://www.waterboards.ca.gov/centralcoast/water_issues/programs/septics/local_ag_mgnmt_plan.html

[3/16 7:20 PM] Martin Mills
The need for housing should be balanced with preservation of the natural environment. Building high quality housing that is good for the community is a good idea. Creating highly problematic housing situations does not help the quality of life in our county. Does it make sense for one generation to destroy all that we love about our county for the sake of increasing our population?

[3/16 7:31 PM] Jill Gallo (Guest)
ADU’s and possibly tiny homes are a way for parents of adult children to help them find ways to afford to live in Santa Cruz. As a parent of two “twenty something” adults, I could not afford to give them enough $ to buy a home in this town, they can’t afford to buy one, or rent one affordably. So, this is way for us to help our adult children live in the town they grew up in.

[3/16 7:33 PM] nick (Guest)
@ Jill , i’m in the same boat, my boys have already said that they’ll have to leave this county .... very sad ..

Public Comments from 5/11/21 Community Meeting concerning changes to ADU regulations:

Oral Comments:

Mando Morlos: “I’m a homeowner and built an ADU in Santa Cruz. In addition I actually worked with the state senators and their staff on crafting some of this legislation. I wanted to bring the point to everybody here that what we have here for ADUs and JADUs are the absolute bare minimum that we can legally allow. Meaning that we can choose as a community, to allow multiple ADUs – as many ADUs as we want – on parcels, and I took this to the City of Watsonville, and they have since voted and enacted legislation that allows two full size ADUs on any property within their city limits. Now, parcels here in unincorporated, we are much larger – and in Santa Cruz County in general, we have a great variety of different types – we have areas that are very congested and we have areas that are very open. So, I am pleading with you guys to please allow more ADUs on large parcels that easily handle it and won’t cause any parking problems or things like that. It just doesn’t make common sense that a parcel that is right on the beach that is tiny, that doesn’t have parking, can have one main house, one ADU and one JADU, and a large parcel that doesn’t have any traffic issues can have the same. So please allow that like other cities are allowing. The next thing I wanted to talk about was disallowing separate ADU access driveways. Being that parking is such an issue, in some cases the ADU may not be built at all if you disallow an extra driveway because that keeps cars of the streets and if people can park off street that is ideal.”

Stephanie Lee: “City of Santa Cruz allows complete reconstruction of a structure to count as a conversion ADU. I was wondering if this is a direction you are moving in for the County, especially since buildings are sometimes brittle and old and it might be safer for everyone to reconstruct entirely.”

Rena: “Thank you for clarifying the code, that is really important for the community. Is there a way to be more transparent about the cost of building an ADU? We are finding that ADUs cost upwards of $100,000 if not $300,000 and I think people aren’t always aware of the expense that is really involved and I would love to see more transparency in terms of the fees and construction costs.”
Forrest and Amit: We are looking at an ADU and it would need a driveway to make it work and I just heard something about that not being allowed...If that is the case we may have to go outside the building permit and do our thing.”

Alex Budka: “We buy apartments and we try to build ADUs on them. We are doing that right now, but the majority of apartments in the Santa Cruz area are really old, and therefore they’ve been grandfathered in on zoning variances throughout the years. For instance, one apartment we bought was built in the 30’s. So, a lot of the time the number of units exceed what the current zoning allows for, and therefore we have to go through a Level 5 zoning process to get them approved. So, it kind of falls under a strange technicality where you are going over the current zoning, and it becomes a more difficult development process. But I would think that with an ADU, you could get around that process somehow and not have to deal with that kind of level [of review]...Also, I wanted to comment on the water fees. I think a lot of them are pretty reasonable, but for instance in the Soquel Water District it’s like $35 grand per water meter which can really kill an ADU project...so if you can either lower them or eliminate them if possible.”

Jessica Ayala: My understanding is the current ordinance is an ADU per residential home and the County is thinking of changing it to an ADU per residential lot. For example, my lot has three homes on it, my home is the primary residence, and another home was built in the 30’s, and there was one built in the 60s...why would the County want to change to only allow one ADU per residential parcel instead of per home?

Markus: I just want to make the point that was made earlier that given the size of some lots in the County, it would be great to have the updated legislation recognize more than one ADU on a parcel. Secondly, given the updated legislation that now post 2020 permits there is not a residency requirement for an ADU, that should be made retroactive for those that permitted ADUs prior to 2020.

Jim Helmer: We are on 11 acres in San Lorenzo Valley...septic system is up to grade. Considering an ADU. We have been told on multiple occasions that we will need to install a separate septic system conforming to tier 1 state of California standards to do an ADU which could be $60-70,000 with today’s construction costs, which kind of makes the whole proposal to do an ADU for a family member or a rental unit for a low-income renter out of the question. We really need to look at this septic issue and the requirement for two septic systems vs. just upgrading the existing.

Cove Britton: I would really appreciate and I think a number of other professionals that are processing these permits to meet with you and staff and talk about where the rubber hits the road. I’m hearing a lot of how to’s, and I understand that. But for me it’s problematic, because for me I want to understand, and possibly disagree, with interpretations of staff’s implementation of the code -- is it consistent with what the community wants? Is it consistent with HCD? And is it consistent with what the Board is expecting?...I think it would be really beneficial...to have a meeting about how is the County interpreting these things, with people who are getting permits. I can speak from experience the process for getting an ADU is miserable...doesn’t meet the timeframes, it is profoundly costly, I’m not the only one saying this, and I know that...Really what HCD is trying to say is we need these housing units, we need ADUs, and frankly, and respectfully, County Planning staff and Building staff and Environmental Health and
Public Works need to talk to the people that are processing these permits, with the County Supervisors, with the Planning Commissioners. These meetings are valuable but they are not valuable for determining what are the appropriate ordinances? What is the appropriate process? How do we do this well?

Mando Morlos: I wanted to touch again on the multiple ADUs, because it seems like there is support for that, and how some people in the County building department have said they could do that as a dwelling group [instead of multiple ADUs]. I’ve looked into that and found that the number of properties that could have a dwelling group is severely restricted. But virtually any house can have an ADU. And additionally, if you try to go the route of a dwelling group, even if you can do it, you lose all of the benefits of the ADUs – the impact fees, the setbacks, the fire sprinklers – all the things that legislation has gone through enormous effort to get these things built – you lose all of that. And as a result, if we as a community are sincere about trying to build housing that somebody who works an average job around here can actually afford, the dwelling group route isn’t viable – vs. the ADUs because they are so streamlined now, it is possible to build an ADU where a school teacher or regular person working here could actually afford it…Please allow multiple ADUs because that has the attempt to build affordable housing. And also, as far as the owner occupancy, the state legislation and the governor signed a law that says you do not have to be owner occupied – however that law will only last a few years.

Shelly Flock: I’m with the Soquel Creek Water District. I just wanted to clarify there was some misinformation related to pricing for new service connections. We have a lot of information on our website including cost information so please check that out if you are interested in building an ADU in our service area.

Mando Morlos: I talked to Environmental [Health] and they changed the rules for septic tanks. So if you built something even if it was just a couple of years ago and you decide that you want to add an ADU or JADU, you will actually have to rip out the one you just put it that’s working perfectly, to put in one of these new septic systems, and they cost $50-75,000. Environmental said they used to give exemptions. So, who can we talk to, to learn whether we can use the existing technology that we had when the original house was built…What would be great to know who we can go to, to change this rule? Is it the state level? If it is just like fire sprinklers, we had to go to the state level, and we can do that.

Meeting Chat Comments:

[5/11 6:35 PM] Lara Isaacson (Guest)
Thanks for considering these ADU updates and I look forward to much more updates on Tiny home this Summer! :)

I am a long-time resident of SC, and my family was affected by the CZU fires. I am for reducing barriers to ADU and Tiny House development. They are great for affordable infill housing and generally more energy efficient dwellings.

Specifically I am pro allowing the development of an ADU before the main house, especially in the fire areas. I am pro completely removing owner-occupancy requirements for ADUs. I am also pro allowing for prefab ADUs by not adding any objective design requirements. I am not too concerned about
parking/requiring it even in coastal areas because long term our community needs to focus on complete streets that make it safer to bike, walk, etc as well as invest in better public transit for residents and visitors alike. Finally, please don’t add fee for ADUs and JADUs, we simply need more affordable housing in SC. Thanks you!

[5/11 6:36 PM] (Guest)
Please permit two ADU's on parcels (APN) greater than 18,000 square feet

[5/11 6:37 PM] Picco, Marty (Guest)
Agree

[5/11 6:37 PM] (Guest)
Please remove the owner occupancy requirement for ADU's.

[5/11 6:41 PM] Shelley Flock (Guest)
The law currently allows for utilities to charge connection fees for all new construction ADU's, not just those that are built at the same time as a new single-family home. Can you please correct/clarify? Thanks, Shelley Flock (Soquel Creek Water District)

[5/11 6:42 PM] Jared Sammet
How does County Staff justify potentially regressing its current ADU policy to be more restrictive at a time when California and Santa Cruz County are facing considerable housing challenges? Why wouldn't the County be proactively exploring enabling more ADUs and subsequently more "affordable by design" housing opportunities for the community?

[5/11 6:44 PM] Rachel K. Stratman (Guest)
Agreed that the height limit should be extended if possible as mentioned.
(1 liked)

[5/11 7:02 PM] Frank (Guest)
Can front street setbacks for ADUs be reduced (say from 10 feet to 4 feet) if reducing the setback drastically improves the parking situation on the lot?

[5/11 7:15 PM] rich (Guest)
Potential builders should be aware that an expensive water service increase may be required as well as significant sewer routing around the existing home.

Any chance of minimizing fees for those who are not building ADUs for rental use?

[5/11 7:32 PM] Emily (Guest)
I really appreciate this meeting and all of the information shared! But, also agree with what was said by Cove a few minutes ago... and someone earlier as well, who spoke about transparency/cost. I've tried to follow the existing processes and found it terribly expensive and complicated trying to legalize an existing structure that was built to code. I hope the country will take this into consideration - there are many barriers beyond just knowing the steps, staying within square footage, etc.
(1 liked)
[5/11 7:37 PM] Nick Kromat (Guest)
it would be valuable to have a rep from environmental and fire included in these

[5/11 7:37 PM] Kim & Patrizia (Guest)
In our opinion, Septic systems that have been cleared in the CZU fire areas should be accepted for reconstruction.

[5/11 7:37 PM] Nick Kromat (Guest)
I agree

[5/11 7:37 PM] Emily (Guest)
I agree, Nick! Septic is a major obstacle and clarity from EH would be so helpful
(Also agree with Mando)

[5/11 7:39 PM] Kim & Patrizia (Guest)
If the septic system has additional capacity for an additional bedroom should be Ok for a new ADU
Hi Daisy-

May I get the dates for hearings on the ADU revisions please.

I would suggest in the future, and as part of this process, having a meeting with those processing ADU permits as a round table (versus just stating what planning intends to do).

Regards-

--
Cove Britton
Matson Britton Architects
O. (831) 425-0544
Hello,

I think it would be beneficial for the county to change the regulation that the Main dwelling has to be same (materials, colors, etc.) as the ADU. This will give a presence to the ADU as if it was a separate home in a smaller lot. This will help out expedite the process for the people trying to build an ADU to live in as well as those that are for rental purposes. Since the price of homes are skyrocketing this is a simpler approach to make housing more affordable to everyone.

Thanks
Hello Daisy,

Thank you for holding the meeting about ADU’s and Tiny Homes last night. I appreciate the calm and informative approach you and the other staff took, and that you made links and more information available. I was impressed with your ability to reply to people’s questions on the spot in a way that seemed complete and accurate while not oversimplifying complex issues. It is clear that you are very knowledgeable on the subject. The County’s policy on housing development must be a very tough, emotionally charged, and complicated issue for you and the other staff to take on.

I am a licensed Civil Engineer who provides both civil and structural design services for single family residential projects, primarily in Santa Cruz County. I have worked on a few projects in other jurisdictions such as Santa Clara County, San Mateo County, the Town of Los Gatos, and the City of Salinas. While I know that Santa Cruz County has a reputation of being tough in terms of permitting, I will say that I have found the process to be tougher in those other jurisdictions. I have certainly heard that there are other areas in California where permitting is much easier, but I don’t think that is always a good thing.

I grew up in the Aptos hills adjacent to Nisene Marks State Park and have lived in Santa Cruz County continuously since 1982. My parents ran a construction company for more than 35 years, after building their Geodesic Dome home there. I worked for my parents during the summers and learned the basics of the Construction trade.

After High School I was hired to do facilities maintenance and construction at a 110 acre camp and conference center in Aptos. I lived in a small cabin and worked at this job for 12 years. During that time I earned an AS degree in Engineering and a certificate of proficiency in drafting technology from Cabrillo. I then graduated from SJSU in 1999 with a BS in Civil Engineering with a Structural Concentration.

In 2001 I started working for a Civil, Structural, and Architectural firm in Soquel. I worked there for 8 years before starting my own Civil/Structural Engineering practice about 13 years ago. Also, for the past 9 years I have been operating a water system that serves about 200 people in the neighborhood where my parents used to live. I have now inherited that water system from my parents who recently passed away. I have lived in Ben Lomond for the past 20 years and fought fires last August to save our home and others on the bottom edge of the CZU fire. I am now working to help my neighbor design a home to replace theirs that burned to the ground.

My wife and I have long considered building an ADU or having a tiny home on our partially forested residential property. If our house had burned down we would likely have purchased a trailer to live in while we rebuilt. I’m only letting you know all of this information about me to say that I have a long and diverse experience that has involved construction, facilities, building design and engineering, public utilities, the natural environment, and fire in this county. I have looked at the development of homes in our County from many angles. I felt compelled to provide feedback on the important issues discussed at last night’s presentation.
I can see many sides of the ADU/Tiny Home issue. I know enough to know that it is a complicated topic. Decisions made by the County now will impact many people and the environment for decades to come. Certainly you have a huge task on your plate as you work on policies related to small, rentable, and potentially affordable housing. The world has become an impatient place, but I want you to know that at least one land and business owner in this County believes that careful analysis, discussion, and consideration of these issues, whatever that takes, is very important. A vocal group of people will want changes right away, but we hire our public employees and officials to look out for all of us, and sometimes protect us from ourselves and our impatience.

I can see the need to create more affordable home options in our County. Homelessness, even among people with the capacity to work, is a real threat. The new category of Tiny Homes demands some regulatory guidance for sure. I have seen first-hand people beginning to seek out this option, even without all of the regulations in place. I ask you to carefully consider as many of the impacts of Tiny Homes and ADU’s in our County as possible. These housing options come with a cost to property owners, neighborhoods, competition for resources, traffic, environmental impact, etc. Please take the time you need to come up with balanced policies that consider these and other impacts.

Some might have you think otherwise, but not all design professionals in the County believe that the process to permit an ADU or Tiny Home should take just a few months. Yes, the rules and process should be clear. Yes, it should be possible to build a rentable structure on some lots in our County. But no, it should not be possible for anyone with the ability to finance a $30,000 structure to put a rental home on any property.

We need safe, high quality housing options that are able to be constructed where they are reasonable. Not every project should be approved. Some poorly conceived or underfunded projects should be denied or never get past the dream stage. Our County needs to be sure that projects are well designed, carefully reviewed, and responsibly managed. Let’s not give up all that makes our County great and special, simply to provide lower-cost housing options. If a more thorough permitting process prevents poorly developed ideas from being achieved then that is a good thing in my eyes.

These are just my opinions, to throw in the mix with the rest. I have carefully avoided being either pro or anti-growth and pro or anti-progress. I think we need more people and more policies that strive for a balance between these things.

Thank you for your work and for considering my thoughts,

Martin Mills
Principal Engineer
Mills Young Engineering
(831) 336-8420
March 23, 2021

Planning Commission
County of Santa Cruz

Agenda Date: March 24, 2021
Agenda Item: 6

Dear Planning Commissioners:

Our office is currently working on over a dozen projects that involve ADUs and/or JADUs.

I appreciate Planning staff's efforts and in particular the Executive Summary prepared for this study session.

Based on our office's experiences, reading of the HCD guidelines, as well as the review of the legislation we have the following comments, suggestions, and concerns.

1. The legislation regarding ADUs and JADUs are minimums. The intent of the legislation is to encourage ADUs and JADUs. We suggest that referring to the County as being more "lenient" than the legislation in some cases is inappropriate. Rather that the County is proposing ordinances in some cases that are not specifically required by legislation but are consistent with the intent to encourage ADUs and JADUs. I realize that is a minor point but goes towards a potential cultural (for lack of a better word) problem in how these ordinances are promulgated and how actual applications are reviewed for permit.

2. Something of critical importance that is not addressed in the Staff report is the required time frames for processing ADU and JADU permits.

   a. ADU and JADU permit applications are to be processed and approved in 60 days.
   b. State legislation defines "excessive delay" as 45 days total of review time of a building permit application (please see attached). As one can find in the attachment, the County (even prior to the COVID imposed challenges) review time for building permits is considered "excessive delay". When excessive delay occurs in building permit review, the remedy is that County must allow private plan check. This legislation applies to all residential building permits.

How does the County propose to communicate to the public their rights regarding the above legislation and how does the County intend to implement these requirements?

As just one example (we have more) of why this is such a concern as we had one project involving a JADU and a 500 square foot home office addition. The cost of the County requirements and time to review was exceeding the budget to construct the work and how long it would take to build. The owner understandably abandoned the project.

3. Appeals are a critical element of processing permits. Who hears appeals regarding interpretations of code and ordinance of County staff determinations regarding ADU and/or JADU permits? Please note
that consistent with Lippman vs. City of Oakland that the Planning Director may not be the appeal body. What is the cost for the appeals? How will the applicant be informed of their rights in this regard? What are the costs of the appeals and what is the maximum time allowed prior to hearing an appeal once filed? Current County code and ordinance are not in conformance with current State legislation and law. Current County process in regards to appeals generally requires an attorney to navigate. We suggest simplification in process and clear communication to the applicant should be provided as part of the application.

4. As the State legislation for ADUs and/or JADUs infers (by banning discretionary review) discretionary review is highly problematic for cost effective and timely processing of residential building permits on lots of record. It is readily accepted that planning theory of the 1970s has largely failed when it has come to single family residential construction (please see attached article from the American Planning Association “Design Review Reviewed”). I suggest that any design review requirement associated with single family dwellings on lots of record should be very circumspect especially if an ADU and/or a JADU are involved.

1 thru 4 above are overarching concerns regarding the County’s ADU and JADU ordinances and process. Below are concerns, suggestions, and comments regarding information presented in the Executive Summary.

“Should JADUs be allowed on single-family parcels in addition to attached ADUs?”

Response: Yes, JADUs should be allowed on single-family parcels in addition to attached ADUs. This is a complex building code (versus planning) issue and I suggest that the Planning Commission and Board thoroughly vet and consider this matter and staff’s analysis and conclusion far from complete. Respectfully the staff report mischaracterizes this issue, and it is a significant issue for a number of reasons including it would severely hamper the ability of property owners to construct a JADU and ADU in many cases.

The County senior building plan checker has taken the position that single family dwellings with an JADU may not have an attached ADU without changing the occupancy (CBC California Building Code Chapter 3) of the building. Staff’s interpretation is that the addition of a ADU and a JADU creates and apartment building. To be clear that is a position that can be supported under building code. The question is, should it be?

For example, the issue below is not addressed by the staff report.

As County plan checking staff emailed me, there is no definition in building code of ADU and JADU. Section 302 of the CBC states:

“Where a structure is proposed for a purpose that is not specifically provided for in this code, such a structure shall be classified in the group that the occupancy most nearly resembles, according to fire safety and relative hazard involved.”

Now the question: is the current legislative intent regarding ADUs and JADUs inferring that by adding them to an existing residence that it creates an apartment building occupancy of no limit on how many people occupy them (meaning thousands can occupy the building) or is the intent to have these
structures addressed more similarly to Congregate Residences (non-transient) with 16 or fewer occupants?

To me the answer is obvious. It goes against the intent of the legislation, and adds a restriction not included in the legislation (which may be unlawful), to disallow a an attached a ADU and a JADU.

"Should we count ADUs toward large dwelling unit calculations?"

Response: Of course, ADUs and JADUs should not count toward large dwelling unit calculations. See 1, 2, and 4 above. The clear intent of the legislation is to encourage and remove barriers to construction of ADUs and JADUs. Clearly counting JADUs and ADUs toward large calculations is contrary toward that intent and may be unlawful.

"An ADU up to 800 square feet is allowed even if the existing building(s) on a parcel exceed the maximum floor area allowed for the parcel. Should this allowance be counted as an 800 square foot credit?"

Response: Of course, the 800 square foot for an ADU is a credit. Just as Garages of 225 square feet are a credit. Why would 800 square foot for an ADU not be a credit? Putting the public in the position that your neighbor may maximize the size of their home and add an 800 square feet of ADU in addition when you cannot because you have an existing ADU is highly problematic. For example, we have a project where the owner has a 640 square foot ADU and is adding an accessory structure. For him to obtain the credit of 800 square feet he must either demolish the existing ADU or remove the kitchen and put it in the new accessory structure. A code or ordinance that creates these types of byzantine problems I suggest should be discouraged. The example of the Garage credit and how easily it works I suggest should be followed.

We have a project that because it is a duplex in area that is zoned for single family dwelling it was considered a non-conforming use and the ADU addition could not have a bedroom. Once again, the County's approach appears contrary to State intent and possibly not lawful. The question I find perplexing is why would the County want to retain such code unmodified?

Respectfully I have been asking for a meeting (hopefully with other professionals involved in ADU permit processing) with County staff regarding these matters for several months but understandably that has been difficult to accomplish for staff. That said, many of these issues are complex and direct input from those that are processing these permits I strongly suspect would be helpful. It is frankly just not possible timewise for me to address all my concerns but I wanted to at least provide those included in this letter.

Thank you for your consideration.

Sincerely:

Cove Britton
Architect
Design review reviewed: Administrative versus discretionary methods


**Abstract:**
Most American cities use design review to improve the visual quality and compatibility of ordinary non-historic projects. They often use a discretionary design review process. How well does discretionary design review improve community appearance by keeping building projects compatible with their surroundings? For a neighborhood in Columbus, Ohio, the research team did a physical inventory of the compatibility of 96 projects that underwent discretionary design review and 68 that did not. The latter projects met less restrictive administrative appearance controls present in the zoning ordinance. The team also surveyed 39 residents for their opinions on a subset of projects built according to either the discretionary review of the design or the administrative controls. The results indicate that discretionary design review is not demonstrably better than administrative review. Communities can use these methods to evaluate their own design review programs. They may find that the replacement of discretionary design review with more explicit administrative appearance controls achieves the intended compatibility more efficiently.

**Full Text:**

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Urban form results from many activities by many actors, including governing bodies, developers, banks, and independent groups (Bacon, 1995). To shape the design decisions of these agencies and individuals, urban designers use a variety of administrative, regulatory, and financial techniques (Shirvani, 1985). This article centers on one such technique: design review. Design review differs from most zoning, subdivision, and building regulations in its emphasis on appearance. Local governments say they use design review to serve such purposes as improving quality of life, enhancing a unique place, promoting vitality, creating comfortable places for pedestrians, protecting property values, promoting compatible development, or improving community appearance (Scheer, 1994). Critics complain that design review is cosmetic, limits designer creativity, and unnecessarily intrudes on private property (Lightner, 1992). Yet most courts support design review and hold aesthetics alone as an adequate public purpose in land use regulation (Mandelker, 1993; Smardon & Karp, 1993). In early decisions, courts found aesthetics to be an adequate government purpose if it advanced other legitimate purposes, such as the protection of property value. In Berman v. Parker (1954), however, the U.S. Supreme Court went further to state that the values of public welfare include "spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy" (p. 33). Most state courts followed suit. Design review might also raise problems with free speech (Costonis, 1989; Lightner, 1992; Scheer, 1994). For example, if the review goes beyond regulating "the time, place and manner of architectural expression...[to] totally exclude an architectural style...courts could hold [this an] invalid prohibition on the content of free speech" (Mandelker, 1993, p. 479). However, the courts have consistently supported regulation of design over free speech, although in such cases the local government may have the burden of showing that design review serves a legitimate public interest, such as aesthetics (Mandelker, 1993).

Design review remains a major tool that local governments use to improve community appearance. A study of 1114 U.S. cities found that more than 90% had architectural appearance controls (International City Management Association, 1984). A later survey of 700 city and county planning departments obtained usable responses from 369 cities and towns (Lightner, 1993). Most of them (78%, 83% when counties were dropped, and 93% of cities having more than 100,000 residents) had some form of design review, and only 3% "limited design review to historic districts" (p. 1). Most of these ordinances apply to single-family residences (Mandelker, 1993).
In areas with design review, private and public proposals for development must be approved by the design review board in order to proceed. Typically, one submits a design to local planning staff, who may approve it, disapprove it, or ask for modifications. A planning (or review) commission or a staff member makes the decision. The review may evaluate many factors, such as architectural excellence, visual bulk, style, scale, materials, or environmental or historical factors, but it most often evaluates the compatibility of projects with their surroundings (Lightner, 1993; Preiser & Rohane, 1988). Court support for zoning rests on the compatibility principle: Courts allow communities to protect areas from incompatible uses. Thus controlling appearance for compatibility eases substantive due process problems (Mandelker, 1993). Psychological studies also suggest that humans need visual compatibility and order, especially in residential areas (Nasar, 1998). Compatibility does not necessarily require one to mimic the surroundings. Rather it refers to the degree to which a proposal has features that make it appear to fit with its surroundings. Project approval often rests on the appraisal of the compatibility of the proposed project.1

Communities vary in the amount of discretion left to the reviewers in deciding whether or not to approve a proposal. Discretionary design review refers to ordinances in which the decision rests on the reviewers' personal discretion. Administrative design review refers to ordinances that limit personal discretion by requiring projects to satisfy clear, precise, and measurable standards (Shirvani, 1985). As most U.S. cities lack the standards for administrative review (Lightner, 1993), they typically rely on a discretionary approach. This approach leaves them vulnerable to charges of abuse for being arbitrary, capricious, or vague (Hinshaw, 1995; Lai, 1994; Poole, 1987). To avoid such problems, communities have a compelling need to know how specific modifications of the physical environment will affect community appearance, and they need to develop clear guidelines or controls to support their objectives. They need to know how well design review boards perform, especially with discretionary reviews. Does discretionary design review improve the publicly perceived compatibility and appearance of developments? Previous research suggests that it does not.

A series of studies in California found that more often than not, discretionary design review by a board did not result in buildings that the public found more appealing (see Stamps, 1997a). Consider one case study that examined the performance of discretionary design review in the Oakland Hills Restoration Area, California (Stamps & Nasar, 1997). After a 1991 fire destroyed more than 2500 houses in Oakland Hills, the Oakland Hills Restoration Area rebuilt rapidly. People built many houses without design review. Later, the local planning department set up a discretionary design review process, in which planning staff served as reviewers. The criteria the reviewers had for evaluating the projects were vague. For example, one criterion referred to not having an adverse effect on the "livability of adjacent homes" or "the harmony of neighborhood appearance." At the time of the study, the Oakland Hills Restoration Area had completed 257 projects prior to discretionary design review and 476 under discretionary design review. Because all of the rebuilt houses had many characteristics in common, such as topography, planning process, demography, geographical location, trees, utility poles, street furniture, and car parking, the Oakland Hills Restoration Area provided a good opportunity to evaluate the performance of design review by comparing popular responses to houses built under discretionary design review to ones built with no design review.

Forty-two local and 40 nonlocal observers viewed photographs of seven projects selected at random from the design review projects and seven selected at random from projects with no design review. The results indicated that design review did not make a noticeable difference. Though the observers judged the discretionary design review houses as slightly more pleasant than the houses built without design review or appearance codes, the difference did not achieve statistical significance. Beyond statistical significance, the study examined the magnitude of effect. Cohen (1988) discusses three effect sizes—small, medium, and large. The analysis indicated a small effect (0.14). This means that the Oakland Hills Restoration Area discretionary design review had a nearly undetectable effect on public

http://noash.noarchiver.com/planning/doc/45717882.html?MAC=3c0b330995f5d5d4fd971

6/24/2003
preferences.

In cases when design review deals with issues beyond appearance, such as functional effects of a structure through its site plan or building bulk, public opinion may not be the sole criterion. In the more typical case in which design review focuses on appearance, measures of the responses of individuals exposed to the project represent appropriate measures of success.

Design Review in a Columbus, Ohio, Neighborhood

No single study in one city can fully evaluate the performance of design review in the hundreds of communities that use it. The projects, designers, reviewers, criteria, and degree of review board discretion may affect the result. We offer the present research to suggest that individual communities should evaluate the performance of design review, and as an example of how they might go about such an evaluation.

The research reported here adds to the information provided in the Oakland study in several ways. First, it tests the performance of discretionary design review in a different city: Columbus, Ohio. Second, it does so in the context of additions and renovations, rather than new buildings. Third, to improve internal validity, it matches and compares discretionary review projects with neighboring administrative review projects. Fourth, while the Oakland study compared discretionary design review with no design review, the present research compares discretionary review with administrative review of mandatory appearance controls (such as roof pitch) in the zoning ordinance. Fifth, it looks at several dimensions of response and uses a multiple method approach. One method examines the physical compatibility of the houses resulting from the discretionary review and those resulting from the administrative review; the second examines residents' ratings of preference and compatibility of the discretionary review and administrative review projects.

The study centered on the University District, one of fourteen designated Area Commission Neighborhoods in Columbus, Ohio. Such neighborhoods elect their own commissioners to oversee development issues in the neighborhood and forward recommendations to City Council. The University District contains approximately 45,000 households in an area of 2 square miles. In September, 1990, the City of Columbus extended the jurisdiction of an appearance/compatibility review board from a core area of the University District to the full district on an interim basis for a 27-month trial period. To proceed, proposed projects had to meet zoning requirements for appearance and gain approval from this review board. The review board had no explicit criteria. Many projects in the outer district were completed both before and after the city established the interim design review board to do discretionary review. Prior to this design review process, the neighborhood had only an administrative review process in which residential projects had to satisfy some appearance controls in the zoning ordinance.

The research grew from a request from the City. In December, 1992, city planners asked the first author for help in determining whether the City should continue the discretionary design review for the outer area. The City attorney indicated that for the City to continue, he had to be convinced that the level of regulation would be legally defensible. In the research, we compared projects completed under administrative review only with those completed under discretionary review. Recall that we use the term administrative review to refer to a process removing discretion from the reviewers rather than to identify who does the review. City staff in the zoning department conducted the administrative reviews. One city planning staff member and a panel of residents appointed by the City made the discretionary review decisions. Consistent with national data showing that a majority of design review commissioners come from fields other than design, such as business, real estate, education, law, engineering, or home building (Sanders & Getzels, 1987), the panel had people from various backgrounds as well as design professionals.
Methodology

We evaluated 164 projects—96 completed under discretionary review (DR) and 68 completed earlier under administrative review (AR). The 96 DR projects included all applications heard by the interim review board during the 27-month trial period that were approved and eventually constructed. At the time of the study, the board had reviewed applications for 113 projects, 17 of which, though approved, had not yet completed construction. We also selected 68 AR projects from a list of building permits issued during the year prior to the establishment of the interim design review board. We chose AR projects that matched as closely as possible the neighborhood locations and type of work performed on the DR projects. For example, if a DR project involved new siding, we chose an AR project from the same block that involved new siding.

First, we conducted a physical inventory of the compatibility of the specific building features (e.g., roof pitch, siding material, lot coverage, deck size) that were considered in the discretionary review and administrative review work, and gave each relevant feature a compatibility rating. Next, we had the public rate the compatibility of and their preferences for the appeal of selected discretionary review and administrative review projects. We used two approaches to mitigate biases inherent in each one. The physical inventory evaluations allowed us to obtain ratings for a large number of discretionary and administrative review projects, but it did not assess popular reactions. The public ratings obtained popular reactions, but the research design limited these ratings to a small number of projects. Together, the approaches allowed us to get compatibility judgments for every discretionary review and administrative review project completed between September 1989 and December 1992, plus public appraisals of a selected subset of projects from that same time period.

Physical Inventory Evaluations of Compatibility

We constructed a checklist covering a comprehensive set of the physical features in all the projects under study. The checklist included the address, type of modification, broad categories of work, and features within those categories that could affect compatibility (see Figure 1).

Our judges scored whether or not each project feature was compatible with the rest of the building and the surrounding neighborhood. For reliability, we would have preferred to have a large number of judges complete the physical inventory on all 164 projects, but this proved impractical. Instead we enlisted seven graduate students in city and regional planning. To improve consistency, we had these judges run through protests in which each person rated the same building followed by comparison and discussion of the ratings. The process was repeated until all judges had given consistent responses for three buildings. Then the seven students divided into teams of two or three members to inventory their subset of the properties.

The judges made their evaluations independently. They visited each project location and evaluated only the work completed under design review. While the yes/no choice may have overlooked degrees of compatibility, this simplification was necessary in order to inventory so many projects in a such a short period. We assigned each project one score between 0 and 100, representing the percentage of the relevant features judged as compatible.

Results. The physical inventory evaluations did not show the DR projects as more compatible than the AR projects; we found no significant differences in scores. The tally revealed a mean compatibility score of 87.7% (SD = 15.00) for DR work and 84.4% (SD = 23.24) for AR work. Though the results seem to favor the DR process, the difference did not achieve statistical significance. Further, the magnitude of the effect was small. This means that the difference may have resulted from chance, and
that discretionary review had a relatively undetectable effect on the rated compatibility.4

The physical inventory evaluations suggested that the addition of DR did not produce a meaningful improvement in compatibility over what resulted from AR. It is possible, however, that because the physical inventory was conducted by a small sample of judges, though it was comprehensive, it did not reflect the perceptions of the public who experience the buildings on a regular basis. Also, the sum of the ratings of various elements of each building may not accurately reflect public perceptions. We therefore conducted a second component of the study to gather and examine public evaluations of DR and AR designs.

Public Evaluations of Compatibility and Preference

For the public evaluations, we sought pairs of projects similar to one another in location, kind of building, and type of work, but differing in whether they were AR or DR projects. We photographed all AR projects completed during the 12-month period prior to the start of the discretionary review process and all DR projects completed during the 27-month period of the interim discretionary review. Each photograph presented a color view of the target building from directly across the street. To show the building in its setting, the photograph included portions of the building on either side of the target building. We used color photographs because research consistently confirms that responses to color photos accurately reflect on-site response (Stamps, 1990). As the interviewees (see below) lived in the same neighborhood, we assumed they would judge the target buildings against their broader sense of their neighborhood's character.

For purposes of experimental control, we used a subset of the DR and AR projects for the public evaluation. We selected pairs of DR and AR buildings that had similar kinds of structures, locations, types of work, and other site features. For example, we compared DR and AR buildings of similar size: DR porch projects with AR porch projects, DR siding projects with AR siding projects, etc.; and DR and AR buildings that had similar amounts of vegetation. In each case, we tried to control features other than the type of design review that might affect ratings. This process led to six pairs of projects; see Figure 2 for a black and white version of one color photo pair.

For each matched pair, we obtained paired comparison evaluations by surveying area residents. Interviewers worked in teams of two or three in each subarea of the study area, where they selected residences at random to recruit participants for the survey. They randomly choose streets, cross streets, number of houses from the corner, and the side of street. They returned to the selected addresses in early morning and late afternoon. If they failed to get an interview, they selected at random one of the five houses surrounding the target house.

A questionnaire given to participants stated that they would see photos of pairs of buildings. It asked them to respond to a marked building in each photo. The interviewers shuffled the photograph pairs before each interview to reduce potential order effects on responses. They also randomly varied the order of the placement of the DR and AR projects on the right or left. The photographs did not have labels, and we did not inform participants which project had gone through discretionary review and which had gone through administrative review. As each photograph showed several buildings, we placed a dot above the building that we wanted participants to judge.
For each pair, the interviewers called attention to the kind of work done (e.g., siding, front porch, roof). To reduce biases from considering other portions of the buildings, participants were instructed to consider only the remodeling work. Participants then answered two or three of the following questions:

1) When you look at the [name of work done] on each pair of buildings, which one better fits with its neighboring buildings?

2) When you look at the [name of work done] on each pair of buildings, which one do you like better?

3) When you look at the [name of work done] on each pair of buildings, which one do you think would
command a higher rent? The interviewers told participants that if they felt the same about the two buildings, they could answer "neither."

Design review often seeks to create more compatible and more pleasant results. We used the first two questions to look at those aspects of design review. Of the various ways to obtain responses, we chose a rank order procedure which involved ordering projects relative to each other. We considered other kinds of scales and checklists, but studies have found that these different kinds of measurement scales produce similar results (Gould & White, 1974; Stamps, 1997a). Rank order approach offers additional benefits. It tends to produce a higher level of agreement among respondents, and it has greater efficiency in that it allows one to obtain responses to many scenes rapidly (Brush, 1976; Zube et al., 1974).

Thirty-nine residents took part in the survey. We had 19 participants answer all three questions, and to reduce biases for judgments of like or fit on one another, we had 20 participants answer the like and rent questions only and 20 participants answer the fit and rent questions only. We varied the order of the questions to reduce systematic bias from question order. The interviewers also requested demographic information: whether the respondent had owned or rented, whether they owned any other properties in the area, how long they had lived at their present address, and whether or not they thought the area needs some form of regulation to ensure that new buildings, additions, and changes fit their surroundings.

Results. Of the 39 participants, most (72%) said they were renters. Their tenure in the area varied. Most (67%) said they had lived there for more than a year (1-3 years, 41%; more than 3 years, 26%). They should have had enough familiarity with the area to make judgments about the target house's compatibility with the neighborhood. This sample had enough participants to allow statistical comparisons.

Tests of results by question order did not reveal significant differences. Therefore, we combined the data and examined the 25 responses to fit and the 33 responses to like. Table 1 shows the percentages of participants who evaluated DR or AR work as a better fit to the surroundings, or better liked. It also shows the associated test statistics when differences were significant. For each measure, AR work received scores lower than or equal to those for DR work.

FIT. As shown in Table 1, more participants judged DR projects the better fit in three project pairs (A, C, and D) and AR in two project pairs (B and E), but only one difference achieved statistical significance. For project pair E, significantly more people selected AR as the better fit. Adjusting for multiple comparisons, this effect becomes statistically insignificant. The analysis also looked at the effect size, calculated by transforming the X2 into a standardized difference between the means, d (Judd et al., 1991). Project pair E achieved a large effect (d = 121) strongly favoring the AR project over the DR one. For discretionary review to be justifiable, it should produce work that more than equals the fit of work done under administrative review. It should yield better results. To test whether it did in our study, we compared the number of people judging DR work as a better fit to those choosing AR work or neither. The results of these comparisons suggested that discretionary review is not demonstrably better than administrative review. For all six project pairs, 62.0% of participants rated the fit of the AR projects as equal to or better than that of the DR projects. Considering multiple claims, this became statistically insignificant, but it had a large effect (d = 1.72). The results for each pair paralleled those for the full set: A majority of the participants rated the fit of the AR project as equal to or better than that of the DR project. The differences achieved statistical significance for two pairs, B and E, but with multiple claims, only the comparison in pair E remained significant. The effect sizes varied from medium (B, d = .86) to large (E, d = 1.80) against DR. Residents thus judged the fit of these AR projects as noticeably better than the fit of the DR projects.
LIKE. Table 1 also shows that the AR project was better liked in three pairs (A, C, and E), while the DR project was better liked in one pair (B). The differences achieved statistical significance for two pairs, A and B. With multiple claims, only the comparison in pair A remained statistically significant. Both A and B had large effect sizes, with A favoring AR (d = 11.57) and B favoring DR (d = 1.15). The comparison of those judging DR as better liked versus those judging AR as equal to or better than DR does not offer support for discretionary review. For all six pairs, 62.1% of the participants rated the AR projects as equally or better liked than the DR projects. This remained statistically significant under multiple claims. It also had a large effect (d = 1.72). The findings held for the comparisons of each pair. In five of the six pairs, fewer participants liked the DR projects better than liked the AR project equally or better. The differences achieved statistical significance for two comparisons (A and E), but with multiple claims, only the comparison in pair A remained statistically significant. The comparisons for A and E had a large and medium effect size, respectively (A: d = 4.00; E: d = .69).

![Table 1](image)

### TABLE 1.

In sum, the results show that residents rated DR projects as having a poorer fit for pair E and for the full set, with large effect sizes for each. For preferences, the results show DR projects rated as less liked for pair A and the full set, with large effect sizes for each.

**Discussion**

The public opinion data on the six project pairs suggest that projects done under discretionary design review produced results that were viewed as neither more compatible nor more preferable than projects undergoing administrative review. These findings agree with the broader findings from the physical inventory, which indicated only minor differences in physical compatibility between the DR and AR projects. Both sets of findings result from a relatively small sample of respondents evaluating a small set of changes, additions, or remodeling of existing houses. Though limited, they agree with findings from larger samples of respondents evaluating the overall impact of completed projects (Stamps, 1997a; Stamps & Nasar, 1997).

As the present research only evaluated completed projects, it does not indicate whether discretionary review had improved any projects as initially proposed. The results do indicate that discretionary review failed to yield projects more compatible than or preferred to those approved through only administrative review. Because discretionary review involves extra cost, resources, and time for both the City and individuals proposing changes, the findings did not support it as a cost effective procedure. Columbus discontinued the discretionary design review process for the tested area.

Can we rely on public opinion over the informed judgment of design reviewers? Yes. Federal and state law support design review to improve the built environment for the public (Costonis, 1989), but the judgments of design professionals and other outsiders on such boards often differ from the judgments of residents (Nasar, 1999). Though some people believe the public will eventually follow the views of the experts, research suggests otherwise. Public preferences are remarkably stable over time. For example, a series of studies of an award-winning building found that negative public evaluations of the building

http://pqasb.pqarchiver.com/planning/doc/45717882.html?MAC=3c0b330995f5d5d4fd971... 6/24/2003
remained unchanged 10 years after completion of the project (Nasar, 1999). When a developer proposed the Transamerica Tower in San Francisco, local planners objected. Public opinion obtained 2 years, 18 years, and 23 years after construction revealed that the public initially liked the building and continued to do so (Stamps, 1997b). A study of 20 buildings in San Francisco revealed similar stability in public evaluations (Stamps, 1997b). In sum, research indicates that compared to judgments by design professionals, public opinion polls offer a better indicator of likely long-term public preferences.

Conclusion

Through a two-part study, we sought to determine whether discretionary design review adequately served the purpose of enhancing aesthetics in building designs, often mandated by local governments. The approaches also demonstrate methods for evaluating the effectiveness of both types of review. Placing discretionary review and administrative review projects in matched pairs for the survey portion of the present study provided greater internal validity than the previous Oakland study (Stamps & Nasar, 1997) by controlling for extraneous variables. However, its reliance on a small sample of projects and survey participants may have reduced the generalizability of the findings. In response to this limitation, the Columbus study supplemented the small sample by examining compatibility judgments for all of its 164 projects.

The Oakland and Columbus findings differ in detail, but both show potential problems with discretionary design review. For the Columbus additions and renovations, the administrative review projects outscored those subject to discretionary review in popular judgments of compatibility and preference. The physical inventory evaluations showed the discretionary review work as slightly more compatible, but this difference did not achieve statistical significance, and the strength of the effect was small. For Oakland, the discretionary design review houses emerged as preferred to the houses that had no design review, but the strength of the effect was again relatively small. The findings replicate other work highlighting problems with discretionary design review (Stamps, 1997a). Though limited, our research agrees with a larger set of data. A metaanalysis of several design review studies in California indicated an insignificant correlation (n = 42, r = .09) between discretionary design review and public preferences (Stamps, 1997a).

The meta-analysis and the present study did not examine the effects of the makeup of the review board on the results. Research has consistently found that for evaluations of appearance, design professionals and outsiders differ from local residents and the public (Brower, 1988; Nasar, 1994). Though these findings may point to some benefits of design review panels of nonprofessionals and residents for issues of community appearance, those who choose to serve on review commissions may judge design differently than their neighbors. Ambiguous criteria may also skew their judgments.

Our results point to the need for continued evaluations of design review in various contexts, and the present research offers methods that planners can use for such evaluations. The present findings suggest that communities could opt for administrative design controls over discretionary design review. Administrative controls involve less cost and time, and, if the present results are accurate, they produce designs that are judged equal to or better than those obtained through discretionary review. However, the lower scores for discretionary review projects may have resulted from the absence of explicit criteria or criteria based on scientific evidence to guide the reviewers' judgments. Communities may reduce problems by improving the discretionary review procedures through replacing ambiguous or unstated criteria with clear, specific, and explicit criteria. Courts have upheld challenges on the grounds of vagueness (Blascer, 1994; Lai, 1994). For example, in Anderson v. City of Issaquah (1993), an appeals court in Washington decided against unconstitutionally vague provisions such as "compatible," stating that "aesthetic standards... must be drafted to give clear guidance to all parties concerned. Applicants must have an understandable statement of what is expected" (p. 82). The Supreme Court has also placed

http://geach.eearchive.com/planning/doc/45/17889.html?MAC=3-0b330995f5d5d4f971
6/4/2003

EXHIBIT F
a greater burden on local governments to demonstrate the benefit of their regulatory actions and has called for heightened judicial scrutiny for land use regulations (Dolan v. City of Tigard, 1994; Nollan v. California Coastal Commission, 1987). Implicit or arbitrary appearance guidelines and controls may not provide an adequate legal basis for design review decisions.

ACKNOWLEDGMENTS

We thank Art Stamps for his comments on early drafts of this paper. We thank Steve Cochrun, Leigh Hennings, Jiyeong Lee, Jon Pawley, Sarosh Saher, and Brad Slavens for collecting and coding the Columbus neighborhood data. Co-author Peg Grannis also helped collect and code the data.

[Footnote]
NOTES

[Footnote]
1. To prevent monotony, some ordinances require moderate but not excessive variation from the typical appearance in the surrounding neighborhood (Mandelker, 1993).
2. We also examined the minutes of review board meetings to understand the basis for decisions and to make recommendations for guidelines that could help applicants. This article does not include the analysis of the meeting minutes.

[Footnote]
3. Recent U.S. Supreme Court decisions suggest that although aesthetics represents an adequate basis for control, in some cases, local governments may have a greater burden to show an adequate public purpose (Lai, 1994; Mandelker, 1993).
4. For this test, we transformed the F value into the standardized difference between the means (d = .03). According to Cohen (1988), this represents a small effect.

[Footnote]
5. The question about rent related to a specific interest of City officials. As the rent variable does not link to the theoretical framework, we do not present results for it other than to note that they echo the findings for the other variables.
6. The question about support for regulations related to a specific interest of City officials. As the support variable does not link to the theoretical framework, we do not present results for it other than to note that most respondents (63%) favored regulation to ensure that design changes fit their surroundings.

[Reference]
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[Reference]

http://pqasb.pqarchiver.com/planning/doc/45717882.html?MAC=3c0b330995f5d 5d4fd971... 6/24/2003

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Design
Review boards
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Urban planning
Design
Review boards
Classification Codes: 9130: Experimental/theoretical treatment
1200: Social policy
9190: US
Geographic Names: US

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Section 17960.1. (Amended by Stats. 1992, Ch. 839, Sec. 1.)

Cite as: Cal. Health & Safety Code §17960.1.

(a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.

(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.

(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.

(d) When there is an excessive delay in checking plans and specifications submitted as part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function subject to subdivisions (b) and (c).

(e) For purposes of this section:

(1) “Enforcement agency” means the building department or building division of a local agency.

(2) “Excessive delay” means the enforcement agency of a local agency has taken either of the following:

(A) More than 30 days after submittal of a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications which are suitable for checking. For a discretionary building permit, the time period specified in this paragraph shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(B) Including the days actually taken in (A), more than 45 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction.

(3) “Local agency” means a city, county, or city and county.

(4) “Residential building” means a one-to-four family detached structure not exceeding three stories in height.
RECOMMENDED ACTION:
Accept and file information on permit process improvement efforts.

EXECUTIVE SUMMARY: Progress continues on making improvements to the development permit review process, with the "PRIMO PIE" Initiative providing an excellent vehicle for the improvement efforts across all agencies involved with development and building permits. "PRIMO" is the name of the County's Continuous Process Improvement Initiative, and "PIE" is one of the PRIMO Demonstration Projects— an acronym for "Permit Improvement Effort".

BACKGROUND:
At the Budget Hearing of June 20, 2013, the Board of Supervisors directed the Planning Director in conjunction with the County's other Development Services Department heads to provide a mid-year update report regarding building permit plan check activity and performance goals established for processing of building permit applications.

ANALYSIS:
During collection of performance reporting data, around September 2018, the County Administrative Officer announced creation of the Permit Continuous Process Improvement (PRIMO) Project, intended to streamline and consolidate the building permit process among all reviewing agencies. As part of the continuous permit processing improvements, performance goals will be established for the building permit process and current plan check permit goals and turnaround times will be carefully reviewed to assign realistic timelines and to ensure that resources are being managed appropriately. Some of the continuous improvements will be implemented throughout the PRIMO process, and others will be submitted separately to your Board as work continues among the development departments/agencies.

On December 3, 2018, representatives from Planning, Public Works and Environmental Health participated in a week-long issues identification session and to map out a plan to streamline the review process. Over the long term, these departments believe that the PRIMO process will result in permit efficiencies and streamlining improvements that will reduce the required turnaround time allocated to new projects.

One early finding that resulted from the December PRIMO process is that the number and difficulty of building permit applications has increased but staffing levels have gone unchanged. Between January 1, 2018 and November 30, 2018, 4,120 residential and nonresidential building permits including 2,366 over the counter permits, and 485 solar permits were processed. The amounts represent a 10% increase over the same period during 2014 and about a 7% increase from 2011. The 4 to 8 week plan check goal or turnaround time applied by departments and agencies was established more than 20
years ago and is not indicative of the real time required to complete the plan check process. The real (current) time required to complete plan checks for most permit applications is 8 to 14 weeks. As shown in the below table, the level of permit applications continued to expand between 2011 and 2018 while the number of plan checkers has remained about the same. Currently, the Building Division that is staffed by 4 plan checkers receives an average 25 building permit applications per week that require 8 to 14 weeks to process. For comparison, in 2011, the Building Division was staffed by 4 plan checkers and accepted 13 building permit applications per week that required about 6-10 weeks turnaround to complete. As noted, from 2011 through 2018, the actual (required) turnaround plan check times increased while the 20+ year old time estimates (goals) provided to the public remained unchanged.

<table>
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<th>2011 Submitted Applications</th>
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<th>2014 Submitted Applications</th>
<th>Average Plan Check Review Days</th>
<th>2018 Submitted Applications</th>
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To prepare for the December PRIMO process, the Planning Department conducted telephone surveys of Building Officials from Sonoma, Santa Clara and Monterey County and City of Santa Cruz during November 2018 and received information from those jurisdictions that plan check delays affect other coastal Building Departments. Building Officials for those jurisdictions cited delays caused by increased State requirements, local housing and code revisions, subdivision extension approved by the Governor, PVC permit plan check priority, Tier 1 Water and Septic Filtration requirements, and related local housing and sustainability program measures, all combined with a desire by many residents to reside in environmentally sensitive coastal areas of the state. The four surveyed Building Officials expressed difficulty with meeting outdated turnaround timelines with limited staff resources as a primary concern. All of the jurisdictions (Sonoma, Santa Clara County, Monterey County, City of Santa Cruz) have 1) employed outside third-party building plan check firms, 2) increased Building Division/Department staffing to meet the growing demand for plan check services and 3) increased fees to
reflect expanded plan check review requirements and services. The PRIMO process will assist the Departments/agencies to evaluate similar staffing and plan check measures and to make revisions that will improve customer service and implement permit streamlining measures.

In the short term, a recruitment to fill a vacant Building Plan Checker position has recently been initiated, and two vacant planner positions will also soon be filled (plus one in the Cannabis Licensing Office). Filling vacant positions will further assist with meeting performance goals and with PRIMO improvement efforts.

Staff work groups are being formed to work on implementation of a variety of improvements that were identified during the PRIMO PIE December 3rd week. A more expansive report and presentation about the status of PRIMO efforts is tentatively scheduled for the Board meeting of February 12, 2019.

RECOMMENDATION:
Because the implementation of revised turnaround performance goals and timelines are closely aligned to the PRIMO and budgeting processes, it is recommended your Board direct Development Review Departments to continue work on updated performance measures and goals through the PRIMO PIE effort, and to align the timing of periodic updates to the timing of PRIMO status reports and to the Performance Metric effort that is underway to implement the County Strategic Plan.

Strategic Plan Element(s)
6.D. Embrace innovation and continuous improvement to optimize County operations and maintain fiscal stability.

Submitted by:
Wanda Williams, Assistant Planning Director

Recommended by:
Carlos J. Palacios, County Administrative Officer
Hey Daisy,

We've been playing phone tag, but per your last voicemail you mentioned it would be best if I just emailed you. So there are two reasons for my outreach: 1) to discuss our current ADU project and 2) to provide feedback from the standpoint of a local property owner and developer as we're going through the process to (hopefully) get approval to build our ADUs at an apartment complex in Santa Cruz.

Regarding the specific project we're working on, there seems to be an issue with density, requiring us to go through the Level 5 process. To have to go through this process seems extremely unnecessary for many reasons. First, it would seem unreasonable to force us into the Level 5 process since we're only building two small ~800 sq ft accessory dwelling units on a large parcel, with lots of space, with the proper room for code compliant setbacks, in a largely low density neighborhood. I can definitely understand being subjected to Level 5 if we were building a medium to high density, brand new apartment complex with 2-4 stories in this kind of residential neighborhood. However, these are ACCESSORY DWELLING UNITS, not new apartment units. With this same logic, it would seem that single family homes would be subject to the Level 5 process since adding an ADU and/or a Junior ADU also increases density - though quite minimally- in the same way we're increasing density- quite minimally. The zoning is disregarded for adding ADUs on single family homes, but then there's a double standard for adding ADUs to multifamily properties. This technical obstacle makes it unreasonably more difficult and costly to build ADUs. Yet I was under the impression that the goal of the ADU related bills passed by the California state legislature in 2019 and the local Santa Cruz county ordinance in 2020 was to improve and expedite the ADU approval process while solving the housing crisis.

I hope this helps in informing your view of how the county wide ADU ordinance is playing out since its initial adoption last year.

Please don't hesitate to call or email me with any questions. More than happy to discuss further.

Best Regards,

Joe Budka
Managing Principal
Old Coast Investments
343 Soquel Ave #261
Santa Cruz, CA 95062
831-224-6903
Hello,
I won’t be able to participate in the upcoming public meeting about ADU’s. I hope it will be archived for streaming at a later date. I am mostly concerned with ADU’s already in place, offered for rent at a rate far below market rate, and how to get it legal without having to pay tens of thousands of dollars.

Thank you,
Lucia MacLean
--
Lucia MacLean
Hello Daisy!

Here are my comments on the county ADU regulation updates.

I have put them below, and in an attached PDF to make the content easy to forward.

Happy to speak at your convenience, and I look forward to the meeting on the 11th!

Preston

Comments below:

2 sections

1.

2.

3. Requests for additional changes to county regulations

4.

5.

6.

7. Comments on items discussed in the March 2021 planning meeting re: ADUS

8.

Section 1: Requests for additional changes to county regulations

Requested change:
We believe the state regulations allow for the conversion unit under the multifamily ADU regulations to be demolished and completely rebuilt.

We humbly request that the county adopt this stance.

Example:
Therefore, if you have a multifamily property with 2 units, you are able to bring in 3 new units. 2 detached new construction, and a brand new unit to act as the conversion unit (assuming it fills the same footprint of the old existing structure).

Rationale:
Upon beginning construction of an old conversion unit (think about a shed that is 100 years old), the foundation and framing will likely be unsafe for housing a family. Therefore, the county regulations should allow for the full reconstruction of that structure so that the future residents can have a safe place to live.

Section 2: Comments on items discussed in the March 2021 planning meeting re: ADUS

Prompt 1: Properties with more than one single-family dwelling ("dwelling groups"): should we continue to allow one ADU and one Junior ADU (JADU) per single-family dwelling or change the regulations to allow one ADU and one JADU per single-family property?

Properties with attached multifamily housing: Should we continue to allow two detached ADUs and conversion ADUs for up to 25% of units? Or should we require property owners to choose one or the other?

Comment:

- If there was not a massive shortage of housing, reducing the number of ADUs that could be built would make sense.
- However, given the dramatic shortage, we must maintain the current regulation to allow an ADU per dwelling, and NOT limit the regulation.
- You will ONLY be able to build multiple detached ADUs if you have a HUGE lot to begin with.
- Therefore, the size of the parcel will limit excessive impacts on single family neighborhoods because you simply will not be able to build 2 ADUs due to the setback requirements.
- Regarding multifamily properties - the HCD documents do not explicitly say ‘either / or’. If that was the case, the state would not allow the adoption of both multifamily ADU options. Rather, the state regulations require that cities choose at least one of the options and can also choose to make use of BOTH.
- Again, given the huge underperformance by cities in meeting their housing requirements, we SHOULD NOT LIMIT the potential scope of our ADU regulations.
The county should ONLY consider limiting the scope of ADU regulations AFTER the county is EXCEEDING the required pace to meet the needed housing supply. That is not happening, and therefore the scope of the county ADU rules should not shrink. It should expand.

**Prompt 2:** For single-family dwellings on lots zoned for multifamily or mixed use, which ADU rules should be applied?

**Comment:**

- The purpose of the ADU rules is to add housing supply
- Areas zoned multifamily are intended to be areas of a city deemed appropriate for higher density
- The multifamily ADU rules should apply in this case
- Therefore, the county should take the stance that the multifamily ADU rules apply in cases when the structure is deemed to be multifamily OR when the zoning is multifamily.

**Prompt 3:** Should we allow ADU parking exemptions available outside the Coastal Zone to apply inside the Coastal Zone?

**Comment:**

- The prioritization of parking over the addition of a much needed unit is directly in opposition to the intent of the ADU regulations.
- Therefore, there should NOT be additional parking regulations in the coastal zone
- Prioritizing a parking spot over a home for a family is prioritizing people with the means to have a car over families who are in need of a home.
- We should prioritize the family 100% of the time.
Learn about our goal to fix the California housing crisis:

- [Investment Summary and our Progress](#)
- [Our purpose](#), background and approach
- [An article about us](#)
- [YouTube interview](#) about us
- [Instagram](#)
- [Vision for 2035](#)
- [Schedule a call](#)
Hello Daisy,

I have three comments or questions.
1. How would the County encourage similar avenues to affordable housing like on the Circles Church Property - To have an avenue for those that cannot afford to build or own a home individually - Join together others that individually they cannot afford housing, but together they can build - Like joining together a project planner, contractor, architect, construction loan, etc... (or a company like mid-pen housing to manage)? This would be an avenue to affordable housing for our local Police, Sheriff, Fire, Teachers & Public Service Workers….Maybe have a very swift approval process...
2. Can the County put together two individuals, or have a “How to FAQ” - one individual that has the money to build an ADU/Tiny Home but does not own property - with another individual homeowner/landowner that does not have funding and wants to build an ADU/Tiny Home. This would create a duplex on the deed for an ADU/Tiny Home?
3. Can the County allow detached bedrooms as an ADU/Tiny Home - The detached bedroom occupants would use the amenities in the main house. No need for costly water hook-ups - just electrical?

Thank You
Michael Pisano - Soquel
Dear Daisy,

with great interest I am in following developments on the ADU legislation. Can you please add me (menko@drrillc.com) to your information distribution list? Thank you.

I do have one more piece of input. In my fight with the city of Watsonville, where we operate a multifamily property with Section8 and FIT tenants, we plan to add 2 ADU's. In order to keep the construction cost as low as possible we came up with a design where the 2 detached ADU's were sharing a wall. That wall would provide all utilities to the 2 units that are designed in mirror image.

The city of Watsonville did not accept that design, it is now a duplex and permit costs and requirements (electric car chargers etc) became prohibitive. I ended up contacting assemblyman Phil Tang who co wrote the bill to specifically add this to AB68.

The argument of the City of Watsonville is that nowhere in AB68 does it say that you are allowed to combine 2 ADU's in one structure (with 2 separate units). My argument is that AB68 does not say that you are not allowed to do that and more importantly, it is 100% inline with the intent of ADU's to provide affordable housing with rents under FMR.

I was willing to deed the property as affordable housing but the City did not agree. I am now moving forward with a more expensive 2 separate ADU's.

I would strongly advise to include this in the new regulations.
If you need more inputs or want me to share the designs, please let me know.

Menko Deroos
Hi Daisy;
I’m Markus Hutnak and I live at 2331 Mattison Lane. I built an ADU on my property in 2019. Robert Grinager did the structural plans.

I’d like to share two thoughts on ADU’s in Santa Cruz County.

1. My ADU is restricted — I have to live on the property to rent it. Ideally this requirement is lifted entirely or after some period (5 years?). Lives change and housing will always be a priority in Santa Cruz. It’s a shame to have housing sit unoccupied if the owner has to leave (to care for an aging parent in another state for example). Santa Cruz housing is too precious to leave unoccupied.

2. Given the need for additional housing, it seems overly restrictive to not allow more than one ADU if the parcel size is large enough. If all other conditions (parking, setbacks, lot coverage, etc.) are met, the County should permit two ADU’s on lots greater than 18,000 square feet.

Feel free to reach out if you’d like to discuss in more detail. Having gone through the ADU process, I do have some experience and insight here to help bring affordable housing into the market.

Best,
Markus

c: 510.612.2559
Hi Daisy,

Thanks for hosting the recent meeting on ADUs this evening. I tried to put my comments in the chat, but I'm not sure if it worked, so I just wanted to add my two cents to your data collection if it didn't go through. Also, I love the poll you all did; it was a very smart to get wider feedback on the more contentious issues that way.

"Thanks for considering these ADU updates and I look forward to much more updates on Tiny Homes this Summer! :) ... I am pro allowing the development of an ADU before the main house, especially in the fire areas. I am pro completely removing owner-occupancy requirements for ADUs. I am also pro allowing for prefab ADUs by not adding any objective design requirements. I am not too concerned about parking/requiring it even in coastal areas because long term our community needs to focus on complete streets that make it safer to bike, walk, etc as well as invest in better public transit for residents and visitors alike. Finally, please don't add fee for ADUs and JADUs, we simply need more affordable housing in SC."

Thank you again,
Lara Isaacson

On Thu, Apr 29, 2021 at 9:01 AM Daisy Allen <Daisy.Allen@santacruzcounty.us> wrote:

Hi Lara,

Will do! Yes, you will receive an email about that meeting this morning.

Best,

Daisy

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From: Lara Isaacson <laraeisaacson@gmail.com>
Sent: Wednesday, April 28, 2021 7:36 PM
To: Daisy Allen <Daisy.Allen@santacruzcounty.us>
Subject: Re: Fire Rebuild and Support for Tiny Houses

Hi Daisy,

Thanks for hosting the recent meeting on ADUs this evening. I tried to put my comments in the chat, but I'm not sure if it worked, so I just wanted to add my two cents to your data collection if it didn't go through. Also, I love the poll you all did; it was a very smart to get wider feedback on the more contentious issues that way.

"Thanks for considering these ADU updates and I look forward to much more updates on Tiny Homes this Summer! :) ... I am pro allowing the development of an ADU before the main house, especially in the fire areas. I am pro completely removing owner-occupancy requirements for ADUs. I am also pro allowing for prefab ADUs by not adding any objective design requirements. I am not too concerned about parking/requiring it even in coastal areas because long term our community needs to focus on complete streets that make it safer to bike, walk, etc as well as invest in better public transit for residents and visitors alike. Finally, please don't add fee for ADUs and JADUs, we simply need more affordable housing in SC."

Thank you again,
Lara Isaacson

On Thu, Apr 29, 2021 at 9:01 AM Daisy Allen <Daisy.Allen@santacruzcounty.us> wrote:

Hi Lara,

Will do! Yes, you will receive an email about that meeting this morning.

Best,

Daisy
Hi Daisy,

Thank you for the info and adding my comments!

And yes, please subscribe me. There is a meeting online on May 11th, correct?

Best wishes,

Lara

On Wed, Apr 28, 2021 at 6:57 PM Daisy Allen <Daisy.Allen@santacruzcounty.us> wrote:

Hi Lara,

Yes, this is the correct email! Thank you for your comments, they will be added to the public record. Just to provide you with an update about this project: The Planning Commission has asked staff to take more time for community input on tiny homes, so we are now planning for community meetings on that topic over the summer. In the meantime, we are moving forward with updating our accessory dwelling unit (ADU) regulations. Shall I go ahead and add you to the email list to receive updates on these policy projects?

Best,

Daisy

Daisy Allen, AICP, LEED AP
Planner IV, Sustainability and Special Projects
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Hello Daisy,

I hope I'm sending this to the right email. If not, how can I contact county planning decision makers to have my views heard on Tiny Houses? I found this email under the ADU housing community meeting.

I grew up in the SC Mountains and my family lost their home in the CZU fires. I have just moved back to SC after grad school. As I sell my home out of state, I am wondering if I can reinvest money from the sale in housing here. Currently, I am just living with my folks while we try to rebuild. I love this community, and I have long wondered why we haven't yet legalized tiny houses. Especially since San Jose and other cities have been us to ADU legalization.

I know there has been some talk at past meetings around approving tiny houses as 1. ADUs. I also know there's been a bit of talk about tiny houses on 2. small lots as single family homes or 3. mini "bungalow" villages (as implied in the SC Sustainability vision plan). I would really like to see all three of these options advanced. I am considering buying a lot that burned near where my parents lived so I could help rebuild the SC housing stock (especially affordable units). I would be jumping in more readily if I knew that tiny houses were a single family and "village" option. This would be more affordable for me and more sustainable.

As a sustainability professional, I think Tiny Houses will be a vital part of infill in our community while bolstering the vibrancy and character of beloved neighborhoods. Legalizing tiny houses (specifically ones on wheels) helps diversify and right size housing stock while allowing the county to ensure that there are standards/codes to maintain resident safety. Tiny houses also tend to be more eco-friendly and have many simple off-grid options to reduce strain on local infrastructure. (I am also pro co-housing small unit apartments and multi-family units, but for the purpose of the property I am looking at, tiny house(s) make the most sense (due to site terrain).)
Finally, in fire rebuild areas, Moveable Tiny Houses (MTH)--AKA Tiny Houses On Wheel (THOW)--are also a way to help ensure that should fire strike again (which is increasingly likely with Climate Change), people can potentially move their house out of harms way when they evacuate. Imagine what a different situation we would be in if more people could have evacuated their houses and even avoided smoke damage. **Tiny Houses create community resilience.**

Please let me know what I can do to help advocate for legal tiny houses in our community as soon as possible.

Thank you,

--

Lara Isaacson  
Sustainable Systems Designer  
MFA Design for Sustainability,  
Savannah College of Art and Design  
& Tiny House Industry Association Member

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