

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE  
INTERPRETATION**

Interpretation No. ACCS-VEHIC-01  
Effective Date: 01/01/06  
Originally Issued: Revised 10/19/09 to reflect current code language

**Question:**

What categories of applications trigger submittal of proof of legal access?

**Applicable Ordinance Section(s)  
And/or General Plan/LUP Policy(ies)**

13.10.521(a)

12.01.050(b)8

**INTERPRETATION:**

Unless a parcel has frontage on and is gaining access from a public street, proof of legal access is required for the following categories of applications:

- New dwelling unit(s);
- Replacement dwelling unit(s) for units constructed prior to 1962;
- New Second Unit;
- New commercial, industrial, or agricultural buildings;
- Wireless Communication facilities;
- Parcels where a new or different access way is proposed or shown;
- Code Compliance cases where questions of legal access are a factor.

**Reason:**

Section 13.10.521(a) states that “a parcel, newly created by a tentative map or conditional certificate of compliance, may not used as a building site unless it has its principal frontage on a public street or on a private right-of-way at least 40 feet wide, nor may a new vehicular right-of-way be created less than 40-feet in width unless a Level V Use Approval is obtained for principal frontage and access on a narrower right-of-way.”

The Planning Department requires not only legal access but regulates the width of the access. This ensures that structures will be constructed on property having adequate, predictable access for occupants and emergency vehicles and protects the health, safety, and welfare of the property owner and neighboring property owners.

The authority to require proof of legal access is found in Section 12.01.050(b)8 (Application Materials): “8. Proof of legal access (where requested for parcels not fronting on a public street.”

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Tom Burns  
Planning Director

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Date

*13.10.521(a)*