Accessory Dwelling Units

Updating the Santa Cruz County Code in Alignment with New State Laws

BOARD OF SUPERVISORS PUBLIC HEARING
JANUARY 28, 2020
State Law

**AB 881**: updates to streamlined ministerial approval process, ADU types, development standards

**AB 68**: Changes to Junior ADU regulations

**SB 13**: Five-year code enforcement amnesty

**AB 587**: Local ordinances may allow separate ADU sale by affordable housing non-profit

**AB 670**: HOAs must allow ADUs

**AB 671**: Requirements for ADU affordability policies in the next Housing Element

Local agencies must update local codes to align with these state laws.

This is an optional provision that is included in the proposed ordinance.

No update to local codes is required.
Where are ADUs Allowed?

➢ ADUs must be allowed in all zone districts and General Plan designations that allow residential or mixed-use development
   ➢ Residential zones: RA, RR, R-1, R-B, RM
   ➢ Mixed use zones: C-1, C-2, PA
   ➢ Other zones: A, CA, D, PF, PR, SU, TP

➢ JADUs must be allowed where single family dwellings are allowed
ADU Types

New Construction vs. Conversion

➢ Single Family Dwellings:
  ➢ One ADU (new construction or conversion, attached or detached)
  ➢ One additional efficiency kitchen or Junior ADU (JADU)

➢ Multifamily Developments:
  ➢ Conversion ADUs for up to 25% of units (conversion must not be from living space)
  ➢ Two detached ADUs

Attached vs. Detached

ADU vs. JADU

JADU: 150 – 500 sf, attached, conversion or concurrent new construction with primary dwelling, efficiency kitchen, connection to primary dwelling unit and shared bathrooms are allowed.
Maximum Size

Detached New Construction ADU: 1,200 sf

Attached New Construction ADU: 50% of primary dwelling unit

Planning Commission recommendation for max ADU size on parcels < 1 acre:
- 850 sf (1-BR)
- 1,000 sf (2+ BR)

Junior ADU: 500 sf*

Conversion ADU: 50% of primary dwelling unit*

*150 sf may be new construction
Development Standards

Setbacks: Interior side and rear setbacks **4 feet**, front and street side setbacks same as zone district

Height: ADU height same as district standards, with the following exceptions:
  ➢ Detached new construction ADUs within the USL: 16 feet
  ➢ ADUs above detached garages within the USL: 24 feet/20 feet at exterior wall
  ➢ ADUs above garages within **Pleasure Point Combining Zone**: 22 feet/18 feet at exterior wall

Floor area ratio (FAR) and lot coverage: Same as zone district
  ➢ ADUs on small parcels (6,000 sf or less) allowed 2% additional FAR and lot coverage
  ➢ Regardless of FAR and lot coverage, an 800-sf ADU must be allowed

Seascape Beach Estates: *Combining district development standards apply*
Parking

Junior ADU or Conversion ADU: **No parking for ADU**

New Construction ADU: **1 space per ADU**

- **Exceptions:** No parking required for ADUs located in historical districts, within one block of car share, or within ½ mile walking distance of any transit stop (except in designated coastal areas)

- ADU parking can be double/triple tandem and can be within setbacks

- Parking permits must be offered to ADU occupants if required for on-street parking

- If primary dwelling has nonconforming parking, this nonconformity may remain if the required parking is provided for the ADU

When a garage/carport/covered parking structure is demolished or converted to an ADU, no replacement parking is required for the primary dwelling unit (except in the coastal zone)
Jurisdictions may not require owner occupancy for either primary dwelling or ADU from January 1 2020 – January 1 2025

JADUs require deed-restricted owner occupancy of primary dwelling unit

Short-term rentals are not allowed in ADUs (statewide)

Per AB 587, the ordinance allows the separate sale of ADUs by affordable housing non-profit organizations
Approvals and Fees

Ministerial Approval Timeline:
➢ ADU and JADU applications must be acted on within 60 days from the date a complete application is received

Exceptions to 60-day ministerial review:
• ADUs built concurrently with primary dwellings
• ADUs requiring discretionary coastal development permits
• ADUs in certain zone districts that are not residential or mixed-use (CA, PF, PR, TP, D)

Reduced Fees:
➢ No impact fees for ADUs < 750 square feet, and impact fees for larger ADUs must be proportional to ADU size
➢ Utility connection fees only for new construction ADUs proportional to ADU size or the number of fixtures
Enforcement

➢ Nonconforming Zoning Conditions
   ➢ An agency cannot require the correction of nonconformities as a condition for ministerial approval of an ADU or JADU

➢ Code Enforcement Amnesty
   ➢ At the request of a property owner, the County must delay code enforcement on ADU properties for up to five years for ADUs built before January 1, 2020
   ➢ This provision of state law expires after 10 years.
Recommended Actions


➢ Adopt the resolution accepting that the proposed amendments are exempt from CEQA and finding that the amendments are consistent with the California Coastal Act, and directing submittal of the proposed LCP amendments to the Coastal Commission for certification; and

➢ Adopt the urgency ordinance amending the Santa Cruz County Code regarding accessory dwelling units, to go into effect immediately outside of the Coastal Zone; and

➢ Adopt the ordinance amending Santa Cruz County Code regarding accessory dwelling units, to go into effect outside the Coastal Zone in 30 days and inside the Coastal Zone upon certification by the Coastal Commission; and

➢ Direct the Clerk of the Board to publish notice of adoption as required by Government Code 25124.