

SANTA CRUZ COUNTY

ACCESSORY DWELLING UNIT ADU BASICS

SEPTEMBER 2022



Use this guide with its companion documents
Santa Cruz County ADU Basics and ADU Design Guide
and the resources provided at
sccoplanning.com/ADU

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This Guide is not a substitute for the Santa Cruz County Code. If there are discrepancies between this Guide and the County Code, the language in the County Code will govern.

Some properties may have environmental or utility constraints that increase costs, restrict siting options, or require extra review for ADUs. Please consult with County staff for projects with these special circumstances.

Deciding to Build an ADU?

The County of Santa Cruz is encouraging the creation of more Accessory Dwelling Units, or ADUs. An ADU, also known as an “accessory unit”, “second unit”, “in-law-unit”, or “granny flat”, is an additional dwelling unit on the same property with a primary single-family home or multifamily building. ADUs add housing to our community without the need to subdivide the land to create new parcels, and can play a key role in meeting housing needs in the community.

ADUs can take many forms, including new detached units, additions to an existing home or garage, or the conversion of existing space to a new habitable unit. There are both standard ADUs and Junior ADUs (JADUs), each with specific rules and regulations. Regardless of the type of ADU, a homeowner must work through several steps in order to legally create an ADU on a property.

This guide walks homeowners through the process of building an accessory dwelling unit, from pre-application through occupancy. Follow the How-To Guide to from start to finish; use the online Address Lookup tool or work through the Eligibility Flowchart to determine the allowable size of your ADU; see tips for minimizing the cost of your ADU; and review Frequently Asked Questions.

How-To Guide

Reach the Zoning Counter by calling or emailing:

Zoning Info Line:
(831) 454-2130

Planning.ZoningInfo@santacruzcounty.us

Reach the Building Counter by emailing:

Planning.BuildingInfo@santacruzcounty.us

Set up an in-person appointment by calling or scheduling online:

(831) 454-3252

<https://www.sccoplanning.com/PlanningHome/AppointmentSelf-Scheduler.aspx>



Confirm Eligibility and Allowed Size of ADU

- Use the online Address Lookup tool at www.sccoplanning.com/ADU to determine the eligibility of your parcel and the maximum size ADU you could build.
- Consult the ADU Financing Guide to estimate your ballpark costs.
- Call or Email the Zoning Counter to discuss options as well as any constraints or site-specific factors (steep slopes, double frontages, agricultural buffer setbacks, existing accessory structures, septic systems, etc.) that could require additional consideration. This step will help you avoid surprises after investing time and money into a building design.
- If your home relies on a septic system for sanitation, consult with Environmental Health Services (EHS) about the capacity of your existing system.

Design and Preparation

- Will the ADU be built as New Construction or Conversion?
- Consider your options for drafting plans. Hire a designer or architect? Draw your own plans? Purchase plans? Purchase a manufactured unit? Purchase a pre-fab unit?
- Consider your options for building. Hire a contractor? Construct the unit yourself?
- Once you select an ADU design option, you can get an estimate of County fees by using the Fee Estimator on the County's ADU website: sccoplanning.com/ADU
- With your preliminary design, the Building Counter can provide a list of plan submittal requirements.

Submit Plans for Building Permit

Submit your plans and building permit application using the County's online ePlan system. Expect 2 rounds of comments/re-submittals; in addition to building plan check, plans are typically reviewed by zoning, environmental planning, the Department of Public Works, and fire districts. Each round of submittal review may take up to 60 days.

Record Deed Restriction

For all properties with JADUs, and for all properties with ADUs permitted prior to 2020, the property owner may reside in either the primary home or the ADU. Confirmation of a Homeowner's Tax Exemption is required prior to permit issuance, and a restriction on the property's deed stating this requirement must be recorded before the Building permit can be issued. This requirement will apply to all future owners on the property.

Obtain Permits and Pay Fees

- Obtain your building permit and any other necessary permits.
- Pay all fees as required. Fees vary both by size (small units are exempt from certain fees) and by method of construction (Conversion ADUs are not subject to several fees). See the ADU Fee, Cost and Cash Flow Estimator and the Financing Guide for more information about fees.

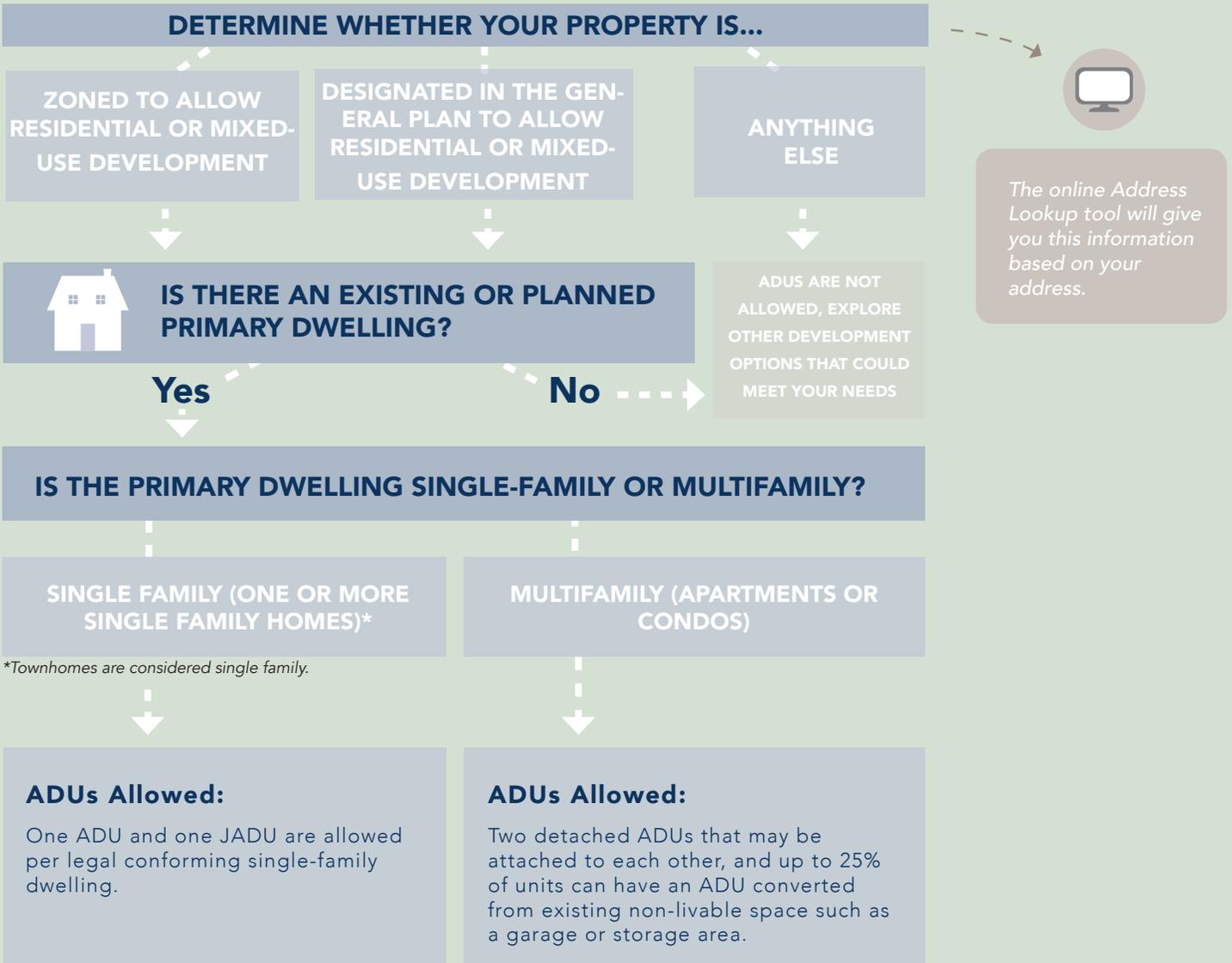
Construct Your ADU

Complete all Required Building and Environmental Inspections at appropriate stages of the construction process.

Occupy your ADU!

If you will be renting the ADU, Review Section 8 of the ADU Financing Guide: ADUs as Rental Property about how to be a landlord, accepting housing vouchers, etc.

Eligibility Flowchart: Can I build an ADU on my property?



Development Standards Summarized by ADU Type

ADU TYPE	MIN SIZE	MAX SIZE	MAX HEIGHT	SETBACKS	PARKING
JUNIOR ADU	150 sf	500 sf	N/A	Minimum required for fire safety	N/A
STANDARD ADU: CONVERSION	150 sf	No maximum	N/A	Minimum required for fire safety	N/A
STANDARD ADU: ATTACHED NEW CONSTRUCTION	150 sf	Parcel < 1 acre: 1-BR: 850 sf; 2+ BR: 1000 sf, or 50% of primary dwelling, whichever is less Parcel > 1 acre: 50% of primary dwelling	28 ft. ADUs above detached garages: 24 ft (20 ft at exterior wall)	Front setback: zone district standard. Side setback: 4 feet.	1 space per ADU
NEW CONSTRUCTION ABOVE DETACHED GARAGE	150 sf	Parcel < 1 acre: 1-BR: 850 sf; 2+ BR: 1000 sf Parcel > 1 acre: 1200 sf	Inside USL: 16 ft Outside USL: 28 ft ADUs above detached garages: 24 ft (20 ft at exterior wall)	Rear setback: 4 feet up to 16-foot building height, 8 feet for greater than 16-foot building height.	1 space per ADU

Note: Regardless of other ADU size requirements of FAR or lot coverage, one ADU of 800 sf is allowed. Some new construction ADUs may be exempt from parking requirements due to location. Replacement parking is not required for ADUs that are converted from existing garages, except within certain areas in the coastal zone. Conversion ADUs and JADUs can include up to 150 sf of new construction. Any new construction portions of conversion ADUs and JADUs must meet applicable ADU height and setback standards. Detached ADUs within the USL may be up to 21 feet with design review and Zoning Administrator approval. Special height and setback rules apply in the Pleasure Point and Seascape Beach Estates neighborhoods.

Minimize the Cost of Your ADU

There are many alternatives for an ADU to building the typically envisioned “back yard cottage,” which entails the most expensive type of construction. Consider all the options that could meet your housing needs before settling on a style of construction and location for your ADU.

Consider whether a remodel to your existing single family home would meet your needs.

Remodels could be substantially cheaper than construction of a full, independent dwelling unit. Remodels to create greater separation between living spaces while not creating a separate dwelling unit can accommodate the needs of many households.

- An “efficiency kitchen” (a limited area for food prep that does not include a full stove or oven) is allowed as a remodel to an existing home. Essentially, a sink, refrigerator, counter space, and any small appliances that plug into a standard 110 V wall outlet can be added to a bedroom or den to create a separate living space that is partially independent from the main home. These areas must maintain an interior connection to the rest of the home, since they are not fully independent ADUs.

Consider a Conversion ADU or Junior ADU.

If there is existing habitable space in your home or an outbuilding that would be suitable for a Conversion ADU or Junior ADU, both construction and permitting costs could be substantially reduced. In order to be a fully legal Accessory Dwelling Unit, the space must have a full bathroom, full kitchen, separate entrance, separate heat source, and sound and fire-wall separation from the primary home. A Junior ADU must include a separate entrance and efficiency kitchen, but may share a bathroom with the primary dwelling.

Consider converting an existing garage.

It may be simple and cost-effective to convert an existing garage to an ADU. Consult with a contractor regarding the condition and quality of the existing structure to see if converting is financially more feasible than new construction. Also, if your property is located in certain coastal communities, you must make sure there is still adequate parking on site for the primary dwelling after the garage conversion.

Consider an addition to an existing structure.

Additions to existing homes, depending on the age of the existing structure, can also be a more cost effective approach to creating an ADU, especially for smaller units, than new detached construction.

- Additions under 500 sf are exempted from certain permit reviews and fees (eg. School fees, affordable housing impact fee, soils report review, etc.), creating the potential for considerable cost savings.

Explore various site-planning techniques.

Once you've settled on a style of construction, consider site planning to minimize costs:

- If you use a septic system, save construction and operating costs by locating the ADU nearby on the uphill side. Consult with County Environmental Health Services (sceh.com or 831-454-2022) early in your process to assess the adequacy of your existing septic system and the level of improvements required.
- New Construction ADUs trigger a requirement of 1 parking space, which must be accommodated on site, with certain exceptions (see ADU website for more information). Spaces may be arranged on site with up to three spaces in tandem, but no more than half of the front yard area can be filled in with parking spaces or walkways.
- Design your ADU to meet development standards such as height and setbacks from the property line, as well as to utilize special standards for ADUs, such as 4-foot side and rear yard setbacks, and the 3-foot minimum separation allowed between ADUs and other structures. An ADU of up to 800 square feet can be approved even if it exceeds maximum lot coverage or floor area ratio for the property. If constructing an ADU over a new garage, the garage may be eligible for special setback reductions.
- ADUs are potentially eligible for minor exceptions or variances to development standards, but these special approvals require notice to neighbors and review by the Planning Director and/or Zoning Administrator, adding time, cost and a degree of uncertainty to the approval.

Consider pre-fab homes.

If detached new construction is the style of ADU that works best for your needs, consider whether a manufactured home or a prefab home would work on your site. Factory-built housing is legal to use as an ADU so long as it is attached to all required utilities and permanently mounted to an appropriate foundation on the site. These units can represent significant construction cost savings in many locations, and require fewer building inspections for a quicker timeline to occupancy.

See list of resources on the ADU website for links to manufactured and pre-fab home dealers.

Reduce size to save fees.

Smaller ADUs have much lower fees than larger ADUs. ADUs less than 750 square feet are exempt from impact fees and most building permit review fees, and these savings can add up. For example, the County fees for a new construction ADU of 800 square feet are about \$25,000, compared to about \$5,000 for a 700-square-foot ADU.

Frequently Asked Questions

DEFINITIONS

What is an Accessory Dwelling Unit?

An ADU is an independent dwelling unit with a dedicated exterior entrance that provides complete living facilities for a household, including permanent provisions for living, sleeping, eating, cooking and sanitation. ADUs can be New Construction or Conversion from existing habitable or non-habitable space. In order to meet this definition, ADUs must have a full kitchen, including a built-in permanently installed cooking appliance, and a full bath with facilities for sanitation and bathing. Structures without all these facilities are not considered ADUs.

What is a Junior ADU (JADU)?

A JADU is a dwelling unit contained within the walls of a proposed or existing dwelling unit, with a dedicated exterior entrance. JADUs can be converted from either habitable space (such as an existing bedroom) or non-habitable space (such as a garage or storage area). JADUs may not be more than 500 square feet in size, including additions of no more than 150 square feet. JADUs must include all of the following facilities: independent provisions for living, sleeping, eating, and cooking (area meeting the definition of an efficiency kitchen), and shared or separate sanitation facilities with the main dwelling unit. Residential areas without all these facilities are not considered JADUs.

JADUs are not required to have interior access to the primary dwelling. Note that JADUs without interior access to the primary dwelling are considered independent units under the building code, with associated requirements for fire separation.

What is a “kitchen” vs. “efficiency kitchen” and which is required for an ADU?

A “kitchen” is 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 1.5 inches in diameter, a refrigerator larger than 2.5 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.

An “efficiency kitchen” is a limited kitchen facility that includes a sink, a refrigerator, small electric kitchen appliances that do not require electrical service greater than 120 volts, an appropriately sized food preparation counter and storage cabinets. Gas or propane cooking appliances are not allowed.

ADUs are required to have kitchens. JADUs are required to have efficiency kitchens. Primary dwelling may include one efficiency kitchen in addition to one kitchen, as long as the efficiency kitchen area has interior access to the rest of the dwelling. If a dwelling includes a JADU, then an additional efficiency kitchen outside the JADU is not allowed.

BASIC RULES

Can I build an ADU on my property?

Use the Eligibility tool on the ADU website to determine your eligibility and the size of ADU you could build on your property. The tool pulls the relevant factors from the County's GIS database to determine if a parcel meets the requirements of the Santa Cruz County Code (section 13.10.681) to accommodate an ADU. The determination by the eligibility tool can be verified by the County Planning Dept. at Planning.ZoningInfo@santacruzcounty.us (or 831-454-2130).

How many ADUs can I build on my property?

The maximum number of ADUs allowed on a single property is based on whether the primary dwelling is a single-family home, a group of single-family homes, or multifamily (attached) dwelling units. See the eligibility flowchart on page 3 of this guide.

Can I build the ADU first and a primary dwelling unit later?

Yes, but only in the case of rebuilding after a disaster, and the location for the development envelope for the future primary dwelling must be indicated on the plans submitted for the ADU. In other cases, when only one dwelling is constructed on a parcel, it is considered a primary dwelling, and standard permit process, development standards and fees apply. However, this initial dwelling can later be "converted" to an ADU, if it meets maximum size and other criteria, and a new primary dwelling can be constructed.

DESIGN

What size ADU can I build?

Maximum allowed size for New Construction ADUs varies from 800 to 1200 square feet, depending on parcel size, type of ADU, number of bedrooms in the ADU, and the floor area and lot coverage of the existing structures on the parcel. There is no maximum size for Conversion ADUs. Please see the ADU overview page for details. You can also use the Eligibility Tool to find out what ADU size is allowed on a specific parcel.

How do you count ADU square footage?

Square footage that counts toward the size of the ADU includes habitable square footage measured from exterior walls. Garages do not count toward ADU size, even if the ADU is built above or concurrently with a garage, and even if the garage is intended to serve residents of the ADU.

Are ADUs subject to environmental constraints such as riparian buffers and wildlife habitat protection areas?

Yes. All development limitations related to environmental constraints as described in Title 16 of the Santa Cruz County Code apply to ADU projects.

Are any ADU development standards flexible?

An ADU of up to 800 square feet usually requires only a building permit even if it would exceed the maximum lot coverage floor area ratio (FAR).

If you need relief from other site/structural standards, your site may be eligible for a variance or minor exception. Consult Santa Cruz County Code (SCCC) sections 13.10.230 and 13.10.235. To confer with a planner, email Planning.ZoningInfo@santacruzcounty.us, call 831-454-2130 or visit the Zoning Counter.

A discretionary permit with design review can provide for extra height of up to 5 additional feet. The review involves a site visit by staff to ensure that an over-height building will not adversely affect neighborhood or scenic values. The permit is decided by the Zoning Administrator at a public hearing. See SCCC section 13.10.681(D)(7)(b)(ii) (D) for more detail.

Do I need to install fire sprinklers in my ADU?

Fire sprinklers are generally required in an ADU only if they are present or being installed in the primary home on the parcel. However, you will still need approval from the appropriate fire district and will need to comply with the fire code. Per fire code, sprinklers are required for projects involving an addition totaling more than 50% of the primary dwelling square footage. This means that sprinklers may be required if your project involves an attached ADU exceeding 50% of the primary dwelling square footage on its own or when combined with other concurrent additions to the primary dwelling. Also, a fire district may require extra on-site water storage for an ADU that is not sprinklered. In this circumstance, installing sprinklers in the ADU may be the most cost-effective option for meeting fire code requirements.

How do fire-rated wall assembly rules apply to ADUs?

Per the California Building Code, walls of structures that are not protected with a fire-sprinkler system shall be one hour fire rated assemblies when located less than 5 feet from the property line. No openings (windows or doors) are allowed less than 3 feet from the property line, and shall be maximum 25% of the wall area when located between 3 and less than 5 feet from the property line. For fire-sprinklered structures, walls less than 3 feet from the property line shall be one hour fire rated assemblies and openings are not allowed less than 3 feet from the property line. For ADUs and independent JADUs that are attached to primary dwellings, fire-rated separation is required between units.

Can I have an interior door between my home and an attached ADU?

The building code allows a connecting door between an ADU and a primary dwelling as long as it meets fire and sound attenuation requirements. Contact the Building Counter for specific information (email planning.buildinginfo@santacruzcounty.us).

Does Santa Cruz County have any ADU construction plans that are pre-approved?

No, but the County is in the process of developing pre-approved plans for single-story detached ADUs, and several pre-approved plan options are expected to be available by the end of 2022. Also, check out the ADU online resources page for websites with ADU plans available for use; Although they are not pre-approved for building permits, starting with a pre-drawn plan can save you time and money in the design phase for your ADU project.

UTILITY REQUIREMENTS

Are ADUs required to have solar panels?

As of January 1, 2020, all detached New Construction ADUs are subject to the same solar PV requirements as new homes. For more information, click [here](#) or email the Building Counter (planning.buildinginfo@santacruzcounty.us).

My property is on septic. Am I allowed to build an ADU?

Yes, if your septic system can handle the additional flow from the ADU or can be upgraded to do so. Anytime you add bedrooms or convert existing bedrooms to ADUs or JADUs, the septic requirements increase. Applicants should consult with Environmental Health Services (831-454-3234) early in their process regarding the capacity of the existing system and the feasibility of improving it if necessary.

Does my ADU need a separate water meter or sewer connection?

JADUs and Conversion ADUs do not require a new sewer or water connection and no additional capacity charges can be applied, except if they are built concurrently with primary dwellings. New Construction ADUs may require a separate sewer or water connection. A local agency, special district, or water corporation will determine whether a separate utility connection is required, and the connection fee or capacity charge will be proportionate to the burden of the ADU on the water or sewer system.

PLANNING AND BUILDING PERMIT PROCESS

What permissions do I need to legalize or build an ADU?

If you have an existing ADU that was built without permits, or you would like to create a new ADU, you will need to obtain a building permit using the County's online ePlan review process. Some ADU projects may require discretionary planning approval before a building permit can be obtained, but this is rare. Certain ADUs inside the Coastal Zone require Coastal findings that are included in the building permit review. Some projects may also require additional permits related to grading or any septic system modifications that might be necessary. Your ADU cannot exceed site structural standards without discretionary review – consult with the Zoning Counter at Planning.ZoningInfo@santacruzcounty.us or 831-454-2130.

If you have an existing ADU on your property that was constructed with permits before the County had an ADU ordinance in place, then you do not need to obtain a permit to officially designate that existing space as an ADU.

How do I start the permit process?

Review the How-To Guide and other information available on the County's ADU website: sccoplanning.com/ADU. Any additional questions you may have regarding the permit process can be addressed by the Zoning Counter staff at 831-454-2130 or Planning, ZoningInfo@santacruzcounty.us.

Is a public hearing or public notice required?

Not normally. ADUs that conform to site standards usually require only a building permit, with no public hearing or public notice. In the coastal zone, public notice may be required for ADUs requiring a coastal development permit or ADUs in certain non-residential zone districts.

COSTS AND FEES

How much will it cost to build an ADU?

Your costs will vary with the type of unit – are you converting part of your existing home or building a new cottage in the back yard? Are you building a JADU or standard ADU? Are you building a garage at the same time? Are you utilizing a mobile home, modular unit or kit-construction? There are County fees involved, as well as hard (material) and soft (labor) construction costs. In some cases, higher upfront ADU costs may be worth it if you can achieve a higher rental income from the ADU. You can use the ADU Fee, Cost and Cash Flow Estimator Tool and review the Cost Considerations page to learn more about estimated costs and financing options for your ADU.

What are the requirements and associated fees of my water purveyor/sanitation district/fire district?

Special districts have varying requirements and fees that make construction more expensive in certain neighborhoods. The ADU Fee, Cost and Cash Flow Estimator Tool calculates utility fees charged by Santa Cruz County, but does not calculate fees for all special districts. The ADU Eligibility Tool will identify the special districts that serve your property and provide links to their websites. Contact your district directly to find out the requirements and costs of building or legalizing an ADU.

Will my property taxes increase?

Constructing an ADU will incrementally increase the value of your property, and the tax on that amount of increase is added to the tax that was assessed before the improvement. However, the base value of the property is not reassessed, and any tax advantages that exist, for example, from longtime ownership with no reassessment, will not be affected.

OCCUPANCY REQUIREMENTS

Do I need to live on the property?

It depends. On properties with ADUs and JADUs that were permitted before January 1, 2020, the owner (or a relative of the owner) is required to live on site. On properties with ADUs permitted during the five-year period from January 1, 2020 through January 1, 2025, owner occupancy is required only if there is also a JADU on the property.

The County requires proof of owner occupancy via a Homeowner's Tax Exemption filed with the County Assessor or some other official documentation. Property owners have an option to apply for a temporary exception to this owner occupancy requirement at the discretion of the Planning Director.

Can I rent my ADU as a vacation rental or other short-term basis?

No. An ADU cannot be used as any type of short-term rental, and an ADU cannot be located on a property with an active Vacation Rental or Hosted Rental permit. Any existing Vacation Rental or Hosted Rental permit must be forfeited before a permit can be issued to construct an ADU.

I would like to rent my ADU. What do I need to know to become a landlord?

Section 8 of the ADU Financing Guide contains a list of resources for a successful renting experience including guidance about creating a lease, tips on selecting tenants, information to help you understand your legal responsibilities and guidance on maintaining a rental unit. Helpful links are also available in the Landlord section of the ADU website "Resources" page.



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