

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS OF THE CITY OF SANTA CRUZ MUNICIPAL CODE PERTAINING TO PERMIT PROCEDURES, OCCUPANCY REQUIREMENTS AND DEFINITIONS ASSOCIATED WITH ACCESSORY DWELLING UNITS

BE IT ORDAINED By the City of Santa Cruz as follows:

**Section 1.** The preamble to Section 24.08.1330 (Demolition or Conversion of Single-Family Residence or Duplex Units) of Chapter 24.08 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**24.08.1330 DEMOLITION OR CONVERSION OF SINGLE-FAMILY RESIDENCE OR DUPLEX UNITS.**

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The zoning administrator may issue a demolition/conversion authorization permit for the demolition or conversion of a single-family residence, accessory dwelling unit, or duplex upon finding that:

*Subsections remain unchanged.*

**Section 2.** Section 24.16.100 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**24.16.100 PURPOSE.**

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with residential development. Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled and others within existing neighborhoods, and homeowners who create accessory dwelling units may benefit from added income and an increased sense of security.

In addition the ordinance codified in this part provides a mechanism to grant legal status to existing illegally constructed accessory dwelling units in single-family neighborhoods. By encouraging legalization, safe dwellings may be added to the city's existing housing supply.

Thus it is found that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities throughout the City of Santa Cruz. To ensure that accessory dwelling units will conform to General Plan policy the following regulations are established.

**Section 3.** Section 24.16.120 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**24.16.120 LOCATIONS PERMITTED.**

Accessory dwelling units are permitted in the following zones on lots of any size in conjunction with a single-family dwelling:

1. RS-1A, RS-2A, RS-5A, RS-10A;
2. R-1-5, R-1-7, R-1-10;
3. R-L, R-M, R-H;
4. R-T(A), R-T(B), and R-T(D).

**Section 4.** Section 24.16.125 of the Santa Cruz Municipal Code is hereby added and shall read as follows:

**24.16.125 DEFINITIONS.**

The following definitions shall apply to Accessory Dwelling Units throughout the Municipal Code:

“Conversion Accessory Dwelling Unit” shall mean any accessory dwelling unit created primarily by the conversion of any permitted or legal non-conforming structure erected prior to 2017, or portion of such a structure. Consistent with zoning standards, Conversion accessory dwelling units shall be permitted to expand the existing footprint of the structure by up to one hundred twenty square feet, and the existing height by up to two feet, and must be in conformance with all requirements of Section 24.16.142.

“New Construction Accessory Dwelling Unit” shall mean any accessory dwelling unit that includes new construction and which does not meet the definition and requirements for a Conversion Accessory Dwelling Unit.

**Section 5.** Section 24.16.130 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**24.16.130 PERMIT PROCEDURES.**

1. Accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.140 et.seq.
2. Accessory dwelling units on substandard lots shall not be required to obtain a design permit unless it is associated with the construction of a new single-family dwelling per Section 24.08.400 et.seq.

**Section 6.** Subsections 1-4 of Section 24.16.140 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**24.16.140 DEVELOPMENT STANDARDS.**

All accessory dwelling units, both New Construction and Conversion, must conform to the following requirements:

1. Number of Accessory Dwelling Units per Parcel. Only one accessory dwelling unit shall be allowed for each parcel.
2. Parking. One parking space shall be required for each accessory dwelling unit. The primary dwelling on a parcel with an accessory dwelling unit is subject to the parking requirements applicable to the zone district (See Section 24.16.160 for parking incentives). Exception: No parking shall be required for an accessory dwelling unit if any of the following instances occur:
  - a. The parcel is located within one-half mile of public transit. For purposes of this section, public transit is defined as the Santa Cruz Metro Center;
  - b. The parcel is located within a historic district;
  - c. The accessory dwelling unit is either Conversion accessory dwelling unit or is attached to another permitted or legal non-conforming structure on the property.
  - d. When there is a car share vehicle located within one block of the accessory dwelling unit.
3. Unit Size. The floor area for accessory dwelling units shall not exceed ten percent of the net lot area up to a maximum of one thousand two hundred square feet of habitable area. The floor area for accessory dwelling units attached to the principal single-family dwelling shall not exceed fifty percent of the existing habitable floor area of the principal single-family dwelling and not exceed the maximum ADU floor area allowed for the lot. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.

Stairways which provide access to accessory dwelling units do not count toward the floor area of an accessory dwelling unit when the stairs are not part of the conditioned space, the stairs do not include any other rooms or room-like areas that would function as habitable floor area for the ADU, and there is a fire-rated entry door at the top of the stairs at the entrance to the accessory dwelling unit.
4. Existing Development on Lot. A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory dwelling unit.

**Section 7.** Subsections 6-9 of Section 24.16.140 of the Santa Cruz Municipal Code are hereby amended to read as follows:

6. **Open Space and Landscaping.** The site plan shall provide open space and landscaping that are useful for both the accessory dwelling unit and the principal single-family dwelling. Landscaping shall provide for the privacy and screening of adjacent properties.

7. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the district:

The entrance to the accessory dwelling unit shall face the interior of the lot unless the accessory dwelling unit is directly accessible from an alley, a public street, or the Monterey Bay Sanctuary Scenic Trail.

Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

8. **Alley or Rail Trail Orientation.** When an accessory dwelling unit is adjacent to an alley or the Monterey Bay Sanctuary Scenic Trail, the accessory dwelling unit is encouraged to be oriented toward the alley or trail with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four-foot back out which includes the alley. Fences shall be three feet, six inches along the alley. However, higher fencing up to six feet can be considered in unusual design circumstances subject to review and approval of the zoning administrator.

9. **Occupancy.**

a. The property owner or an adult member of the property owner's immediate family limited to the property owner's spouse, adult children, parents, or siblings, and subject to verification by the city, must occupy either the primary or accessory dwelling as his or her principal place of residence except under circumstances as established by resolution by the city council that may allow the property owner or the executor or trustee of the property's owner's estate, to apply to the city council for approval of a temporary change in use allowing both units to be rented for a period of no more than two years with a possible extension of one year by the planning director if circumstances warrant. Upon the expiration of the rental period, the property owner and/or the property owner's immediate family member, as specified above, shall reoccupy the property or the property owner shall cease renting one of the units, or sell the property to a buyer who will reside on the property. A fee for such a request shall be in an amount established by resolution by the city council.

b. For purposes of this chapter, the property owner is the majority owner of the property as shown in the most recent Santa Cruz County assessor's roll.

c. If there is more than one property owner of record the owner with the majority interest in the property shall be deemed the property owner for purposes of this chapter. Any property owner of record holding an equal share interest in the property may be deemed the majority property owner if no other property owner owns a greater interest. (For example, if the property is owned by two people, each with a fifty percent interest, either of the two owners

may be deemed the property owner for purposes of the owner occupancy requirement. If three people own the property, each with a thirty-three and one-third percent interest, any one of the three may be deemed the property owner for purposes of the owner occupancy requirement.)

d. Notwithstanding subsection (9)(a), the community development director, in consultation with the city manager and city attorney, shall be authorized to promulgate regulations intended to legalize accessory dwelling units which are nonconforming solely by virtue of the fact that the property owner has failed to comply with subsection (9)(a)'s owner occupancy requirement, including but not limited to regulations providing for the amortization of the nonconformity by specifying a period of time within which the absentee owner must either establish occupancy or discontinue the accessory dwelling unit use of the property or alternatively sell the property, and regulations providing for the recordation of land use agreements specifying the terms of amortization.

e. Accessory dwelling unit properties shall be used for long-term residential purposes. Accessory dwelling unit properties may neither be used on a transient occupancy basis nor for short-term/vacation rental purposes.

1) Exception. A legal accessory dwelling unit property that had legal status prior to November 10, 2015, and was in use as a short-term/vacation rental prior to that date, and for which the owner remits transient occupancy tax in compliance with Chapter 3.28 in full in a timely manner for the use of the property as short-term/vacation rental purposes, may continue the use. The owner must meet the owner-occupancy requirement of this code.

**Section 8.** Section 24.16.141 of the Santa Cruz Municipal Code is hereby added and shall read as follows:

**24.16.141 NEW CONSTRUCTION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS.**

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1. Design. The design of the accessory dwelling unit shall relate to the design of the principal single-family dwelling by use of the compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

2. Setbacks for New Construction Detached Accessory Dwelling Units.

a. The side yard and rear yard setbacks for a New Construction of detached single-story accessory dwelling unit shall not be less than three feet and the distance between buildings on the same lot must be a minimum of six feet.

b. New Construction accessory dwelling units constructed above a garage shall provide side and rear yard setbacks of at least five feet.

c. New Construction accessory dwelling units higher than one story and not built above a garage shall provide side setbacks of at least five feet and rear setbacks of at least ten feet.

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d. If any portion of a New Construction accessory dwelling unit is located in front of the principal single-family dwelling, then the front and side yard setbacks shall be the same as those required for single-family homes in the zoning district.

3. Setbacks for New Construction Attached Accessory Dwelling Units. New Construction attached accessory dwelling units—shall meet the same setbacks as the principal single-family dwelling in the zoning district.

4. Building Height and Stories.

a. A one-story detached New Construction accessory dwelling unit shall be no more than fifteen feet in height measured to the roof peak and shall not extend above and beyond the daylight plane having a height of seven feet at each side or rear property line and extending into the property at an angle of forty-five degrees. Architectural features as described under Section 24.12.120(1)(a) shall be exempt from the daylight plane regulation

b. A two-story detached New Construction accessory dwelling unit shall be no more than twenty-two feet in height measured to the roof peak.

c. The two-story detached New Construction accessory dwelling unit shall limit the major access stairs, decks, entry doors, and windows to the interior of the lot, an alley, or the Monterey Bay Sanctuary Scenic Trail if applicable. Windows that impact the privacy of the neighboring side or rear yards shall be minimized.

d. An attached New Construction accessory dwelling unit may occupy any level of the principal single-family dwelling and must meets the setbacks required for the principal single-family dwelling.

e. If the design of the principal single-family dwelling has special roof features that should be matched on the detached accessory dwelling unit to enhance design compatibility, the maximum allowed building height of the accessory dwelling unit may be exceeded in order to include such similar special roof features subject to review and approval of the zoning administrator.

5. Substandard Lots. When a New Construction accessory dwelling unit is proposed on a substandard residential lot, as defined in Section 24.22.520, the following design standards shall apply to the proposed structure and site plan:

a) The maximum allowable lot coverage for all structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project

more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as lot coverage.

b) The floor area for all second stories shall not exceed fifty percent of the first floor area for all structures, except in cases where the first floor area of the structure to which a second story is being added constitutes thirty percent or less of the net lot area.

c) Continuous long walls parallel to the side property line with narrow side yards shall be minimized.

d) Landscaping shall be required at least for front yard areas.

e) Structures, landscaping or other features shall incorporate methods to lessen the visibility of garages on a street facade.

f) When an attached New Construction accessory dwelling unit is proposed on a substandard lot in conjunction with a new single-family home, a Design Permit shall be required per Section 24.08.440.

6. Large Home Design Permit. When a New Construction attached accessory dwelling unit is proposed in conjunction with a new single family dwelling or with an addition to the existing single family dwelling, then the square footage of ~~an~~ the attached accessory dwelling unit shall be counted with the square footage of the single-family home in determining whether a large home design permit is required. When a New Construction attached accessory dwelling unit is proposed and there is no addition to any other portion of the primary dwelling proposed, the square footage of the accessory dwelling unit shall not be counted toward a large home design permit. The square footage of any detached accessory dwelling unit shall not be counted toward a large home design permit.

**Section 9.** Section 24.16.142 of the Santa Cruz Municipal Code is hereby added and Subsection 1 of Section 24.16.142 shall read as follows:

**24.16.142 CONVERSION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS**

1. Setbacks and Lot Coverage. Conversion accessory dwelling units shall be permitted to maintain the existing setbacks and lot coverage of the structure to be converted or reconstructed, regardless of their conformance to current zoning standards.

**Section 10.** Subsection 4 of Section 24.16.142 of the Santa Cruz Municipal Code is hereby added and shall read as follows:

4. Large Home Design Permit. The square footage of any Conversion accessory dwelling unit shall not be counted toward the requirement for a large home design permit.

**Section 11.** Subsection 3 of Section 24.16.150 of the Santa Cruz Municipal Code is hereby amended to read as follows:

3. The use of the accessory dwelling unit shall be in effect only so long as the property is in compliance with the ordinance as codified, including the requirements regarding occupancy.

**Section 12.** Subsection 7 of Section 24.16.150 of the Santa Cruz Municipal Code is hereby amended to read as follows:

7. Neither the accessory dwelling unit nor the primary unit shall not be used as a short term or vacation rental.

**Section 13.** Subsection 5 of Section 24.16.160 of the Santa Cruz Municipal Code is hereby amended to read as follows:

5. Alley or Rail Trail Presence. If an accessory dwelling unit faces an alley or the Monterey Bay Sanctuary Scenic Trail as noted in the design standards in this chapter, the limitations on rear yard coverage as specified in Sections 24.16.140-(5) do not apply.

**Section 14.** This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 22<sup>nd</sup> day of January, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Mathews, Brown; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



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PASSED FOR FINAL ADOPTION this 12th day of February, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above  
and foregoing document is the  
original of Ordinance No. 2019-04  
and that it has been published or  
posted in accordance with the  
Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator