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Santa Cruz County Second Units

PURPOSE

The purpose of the Second Unit Ordinance (County Code Section 13.10.681) is to allow and regulate the construction and occupancy of Second Units in the unincorporated areas of Santa Cruz County. This ordinance allows needed housing to be built for Santa Cruz County residents in conjunction with existing and new residential development. It will also make it easier for families to purchase and maintain property and homes by using the additional income from the rental of the second unit.

BASIC REQUIREMENTS

The Second Unit Program allows property owners to construct a second unit on their property, providing the property meets certain requirements. The basic requirements for construction of a second unit include:

1. The existing unit on the parcel must be owner-occupied as evidenced by the filing of a home owner's property tax exemption. *
2. The parcel must be zoned Residential or have a General Plan designation of Residential.
3. The parcel may have no more than one existing single family dwelling. A second unit can also be constructed concurrently with one single family dwelling.
4. Parcels located outside of the Urban Services Line** must be at least one acre in area. Within the Urban Services Line, the lot must meet the minimum size standards of the respective zoning designation. However, different site standards may apply to Rural parcels with sewer service, or Urban parcels with septic systems.

* For the construction of second units within subdivisions, owner-occupying requirements apply to the purchase of a property w/a second unit, but not to the developer.

** The Urban Services Line is delineated on the Internet GIS site.

DEVELOPMENT STANDARDS FOR SECOND UNITS

The following development standards apply to all Second Units:

1. The Second Unit may be attached or detached from the main unit. Within the Urban Services Line, the Second Unit must be located within 100 feet of the main dwelling, and cannot be accessed by a separate driveway or right-of-way.
2. The total Gross Floor Area of the Second Unit may not exceed 640 square feet within the Urban Services Line. Outside of the Urban Services Line, on parcels between one and 2.5 acres in area, the unit may be up to 800 square feet, and on parcels 2.5 acres or larger, the unit may be up to 1,200 square feet.
3. One additional parking space is required for each bedroom in the Second Unit. In addition, the main unit must itself meet current parking requirements, which are based on the number of bedrooms.
4. Only one Second Unit may be constructed per parcel. A Second Unit is not allowed on a parcel with an existing guest house or agricultural caretaker's quarters.
5. The Second Unit must be architecturally compatible with the main unit in terms of design, color and materials. Doors, windows, balconies, etc., should be situated to preserve the privacy of your neighbors. Units inside the Urban Services Line shall not exceed one story unless a Residential Development Permit is approved by the Zoning Administrator.
6. All development standards (i.e., setbacks, lot coverage) for the applicable zone district must be satisfied.

7. To file a building application for a Second Unit, clearance from Environmental Health Services will be required if a septic system is to be used. Fire, Sanitation and Water Districts' approval requirements must be satisfied during the Building Permit process.

THE PERMIT PROCESS

A Second Unit requires a Building Permit and, if the property is located within the Coastal Zone, an administratively issued Coastal Development Permit. To apply for permits, you will need full construction plans and the application fee. For a complete list of required application materials, including information on building plan requirements and building permit and other fees, visit the [Building and Zoning Counter](#).

FEES

In addition to application and permit fees, Capital Improvement fees will be charged, based on the number of bedrooms and location of the unit. The Capital Improvement Fees help pay for road improvements, parks, and child care facilities. These fees can be estimated at the Zoning Counter. Other fees will be charged by different agencies such as schools, sanitation and the drainage district, also depending on the size and location of the unit. The Building Department can estimate the plan check and building permit fees.

Declaration of Restrictions

Before the Building Permit is issued that allows you to build your Second Unit, you will be required to record a Declaration of Restrictions against the title on the property. The Second Unit may be occupied only under the conditions of the Declaration of Restrictions and in accordance with the County Code, including the requirement that the property owner must live in either the main unit or the Second Unit and must live on the property as long as the second unit is to be occupied.. The Declaration of Restrictions will also allow the County to recover attorney fees and costs needed to enforce the declaration as well as any rents collected during occupancy not authorized under your permit. The Declaration of Restrictions is binding on all future owners of the property.

QUESTIONS?

If you would like more information about getting a permit to build a second unit, please call the [Zoning Information Line](#).

For more information regarding the occupancy and rent restrictions applicable to second units, please call 454-2336.

revised 6/24/10

13.10.681 Second units. Amended Ord. 5079

(a) Purpose. The purpose of this section is to provide for and regulate second units in order to provided needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.

(b) Application Processing. As indicated below, second units shall be processed in accordance with the requirements of Government Code Section 65852.2 and, for those second units located within the coastal zone, the requirements of the California Coastal Act. No public hearing shall be required for the development of a second unit within a residential zone district or on land designated residential in the General Plan or, outside the Coastal Zone, within the Agriculture zone district, unless the second unit is a part of a larger project that requires a public hearing or if a variance is requested. All applications for second units in the Commercial Agricultural zone district outside the Coastal Zone shall be subject to review by the Agricultural Policy Advisory Commission.

Second units are subject to the following processes:

(1) Outside the Coastal Zone: Building permit issuance.

(2) Inside the Coastal Zone (Non-appealable area): Issuance of a combined Coastal Development and Building Permit, subject to the following noticing requirements:

(A) Within ten (10) calendar days of accepting an application for a non-appealable coastal development permit, the County shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within one hundred (100) feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

(i) A statement that the development is within the coastal zone;

(ii) The date of filing of the application and the name of the applicant;

(iii) The number assigned to the application;

(iv) A description of development and its proposed location;

(v) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;

(vi) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

(3) Inside the Coastal Zone (Appealable area): Issuance of a combined Coastal Development and Building Permit, subject to the following noticing requirements:

(A) Within ten (10) calendar days of accepting an application for an appealable coastal development permit, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within one hundred (100) feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:

- (i) Statement that the development is within the coastal zone;
- (ii) The date of filing of the application and the name of the applicant;
- (iii) The number assigned to the application;
- (iv) A description of the development and its proposed location;
- (v) A brief description of the general procedure concerning the conduct of local actions.
- (vi) The system for Coastal Commission appeals.

(B) Notice After Final Local Decision. Within seven calendar days of approval of the Coastal Development and Building Permit, the County shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

(C) The County shall include notice on the Coastal Development and Building Permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.

(c) Requirements. Before a permit for a second unit can be granted, the following requirements shall be met:

(1) Location. The second unit shall be located on a residentially-zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, where one detached single-family dwelling shall be constructed concurrently with the proposed second unit. A second unit may be located on agriculturally-

zoned land outside the Coastal Zone or on a parcel designated for agricultural use in the General Plan outside the Coastal Zone;

(2) Parcel Size. The size of the parcel, if located within the Urban Services Line, is no smaller than that required by the minimum lot size standards of the respective zoning district. The size of the parcel, if located outside the Urban Services Line, is at least one acre in area, unless the parcel is served by public sewer. Parcels outside of the Urban Services Line (USL), with public sewer service shall meet the requirements of subsection (d)(2) of this section;

(3) Development Standards. All development standards for the applicable agricultural or residential zone district shall be satisfied; and the development shall be consistent with all County policies and ordinances;

(4) Design. The design of the second unit is consistent with the design and development standards and guidelines set forth in subsection (d) of this section; and

(5) Utility Requirements. All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of County Code Chapter 7.38, 7.71 and 7.73; and

(6) In the Coastal Zone, the findings for development permits set forth in Section 18.10.230(a), and the Coastal Development Permit findings of Section 13.20.110 must be made.

(d) Design and Development Standards. The following design and development standards shall be applied to every second unit and shall be conditions for any approval under this section:

(1) Location of Second Unit. The second unit may be either attached to the main dwelling or may be detached from it. Inside the Urban Services Line, no second unit shall be located more than one hundred (100) feet from the main dwelling or be accessed by a separate driveway or right-of-way. Outside the Coastal Zone, on land designated Agriculture by the General Plan, the second unit shall be located within one hundred (100) feet of the main 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.

(2) Size of Second Unit. The total, gross floor area as defined in Section 13.10.700(f) of the habitable portion of a second unit shall not exceed the following standards, based on parcel size:

Maximum Gross Floor Area Within the Urban Services Line (USL)

Type of Sewer Service	Parcel Size:	

	<10,000 sq. ft. (1)	10,000 sq. ft. or larger (1)
With public sewer	640 sq. ft.	640 sq. ft.
Without public sewer	Not allowed	640 sq. ft. max. (must meet requirements of County Code Chapter 7.38)

(1) The size of the parcel must be no smaller than that required by the minimum lot size standards of the zoning district.

Maximum Gross Floor Area Outside of the Urban Services Line (USL)

Type of Sewer Service	Parcel Size:			
	< 10,000 sq. ft.	10,000 sq. ft. to <1 acre	1 acre or larger to < 2.5 acres	2.5 acres or larger
With Public Sewer	640 sq. ft.	800 sq. ft.	800 sq. ft.	1,200 sq. ft.
Without Public Sewer	not allowed	not allowed	800 sq. ft.	1,200 sq. ft.

(3) Lot Coverage. No second unit shall be allowed which would, when combined with existing lot coverage and gross floor area, exceed the allowable lot coverage or the allowable Floor Area Ratio for the parcel.

(4) Site Standards. All site standards of the zoning district in which the second unit is proposed shall be met. Within the Urban Services Line, second units exceeding seventeen (17) feet in height or one story may be constructed if a Level V Development Permit is obtained, pursuant to Chapter 18.10 of this code. Outside the Coastal Zone, on land zoned or designated agricultural, all setbacks of the agricultural zone districts shall be met and all second units must meet the buffering requirements of County Code Section 16.50.095(f), as determined by the Agricultural Policy Advisory Commission, if applicable.

(5) Parking. Offstreet parking shall be provided to meet the requirements of Section 13.10.550 for the main dwelling and one additional non-tandem space for each bedroom in the second unit.

(6) Design. The design, materials and color of the second unit shall be compatible with that of the main dwelling.

(7) Other Accessory Uses. Not more than one second unit shall be constructed on any one parcel. A second unit and any other accessory residential structure (including but not limited to agricultural caretakers quarters and guest houses on residential parcels; but excepting farmworker housing on agricultural parcels greater than ten (10) acres outside the Coastal Zone) shall not be permitted on the same parcel. Habitable accessory structures such as artist's studios, garages, or workshops may be allowed subject to all applicable requirements of the underlying zone district.

(8) Service Requirements. Written acknowledgements shall be provided from the applicable sanitation, water, and fire districts and/or Environmental Health Services indicating that there will be adequate water, sanitation and fire protection services to the project site with the inclusion of a second unit. All requirements of the respective service agencies shall be satisfied.

(9) Fees. Prior to the issuance of a building permit for the second unit, 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.

(e) Occupancy Standards. The following occupancy standards shall be applied to every second unit and shall be conditions for any approval under this section:

(1) Occupancy Restrictions. The maximum occupancy of a second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or permanent occupancy of the second unit shall be restricted for the life of the unit to either:

(A) Households that meet the Income and Asset Guidelines established by the Board of Supervisors resolution for lower income households; or

(B) Senior households, where one household member is sixty-two (62) years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or

(C) Persons sharing residency with the property owner and who are related by blood, marriage, or operation of law, or have evidence of a stable family relationship with the property owner.

(2) Owner Residency. The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the second unit. If the property owner resides in the second unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements of subsection (e)(l) of this section.

(3) Occupancy Status. Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in Subsection 17.10.020(a), indicating whether the second unit will be rented, occupied by family members, or left vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.

(4) Rent Levels. If rent is charged, the rent level for the second unit, or the for the main unit, if the property owner resides in the second unit, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HUD) or its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.

(5) Certification Requirements. No person, including family members of the owner, shall rent or permanently occupy a second unit unless he/she has first obtained certification of his/her eligibility from the administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. The administering agency may also charge a fee to the applicant for the certification process.

(6) Status Report. The owner shall report the occupancy status of the second unit, when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name of the current occupant(s) and the monthly rent charged, if applicable.

(7) 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:

(A) The unit may be occupied or rented only under the conditions of the development permit and in accordance with this section and any amendments thereto.

(B) The declaration is binding upon all successors in interest; and

(C) The Declaration shall include a provision for the recovery by the County of reasonable attorney 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.

(f) Permit Allocations. Each second unit shall be exempt from the Residential Permit Allocation System of Chapter 12.02 of this Code. However, due to public service deficiencies of roadway design and drainage within the Live Oak planning area, no more than five second units shall be approved within the Live Oak planning area in any calendar year.

(g) 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 second unit ordinance. The annual analysis shall include the number of second units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. 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 fourteen (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 sixty (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. (Ord. 3500, 3/6/84; Ord. 4324A, 8/9/94; 4457-A, 11/4/97; 4495, 3/24/98; Ord. 4727 §§ 1-3, 6/24/03; Ord. 4751 §§ 1-3, 11/25/03; Ord. 4779, 12/14/04)