

EMERGENCY ORDINANCE NO. 2024-22

AN EMERGENCY ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SANTA CRUZ MUNICIPAL CODE CHAPTERS 18.15 – ENERGY CODE, 24.08 – LAND USE PERMITS AND FINDINGS, 24.10 – LAND USE DISTRICTS, 24.12 – COMMUNITY DESIGN, AND 24.16 – AFFORDABLE HOUSING PROVISIONS TO MAINTAIN CONSISTENCY WITH NEW STATE REGULATIONS FOR ACCESSORY DWELLING UNITS. AMENDMENTS TO SECTIONS 24.08.810a, 24.08.2140, 24.08.2200, 24.10.632, AND 24.12.250 ARE PART OF THE LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (LCP IP) AND WILL BE EFFECTIVE OUTSIDE THE COASTAL ZONE ONLY (CEQA: EXEMPT PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3), 15183, AND 15308, AND CONSISTENT WITH THE 2030 CLIMATE ACTION PLAN NEGATIVE DECLARATION)

WHEREAS, accessory dwelling units contribute needed housing to the community’s housing stock and 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; and

WHEREAS, on September 19, 2024, SB 1211 (Skinner) was signed into law, making changes to requirements for parking associated with accessory dwelling unit development, increasing the number of statewide exemption accessory dwelling units allowed on sites with multi-family buildings, and limiting the standards that can be applied to statewide exemption accessory dwelling units; and

WHEREAS, on September 28, 2024, AB 2533 (Carrillo) was signed into law, creating new limits on when a local jurisdiction could deny a permit to legalize an unpermitted accessory dwelling unit and extending those limitations to junior accessory dwelling units; and

WHEREAS, amendments to municipal code requirements related to accessory dwelling units must be in effect prior to January 1, 2025 to maintain consistency with and continue to be valid under state law; and

WHEREAS, Public Resources Code Section 25402.1 (h)(2) allows local agencies to adopt local amendments that are cost-effective and that require greater energy reduction/conservation than the California Energy Code; and

WHEREAS, the California Energy Codes and Standards Statewide Utility Program has determined specific modifications to the 2022 State Energy Code for each climate zone that are cost-effective; and that such modifications will result in designs that consume less energy than they would under the 2022 State Energy Code; and

WHEREAS, staff has reviewed the “2024 Existing Building Cost-Effectiveness Study” and associated data, and find them sufficient to illustrate compliance with the requirements set forth under California Administrative Code Chapter 10-106; and

WHEREAS, based on these studies, the City finds the proposed local amendments to the 2022 California Energy Code to be cost-effective and consume less energy than permitted by Title 24, Part 6; and

WHEREAS, the 2022 California Energy Code offers compliance options that were established through the public rulemaking process of the code update; and

WHEREAS, the Council expressly declares that the proposed amendments to the Energy Code are reasonably necessary because of local climatic, topological, and geological conditions; and

WHEREAS, the requirements specified in this Ordinance were reviewed via public comment and through a publicly noticed public hearing process; and

WHEREAS, The municipal code amendments to Chapter 18.15 are consistent with the Negative Declaration approved for the City of Santa Cruz 2030 Climate Action Plan adopted by City Council on September 13, 2022, and therefore, no further environmental review under the California Environmental Quality Act (CEQA) is required; the amendments are exempt from CEQA under the general rule, 15061(b)(3), because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment; and, this ordinance is exempt per CEQA Guidelines Section 15308, Class 8, Actions by Regulatory Agencies for Protection of Natural Resources, since the proposed ordinance would institute regulatory requirements intended to protect the environment and natural resources.

WHEREAS, the amendments to Santa Cruz Municipal Code Chapters 24.08, 24.10, 24.12, and 24.16 fall within the analyzed development potential in the City of Santa Cruz's existing 2030 General Plan Environmental Impact Report using the existing zoning and General Plan and, therefore, pursuant to California Code of Regulations, Title 14, section 15183 of the California Environmental Quality Act (CEQA) Guidelines, no further environmental review under the CEQA is required; and

WHEREAS, Pursuant to Government Code Section 65858, the City Council based on that least a four-fifths vote, may adopt as an urgency measure, an interim ordinance to protect the public safety, health and welfare; and

WHEREAS, Based upon the above-described facts and circumstances, and for these same reasons, the City Council finds that this ordinance is necessary as an emergency measure for preserving the public peace, health and safety, and therefore that it may be introduced and adopted at one and the same meeting and shall take effect immediately upon its adoption, consistent with the City Charter Section 608.

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

Section 1. Section 18.15.040 of Chapter 18.15 of the Santa Cruz Municipal Code regarding Energy Code – Modifications is hereby amended to read as follows:

18.15.040 ENERGY CODE – MODIFICATIONS.

Text prior to language amending Section 150 of the CEnC, starting with “The following sections of the code as adopted in Section 18.15.030 are hereby modified as follows:” and ending with “(a) – (c): Subsections 140.1 (a) – (c) are adopted without modification” remain unchanged

Section 150.0 of the CEnC is amended as follows:

Single-family residential buildings shall comply with the applicable requirements of Sections 150(a) through 150.0(w).

NOTE: The requirements of Sections 150.0 (a) through (v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(r) also apply to additions or alterations. The City of Santa Cruz amendments to sections 150.0 (t) do not apply to additions or alterations or the following types of new construction statewide exemption accessory dwelling units:

1. One accessory dwelling unit per lot with a proposed single-unit building, including a single-family dwelling, or a townhome, or a detached residential condominium or apartment unit on a lot with multiple single-unit buildings, if all of the following apply:
 - i. The accessory dwelling unit is within the proposed space of a single-unit building.
 - ii. The accessory dwelling unit has an exterior entrance separate from that of the primary dwelling unit.
 - iii. The side and rear setbacks are sufficient for fire and safety.
2. One detached, new construction accessory dwelling unit per lot that meets the following standards:
 - i. The accessory dwelling unit shall be located on a lot with a proposed or existing single-unit building, including a single-family dwelling, or a townhome, or a detached residential condominium or apartment unit on a site with multiple single-unit buildings.
 - ii. The accessory dwelling unit size shall not exceed 800 square feet in floor area.
 - iii. Interior side yard and rear yard setbacks shall be at least four feet.
 - iv. The accessory dwelling unit shall meet one of the following height limitations as measured to the roof peak:
 1. A height of 16 feet; or
 2. A height of 18 feet if the accessory dwelling unit is on a lot within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. This height can be increased an additional two feet to twenty feet to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
3. One junior accessory dwelling unit per lot zoned to allow single-family dwellings and within the walls of a proposed single-unit building, including a single-family dwelling, townhome, or detached residential condominium or apartment unit on a lot with multiple detached single-unit dwellings.

Text describing or amending sections 150.0(a) through EXCEPTION 2 to Section 150.1(b)1 of the CEnC remain unchanged.

EXCEPTION 3 to Section 150.1(b)1. The following types of new construction statewide exemption accessory dwelling units are not required to meet the performance standards in 150.1(b)1:

1. One accessory dwelling unit per lot with a proposed single-unit building, including a single-family dwelling, or a townhome, or a detached residential condominium or apartment unit on a lot with multiple single-unit buildings, if all of the following apply:
 - i. The accessory dwelling unit is within the proposed space of a single-unit building.
 - ii. The accessory dwelling unit has an exterior entrance separate from that of the primary dwelling unit.
 - iii. The side and rear setbacks are sufficient for fire and safety.
2. One detached, new construction accessory dwelling unit per lot that meets the following standards:
 - i. The accessory dwelling unit shall be located on a lot with a proposed or existing single-unit building, including a single-family dwelling, or a townhome, or a detached residential condominium or apartment unit on a site with multiple single-unit buildings.
 - ii. The accessory dwelling unit size shall not exceed 800 square feet in floor area.
 - iii. Interior side yard and rear yard setbacks shall be at least four feet.
 - iv. The accessory dwelling unit shall meet one of the following height limitations as measured to the roof peak:
 1. A height of 16 feet; or
 2. A height of 18 feet if the accessory dwelling unit is on a lot within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. This height can be increased an additional two feet to twenty feet to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
3. One junior accessory dwelling unit per lot zoned to allow single-family dwellings and within the walls of a proposed single-unit building, including a single-family dwelling, townhome, or detached residential condominium or apartment unit on a lot with multiple detached single-unit dwellings.

The remainder of Section 18.15.040 remains unchanged.

Section 2. Section 24.08.810 of Chapter 24.08 of the Santa Cruz Municipal Code regarding Procedure for Slope Development Permit (Applies Outside the Coastal Zone) is hereby amended to read as follows:

24.08.810 PROCEDURE.

Projects on or within twenty feet of a slope of thirty percent or greater must apply for a slope development permit unless the project is exempted from the need for such a permit under Section 24.14.030(1)(g) or unless the project is a statewide exemption accessory dwelling unit as defined

in Part 2 of Chapter 24.16. This permit may be granted by the zoning administrator under Section 24.14.030(1)(c) without a hearing if the project is on or within twenty feet of a slope greater than or equal to thirty percent and less than fifty percent and is consistent with the findings in Section 24.08.820, unless the slope development permit is accompanied by an application that must be heard by a higher body. Projects on or within twenty feet of a slope of fifty percent or greater must be considered at a public hearing by the zoning administrator and must also be consistent with the findings in Section 24.08.820 unless the project is exempted from such a permit per Section 24.14.030(1)(g).

Section 3. Section 24.08.810a of Chapter 24.08 of the Santa Cruz Municipal Code regarding Procedure for Slope Development Permit (Applies In the Coastal Zone) is hereby amended to read as follows:

24.08.810a PROCEDURE.

Projects requiring an exception to slope standards established by Section 24.14.030a, except for statewide exemption accessory dwelling units as defined in Part 2 of Chapter 24.16, must apply for a slope modification permit. This permit may be granted by the zoning administrator without a hearing if the project is no closer than ten feet from the top edge of a thirty percent slope and is consistent with the findings in Section 24.08.820a, unless the slope modification permit is accompanied by an application which must be heard by a higher body. Should a project be closer than ten feet to a thirty percent slope, then it must be considered at a public hearing by the zoning board as a variance which must also be consistent with the findings in Section 24.08.820a.

Section 4. Section 24.08.2140 of Chapter 24.08 of the Santa Cruz Municipal Code regarding Exemptions from Watercourse Development Permit is hereby amended to read as follows:

24.08.2140 EXEMPTIONS.

Section 24.08.2140 through Subsection 24.08.140.5 remains unchanged. Subsection 24.08.2140.6 is amended to read as follows:

6. A statewide exemption accessory dwelling unit, as defined in Part 2 of Chapter 24.16. Despite the statement in section 24.08.2140 that exemptions do not apply to projects that are not exempt from coastal permit requirements, in the coastal zone, this exemption applies even if the statewide exemption accessory dwelling unit requires approval of a coastal permit; however, in this case, the statewide exemption accessory dwelling unit shall be consistent with the development standards of the Citywide Creeks and Wetlands Management Plan.

Section 5. Section 24.08.2200 of Chapter 24.08 of the Santa Cruz Municipal Code regarding Purpose of Watercourse Variance is hereby amended to read as follows:

24.08.2200 PURPOSE.

The purpose of this part is to allow variation from the watercourse setbacks or development standards as outlined in Sections 24.08.2130 and 24.08.2180. A watercourse variance shall not be required for a statewide exemption accessory dwelling unit, as defined in Part 2 of Chapter 24.16, to vary from a watercourse setback; however, a statewide exemption accessory dwelling unit that requires approval of a coastal permit shall otherwise conform with all other goals, policies and objectives of City-Wide Creeks and Wetlands Management Plan.

Section 6. Section 24.10.632 of Chapter 24.10 of the Santa Cruz Municipal Code regarding District Regulations for the R-T(D) Subdistrict D – Beach Residential Zoning District is hereby amended to read as follows:

24.10.632 DISTRICT REGULATIONS.

Subsections 24.10.632.1 through 24.10.632.2 remain unchanged.

3. Other Requirements/Standards.

- a. Design. All development, except accessory dwelling units, is subject to a design permit and must be in compliance with adopted design guidelines. Other regulations which may be applicable to site design in this zone are set forth in general site design standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

Subsections 24.10.632.a.1 through 24.10.632.4 remain unchanged.

Section 7. Section 24.10.4060 of Chapter 24.10 of the Santa Cruz Municipal Code regarding New Construction on Sites Abutting Overlay District Boundaries is hereby amended to read as follows:

24.10.4060 NEW CONSTRUCTION ON SITES ABUTTING OVERLAY DISTRICT BOUNDARIES.

The purpose of the following provisions is to ensure that new development which occurs on the boundaries of a designated Neighborhood Overlay District is compatible and supportive of the public policy goals established for these districts. These provisions apply to all sites abutting a Neighborhood Conservation Overlay District.

In addition to the regulations of the underlying zoning districts, all development, redevelopment, and building expansions, except accessory dwelling units, on sites abutting Neighborhood Conservation Overlay Districts shall comply with the following:

Subsections 24.10.4060.1 through 24.10.4060.5 remain unchanged.

Section 8. Section 24.12.250 of Chapter 24.12 of the Santa Cruz Municipal Code regarding Bike Parking Requirements is hereby amended to read as follows:

24.12.250 BIKE PARKING REQUIREMENTS.

Subsection 24.12.250.1 remains unchanged. The text of Subsection 24.12.250.2 remains unchanged. The rows of the table of Subsection 24.12.250.2 regarding “Multifamily residential (3 or more units)” and “Parking District No. 1 – Residential uses” are amended as follows:

Multifamily residential (3 or more units)	Housing developments with 3 or more units	See classification column	Class 1 – 1 space per unit – garages or secure accessible indoor areas count Class 2 – 1 space per 4 units, minimum 2 spaces
Parking District No. 1 – Residential uses	Multifamily housing	See classification column	1 Class 1 bicycle parking space per unit 1 Class 2 bicycle parking space per 15 units

Subsections 24.12.250.3 through 24.12.250.6 remain unchanged.

Section 9. Section 24.16.020 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Basic On-Site Inclusionary Housing Requirements is hereby amended to read as follows:

24.16.020 BASIC ON-SITE INCLUSIONARY HOUSING REQUIREMENTS.

Subsection 24.16.020.1 remains unchanged.

2. The following residential developments are exempt from the requirements of this chapter:
 - a. Residential developments developed pursuant to the terms of a development agreement executed prior to the effective date of the ordinance codified in this chapter; provided, that such residential developments comply with any affordable housing requirements included in the development agreement or any predecessor inclusionary housing requirements in effect on the date the development agreement was executed.
 - b. Residential developments for which a complete application was filed with the city prior to the effective date of the ordinance codified in this chapter; provided, that such residential developments comply with any predecessor inclusionary housing requirements in effect on the date the application for the residential development was deemed complete.
 - c. Residential developments if exempted by California Government Code Section 66474.2 or 66498.1; provided, that such residential developments comply with any predecessor inclusionary housing requirements in effect on the date the application for the residential development was deemed complete.
 - d. Residential developments replacing dwelling units that have been destroyed by fire, flood, earthquake, or other acts of nature, so long as no additional dwelling units are

created by the residential development; and provided, that such residential developments comply with any inclusionary housing requirements previously applied to the dwelling units being replaced.

- e. Accessory dwelling units.
- f. Rental residential developments with two to four dwelling units.

Subsections 24.16.020.3 through 24.16.020.6 remain unchanged.

- 7. For purposes of calculating the number of inclusionary units required by this section, any dwelling units authorized as a density bonus pursuant to Part 3 of this chapter shall not be counted as part of the residential development. However, if a developer receives a city rental housing bonus as authorized by Section 24.16.035(4), then all of the dwelling units in the project, including the dwelling units authorized as a density bonus, shall be counted as part of the residential development for purposes of calculating the inclusionary units required by this section.

Section 10. Section 24.16.125 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Definitions of Accessory Dwelling Units is hereby amended to read as follows:

24.16.125 DEFINITIONS

Section 24.16.125 through Subsection 24.16.125.8 remain unchanged.

- 9. “Statewide exemption accessory dwelling unit” shall mean an accessory dwelling unit that conforms to any of the following subsections a-d below. None of the standards in Sections 24.16.141 or 24.16.142 shall apply to a statewide exemption accessory dwelling unit.

Subsections 24.16.125.9.a through 24.16.125.9.c remain unchanged. Subsection 24.16.125.9.d is amended to read as follows:

- d. Multiple detached accessory dwelling units that are located on a lot with a multi-unit building, including a residential condominium or apartment building with two or more attached units. Accessory dwelling units shall meet the following standards:
 - i. The number of permitted detached accessory dwelling units equals:
 - 1. On a lot with an existing multi-unit building, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - 2. On a lot with a proposed multi-unit building, not more than two detached accessory dwelling units.
 - ii. Rear and interior side yard setbacks shall be at least four feet. If the existing multi-unit building has a rear or interior side yard setback of less than four feet, the existing multi-unit building will not be required to be modified to meet this setback.

- iii. The accessory dwelling units shall meet one of the following height limitations as measured to the roof peak:
 - 1. A height of 16 feet; or
 - 2. A height of 18 feet if the accessory dwelling unit is on a lot within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. This height can be increased an additional two feet to 20 feet to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit; or
 - 3. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-unit, multistory building.

Section 11. Section 21.16.130 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Permit Procedures 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, except that statewide exemption accessory dwelling units shall not be subject to the development standards in 24.16.141 and 24.16.142.

Subsection 24.16.130.2 remains unchanged.

- 3. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant in accordance with the 60-day time period set forth in Section 24.16.130.2 above.

Subsections 24.16.130.4 and 24.16.130.5 remain unchanged.

- 6. The City shall not deny a building permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to noncompliance with any requirement of this Part.
- 7. The City shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.
- 8. An accessory dwelling unit replacing a detached garage shall receive review and issuance of a demolition permit concurrently with the review and issuance of the permit for the accessory dwelling unit.

9. To promote flexibility in siting of accessory dwelling units, nothing in this Part shall prohibit an applicant from pursuing a discretionary permit to construct an accessory dwelling unit on a lot that has a buildable area of at least eight hundred square feet with at least four foot side and rear yard setbacks for an attached or detached accessory dwelling unit with application of all site development standards or waivers as provided in Section 24.16.141 but where the applicant chooses to place the accessory dwelling unit in a location that does not meet such standards or waivers.

Section 12. Section 21.16.140 of Chapter 24.16 of the Santa Cruz Municipal Code regarding General Development Standards is amended to read as follows:

24.16.140 GENERAL DEVELOPMENT STANDARDS.

All accessory dwelling units, both new construction and conversion, shall conform to the following requirements:

1. Number of Accessory Dwelling Units per Parcel.
 - a. For parcels including a proposed or existing single-unit building, including a single-family home, townhome, or multiple detached dwellings, but not including any multifamily structures: One non-exempt accessory dwelling unit shall be allowed on each lot in addition to any statewide exemption accessory dwelling units. Each lot may also include a junior accessory dwelling unit conforming to the standards set forth in Section 24.16.170.
 - b. For lots developed with one or more multi-unit buildings, including an apartment or condominium building with two or more dwelling units: no non-exempt accessory dwelling units shall be allowed. The number of statewide exemption accessory dwelling units allowed on each lot equals:
 - i. For units converted from existing non-habitable space, as defined in Section 24.16.129.9.c: at least one conversion accessory dwelling unit. Up to twenty-five percent of the number of existing dwellings in the multi-unit building may be added as conversion accessory dwelling units. When the twenty-five percent limit results in a fraction of a unit, the total number of accessory dwelling units that may be added shall be determined by rounding the fraction up to the next whole number.
 - ii. For newly constructed units, as defined in Section 24.16.129.9.d:
 1. On a lot with an existing multi-unit building, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 2. On a lot with a proposed multi-unit building, not more than two detached accessory dwelling units.
2. Existing Development on Lot. One of the following conditions must be present in order to approve an application to create an accessory dwelling unit:
 - a. One or more single-unit buildings, as defined in Section 24.16.125.8, exists on the lot or will be constructed concurrently and in conjunction with the accessory dwelling unit;
 - b. Consistent with the provisions of Sections 24.16.125.9.c and 24.16.125.9.d, the lot contains an existing multi-unit building, as defined in Section 24.16.125.4, or a proposed

multi-unit building that will be constructed concurrently and in conjunction with the accessory dwelling unit.

Subsections 24.16.140.3 through 24.16.140.5 remain unchanged.

Section 13. Section 21.16.141 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Site Development Standards is hereby renamed Site Development Standards For Non-Exempt Accessory Dwelling Units and amended to read as follows:

24.16.141 SITE DEVELOPMENT STANDARDS FOR NON-EXEMPT ACCESSORY DWELLING UNITS.

Despite any directly conflicting zone district site development standards, all non-exempt accessory dwelling units shall comply with the following site development standards. All other zone district site development standards not listed here shall apply to non-exempt accessory dwelling units. These standards shall not apply to statewide exemption accessory dwelling units.

Subsections 24.16.141.1 through 24.16.141.9 remain unchanged.

10. If the application of all site development standards results in a buildable area that physically precludes the creation of any attached or detached accessory dwelling unit of up to 800 square feet with at least four foot interior side and rear yard setbacks, then the applicant may waive any one or more of the following site development standards only to the extent that it increases the buildable area to allow such an accessory dwelling unit:

- a. Percentage of primary dwelling, and/or
- b. Lot coverage, and/or
- c. Floor area ratio, and/or
- d. Open space, and/or
- e. Front setbacks.

Section 14. Section 21.16.142 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Accessory Dwelling Unit Design Standards is hereby renamed Non-Exempt Accessory Dwelling Unit Design Standards and amended to read as follows:

24.16.142 NON-EXEMPT ACCESSORY DWELLING UNIT DESIGN STANDARDS

Non-exempt accessory dwelling units shall comply with the following design standards. These standards shall not apply to statewide exemption accessory dwelling units.

1. Municipal Code Requirements. All non-exempt accessory dwelling units shall meet the objective design standards set forth in this Code, including landscape and tree removal and/or replacement requirements.
2. The following standards apply to non-exempt accessory dwelling units that that do not meet one or more of the standard setbacks for the zone district in which they are proposed:

- a. The entrance to the accessory dwelling unit, access stairs, and second story decks shall face the interior of the lot unless the accessory dwelling unit is adjacent to an alley or a public street.
 - b. When an accessory dwelling unit is adjacent to an alley or a public street, the accessory dwelling unit shall be oriented toward the alley or street with the front access door and windows facing the alley or street. The entry facing the alley or street shall include a minimum of 12 square feet of flat, unenclosed, covered area, which may be a projection from the building, or inset, or a combination of the two.
 - c. Windows that do not meet the standard zone district side or rear setback and that face an adjoining residential property shall be designed to obscure views of that property by ADU occupants, including transom windows, translucent glass, or other methods; alternatively, fencing or landscaping shall be required to provide screening.
3. **Connections Between Units.** Non-exempt accessory dwelling units shall not create access between units except a connection between the accessory dwelling unit and the primary dwelling via common access to a shared garage, laundry room, or storage area; provided, that each unit meets the definition of dwelling unit found in Section 24.22.320.
4. The application to construct a non-exempt accessory dwelling unit on a property that is designated as a historic resource by the National Register of Historic Places, the State of California, or by the City, including any property that has been determined to be eligible for the City's historic building survey list but the property owner has elected to not list the property (opt-out), shall show substantial compliance with the guidelines of the Secretary of the Interior for development on such properties as confirmed in a report prepared by a professional historic consultant who is listed on the Department of Planning and Community Development's approved consultant list.

Section 15. Section 21.16.150 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Use Standards is hereby amended to read as follows:

24.16.150 USE STANDARDS.

Subsections 24.16.150.1 and 24.16.150.2 remain unchanged.

3. Neither an accessory dwelling unit nor an associated primary dwelling shall be used on a transient occupancy basis or for short-term/vacation rental purposes with a term of 30 or fewer days.
 - a. **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.

4. For properties developed with attached accessory dwelling units, any portion of the accessory dwelling unit that in the future is remodeled to become part of the primary dwelling shall meet the zone district development standards that apply to the primary dwelling.

5. Occupancy.

Subsections 24.16.150.5.a through 24.16.150.5.d (formerly 24.16.150.8.a through 24.16.150.8.d) remain unchanged.

Section 16. Section 21.16.160 of Chapter 24.16 of the Santa Cruz Municipal Code regarding Zoning Incentives is hereby amended to read as follows:

24.16.160 ZONING INCENTIVES.

The following incentives are to encourage construction of accessory dwelling units:

1. Affordability Requirements for Fee Waivers. Accessory dwelling units proposed to be rented at affordable rents, as established by the city, may have development fees waived per Part 4 of this chapter. Existing dwelling units shall be relieved of the affordability requirement upon payment of fees in the amount previously waived plus the difference between that amount and the fees in effect at the time of repayment.

Subsections 24.16.160.2 and 24.16.160.3 remain unchanged.

Section 17. If any section or portion of this emergency ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the ordinance, which shall continue in full force and effect.

Section 18. Amendments to Sections 24.08.810a, 24.08.2140, 24.08.2200, 24.10.632, and 24.12.250 are part of the Local Coastal Program Implementation Plan (LCP IP) and will be in effect outside the coastal zone only. Within the coastal zone, the existing LCP IP as certified by the California Coastal Commission will continue to apply.

Section 19. This emergency ordinance shall take effect immediately and shall expire 45 days from the date of its adoption, unless further extended by action of the City Council or replaced by a regular ordinance amending the same code sections.

ORDINANCE NO. 2024-22

PASSED FOR ADOPTION as an emergency ordinance this 10th day of December 2024, by the following vote:

AYES: Councilmembers Newsome, Brunner, Kalantari-Johnson; Vice Mayor Golder; Mayor Keeley.

NOES: Councilmember Brown.

ABSENT: Councilmember Watkins.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2024-21 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator