

SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE INTERPRETATION

Interpretation No.: SDU:06 (Second Units – Conversion from Legal Residence)

Effective Date: 1/28/10

Revised: none

Question

When an existing legal residence is converted to a second unit and a new main residence is constructed, is the former legal residence that is converted to a second unit required to conform to the current Building Code?

Applicable Ordinance Section(s) 13.10.681

INTERPRETATION:

No: When an existing legal residence is converted to a second unit, the existing structure is not required to conform to the current Building Code, unless any work requiring a permit is proposed that would trigger such a requirement in accordance with the California Building Code.

Reason:

The California Building Code requires that an existing structure be made to conform to the current Building Code when there is a change in occupancy, or when an application for a building permit includes additions or structural alterations that could cause the existing building to be in violation of any provisions in the Building Code. Since the conversion of an existing residence to a second unit absent any physical changes to the structure does not in itself require a building permit, and is not considered a change in occupancy, the Building Code does not require that the existing structure be made to conform to the current Building Code.

Similarly, Santa Cruz County Planning and Zoning regulations for second units (Section 13.10.681) do not specifically require that a second unit converted from a previous legal residence be made to conform to the current Building Code, nor are there any general zoning requirements stating that any structure converted from one type of residential use to another be made to conform to the current Building Code. For example, Santa Cruz County does not require an existing owner occupied house that is converted to a rental unit to conform to the current Building Code.

Although the County does not require that existing residence being converted to a second unit conform to the current Building Code, the County does require the existing structure to have been legally constructed in order to recognize the structure as a legal second unit. The County procedures for determining residential structure legality also apply to a residence being converted to a second unit.

In addition to being a legal structure, the residence being converted to a second unit must comply with all requirements for second units in Section 13.10.681, including size, location, parking, owner occupancy requirements, and utility, sewage/ septic and water supply requirements, before the structure will be recognized as a legal second unit by the County. The Planning Department will verify that the all the requirements for a second unit have been met as part of its review of the building permit for the new main residence. The County also requires the property owner to record a deed restriction for the second unit. The requirements for second units are outlined in the “Second Units” brochures available on the Planning Department Website and at the Zoning Counter.

Tom Burns, Planning Director

Date