

Summary of State ADU Law and the Coastal Act: Request for Public Input Pursuant to SB 1077



Senate Bill 1077 ADU Permitting Guidance

Senate Bill 1077 (Chapter 454, Statutes of 2024) requires the California Coastal Commission, by July 1, 2026, and in coordination with the Department of Housing and Community Development (HCD), to develop written guidance for local governments to facilitate the preparation of local coastal program (LCP) amendments that clarify and simplify the permitting process for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in the coastal zone. Coastal Commission and HCD staff are seeking feedback from local governments and the public on ways to improve the efficiency of ADU permitting procedures in the coastal zone to inform this guidance.

About California ADU Law

ADUs are small homes that coexist with a single-family or multifamily primary residence. JADUs are a special type of ADU that is limited to 500 square feet and contained within a single-family residence. California law encourages and streamlines the creation of ADUs and JADUs. ADUs and JADUs can have a variety of benefits, including promoting housing affordability, acting as a source of income, providing flexibility for small households and extended families, and protecting the environment as a form of infill development. ADUs accounted for about 21% of new homes permitted in California in 2023.

State ADU Law (Gov. Code, §§ 66310-66342) makes ADUs and JADUs easier to build by making them a permitted land use in residential or mixed-use zones, limiting local development standards, requiring local development standards to be objective, limiting or eliminating certain fees and setting deadlines for cities and counties to review ADU and JADU applications. For example, State ADU Law limits local parking, setback and height requirements for ADUs. It also eliminates impact fees on ADUs less than 750 square feet and requires an ADU application to be approved or denied within 60 days when there is an existing primary dwelling on the property.

The California Department of Housing and Community Development's (HCD) ADU Team provides technical assistance on State ADU Law and reviews local ADU ordinances to ensure that they comply with the law.

State ADU Law and the Coastal Act

The Coastal Act (Pub. Res. Code § 30000 *et seq.*) requires that new development in the coastal zone, including residential development, be built consistent with statutory policies that promote public coastal access, protect sensitive habitat and other natural resources, and ensure that development is safe from flooding, erosion, and other coastal hazards. The Act contains several provisions related to housing, including policies to promote density within already developed areas. Specific to housing, the Coastal Act encourages housing opportunities for low- and moderate-income households, among others. The Coastal Act does not exempt local governments from needing to comply with state and federal housing laws, including ADU Law.

In the majority (approximately 90%) of the land in the coastal zone, new development is reviewed and approved by local governments consistent with the local government's certified local coastal program, which contains policies that guide development consistent with the Coastal Act. In the remaining areas of the coastal zone, new development is reviewed and permitted by the Coastal Commission directly using the public coastal access and resource protection policies in Chapter 3 of the Coastal Act.

Generally speaking, when a property owner proposes to construct an ADU in the coastal zone, the Coastal Commission or the local government will need to analyze the consistency of a proposed ADU project with policies that require new development to minimize risks from coastal hazards such as bluff collapse and sea level rise; to protect sensitive habitat, wetlands, and other coastal resources; to protect public access; and to be located in areas with adequate infrastructure to accommodate it.

State ADU Law does not override requirements in the California Coastal Act except that local governments are not required to hold public hearings for coastal development permit applications for ADUs (Gov. Code § 66329). In this way, ADU Law and the Coastal Act are harmonized by streamlining the permitting of ADUs in the coastal zone while maintaining protections for sensitive coastal resources and public access to the coast.

Your Input

The guidance required by SB 1077 is intended for local governments to facilitate their preparation of LCP amendments that clarify and simplify the permitting process for ADUs and JADUs consistent with the Coastal Act. For this reason, the Commission is soliciting feedback from local governments on their experiences permitting ADUs in the coastal zone and on what specific topics would be helpful for the Commission and HCD to include in the guidance. However, given that guidance is intended to result in LCP policies that also clarify and simplify the ADU permitting process for property owners and builders, this opportunity to provide feedback is also open to members of the public to share their experiences with ADU development in the coastal. Your input will inform the guidance the Coastal Commission and HCD are preparing to comply with Senate

Bill 1077 (Chapter 454, Statutes of 2024). Please see the questions below and send your written feedback to SB1077ADU@coastal.ca.gov or by mail to the following address:

California Coastal Commission
Attn: CCC Staff
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802

As required by SB 1077, once a draft guidance has been developed, it will be shared publicly and the Coastal Commission and HCD will hold at least one public workshop to receive and consider comments on the draft before the guidance is finalized. Details about the draft and workshop(s) will be announced in the future.

Questions for Local Government Representatives

1. If you are a local government representative who has worked on ADU regulations that apply in the coastal zone, please describe that experience. What went well? What was challenging?
2. If you are a local government representative who has worked on permitting ADU projects in the coastal zone, please describe the most common coastal resource issues raised by these projects.
3. If you are a local government representative who has worked on permitting ADU projects in the coastal zone, please describe your experience implementing any objective standards that are designed to ensure protection of coastal resources and public coastal access when permitting ADUs. What LCP standards are difficult to translate into objective standards?
4. As a local government representative, what topics, issues, or contents would be helpful to see addressed in the guidance required by SB 1077?

Questions for ADU Developers

1. If you have tried to get a permit for an ADU or JADU in the coastal zone, please describe that experience. What went well? What was challenging?
2. If you have developed ADUs or JADUs in both coastal and inland areas, did those experiences differ? If so, how?

General Questions

1. How can the ADU/JADU permitting process in the coastal zone be clarified or simplified?
2. Do you have any general comments to share about coastal ADU/JADU development?