

CALIFORNIA COASTAL COMMISSION

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January 25, 2018

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TO: COMMISSIONERS AND INTERESTED PERSONS**FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SD COAST DISTRICT
KAITLIN CARNEY, COASTAL PLANNER, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF DEL MAR MAJOR LCP
AMENDMENT NO. LCP-6-DMR-17-0062-2 for Commission Meeting of
FEBRUARY 7-9, 2018**

SYNOPSIS

The subject LCP Implementation Plan (IP) amendment (LCP-6-DMR-17-0062-2) was submitted and subsequently filed as complete on November 1, 2017. Absent a time extension, IP amendments must be acted on within 60 days of filing. In this case, given the production calendar, a one-year time extension was sought and granted by the Commission on December 13, 2017. Therefore, the Commission must take action on this LCP amendment by December 31, 2018. This report addresses the entire submittal.

SUMMARY OF AMENDMENT REQUEST

The City of Del Mar proposes revisions to the City's Municipal Code, part of the certified LCP implementation plan, to make the City's regulation of second dwelling units, "accessory dwelling units" (ADU) and "junior accessory dwelling units" (JrADU), consistent with recent changes in state law. The changes are intended to facilitate and encourage the creation of accessory dwelling units in residential zones to help address a shortage of affordable housing. Specifically, the City proposes to replace all references to "second dwelling unit" with "accessory dwelling unit," expand the zones where accessory dwelling units are permitted, specify a deadline for decisions on accessory dwelling unit applications, modify and/or add development standards related to maximum floor area, setbacks, maximum height, parking requirements and exceptions to the parking requirements. The proposed amendment consists of text changes only; the revisions will apply citywide.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the Implementation Plan (IP) amendment as submitted by the City. Development of ADUs and JrADUs within residential zones

facilitated by the proposed amendment will promote infill housing and allow for growth in developed urban areas, discouraging sprawl, and maximizing the efficiency of existing public facilities and services.

The amendment does not propose any changes to the City's coastal resource protection standards and ADUs must continue to be consistent with all LCP policies related to the protection of sensitive habitat, including steep slopes and lagoons; and public access, visual resources, and requirements to ensure safe development in hazard areas. With regard to the approval process, ADUs found to comply with all relevant development standards, including LCP requirements, would not require a public hearing, and coastal development permits for these uses would be approved at the staff level. JrADUs, which are smaller than ADUs and contained entirely within an existing single-family structure, would be required to meet similar processing and permitting requirements as ADUs; however, because they are located entirely within an existing single-family residence, it is likely that many JrADUs would be exempt from coastal development permit requirements.

Therefore, the proposed amendment would allow for ADUs and JrADUs in residential areas to provide additional housing, especially more affordable opportunities, in the City consistent with the LCP policies regulating location, size, as well as all other LCP coastal resource protection policies. Staff recommends that the Commission approve this LCP amendment as submitted.

The appropriate resolution and motion begin on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 5.

ADDITIONAL INFORMATION

Further information on the City of Del Mar's LCP Amendment No. LCP-6-DMR-17-0062-2 may be obtained from Kaitlin Carney, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – Ordinance No. 932](#)

[Exhibit 2 – Strike-out/Underline Ordinance](#)

[Exhibit 3 – Letters to Planning Directors of Coastal Cities and Counties from John Ainsworth, Executive Director of the California Coastal Commission re: New Accessory Dwelling Unit Legislation and Implementation of New Accessory Dwelling Unit Law, dated April 18, 2017 and November 20, 2017](#)

[Exhibit 4 – Bluff, Slope and Canyon Overlay Zone Map](#)

APPENDICES

Appendix A – Substantive File Documents

PART I. OVERVIEW

A. LCP HISTORY

In May 1991, the City of Del Mar submitted its Land Use Plan (LUP) for Commission action. The Commission denied the LUP as submitted, but approved it with suggested modifications in September 1991. The City did not accept the suggested modifications within six months; so, the City resubmitted the same documents and the Commission again approved the LUP with suggested modifications in June 1992. The City Council adopted the modifications within the prescribed time and the Commission effectively certified the LUP in March 1993. The Implementation Plan (IP) was approved with suggested modifications on March 13, 2001. On September 11, 2001, the Commission concurred with the Executive Director's determination to effectively certify the City of Del Mar Local Coastal Program (LCP).

The certified LCP was first amended (LCPA No. 1-2000) in 2002 to incorporate the City's Multiple Species Conservation Program Subarea Plan. A second LCP amendment (DMR-MAJ-1-08), referenced as Garden del Mar, was approved with suggested modifications in March 2009 for the redesignation and rezoning of the property at the southeast corner of Camino del Mar and 10th Street. A third amendment (DMR-MAJ-1-09) was approved with suggested modifications in March 2010 to revise parking regulations to support revitalization of the City's downtown business district. A fourth amendment (DMR-MAJ-1-11) involved deleting a phrase regarding the processing for authorization of reduction in wetland setbacks so as to delete automatic deferral to California Department of Fish and Wildlife. A fifth amendment (LCP-6-DMR-16-0073-1) was approved with suggested modification in May 2017 to add and update various sections related to off-street parking to more efficiently utilize existing spaces in commercial zones, change in-lieu fee parking program requirements, and incentivize alternative transportation options. A sixth amendment (LCP-6-DMR-17-0011-1) was approved with a suggested modification in September 2017 to add a new section to establish a process for approval of temporary uses on private property.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

I. MOTION: *I move that the Commission reject the Implementation Program Amendment No. LCP-6-DMR-17-0062-2 for the City of Del Mar as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Del Mar as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program, as amended.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF DEL MAR IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**A. AMENDMENT DESCRIPTION**

This request involves a city-initiated LCP amendment to the City's Zoning Code, portions of which are certified as part of the City's LCP implementation Plan (IP). No changes to land use or the certified LCP land use plan is proposed herein.

The City of Del Mar has provisions regulating second dwelling units and these existing regulations allow second dwelling units on lots that meet the minimum lot size within the R1-40, R1-14, R1-10, and R1-10B zones and establish development standards regulating

their placement, location, design and construction. There are currently two legally permitted second dwelling units within the City. Section 65852.2 of the California Government Code, related to land use and second units, has been amended a number of times, including most recently by Assembly Bill 2299 (Bloom, 2016), Senate Bill 1069 (Wieckowski, 2016), and AB 2406 (Thurmond, 2016). The new state law authorizes local governments and agencies to provide for the creation of second units, termed “accessory dwelling units” (ADUs), in single-family and multi-family residential zones by ordinance. The law, approved by the Governor and effective as of January 1, 2017, specifically requires that applications for ADUs that comply with local regulations be approved ministerially within 120 days of submittal and not be subject to public hearings. AB 2299 also adds a number of criteria to be included in a local ordinance for ADUs, including those related to maximum size, setbacks, the number, location and configuration of required parking and exceptions to parking requirements, growth limits, and density requirements. However, except for removing the requirement to hold a public hearing on coastal development permits for ADUs, AB 2299 did not change the effect or application of the Coastal Act (Gov. Code § 6582.2(j)). AB 2406 similarly authorizes local governments to provide for the creation of “junior accessory dwelling units” (JrADUs) in single-family residential zones by ordinance. JrADUs are defined by the bill as a unit that is not more than 500 square feet in size and contained entirely within an existing single-family structure. The bill includes standards for the creation of JrADUs, required deed restrictions, and occupancy requirements. It also prohibits a local agency from requiring additional parking in conjunction with approval of a JrADU.

The City proposes to modify several sections of the IP to make its regulation of accessory or second dwelling units consistent with these new state law provisions. Specifically, the City proposes to replace all references to “second dwelling unit” with “accessory dwelling unit,” specify a 120 day deadline for administrative approval of accessory dwelling unit applications, modify and/or add development standards related to maximum floor area, setbacks, maximum height, and parking requirements and exceptions. The zones where ADUs are allowed would be expanded to include most of the City’s residential zones, including R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B, CVPP, R2, RC, RM-West, RM-East, and RM-Central zones. JrADUs would be allowed in single dwelling unit zones, including R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B, and CVPP zones.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance. The purpose of this proposed Zoning Ordinance amendment is to revise the existing provisions that govern accessory dwelling units and create new provisions for junior accessory dwelling units consistent with recent changes in state law.

b) Major Provisions of the Ordinance. The major provisions of the proposed ordinance would delete the definition of “second dwelling unit” in Chapter 30.04 and delete standards for “second dwelling units” in Chapters 30.10, 30.11, 30.12, and 30.13.

“Second dwelling unit” would be replaced by “accessory dwelling units”, with a new definition for “accessory dwelling unit” and “junior accessory dwelling unit” added to Chapter 30.04. Chapters 30.10-30.21 would be modified to include ADUs as an allowable and accessory use on parcels developed with a single dwelling unit in single dwelling unit zones, duplex zones, and the RC zone. Jr ADUs would be allowed on parcels developed with single dwelling units in all single dwelling unit zones.

The primary changes to the City’s Zoning Code are proposed in a new Chapter 30.91. Section 30.91.030 contains the procedures for approving ADUs and JrADUs, including mandating ministerial action on ADU and JrADU permit applications within 120 days of submittal. This section also contains the provision that California Government Codes Section 65852.2 does not supersede or in any way alter or lessen the effect of the Coastal Act, except that public hearings shall not be required for coastal development permit applications for ADUs. This section clarifies that construction of ADUs contained entirely within an existing single dwelling unit and minor changes to an existing residential structure that do not include the removal or replacement of structural components and have no potential to adversely impact coastal resources would be exempt.

Chapters 30.91.040 and 30.91.050 contain development standards for ADUs and JrADUs, respectively. These standards revise the City’s current requirements for second dwelling units to be consistent with the changes in state law, except with slight modifications. For example, the City proposes to retain its existing 550 square foot limit on the size of ADUs and 14 foot maximum height. The maximum size of JrADUs is limited to 500 square feet by state law.

Additional provisions are proposed to incorporate the changes in AB 2299 and AB 2406 related to parking. For ADUs, these changes limit the maximum parking requirement to one space per unit and eliminate a parking requirement for ADUs where located within one-half mile of public transit; located within an architecturally and historically significant historic district or on a property listed in the California Register of Historic Places; the ADU is converted from the existing space of the existing primary dwelling unit or an existing accessory structure; or are located within one block of a designated car share parking location. Proposed changes require replacement parking in any configuration on the lot where an existing garage for the primary residence is demolished or converted as part of the ADU project. The proposed ordinance does not require additional parking for JrADUs, consistent with the state law.

c) Adequacy of the Ordinance to Implement the Certified LUP. The Commission may only reject LCP implementation plan amendments where it can be shown that the amendment would be inconsistent with the certified land use plan (LUP) or render the IP inadequate to carry out the LUP. In this case, the proposed accessory dwelling unit regulations can be found consistent with and adequate to carry out the certified LUP, and therefore can be approved as submitted.

The City of Del Mar's certified LCP includes the following relevant LUP policies:

B. Land Use Development Goals and Policies - General

Goal II-A: Preserve and enhance Del Mar's small town atmosphere with its harmonious blending of architecture, landscape and natural landforms in proximity to a beautiful shoreline.

Policy II-1. Maintain the existing small-scale character of the community and permit only one-and two-story, low intensity development with a maximum allowable height of 26 feet.

III. C. Coastal Bluffs

Goal III-B: Preserve Del Mar's fragile coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion.

Policy III-9c: All applications for projects involving new construction on coastal bluff top properties shall be accompanied by a geotechnical report addressing: 1) existing conditions; 2) the suitability of the site for the proposed construction; and 3) the potential of the proposed development to affect bluff stability over a 70-year life span of the project. The report shall also include recommended mitigation measures as they relate to avoidance of risks and preservation of fragile bluff systems. In the event that a submitted report recommends a bluff top setback of a greater distance than otherwise minimally required in this Land Use Plan, the greater distance shall be provided.

VI. B. Steep Slope Preservation Goals and Policies

Goal VI-A: Preserve Del Mar's steep sloping hillsides and downstream resources.

Bluff, Slope and Canyon Overlay Zone Regulations

E. 1. In order to preserve view sheds and the open space appearance of the area from a distance, no structure shall exceed a height of 14 feet as measured pursuant to the provisions of the Del Mar Municipal Code unless it is found that scenic viewsheds and the open space appearance of the area will be less affected by structures of a greater height.

E. 3. Construction, grading, or other encroachment of any kind on substantial slopes exceeding twenty-five percent grade, or within twenty feet of the top and ten feet of the bottom of substantial slopes exceeding twenty-five percent grade or the construction of structures which overhang such slopes or slope setbacks, shall be prohibited, except when specific encroachments are allowed in accordance with the following policies [...]

E.4. Encroachments within the slope areas and steep slope setbacks specified above shall be allowed only when it is found that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such construction or grading, and it is found that the bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

VI. D. Wetland Preservation Goals and Policies

Goal III-B: Preserve, protect, and where feasible, enhance the wetland areas of Del Mar.

Wetland Preservation Regulations

2. Permitted Uses in Wetlands. Permitted uses in wetland areas shall be limited to the following uses and activities, provided that the implementation of such uses or activities does not involve the grading, filling, construction or placement of structures within the boundaries of wetland areas as determined pursuant to the policies of this chapter:

- a. Aquaculture, provided that it is carried out in such a manner so as to avoid any adverse impacts to the water quality or the biological productivity of the wetlands.
- b. Scientific research, educational or recreational uses, provided that they do not involve adverse impacts to the natural ecosystem.
- c. Wetland restoration projects where the primary function is restoration of wetland habitat.

3. Permitted Uses in Wetland Buffer Areas. Permitted uses in wetland buffer areas shall be limited to:

- a. Passive recreational access paths and viewpoints within the upland half of the buffer, only when designed to assure no adverse impacts to adjacent wetland areas. An exception to allow access paths or viewpoints within the lower half of the buffer may be permitted where there is an elevation difference between the buffer and wetland resources of at least 10 feet, or where an existing accessway/viewpoint will be formalized. Any such permitted new access trail or viewpoint shall be setback at least 10 feet from the edge of the bluff/slope. No armoring or reinforcing to either construct or maintain such trail or viewpoint will be permitted.
- b. The placement of improvements necessary to provide protection, preservation or enhancement of adjacent wetland areas. Such improvements shall be located within the upland half of the buffer only, and may include, but are not limited to, fencing, creation of landscape berms and placement of signage related to scientific, educational or recreational uses.
- c. All uses permitted in wetlands.

5. Provision of Wetland Buffers

- a. To protect wetland areas, all new construction projects which are located on property which includes or lies in proximity to wetland habitat, shall include the provision of a continuous wetland buffer. The buffer shall be 100-feet in width with permitted uses in the wetland buffer limited to those cited in Wetland Regulation #3 of this Chapter [...]

The Commission's recent guidance to local governments regarding the new accessory dwelling unit legislation clarifies that ADU provisions in LCPs should be consistent with the new requirements of Government Code Section 65852.2 to the greatest extent feasible while still protecting coastal resources, including wetlands and sensitive habitat, and considering the appropriate siting of development along the shoreline, as well as ensuring the safety of new ADUs and their occupants ([Exhibit 3](#)).

During the creation of its LUP, two overlays were developed by the City and apply to two designated areas of sensitive lands: the Bluff, Slope and Canyon Overlay Zone and the Lagoon Overlay Zone. The Bluff, Slope and Canyon Overlay Zone applies to the area of the city adjacent to San Dieguito Lagoon and Crest Canyon, as well as the southernmost portion of the city adjacent to Torrey Pines Preserve and Los Penasquitos Lagoon ([Exhibit 4](#)). The hillsides surrounding the lagoons contain large areas of coastal sage scrub and related native chaparral habitat. The steep slope policies of the LUP establish discretionary encroachment allowances for constrained sites, and address drainage, the retention of native vegetation, and brush management (fire protection) concerns. The purpose of such restrictions is the protection of downstream resources, but its provisions also protect native vegetation and landforms on site. The existing Bluff, Slope and Canyon Overlay Zone regulations prohibit grading and vegetation removal on steep slopes with limited exceptions, including that there is no feasible alternative siting or design for the proposed development and the amount of encroachment is limited to a specific amount based on the percentage of the project site that contains steep slopes (Policies VI.B.E.3 & 4). For example, the maximum allowable encroachment into steep slope areas is 20% on a project site containing 96 to 100% steep slopes. Section 30.91.030.D.4.a. of the proposed ordinance further protects steep slopes from adverse impacts associated with construction of an ADU, consistent with the LUP. This provision requires a Conditional Use Permit for construction of an ADU within 20 feet of the top of a steep slope or 10 feet from the bottom of a steep slope in the Bluff, Slope and Canyon Overlay Zone. Such conditional use permit will require the ADU to conform to the development criteria of the Bluff, Slope and Canyon Overlay, including the minimization of encroachment onto steep slopes through "clustering" of development. Because the Bluff, Slope, and Canyon overlay zone requires that any encroachment be the minimum necessary, and ADUs are an accessory structure and use, any proposed development of an ADU adjacent to sensitive habitats would be required to be the least impactful alternative, with the minimum encroachment into steep slopes and native vegetation possible, thereby protecting steep slopes and native vegetation from adverse impacts to the maximum extent feasible.

The other overlay zone contained within the LUP to protect sensitive habitats is the Lagoon Overlay Zone. There are three areas of wetlands identified in the Del Mar LUP: a relatively small area of wetland and upland adjacent to Los Penasquitos Lagoon, the much larger area along the San Dieguito Lagoon and River Channel, including the river mouth area, and a section paralleling the railroad tracks on the west, where an existing drainage channel supports wetland vegetation. This last area is unique, as it is contained within a nearly built-out area of fairly dense residential development, much of which predates the emergence of the wetland itself. For this reason, separate policies address this area. Development in close proximity to the two lagoons is far more restricted in the LUP. Uses within wetlands themselves are limited to aquaculture, research and restoration. In the designated 100-foot buffer areas, improvements such as access paths and fences are only allowed in the upper half of the buffer. Further policies allow for possible reduction in the 100-foot buffer to a minimum of fifty feet, based on site-specific considerations and consultation with the California Department of Fish and Game (now the California Department of Fish and Wildlife). Therefore, the existing provisions of the Lagoon Overlay Zone would not permit construction of an ADU in either a wetland or a wetland buffer, thereby protecting sensitive wetland resources.

Following early coordination with staff, the City made some modifications to the changes mandated by AB 2299. The bill provides that when converting a legal non-conforming structure to an ADU, such as a garage or accessory building, the ADU would not be required to comply with the applicable setbacks of the zone. On a coastal bluff top lot, conversion of a garage or accessory building would extend the life expectancy and economic value of the nonconforming structure. Without an analysis of the site's geologic stability, such conversion could place occupants and the structure itself at risk from geologic hazards. This approach would also perpetuate nonconforming development in a hazardous location and could lead to possible future requests for shoreline armoring. Therefore, the City's proposed ordinance specifically requires that an ADU must comply with required bluff setbacks in all cases, thereby removing any potential conflicts with requirements of the certified LUP and coastal resources.

Proposed Section 30.91.040.V of the amended ordinance states that ADUs shall not be located on a beach, in a wetland, seaward of the mean high tide line, in ESHA, within a coastal bluff setback, or in a designated highly scenic area, and construction of an ADU shall not involve significant alteration of landforms. In addition, Section 30.91.030.D.5.c describes when an administrative Coastal Development Permit would be required for an ADU and Section 30.91.030.D.5.d.i requires the Planning Director, as the Issuing Authority, to make a finding that the proposed ADU development is consistent with the requirements of the certified LCP and the public access and recreation policies of the Coastal Act, where applicable.

The proposed amendment language further protects coastal resources consistent with the LUP through proposed Section 30.91.030.D.5.a, which reiterates Government Code Section 65852.2 and specifically states that Accessory Dwelling Unit statutes do not supersede or lessen the effect or application of the Coastal Act, except that public hearings cannot be held for coastal development permit applications for ADUs.

The City will continue to treat accessory dwelling units within the Coastal Zone as development requiring a CDP except that no public hearing shall be required for accessory dwelling units, and approval of accessory dwelling unit applications shall be made at the staff level. Even though proposed Section 30.75.080 of the amendment, pursuant to Government Code Section 65852.2, states that no public hearing shall be required for review and approval or denial of an ADU, Section 30.91.030.B of the ordinance specifies that a courtesy notice shall be posted at the project site. Section 30.91.030.D.5.c. outlines when an ADU proposal would require an administrative coastal development permit. It includes projects on a site where a previously issued coastal development permit requires a new coastal development permit or amendment for future development, or projects where an ADU would be located within the first public road and the sea or within 300 feet of a beach or the mean high tide line, and will increase the interior floor area by 10 percent or more, or increase the height by more than 10 percent. For ADUs requiring an administrative coastal development permit, public notice shall be provided consistent with the existing LCP and development proposed in areas appealable to the Commission will be processed consistent with the existing LCP requirements outlined in Chapter 30.75, but no public hearing will be conducted.

JrADUs, which are smaller than ADUs and contained entirely within an existing single-family structure, would be generally required to meet the same processing and permitting requirements as ADUs. However, because they are located entirely within an existing single-family residence, it is likely that development of many JrADUs would be exempt from coastal development permit requirements. Section 30.91.030.D.5.b describes when development of an ADU would be exempt from coastal development permit requirements, including development of an ADU entirely within an existing single dwelling unit, and minor changes to an existing residential structure that do not include the removal or replacement of major structural components and minor changes that have no potential to adversely impact coastal resources.

Therefore, the proposed ordinance, in conjunction with the existing LUP provisions, would protect sensitive coastal resources, including wetlands, ESHA and steep slopes, as well as their associated buffers, from adverse impacts and the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP submission. The City of Del Mar concluded that the proposed amendment is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines, which exempts adoption of an Accessory Dwelling Unit Ordinance applicable in single dwelling unit and multiple dwelling unit residential zones. Provisions related to Junior Accessory

Dwelling Units are exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the LCP amendment will not have any significant adverse effects on the environment and no significant coastal resource impacts are anticipated. Therefore, the Commission finds that the subject IP conforms with the CEQA provisions.

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