

CALIFORNIA COASTAL COMMISSION

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W14c

ADDENDUM

March 7, 2022

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W14c**, City of Carlsbad LCP Amendment **#LCP-6-CAR-20-0077-2 (ADU Update)**, for the Commission Meeting of March 9, 2022

The purpose of this addendum is to add clarifications to the above-referenced staff report in response to public comment letters received from the City of Carlsbad and the Pacific Legal Foundation. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by ~~striethrough~~ and additions shall be underlined:

1. On page 22 of the staff report, the top paragraph shall be modified as follows:

[...] Thus, it is most consistent with Section 30610, as well as the most protective of coastal resources (see Coastal Act Section 30009) to interpret Section 13250 of the Regulations to require coastal development permits for attached and detached ADUs unless they are located entirely within the existing primary structure and do not increase the existing habitable area of the structure or convert non-habitable area (in which case they do not need a permit because they are unlikely to constitute 'development' under the Coastal Act). ADUs are self-contained residential units; Government Code Section 65852.2 (Exhibit 5) defines an ADU as a "residential dwelling unit that provides complete independent living facilities" and includes "permanent provisions for living, sleeping, cooking, and sanitation." Ultimately, the Commission finds that the creation of a self-contained living unit, in the form of an ADU, is not an "improvement" to an existing single-family residence. Rather, it is the creation of a new residence. This is true regardless of whether the new ADU is attached to the existing single-family residence or is in a detached structure on the same property.¹

After the staff report was published, the City submitted a letter dated March 4, 2022 requesting that the Commission retain the City's existing and proposed CDP exemptions for attached ADUs and JADUs. The City asserts that, because the

certified IP already requires a CDP in certain sensitive coastal resource areas, there is no significant need to require a CDP for attached ADUs and JADUs in order to protect coastal resources. While Commission staff acknowledges that in many cases an ADU will have no or limited impacts, allowing a CDP exemption for all attached ADUs is not appropriate for the reasons described above. Furthermore, the City has an expedited review process through their minor coastal development permit process. The City also suggests that, with the suggested modifications, an applicant could utilize a workaround to construct an ADU in a piecemeal manner without obtaining a CDP. Commission staff believes this is likely to be a rare occurrence and that the City's expedited minor coastal development permit process will incentivize property owners to obtain a CDP for new ADU construction.

The Commission therefore rejects the CDP exemptions for certain classes of ADUs as proposed.