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STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Local Government:	City of Del Mar
Decision:	Approved
Appeal Number:	A-6-DMR-22-0034
Applicant:	Del Mar 107, LLC (c/o Thomas Harrington)
Location:	107 11 th Street, Del Mar, San Diego County. (APN: 300-094-02)
Project Description:	Construction of a new 1,000 sq. ft. accessory dwelling unit attached to an existing 1,282 sq. ft. two-story single-family residence on an 8,005 sq. ft. parcel.
Appellants:	Greg Monahan, Daniel Monroe
Staff Recommendation:	No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed.

The appellants contend that the approved project is inconsistent with policies and ordinances regarding the view policies of the Del Mar certified Local Coastal Program (LCP). Specifically, the appellants argue that the proposed ADU is not consistent with the standards required per the certified LCP for a number of reasons, including that the ADU is not consistent with the public view protection policies of the LCP, that the standard of review for the City was an Ordinance not currently included in the LCP, and that the proposed ADU is 16 feet in height when the maximum permissible height is 14 feet. Other contentions voiced in the appeals include that the City does not have a certified LCP, that the proposed structure impairs the ocean views of homeowners immediately east of the property, and that the ADU will not be utilized as a low-income unit and is circumventing the design review process typically reserved for discretionary projects at the local level.

Upon review of the locally approved project plans and the certified LCP, the approved ADU does not raise a substantial issue as proposed regarding its height and impact to public views. Chapter 30.91 of the certified LCP defines the design requirements under which the City may ministerially approve an ADU, which precludes the need for the project to undergo discretionary review processes that may require considerations of private views. Regarding private views, the relevant LCP policy clarifies that private view protections implemented during the City's design review process are available only to primary dwelling units and are not applicable to ADUs. While the City approved a project that does not strictly adhere to the currently certified LCP, the project conforms to requirements of Ordinance No. 966, adopted on June 1, 2020, which is expected to be submitted as an LCP amendment in the near future. The Ordinance includes revisions to the height and setback requirements for ministerial approval of ADU projects. This ordinance allowed for smaller setbacks (4 feet in most cases) and ADUs up to 16 feet in height. The proposed ADU has received ministerial approval under Ordinance No. 966, which has not been incorporated into the LCP, and so both the rear yard setback and height do not comply with the current certified LCP. The proposed ADU does adhere to the required setbacks for the interior side yard and front yard (there is no street side yard), but does not adhere to the setback for the rear yard (10 feet) or the height restriction of 14 feet. Instead, the proposed ADU is designed to be 7'-1" from the rear property line, and is proposed to be 16 feet in height.

While the proposed ADU does not comply with the required rear yard setback or height requirement per the certified LCP, the intent of adherence to the prescribed setbacks and height is avoidance and minimization of impacts to public views. In reviewing the proposed ADU and its potential impacts to public views, staff has determined that the development as proposed does not raise a substantial issue. The proposed ADU will be located on the southern edge of the subject lot and will extend the existing building

further south into the rear yard, which abuts Penny Lane, an alleyway with an ocean view. There is a potential for the proposed ADU to block a small section of blue water view when viewed from a specific location within the alley. There is also an existing guest house to the west of the site that is non-conforming in regards to the rear yard setback, and currently protrudes farther south than the existing unit and the proposed ADU addition. A blue water view would potentially be restored if the structure were brought into conformance with the LCP, leaving the proposed ADU as the source of a new potential view blockage. In either case, this view blockage would only be to a small portion of the overall view, and only when viewed from a certain vantage point within the alley. Once the individual moves past this point further west along the alley, the view is unobstructed. For this reason, any potential view impact would be considered minor and the majority of Penny Lane does and would continue to provide expansive views of the water.

While the proposed ADU does not adhere to the setback or height requirements of the current certified LCP, the project does not raise a substantial issue in regards to public views. In applying the five factor list in Section III, the appeal is not found to raise a “substantial issue” with respect to the LCP provisions because the extent and scope of the development remains within acceptable limits, the view impact would be small and only discernable from a small stretch of the alleyway, and the appeal does not raise an issue of regional or statewide significance. Due to these factors, the ADU will not result in a significant adverse impact to public views and does not raise a substantial issue with regard to conformity with the City’s visual resource protection policies in the LCP.

In response to several other concerns listed as part of the appellants’ contentions, the certified LCP does not include either private view protection (with the exception of one policy in the Bluff, Slope, and Canyon Overlay) or the chapter of the Municipal Code that outlines the design review process. Finally, the LCP does not identify a specific level of affordability other than “lower cost.” While the City requires reporting on the rental status of the unit, there is no requirement that the ADU be affordable.

Despite the identified inconsistencies with the LCP regarding setbacks and height, staff recommends that the Commission determine that the project raises no substantial issue regarding conformance with the certified LCP and the Chapter 3 policies of the Coastal Act.

Standard of Review: Certified City of Del Mar Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Location](#)

[Exhibit 3 – Approved Plans](#)

[Exhibit 4 – Appeals](#)

[Exhibit 5 – City Notice of Final Action](#)

[Exhibit 6 – Non-conforming Setback](#)

[Exhibit 7 – Penny Lane View Analysis](#)

I. APPELLANTS CONTEND

The appellants contend that the project as approved by the City does not conform to the public view protection, height, and ADU requirements of City of Del Mar's certified Local Coastal Program (LCP). The appellants further allege that the City of Del Mar does not have a certified LCP, that the approved ADU will not be used for low-income housing, that the City's design review process was not followed, and that the ADU will obstruct private views.

II. LOCAL GOVERNMENT ACTION

The project was approved by the Director of Planning and Community Development on June 21, 2022.

III. APPEAL PROCEDURES

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, those allowed to testify at the hearing will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the

hearing on the permit application, the applicable standard of review for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (§ 30625(b)(2).) Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

The City of Del Mar has a certified Local Coastal Program (LCP), and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section

30603. In this case, for the reasons discussed further below, the Commission exercises its discretion to determine that the development approved by the City does not raise a substantial issue with regard to the appellant's contentions regarding coastal resources.

IV. SUBSTANTIAL ISSUE MOTION AND RESOLUTION

Motion:

I move that the Commission determine that Appeal No. A-6-DMR-22-0034 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-6-DMR-22-0034 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION

A. Project Description

The locally approved project is construction of a new one-story, 2-bedroom 1,000 sq. ft. accessory dwelling unit (ADU) attached to an existing 1,282 sq. ft. two-story single-family residence on an 8,005 sq. ft. parcel located at 107 11th Street in the City of Del Mar. Approximately 255 sq. ft. of the first floor of the existing single-family residence will be converted to the Accessory Dwelling Unit (ADU), combined with a new 745 sq. ft. addition to the home, for a total of 1,000 sq. ft. ([Exhibit 3](#)).

The subject site is one of two adjacent lots owned by the applicant that are located on the inland side of the adjacent railroad tracks, at the terminus of 11th Street. The subject site is the easternmost of the two lots. The single-family residence is located on the southern half of the lot abutting the alley (Penny Lane) ([Exhibit 1](#)). An outdoor fence connects the existing residence with a guest house located on the lot to the west. The site is within the City of Del Mar's permit jurisdiction and appealable to the Coastal Commission due to the property being located being the first public road and the sea

(§30603(a)(1)) ([Exhibit 2](#)). The Del Mar Local Coastal Program is the standard of review.

B. Local Coastal Program ADU History

In response to the state’s affordable housing crisis, the State legislature has passed a series of changes to state housing law in recent years designed to facilitate more ADUs and affordable housing units. These laws are designed to eliminate barriers to the provision of housing, and to help foster additional housing units—particularly critically needed affordable units—where they can be appropriately accommodated by adequate public services and where, in the coastal zone, they will not adversely affect coastal resources. These changes include requirements to provide for streamlined review and permit processing of ADUs, expand where ADUs are considered permitted uses, and relaxing of the standards for size, height, and setbacks by which ADUs must comply. These changes have triggered the need for jurisdictions in the coastal zone to update their LCPs to address requirements affecting the development of ADUs. Importantly, state law continues to explicitly require that the coastal resource protections of the Coastal Act (and by extension LCPs) be incorporated into the process when considering ADUs. Accordingly, local government ADU provisions must continue to be updated to ensure coastal resource protections.

In August 2020, the City of Del Mar submitted an LCP Implementation Plan update to implement a newly passed local ordinance modifying the regulations and requirements for ADUs and junior accessory dwelling units (JrADUs) consistent with recent changes in state law (LCP-6-DMR-20-0044-2). The LCPA proposed to allow for reduced side and rear yard setbacks for ADUs (4 feet in most cases), and for ADUs to be up to 16 feet in height, two feet higher than what is allowed in the existing LCP. The LCPA also allowed ADUs to be approved ministerially.

However, the City withdrew the LCPA prior to Commission action. Accordingly, the newest provisions for ADUs that have been approved and enacted by the City at the local level have not been certified as part of the LCP. The City has been working with Commission staff on a resubmittal, and expects to submit an updated LCPA in late 2022 to revise the certified LCP consistent with state law. Although the existing LCP remains the standard of review for coastal development permits, the City determined it was appropriate to approve ADUs consistent with the state standards in the meantime.

C. Public Views

Goal IV-C of the Del Mar certified LUP states:

Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property.

Policy IV-22 of the Del Mar certified LUP states:

Enhance public improvements along appropriate bluff top areas which provide significant scenic vistas when such improvements are not in conflict with bluff

preservation policies. Improvements shall include the installation of benches for scenic viewing at the western terminus of 11th, 8th and 4th Streets and along the upper bluff area south of Del Mar Canyon.

All bluff top improvements shall be consistent with the goals and policies of Chapter III of this Land Use Plan regarding the preservation of fragile coastal bluff systems and the minimizing of hazardous conditions.

Policy IV-23 of the Del Mar certified LUP states:

Retain the bluff top areas west of the railroad right of way between the southern border of the City and 15th Street in an open space condition to provide panoramic ocean views; to provide lateral access along the coastal bluff top and to preserve and protect the adjacent fragile and scenic bluffs.

Policy IV-24 of the Del Mar certified LUP states:

Preserve views of the Pacific Ocean from Camino del Mar through the application of scenic view easements and related view preservation restrictions for development proposals located along the west side of this roadway. In order to preserve such views from Camino del Mar, structures on properties fronting the west side of this roadway within the Central Commercial, Professional Commercial or Visitor Commercial designations shall not exceed a height of 14 feet above the adjacent curb level of Camino del Mar.

Policy IV-25 of the Del Mar certified LUP states:

Preserve views of the Los Penasquitos Lagoon and Pacific Ocean from Carmel Valley Road through the application of scenic view easements and related view preservation restrictions for any development proposals located along the south side of the roadway within scenic view corridors.

Policy IV-26 of the Del Mar certified LUP states:

Retain and enhance the views of San Dieguito Lagoon along Jimmy Durante Boulevard and San Dieguito Drive through the application of scenic view easements and related view preservation restrictions for any development proposals located along the sides of such roadways within scenic view corridors.

Policy IV-27 of the Del Mar certified LUP states:

Continue to implement the process of design review for new construction projects in order to preserve views of community-wide importance and enhance the small-town village atmosphere of Del Mar.

Section 30.86.200(D) of the Del Mar certified IP states:

Side and Rear Yards Adjacent to Alleys. Where an alley ten feet or greater in width abuts a side yard or rear yard, one-half of the width of such alley, up to a maximum of ten feet, may be applied to the required amount of side or rear yard.

Section 30.91.010 of the Del Mar certified IP states:

Accessory Dwelling Units (ADUs) provide independent living facilities that are separate from the primary dwelling unit on the property. Chapter 30.91 is intended to facilitate the development of ADUs and Junior Accessory Dwelling Units (JrADUs) in accordance with California Government Code Sections 65852.150, 65852.2, and 65852.22. ADUs and JrADUs are a valuable type of lower cost, long term rental housing stock that can help the City meet its goal to provide a greater range of housing options in residential zones.

Section 30.91.040(L) of the Del Mar certified IP states:

The maximum building height of any new building construction or expansion of an existing structure for the ADU shall not exceed 14 feet.

Section 30.91.040(N) of the Del Mar certified IP states:

The ADU shall comply with the required setbacks of the applicable zone, except that an existing legal non-conforming structure located within the setback, such as a garage or accessory building, may be converted to an ADU and maintain the non-conforming setback, unless a greater setback is needed for compliance with the building and safety standards of the California Building Code and California Fire Code. In all cases, the ADU shall comply with the required coastal bluff setback in the Coastal Bluff Overlay Zone.

Section 30.91.040(T) of the Del Mar certified IP states:

The primary scenic view protections from a primary living area identified under Chapter 23.08 shall be limited to space within the primary dwelling unit that meets such definitions and in no case shall apply to an ADU.

Section 30.91.040(X) of the Del Mar certified IP states:

The owner of an ADU shall provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the ADU was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied.

The appellants contend that the project as approved by the City does not conform to the City of Del Mar's certified Local Coastal Program (LCP), with regards to height and view protection, among other topics, and specifically cite Policies IV-22 through IV-27 of the certified LUP as the grounds for appeal ([Exhibits 4 and 5](#)). However, most of these policies are not applicable to the proposed project. Policy IV-22 pertains to public

improvements along appropriate bluff top areas. Policy IV-23 pertains to the bluff top areas west of the railroad right of way. The subject site is a developed lot inland of the railroad tracks in a developed residential neighborhood. Properties that lie east of the railroad right-of-way are not subject to the LCP coastal bluff regulations. Policy IV-24 lays out height restrictions for buildings located on the west side of Camino del Mar in the Central Commercial, Professional Commercial or Visitor Commercial designations, which is not applicable to the subject site. Policies IV-25 and IV-26 require view preservation of the Los Peñasquitos and San Dieguito Lagoons, as well as the ocean, from specific roadways; however, these policies are not applicable to the subject project.

Goal IV-C and Policy IV-27 are relevant to the analysis of view protection on the site. The Del Mar certified LUP does not identify specific viewpoints or street ends but requires the preservation of “public vantage points.” The LCP does specifically note that “improvements shall include the installation of benches for scenic viewing at the western terminus of 11th, 8th and 4th Streets....” Thus, 11th Street is clearly a public view corridor. In addition, the LCP has height limits and requires setbacks from property lines to offset bulk and scale, match community character, preserve light and air, ensure public safety, and similar protections. For the purposes of visual resources, structural setbacks afford the public the opportunity to view coastal resources even in areas that are developed, as well as protect public views from private encroachments.

The subject site is the second to last lot from the bluff edge at the terminus of 11th Street, between 11th Street to the north, and an alley, Penny Lane, to the south. As noted, 11th Street is a highly scenic public view corridor with ocean views available from Camino del Mar down 11th Street. Public parking is also available on 11th Street. The proposed ADU would be located on the southern portion of the site, set back approximately 100 feet from 11th Street and approximately seven feet from Penny Lane. Penny Lane is an approximately 20-foot wide alley that also has views to the water starting from just east of Stratford Court, although views are much more narrow than on the numbered street ends. There are no sideways or public parking on this alley.

For purposes of visual resources, structural setbacks and height restrictions afford the public the opportunity to view coastal resources even in areas that are developed, as well as protect public views from private encroachments. The proposed ADU is located in the high density mixed residential (R2) zone of the City of Del Mar. The proposed ADU will be located on the rear or alley side of the lot, where a 10-foot rear yard setback is required per Section 30.86.200(D) of the certified IP. In terms of height restrictions, Chapter 30.91 also limits the height of an ADU to 14 feet. The proposed ADU does adhere to the required setbacks for the interior side yard and front yard (there is no street side yard), but does not adhere to the required 10-foot setback for the rear yard or the height restriction of 14 feet. Instead, the proposed ADU is designed to be 7'-1" from the rear property line, and is proposed to be 16 feet in height.

As described above, the City approved the rear yard setback and height of the ADU consistent with their local ordinances, which have not yet been incorporated into the certified LCP. Thus, the project is inconsistent with the currently certified LCP. However,

these inconsistencies have little to no impact on visual resources. There are no public views over the property, and neither a 14-foot high nor the approved 16-foot ADU will block any public views.

The approved rear yard setback will have no impact on the main public view corridor on 11th Street. The approved setback does have the potential to slightly impact views down the adjacent alley, Penny Lane. As noted, there are existing blue views to the water down Penny Lane (see [Exhibit 7](#)). The existing house where the ADU will be constructed is not visible from the intersection at Stratford Court, but becomes visible from approximately halfway down the street. The existing guest house west of the site (located at 101 11th Street) is non-conforming in regards to the rear yard setback, and currently protrudes farther south than the single-family residence and the proposed ADU addition on the subject site. However, if this non-conforming guest house were to be removed in the future, it is possible that a sliver of water view would be visible in the area proposed for the subject ADU ([Exhibit 6](#)). However, this water view would only be visible from one particular vantage point within the alley— at a location approximately 250 feet along Penny Lane for those walking west (See 3rd photo of [Exhibit 7](#)). Past this point further west along the alley, views are again unobstructed (See 4th photo of [Exhibit 7](#)). It is worth noting again that Penny Lane is an alleyway, and while it is freely accessible to the public, there is no parking available or sidewalks, which limits its significance as a view corridor. The majority of Penny Lane does and would continue to provide expansive views of the water, and the approved ADU would not have any effect on existing views from the end of the alley or from the beach. Thus, this potential minor view encroachment does not raise a substantial issue.

Furthermore, the appellants' allegations of impacts to views identify impacts to private views; specifically those views from neighborhood homes immediately east of the property. Section 30.91.040(T) cited above clarifies that private view protections implemented during the City's design review process (which is not considered part of the certified LCP) are available only to primary dwelling units and are not applicable to ADUs. The appellants note that if the project had not been approved ministerially, it would have been subject to the City's design review process. While the design process was not available for the City's ministerial approval, the City nevertheless notified neighbors of the project and allowed the opportunity to appeal directly to the Coastal Commission. Under the requirements of this appeal, the appellants have not demonstrated that the view impacts, if any, raise a substantial issue, nor have they demonstrated the project's potential impacts on views of "community-wide importance" under Policy IV-27.

In conclusion, while the approved project is not fully consistent with the LCP requirements with regard to setbacks and height, any impacts to public views would be extremely minor. Thus, as approved, the ADU does not raise a substantial issue with regard to conformity with the City's visual resource protection policies in the LCP.

D. LCP Status and ADU Affordability Contentions

The appellants contend the City of Del Mar does not have a certified LCP and that the proposed ADU will not be utilized as a low-income unit that is supposed to improve housing supply and affordability in the City of Del Mar. However, the City of Del Mar does have a certified LCP. And while the Coastal Commission supports local jurisdictions in their ongoing effort to increase the supply and affordability of housing, enforcing the specific use and pricing of the proposed ADU lies outside the provisions of the City's certified LCP, which identifies both them and JrADUs as "a valuable type of lower cost, long term rental housing stock that can help the City meet its goal to provide a greater range of housing options in residential zones (Del Mar Municipal Code 30.91.010)." Per Section 30.91.010(X), the certified LCP also states that an owner of an ADU will be required to provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the ADU was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied, but there is no specific requirement on the affordability level. Thus, these allegations do not raise a substantial issue with regard to consistency with the LCP.

E. Substantial Issue Factors

As discussed above, there is not inadequate factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. In this case, the proposed development does not raise a substantial issue concerning public view protection. As described above, the Commission considers five factors when considering whether a project raises a "substantial issue." The first is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP. On this point, the appellants' contention that the City's action did not conform to the requirements and policies of the LCP is valid because the ADU does not in fact comply with the setback and height requirements of the LCP that could ultimately impact public views. The second factor is the extent and scope of the development as approved or denied by the local government, and the third factor is the significance of the coastal resources affected by the decision. The approved ADU will exceed the height requirement of the currently certified LCP by two feet and the setback requirements of the underlying zone by approximately three feet. No significant public views will be impacted by this minor discrepancy. The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. Allowing development inconsistent with the LCP is a concern; however, in this case, the deviation did not result in any significant impacts to coastal resources. The City is in the process of amending its LCP to incorporate the new ADU standards, and any potential impact of these standards will be evaluated during the LCP review process. In the meantime, the Commission will continue to evaluate projects a case-by-case basis in order to determine if the City's approval presents a substantial issue.

The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also do not support a finding of

substantial issue. The objections to the project suggested by the appellants do not raise substantial issues of regional or statewide significance, and the City's approval of this coastal development permit will not create an adverse precedent for future interpretation of this LCP.