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Date: October 22, 2026

To: Commissioners and Interested Persons

From: Karl Schwing, Deputy Director, South Coast District
Amber Dobson, District Supervisor, South Coast District
Jeffrey Palm, Coastal Program Analyst, South Coast District

Subject: Staff Recommendation on City of Laguna Beach Major Amendment No. LCP-5-LGB-25-0036-1 (ADUs and JADUs) for Commission Meeting of November 5, 2026

SUMMARY OF LCP AMENDMENT REQUEST

The City of Laguna Beach is requesting that the Commission certify an amendment to the Implementation Plan (IP) portion of the Laguna Beach certified Local Coastal Program (LCP). Amendment Request No. LCP-5-LGB-25-0036-1 (ADUs and JADUs) is a major amendment that would repeal and replace Chapter 25.17 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to comply with recent changes to state law that took effect on January 1, 2025, that impose new limits on local authority to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

The proposed amendment was submitted for Coastal Commission action via Laguna Beach City Council Ordinance No. 1715.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, **approve** Amendment Request No. LCP-5-LGB-25-0036-1, an IP-only amendment, **with suggested modifications**. The LCP amendment must first be denied as submitted, then the Commission can approve the LCP amendment if modified as suggested in this staff report. Staff recommends modifications to Chapter 25.17 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to incorporate changes requested by the City after it submitted the request and to conform the Implementation Plan to the certified Land Use Plan.

Suggested Modification #1 incorporates changes requested by the City of Laguna Beach in response to comments received from the California Department of Housing and Community Development for consistency with State housing law. **Suggested**

Modification #2 incorporates the following in order achieve consistency with the certified LUP: 1) an effective date following references to government code sections; 2) clarification that the waiver of setback requirements for an ADU constructed within the same location and to the same dimensions as an existing structure only applies to legally existing structures; 3) further specifications for exterior lighting requirements in order to reduce light pollution and avoid adverse impacts to biological resources; 4) buffers from high and very high value habitat areas to supplement the setbacks identified for other coastal resources; 5) clarification that the exception for ADUs and JADUs to not count toward the calculation for major remodel projects only applies to attached ADUs and JADUs; and 6) corrections to Coastal Act references and specification that the referenced policies apply to existing structures.

On September 9, 2025, LCP Amendment Request No. LCP-5-LGB-25-0036-1 was deemed to be complete and in proper order for filing pursuant to the requirements of Coastal Act section 30510 and Section 13553 of Title 14 of the California Code of Regulations. On November 5, 2025, the Commission extended for one year the deadline for Commission action on this LCP amendment. The deadline for Commission action on the proposed amendment request is December 5, 2026.

If modified as suggested, the City's IP Ordinances at issue will conform with, and will be adequate to carry out, the related requirements of the certified LUP. The resolutions and motions begin on **Page 5**. The suggested modifications are detailed in Section IV. (A) of this staff report. The findings for approval of the LCP amendment, if modified as suggested, begin on **Page 6**.

ADDITIONAL INFORMATION

Further information on the City of Laguna Beach LCP Amendment LCP-5-LGB-25-0036-1 (ADUs and JADUs) may be obtained from Jeffrey Palm, Coastal Program Analyst, at jeffrey.palm@coastal.ca.gov. If you wish to comment on the proposed amendment, please do so via regular mail (directed to the South Coast District Office) or email (by emailing southcoast@coastal.ca.gov) by 5pm on Friday, October 30, 2026.

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EXHIBITS

Exhibit 1: City of Laguna Beach LCP Amendment Request As Submitted
Exhibit 2: IP Amendment Clean Text Including Suggested Modifications

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514(b) of the Coastal Act, is that the proposed IP amendments conform with, and are adequate to carry out, the provisions of Laguna Beach's certified Land Use Plan (LUP).

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in LCP development. It states: "During the preparation, approval, certification, and amendment of any LCP, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of an LCP for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission."

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum amount of opportunities to participate in the development of an LCP amendment

prior to submittal to the Commission for review. The Laguna Beach Planning Commission held a public hearing on the Amendment on November 20, 2024, and the Laguna Beach City Council held public hearings on December 10, 2024, and March 11, 2025, to initiate the LCP Amendment. The City Council adopted Local Coastal Program Amendment No. 24-2344 on March 25, 2025, authorizing City staff to submit the LCP Amendment to the Coastal Commission (**Exhibit 1**). On November 5, 2025, the Commission extended for one year the deadline for Commission action on this LCP amendment. The deadline for Commission action on the proposed amendment request is December 5, 2026.

All of the local hearings for the Amendment were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Title 14 of the California Code of Regulations (14 CCR), section 13544(b)(2), if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. The City's submittal ordinance indicates that the ordinance will only become final after certification by the Commission, and no formal action is required. Should the Commission deny the LCP amendment, as submitted, without suggested modifications, it is also the case that no further action is required by either the Commission or the City, and in that case, the LCP amendment is not effective, pursuant to 14 CCR section 13542(f). Should the Commission deny the LCP amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City's acceptance is consistent with the Commission's action. In that scenario, pursuant to 14 CCR section 13544(c), the modified LCP amendment will become final at a subsequent Commission meeting where Commission staff reports the Executive Director's Determination that the City's action in accepting the suggested modifications approved by the Commission for LCP Amendment LCP-5-LGB-25-0036-1 is legally adequate. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

II. MOTION AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

A. DENY LCP AMENDMENT LCP-5-LGB-25-0036-1 AS SUBMITTED

Motion I: I move that the Commission reject Implementation Plan Amendment No. LCP-5-LGB-25-0036-1 as submitted by the City of Laguna Beach.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment 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 Deny as Submitted:

The Commission hereby denies certification of the Implementation Plan Amendment LCP-5-LGB-25-0036-1 as submitted by the City of Laguna Beach and adopts the findings set forth below on the grounds that the amendment as submitted does not conform with, and is inadequate to carry out, the policies of the certified Laguna Beach Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

B. CERTIFY LCP AMENDMENT LCP-5-LGB-25-0036-1 WITH SUGGESTED MODIFICATIONS

Motion II: I move that the Commission certify the City of Laguna Beach's Implementation Plan Amendment No. LCP-5-LGB-25-0036-1 if modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LCP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

Resolution to Certify if Modified:

The Commission hereby certifies the Implementation Plan Amendment LCP-5-LGB-25-0036-1 if modified as suggested and adopts the findings set forth below on the grounds that the amendment conforms with, and is adequate to carry out, the policies of the City of Laguna Beach's certified Land Use Plan. Certification of the Implementation Plan amendment as modified complies with 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 IP Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures which

could substantially lessen any significant adverse impact which the IP Amendment may have on the environment.

III. SUGGESTED MODIFICATIONS

Certification of the LCP amendment is subject to the modifications found below in subsection IV. A. (LCP Amendment Description) and in **Exhibit 2** of this staff report. Staff is recommending a total of two modifications to Chapter 25.17 (Accessory Dwelling Units and Junior Accessory Dwelling Units), which the City proposes to repeal and replace. **Suggested Modification #1** incorporates changes requested by the City of Laguna Beach in response to comments received from the California Department of Housing and Community Development for consistency with State housing law. **Suggested Modification #2** incorporates the following in order achieve consistency with the certified LUP: 1) an effective date following references to government code sections; 2) clarification that the waiver of setback requirements for an ADU constructed within the same location and to the same dimensions as an existing structure only applies to legally existing structures; 3) further specifications for exterior lighting requirements in order to reduce light pollution and avoid adverse impacts to biological resources; 4) buffers from high and very high value habitat areas to supplement the setbacks identified for other coastal resources; 5) clarification that the exception for ADUs and JADUs to not count toward the calculation for major remodel projects only applies to attached ADUs and JADUs; and 6) corrections to Coastal Act references and specification that the referenced policies apply to existing structures.

IV. FINDINGS AND DECLARATIONS – DENIAL OF AMENDMENT NO. LCP-5-LGB-25-0036-1 (ADUs and JADUs) AS SUBMITTED AND APPROVAL AS MODIFIED

A. LCP AMENDMENT DESCRIPTION

The City of Laguna Beach is requesting that the Commission certify an amendment to the Implementation Plan (IP) portion of the Laguna Beach certified Local Coastal Program (LCP). Amendment Request No. LCP-5-LGB-25-0036-1 (ADUs and JADUs) is a major amendment that would repeal and replace Chapter 25.17 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to comply with recent changes to state law that took effect on January 1, 2025, that impose new limits on local authority to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

Certification of the LCP amendment is subject to the following modifications. The City's proposed new LCP language (repealing and replacing chapter 25.17) is shown as plain text. The Commission's suggested modifications are shown in **bold, underlined text** and text suggested by the Commission to be deleted is shown in ~~strikethrough~~.

Chapter 25.17 Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 25.17.010 Accessory Dwelling Units and Junior Accessory Dwelling Units

(a) Purpose. The purpose of this section is to allow and regulate accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

(b) Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:

(1) Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

(2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

(3) Considered in the application of any local ordinance, policy, or program to limit residential growth.

(4) Required to correct a nonconforming zoning condition, as defined in subsection (c)(9) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

(c) Definitions. As used in this section, terms are defined as follows:

(1) "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and

(B) A manufactured home, as defined by section 18007 of the California Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

(4) "Efficiency kitchen" means a kitchen that includes all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

(5) "Junior accessory dwelling unit" or "JADU" means the following: a residential unit that satisfies all of the following:

(A) It is no more than 500 square feet **of interior livable space** in size.

(B) It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.

(C) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.

(D) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

(E) It includes an efficiency kitchen, as defined in subsection (c)(4) above.

(6) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

(7) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(8) "Multifamily dwelling" means a structure with two or more attached primary dwellings on a single lot, not counting any existing or proposed ADU.

(9) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(10) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

(11) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(12) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(13) "Single-family dwelling" means a structure with only one primary dwelling unit, not counting any existing or proposed ADU. **For purposes of this chapter, a single-family dwelling structure also includes a primary dwelling unit, which is connected by common walls with other primary dwelling units and exists as a separate interest of real property on its own legal lot, commonly referred to as a townhouse.**

(14) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(d) Approvals. The following approvals apply to ADUs and JADUs under this section:

(1) Coastal Development Permit

(A) Consistent with Government Code section 66329 **(as of the date of Coastal Commission certification)**, nothing in Chapter 13 of Division 1 of Title 7 of the California Government Code or this chapter supersedes or in any way alters or lessens the effect or application of the California Coastal Act of 1976 or of the City's implementing regulations. The City may elect to hold public hearings for coastal development permit applications for ADUs, as it may under Government Code section 66329 **(as of the date of Coastal Commission certification)**.

(B) When an ADU or JADU requires a coastal development permit under the City's certified Local Coastal Program ("LCP"), including this chapter, the ADU or JADU must comply with the requirements of the City's certified LCP**, in accordance with this Chapter**.

(C) Application; Appeals.

(i) An application for an ADU and a JADU is considered "development" under LBMC Chapter 25.07.

(ii) The following projects are exempt from any CDP requirement under the City's certified LCP:

(I) An application that only seeks to convert existing livable space in a legally established primary dwelling unit into a JADU (LBMC § 25.07.008(1)(1)(a)); and

(II) An application that only seeks to convert existing livable space in a legally established primary dwelling unit into a ADU (LBMC § 25.07.008(1)(1)(a)).

(iii) An application for any other ADU or JADU is subject to the CDP requirement, and must be processed as de minimis

development under LBMC section 25.07.008**9**, minor development under LBMC section 25.07.013, or regular development under LBMC section 25.07.012, whichever applies.

(iv) Appeals. Appeals are processed in accordance with LBMC chapters 25.07 and 25.05**, except that a City decision on a CDP for an ADU-only or JADU-only project is not appealable to the California Coastal Commission**.

(D) Development standards. For projects within the Coastal Zone, more restrictive standards may apply. (See LBMC section 25.17.020.)

(2) Building-permit Only. If an ADU or JADU does not require a CDP under section (d)(1) above, and it complies with each of the general requirements in subsection (f) below, it is allowed with only a building permit in the following scenarios:

(A) Converted on Single-family Lot: One ADU as described in this subsection (d)(2)(A) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

(ii) Has exterior access that is independent of that for the single-family dwelling; and

(iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(iv) The JADU complies with the requirements of Government Code sections 66333 through 66339**.5.**

(B) Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (d)(2)(A) above), if the detached ADU satisfies each of the following limitations:

(i) The side- and rear-yard setbacks are at least four feet.

(ii) The total floor area is 800 square feet or smaller.

(iii) The peak height does not exceed the applicable height limit in subsection (f)(2) below.

(C) Converted on Multifamily Lot: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (d)(2)(C), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

(D) Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

(i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

(ii) The peak height does not exceed the applicable height limit provided in subsection (f)(2) below.

(iii) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

(3) ADU Permit.

(A) **An ADU or JADU that does not qualify under subsection (d)(2) above requires both a building permit and an ADU permit and shall comply with the standards set forth in subsections (f) and (g) below. If a CDP is also required under subsection (d)(1) above, the ADU or JADU shall obtain a CDP and also comply with the additional standards set forth in Section 25.17.020.** ~~If an ADU or JADU does not require a CDP under section (d)(1) above, and it does not qualify under subsection (d)(2) above, it requires both a building permit and an ADU permit in compliance with the standards set forth in subsections (f) and (g) below.~~

(B) The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the Community Development Director and approved by the City Council by resolution.

(e) Process and Timing.

(1) Coastal Development Permit. Each CDP application for an ADU or JADU is processed in accordance with LBMC chapter 25.07. The Permit Streamlining Act applies to CDP**s** to the extent required by state law.

(2) Building-permit Only and ADU Permit.

(A) An application for an ADU or JADU that does not require a CDP is considered and decided ministerially, without discretionary review or a hearing.

(B) The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

(i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(ii) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

(C) If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (e)(2)(B) above.

(D) A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

(f) General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs ~~that are approved under subsections (d)(2) or (d)(3) above~~:

(1) Zoning.

(A) An ADU that is subject only to a building permit under subsection (d)(2) above may be created on a lot **with existing residential uses or** in a residential or mixed-use zone.

(B) An ADU that is subject to an ADU permit under subsection (d)(3) above may be created on a lot that **already contains or** is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

(C) In accordance with Government Code section 66333(a) **(as of the date of Coastal Commission certification)**, a JADU may only be created on a lot **already containing or** zoned for single-family residences.

(D) **A permitted primary dwelling unit must exist or be proposed for construction concurrently with the proposed ADU or JADU. A final inspection or certificate of occupancy shall not be issued for an ADU or JADU if the primary dwelling unit does not have a certificate of occupancy, except as otherwise provided in Government Code section 66328 (as of the date of Coastal Commission certification).**

(2) Height.

(A) Except as otherwise provided by subsections (f)(2)(B) and (f)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

(B) A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

(C) A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

(D) An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (f)(2)(D) may not exceed two stories.

(E) For purposes of this subsection (f)(2), height is measured from **the** existing **or proposed** legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure. The maximum height of the peak allowed by this subsection (f)(2) applies to every part of the structure, including but not limited to, chimneys, vents, and mechanical equipment.

(3) Fire Sprinklers.

(A) Fire sprinklers are required in an ADU **or JADU** if sprinklers are required in the primary residence.

(B) The construction of an ADU **or JADU** does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(4) Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

(5) No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341 **(as of the date of Coastal Commission certification)**, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

(6) Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(7) Owner Occupancy.

(A) ~~ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.~~ **An ADU that is sold to a qualified buyer as an affordable housing unit, in accordance with Government Code section 66341 (as of the date of Coastal Commission certification), must be occupied by that buyer as their principal residence, either in the ADU or the primary residence.**

(B) As required by ~~state law~~**Government Code section 66333(b) (as of the date of Coastal Commission certification)**, ~~all~~**JADUs that share sanitation facilities with the existing structure** ~~JADUs~~ are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy

requirement in this subsection (f)(7)(B) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

(8) Deed Restriction. Prior to issuance of a certificate of occupancy for **ADUs** a**nd** JADU**s, as set forth below,** a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Director. The deed restriction must run with the land and bind all future owners**, successors, or assigns**. The form of the deed restriction will be provided by the city and must provide **for the following:**~~that:~~

(A) **JADUs:** ~~Except as otherwise provided in Government Code section 66341, t~~

(i) **T**he JADU may not be sold separately from the primary dwelling.

(ii) The JADU is restricted to the approved size and to other attributes allowed by this section.

(iii) The deed restriction runs with the land and may be enforced against future property owners.

(iv) The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Community Development Director, providing evidence that the JADU has in fact been eliminated. The Community Development Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Community Development Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

(B) **Hazards. For ADUs and JADUs located in hazardous areas, including but not limited to, bluff top and oceanfront lots, a deed restriction shall be recorded whereby the property owner (including future owners, successors, and assigns) shall acknowledge and agree:**

(i) **That the ADU or JADU is located in a hazardous area, or an area that may become hazardous in the future;**

(ii) **To assume the risks of injury and damage from such hazards in connection with the permitted development, and to unconditionally waive any claim of damage or liability against the City or Coastal Commission, their officers, agents, and employees for injury or damage from such hazards, and indemnify and hold harmless such entities with respect to approval of the project against any and all liability, claims, demands, damages, and costs;**

(iii) **That they have no rights under Coastal Act section 30235 and related LCP policies to shoreline armoring to protect the ADU or JADU and associated development in the future;**

(iv) **That sea level rise and related coastal hazards could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable;**

(v) **That the structure may be required to be removed or relocated and the site restored if the structure is threatened or the site is uninhabitable;**

(vi) **That if portions of the subject permitted ADU or JADU, foundations, or other improvements associated with the ADU/JADU fall to the beach or adjacent property before they can be removed from the site, the landowner shall lawfully remove all recoverable debris associated with these structures from the beach, ocean, or nearby property, and lawfully dispose of the material in an approved disposal site, and the landowner shall bear all costs associated with such removal; and**

(vii) **That approval of the ADU or JADU does not authorize the development to be located on public trust lands, and any development that comes to be located on such lands due to the movement of the mean high tide line must be removed.**

(C) The deed restriction is enforceable by the Community Development Director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the **ADU or** JADU in violation of the recorded restrictions or abatement of the illegal unit.

(9) Rent Reporting. In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330 **(as of the date of Coastal Commission certification)**, the following requirements must be satisfied:

(A) With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU if the applicant intends to rent the unit.

(10) Building & Safety.

(A) Must comply with building code. Subject to subsection (f)(10)(B) below, all ADUs and JADUs must comply with all local building code requirements.

(B) No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in section 310 of the California Building Code **(as of the date of Coastal Commission Certification)**, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (f)(10)(B) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

(C) **The exterior lighting shall be limited to the minimum number of light fixtures for safety of ingress and egress, a maximum 1,000 lumens per light fixture, a maximum 3,000 kelvins color temperature, and must be fully shielded and aimed downward or as otherwise required by the building or fire code.**

(g) Specific ADU Requirements. The following **additional** requirements apply only to ADUs that require **a CDP or** an ADU permit under subsection**s** (d)**(1) and** (3) above.

(1) Maximum Size.

(A) The maximum size of a detached or attached ADU subject to this subsection (g) is 850 square feet **of interior livable space** for a studio or one-bedroom unit and 1,000 square feet **of interior livable space** for a unit with two or more bedrooms.

(B) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

(C) Application of other development standards in this subsection (g) might further limit the size of the ADU, but no application of the percent-based size limit in subsection (g)(1)(B) above or of a front setback may require the ADU to be less than 800 square feet.

(2) Setbacks.

(A) ADUs that are subject to this subsection (g) must conform to 4-foot side and rear setbacks. ADUs that are subject to this subsection (g) must conform to 10-foot front setbacks, subject to subsection (g)(1)(C) above.

(B) No setback is required for an ADU that is subject to this subsection (g) if the ADU is constructed **with**in the same ~~location~~ **footprint** and ~~to the same dimensions~~ **building envelope** as a~~n~~ **legally** existing structure.

(3) Passageway. No passageway, as defined by subsection (c)(10) above, is required for an ADU.

(4) Parking.

(A) Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (c)(14) above.

(B) Exceptions. No parking under subsection (g)(4)(A) is required for an ADU under this subsection (g) in the following situations:

(i) The ADU is located within one-half mile walking distance of public transit, as defined in subsection (c)(12) above.

(ii) The ADU is located within an architecturally and historically significant historic district.

(iii) The ADU is part of the proposed or existing primary residence or an accessory structure ~~under subsection (d)(2)(A) above~~.

(iv) When on-street parking permits are required but not offered to the occupant of the ADU.

(v) When there is an established car share vehicle stop located within one block of the ADU.

(vi) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (g)(4)(B)(i) through (v) above.

(C) No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced. For clarity, this paragraph does not apply to an ADU or JADU that requires a CDP.

(5) Architectural Requirements.

(A) The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.

(B) The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

(C) The exterior lighting must be fully shielded and aimed downward or as otherwise required by the building or fire code.

(D) The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

(E) The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

(F) No ADU may have a direct line of sight through windows or doors with glazing to an adjoining residential property. Fencing, landscaping, privacy glass, or a clerestory design with the bottom of the glass at least six feet above the finished floor may be used to provide screening and prevent a direct line of sight.

(6) Historical Protections. The following requirements apply to any detached or attached ADU proposed on a property listed on the California Register of Historic Resources:

(A) Visibility. Attached and detached ADUs must be: (1) located entirely behind the rear building line of the historic structure; and (2) located such that at least 50 percent of the ADU’s front-facing façade is behind the historic structure. For through-lots, the front and rear facades are designated based on the orientation of the historic structure. The front-facing façade is defined for this purpose as the

building side that is facing a street and providing an entrance doorway. If the entrance doorway is located along a side elevation, or when an entrance doorway exists at each street-facing façade, the front-facing façade is instead defined as the façade closest to the street.

(B) Character-Defining Features. The ADU must not affect any historic building or site feature that has been identified as a "character-defining feature" of the historic resource by a professional that meets the U.S. Secretary of the Interior's professional-qualification standards. This "character-defining feature" determination is limited to a review of information on file with the City on the date that the City receives a complete application for the ADU.

(7) Allowed Stories. No ADU subject to this subsection (g) may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (f)(2)(D) of this section.

(h) Fees. The following requirements apply to all ADUs that are approved under subsection (d) above.

(1) Impact Fees.

(A) No impact fee is required for an ADU that ~~is~~ **has** ~~less than~~ 750 square feet **of interior livable space or less,** ~~in size~~ **or a JADU that has 500 square feet of interior livable space or less**. For purposes of this subsection (h)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477) **(as of the date of Coastal Commission certification)**. "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

(B) Any impact fee that is required for an ADU that is **larger than** 750 square feet ~~or larger~~ **of interior livable space** in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

(2) Utility Fees.

(A) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

(B) Except as described in subsection (h)(2)(A), converted ADUs on a single-family lot that are created under subsection (d)(2)(A) above are

not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.

(C) For all other ADUs not covered by subsection (h)(2)(A) and (h)(2)(B), the ADUs may provide, but are not required to provide, a new separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider if a new connection is provided.

(i) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

(ii) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

(i) Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

(1) Generally, the city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

(2) Unpermitted ADUs and JADUs constructed before 2020.

(A) Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

(i) The ADU or JADU violates applicable building standards, or

(ii) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (section 25.17.010).

(B) Exceptions:

(i) Notwithstanding subsection (i)(2)(A) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with

the standards specified in California Health and Safety Code section 17920.3.

(ii) Subsection (i)(2)(A) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

(iii) **Notwithstanding subsection (i)(2)(A) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU if the ADU or JADU has a significant adverse impact to a coastal resource.**

(j) Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in subsections (a) through (i) of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.

Section 25.17.020 Coastal Act and Certified Local Coastal Program Requirements.

(a) The following**, additional** requirements apply to all ADUs and JADUs in the Coastal Zone ~~that do not qualify under section 25.17.010(d)(1)(C)(ii)~~. **In the event of any conflict between Section 25.17.010 and Section 25.17.020, Section 25.17.020 shall prevail.**

(b) This chapter must not be implemented in a way that would be inconsistent with any other coastal resource protection policy or regulation within the certified LCP or the Coastal Act. More restrictive development standards may be imposed on an ADU or JADU as needed to protect coastal resources consistent with the requirements of the certified Local Coastal Program. Resources may include, but are not limited to, hazardous areas, environmentally sensitive areas, wetlands, public views, **bluff top and oceanfront areas, archaeological deposits,** and public trails and accessways.

(c) Coastal Act and Certified LCP Requirements for ADUs and JADUs.

(1) Setbacks.

(A) Front Yard: The development must comply with the front yard setback requirement of the underlying zone**, including any oceanfront setbacks in LBMC 25.50**.

(B) Additional Building Setback for Front and Rear: The development must comply with the additional building setback at the front and rear yard setbacks pursuant to LBMC section 25.50.004(D).

(C) Bluff Edge Setback: The development must maintain a minimum setback of 25 feet from the top of an oceanfront bluff.

(D) Watercourse Setback:

(i) The development must maintain a 25-foot setback from the centerline of a watercourse.

(ii) The development must maintain a 25-foot setback from the top of the watercourse bank when a watercourse is also identified as a "blue-line" stream on the USGS 7.5 Minute Quadrangle Series map.

(E) **Environmentally Sensitive Habitat Areas: The development must maintain a minimum 50-foot buffer from any high and very high value habitat areas.**

(F) **Other setbacks as necessary for the protection of: archaeological resources to be determined by a professional archaeologist; and/or coastal scenic resources and public coastal viewsheds.**

(2) Parking.

(A) Replacement Parking

(i) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU or JADU, the demolition permit for the garage, carport, or covered parking structure is reviewed at the same time as the ADU or JADU application.

(ii) The number of existing parking spaces for a single-family or multifamily dwelling must be replaced on-site at a one-to-one ratio. However, an applicant is not required to provide more spaces than the minimum number of required off-street parking spaces for the single-family or multifamily dwelling.

(iii) Replacement parking may be done either through construction or relocation of existing parking, through any of the following:

(I) Uncovered parking;

(II) Tandem parking, as defined by LBMC section 25.17.010(c)(14) above; and

(III) Located in the setback – but not a watercourse or bluff edge setback – if it is located at least 3 feet from all property lines **except for any property lines abutting a street or alley**.

(iv) The replacement parking must also be located entirely on the private property and may not be located within a required on-site turnaround area.

(3) ~~Pedestrian Access. An all-weather firefighter access path must be provided from the right-of-way to the front door of the ADU or JADU. The access must be a minimum of 3 feet wide and non-combustible. Stairs must be provided for any slope greater than 10 percent.~~

(4) Vehicular Access. An ADU or JADU must utilize the same vehicular access that serves the primary dwelling unless the Fire Department and the Public Works Department find that secondary access will not degrade existing safety or traffic concerns. New vehicular access to streets or alleys is subject to discretionary design review approval and potentially other entitlements.

(5) Outdoor Living Space Requirements.

(A) Covered exterior porches, decks, patios, and other outdoor living spaces that are attached to an ADU must comply with the same height and setbacks that apply to the ADU.

(B) Roof decks are prohibited. For purposes of this subsection, a "roof deck" is defined to mean a deck above the uppermost story of a building, with no access from interior living space at the same floor level.

(d) Applicable Provisions of the Certified Local Coastal Program.

(1) There are provisions in the City's certified LCP that apply to residential development generally. No ADU or JADU may cause a violation of any provision in the certified LCP.

(2) **Notwithstanding the foregoing, an ADU may deviate from otherwise applicable certified local coastal program requirements relating to limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lots size if application would prevent an otherwise compliant ADU with at least 800 square feet of interior livable space with four-foot side and rear yard setbacks, except as necessary to provide coastal resource protection as outlined in 25.17.020(b).**

(3) **Attached** ADUs and JADUs under this section do not count toward the calculation for major remodel ~~projects~~, except as necessary to comply with section 30253 of the Coastal Act **and similar LCP policies** limiting alterations of existing bluff top**s and oceanfront areas**, ~~beachfront, and coastal canyons,~~ and to ~~determine applicability of~~**comply with** section 302**3**5~~3~~ of the Coastal Act and equivalent LCP policies **applicable to existing structures** and ensure compliance with the same.

B. CONSISTENCY ANALYSIS

IP Amendment Request

Under Sections 30513 and 30514(b) of the Coastal Act, the Commission shall certify a proposed amendment to an IP unless it does not conform with, or is inadequate to carry out, the provisions of the certified LUP. Thus, the standard of review for an amendment to the IP is the LUP. The proposed IP amendment must conform with, and be adequate to carry out, the related provisions of the certified LUP.

Relevant LUP Policies

Policy 5.1 Establish standards and review procedures to ensure that infill development and/or redevelopment is neighborhood-compatible.

Action 5.1.1 Improve design guidelines and review procedures to more effectively evaluate development projects.

Policy 7.3 Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.3 Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

Action 7.3.4 Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Action 7.3.10 Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the Land Use Element Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP.

Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years).

Action 7.3.13 Limit the use of shoreline/bluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shoreline/bluff protective device shall be allowed for the sole purpose of protecting an accessory structure

Policy 7.4 Ensure that development, including subdivisions, new building sites and remodels with building additions, is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation . . .

Action 8.8.1 Evaluate and update parking standards to ensure sufficient parking for new development and/or an intensification of use.

Policy 10.2 Design and site new development to protect natural and environmentally sensitive resources such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize landform alterations.

Action 10.2.1 Adopt standards that require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources.

Action 10.2.7 Require all new development located on oceanfront bluffs to be sited in accordance with the stringline but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools that require a structural foundation. The setback shall be increased where necessary to ensure geologic safety and stability of the development.

Action 10.2.8 On oceanfront bluffs, require new minor accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with stringline but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, geologic instability or other coastal hazards.

Policy 10.3 Ensure that all new development, including subdivisions, the creation of new building sites and remodels that involve building additions, is evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development. Proposed development shall emphasize ESHA impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site rather than off-site, where feasible. Any off-site mitigation should be located within the City's boundaries and in close proximity to the project.

OSCE Policy 9C a) Streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps which are also "blue-line" streams identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25 feet from the top of the stream banks shall be required in all new developments… b) Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses or streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps other than the "blue-line" streams referenced in 9-C(a) above…

Analysis

As discussed above, any amendments to the IP portion of the City's certified LCP must be consistent with the certified LUP. Modifications to the proposed amendment are necessary to ensure consistency with coastal resource protection policies of the LUP. The majority of the City's proposed changes are technical, administrative, or corrective in nature, and would not conflict with the certified LUP policies. The City received additional comments from the California Department of Housing and Community Development for consistency with State housing law; as such, the City of Laguna Beach proposes additional changes in response. Some of these changes include clarifying language about interior living space and building envelope, language that seeks to harmonize between State ADU Law and Coastal Act/LCP requirements, new appeal procedures for ADUs and JADUs to reflect recent state law changes, changes in owner occupancy and separate conveyance requirements, and other minor changes. These are hereby incorporated into the Commission's action as "friendly" suggested modifications at the City's request. However, additional suggested modifications are necessary to address issues related to LUP consistency, such as setback requirements, biological resource protections, coastal hazards, and major remodel calculations.

LUE Action 7.3.10 allows oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel constitutes new development and causes the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP. In order to achieve consistency with LUE Action 7.3.10, the suggested modifications clarify that the waiver of setback requirements for an ADU constructed within the same location and to the same dimensions as an existing structure only applies to the replacement of legally existing structures. Nonconforming structures would therefore be required to comply with the setback requirements pursuant to LUE Actions 10.2.7, 10.2.8 and OSCE Policy 9C. Moreover, the City's originally proposed language would allow for legalization of unpermitted ADUs that are nonconforming; the suggested modifications would ensure that the legalization of such unpermitted ADUs would not have significant adverse coastal resource impacts. Finally, the suggested modifications would also ensure that a primary dwelling unit could not be wholesale converted into an ADU or JADU, which could result in additional nonconformities, as well as siting and design of new development with the potential to adversely impact coastal resources.

LUE Policies 7.4 and 10.3 include provisions to ensure development is evaluated to ascertain potential negative impacts on natural resources, including incorporating measures to avoid negative impacts to natural resources. Suggested modifications provide further specifications for exterior lighting requirements in order to reduce light pollution and avoid adverse impacts to natural and biological resources. Furthermore, LUE Policy 10.3 requires new development to be evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development, and requires proposed development to emphasize ESHA impact avoidance over impact mitigation. Therefore, in

addition to the proposed setback requirements under Section 25.17.020(c)(1), the suggested modifications further incorporate buffers from high and very high value habitat areas to protect ESHA, consistent with LUE Policy 10.3, as well as requisite setbacks necessary to avoid hazards and protect bluffs, oceanfront environments, and archaeological resources. The suggested modifications clarify that minor deviations from LCP standards may be allowed as to not preclude ADUs of a certain size and dimension, except that these setback requirements and other standards that avoid significant adverse coastal resources shall prevail.

LUE Action 7.3.10 allows legally nonconforming structures to be maintained and repaired; however, it specifies that improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel, constitutes new development and causes the pre-existing nonconforming structure to be brought into conformity with the LCP. Further, LUE Action 7.3.13 limits shoreline/bluff protective devices to the minimum required to protect existing development. For this reason, in areas where new development may be at risk from coastal hazards, the suggested modifications would require an assumption of risk, waiver of liability, and indemnity via a deed restriction legally recorded on the proposed ADU or JADU binding the property owner and any future successors and assigns. This would ensure that prospective property owners are informed of, and are required to acknowledge, the hazards onsite via the deed restriction for the new ADU. The deed restriction would also require property owners to agree to a prohibition of future shoreline armoring to protect the new development and remove new development if rendered unsafe or uninhabitable. The suggested modifications clarify that the exception for ADUs and JADUs to not count toward the calculation for major remodel only applies in contexts outside of assessing redevelopment for the purposes of coastal hazards and entitlement to shoreline armoring. The exception is also specific to attached ADUs and JADUs, given detached ADUs would constitute new development requiring conformity with the applicable policies of the LCP. The suggested modifications also provide corrections to Coastal Act references and specify the referenced policies apply to existing structures to further achieve conformance with LUE Action 7.3.10.

The City's proposed language does not clearly establish whether the above standards apply in full within the coastal zone and to projects subject to CDP requirements. LUE Policy 5.1 and Action 5.1.1 require the City to make project review procedures and establishment of standards clear, including for infill development such as ADUs. The suggested modifications ensure that the standards in Sections 25.17.010(f) and (g) apply in their entirety to projects in the coastal zone subject to CDPs under Section 25.17.010(d)(1). Finally, the Commission has sometimes allowed LCPs to incorporate outside documents or laws by reference so long as the LCP clearly states that it is only incorporating the version of the outside reference that exists as of a specified date or the date of Commission certification.[1] This approach allows a local jurisdiction to incorporate an outside law's provisions, such as state ADU requirements, into the LCP without having to draft new LCP provisions that reiterate the law. This approach requires a copy of the outside law be kept so that applicants designing projects and future decisionmakers can

[1] See the Commission's Guidance on Processing Local Coastal Program Amendments for Accessory Dwelling Units in the Coastal Zone dated July 1, 2026.

find the version of the law that was incorporated in the LCP. As such, it ensures that the Commission has the opportunity to certify that the provisions being incorporated into the LCP are consistent with the Coastal Act or LUP. Therefore, the suggested modifications incorporate an effective date following references to government code sections.

Overall, the proposed amendment can only be found to be consistent with the certified LUP policies if approved with the Commission's suggested modifications, as detailed above. These modifications are necessary to ensure that ADU and JADU projects will be carried out in conformity with LCP policies to protect coastal resources and minimize risks from hazards to new development.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As set forth in Section 21080.9 of the California Public Resources Code, the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. (14 CCR § 15251(f).) Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP conforms with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The Commission finds that, for the reasons discussed in this report, the proposed IP amendment, with adoption of the suggested modifications listed in Section III of this report, is in conformity with and adequate to carry out the land use policies of the certified LUP. The Commission finds that approval of the LCP Amendment with suggested modifications will not result in significant adverse environmental impacts within the meaning of CEQA. Specifically, the amendment with modifications will ensure that ADU and JADU projects will still have to comply with LCP provisions that protect coastal resources, thus ensuring there are not unmitigated, significant impacts. Certification of the LCP if modified as suggested complies with CEQA because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment if modified as suggested will be consistent with CEQA and Section 21080.5(d)(2)(A) of the Public Resources Code.