



CITY OF CARMEL-BY-THE-SEA

ADU Ordinance Workshop #2

Planning Commission Meeting

November 13, 2024



Background

Workshop Purpose

- Gather feedback on a revised draft ADU ordinance
 - High level policy direction
 - Feedback on revisions to Draft
 - Additional feedback
 - Workshop
- No decisions or formal recommendations are being made at this meeting





What is an ADU?

An ADU is...

- “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. It shall include 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.”
 - aka second unit, in-law unit or granny flat
 - Effectively a second unit or apartment on a parcel.
- ADUs can be constructed new or converted from existing space, and come in many varieties:
 - Detached structure
 - Attached to the main house
 - Conversion of existing accessory structure (e.g. garage conversion)
 - Conversion of existing space within the main house

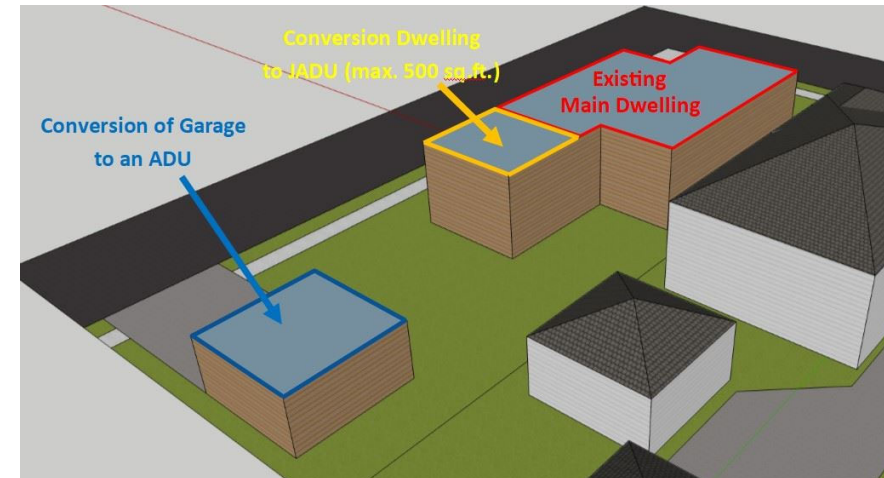




What is a JADU?

A JADU is...

- A unit that is:
 - no more than 500 square feet in size;
 - include an efficiency kitchen which shall include:
 - A cooking facility with appliances;
 - A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - contained entirely within a single-family residence.
- A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- **Requires** owner occupancy in JADU or primary dwelling (Gov. Code Section 66333(b)).





What is an ADU not?

An ADU and JADU is not...

- A dwellings licensed by the DMV:
 - A tiny home;
 - A Recreational Vehicle.



Manufactured homes meeting the requirements of Health and Safety Code Section 18007 are considered ADUs.



Coastal Act vs ADU Law

- ADU statute requires local jurisdictions provide for streamlined and ministerial approvals of ADUs including the granting of certain waivers and exceptions for their development.
- ADU law apply to jurisdictions in the California Coastal Zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies.
- In summary, the city still needs to comply with the Coastal Act, and by extension the city's Local Coastal Program (LCP), **as provided in the state ADU statute.**

Government Code Section 66329:

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.



Outsiders Perspective

Government Code Section 66329:

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.





Collaborative Effort

Government Code Section 66329:

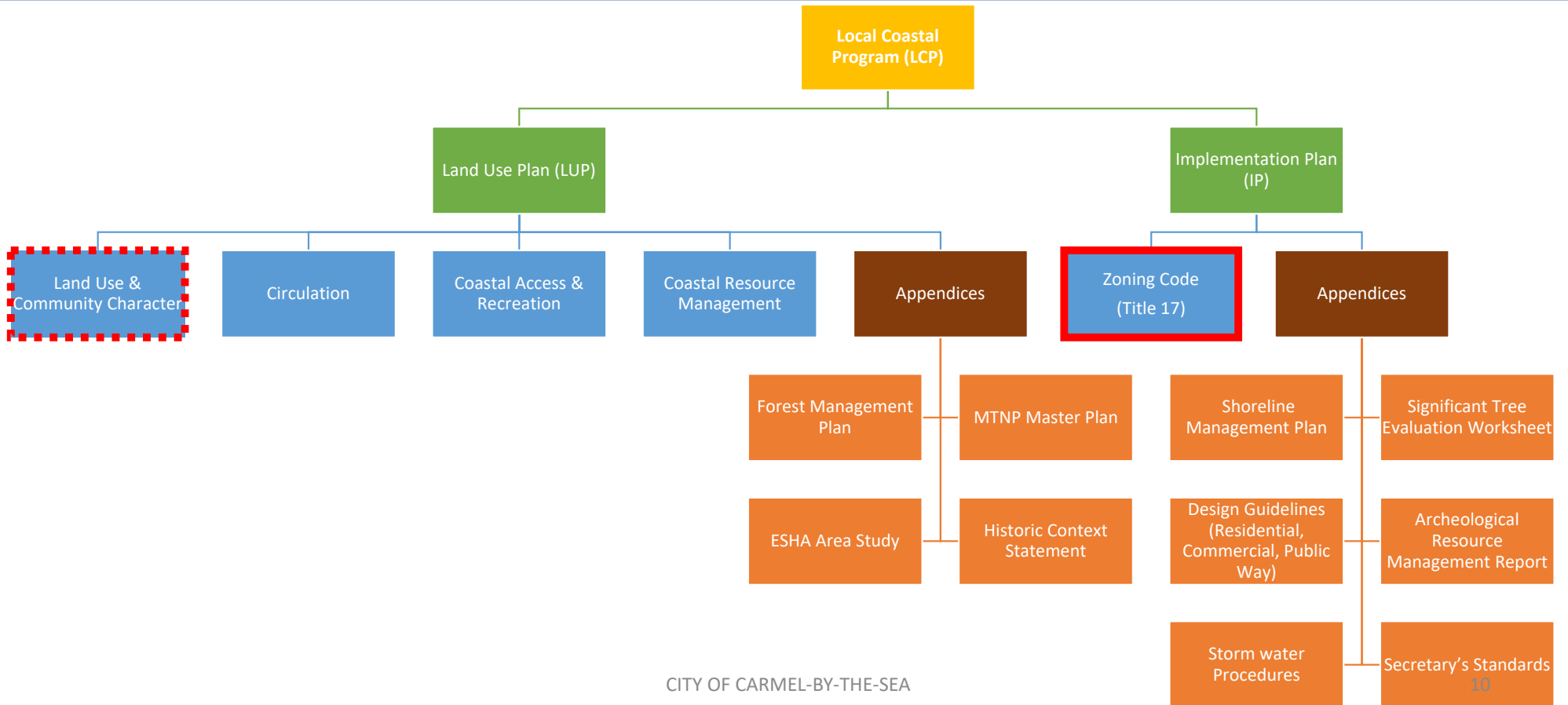
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CITY OF CARMEL-BY-THE-SEA



Carmel-by-the-Sea LCP





LCP Breakdown

The City's Land Use Plan describes the associated chapters in the following manner:

Community Character and Development. This Chapter of the General Plan covers topics required in the Land Use Element. **This heading also includes policies for topics in sections 30244 and 30250 through 30254 of the Coastal Act.**

- Land Resources, and Development

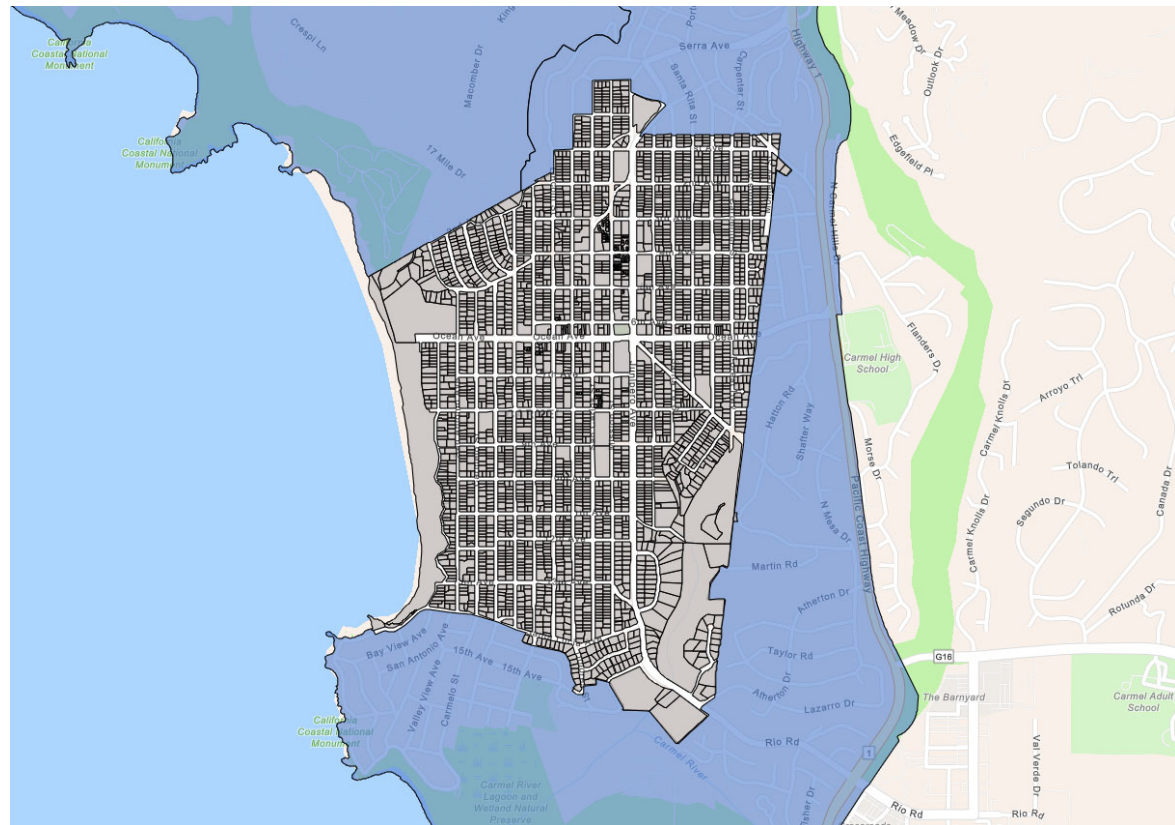
Circulation. This Chapter or Element of the General Plan is one of the seven elements required by California Statutes. **Several of the policies in this element also implement provisions of the Coastal Act.**

Coastal Access and Recreation. **This Chapter includes policies for topics covered in sections 30210 through 30224 of the Coastal Act.**

- Public Access, and Recreation

Coastal Resource Management. **This Chapter of the General Plan includes policies for topics in sections 30230 through 30243 and 30251 of the Coastal Act.**

- Marine Environment, Land Resources, and Development



CITY OF CARMEL-BY-THE-SEA



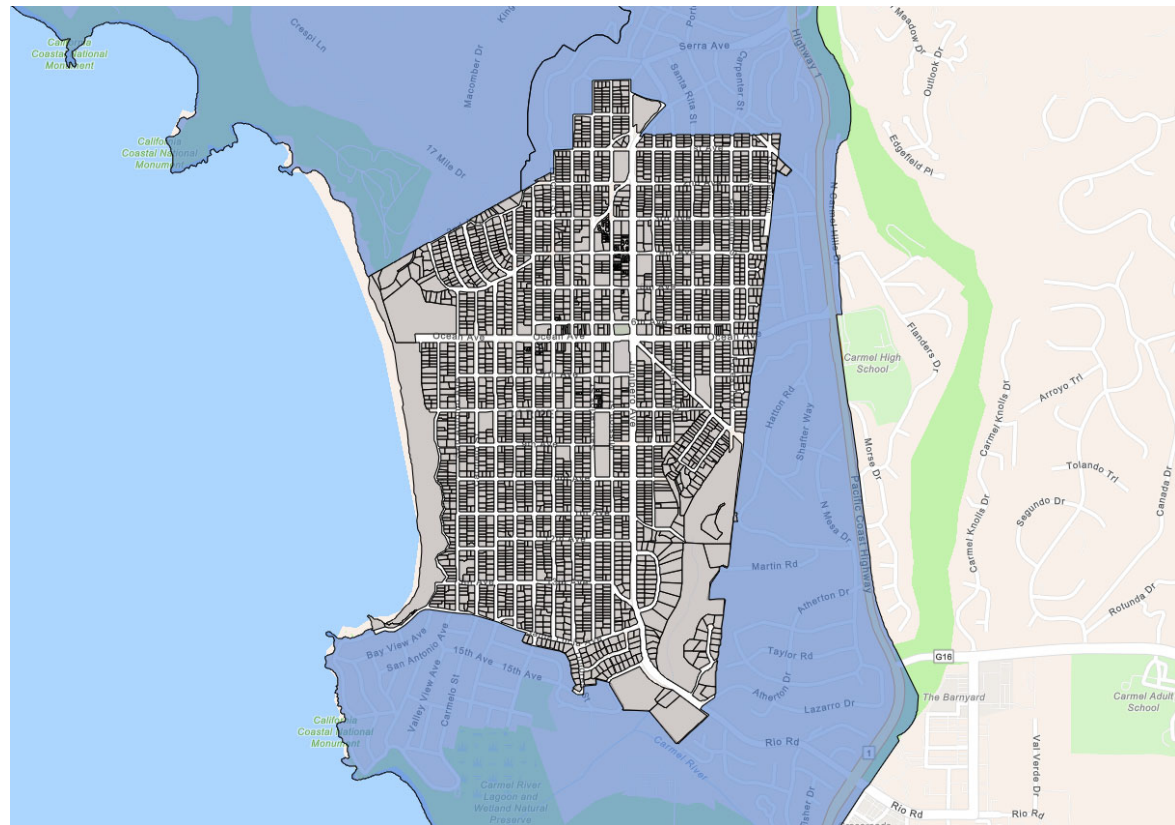
LCP Breakdown

Appendices to the **Land Use Plan** include the:

- Forest Management Plan;
- Mission Trail Nature Preserve Master Plan;
- Final Results of the Environmentally Sensitive Habitat Area Study Conducted for the City of Carmel-by-the-Sea (ESHA Study);
- Historic Context Statement, Carmel-by-the-Sea.

The **Coastal Implementation Plan** consists of **the Carmel Zoning Code (Title 17 of the Municipal Code)** including;

- Appendix A: Shoreline Management Plan;
- Appendix B: Significant Tree Evaluation Worksheet;
- Appendix C: Residential Design Guidelines – Concept Review;
- Appendix D: Residential Design Guidelines – Final Details Review;
- Appendix E: Commercial Design Guidelines – Commercial Design Guidelines;
- Appendix F: Public Way Design Guidelines;
- Appendix G: Archaeological Resource Management Reports (ARMR): Recommended Contents and Format;
- Appendix H: Storm Water Standards and Programs; and
- Appendix I: Secretary of Interior’s Standards for Rehabilitation of Historic Buildings;
- Appendix J: Del Mar Master Plan.



CITY OF CARMEL-BY-THE-SEA



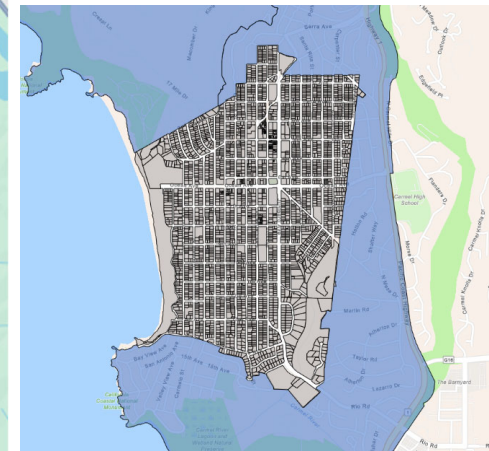
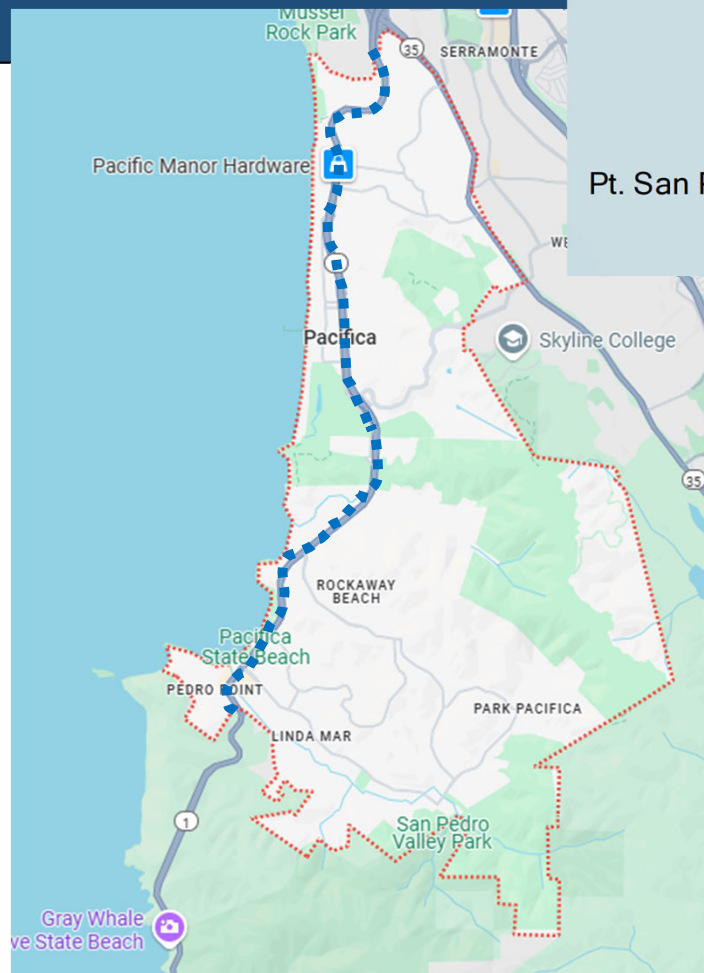
City of Pacifica; for example

From Pacifica ADU Ordinance:

Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Section 30000 et seq. of the Public Resources Code) or the City's certified local coastal plan, except that the Planning Director shall consider a coastal development permit application for an accessory dwelling unit or a junior accessory dwelling unit administratively without a public hearing in accordance with the procedures for processing an administrative coastal development permit contained in [Section 9-4.4306](#).

The provisions of [Article 43, Coastal Zone Combining District](#), shall not apply to the construction of accessory dwelling units or junior accessory dwelling units that do not meet the definition of "development" as defined in [Section 9-4.4302\(z\)](#).

For purposes of making the findings required for approval of an administrative coastal development permit, the development standards for an accessory dwelling unit provided in [Section 9-4.453](#) and for a junior accessory dwelling unit provided in [Section 9-4.454](#), shall be considered the minimum development standards. The Planning Director may require more stringent development standards of an accessory dwelling unit or junior accessory dwelling unit in relation to any or all of the minimum development standards, including, but not limited to, standards addressing height and setbacks, if determined necessary to make the findings for approval of an administrative coastal development permit as provided in [Article 43, Coastal Zone Combining District](#).





What gives us so much review authority?

Community Character and Development. This Chapter of the General Plan covers topics required in the Land Use Element. **This heading also includes policies for topics in sections 30244 and 30250 through 30254 of the Coastal Act.**

- Land Resources, and Development

The incorporated limits of the City of Carmel-by-the-Sea shall be designated a special community and a highly scenic area within the meaning of Coastal Act sections 30251 and 30253 and for the purposes of implementing section 30610 and corresponding regulation section 13250 of the California Code of Regulations. New development shall protect this special community and its unique characteristics. (LUP)

Coastal Act Section 30251:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed ..., to be visually compatible with the character of surrounding areas,

Coastal Act Section 30253.

New development shall do all of the following:

- e) *Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*



IE-SEA



Workshop #1 Discussion Topics - Parking

- Draft Ordinance #1 proposed waiver of all parking requirements
- PC gave feedback to require parking to greatest extent feasible
- Gov. Code Section 66322 provides for parking limitations

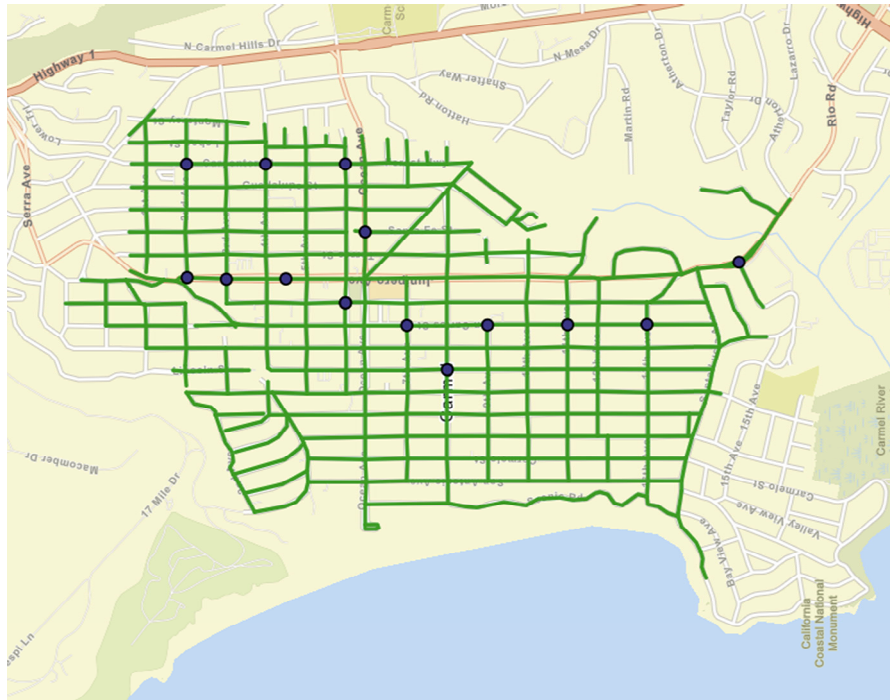
Government Code Section 66322

Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with Section 66314, all of the following shall apply:

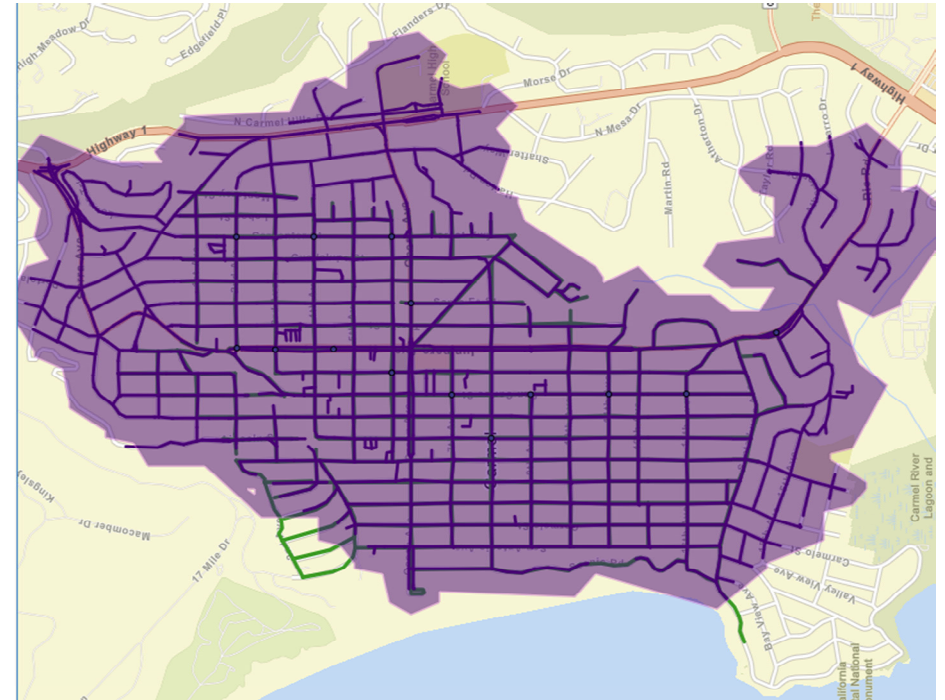
- a) A local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:
 - 1) Where the accessory dwelling unit is located within one-half of one mile walking distance of public transit.**
 - 2) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.
 - 3) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - 4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - 5) When there is a car share vehicle located within one block of the accessory dwelling unit.
 - 6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.



Workshop #1 Discussion Topics - Parking



Purple DOT = Bus Stop



Purple Area = 1/2 Mile Walking from Bus Stop > No Parking



Workshop #1 Discussion Topics - Parking

- Coastal Commission Requirement

- Coastal Act objectives and policies to protect and provide maximum coastal access opportunities sufficient public coastal parking.
- Local governments are encouraged to work with Commission staff to identify or map specific neighborhoods and locations where there is high visitor demand for public on-street parking needed for coastal access

1st Draft Ordinance – Red line (map) & Current Revision

- All properties located within the Beach and Riparian (BR) Overlay District located west of Carmelo Street and west of North San Antonio Street
- All properties with street frontages located on San Antonio Avenue or North San Antonio Avenue.
- Parking Requirements
 - 1 space per ADU
 - replacement parking required for primary dwelling if garage converted or demolished



Staff is working with CCC staff to garner support for shift east to **YELLOW line** – i.e all properties fronting Carmelo and N. Carmelo.

Community input needed

From CCC staff: *Something like this is only bolstered by data, so if you have anything that documents this as the most impacted on-street parking area during peak visitation times, that would be good to see and helpful in making findings. I realize that any data is probably largely anecdotal, but that's still helpful in the absence of actual vehicle counts, etc.*



Workshop #1 Discussion Topics – Floor Area

- Draft Ordinance #1 proposed adherence to floor area limitation
- PC gave feedback to explore allowance for additional floor area
 - Adherence to FAR limitation may be too restrictive

Process	Additional Floor Area Allowance for ADU	CDP Required	Review Process
ADU Statute	Up to 800 sf	-	Ministerial
LCP	None	Yes, generally	Discretionary
Hybrid	Up to 800 sf	Varies	Varies

**A Coastal Development Permit (CDP) is the regulatory mechanism by which proposed developments in the coastal zone are brought into compliance with the policies of Chapter 3 of the Coastal Act. The policies applicable to the City of Carmel of Chapter 3 of the Coastal Act have been incorporated into the city's certified Local Coastal Program.*



Workshop #1 Discussion Topics – Floor Area

Type 1

- Conversion of existing, habitable, space to an ADU or JADU.
 - No structural change to primary dwelling.
 - Not located in sensitive coastal area
 - Exempt from CDP requirements
- Up to 1,800 total FAR
 - No new structure

Type 2

- Attached and Detached Units that comply with the floor area limits of the site, or
- Type 1 units located in a sensitive coastal area, or
- Units converted from non-habitable space, or
- Any unit not specifically classified as a Type 3
- Administrative CDP
- Up to 1,800 total FAR

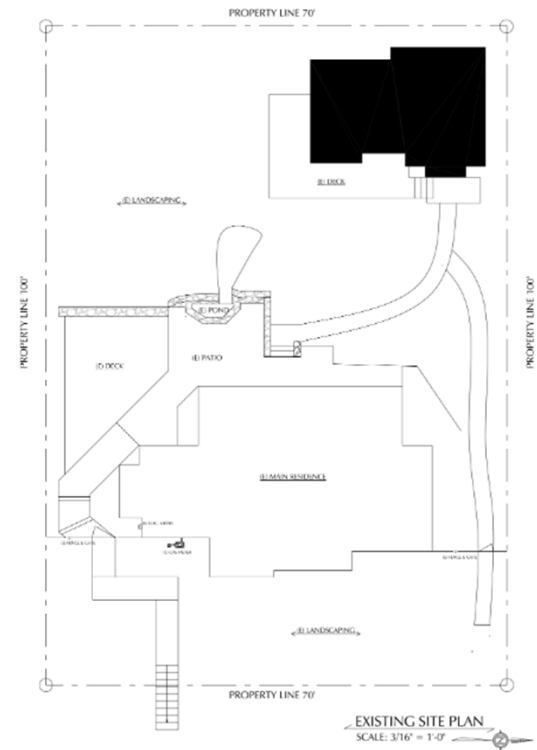
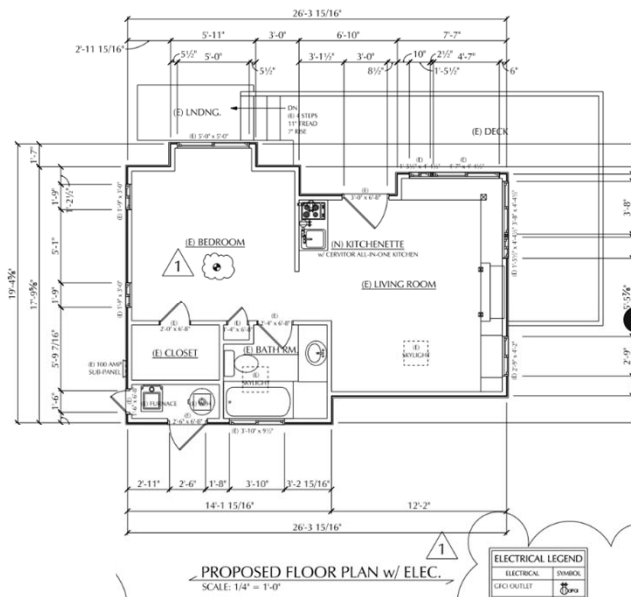
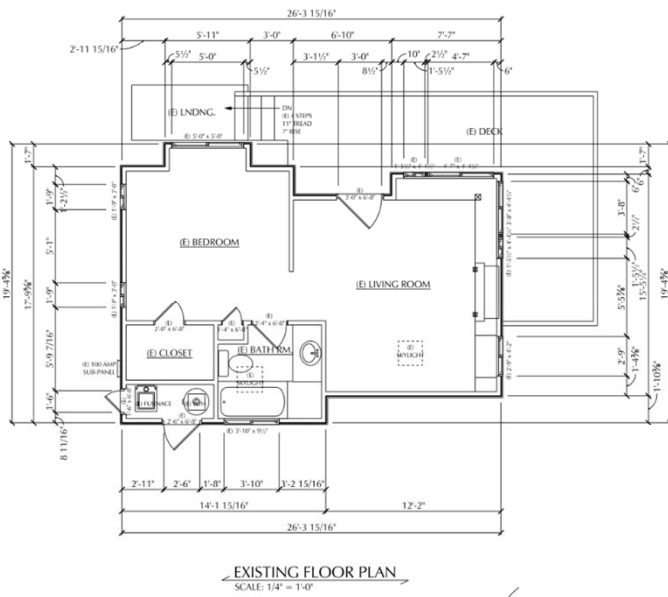
Type 3

- Any ADU which creates an overage of the total allowable floor area for the site of between 1 and 800 sf, and/or
- Any new attached or detached ADU located in the Beach and Riparian Overlay District west of San Antonio Avenue or west of North Carmelo Avenue
- Any new ADU proposed concurrently, and reliant, on a new Track 2 application for a new dwelling, rebuild, or substantial alteration of a primary dwelling.
- Any ADU for which the applicant requests deviation from adopted applicable standards
- Standard Review process
 - Think Track 1 Major & Track 2
 - Admin CDP or Standard CDP
- Up to 2,600 total FAR



Workshop #1 Discussion Topics – Floor Area

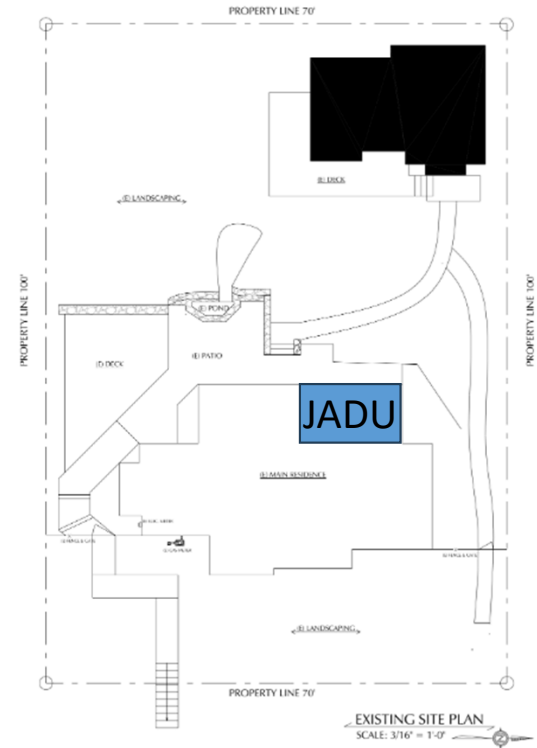
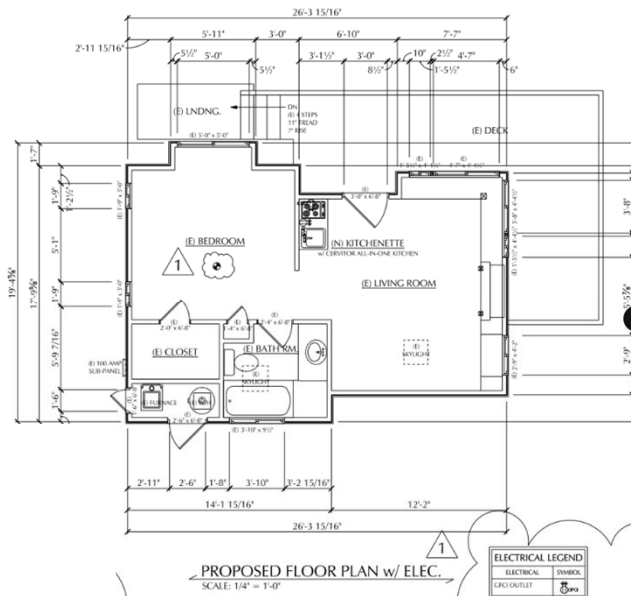
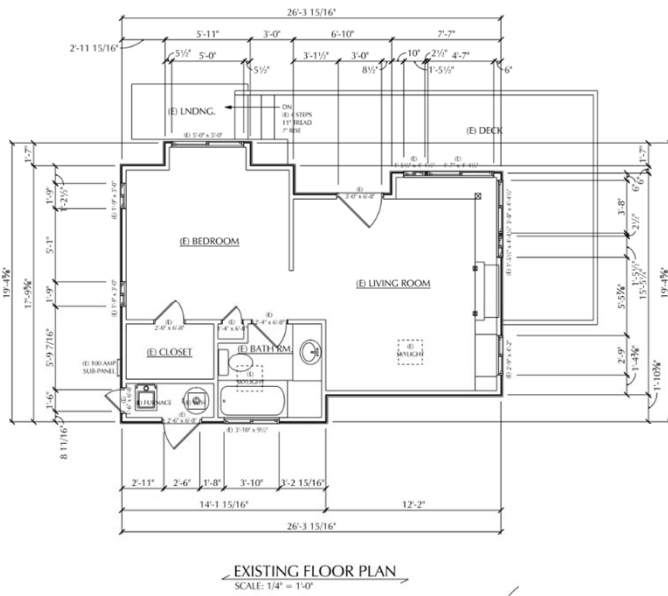
Type 1





Workshop #1 Discussion Topics – Floor Area

Type 1

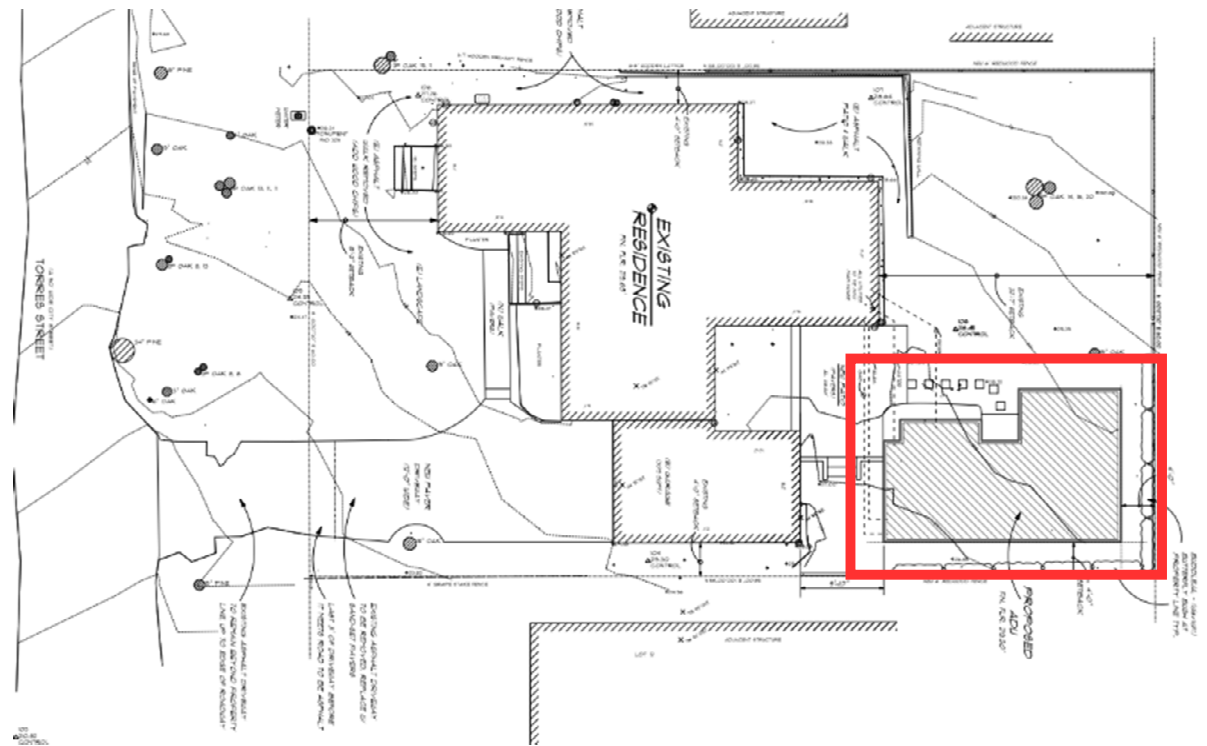




Workshop #1 Discussion Topics – Floor Area

Type 2

- Step 1) Administrative CDP
- Step 2) Building Permit
- CDP + BP can be considered concurrently
- ADU size: 430 square feet
- Total FAR w/ ADU: 1,995 sf
- **Allowable FAR: 2,460 sf**
- 465 sf balance of floor area

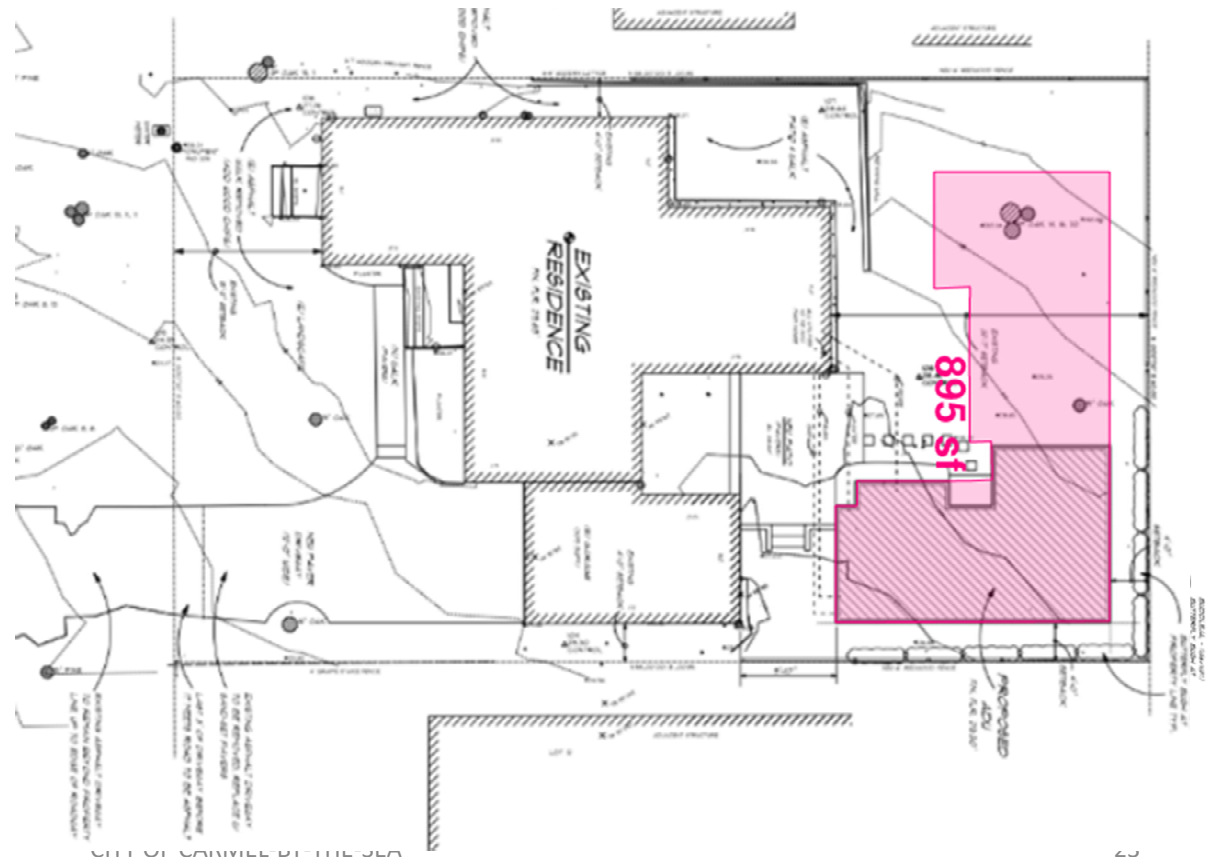




Workshop #1 Discussion Topics – Floor Area

Type 2

- Step 1) Administrative CDP
- Step 2) Building Permit
- CDP + BP can be considered concurrently
- ADU size: 430 square feet
- Total FAR w/ ADU: 1,995 sf
- **Allowable FAR: 2,460 sf**
- **ADU could be constructed up to 895 sf**
 - Up to max allowable floor area limit
 - Possible CDP Considerations
 - Trees; Topography





Workshop #1 Discussion Topics – Floor Area

Type 2

Max FAR: 1800 sf

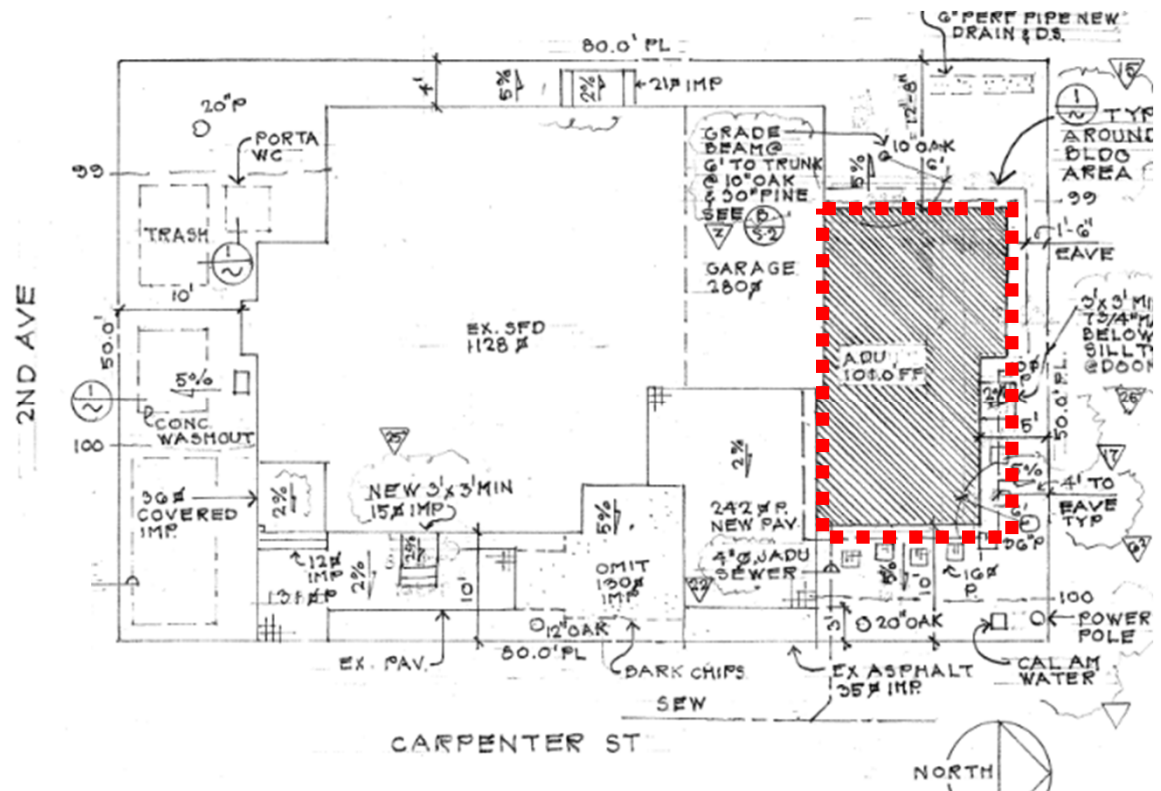
Residence: 1400 sf

(p) ADU: 400 sf

Total: 1800 sf

Benefits and Streamlining:

- Staff Review
 - Administrative CDP
- Encourage Housing Production while protecting existing housing stock
 - Track 2 Design Study required for 140 sf addition or greater
 - Site Assessment: \$1534
 - Design Study (1-2 public hearings): \$6089
 - Volume Study: \$139 + \$1500 deposit
 - Coastal Dev. Permit: \$180
 - **Total: \$180**





Workshop #1 Discussion Topics – Floor Area

Type 3

Any ADU which creates an overage of the total allowable floor area for the site of between 1 and 800 sf

Administrative Review

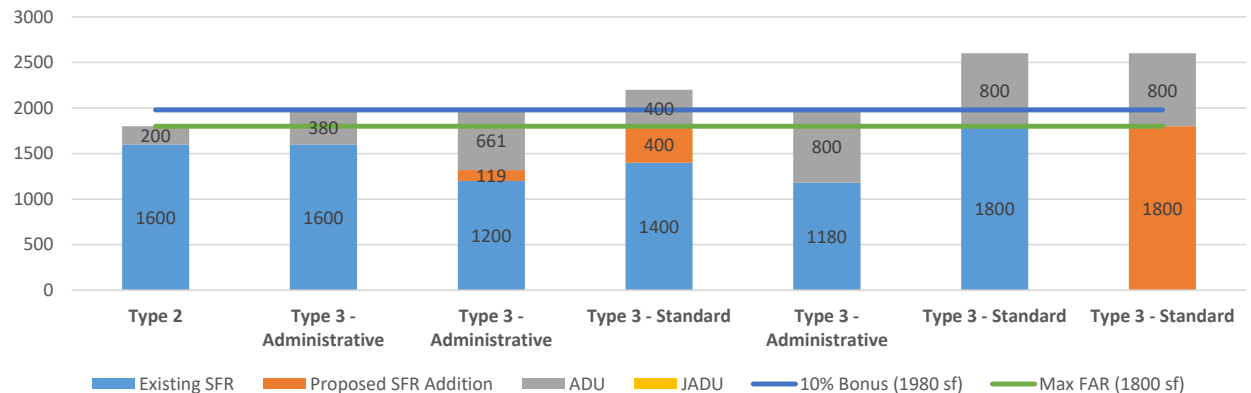
New attached and detached units additions that do not increase existing floor area of the building site on which they are located by more than 10 percent or do not increase the height of the existing structure by more than 10 percent shall reviewed administratively.

Standard Review

New attached and detached units additions that increase existing floor area by more than 10 percent or more, or increase the height of the existing structure by 10 percent or more shall reviewed consistent with procedures outlined in CMC 17.58.040.B.

Lot Size	Base Floor Area	Type 3 FAR Administrative Review "Allowance" (+10% above max FAR)	Max Type 3 Admin. FAR Limit
4,000	1,800	180	1,980
5,000	2,150	215	2,365
6,000	2,460	246	2,706
7,000	2,730	273	3,003
8,000	2,960	296	3,256
9,000	3,150	315	3,465
10,000	3,300	330	3,630

Type 3 Scenario Examples – 4,000 sf site





Workshop #1 Discussion Topics – Floor Area

Type 3

Max FAR: 1800 sf

Residence: 1800 sf

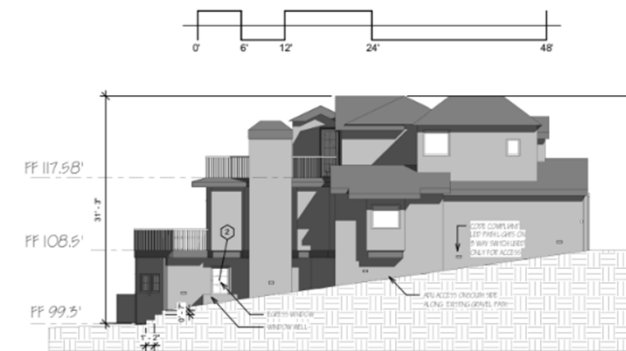
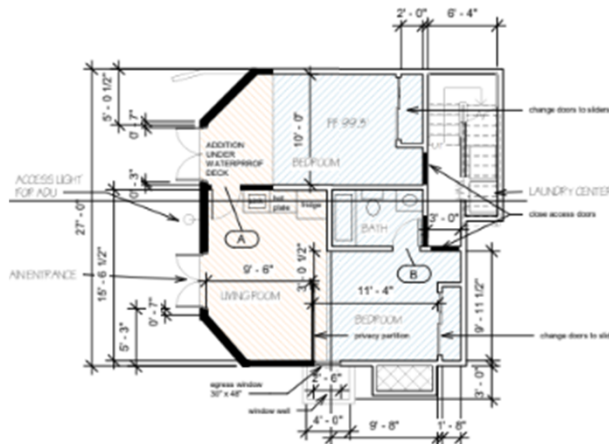
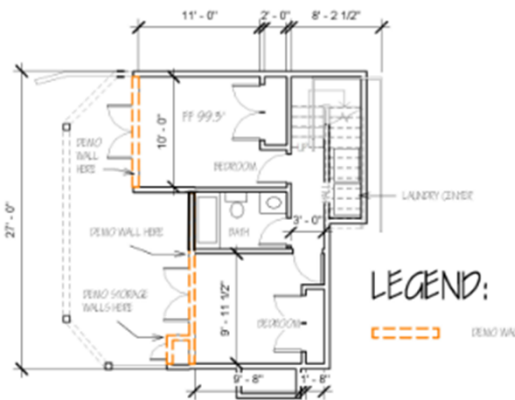
(p) ADU: 569 sf

Total: 2031 sf

- **231 sf > max base floor area**
 - Reduce by 51 sf for Type 3 – Admin.
 - Standard review for up to 800 sf. additional

Benefits and Coastal Protection:

- Harmonizes State Statute while using discretionary review process in LCP to protect Coastal Resources
 - Community Character, Historic Resources, Forest Character, Mass/Bulk, Views, Water Quality, etc





Ordinance in Practice



CMC 17.ADU.040.B

1. The floor area of an ADU and/or JADU is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.

a. Notwithstanding CMC 17.ADU.030.B.1, an 800 square foot floor area allowance may be allowed exclusively for the creation of an attached or detached Type 3 ADU, as described in section 17.ADU.xxx.

2. For the purposes of development of other structures on the property, the floor area of an existing ADU shall be counted in the calculation of the property's total lot coverage and floor area ratio.

Type 2 Unit

Site Area; 8,000 sf

Base FAR: 2,779 sf

- (e) Site FAR: 1,930
- (p) ADU: 672 sf
- **TOTAL: 2,602 sf <- Less than max FAR**

(For purpose of ADU Count, project was counted as Type 3 – Under proposed ordinance full project could not occur as Type 2)





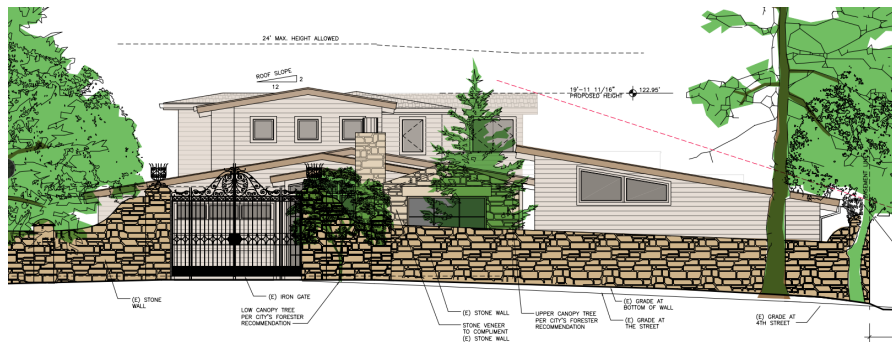
Ordinance in Practice

Type 2 Unit

Site Area; 8,000 sf

Base FAR: 2,779 sf

- (e) Site FAR: 1,930 -> **only 177 sf for future addition**
- (p) ADU: 672 sf
- **TOTAL: 2,602 sf** <- Less than max FAR



CMC 17.ADU.040.B

1. The floor area of an ADU and/or JADU is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.

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Ordinance in Practice



Type 2 Unit

Site Area; 8,000 sf

Base FAR: 2,779 sf

- (e) Site FAR: 1,930
- (p) ADU: 672 sf
- **TOTAL: 2,602 sf** <- Less than max FAR

Objective Design Standards:

- Not currently included within ordinance but could include metrics/criteria/tests such as:
 - True/False, Counts and Measurements, Ratios, Lists, Scorecards, Benchmarks and Performance Measures.
- Current standard is not object, but may be able to be enforced through CDP review:
 - *The accessory dwelling shall be constructed with facade materials similar in texture and appearance to the primary dwelling, including but not limited to roofing, siding, and windows and doors.*





Ordinance in Practice

True/False

- All homes have front door facing the street.
- The second story is stepped back a minimum of 5 feet from the first story.

Counts & Measurements

- Any development that includes 10 or more units shall provide 2 common open spaces of at least 400 s.f. each.
- When wall planes are greater than 30 feet in length, a plane break of 18 inches (minimum) shall occur.

Ratio & Calculations

- Each home shall have private open space equal to 10% of the conditioned floor area.
- Ground floor commercial (mixed-use) exterior walls (facing plaza area/street) shall include windows/doors for 75% of the wall area.

Lists

- All residential entryways shall incorporate at least two of the following elements:
- The entry shall have a porch of at least 3 feet in depth.
 - The entryway shall be designed with an overhead projection of at least 12 inches.
 - The entryway shall be marked with a side light window panel or a door with a window.

Objective Design Standards:

- Not currently included within ordinance but could include metrics/criteria/tests such as:
 - True/False, Counts and Measurements, Ratios, Lists, Scorecards, Benchmarks and Performance Measures.

Scorecards

Plant Type Size	Plant Container	Points
Shrub	1-gallon container	1.0
	5-gallon container	2.0
	15-gallon container or larger	10.0
Tree	5-gallon container	5.0
	15-gallon container	10.0
	24-inch box	20.0
	36-inch box	50.0
	48-inch box or larger	100.0

Source Table: Approaches and Considerations for Objective Design Standards, IBCD

Benchmarks & Performance Measures

- Development must meet the California Green Building Standards Code (CALGreen) by achieving CALGreen Tier I or II as adopted by the State of California; Tier II is a higher level of performance than Tier I.



Ordinance in Practice



Type 2 Unit

Site Area; 20,000 sf

Base FAR: 4,600 sf

- (e) Site FAR: 3,617
- (p) ADU: 800 sf
- **TOTAL: 4,417 sf <- Less than max FAR**

- **Require adherence to setbacks**

- Gov. Code Section 66321(b)(3) precludes local agency from enforcing front setback requirements if it would preclude a 16 foot tall, 800 sf unit, with 4' side and rear setbacks
- LCP finds maintaining setback requirements and preservation of community character necessary for compliance with the Coastal Act (section 30251 and 30253)

- **Objective Design Standards (as previously described)**

- Building placement, orientation, fenestration.

- **Tree protection**

- Review of the associated CDP would require adherence with city's tree protection ordinance





Other LCP protections, generally:

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Next Steps

- Revising the draft ordinance based on:
 - PC Workshop #2
 - CCC feedback
 - HCD feedback
- Option 1:
 - Workshop 3
- Option 2:
 - Return to PC for recommendation to council