



CITY OF CARMEL-BY-THE-SEA

ADU Ordinance Workshop #3

Planning Commission Meeting
September 25, 2025



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

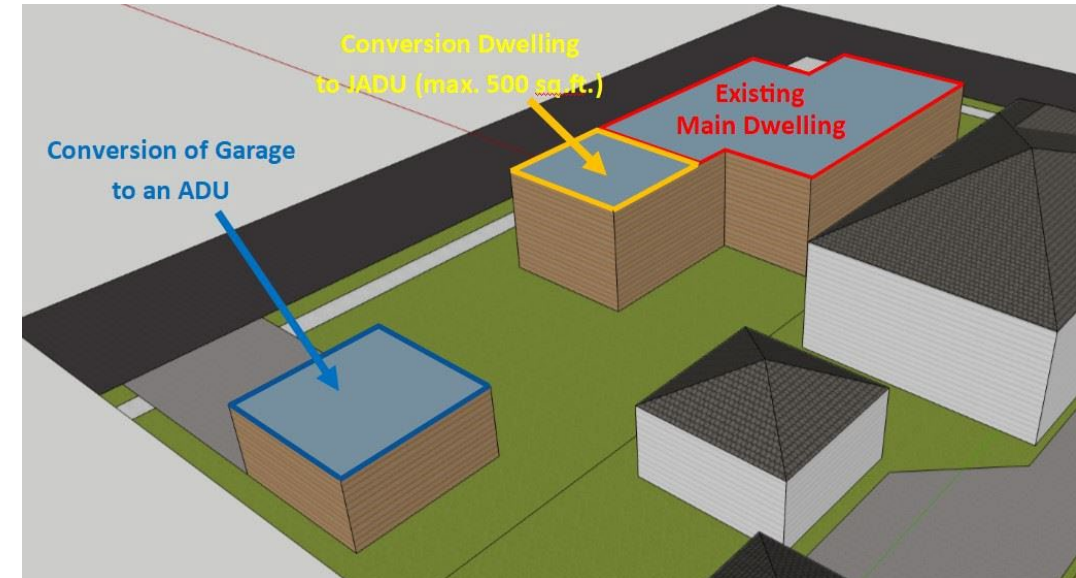




What is a JADU?

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.



The Ordinance

If that is all an ADU is,
why is this so complicated?



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 **article** 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.*



Coastal Act vs ADU Law

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66342] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 13. Accessory Dwelling Units [66310 - 66342] (*Chapter 13 added by Stats. 2024, Ch. 7, Sec. 20.)*

ARTICLE 2. Accessory Dwelling Unit Approvals [66314 - 66332] (*Article 2 added by Stats. 2024, Ch. 7, Sec. 20.)*

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The Coastal Act

What is the Coastal Act?



What is the Coastal Act?



Photo: Front yard and beach cottage at Crystal Cove State Park, by Chris Launi.

- The Coastal Act is a land use planning law that applies a specific set of land use planning principles and resource protection provisions within the Coastal Zone.
- The Coastal Act includes specific policies (see Division 20 of the Public Resources Code) that address issues such as:
 - shoreline public access and recreation · lower-cost visitor accommodations · terrestrial and marine habitat protection · visual resources · landform alteration · agricultural lands · commercial fisheries · industrial uses · water quality · offshore oil and gas development · transportation · development design · power plants · ports · and public works.
- The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the Commission and by local governments, pursuant to the Coastal Act.





Coastal Resources

- Coastal land and water resources
- Biological resources
- Scenic and visual resources
- Agricultural resources
- Recreational resources
- Cultural and historic resources
- Marine resources



Nicholas Paoni



Marcin Zajac



Incoming Brown Pelican, Elkhorn Slough, by John Charles Bruckman

CARMEL-BY-THE-SEA

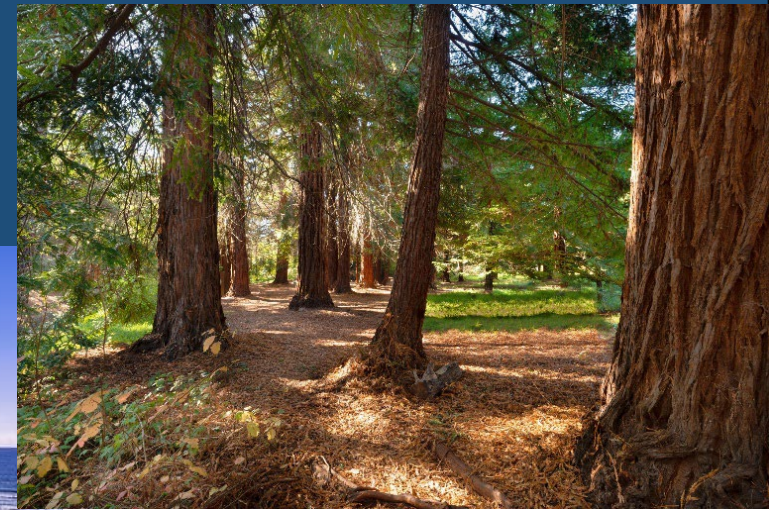


Kent Van Vuren



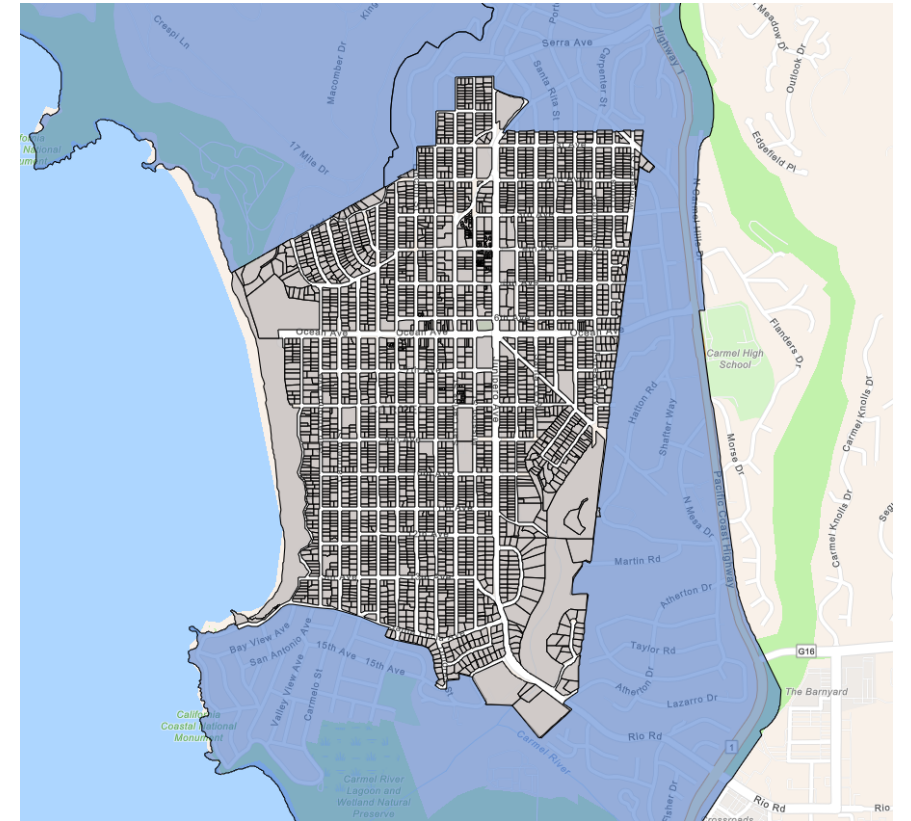
Coastal Resources

- Coastal land and water resources
- Biological resources
- **Scenic and visual resources**
- Agricultural resources
- Recreational resources
- Cultural and historic resources
- Marine resources



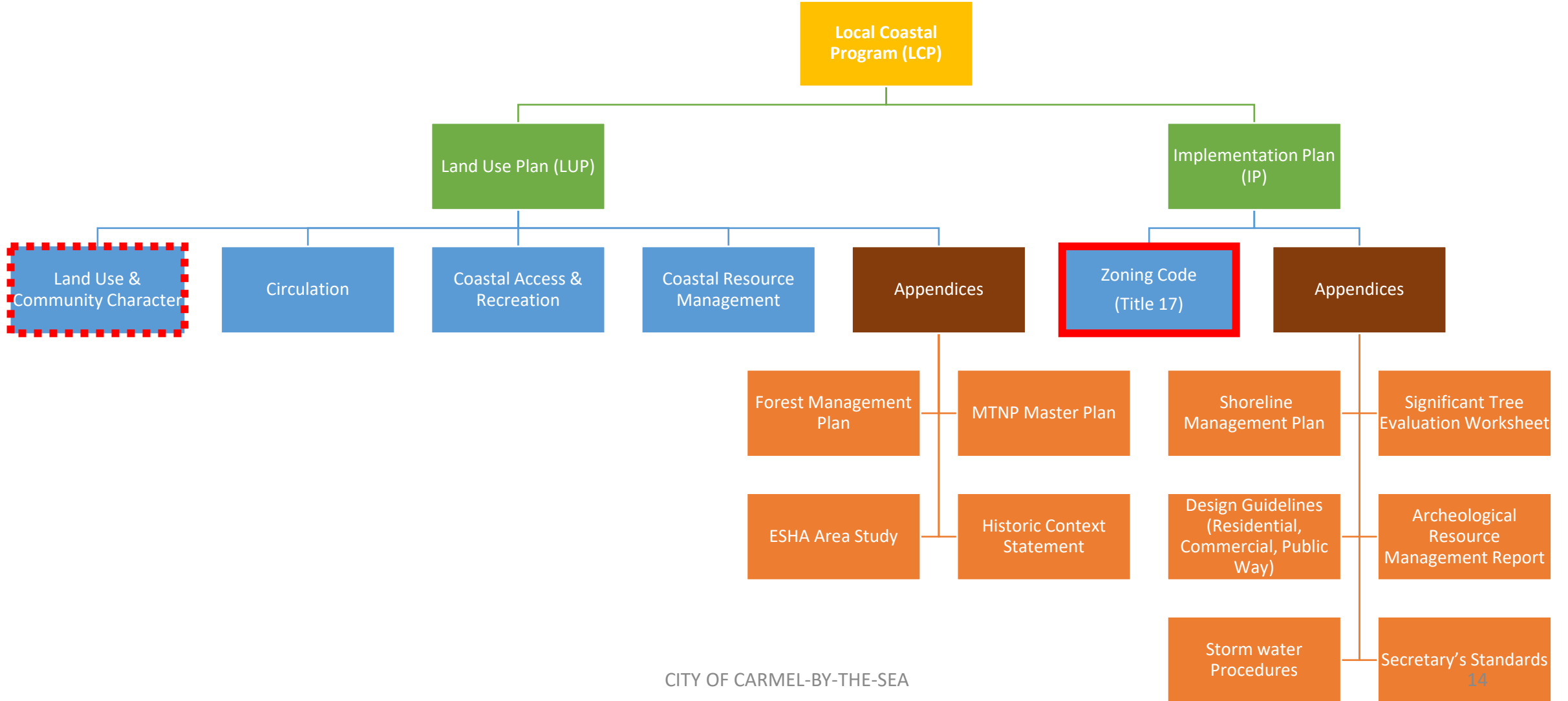


The Coastal Zone



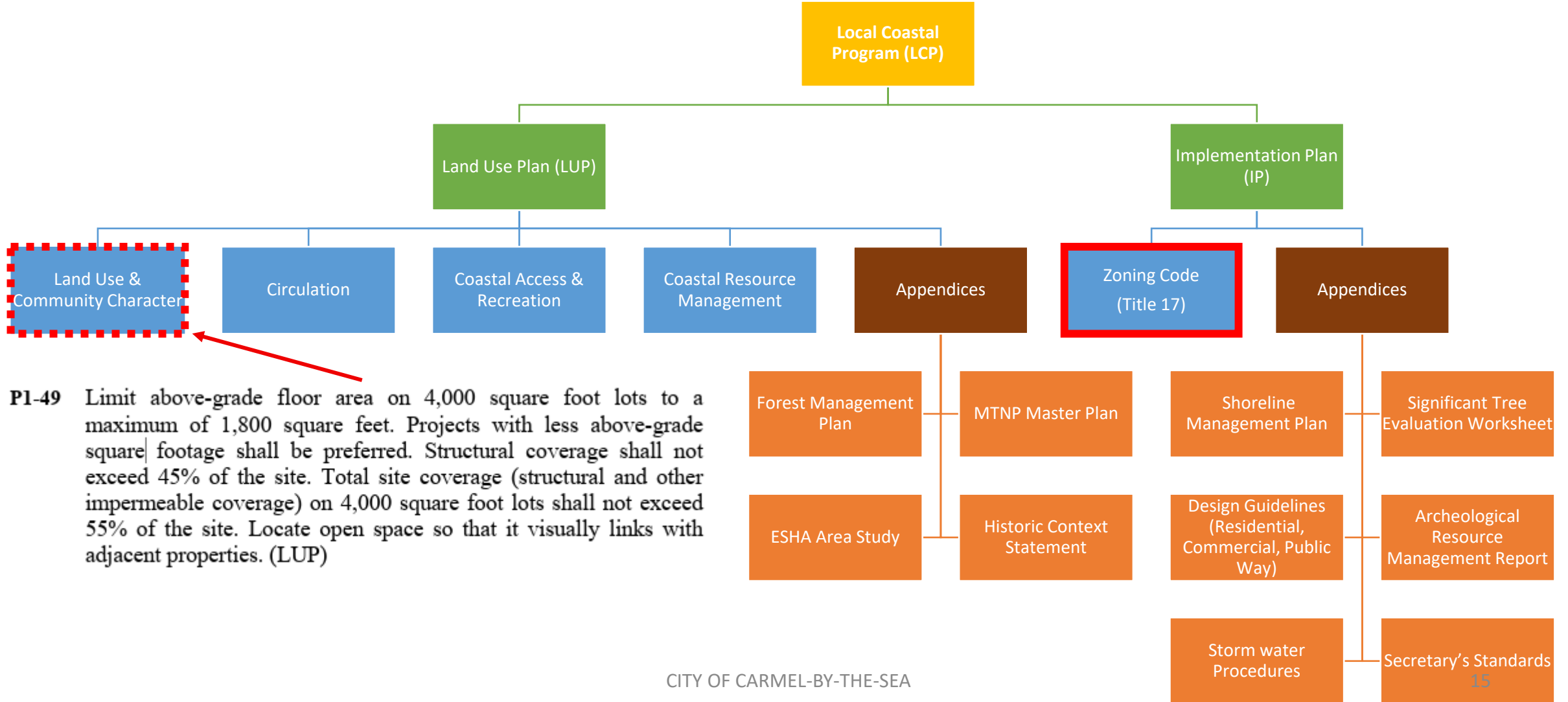


Carmel-by-the-Sea LCP





Carmel-by-the-Sea LCP





The Ordinance

What about ADUs?



Example 1

- How does the ADU statute conflict with our LCP?

- **Gov. Code Section 66321:**

“... a local agency shall not establish by ordinance any of the following:

... (3) Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limit on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings **that does not permit at least an 800 square foot accessory dwelling unit** with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

P1-49

Limit above-grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above-grade square footage shall be preferred. Structural coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties. (LUP)



Example 1

Government Code Section **66329**:

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 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.



Other Examples

- Floor Area;
- Site Coverage;
- Height Limits;
- Setbacks;
 - Front setback;
 - Overlays;
- Parking;
- Design Review;
- Tree Removal;
- Historical Resource Protection;
- Environmental Resource protection.



The Ordinance

Are there tools to retain local control?



The Ordinance

Yes



Coastal Development Permits (CDP)

All **development** within the Coastal Zone requires a CDP.
(There are exceptions, of course)

Development: “The placement or erection of any solid material or structure” on land as well as any “change[s] in the density or intensity of use of land[.]”

Most ADUs/JADUs constitute **development** if they include, for example:

- new construction of a detached ADU
- new construction of an attached ADUs/JADUs, or
- conversion of an existing, uninhabitable, attached or detached space to a ADUs/JADUs (such as a garage, storage area, basement, or mechanical room).



Coastal Development Permits (CDP)

THIS IS NOT NEW

17.52.090 Coastal Development Permit Required.

A. Except as otherwise provided in this chapter, any person wishing to undertake any development in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this chapter. Development undertaken pursuant to a coastal development permit shall conform to the plans, specification, terms and conditions of the permit. The requirements for obtaining a coastal development permit shall be in addition to requirements to obtain any other permits or approvals required by other City ordinances or codes or from any State, regional or local agency.



Coastal Development Permits (CDP)

How does a CDP retain Local Control?

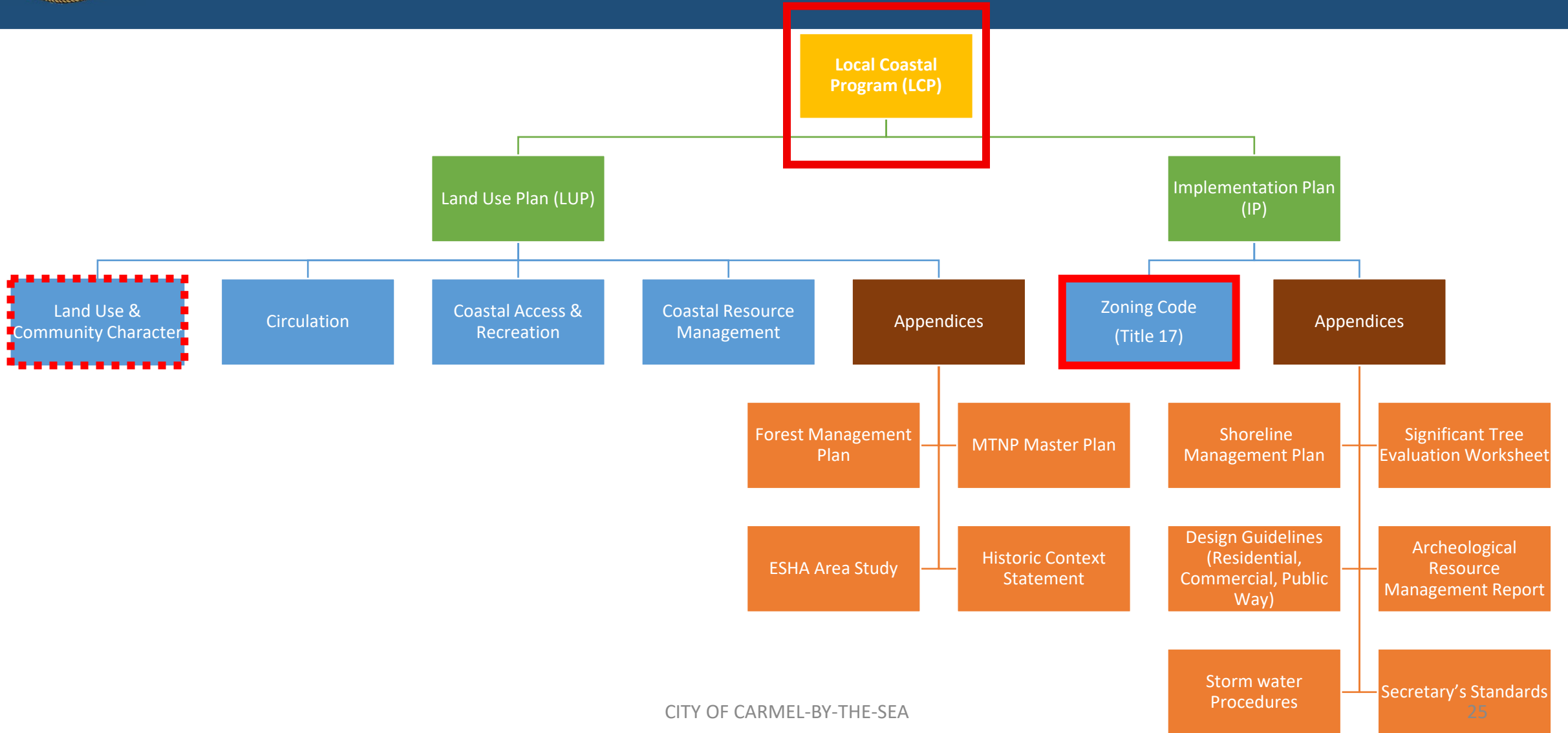
CMC Section 17.64.010.B

Coastal Development Permits. All decisions on coastal development permits shall be accompanied by written findings:

1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, **conforms with the certified City of Carmel-by-the-Sea Local Coastal Program**; and
2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).



Carmel-by-the-Sea LCP





The Ordinance

But what about ADUs?



The Ordinance

**To address conflicts between ADU Statute and Coastal Act,
and to harmonize requirements of both with LCP:**

Three review tracks for ADUs have been proposed:

- **Type 1** == Building Permit Only (no CDP required)
- **Type 2** == Administrative CDP + Building Permit (administrative Review)
- **Type 3** == Design Study Approval Required (i.e. typical development review)
 - Design Study + CDP + Building Permit
 - Exception to state ADU law == Exception to LCP



The Ordinance

CMC 17.ADU.110 Application Review and Procedures

A. Timing

- 1. The city shall ministerially approve or disapprove a complete building permit application for an ADU or JADU in compliance with the time periods established by State law.** If a Coastal Development Permit is required, the Coastal Development Permit may be processed concurrently with the building permit application for the creation of the ADU/JADU, however, no building permit application shall be deemed complete until any required associated Coastal Development Permit has been approved.



The Ordinance

CMC 17.ADU.110 Application Review and Procedures

A. Timing

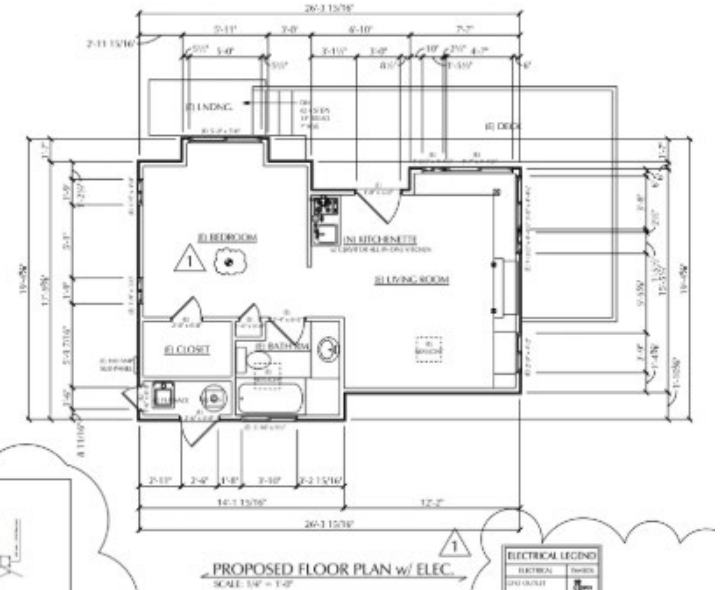
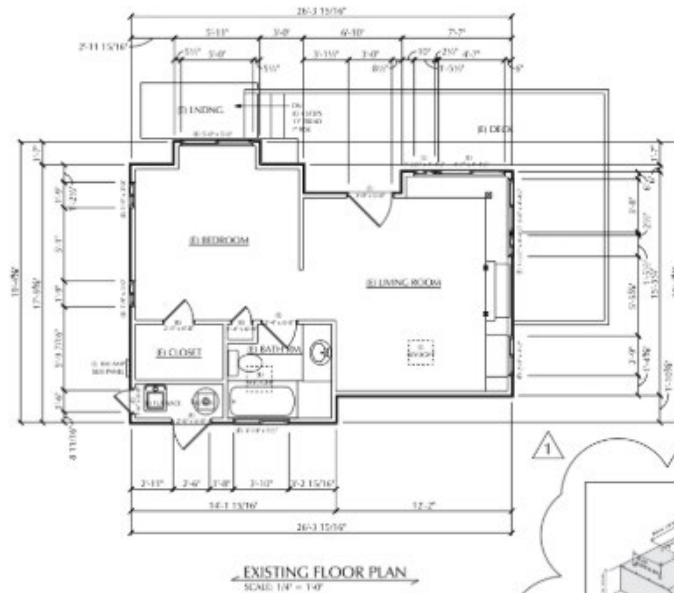
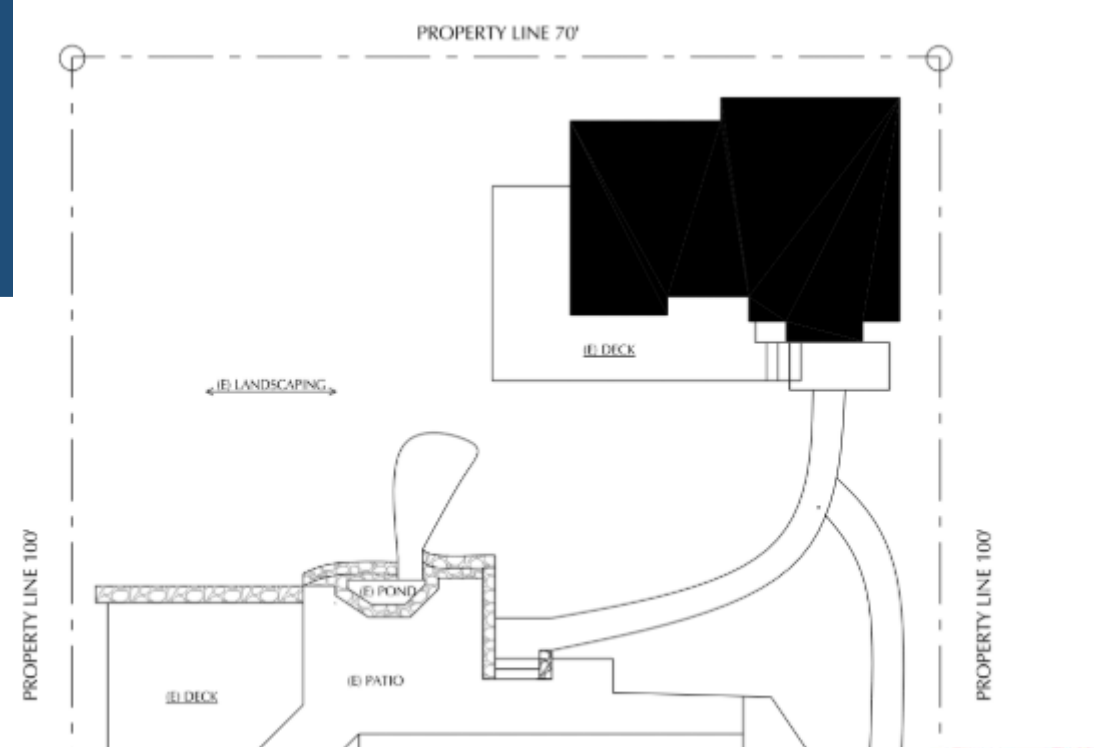
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Type 1 Units

Building Permit Only

- Conversion of existing habitable space to an ADU or JADU.
- Not located in an area access to parking is an issue
 - Discussion required
- Not located on the site of a historic resource.
- Not located in the Beach and riparian overlay
 - Coastal Commission Appeal Jurisdiction

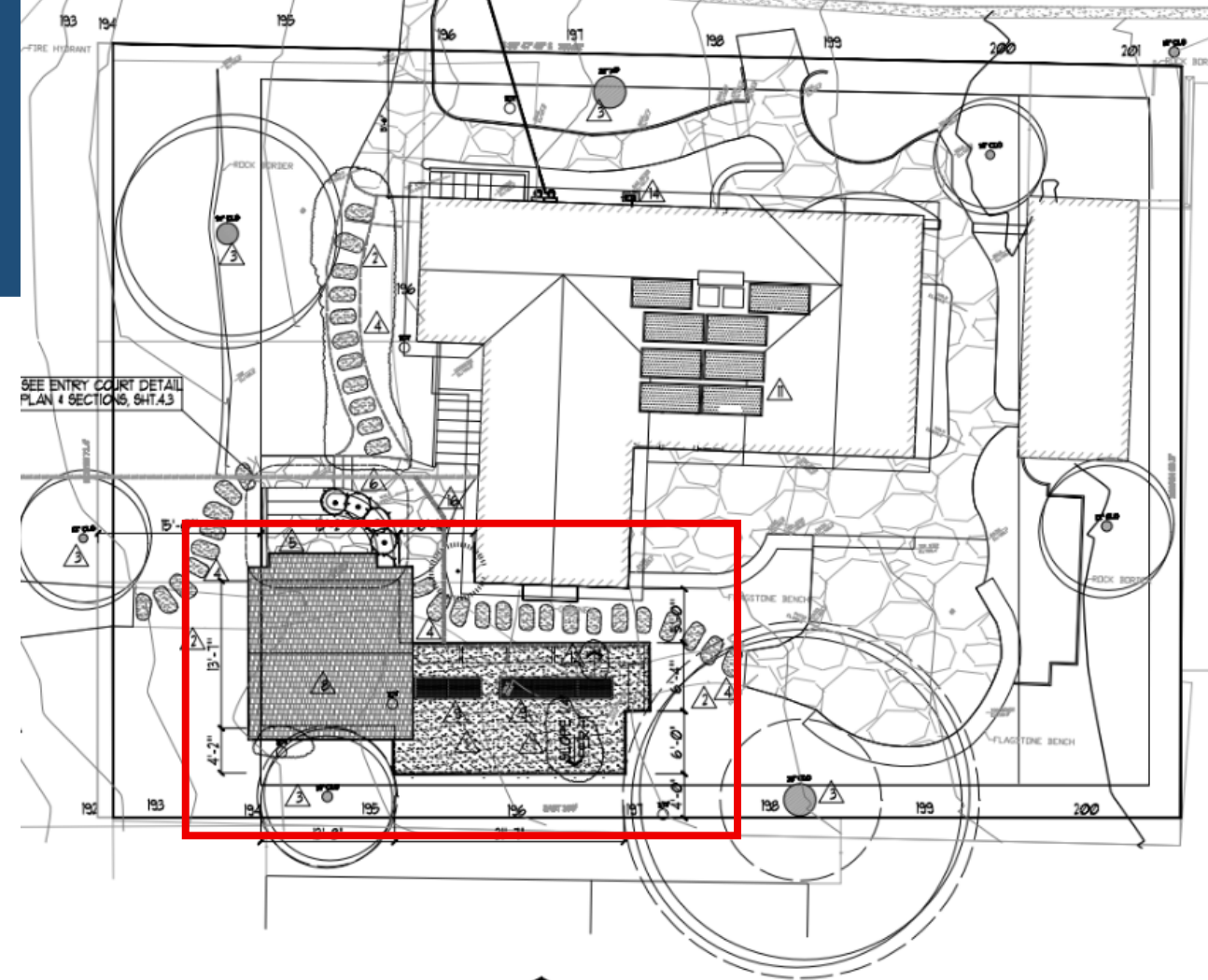




Type 2 Units

Administrative CDP + Building Permit

- Attached and detached ADUs which comply within floor area limits of the site, and/or
- Type 1 units located in the Coastal Access Parking Area, located on the site of a Historic Resource, or located within the Beach and Riparian Overlay, and/or
- Units converted from non habitable space completely within the enclosing exterior walls of the structure from which they are converted, and/or
- Any unit not specifically classified as a Type 3 unit.



ADU SITE/ROOF PLAN
1/8" = 1'-0"
NORTH

FLOOR AREAS:	
HOUSE MAIN FLOOR	1160 SF
HOUSE CELLAR	188 SF
GARAGE	246 SF
ADU	466 SF
TOTAL	2060 SF
LOT SIZE	1,000 SF
FAR	29.4%



Type (1 and) 2 Units

For Type 2 Coastal Development Permits that are appealable to the California Coastal Commission, as described is the Carmel Municipal Code, the authority to review an application for a Coastal Development Permit is designated to the Director of Community Planning and Building or the Director's designee, and the procedures provided in CMC Section 17.52.120, Public Hearing Waivers for Appealable Coastal Permits, except as modified below.

Overlay Districts. Except as modified by this chapter, the ADU shall conform to all requirements of any applicable overlay district, including but not limited to established height limits, setbacks, environmental reports, described within CMC Chapter 17.20, except that no public hearing shall be required for Type 1 and Type 2 ADUs and the duties and powers designated to any board or commission shall be designated to the Director, as applicable, in the review of the ADU. Standard processing procedures outlined in Title 17 shall be followed, as applicable, for Type 3 ADUs

Historic Resources. An ADU or JADU proposed on a property with a historic resource shall be subject to the provisions outlined in CMC Chapter 17.32 except that no public hearing shall be required for Type 1 and Type 2 ADUs and the duties and powers designated to any board or commission shall be designated to the Director, as applicable, in the review of the ADU. Standard processing procedures shall be followed, as applicable for Type 3 ADUs. A Determination of Consistency with the Secretary of the Interior's Standards shall be required for all major and minor alterations, as appropriate.



Type 3 Units

Design Study + CDP + Building Permit (Planning Commission Approval)

- Any ADU which receives a floor bonus/exemption of up to 800 sf above the allowable floor area for the site for the construction of an ADU, 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





Type 3 Units

Key Points:

- Discretionary Review – Residential Design Guidelines
- Public Hearings, as applicable
- Typical Design Study Review Process
- Planning Commission can comment on ADUs when shown on plans for projects before them for review.



Unit Types Summarized

Type 1: Streamline current practice by eliminating a planning entitlement that would generally be required all together and only requiring a building permit.

Type 2: Incentives ADU development by allowing for the creation of an ADU within the floor area limits of a property without the need for public hearing as may otherwise be required for a smaller scope of work for an addition to the single family residence. The goal of the Type 2 unit is to incentivize a streamlined track for smaller ADUs which are consistent with the LCP, the underlying zoning for the site, and established community character. Type 2 ADUs strike a balance between the state statute requirements of the LCP and the Coastal Act.

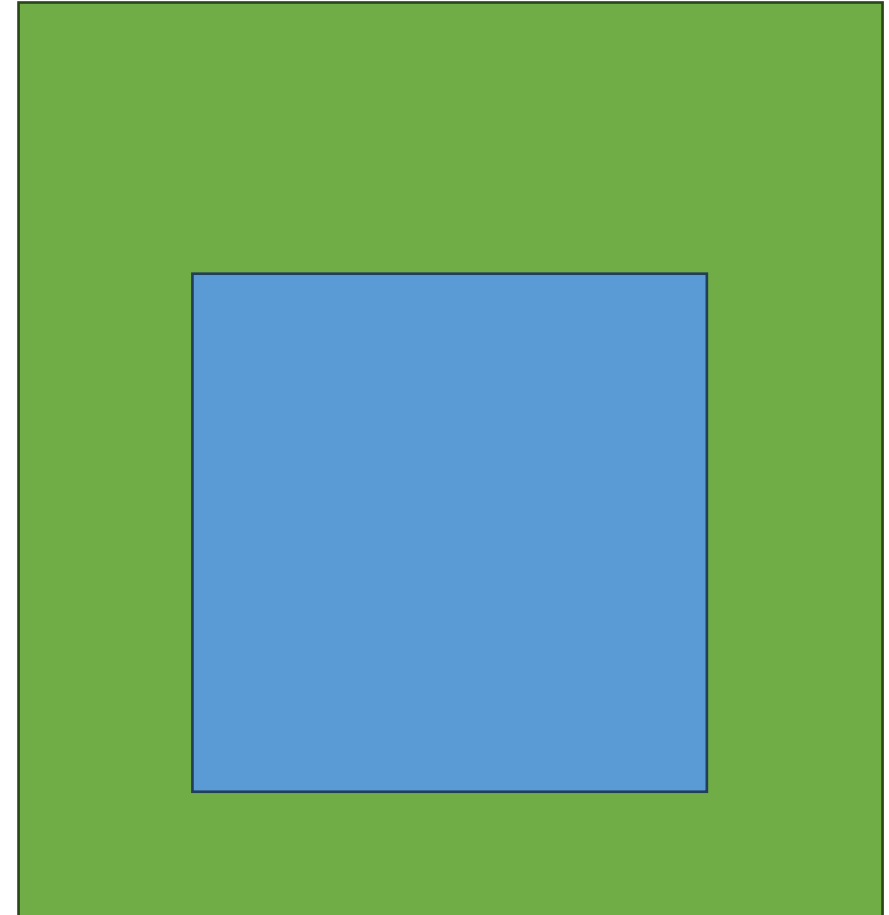
Type 3: Type 3 ADUs are ADUs that would conflict with the Goals, Objectives, or Policies of the city's LCP, or where potential impacts to Coastal Resources exist if not properly address. The purpose of the discretionary review would be to ensure there are no impacts to Coastal Resources, including public and/or private views as a result of substantial additional massing on the building site. while deviating from provisions of both the current LCP and state statute, allow for the greatest flexibility for homeowners and developers to add an ADU to their property. This track maximizes development potential.



Ordinance – All Units

Number:

- 1 attached ADU and 1 JADU

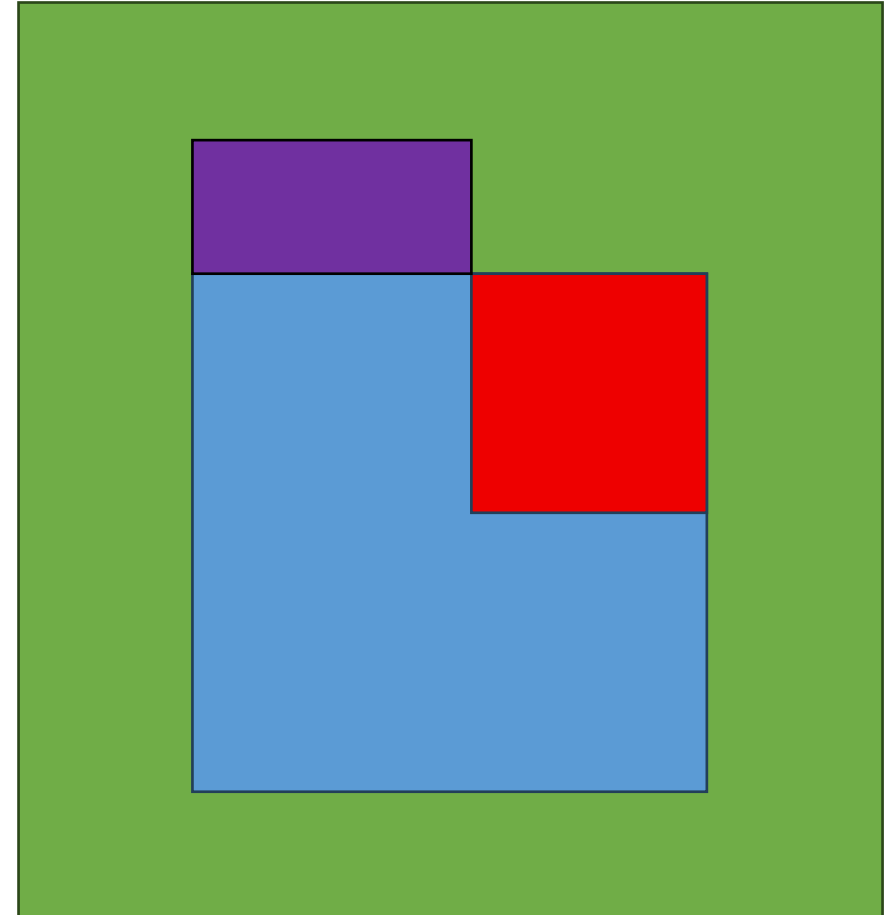




Ordinance – All Units

Number:

- 1 attached ADU and 1 JADU





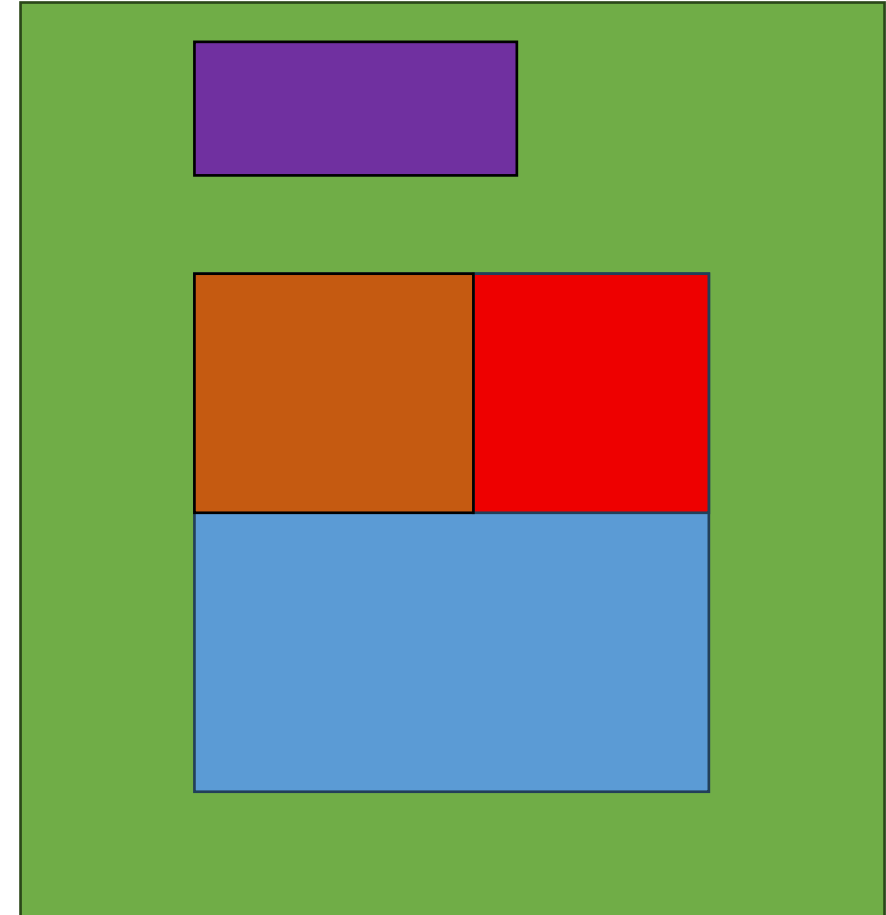
Ordinance – All Units

Number:

- 1 attached ADU and 1 JADU

Or, up to:

- 1 detached ADU, 1 conversion ADU, and 1 JADU





Ordinance – All Units

Number:

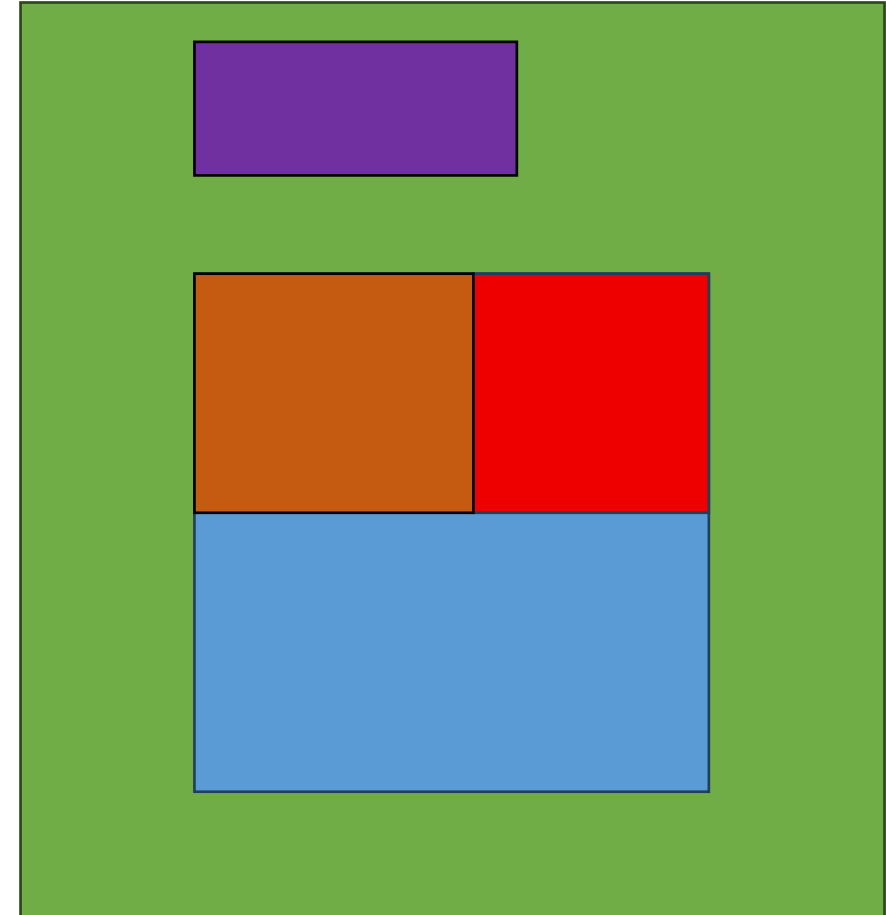
- 1 attached ADU and 1 JADU

Or , up to:

- 1 detached ADU, 1 conversion ADU, and 1 JADU

Size Limitations:

- Min. 150 square feet (all units)
- Attached: up to 50% of primary dwelling (must allow at least 800 sf)
- Detached: 850 sf – studio/1-bedroom; 1000 sf +1 bedroom
- Conversion: up to 50% of primary dwelling; no limit for accessory structures





Ordinance – All Units

Height Limitations:

- Must comply with underlying zoning
 - Typical:
 - 18-foot 1-story
 - 24-foot 2-story
 - 12/18 foot plates
- Exceptions:
 - Limited to 16-feet when:
 - The maximum height of the primary dwelling unit is sixteen (16') feet or less
 - Any portion of an ADU is located between a primary dwelling unit and a frontsetback line of the site.

Recommended modification that attached ADUs also do not exceed height of primary dwelling.



Ordinance – All Units

Importantly:

- All ADUs need to comply with the LCP, and requirements of the LCP, except as modified in the ordinance.
 - Historic Preservation, still applicable
 - Tree protection, still applicable
 - Stormwater protection, still applicable
 - Landscaping, still applicable



Ordinance – All Units

Parking

- No parking shall be required for an ADU except for as provided in the Coastal Access Parking Area, described in Section 17.ADU.100.C.6, where on-site parking shall be provided for all ADUs.
- Coastal Access Parking Area. The Coastal Access Parking Area is defined as all properties located within the Beach and Riparian (BR) Overlay District located west of the centerline of Carmelo Street and west of the centerline North San Antonio Street, as well as all properties with street frontages located on San Antonio Avenue or North San Antonio Avenue.





Ordinance – All Units

Parking

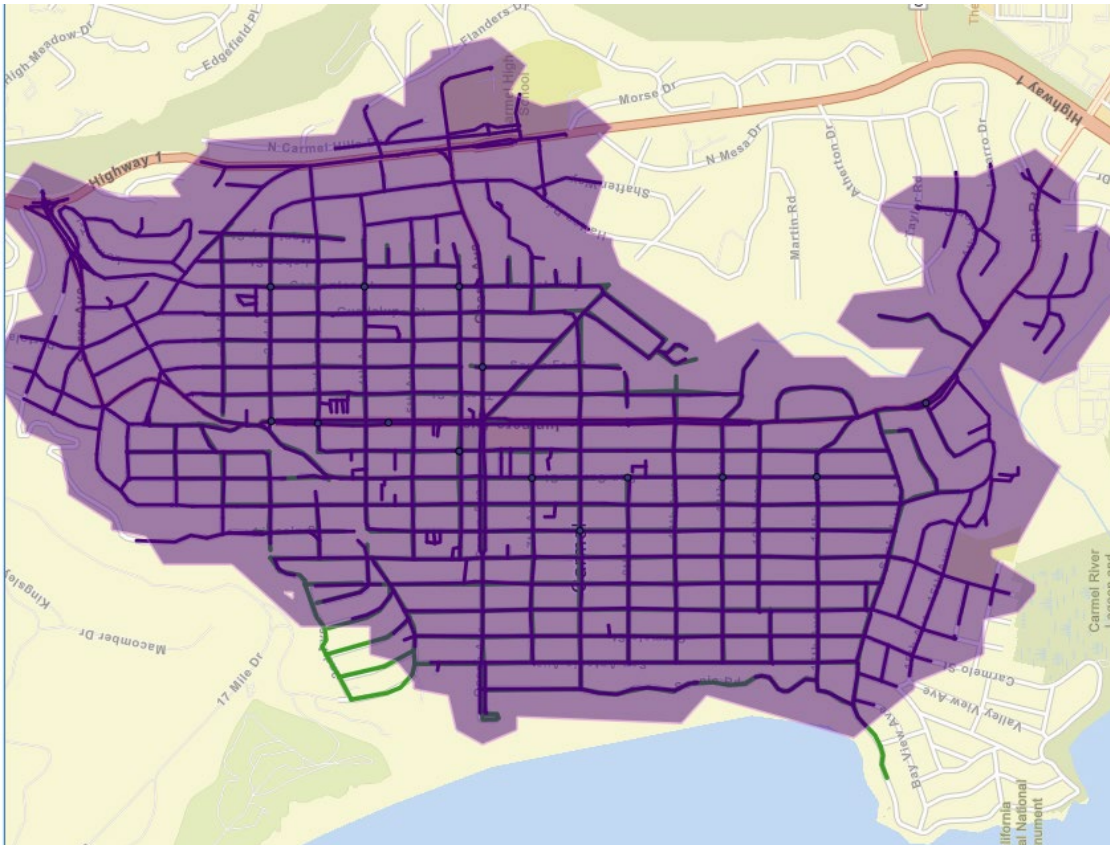
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Example 2

- How does the ADU statute conflict with our LCP?



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.

...





Example 2

How does the ADU statute conflict with our LCP?

From Coastal Commission Memo

Updates Regarding the Implementation of New ADU Laws (January 2022)

Thus, the Government Code limits the circumstances when a local government can require a J/ADU project to address its parking needs onsite. This is a departure from most local government parking requirements which often explicitly specify the number of off-street parking spaces that must be provided onsite in any particular development, including residential development. The potential outcome is that private residential J/ADU parking needs can be shifted onto adjacent public streets. At the same time, the Coastal Act contains objectives and policies designed to protect and provide for maximum coastal access opportunities, which includes maintaining sufficient public coastal parking, including as implemented through LCP off-street parking provisions. The addition of J/ADUs may interfere with coastal public street parking availability if, for example, a garage is converted to a J/ADU and parking is not replaced onsite, in addition to the J/ADU parking demand itself. The Commission has often found that when private residential parking needs are not accommodated onsite, it can lead to increased use of on-street parking to address such needs, thereby reducing the availability of on-street parking to the general public. This may adversely affect public coastal access if it occurs in high visitor-serving areas and/or areas with significant public recreational access opportunities, and where on-street parking is heavily used. The result will be that the general public could be displaced from on-street parking by J/ADU parking needs, which may violate the Coastal Act's requirements to protect, provide, and maximize public coastal access and recreational opportunities. In many impacted coastal neighborhoods, development patterns over the years have not adequately accounted for off-street parking needs, and adding J/ADU parking to the mix will only exacerbate such public parking difficulties. Additionally, because general on-street parking is typically free or lower cost compared to other public parking facilities, J/ADU construction may also interfere with maintaining lower cost coastal access for all.

In order to avoid conflicts regarding parking requirements for J/ADUs as they may impact public access, 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 and to specify parking requirements for each such area that harmonizes Government Code requirements with the Coastal Act (and any applicable LCP policies). These maps can denote areas that supply important coastal public parking and access opportunities, and require that J/ADU development in these areas ensure that private residential parking needs are accommodated off-street. Importantly, such upfront LCP mapping and provisions allow the local government to address impacts to public access and parking supply without the need for a protracted, or even necessarily a discretionary, decision. The Commission has previously found that local governments may include specific off-street parking requirements for J/ADUs constructed in these locations and may also require maintenance of all off-street parking for the primary residence (see examples below). However, harmonizing the distinct priorities between the Coastal Act's protection of public coastal access and the J/ADU provisions on parking requirements will require a case-by-case consideration of the specific circumstances of each jurisdiction.



Example 2

17.20.180 Public Access.

A. Protection of Existing Coastal Access. Development may not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation. **Development shall not interfere with the public's right of access to the sea by eliminating free public beach parking along Scenic Road, the Del Mar parking lot, and San Antonio from 2nd Avenue to Santa Lucia Avenue, or any street rights-of-way west of San Antonio.**



Example 2

- O4-8** Provide a parking program for Carmel Beach that supports convenient access without compromising aesthetics, environmental quality or residential character. (LUP)
- P4-42** Develop a design plan for the Del Mar parking area that improves circulation, reduces congestion, enhances visual quality, and enhances community character. The redesign shall avoid or minimize any loss of parking spaces. (LUP)
- P4-43** Continue to regulate beach parking using time limits. Retain beach parking as a free resource to the public facilitating access for all. Keep public spaces along the Beach Bluff Pathway small, intimate and dispersed to avoid large congregations of people that would disturb nearby residents. (LUP)
- P4-44** Provide convenient and free public beach parking from 5:00 a.m. until 12:00 midnight daily. Parking outside of these hours along Scenic Road and at the Del Mar parking lot shall be limited to residents and guests with a resident's parking permit. (LUP)



Example 2

- Is parking a large enough issue that the boundary should be expanded and not limited to the beach?
- Does Downtown have capacity have additional units if parking is not required?

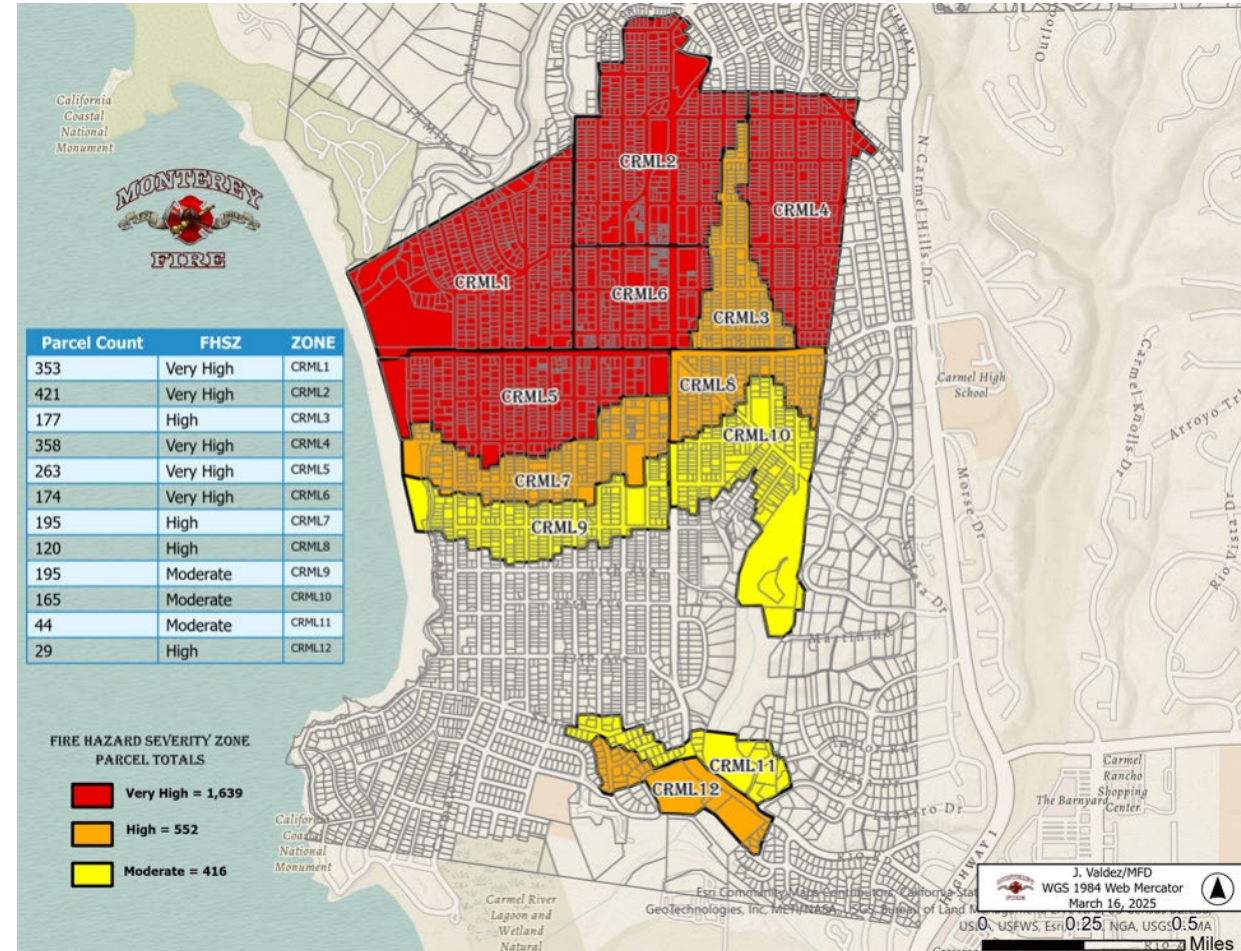
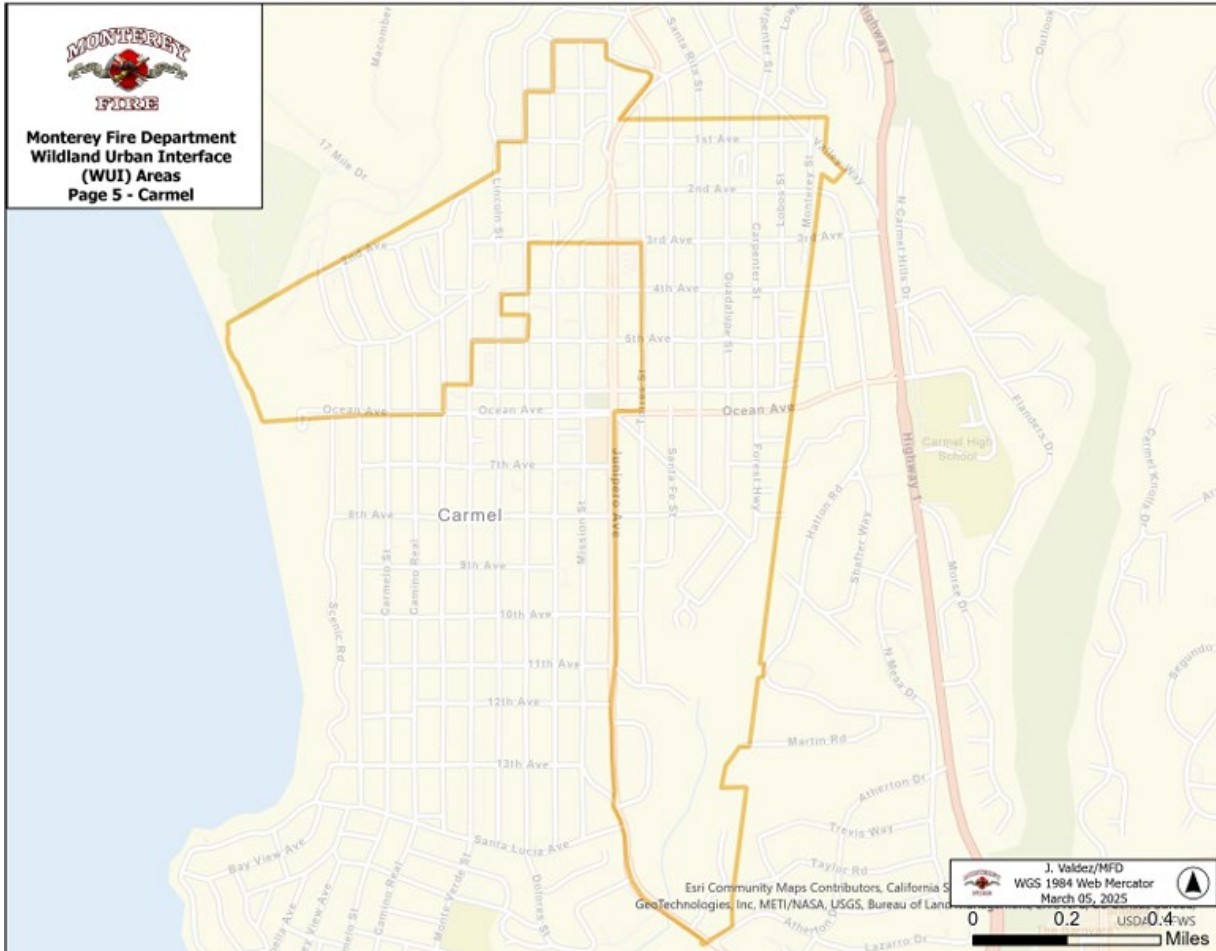
- From CCC staff:

“[Support for increasing a parking area] is 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 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.”

- **Takeaway:** CCC staff is looking for evidence to support a position the city may take.

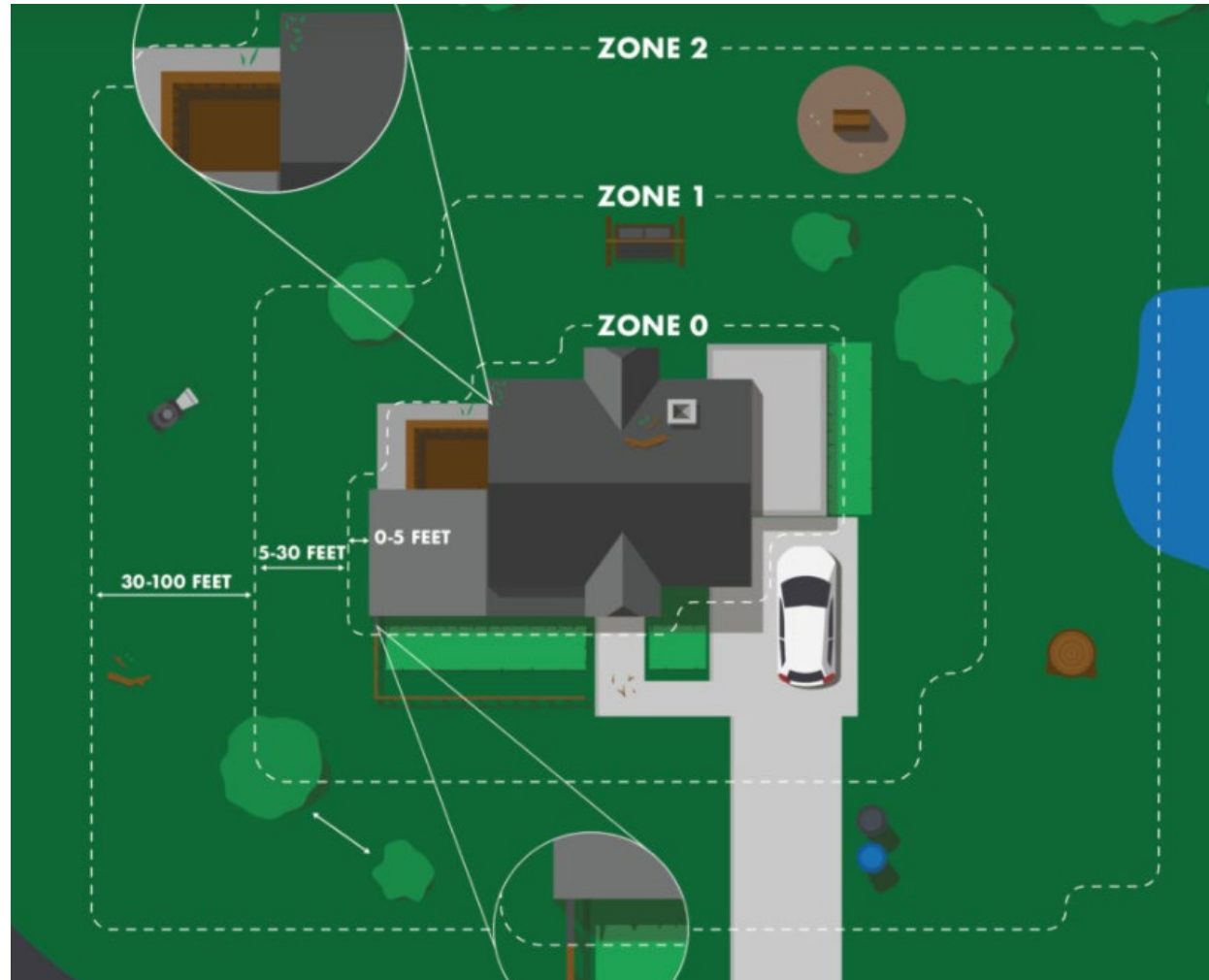


Other Considerations - Fire





Other Considerations - Fire





Existing Ordinance

- Common mis-conception:
 - We do have an existing ADU ordinance
- CMC section 17.08.040.G
 - Ordinance 2017-010
 - Certified by Coastal Commisison in 2018
- From CCC Memo:
 - *“...existing J/ADU provisions contained in certified LCPs are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit (CDP) applications for J/ADUs until the LCP is modified. Coastal jurisdictions without any J/ADU provisions or with existing J/ADU provisions that were adopted prior to January 1, 2020 are encouraged to update their LCPs to comply with the State’s new laws.”*



Existing Ordinance

What happened?

- AB 68, AB 587, AB 881, AB 670, and AB 671 all effective Jan 1, 2020; SB 13 effective October 2019.
 - ADU reform package
 - SB 13 created “state exempt ADU”
- **Coastal Commission Memo (2020):**
Some local governments have already adopted ADU ordinances. Existing or new ADU ordinances that do not meet the requirements of the new legislation are null and void, and will be substituted with the provisions of Section 65852.2(a) until the local government comes into compliance with a new ordinance. (Gov. Code § 65852.2(a)(4).) However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted.
- **Coastal Commission (2022):**
The Coastal Commission has previously circulated three memos to assist local governments with understanding how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of J/ADUs. These memos have raised some questions for local governments, including the manner in which they are to be understood together. In order to address this issue, and to reflect lessons learned regarding J/ADU regulation in the coastal zone in the past few years, this updated memo supersedes and replaces these prior memos.
...
Outside of an LCP context, existing or new J/ADU provisions that do not meet the requirements of the new legislation are null and void and will be substituted with the 2 provisions of Section 65852.2(a) until the local government comes into compliance with new provisions. However, existing J/ADU provisions contained in certified LCPs are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit (CDP) applications for J/ADUs until the LCP is modified.



Existing Ordinance

Can we enforce our existing ordinance?

Yes.

Why haven't we?

Waiting for a nexus.

What are we doing?

Learning from our mistakes and taking steps towards compliance:

- Enforcing front and composite setback;
- Enforcing tree protection;
- Enforcing historic preservation requirements;
- Etc.





Requested Process

- Ask questions
 - It's a lot, we know
- Let us know what you want to discuss
 - We can direct the conversation to cover what is important to you