

Attachment 5A - minor modifications to Article 7 & 10 of the CLUDC

Recommendation 1. Staff propose revising Chapter 17.70.030 Table Footnote (3) to clarify the authority of administrative Coastal Development Permits. While this clarifies that CDPs for projects that would otherwise require no permit, shall be processed as an administrative permit. It does not change the appeal process, hearing requirements, or notification requirements.

- (3) The Director may act on a Coastal Development Permit application that is not required to have a public hearing, in compliance with Section [17.71.045](#) (Coastal Development Permits). **This includes Coastal Development Permit applications that are not appealable to the Coastal Commission and that do not require other land use entitlements that fall under a higher review authority (e.g. a Use Permit).**

Recommendation 2. Update CLUDC Section 17.71.045(K)(2)(a) to correct the code reference:

Notice that a public hearing shall be held upon request by any person is provided by the City to all persons who would otherwise be required to be notified of a public hearing by Section [17.71.045](#)(FG), as well as any other persons known to be interested in receiving notice; and

Recommendation 3. Update CLUDC Section 17.71.050 B2 and B3 to clarify that ADUs are not subject to design review.

B. Applicability. All new structures, any relocation, exterior addition(s), or changes of or to existing structures, and any other physical improvements shall be subject to Design Review, whether or not a Building Permit is required, unless exempt in compliance with Subsection B.3 (Improvements exempt from Design Review), below. Design Review shall be required in addition to all other planning permit or approval requirements of this Development Code and the Municipal Code, including but not limited to a Coastal Development Permit.

2. Improvements subject to Design Review by the Director. The following improvements shall be subject to Design Review by the Director, except when in conjunction with a development project. If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission:

- a. ~~The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;~~

3. Improvements exempt from Design Review. The following improvements are exempt from Design Review:

- a. **The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;**

Recommendation 4. Complete the following modifications to the definitions in CLUDC Section 17.100.020:

Add the following Definitions:

Accessory Dwelling Unit. Can be an attached, detached or converted residential dwelling unit of less than 1,200 sf that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure is or will be situated. An “accessory dwelling unit” also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 17.42.175.

Junior accessory dwelling unit. Is a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

Tiny Home - a small towable residential unit with the appearance of a small house that is not on a permanent foundation and which is NOT certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), American National Standards Institute 119.5, or National Fire Protection Agency 1192 and constructed after January 1, 1989, but is registered through the California Department of Motor Vehicles.

Remove the following definitions:

Carriage House. See “**Second Unit** or Carriage House.”

Small secondary unit. A small secondary residential dwelling unit is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facility, which is an attached or detached extension to a single family structure that has no more than one bedroom and that is no greater than 600 square feet in size. Any loft area, regardless of ceiling height, is counted when calculating maximum square feet. No more than one loft area is permitted in a small secondary unit.

Second Unit or Carriage House. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and does not meet the criteria for an Accessory Dwelling Unit.

Revise the following definitions:

Duplex. See “**Multi-Family Housing.**” A duplex consists of two attached dwelling units typically sharing a wall, but may also be attached vertically. A duplex may be considered a primary dwelling unit with an attached Accessory Dwelling Unit (ADU) if one of the units is less than 1,200 square feet.

Coastal Development Permit. A discretionary land use permit that may be granted in compliance with Section ~~17.71.040~~ 17.71.045 (Coastal Development Permit) required pursuant to this Development Code and subdivision (a) of the Coastal Act Section 30600. which authorizes development in the coastal zone subject to compliance with any conditions of approval imposed on the permit.

Multi-Family Housing. A dwelling unit that is part of a structure containing ~~one~~ **two** or more other dwelling units, ~~or a non-residential use.~~ An example of the latter is a mixed-use project where, for example, one or more

dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multi-family dwellings include: ~~duplexes, triplexes, fourplexes~~ (buildings under one ownership with ~~two~~, three or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.).

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

garages	studios
gazebos	swimming pools
greenhouses (non-commercial)	tennis and other on-site sport courts
spas and hot tubs	workshops
storage sheds	

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units or **Accessory Dwelling Units**, which are separately defined; guest houses, ~~which are included under the definition of second units~~; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").

Second Unit/~~Carriage House/Duplex~~. See **Accessory Dwelling Unit**.