



The County of San Diego

Planning Commission Hearing Report

Date:	February 28, 2025	Case/File No.:	Oswal Coastal Appeal; PDS2024-AA-24-002
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Project:	Administrative Appeal
Time:	9:00 a.m.	Location:	3993 Stonebridge Ct., Rancho Santa Fe, 92091
Agenda Item:	#5	General Plan:	Semi-Rural Residential (SR-2)
Appeal Status:	N/A – Not Appealable; Planning Commission decision is final	Zoning:	Rural Residential (RR)
Applicant/Owner:	Abhay Oswal	Community:	San Dieguito Community Plan Area
Environmental:	Not a "project" as defined in CEQA Guidelines Section 15378	APN:	262-190-10-00

A. OVERVIEW

The purpose of this report is to provide the Planning Commission with the information necessary to consider the Administrative Appeal (AA) application of the November 22, 2024 determination of Planning & Development Services (PDS) (Attachment C) that a Coastal Permit is required for a proposed Accessory Dwelling Unit (ADU), garage, roof deck and storage area (Project). The Project is located within the County of San Diego Local Coastal Plan (LCP), in an area that is appealable to the California Coastal Commission, and in the San Dieguito Community Plan area.

Section 9410 of the LCP states that, at the written request of any member of the public, the Director of PDS must determine whether a proposed development in the Coastal Zone is exempt from a Coastal Permit. On November 22, 2024, at the applicant's request, PDS issued a written determination that the Project was not exempt from the Coastal Permit requirements. While PDS would like to assist the owner in building the Project as expeditiously as possible and to keep permit costs down, this determination was made because the Project is located within the boundaries of the County of San Diego LCP (see Figure 1 below), it does not qualify for any exemptions under the LCP, and as summarized in the Project

Analysis Section below, PDS did not find any other exemption for the project after consulting with the Coastal Commission and determined that not requiring a Coastal Permit for the project could reasonably and likely result in the Coastal Commission potentially **revoking the County's LCP and removing the ability of the County to process Coastal permits**. In addition, in a memo dated January 21, 2022 titled Updates Regarding the Implementation of New ADU Laws, the Coastal Commission states that new ADU laws "...did not modify existing provisions of state housing law that explicitly recognize that local governments must still abide by the requirements of the Coastal Act, and by extension, Local Coastal Programs (LCP's)" (Attachment D).

The November 22, 2024 determination included a 10-day appeal period. The applicant subsequently submitted an AA application to appeal this determination. Per Section 9422 of the Coastal Zone Regulations, the Director's decision can be appealed to the Planning Commission.

The Planning Commission can: (1) deny the appeal and uphold the Director's Decision that a Coastal Permit is required for the Project; or (2) grant the appeal and find that the Project is exempt from the requirements for a Coastal Permit.

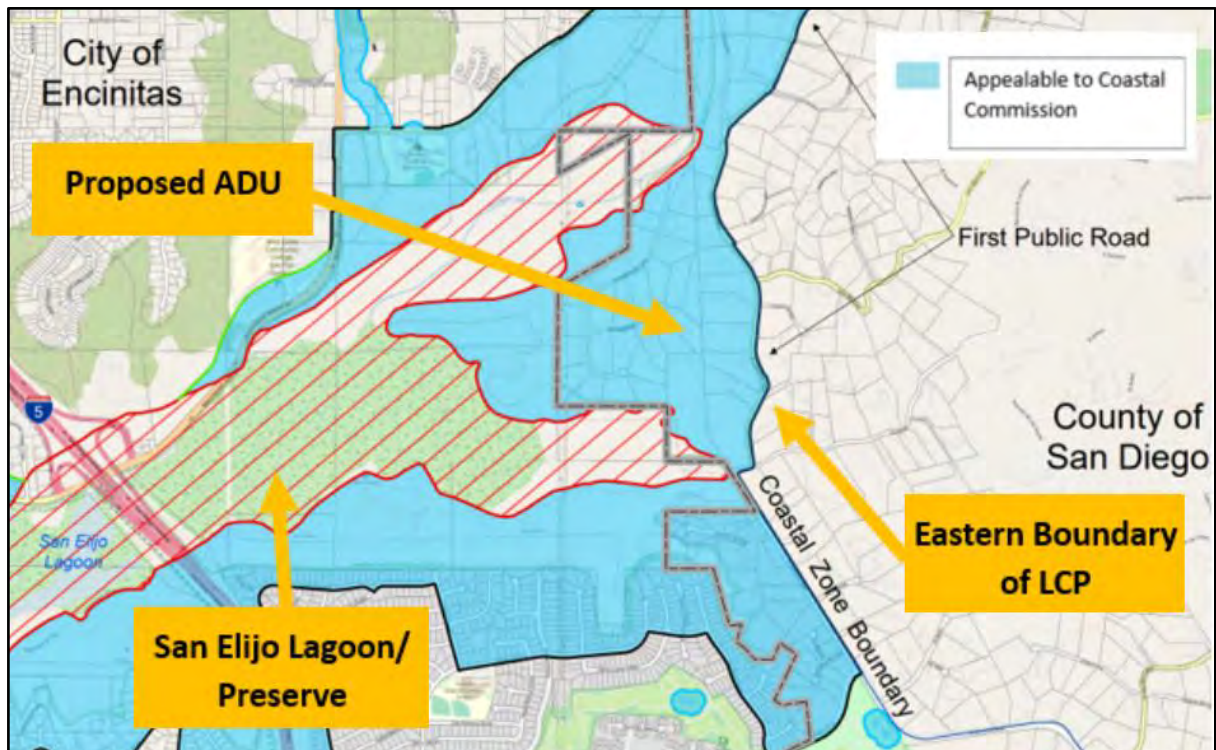


Figure 1: Project located within boundaries of appealable area of the County LCP

B. REQUESTED ACTIONS

This is a request for the Planning Commission to evaluate the Project, and points of the appeal. Based on the analysis above, granting the appeal could reasonably and likely result in the Coastal Commission **potentially revoking the County's LCP and removing the ability of the County to process Coastal permits**, staff recommends that the Planning Commission take the following action:

- Deny the Appeal PDS2024-AA-24-002 and uphold the November 22, 2024, Director Determination that a Coastal Permit is required for the Project (Attachment B). Denying the appeal is consistent

with the Coastal Act as interpreted by the Coastal Commission. After thorough review, PDS has found no viable justification for granting the appeal under the LCP and Coastal Act as interpreted by the Coastal Commission.

C. DEVELOPMENT PROPOSAL

1. Project Description

This is an AA of the November 22, 2024 determination by the Director of PDS that a Coastal Permit is required for a proposed two-story detached 1,199 square foot accessory dwelling unit (ADU), 572 square foot attached garage, 913 square foot roof deck, and a 231 square foot storage basement (a total of 2,915 square feet). The Project would also involve an extension of an existing driveway to serve the proposed structure (Figure 2 below).

The ADU is proposed on an existing slope to the southeast of an existing two-story residence (Figures 2 - 5 below). The 2.86-acre project site is located at 3993 Stonebridge Ct., Rancho Santa Fe in the San Dieguito Community Plan Area, is zoned Rural Residential (RR).

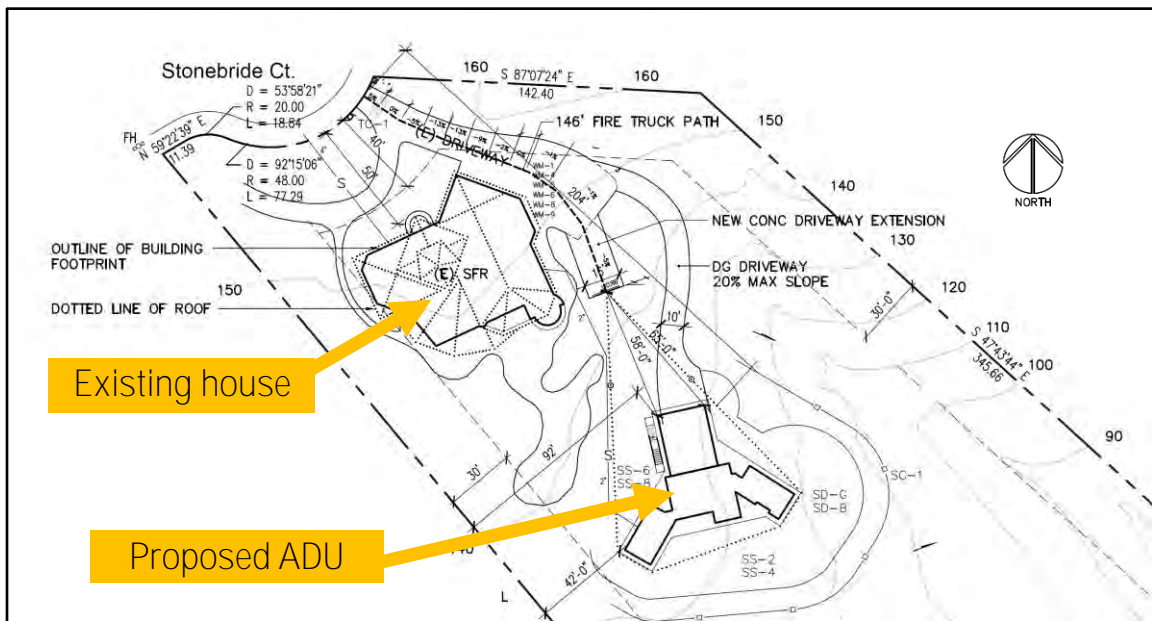


Figure 2: Plot Plan

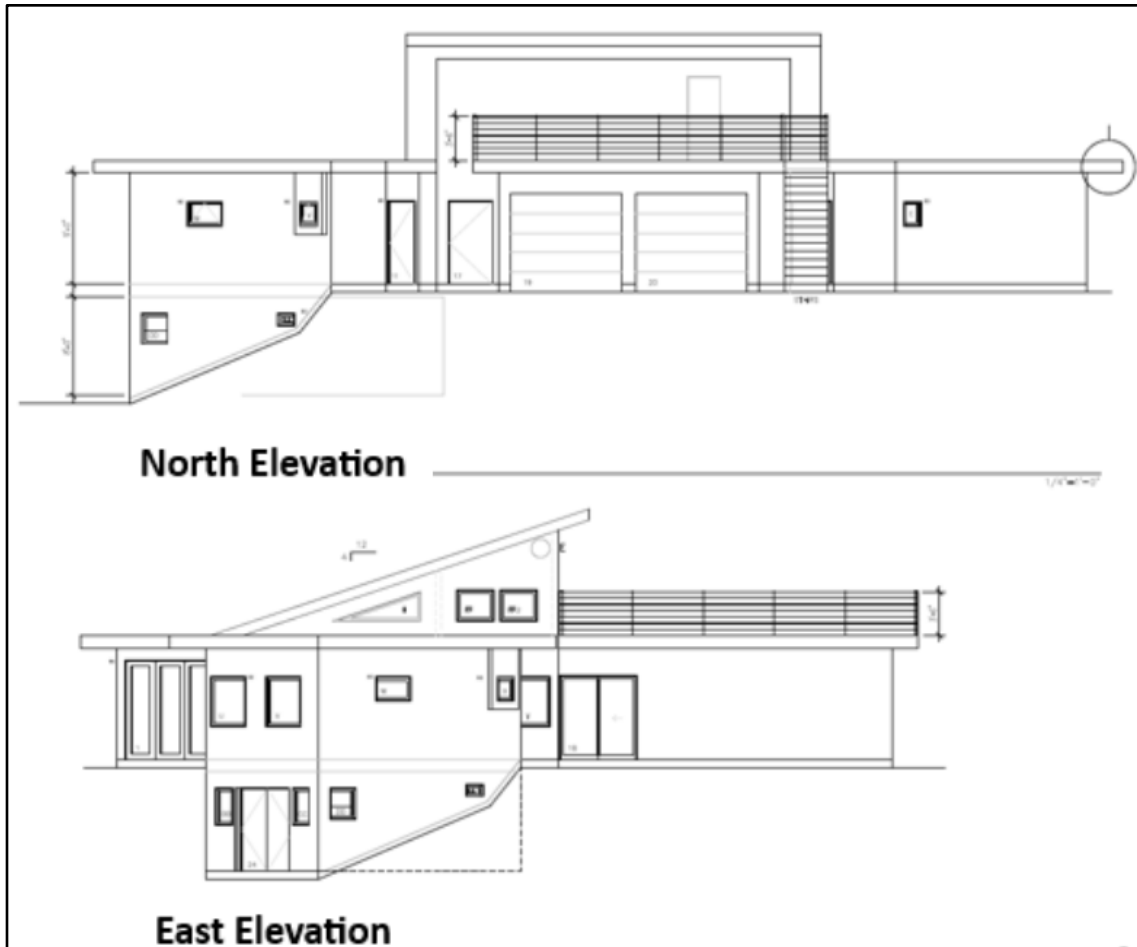


Figure 3: North and East Elevations of Proposed ADU



Figure 4: Photo of approximate location where ADU is proposed, looking North



Figure 5: Photo of approximate location of proposed ADU, looking Southwest towards San Elijo lagoon

2. Project Background

The site is developed with an existing residence, which was permitted in 1997 with a Coastal Permit issued by the Coastal Commission (Application No. 6-97-24/DL issued on April 24, 1997; Attachment E), and construction was completed in 1999. The house is two stories, approximately 5,599 square feet, and includes a 1,087-square-foot attached garage. This permit also included a detached gazebo, which was never built. The Coastal Commission documents for this permit noted that the site is on the upper hillside at the eastern edge of San Elijo Lagoon and would be visible from trails around the lagoon and from Manchester Avenue. Figure 6 shows the Project location in relation to the lagoon and ocean and Figure 7 shows that the project is located within the viewshed of designated vantage points within the LCP. To minimize visual impacts from the house, the approval required landscaping and earth-tone colors. Additionally, the approval included a condition limiting future development, stating that only the residence and gazebo were permitted. Any additional development, including accessory structures, would require a separate Coastal Permit or amendment through the Coastal Commission or LCP.

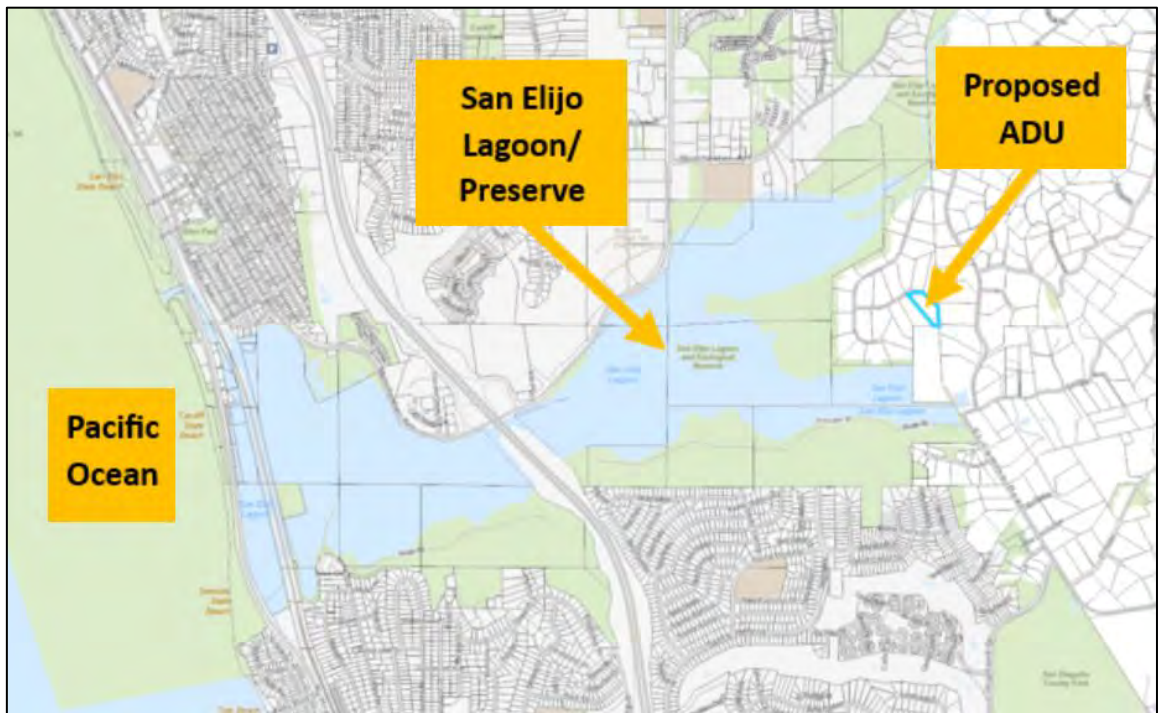


Figure 6: Location of project, San Elijo Lagoon and ocean

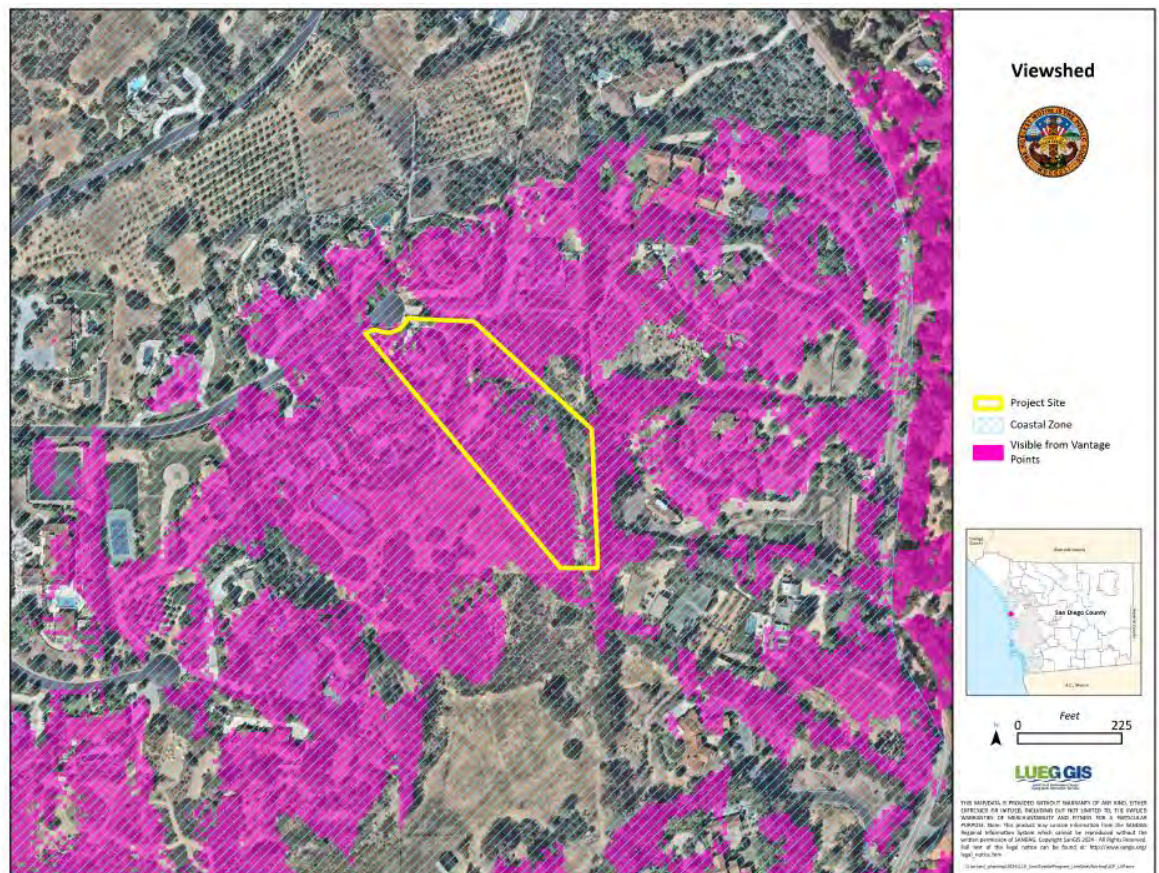


Figure 7: Project is within viewshed of vantage points within the LCP

In February 2021, the County of San Diego's LCP was certified by the Coastal Commission, granting the County permitting authority within the unincorporated coastal area, effective March 15, 2021. With an LCP, the County is now in charge of issuing Coastal Permits within the unincorporated County. The Project site is within the County LCP and therefore subject to its regulations and requirements. **Section 9400 of the County LCP states** "(e)xcept as otherwise provided in Section 9404 – Exemptions, persons wishing to undertake any development in the Coastal Zone, shall obtain a Coastal Permit, either through a Coastal Administrative Permit (CAP) or a Coastal Development Permit (CDP), in accordance with the provisions of this Section."

On September 15, 2023, the applicant met with PDS to discuss project requirements, during which PDS informed the applicant that a Coastal Permit, called a Coastal Administrative Permit (CAP), would likely be required. On October 18, 2023, the owner submitted a building permit application (PDS2023-RESACC-000881). Following this, PDS held multiple meetings and exchanged e-mails with the owner and worked with the Coastal Commission to confirm that the previous Coastal Commission approval did not cover the Project and it was subject to the County LCP. In a recent e-mail on January 22, 2025 (Attachment G), the Coastal Commission clarified **that they** "would not consider the proposal for the site exempt from a CDP" (Coastal Development Permit). They also stated **that** "a new detached ADU is considered development that needs either a full CDP or an expedited CDP (also known as a waiver). There is only a narrow range of circumstances in which an ADU is found to be exempt from the need for a CDP, and your ADU as proposed does not fit this criteria." The criteria to be considered for an exemption mostly **applied to certain ADU's** being converted from existing habitable space within an existing residence. PDS also recommended that the owner submit for an initial consultation (pre-application) to review timelines, costs, and potential permit requirements.

At the owner's request, PDS issued a letter on November 22, 2024, confirming that the property is within the County's LCP jurisdiction. The letter clarified that the prior Coastal Permit did not include an ADU, that state law does not exempt ADUs from Coastal Permit requirements, and that the Project must comply with the LCP and obtain a new Coastal Permit. The letter further explained that the Project does not qualify for any of the seven exemptions listed in Section 9404 of the County LCP (Attachment C), summarized below. Additionally, the letter outlined that under Section 9410 of the LCP, the decision is appealable to the Planning Commission through Administrative Appeal procedures. The applicant then submitted this AA on December 2, 2024.

3. Subject Property and Surrounding Land Uses

The Project is located on a 2.86-acre parcel within the San Dieguito Community Area. The project site is zoned Rural Residential (RR), and the General Plan Land Use Designation is Semi-Rural Residential (SR-2). The site contains an existing driveway, residence, and landscaping. Residential uses, undeveloped land, and Stonebridge Court (private road) surround the subject property. (Figures 8 and 9 and Table C-1).

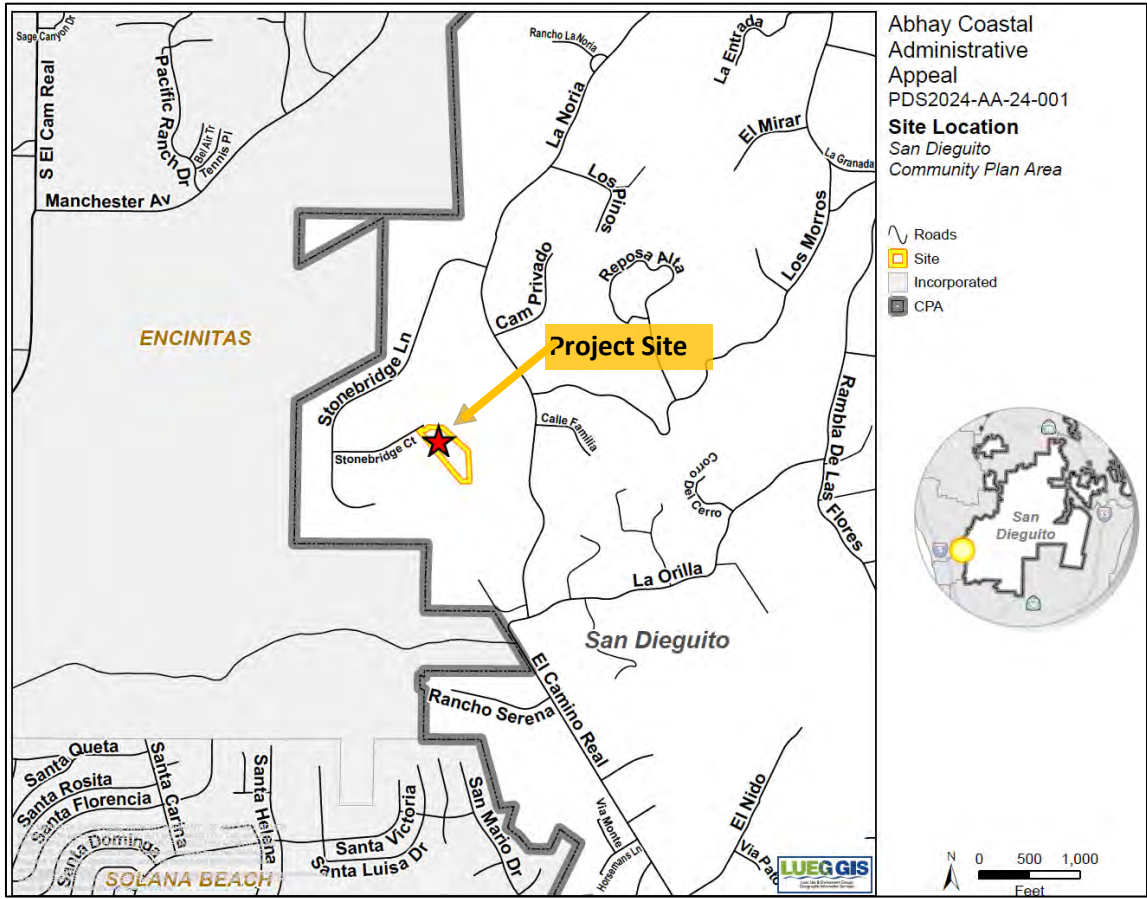


Figure 8: Vicinity map

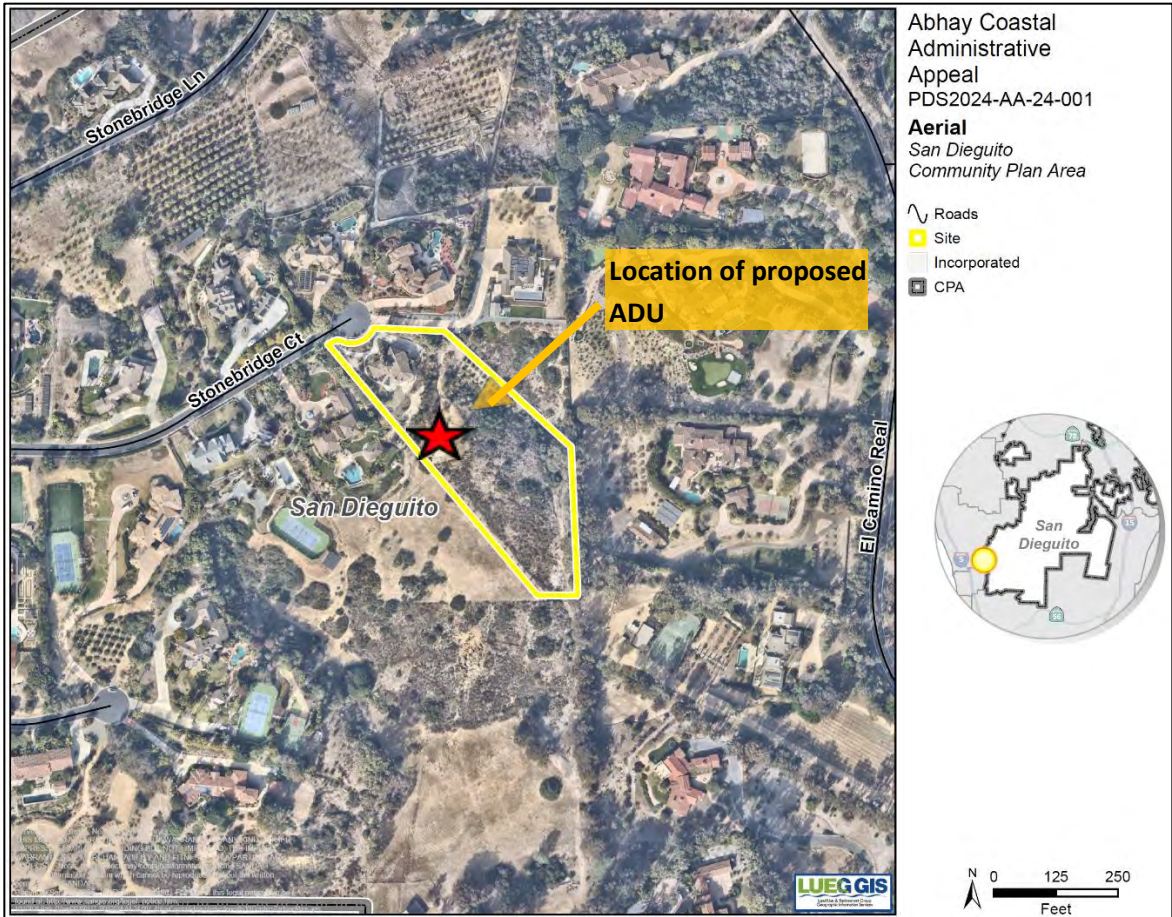


Figure 9: Aerial photograph of project site. Location of proposed facility identified with red.

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural Residential	Rural Residential (RR)	Stonebridge Ct.	Residential, City of Encinitas
East	Semi-Rural Residential	Rural Residential (RR)	El Camino Real	Undeveloped hillside, Natural vegetation, County of San Diego
South	Semi-Rural Residential	Rural Residential (RR)	N/A	Undeveloped hillside, Natural vegetation, City of Solana Beach

West	Semi-Rural Residential	Rural Residential (RR)	Stonebridge Ln	Residential, City of Solana Beach
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4. ANALYSIS AND DISCUSSION

The applicant submitted an appeal with eight attachments, including maps, pictures, and documents the owner prepared. The appeal documents are included in Attachment B to this report. PDS has reviewed these documents with the assistance of the Coastal Commission. PDS did not find any additional information allowing the Project to qualify for an exemption from a Coastal Permit. After a thorough analysis, PDS sees no viable justification for granting an exemption for this project under the LCP and Coastal Act as interpreted by the Coastal Commission. A summary of the appeal documents and our analysis and response to each is provided below:

a. Attachment B-1: Title - Main Argument for Exemption

Point of Appeal

This attachment stated that the owner had reviewed California Coastal Commission Notification W7c on new ADU laws for coastal permits, provided by the State. The applicant also highlighted what they viewed as relevant clauses in the appeal documents. One of the highlighted sections, Clause 2d, states that detached ADUs may qualify for a waiver if deemed "de minimis development" (too minor to impact coastal resources) by the Executive Director. If the criteria for a CDP waiver are met, local governments can exempt the permit requirement.

Analysis and Response

This document is also referenced under Attachment B-2 below. Our analysis and response in that section also cover this attachment.

b. Attachment B-2: Draft California Coastal Commission Memo W7C

Point of Appeal

This attachment contains a draft memo from the California Coastal Commission (California Coastal Commission Notification W7c), which was published to help local governments carry out their Coastal Act obligations while also implementing state requirements for ADUs. The applicant also highlighted several sections of this draft memo. The memo states that LCP's apply to ADU's, unless an LCP amendment is adopted that exempts ADU's. The memo stated that LCP amendments by local jurisdictions that involve only procedural changes may be eligible for what the memo referred to as streamlined review as minor or de minimis amendments.

Analysis and Response

PDS reviewed this memo and consulted with Coastal Commission staff to ensure proper implementation. The Coastal Commission clarified that a waiver, as described in the memo, is not an exemption. Instead, it functions like an expedited Coastal Development Permit (CDP), such as a CAP. They also noted that the memo states detached residential units are generally not exempt. The **memo states** "(t)ypically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and "self-contained

residential units,” i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)”

The Coastal Commission also referenced an updated January 2022 memo (Attachment D) explaining that, with limited exceptions, detached ADUs represent an intensification of development and require a Coastal Permit. Page 4 of the memo, under subsection IV(2), states “(a)s defined by the Coastal Act, development refers to both “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[.]” (Pub. Res. Code § 30106.) Most J/ADUs constitute development if they include, for example, new construction of a detached ADU, new construction of an attached J/ADU, or conversion of an existing, uninhabitable, attached or detached space to a J/ADU (such as a garage, storage area, basement, or mechanical room). The construction of new structures constitutes the “placement or erection of solid material,” and the conversion of existing, uninhabitable space would generally constitute a “change in the density or intensity of use.” Therefore, these activities would generally constitute development in the coastal zone that requires a CDP or other authorization. (Pub. Res. Code § 30600.)”

The updated memo also explains that some ADUs that are not new detached ADUs may not qualify as development and may be exempt from coastal permit requirements under certain circumstances. The memo states “Unlike new construction, the conversion of an existing, legally established habitable space to a J/ADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.), and which does not change the intensity of use of the structure, may not constitute development within the definition in the Coastal Act. An example of a repurposed, habitable space that may not constitute new development (and thus does not require Coastal Act or LCP authorization) is the conversion of an existing bedroom within a primary structure.”

Based on this information, and because the County's LCP does not include an exemption applicable this Project, PDS did not find that this information allowed the Project to be exempt. A summary of our analysis of the exemptions included within the County LCP and why this Project does not qualify for one is included below under project analysis.

c. Attachment B-3: Proposed ADU is exempt

Point of Appeal

In summary, this attachment states the Project will be built on a preexisting, graded garden pad approved 25 years ago, eliminating the need for grading or impacts to native vegetation. The attachment states that the site is over two miles from the coast, obstructed from view by terrain and structures, and poses no visual impact. Additionally, the documents state that the Projects distance and location prevent any drainage impact on San Elijo Lagoon.

Analysis and Response

While this information may be helpful when reviewing a CAP for this Project, the information does not provide evidence to show that the Project is exempt from the requirement for a Coastal Permit. After reviewing the County's LCP and consulting with the Coastal Commission, staff found no exemptions that would apply to a detached ADU.

Additionally, both the County's LCP and the original Coastal Permit for the residence indicate that the project site is located within the coastal resources projection area. The existing house, located on the upper hillside at the eastern edge of San Elijo Lagoon, is visible from trails around the lagoon and from Manchester Avenue. The County LCP also confirms that the property is visible from key vantage points within its jurisdiction (see Figure 7).

d. Attachment B-4: Responses to Coastal Commission Questions

Point of Appeal

This attachment contains a summary of the applicant's correspondence with Coastal Commission staff. It contains questions the Coastal Commission staff asked the applicant to determine potential requirements for the Project and the owner's responses. It also includes information on drainage, landscaping, slopes, and other details of the Project. It states that no vegetation will be removed, no steep slopes will be impacted, grading will not take place during the rainy season, will be painted to match the existing house, and no landscaping is proposed.

Analysis and Response

Similar to appeal point c above, the additional information provided will be useful in processing a Coastal Permit for the Project, but it does not show the Project would qualify for an exemption under the County LCP as further explained below under the Project Analysis section of this report. After reviewing the County's LCP and consulting with the Coastal Commission, staff found no exemptions in State law or the County LCP that would apply to this Project. The information the applicant provided in this attachment would be reviewed for conformance with our LCP once an application is submitted.

e. Attachment B-5: Applicants Rationale for Exemption

Point of Appeal

This attachment includes an analysis of the Project and Coastal regulations that the owner completed based on their research. The owner states the Project will have no environmental impact on any relevant areas (biology, cultural, etc.). They state that shoreline access and recreation are not applicable, as the property is located more than two miles from the coastline. They also state that habitat protection will not be affected, as the ADU will be built on the pre-approved "lower garden" pad that was originally prepared for this purpose.

The attachment also states that the property is completely hidden from the coastline due to its significant distance and natural obstructions, ensuring no impact on visual resources. Additionally, no landform alterations are necessary because the ADU will be constructed on an existing flat pad, and agricultural land considerations do not apply.

Analysis and Response

PDS previously consulted with the Coastal Commission, which confirmed that the original permit did not include the proposed Project. If a Coastal Permit is submitted, PDS will need to coordinate with the Rancho Santa Fe Fire Protection District and conduct further analysis to determine whether the Project will impact biological resources. During a recent site visit, PDS observed that while the proposed location includes a pad, the area surrounding it appears to contain vegetation that could be impacted by construction or fire-clearing activities. **Additionally, the County's LCP identifies**

portions of the parcel and project footprint as environmentally sensitive habitat areas (ESHA). The existing house, located on the upper hillside at the eastern edge of San Elijo Lagoon, is visible from trails around the lagoon and from Manchester Avenue. The County LCP further confirms that the property is visible from key vantage points identified in the plan.

To qualify for an exemption from the Coastal Permit requirement, the Project must meet the criteria for one of the exemptions outlined in the County LCP. This attachment does not state which exemption the applicant feels applies to the Project and does not demonstrate that the Project qualifies for an exemption, and as explained below under the Project Analysis section, the Project does not meet any of the exemptions specified in the LCP.

f. Attachment B-6: Photo of Proposed ADU Location

Point of Appeal

This photo shows the approximate location of the proposed Project.

Analysis and Response

The photo shows the Project's proposed location, and PDS completed a site visit after this AA was submitted. The photo and information gathered during the site visit will help PDS determine the type of analysis, studies, and additional information needed to process the Coastal Permit for this Project.

As outlined under Appeal Attachment B-2, both the County LCP and the original Coastal Permit for the house confirm that the project site is visible from coastal resources. The hearing report for the existing house noted that the site, located on the upper hillside at the eastern edge of San Elijo Lagoon, is visible from trails around the lagoon and from Manchester Avenue. Additionally, the County LCP confirms that the property is visible from key vantage points within its jurisdiction.

In order to be exempt from the requirement for a Coastal Permit, the Project must qualify for an exemption within the County LCP. This attachment did not contain additional information showing the Project qualified for an exemption.

g. Attachment B-7: Original Coastal Permit Plot Plan

Point of Appeal

This attachment shows a portion of the approved plan for the Coastal Permit that was processed for the existing house in 1997. The plan shows a gazebo and lawn in the general vicinity of the proposed ADU.

Analysis and Response

After review, PDS did not find any additional information in this attachment that would show the Project is exempt from the requirement for a Coastal Permit. PDS confirmed with the Coastal Commission that the original permit for the site does not include this Project and instead was for the construction of one residence (currently existing) and a gazebo (never built). Additionally, the original permit included a condition regulating future development, stating that any other development on the site, including accessory structures, would require review and approval by the Coastal Commission or a local jurisdiction with a certified Local Coastal Program (LCP). Since the proposed Project was not included in the original permit, a new Coastal Permit is required.

h. Attachment B-8: Proposed Plot Plan

Point of Appeal

This attachment shows the location and size of the Project and is what was reviewed prior to PDS determining that a Coastal Permit is required.

Analysis and Response

PDS reviewed these plans when reviewing the appeal points listed above. This attachment did not include any additional analysis showing the Project qualified for an exemption within the LCP. If a Coastal Permit application is submitted, PDS will review these plans with the Fire District and internal reviewers when processing the Coastal Permit.

4. Key Requirements for Requested Actions

- i. Is the Project exempt from the requirement for a Coastal Permit?

5. Project Analysis

Consistency with County of San Diego Local Coastal Plan

Section 9404 of the Local Coastal Program contains several exemptions and states that certain minor projects, as defined in accordance with the California Coastal Act of 1976 and the California Code of Regulations, are exempted from the requirements to obtain a Coastal Permit. Below is a summary of the projects that may be exempt by Section 9404 (Attachment F) and a brief summary explaining why this Project does not qualify for these exemptions. See table C-2 below:

Table C-2

Exemption	Analysis
Section 9404.a – Project with Coastal Commission Approval	PDS confirmed the Project was not included in a previous Coastal Commission approval.
Section 9404.b – Replacement after Natural Disaster	This Project does not propose the reconstruction of a structure lost in a natural disaster.
Section 9404.c – Improvements to Existing Single Family Residences	The County LCP states that this exemption cannot be used for self-contained residential units. It also states that the exemption does not apply if the residence and/or improvement is located in ESHA or within a viewshed delineated in the LCP. As Figures 7 and 10 indicate, the Project is within ESHA and a viewshed. Therefore, the Project does not qualify for this exemption.
Section 9404.d – Repair and Maintenance Activities	In summary, this exemption applies to repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of the repair or maintenance activities. Since this Project proposes a new structure, this exemption does not apply.

<p>Section 9404.e – Land Division</p>	<p>This exemption applies to land division by a public agency. The Project does not propose a land division by a public agency for public recreational use. Since this Project does not propose a land division by a public agency, this exemption does not apply.</p>
<p>Section 9404.f – Utility Connections</p>	<p>This exemption covers the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a valid coastal permit that accounted for such connection. This exemption does not apply to this Project because it proposes a new structure and not solely a utility connection.</p>
<p>Section 9404.g – Minor Excavation Not Requiring a Grading Permit.</p>	<p>This exemption allows minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to landscaping. Since this Project proposes a new structure, this exemption does not apply.</p>

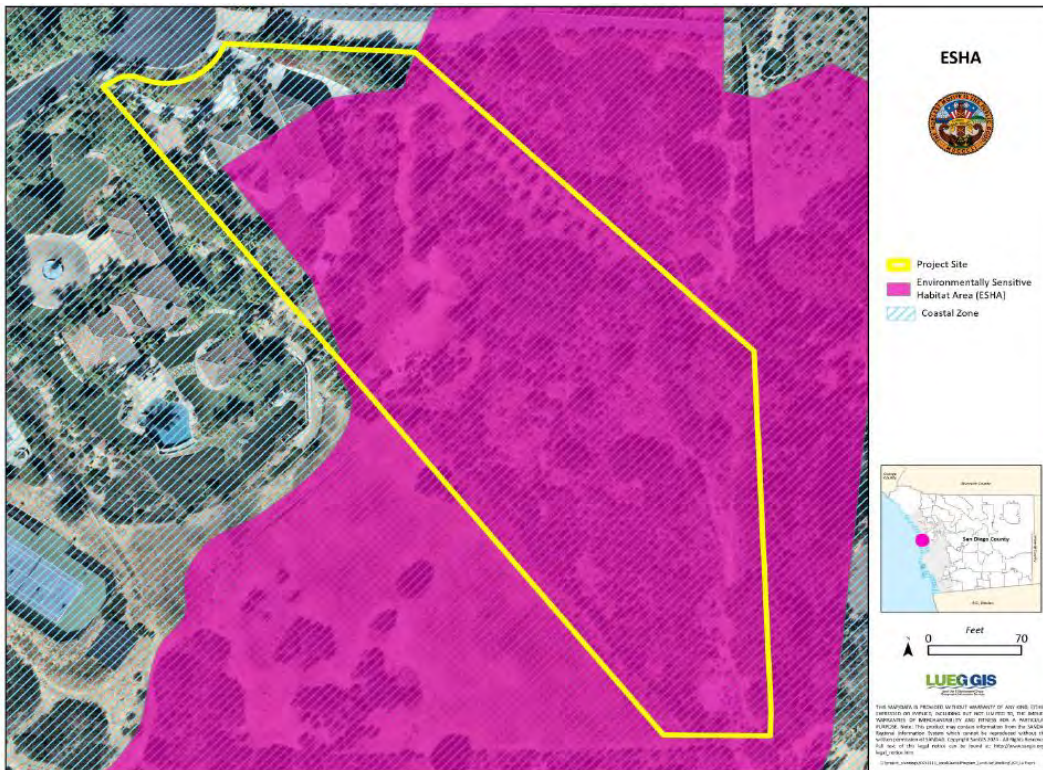


Figure 10: Environmentally Sensitive Habitat Area (ESHA) within the LCP

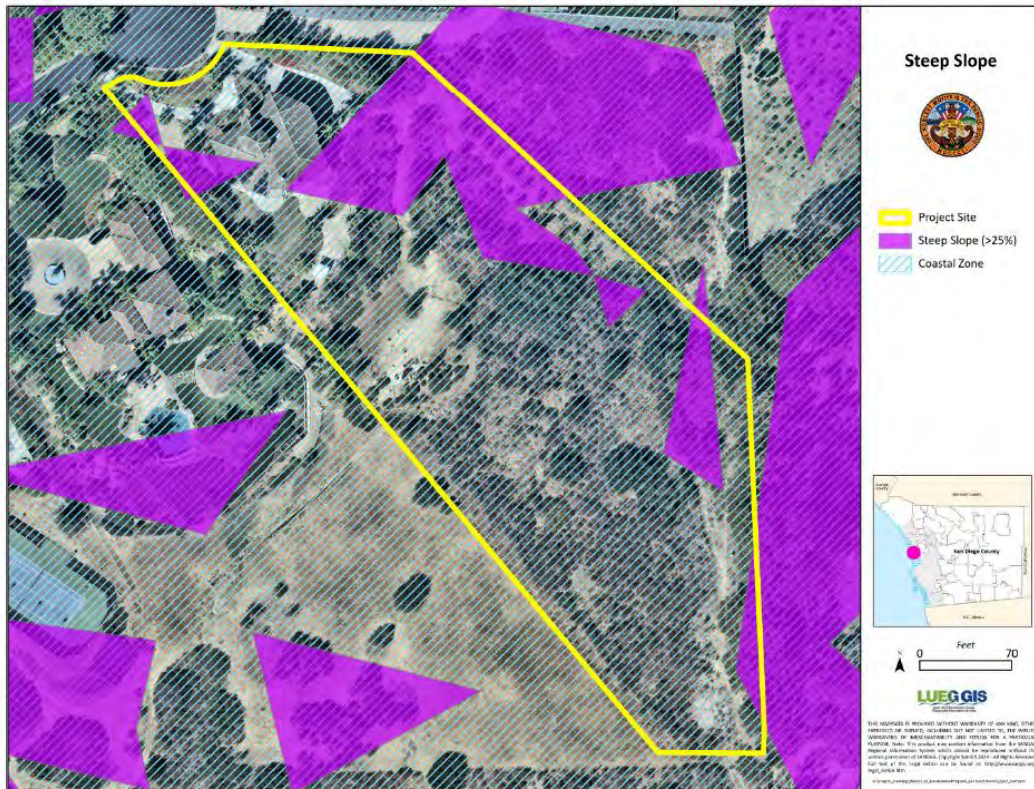


Figure 11: Steep slope exhibit within LCP

- 6. Zoning Ordinance Consistency
 - i. Development Regulations

The Project complies with all applicable zoning requirements of the Rural Residential (RR) zone with the incorporation of conditions of approval (See Table C-3).

Table C-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	RR	Yes
Animal Regulation:	V	N/A
Density:	0.5	N/A
Lot Size:	2AC	N/A
Building Type:	C	Yes
Maximum Floor Area:	-	N/A
Floor Area Ratio:	-	N/A
Height:	G	Yes
Lot Coverage:	-	N/A
Setback:	B	Yes
Open Space	-	N/A

Special Area Regulations:	F, R	No – The appeal would not be consistent with the Special Area "R". To comply with this regulation, the applicant must obtain approval of a Coastal Permit consistent with the LCP before issuing any permit related to the Project.
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7. California Environmental Quality Act (CEQA) Compliance

The requested AA is not subject to CEQA because it is not a "project" as defined in CEQA Guidelines Section 15378. No environmental determination is required for this appeal. The Planning Commission is being asked to determine if a Coastal Permit is required for the Project. If the appeal is denied, a CEQA determination will be prepared for the Coastal Permit if submitted.

8. Community Planning Group Recommendation

This AA is only appealing the determination that a Coastal Permit is required for the Project. If this appeal is denied, the future Coastal Permit application would be sent to the San Dieguito Community Planning Group for their review and recommendation.

9. Public Input

Public notices for the February 28, 2025 Planning Commission hearing were sent to the required minimum of 20 property owners, within a radius of 500 feet from the project site. A public comment opportunity will be available at the appeal hearing. If the appeal is denied, an additional notice will be sent out if a Coastal Permit application is submitted and all notices that may be required by CEQA and before any public hearing on the Coastal Permit.

10. Recommendations

Based on the analysis above, granting the appeal could reasonably and likely result in the Coastal Commission potentially revoking the County's LCP and removing the ability of the County to process Coastal permits, staff recommends that the Planning Commission take the following action:

- a. Deny the Appeal, PDS2024-AA-24-002, and uphold the Directors Determination.

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AUTHORIZED REPRESENTATIVE: _____

Vince Nicoletti

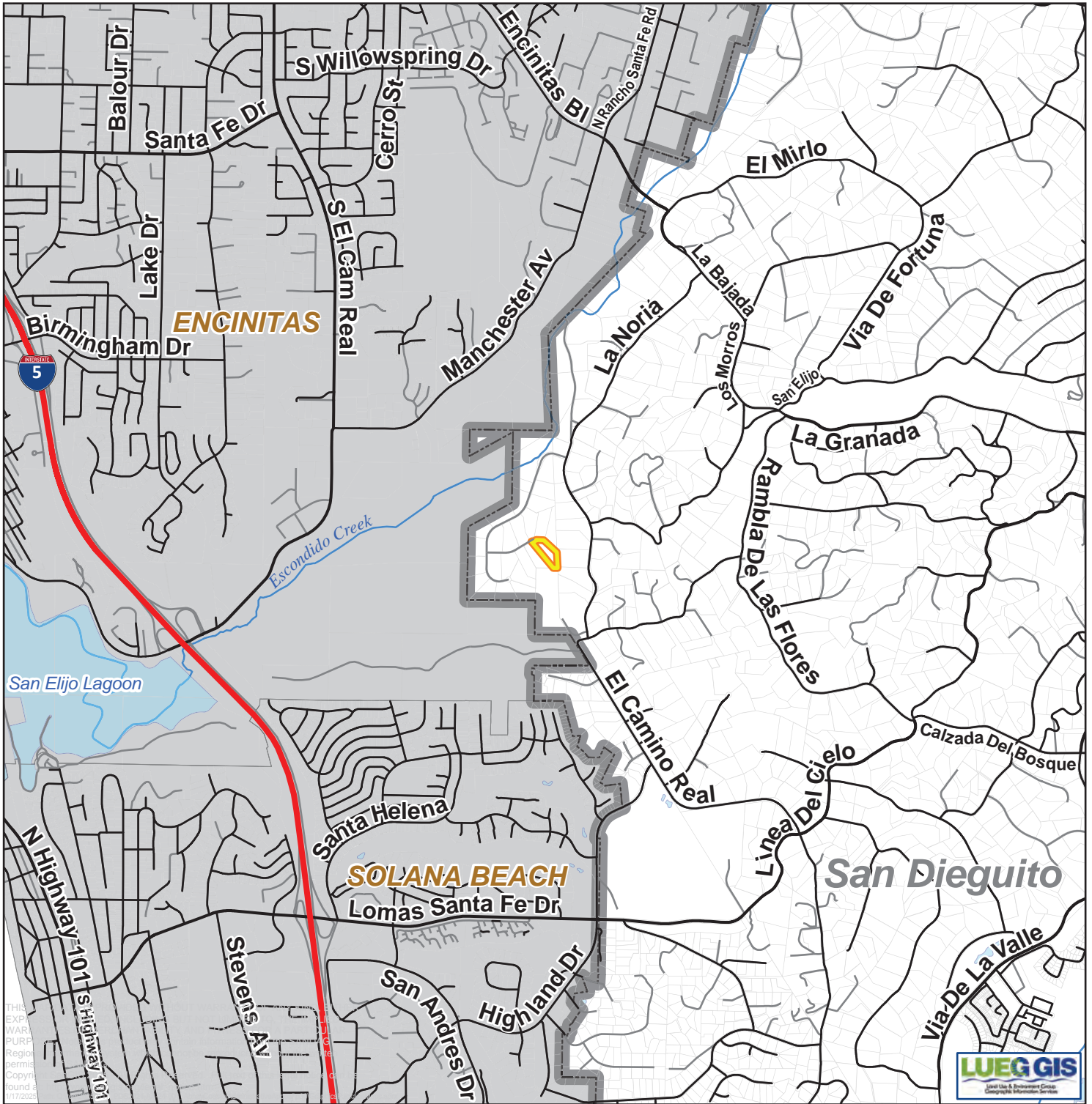
VINCE NICOLETTI, DIRECTOR

ATTACHMENTS:

- Attachment A – Planning Documentation
- Attachment B – Appeal application
- Attachment C – PDS letter dated November 22, 2024
- Attachment D – Updated memo from Coastal Commission

Attachment E – Original Coastal Permit
Attachment F – Section 9404 of the LCP
Attachment G – January 22, 2025 Coastal Commission e-mail

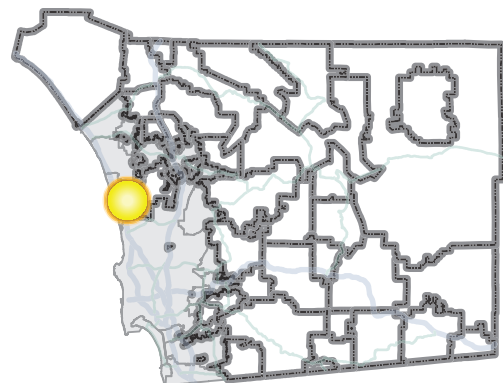
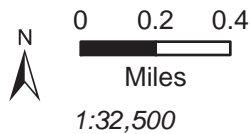
Attachment **A** – **Planning Documentation**

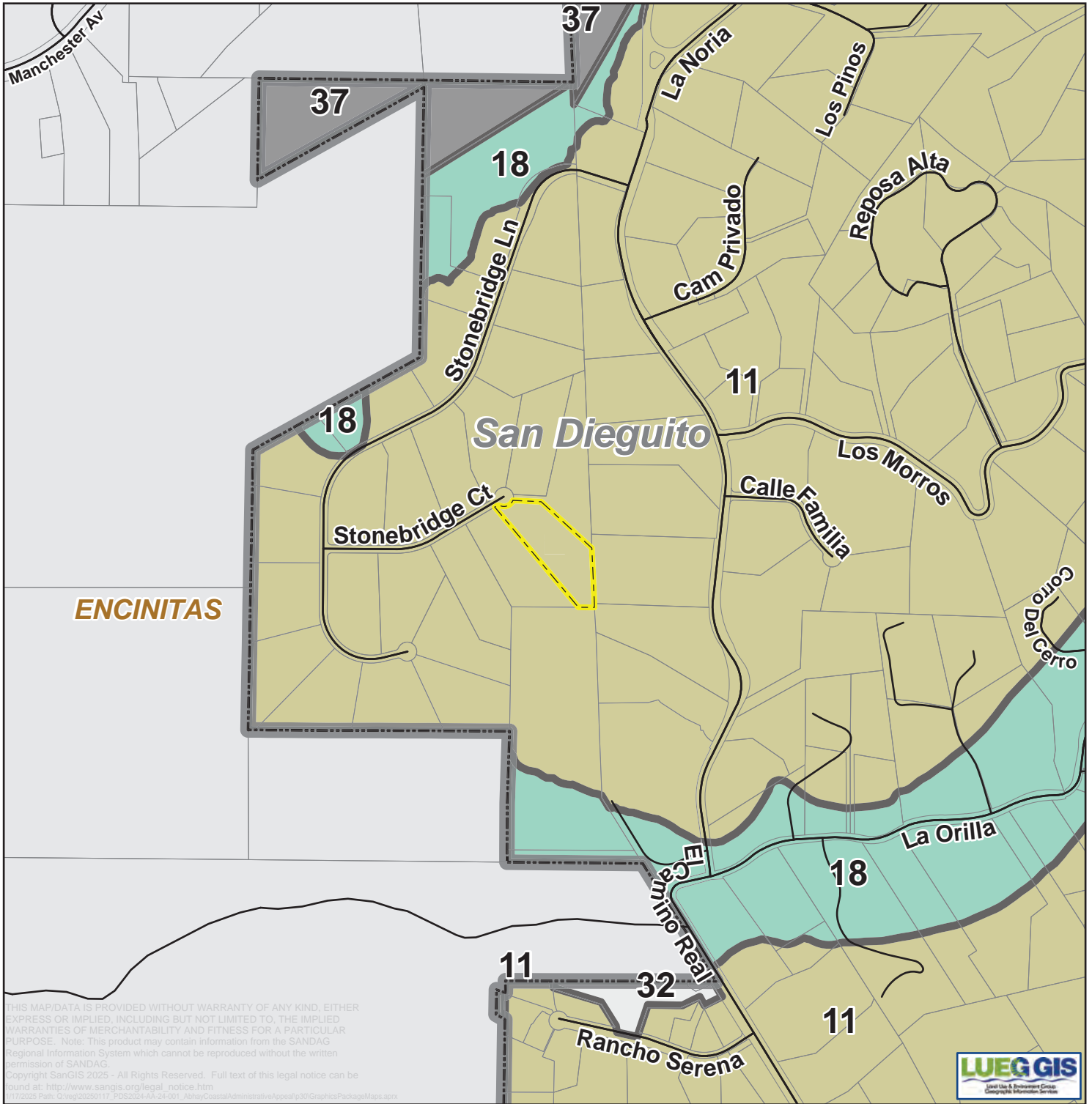


Abhay Coastal
Administrative
Appeal
PDS2024-AA-24-001

Vicinity
San Dieguito
Community Plan Area

- Roads
- Site
- Parcels
- Incorporated
- CPA





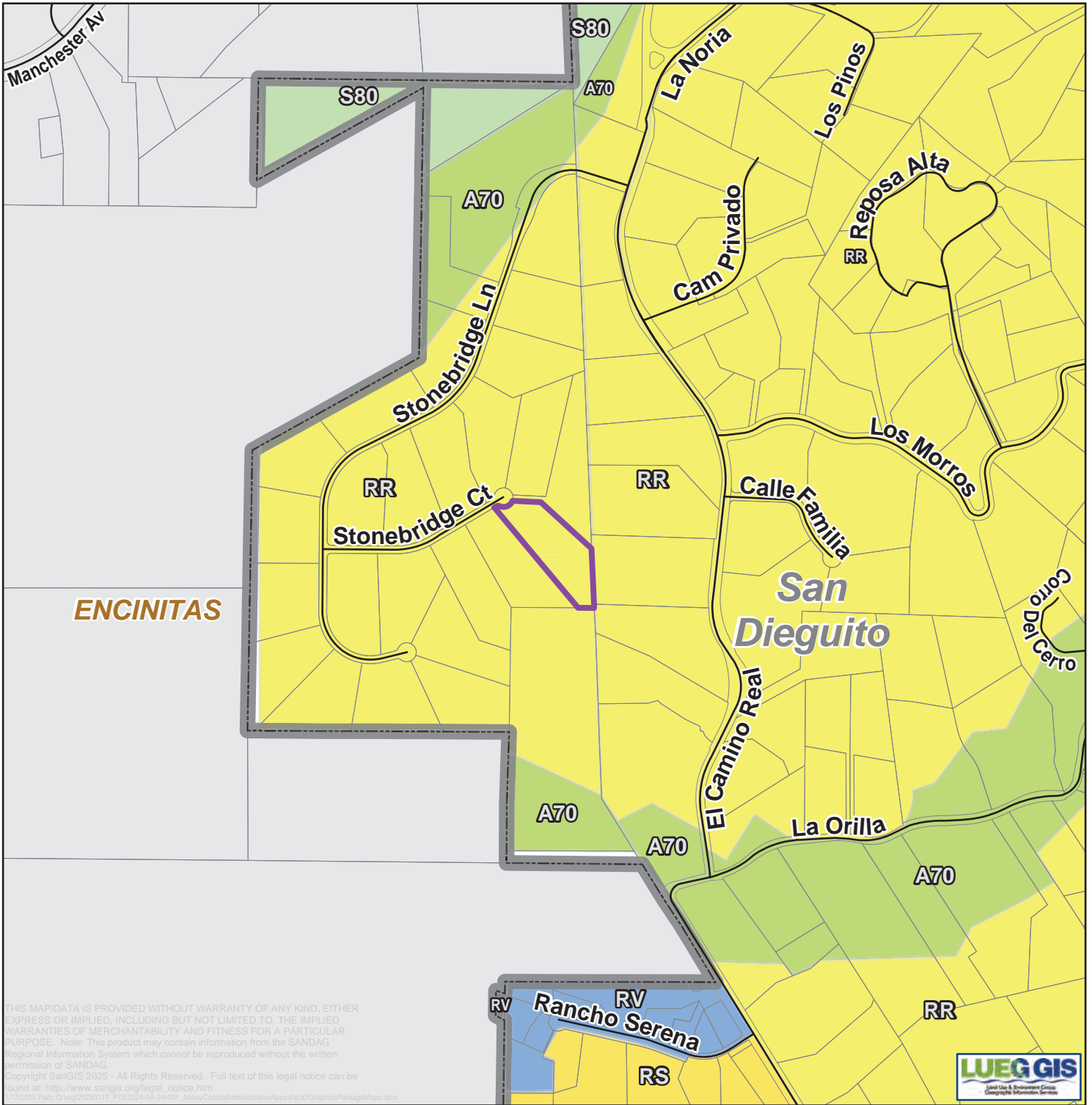
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Abhay Coastal Administrative Appeal
 PDS2024-AA-24-001
General Plan
 San Dieguito Community Plan Area

- Roads
 - Site
 - Parcels
 - Incorporated
 - CPA
- General Plan**
 - (11) Semi-Rural Residential (SR-2)
 - (18) Rural Lands (RL-20)
 - (32) Public/Semi-Public Facilities
 - (37) Open Space (Conservation)





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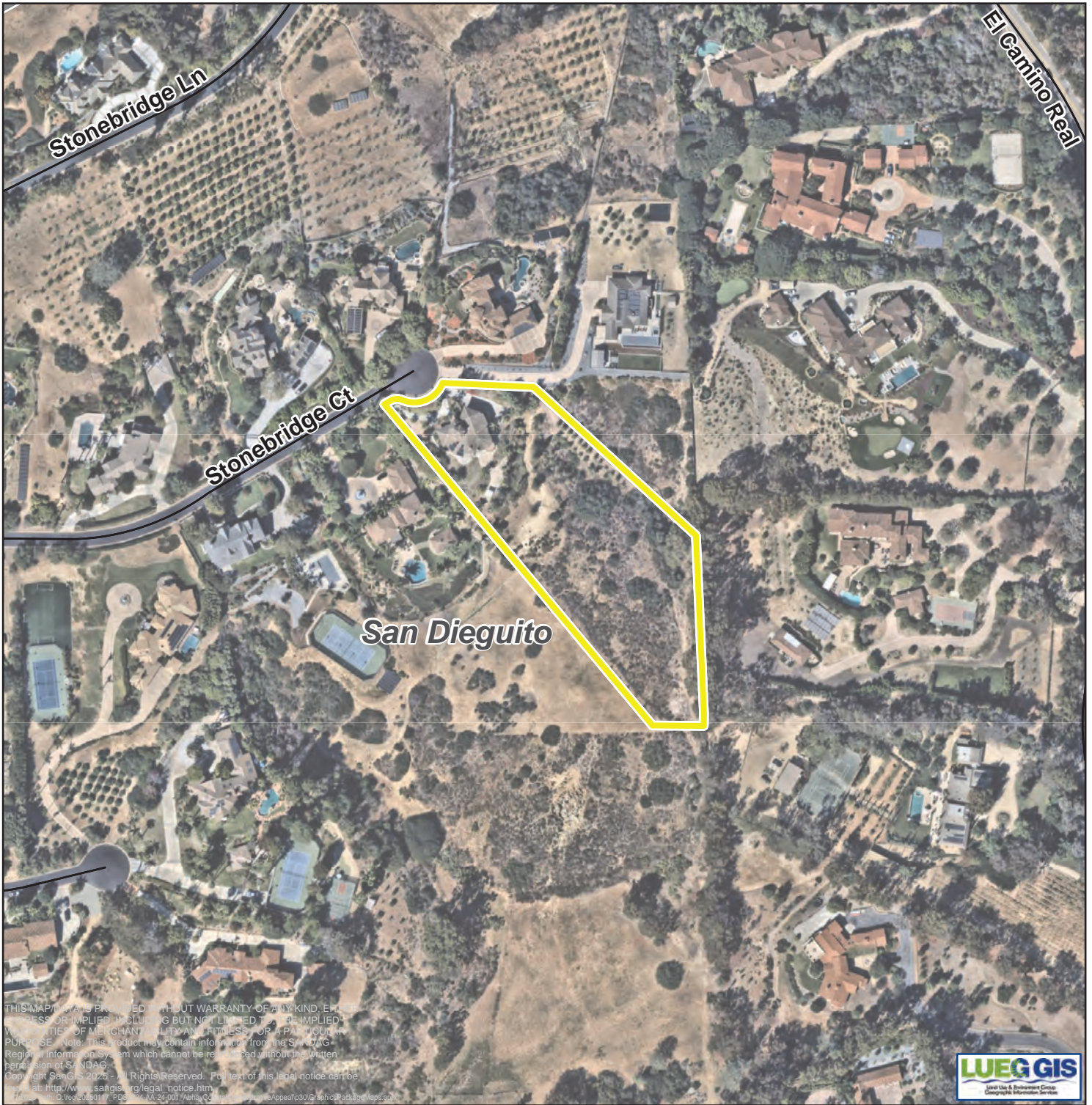
Abhay Coastal
 Administrative
 Appeal
 PDS2024-AA-24-001

- Roads
- Site
- Parcels
- Incorporated
- CPA

- Zoning**
- (A) Agriculture
 - (S80) Open Space
 - (RS) Residential - Single
 - (RV) Residential - Variable
 - (RR) Rural Residential

Zoning
 San Dieguito
 Community Plan Area

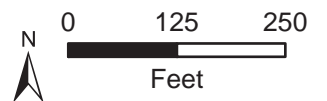


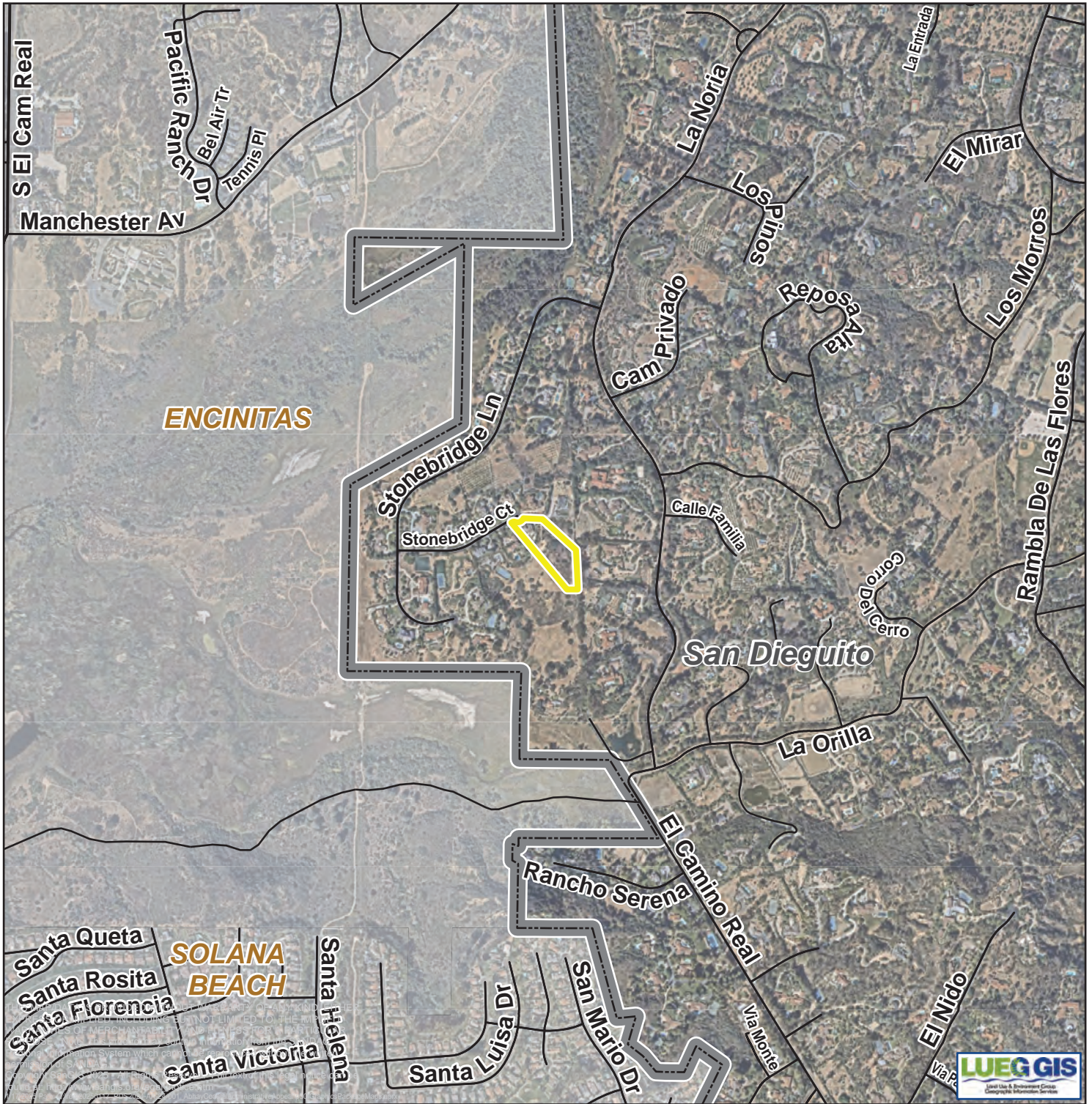


Abhay Coastal
Administrative
Appeal
PDS2024-AA-24-001

-  Roads
-  Site
-  CPA





Aerial
San Dieguito
Community Plan Area

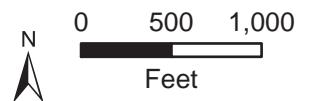
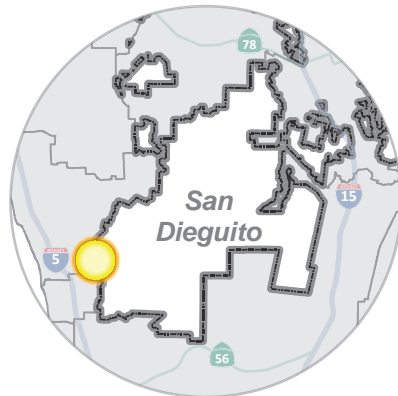


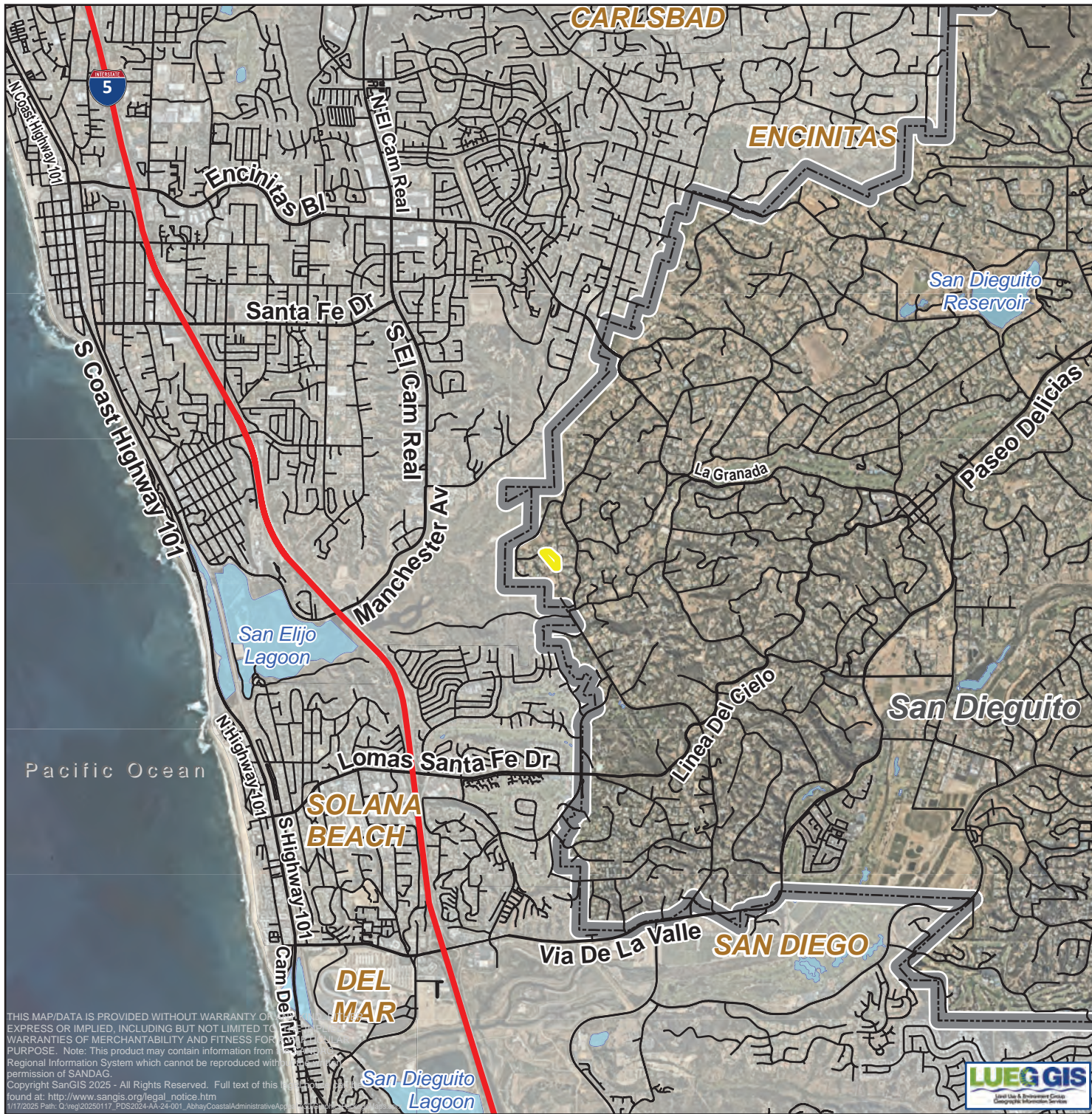


Abhay Coastal
 Administrative
 Appeal
 PDS2024-AA-24-001

Aerial
 San Dieguito
 Community Plan Area

-  Roads
-  Site
-  Incorporated
-  CPA





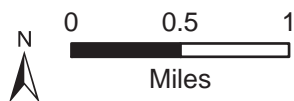
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Abhay Coastal
 Administrative
 Appeal
 PDS2024-AA-24-001

- Roads
- Site
- Incorporated
- CPA

Aerial
 San Dieguito
 Community Plan Area



El Camino Real

Stonebridge Ln

Stonebridge Ct

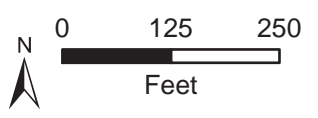
San Dieguito

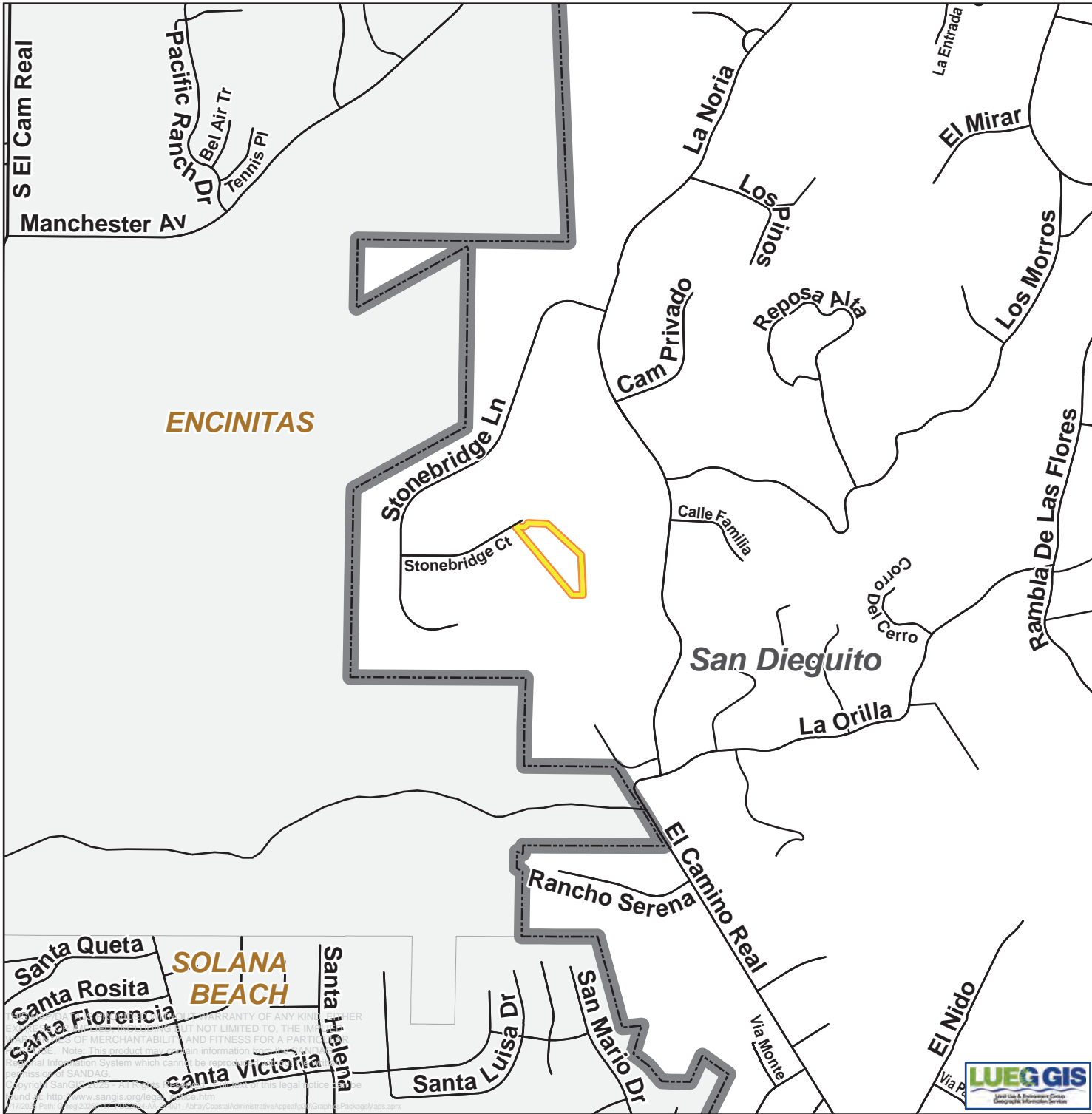
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Abhay Coastal Administrative Appeal
PDS2024-AA-24-001
Site Location
San Dieguito Community Plan Area

- Roads
- Site
- CPA

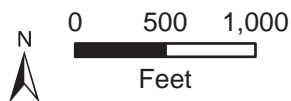


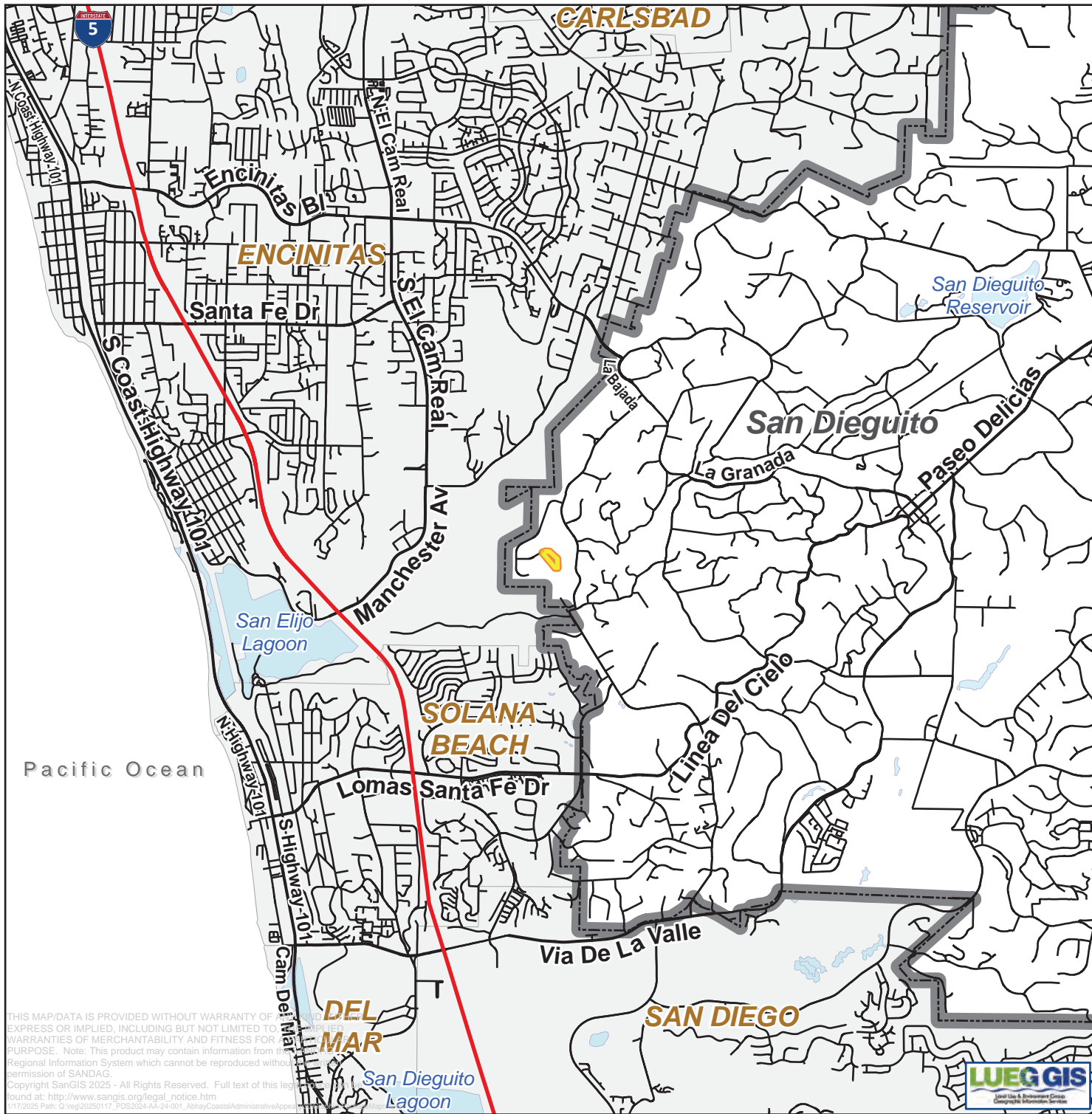


Abhay Coastal
Administrative
Appeal
PDS2024-AA-24-001

Site Location
San Dieguito
Community Plan Area

- Roads
- Site
- Incorporated
- CPA





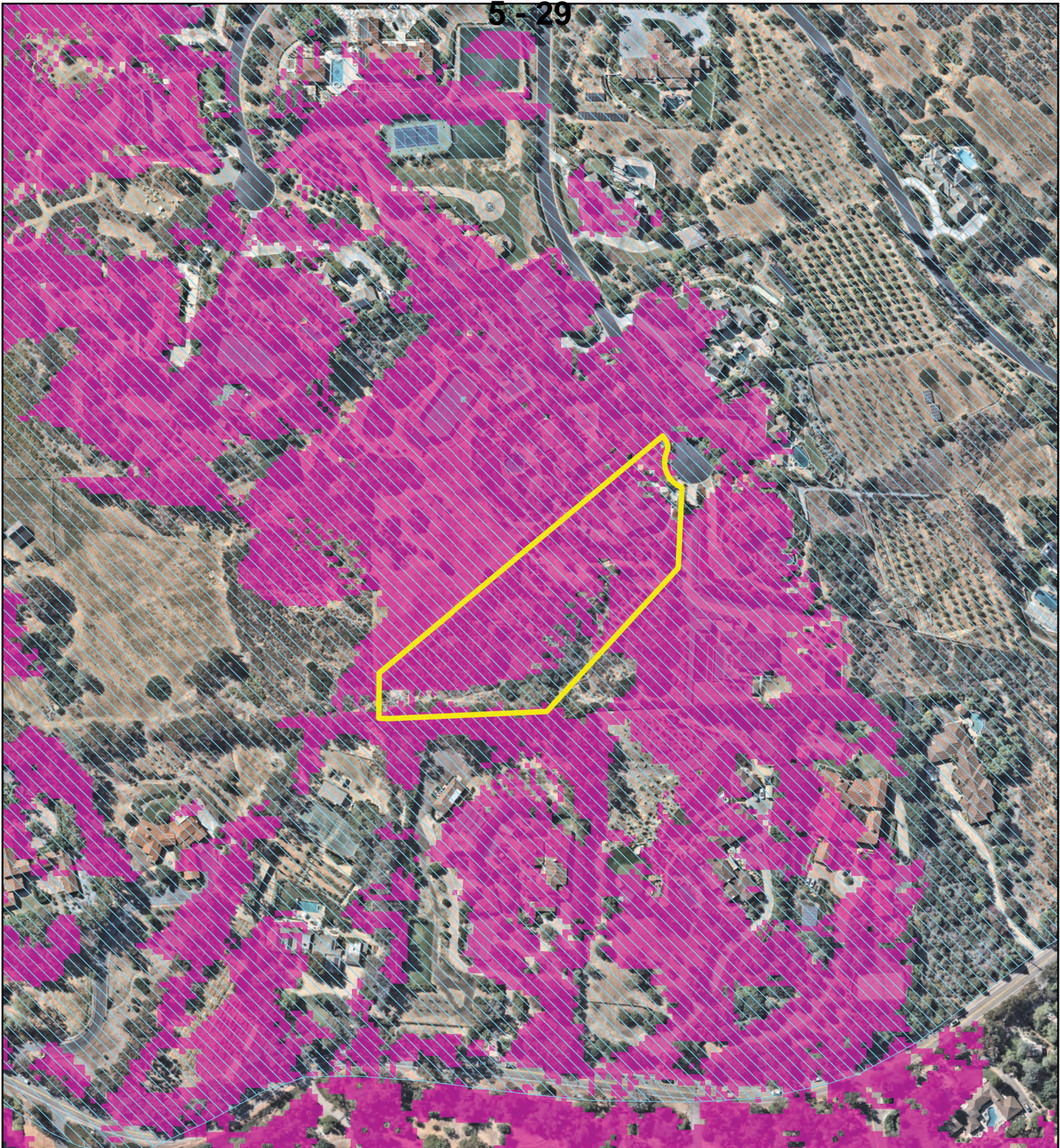
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Abhay Coastal
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 Appeal
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Site Location
 San Dieguito
 Community Plan Area

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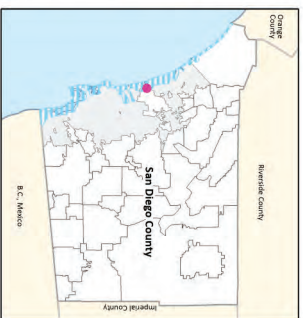




Viewshed



-  Project Site
-  Coastal Zone
-  Visible from Vantage Points



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Attachment B – **Appeal Application**

We received a copy of above **California Coastal Commission Notification W7c re Implementation of New ADU Laws on Coastal Permits** from Governor Newsom's office, authored by **Coastal Executive Director**.

1. We went through the entire document with a fine tooth comb and highlighted several of the clauses that relate to ADUs, like those as our case. I am **attaching a copy** in this package.

2. Please review the **clause 2d on page 5** of attached copy of above Document (**red** highlighted by me):

It specifically points out that THE COMMISSION GENERALLY HAS ALLOWED A WAIVER FOR PROPOSED DETACHED ADU IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE PROPOSED ADU IS **DE MINIMIS DEVELOPMENT, INVOLVING NO POTENTIAL FOR ANY ADVERSE EFFECTS ON COASTAL RESOURCES**, and that "... if the proposed ADU meets the criteria for a CDP waiver, the **local government may waive the permit requirement**.

*(We find the meaning of **De Minimis** as "**too trivial or minor to merit consideration**", clarified further in the document as "**no potential for any adverse effects on coastal resources**".)*

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 FAX (415) 904-5400



W7c

March 9, 2020

To: Planning Directors of Coastal Cities and Counties
 From: John Ainsworth, Executive Director
 Re: Implementation of New ADU Laws

The Coastal Commission has previously circulated two memos to help local governments understand how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). As of January 1, 2020, AB 68, AB 587, AB 670, AB 881, and SB 13 each changed requirements on how local governments can and cannot regulate ADUs and JADUs, with the goal of increasing statewide availability of smaller, more affordable housing units. This memo is meant to describe the changes that went into effect on January 1, 2020, and to provide guidance on how to harmonize these new requirements with Local Coastal Program (“LCP”) and Coastal Act policies.

Coastal Commission Authority Over Housing in the Coastal Zone

The Coastal Act does not exempt local governments from complying with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.

This memorandum is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific

Draft – Implementation of New ADU Laws
March 9, 2020

circumstances not addressed in this memorandum should contact the appropriate district office of the Commission.

Overview of New Legislation¹

The new legislation effective January 1, 2020 updates existing Government Code Sections 65852.2 and 65852.22 concerning local government procedures for review and approval of ADUs and JADUs. As before, local governments have the discretion to adopt an ADU ordinance that is consistent with state requirements. (Gov. Code § 65852.2(a).) AB 881 (Bloom) made numerous significant changes to Government Code section 65852.2. In their ADU ordinances, local governments may still include specific requirements addressing issues such as design guidelines and protection of historic structures. However, per the recent state law changes, a local ordinance may not require a minimum lot size, owner occupancy of an ADU, fire sprinklers if such sprinklers are not required in the primary dwelling, or replacement offstreet parking for carports or garages demolished to construct ADUs. In addition, a local government may not establish a maximum size for an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code § 65852.2(c)(2)(B).) Section 65852.2(a) lists additional mandates for local governments that choose to adopt an ADU ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).)

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 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. One major change to Section 65852.2 is that the California Department of Housing and Community Development (“HCD”) now has an oversight and approval role to ensure that local ADU ordinances are consistent with state law, similar to the Commission’s review of LCPs. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h).)

If a local government does *not* adopt an ADU ordinance, state requirements will apply directly. (Gov. Code § 65852.2(b)–(e).) Section 65852.2 subdivisions (b) and (c) require that local agencies shall ministerially approve or disapprove applications for permits to create ADUs. Subdivision (e) requires ministerial approval, whether or not a local government has adopted an ADU ordinance, of applications for building permits¹ of the following types of ADUs and JADUs in residential or mixed use zones:

¹ This DRAFT Guidance Memo only provides a partial overview of new legislation related to ADUs. The Coastal Commission does not interpret or implement these new laws.

Draft – Implementation of New ADU Laws
March 9, 2020

- One ADU or JADU per lot *within* a proposed or existing single-family dwelling or existing space of a single-family dwelling or accessory structure, including an expansion of up to 150 square feet beyond the existing dimensions of an existing accessory structure; with exterior access from the proposed or existing single-family dwelling; side and rear setbacks sufficient for fire and safety; and, if a JADU, applicant must comply with requirements of Section 65852.22; (§ 65852.2(e)(1)(A)(i)-(iv))
- One detached, new construction ADU, which may be combined with a JADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for the single family residential lot; (§ 65852.2(e)(1)(B))
- Multiple ADUs within the portions of existing multifamily dwelling structures that are not currently used as dwelling spaces; (§ 65852.2(e)(1)(C))
- No more than two detached ADUs on a lot that has an existing multifamily dwelling, subject to a 16-foot height limitation and four-foot rear yard and side setbacks. (§ 65852.2(e)(1)(D))

ADUs and JADUs created pursuant to Subdivision (e) must be rented for terms greater than 30 days. (Gov. Code § 65852.2(e)(4).)

What Should Local Governments in the Coastal Zone Do?

1) Update Local Coastal Programs (LCPs)

Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act. Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, those LCPs should be updated to be consistent with the new ADU provisions to the greatest extent feasible, while still complying with Coastal Act requirements.

As noted above, Section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources. As a result, we encourage local governments to identify the coastal resource context applicable in a local jurisdiction and ensure that any proposed ADU-related LCP amendment appropriately addresses protection of coastal resources consistent with the Coastal Act at the same time that it facilitates ADUs/JADUs consistent with the new ADU provisions. For example, LCPs should ensure that new ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas, or in areas where the ADU's structural stability may be compromised by bluff erosion or wave uprush over their lifetime. Our staff is available to assist in the efforts to amend LCPs.

Please note that LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impacts on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.) The Commission will process ADU-specific LCP amendments as minor or de minimis amendments whenever possible.

2) Follow This Basic Guide When Reviewing ADU or JADU Applications

a. Check Prior CDP History for the Site.

Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP limits the applicant's ability to apply for an ADU or JADU.

b. Determine Whether the Proposed ADU or JADU Qualifies as Development.

Any person "wishing to perform or undertake any development in the coastal zone" shall obtain a CDP. (Pub. Res. Code § 30600.) Development as defined in the Coastal Act includes not only "the placement or erection of any solid material or structure" on land, but also "change in the density or intensity of use of land[.]" (Pub. Res. Code § 30106.) Government Code section 65852.2 states that an ADU that conforms to subdivision (a) "shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot." (Gov. Code § 65852.2(a)(8).)

Minor changes to an existing legally established residential structure that do not involve the removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610), see also below. JADUs created within existing primary dwelling structures that comply with Government Code Sections 65852.2(e) and 65852.22 typically will fall into one of these categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. However, the conversion of detached structures associated with a primary residence to an ADU or JADU may involve a change in the size or intensity of use that would qualify as development under the Coastal Act and require a coastal development permit, unless determined to be exempt or appropriate for waiver.

c. If the Proposed ADU Qualifies as Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Commission's regulations. (Pub. Res. Code § 30610(a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250(b)(6).)

Typically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and "self-contained residential units," i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)

d. If the Proposed ADU is Not Exempt from CDP Requirements, Determine Whether a CDP Waiver Is Appropriate.

If the LCP includes a waiver provision, and the proposed ADU or JADU meets the criteria for a CDP waiver the local government may waive the permit requirement for the proposed ADU or JADU. The Commission generally has allowed a waiver for proposed detached ADUs if the executive director determines that the proposed ADU is de minimis development, involving no potential for any adverse effects on coastal resources and is consistent with Chapter 3 policies. (See Pub. Res. Code § 30624.7.)

Some LCPs do not allow for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

e. If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency with Certified LCP Requirements.

If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government then must provide the required public notice for any CDP applications for ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law if feasible. Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the ADU

Draft – Implementation of New ADU Laws
March 9, 2020

qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

Information on AB 68, AB 587, AB 670, and SB 13

JADUs – AB 68 (Ting)

JADUs are units of 500 square feet or less, contained entirely within a single-family residence or existing accessory structure. (Gov. Code §§ 65852.2(e)(1)(A)(i) and 65852.22(h)(1).) AB 68 (Ting) made several changes to Government Code section 65852.22, most notably regarding the creation of JADUs pursuant to a local government ordinance. Where a local government has adopted a JADU ordinance, “[t]he ordinance may require a permit to be obtained for the creation of a [JADU].” (Gov. Code § 65852.22(a).) If a local government adopts a JADU ordinance, a maximum of one JADU shall be allowed on a lot zoned for single-family residences, whether they be proposed or existing single-family residences. (Gov. Code § 65852.22(a)(1).) (This formerly only applied to *existing* single-family residences. Now, proposals for a new single-family residence can include a JADU.) Efficiency kitchens are no longer required to have sinks, but still must include a cooking facility with a food preparation counter and storage cabinets of reasonable size relative to the space. (Gov. Code § 65852.22(a)(6).) Applications for permits pursuant to Section 65852.22 shall be considered ministerially, within 60 days, if there is an existing single-family residence on the lot. (Gov. Code § 65852.22(c).) (Formerly, complete applications were to be acted upon within 120 days.)

If a local government has *not* adopted a JADU ordinance pursuant to Section 65852.22, the local government is required to ministerially approve building permit applications for JADUs within a residential or mixed-use zone pursuant to Section 65852.2(e)(1)(A). (Gov. Code § 65852.22(g).) That section is detailed in bullet points on pages two-three of this memorandum and refers to specific ADU and JADU approval scenarios.

Sale or Conveyance of ADUs Separately from Primary Residence – AB 587 (Friedman)

AB 587 (Friedman) added Section 65852.26 to the Government Code to allow a local government to, by ordinance, allow the conveyance or sale of an ADU separately from a primary residence if several specific conditions all apply. (Gov. Code § 65852.26.) This section only applies to a property built or developed by a qualified nonprofit corporation, which holds enforceable deed restrictions related to affordability and resale to qualified low-income buyers, and holds the property pursuant to a recorded tenancy in common agreement. Please review Government Code Section 65852.26 if such conditions apply.

Covenants and Deed Restrictions Null and Void – AB 670 (Friedman)

AB 670 added Section 4751 to the California Civil Code, making void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.

Delayed Enforcement of Notice to Correct a Violation – SB 13 (Wieckowski)

SB 13 (Wieckowski) Section 3 added Section 17980.12 to the Health and Safety Code. The owner of an ADU who receives a notice to correct a violation can request a delay in enforcement, if the ADU was built before January 1, 2020, or if the ADU was built after January 1, 2020, but the jurisdiction did not have a compliant ordinance at the time the request to fix the violation was made. (Health & Saf. Code § 17980.12.) The owner can request a delay of five (5) years on the basis that correcting the violation is not necessary to protect health and safety. (Health & Saf. Code § 17980.12(a)(2).)

THIS IS WHY WE MEET “DE-MINIMIS” CLASSIFICATION:

1. We already have ready flattened ground due to the original permit for a lawn at lower level, where ADU is being proposed.

We are using a flat pad in the photo meant for the lower garden as approved and prepared according to original plan some 25 years ago (see attached: [ADU_sitePhoto_atPresent](#) AND [SB_OrigAPPROVEDsitePlan_w/lowerGarden](#)).

2. This property is completely hidden from coastal view due to its huge distance (~2 MILES) and numerous large obstructions in the line of sight.

3. There will be no native vegetation or habitat impact due to use of preexisting flattened garden site, which eliminates need for fresh grading..

4. San Elijo Lagoon is highly remote from this far of our east location to receive any flood water drainage from our property, more than a mile away — with many large land properties in between.

5. Property is totally invisible from any meaningful location along the coast to cause any visual impact.

ANSWERS in BLUE to **Stephanie Leach's questions (in black)** :

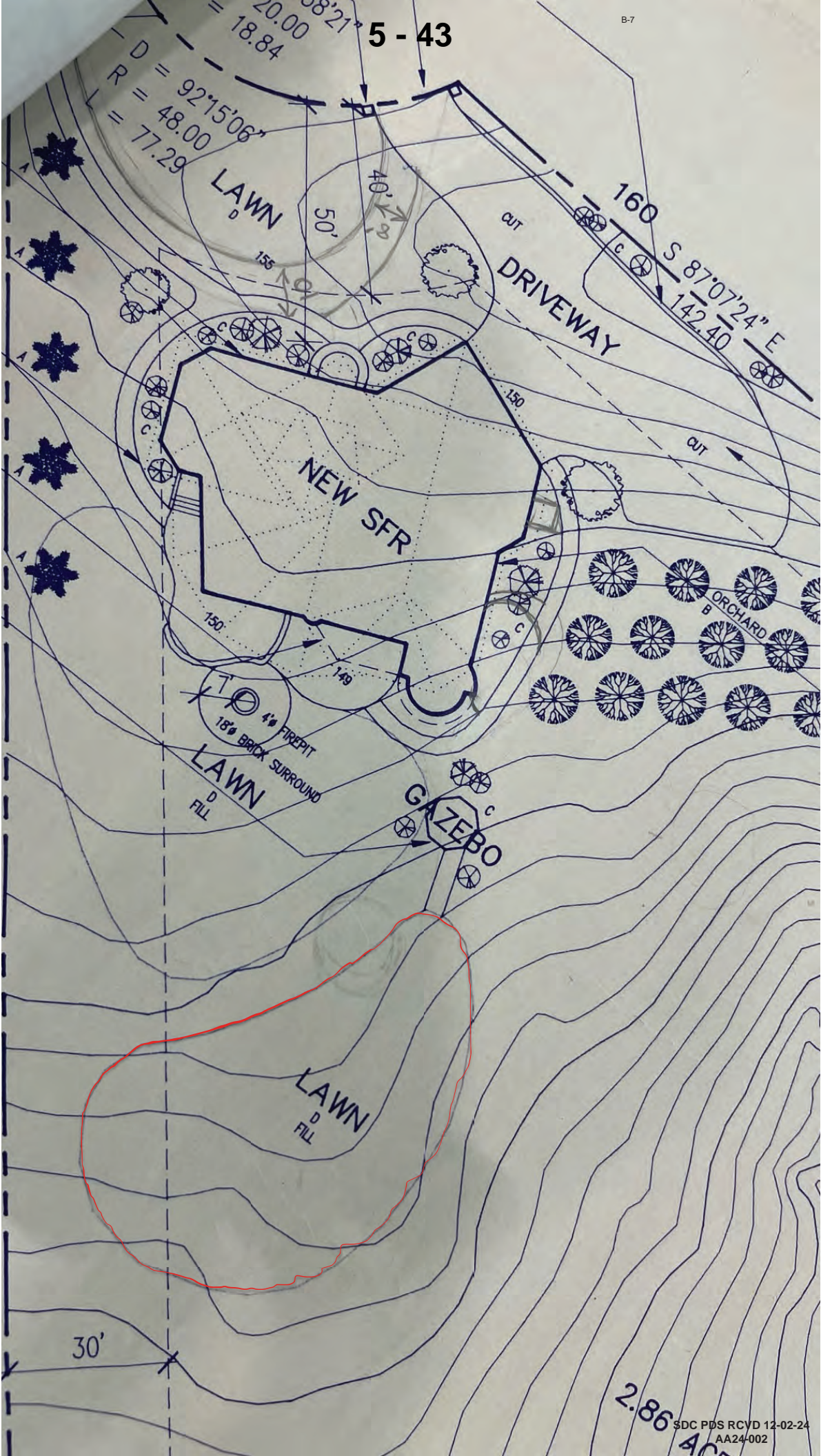
- a.. Will any vegetation need to be removed for construction of the ADU? If so, does it include native vegetation? AO>>>> NO, none.
- b Will there be any grading or alteration, or encroachments of any kind, on the steep slopes (greater than 25%) on the site for construction of the ADU? AO>>>> NO. We are using the flat space of the lower garden, already approved in 1997. Where will any drainage improvements associated with the ADU be located? AO>>>> Rain Drainage already built-in near the lower garden pad, with small "riff-raff" boulders to prevent erosion.
- c Will any grading activities take place during the rainy season (October 1 through April 31st)? AO>>>> No.
- d Will all areas disturbed by grading be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent erosion control methods? AO>>>> Grading for lower garden has been already in place for 25 YEARS!
- e Will the ADU include earth tones designed to minimize the project's contrast with the surrounding hillside (i.e. similar tones approved for the house)? AO>>>> Yes, same as the existing property.
- f If landscaping will be included, will the plant palette be comprised of drought-tolerant and non-invasive species AO>>>> No landscaping is anticipated due to existing lower garden in place. It has been flat since original construction.

On internet, We found the main issues coastal regulations focus on are as follows:

1. The proposed ADU has zero environmental impact on each of the relevant items:
 - a. Shoreline access and Recreation: not applicable due to our huge distance (>2 miles) from the coast line.
 - b. Habitant protection: we are locating this ADU on allowed & originally prepared "lower garden" pad (see attached "SB_OrigAPPROVEDsitePlan_w_lowerGarden" & "ADU_sitePhoto_atPresent").
 - c. Visual Resources: Our property is not visible from the coastline at all due its big distance and pre-existing deep obstructions along the way.
 - d. Landform alterations: none necessary due to pre-existing flat pad location (see attached "ADU_sitePhoto_atPresent")
 - e. Agricultural land... (and beyond): not applicable.
2. All of the above can be absolutely verified by a physical inspection, should your office deem it necessary.
(We'd be glad to pay for any fees incurred due to such an on-site inspection.)



5 - 42



DEFERRED SUBMITTALS

- FIRE SPRINKLERS / ALARMS
- PV SYSTEM

SHALL BE SUBMITTED FOR DEFERRED SUBMITTAL ITEMS. THE REGISTERED DESIGN PROFESSIONAL SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL, WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL, NOTWITHSTANDING THE DEFERRED SUBMITTAL, HAS BEEN FOUND TO BE IN GENERAL COMPLIANCE WITH THE CALIFORNIA APPROVED HERS PROVIDED DATA RESERVY. ALL PROPOSED BUILDINGS, STRUCTURES, ADDITIONS, MODIFICATIONS TO EXISTING BUILDINGS, STRUCTURES, OR BUILDING STANDARDS TO BE SHOWN ON THE COUNTY APPROVED LOT PLAN, AT THE DISCRETION OF THE COUNTY APPROVED LOT PLAN, SHALL BE REVIEWED AND APPROVED BY A CALIFORNIA LICENSED ARCHITECT OR CIVIL ENGINEER.

TITLE 24 FORMS

PROPERLY COMPLETED AND SIGNED CERTIFICATES OF INSTALLATION (CGS FORMS) SHALL BE PROVIDED TO THE INSPECTOR IN THE FIELD FOR USES REQUIRING HERS VERIFICATION. THE CGS FORMS SHALL BE REGISTERED WITH A CALIFORNIA APPROVED HERS PROVIDER DATA RESERVY. PROPERLY COMPLETED CERTIFICATES OF VERIFICATION (CGS FORMS) SHALL BE SUBMITTED TO THE REGISTERED DESIGN PROFESSIONAL, WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL, WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL, NOTWITHSTANDING THE DEFERRED SUBMITTAL, HAS BEEN FOUND TO BE IN GENERAL COMPLIANCE WITH THE CALIFORNIA APPROVED HERS PROVIDED DATA RESERVY. ALL PROPOSED BUILDINGS, STRUCTURES, ADDITIONS, MODIFICATIONS TO EXISTING BUILDINGS, STRUCTURES, OR BUILDING STANDARDS TO BE SHOWN ON THE COUNTY APPROVED LOT PLAN, AT THE DISCRETION OF THE COUNTY APPROVED LOT PLAN, SHALL BE REVIEWED AND APPROVED BY A CALIFORNIA LICENSED ARCHITECT OR CIVIL ENGINEER.

PROJECT SUMMARY

THIS PROJECT SHALL COMPLY WITH THE 2022 EDITION OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, WHICH INCLUDES THE 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA ENERGY CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 CALIFORNIA EXISTING BUILDING CODE, 2022 CALIFORNIA REFERENCED STANDARDS CODE AND 2022 CALIFORNIA ENERGY STANDARDS CODE.

BUILDING DATA:

- OCCUPANCY GROUP: R-3
- TYPE OF CONSTRUCTION: V-4B
- NEW BUILDING IS SPRINKLERED
- NEW BUILDING IS TWO STORIES

TITLE 24

REQUIRED SPECIAL FEATURES:

- PV SYSTEM: 2.14 kWdc
- NORTHWEST ENERGY EFFICIENCY ALLIANCE (NEEA) RATED HEAT PUMP WATER HEATER: SPECIFIC BRAND/MODEL, HERS FEATURE SUMMARY:
- INDOOR AIR QUALITY VENTILATION
- KITCHEN RANGE HOOD
- VERIFIED HEAT PUMP RATED HEATING CAPACITY

COUNTY ZONING

USE REGULATIONS	ANIMAL REGULATIONS	DENSITY	MINIMUM LOT SIZE	MAXIMUM FLOOR AREA	FLOOR AREA RATIO	HEIGHT	LOT COVERAGE	LENDING	SPECIAL AREA REGULATIONS
RR-5	RURAL RESIDENTIAL	V	UNITS ALLOWED / ACRE	2A0	MINIMUM LOT SIZE	35' MAX., 2 STORES	60' FROM CT FRONT, 30' FROM CT REAR, 15' FROM COASTAL RESOURCE PROTECTION AREA	R	

SHEET INDEX:

- 1 SITE PLAN, PROJECT SUMMARY
- 2 EXISTING RESIDENCE
- 3 DOOR & WINDOW SCHEDULE
- 4 ROOF PLAN
- 5 EXTERIOR ELEVATIONS
- 6 EXTERIOR ELEVATIONS
- 7 BUILDING SECTIONS
- 8 ELECTRICAL FLOOR PLAN
- 9 STRUCTURAL SPECIFICATIONS
- 10 LOWER FOUNDATION AND FLOOR PLAN
- 11 FOUNDATION AND FLOOR PLAN
- 12 FOUNDATION DETAILS
- 13 FOUNDATION DETAILS
- 14 FRAMING DETAILS
- 15 FRAMING DETAILS
- 16 HARDY FRAME ANCHORAGE DETAILS
- 17 HARDY FRAME FRAMING DETAILS
- 18 GREEN CODE NOTES
- 19 COUNTY STANDARD NOTES
- 20 AND SPECIFICATIONS
- 21 TITLE 24 COMPLIANCE FORMS
- 22 FIRE NOTES

NEW ADU WILL BE SPRINKLERED



OSMAL ADU

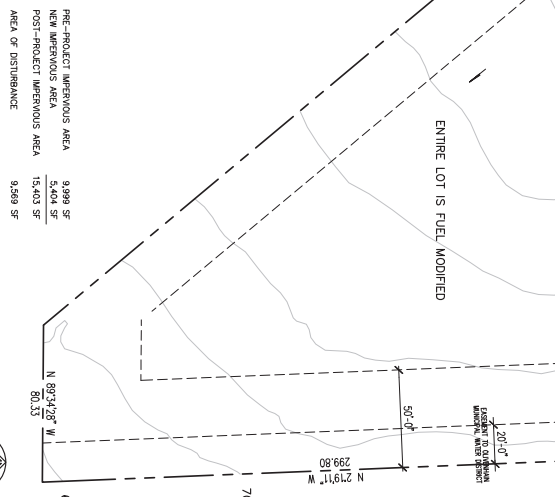
ION S MEHNERT ARCHITECT

1997 TULY DRIVE WILSON, CA 92093 (760) 727-2888

BMP LEGEND

- POST 630 BROW DITCH
- POST 639 DIRECTION OF LOT DRAINAGE
- MATERIALS & WASTE MANAGEMENT:
 - MM-1 MATERIAL DELIVERY & STORAGE
 - MM-2 SPILL PREVENTION AND CONTROL
 - MM-3 CONCRETE WASTE MANAGEMENT
 - MM-4 SOLID WASTE MANAGEMENT
 - MM-5 SANITARY WASTE MANAGEMENT
 - MM-6 HAZARDOUS WASTE MANAGEMENT
- IMPERVIOUS SURFACE CONTROL:
 - IS-1 PRESERVATION OF EXISTING PERVIOUS
 - IS-2 PREVENTION OF STABILIZED FIBER MATRIX (WINTER)
 - IS-3 HYDROSEEDING (SUMMER)
 - IS-4 HYDROSEEDING (WINTER)
 - IS-5 STRAW OR WOOD MULCH
 - IS-6 PHYSICAL STABILIZATION (WINTER)
 - IS-7 ENERGY DISSIPATOR
 - IS-8 SLOPE FENCE
 - IS-9 SEDIMENT / DESALTING BASIN
 - IS-10 FIBER ROLLS
 - IS-11 GRAVEL OR SAND BAGS
 - IS-12 STREET SWEEPING AND VACUUMING
 - IS-13 STREET DRAIN INLET PROTECTION
 - IS-14 DECONTAMINATING FILTRATION
 - IS-15 STABILIZED CONSTRUCTION ENTRANCE
 - IS-16 CONSTRUCTION ROAD STABILIZATION
 - IS-17 ENTRANCE / EXIT THE WASH

- BASILINE AREA FOR EXISTING AND PROPOSED SITE FEATURES:
 - SE-1 DIRECT RAINFALL TO IMPERVIOUS AREAS
 - SE-2 INSTALL GREEN ROOF
 - SE-3 CONSERVE NATURAL FEATURES
 - SE-4 PROVIDE BUFFERS AROUND WATER BODIES
 - SE-5 CONSTRUCT SURFACES FROM PERMEABLE MATERIALS
 - SE-6 SUSTAINABLE LANDSCAPING
- BASILINE AREA FOR POLLUTANT-GENERATING SURFACES:
 - SP-1 OVERSEED CONCERN
 - SP-2 SEPARATION OF FLOWS FROM ADJACENT AREAS
 - SP-3 WIND PROTECTION
 - SP-4 SANITARY SEWER
 - SP-5 CONTAINMENT SYSTEM
 - SP-6 POTENTIAL RUNOFF EVALUATIONS
 - SP-7 TRASH & REFUSE STORAGE
 - SP-8 MATERIALS & EQUIPMENT STORAGE
 - SP-9 LOADING & UNLOADING
 - SP-10 FUELING
 - SP-11 MAINTENANCE & REPAIR
 - SP-12 VEHICLE & EQUIPMENT CLEANING
 - SP-13 OTHER



ENTIRE LOT IS FUEL MODIFIED

286 ACRES

15' LEVEL TO TOP OF SLOPE

30' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

15' LEVEL TO TOP OF SLOPE

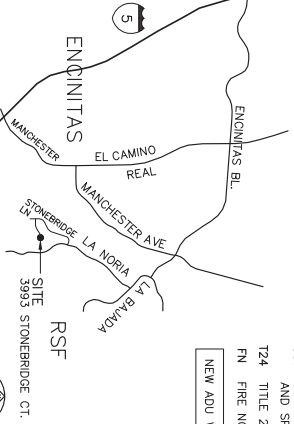
15' LEVEL TO TOP OF SLOPE

SITE PLAN

SDC PDS RCVD 12-02-24

1" = 30'

VICINITY MAP



NORTH

ION S MEHNERT ARCHITECT

1997 TULY DRIVE WILSON, CA 92093 (760) 727-2888

Attachment **C** – **PDS Letter**



County of San Diego

VINCE NICOLETTI
INTERIM DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 210, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Code Compliance
(858) 565-5920 Building Services

November 22, 2024

Abhay Oswal
3993 Stonebridge Ct.
Rancho Santa Fe, CA 92091

Subject: Local Coastal Program – Requirements for ADU on APN 262-190-10-00

Dear Mr. Oswal,

Thank you for requesting information from the County of San Diego Planning and Development Services regarding the permit requirements for a proposed accessory dwelling unit (ADU). This letter is in response to your request for a written confirmation regarding whether a proposed ADU at 3993 Stonebridge Ct., Rancho Santa Fe, CA, with Assessor's Parcel Number (APN) 262-190-10-00 would be exempt from the County of San Diego Local Coastal Program (LCP) the requirement for a Coastal Administrative Permit (CAP). This written determination is being provided pursuant to Section 9410, which states the Director of the lead department shall determine, at the written request of any member of the public, whether or not any development proposed in the Coastal Zone is exempt from a Coastal Permit.

The subject property is zoned RR (Rural Residential) and contains an existing single-family dwelling. The zoning for the parcel also contains an 'R' Special Area Designator, which denotes that the property is subject to the Coastal Resource Protection Regulations and the County of San Diego Coastal Zone Regulations within Section 9000-9500 of the San Diego County Zoning Ordinance. The boundaries of the Coastal zone can be found on this map: [CountyofSanDiego-LCP-Post-Cert-Map.pdf \(sandiegocounty.gov\)](#). Based on our correspondence, you are proposing a 1,199 square foot ADU, a 572 square foot attached garage, a 913 square foot roof deck, and a 231 square foot storage basement. The structure would be two stories, partially built into the hillside behind the existing residence, and would be approximately 20' tall. The project also proposes a new driveway that will lead from Stonebridge Ct.

Below is a summary of our research and our determination that a Coastal Permit is required for this project. This determination was made based on conversations we held with the Coastal Commission and our LCP.

Coastal Commission

As part of our analysis, we contacted the Coastal Commission to determine if they had previously issued a permit that may allow for the proposed ADU without a new CAP and to determine if ADU's were subject to the requirement for a CAP. Based on our phone calls and e-mails, we were informed by Coastal Commission staff that they issued an Administrative permit for the existing house on April 24, 1997. (Permit Application No. 6-97-24/DL). In addition, we were informed that the previous Coastal Permit did not include an ADU, that State law did not exempt ADU's from the requirement for a Coastal Permit, and that the proposed ADU must comply with the LCP and would require a new Coastal Permit.

County of San Diego LCP

The County of San Diego's LCP was certified by the California Coastal Commission on February 10, 2021. The County assumed permitting authority within the unincorporated coastal area effective March 15, 2021. With an updated and certified LCP, the County is responsible for issuing coastal development permits. Section 9404 of the Local Coastal Program contains several exemptions and states that certain minor projects, as defined in accordance with the California Coastal Act of 1976 and the California Code of Regulations, are exempted from the requirements to obtain a Coastal Permit.

Below is a summary of the projects that may be exempt by Section 9404 and a brief summary explaining why this project does not qualify for these exemptions. A copy of Section 9404 of the Zoning Ordinance can be found here: <https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/z9000-03-21.pdf> .

- a. Projects with Coastal Commission Approval – This section states that pre-existing projects or development authorized by a valid coastal permit or equivalent authorization issued by the Coastal Commission, or in areas where the Coastal Commission retains original permit jurisdiction may be exempt from processing a Coastal Permit with the County. As mentioned above, PDS staff contacted the Coastal Commission and was informed that they issued a permit for the existing house in 1997, but that this permit did not cover the proposed ADU. The Coastal Commission indicated that a new CAP would be required for this project.
- b. Replacement after Natural Disaster – This exemption allows for the replacement of any structure, other than a public works facility, destroyed by a disaster may be exempt, provided that the replacement structure meets several criteria listed in the exemption. Since the project is new and was not destroyed by a natural disaster, this exemption does not apply.
- c. Improvements to Existing Single-Family Residences – The LCP states this exemption may apply to fixtures and structures directly attached to a residence and structures on the property normally associated with a single-family residential use, such as garage, patios, swimming pools, and landscaping, but not including guest living quarters or self-contained residential units. The exemption does not include:

- i. Improvements to single-family residences where the development permit issued for the original structure by the County or Coastal Commission indicated that any future additions involve a risk of adverse environmental effect and would require a coastal permit.
- ii. Improvements to single-family residences, if the residence and/or improvement is located: 1) In a wetland; 2) In ESHA; 3) In the Scenic Special Area Designator ("S"); 4) Within a viewshed delineated in the LUP; or 5) within 50 feet of the edge of a bluff.
- iii. Improvements that involve any significant alteration of land forms including removal or placement of vegetation on a wetland, within 50 feet of the edge of a bluff, within ESHA or any natural resource or natural hazard area as indicated in the LCP and requiring Special Development Standards identified in the provisions of Section 9300 through 9314.
- iv. In areas having a critically short water supply, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.
- v. Expansion or construction of water wells or septic systems.
- vi. Improvements that would change the type or intensity of use of the structure.
- vii. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold.

After review, PDS determined that the project does not qualify for this exemption because the project proposes an ADU, and this exemption states that it does not apply to guest living quarters or self-contained residential units. The project also does not meet the criteria listed in c.ii above because the project is within an environmentally sensitive area (ESHA) and a viewshed, as shown in the LCP (Attachment B).

- d. Repair and Maintenance Activities – In summary, this exemption applies to repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of the repair or maintenance activities. Since this project proposes a new structure, this exemption does not apply.
- e. Land Division – This exemption applies land division by a public agency. The project does not propose a land division by a public agency for public recreational use. Since this project does not propose a land division by a public agency, this exemption does not apply.
- f. Utility Connections – This exemption covers the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a valid coastal permit that accounted for such connection. This exemption does not apply to this project because it proposes a new structure.
- g. Minor Excavation Not Requiring a Grading Permit – This exemption allows minor excavation or placement of soil materials, not otherwise requiring a grading permit,

incidental to the planting of trees and shrubs or other vegetation for landscaping purposes, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater. Since this project proposes a new structure, this exemption does not apply.

PDS has determined that a CAP is required because the project does not fit any of the exemptions listed in Section 9404, as explained above, and the Coastal Commission has confirmed that ADUs are not automatically exempt from the requirements for a Coastal Permit. The CAP would be reviewed for compliance with the LCP. Our goal is to ensure that the project complies with all applicable zoning requirements and to process the application promptly and efficiently. The amount of time and cost required to process the coastal permit will depend upon environmental factors and whether there is any opposition to the project.

Section 9410 of the LCP states that this determination shall be considered an administrative determination and is appealable to the County of San Diego Planning Commission pursuant to Section 9422. An appeal must be filed within 10 days of the date on which the decision being appealed was rendered. The application for this appeal can be found here: [PDS-PLN-ESUB APPEAL PC.pdf \(sandiegocounty.gov\)](#) . Please note that all forms are required, but the \$1,000 fee is not required for this appeal.

This decision may be appealed under section 9422 of the LCP.

The foregoing information is provided at your request, and this review was conducted only to determine if the project requires a coastal permit. Additional requirements may occur as part of the coastal permit process. The information is based on the current zoning and land use regulations pertaining to the property. The County of San Diego makes no representations that the zoning and land use regulations will remain unchanged in the future.

If you have any questions regarding this letter, please contact me at (619) 952-2873 or at Michael.Johnson1@sdcounty.ca.gov.

Sincerely,



Group Program Manager
Planning and Development Services

e-mail cc:

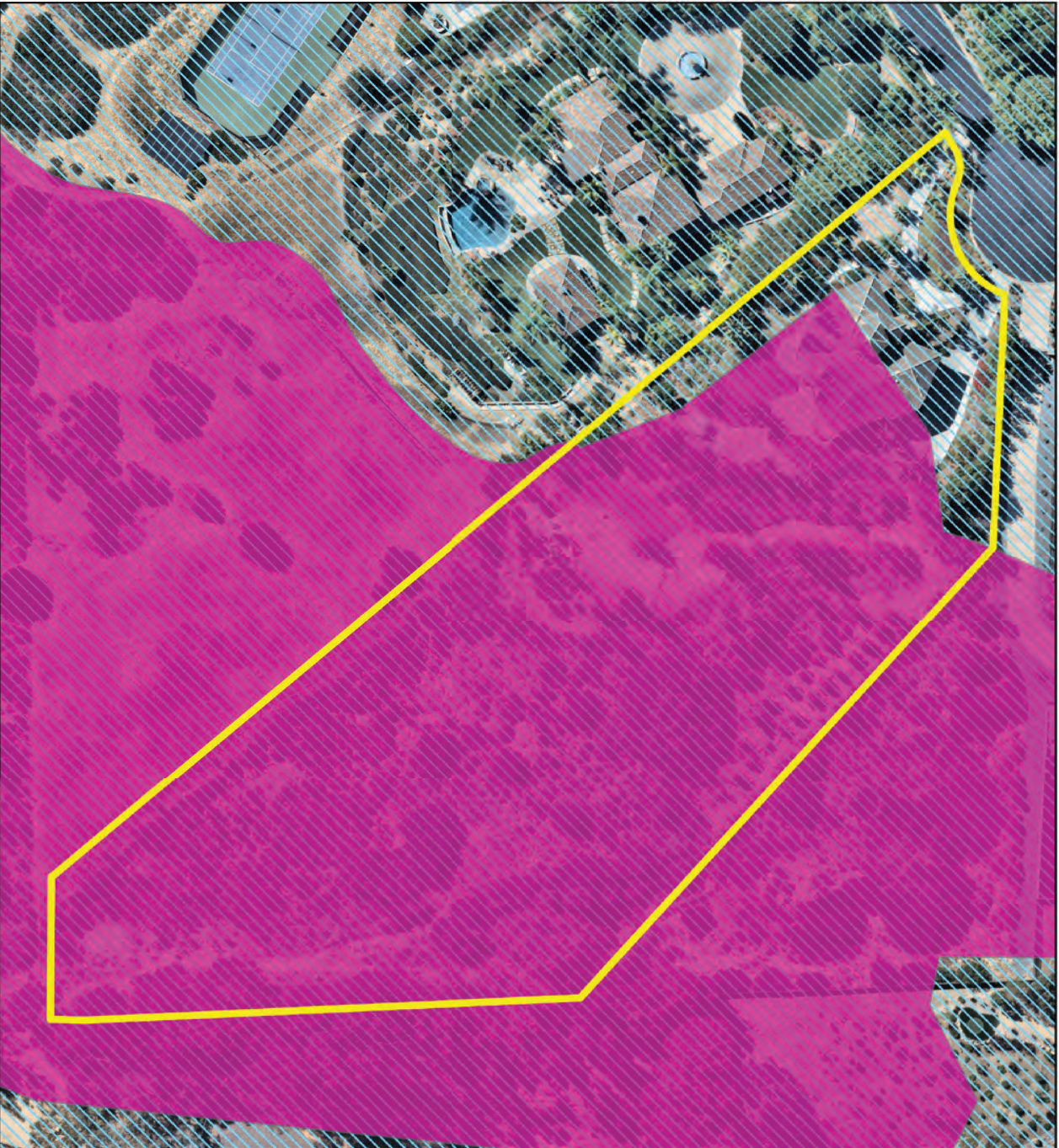
Ashley Smith, Chief, Project Planning Division, PDS
Stephanie Leach, Coastal Planner, San Diego Coast District -
stephanie.leach@coastal.ca.gov

Attachments




Attachment A - LCP Exhibits

Attachment B - Proposed Plans

Attachment A- LCP Exhibits



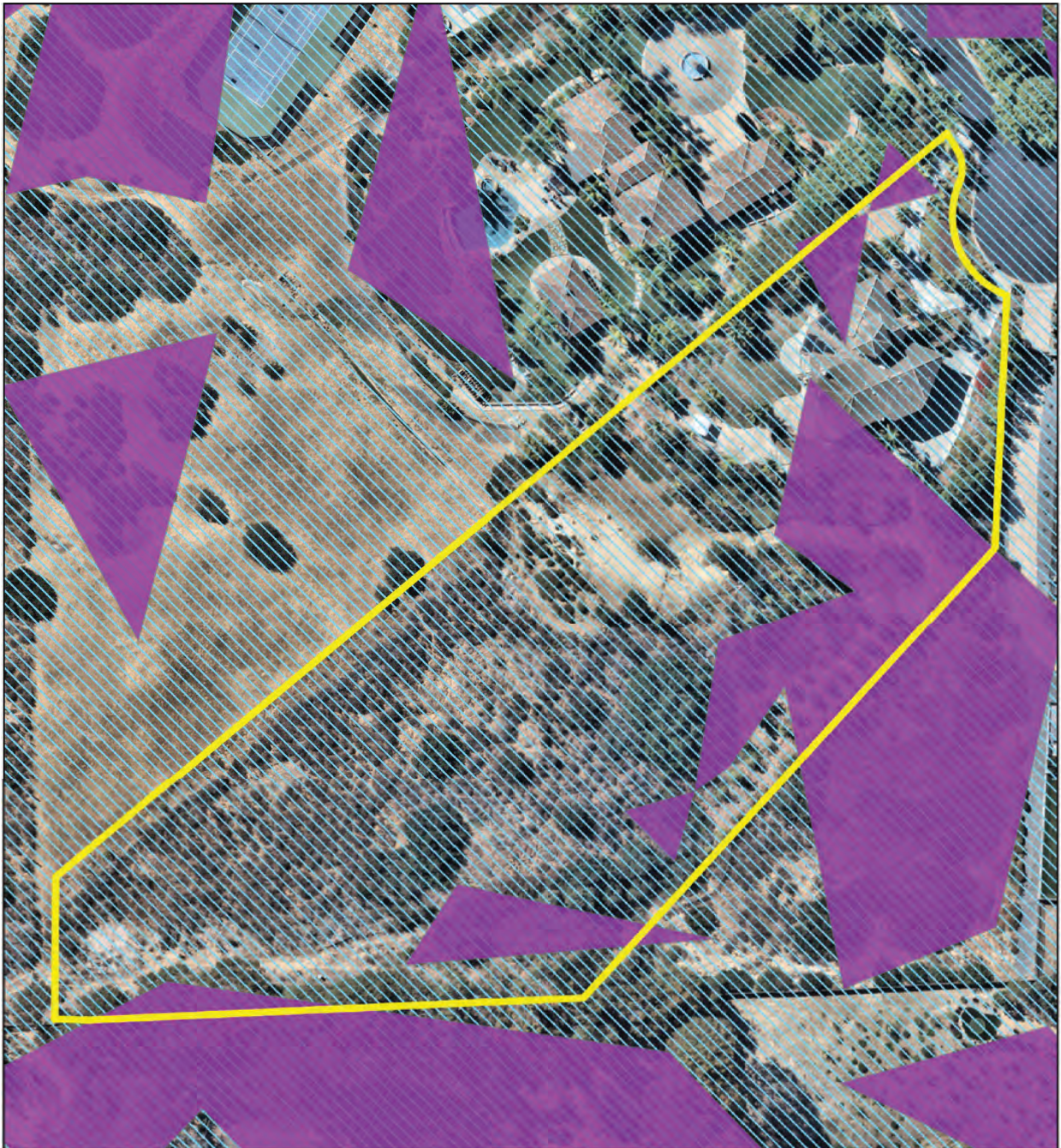
ESHA

-  Project Site
-  Environmentally Sensitive Habitat Area (ESHA)
-  Coastal Zone






LUERGIS
Landscape Architecture & Planning

THIS MAP/DRAWING IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, AND DOES NOT CONSTITUTE THE ENTIRE CONTRACT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



Steep Slope



-  Project Site
-  Steep Slope (>25%)
-  Coastal Zone



LYEGGIS
LAND USE & ENVIRONMENTAL GIS

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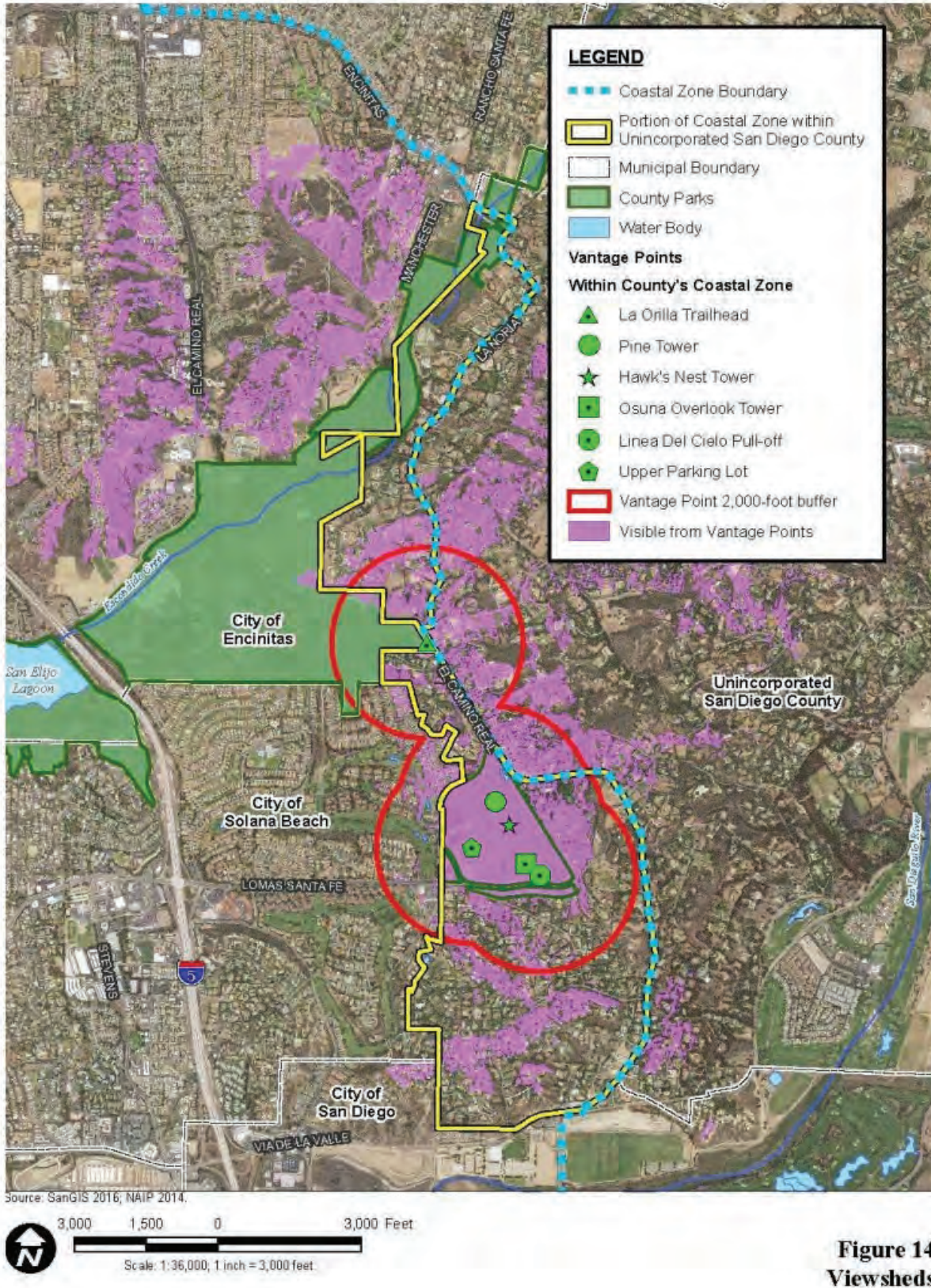


Figure 14
Viewsheds

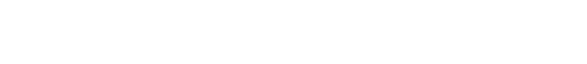
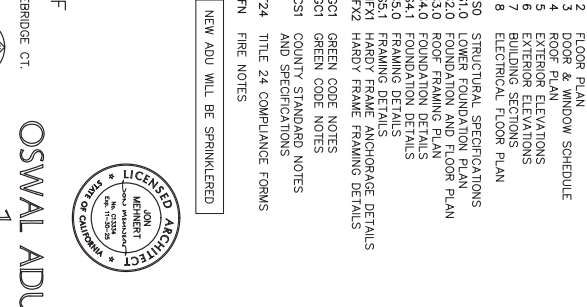
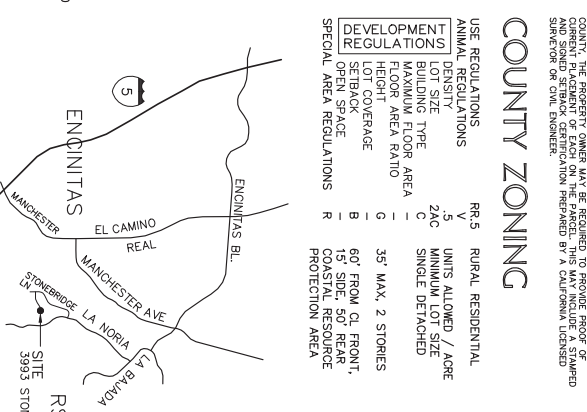
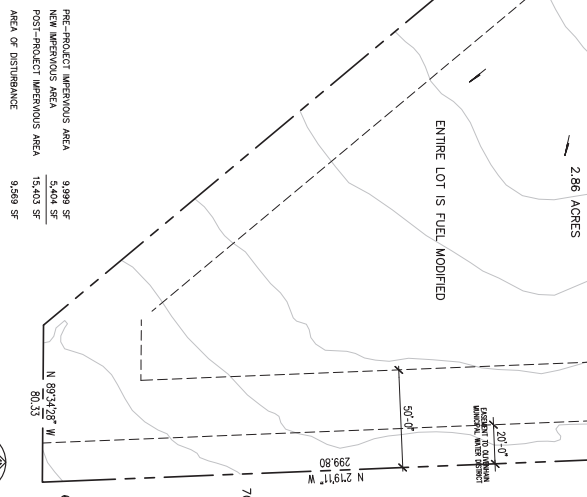
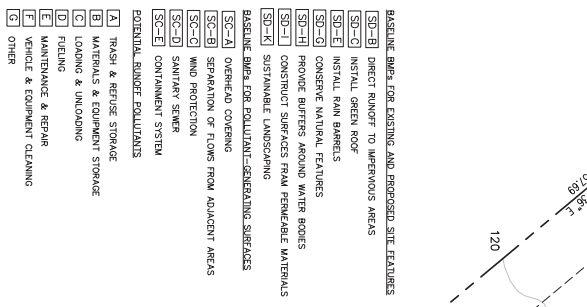
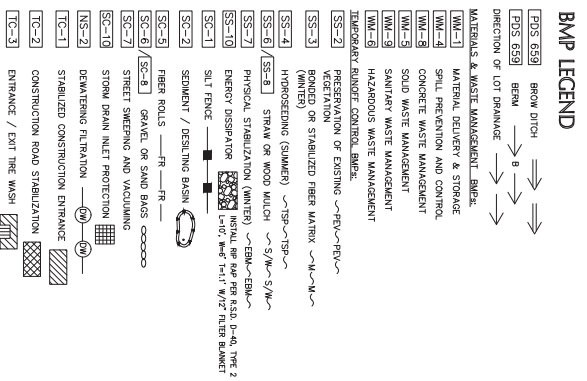
Attachment B – Proposed Plans

DEFERRED SUBMITTALS

- FIRE SPRINKLERS / ALARMS
 - PV SYSTEM
- SHALL BE SUBMITTED FOR DEFERRED SUBMITTAL ITEMS. THE REGISTERED DESIGN PROFESSIONAL SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL ITEMS HAVE BEEN FOUND TO BE IN GENERAL COMPLIANCE WITH THE CALIFORNIA APPROVED HERS PROVIDED DATA RESERVY. ALL PROPOSED BUILDINGS, STRUCTURES, ADDITIONS, MODIFICATIONS TO EXISTING BUILDINGS, STRUCTURES, OR BUILDING STANDARDS OR CODES SHOWN ON THE COUNTY APPROVED LOT PLAN, AT THE DISCRETION OF THE REGISTERED DESIGN PROFESSIONAL, MAY BE REQUIRED TO PROVIDE A STAMPED AND SIGNED STACK CERTIFICATE PREPARED BY A CALIFORNIA LICENSED STRUCTURE OR CIVIL ENGINEER.

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TITLE 24

REQUIRED SPECIAL FEATURES:

- PV SYSTEM: 2.14 kWdc
- NORTHWEST ENERGY EFFICIENCY ALLIANCE (NEEA) RATED HEAT PUMP WATER HEATER: SPECIFIC BRAND/MODEL, HERS FEATURE SUMMARY:
- INDOOR AIR QUALITY VENTILATION
- KITCHEN RANGE HOOD
- VERIFIED HEAT PUMP RATED HEATING CAPACITY

PROJECT SUMMARY

OWNERS:
 AGE AND PAMM OSWAL
 2953 STONERIDGE
 RANCHO SANTA FE, CA, 92091
 TEL. (951) 756-5613

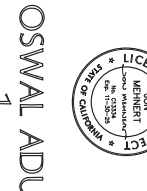
PROJECT ADDRESS:
 3993 STONERIDGE CT.
 RANCHO SANTA FE, CA, 92091

PROJECT DESCRIPTION:
 1,199 SF ASSASSORY DWELLING UNIT
 572 SF ATTACHED GARAGE
 913 SF ROOF DECK
 231 SF BASEMENT
 2,915 SF

ASSASSORS PARCEL NUMBER:
 262-190-10-00

LEGAL DESCRIPTION:
 STONERIDGE LOT 10

SQUARE FOOTAGES:
 EXISTING RESIDENCE:
 LIVING AREA 5599
 GARAGE 808
 SHOP 279
 DECKS 216
 PATIOS 758



OSWAL ADU

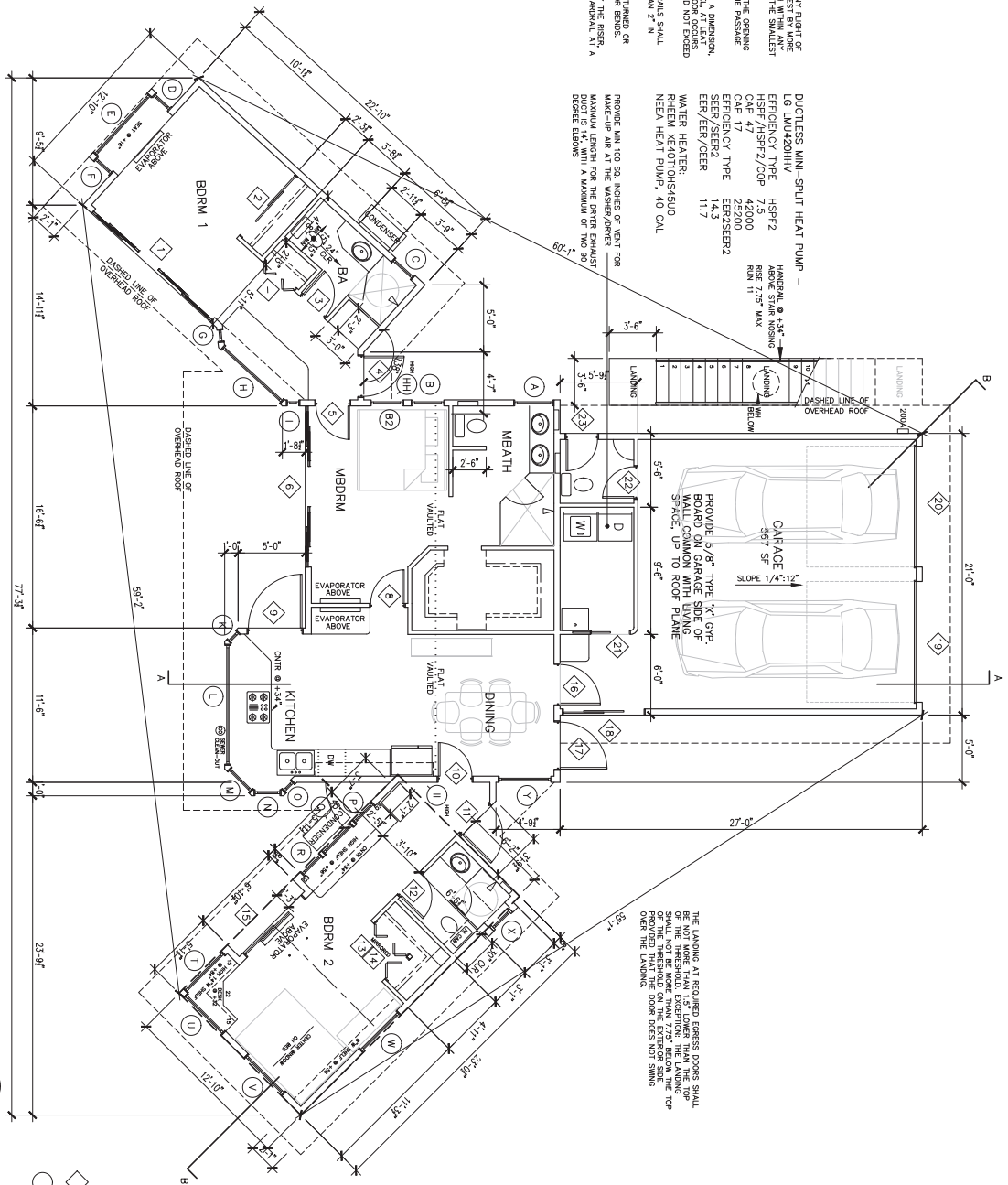
ION S MEHNERT
 ARCHITECT
 2997 TULY DRIVE W. SAN MARINO, CA 91767-2588
 JUN 03, 2024

THE GREATEST RISE HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED 12 INCHES. THE GREATEST RISE HEIGHT SHALL NOT EXCEED THE SMALLEST RUN. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST RISE. THE GREATEST TREAD DEPTH SHALL NOT EXCEED 11 INCHES. THE GREATEST RISE HEIGHT SHALL NOT EXCEED 7 INCHES. THE GREATEST TREAD DEPTH SHALL NOT EXCEED 11 INCHES. THE GREATEST RISE HEIGHT SHALL NOT EXCEED 7 INCHES. THE GREATEST TREAD DEPTH SHALL NOT EXCEED 11 INCHES.

FLOOR PLAN : MAIN LEVEL

1200 SF

1/4" = 1'-0"



- SYMBOLS**
- ◇ DOOR TAG
 - WINDOW TAG

DUCTLESS MINI-SPLIT HEAT PUMP - LG LU4Z20HV
 EFFICIENCY TYPE HSPF2
 CAP 47 HPF2/CO2 42000
 EFFICIENCY TYPE EER2SEER2
 EER/EER/SEER 11/13
 WATER HEATER: NECA HEAT PUMP, 40 GAL

PROVIDE MIN. 100 SQ. INCHES OF VENT FOR MAKE-UP AIR AT THE WASHER/DRYER. MAXIMUM LENGTH FOR THE DRYER EXHAUST SHALL BE 25 FEET. PROVIDE 90° ELBOWS BEFORE ELBOWS.

THE LANDING AT REQUIRED EGRESS DOORS SHALL BE AT LEAST 4 FEET WIDE. THE LANDING SHALL NOT BE LOCATED IN THE TOP OF THE DOOR FRAME. THE LANDING SHALL BE LOCATED AT THE TOP OF THE DOOR. PROVIDE THAT THE DOOR DOES NOT SWING OVER THE LANDING.

INSULATION

- R21 WALL HOUSE TO GARAGE
- R19 EXTERIOR FLOOR OVER BASEMENT
- R30 CATHEDRAL FLOOR

SHOWER NOTES:

SHOWER COMPARTMENTS AND BATHINGS SHALL BE FINISHED WITH A NON-SLIP SURFACE FINISH. FINISH SHALL BE 1/8" ABOVE THE FINISH FLOOR. FINISH SHALL NOT EXCEED 1/8" ABOVE THE FINISH FLOOR. FINISH SHALL NOT EXCEED 1/8" ABOVE THE FINISH FLOOR. FINISH SHALL NOT EXCEED 1/8" ABOVE THE FINISH FLOOR.

TOILET CLEARANCES:

PROVIDE 30" MIN. CLEAR WIDTH AT TOILET AND 24" MIN. CLEAR KNEESPACE. NEW PLUMBING FIXTURES: SINKS AND TUBS SHALL BE FINISHED WITH A NON-SLIP SURFACE FINISH. FINISH SHALL BE 1/8" ABOVE THE FINISH FLOOR. FINISH SHALL NOT EXCEED 1/8" ABOVE THE FINISH FLOOR.

AGING-IN-PLACE REQUIREMENTS:

AT LEAST ONE BATHROOM ON THE FIRST FLOOR SHALL BE PROVIDED WITH REINFORCED INSTALLED IN ACCORDANCE WITH THIS SECTION. WHERE THERE IS NO BATHROOM ON THE FIRST FLOOR, ONE BATHROOM SHALL BE PROVIDED ON THE SECOND FLOOR. THE BATHROOM SHALL BE LOCATED BETWEEN 32" AND 48" FROM THE FRONT WALL. THE BATHROOM SHALL BE LOCATED BETWEEN 32" AND 48" FROM THE FRONT WALL. THE BATHROOM SHALL BE LOCATED BETWEEN 32" AND 48" FROM THE FRONT WALL.

OSMAL ADU

ION S MEHNERT ARCHITECT

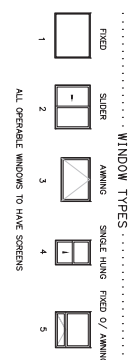


2997 JULY 2019 REV. 01/19 SAN MARCOS, CA 92078 (760) 727-2300

WINDOW SCHEDULE

NO	ROOM NAME	GL	WIDTH	HEIGHT	TYPE	MAT	FIN	FRAME		HOR HT	REMARKS
								U FACTOR	SHGC		
A	MASTER BATH	DBL	3'-0"	2'-0"	3	VINYL	DARK TAN	0.30	0.23	6'-8"	AMNNG, CLEAR, TEMPERED
B	MASTER BRDM	DBL	2'-6"	1'-6"	3	VINYL	DARK TAN	0.30	0.23	6'-8"	AMNNG, CLEAR, TEMPERED
B2	MASTER BRDM	DBL	2'-6"	1'-6"	3	VINYL	DARK TAN	0.30	0.23	6'-8"	AMNNG, CLEAR, TEMPERED
C	BRDM 1 SHOWER	DBL	2'-0"	2'-0"	3	VINYL	DARK TAN	0.30	0.23	6'-8"	AMNNG, TEMPERED
D	BRDM 1 BAY	DBL	1'-6"	5'-0"	4	VINYL	DARK TAN	0.30	0.23	6'-8"	SINGLE HING, CLEAR, TEMPERED
E	BRDM 1 BAY	DBL	6'-0"	5'-0"	1	VINYL	DARK TAN	0.30	0.23	6'-8"	FIXED, CLEAR, TEMPERED
F	BRDM 1 BAY	DBL	1'-6"	5'-0"	4	VINYL	DARK TAN	0.30	0.23	6'-8"	SINGLE HING, CLEAR, TEMPERED
G	BRDM 1 BAY	DBL	1'-0"	2'-0"	4	VINYL	DARK TAN	0.30	0.23	6'-0"	FIXED, CLEAR, TEMPERED
H	BRDM 1 BAY	DBL	6'-0"	2'-0"	1	VINYL	DARK TAN	0.30	0.23	6'-0"	FIXED, CLEAR, TEMPERED
I	BRDM 1 BAY	DBL	1'-0"	2'-0"	4	VINYL	DARK TAN	0.30	0.23	6'-0"	SINGLE HING, CLEAR, TEMPERED
J	NOT USED										
K	KITCHEN BAY	DBL	1'-0"	2'-0"	-	VINYL	DARK TAN	0.30	0.23	6'-0"	LEVER OPERATED, CLEAR, TEMPERED
L	KITCHEN BAY	DBL	9'-0"	2'-0"	1	VINYL	DARK TAN	0.30	0.23	6'-0"	FIXED, CLEAR, TEMPERED
M	KITCHEN BAY	DBL	2'-4"	2'-0"	1	VINYL	DARK TAN	0.30	0.23	6'-0"	FIXED, CLEAR, TEMPERED
N	KITCHEN BAY	DBL	2'-0"	2'-0"	1	VINYL	DARK TAN	0.30	0.23	6'-0"	FIXED, FROSTED, TEMPERED
O	KITCHEN BAY	DBL	1'-0"	2'-0"	-	VINYL	DARK TAN	0.30	0.23	6'-0"	LEVER OPERATED, FROSTED, TEMPERED
P	BRDM 2	DBL	2'-0"	1'-4"	3	VINYL	WHITE	0.30	0.23	4'-8"	AMNNG, TINTED 35% VST, TEMPERED
Q	BRDM 2	DBL	3'-0"	1'-4"	1	VINYL	WHITE	0.30	0.23	4'-8"	FIXED, TINTED 35% VST, TEMPERED
R	BRDM 2	DBL	2'-0"	1'-4"	3	VINYL	WHITE	0.30	0.23	4'-8"	AMNNG, TINTED 35% VST, TEMPERED
S	BRDM 2	DBL	4'-0"	4'-0"	1	VINYL	WHITE	0.30	0.23	6'-8"	FIXED, TINTED 35% VST, TEMPERED
T	BRDM 2	DBL	4'-0"	4'-0"	1	VINYL	WHITE	0.30	0.23	6'-8"	FIXED, TINTED 35% VST, TEMPERED
U	BRDM 2	DBL	4'-0"	4'-0"	1	VINYL	WHITE	0.30	0.23	6'-8"	FIXED 0 / 12" HIGH AMNNG, TINTED 35% VST, TEMPERED
V	BRDM 2	DBL	4'-0"	2'-0"	3	VINYL	WHITE	0.30	0.23	6'-8"	AMNNG, TINTED 35% VST, TEMPERED
X	BRDM 2 SHOWER	DBL	2'-0"	2'-0"	3	VINYL	WHITE	0.30	0.23	6'-8"	AMNNG, TINTED 35% VST, TEMPERED
Y	DINING	DBL	4'-0"	4'-0"	2	VINYL	DARK TAN	0.30	0.23	6'-8"	SLIDER, CLEAR, TEMPERED
AA	STORAGE RM	DBL	3'-0"	2'-6"	5	VINYL	DARK TAN	0.30	0.23	6'-8"	CLEAR, TEMPERED
BB	STORAGE RM	DBL	2'-0"	3'-0"	3	VINYL	DARK TAN	0.30	0.23	6'-8"	CLEAR, TEMPERED
CC	STORAGE RM	DBL	2'-0"	3'-0"	3	VINYL	DARK TAN	0.30	0.23	6'-8"	CLEAR, TEMPERED
DD	STORAGE RM	DBL	3'-0"	2'-6"	5	VINYL	DARK TAN	0.30	0.23	6'-8"	CLEAR, TEMPERED
EE	STORAGE RM	DBL	2'-0"	1'-0"	3	VINYL	DARK TAN	0.30	0.23	7'-0"	CLEAR, TEMPERED, ALIGN WITH BATHROOM WINDOW ABOVE
FF	ATTIC STORAGE	DBL	3'-0"	2'-6"	3	VINYL	DARK TAN	0.30	0.23	3'-8"	GREEN TINT, TEMPERED
FF2	ATTIC STORAGE	DBL	3'-0"	2'-6"	3	VINYL	DARK TAN	0.30	0.23	3'-8"	GREEN TINT, TEMPERED
GG	ATTIC STORAGE	DBL	3'-0"	2'-6"	3	VINYL	DARK TAN	0.30	0.23	3'-8"	GREEN TINT, TEMPERED
GG2	ATTIC STORAGE	DBL	3'-0"	2'-6"	3	VINYL	DARK TAN	0.30	0.23	3'-8"	GREEN TINT, TEMPERED
HH	HIGH OVER WDRM	DBL	7'-0"	42'-6"	1	VINYL	DARK TAN	0.30	0.23	3'-8"	GREEN TINTED GLASS, TEMPERED, RIMMULAR SLOPE OF 18.5°
II	HIGH OVER KITCHEN	DBL	7'-0"	42'-6"	1	VINYL	DARK TAN	0.30	0.23	3'-8"	GREEN TINTED GLASS, TEMPERED, RIMMULAR SLOPE OF 18.5°

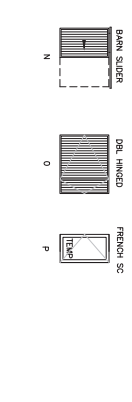
TRANSPARENT TRANSLUCENT OR SOLID COLOR SHALL BE TEMPERED GLASS (UNTIL ONE PANEL OF AN UNLAVATED GLASS PANELS, GLASS BLOCK, AND/OR HAVE A FINE WIG SCREEN). GLASS BLOCK SHALL BE 1 3/8" THICK AND RIMMED GLAZING FRAMES MADE OF VINYL SHALL HAVE A MINIMUM OF 1/2" CLEARANCE TO THE INTERLOCK AND BE SET INTO A NON-FLAMMABLE WINDOW FRAME. 101.5.2-97 STRUCTURAL REQUIREMENTS 005B.



ALL OPERABLE WINDOWS TO HAVE SCREENS

DOOR SCHEDULE

LTR	ROOM NAME	PUS	WIDTH	HEIGHT	THK	MAT	FIN	TYPE	MAT	FIN	REMARKS
2	BRDM 1 CLOSET	2	6'-0"	6'-8"	1 3/8"	WOOD	M	WD	WHITE	MIRRORED	
3	BRDM 1 BATHRM	1	2'-4"	6'-8"	1 3/4"	WOOD	A	WD	WHITE		
4	BRDM 1	1	3'-0"	6'-8"	1 3/8"	VINYL	B	VINYL	WHITE	FOR OUTDOOR EXPOSURE	
5	MASTER BEDROOM	1	2'-6"	6'-8"	1 3/4"	WOOD	A	WD	WHITE	HEAVY DUTY, SOUND-SEALED	
6	MASTER BRDM	4	12'-0"	8'-0"	1 3/4"	WD/GLS	H	VINYL	DARK TAN	HEADER WILL BE DESIGNED FOR CHANGE TO FOLDING GREEN SHGC 0.23	
7	NOT USED										
8	MASTER BEDROOM	1	2'-6"	6'-8"	1 3/4"	WOOD	A	WD	WHITE	HEAVY DUTY, SOUND-SEALED	
9	ENTRY	1	4'-0"	6'-8"	1 3/4"	WD/GLS	P	WD	DARK TAN	TEMPERED GLASS	
10	BRDM 2	1	2'-6"	6'-8"	1 3/4"	WOOD	A	WD	WHITE	HEAVY DUTY, SOUND-SEALED	
11	BRDM 2	1	3'-0"	6'-8"	1 3/4"	VINYL	A	VINYL	WHITE	FOR OUTDOOR EXPOSURE	
12	BRDM 2 BATHRM	1	2'-4"	6'-8"	1 3/8"	WOOD	E	WD	WHITE	MIRRORED	
13	BRDM 2 CLOSET	4	3'-4"	6'-8"	1 3/8"	WOOD	E	WD	WHITE	MIRRORED	
14	BRDM 2 CLOSET	2	2'-2"	6'-8"	1 3/8"	WOOD	D	WD	WHITE	MIRRORED	
15	BRDM 2	2	6'-0"	6'-8"	1 3/4"	WD/GLS	F	VINYL	WHITE	TINTED 35% VST	
16	GARAGE	1	3'-0"	6'-8"	1 3/4"	WOOD	A	WD	WHITE	20 MIN RATED, SELF-CLOSING AND LATCHING	
17	DINING	1	3'-6"	6'-8"	1 3/4"	VINYL	A	WD	VINYL	TEMPERED GLASS	
18	GARAGE	2	6'-0"	6'-8"	1 3/4"	WD/GLS	F	WD	WHITE	HEADER WILL BE DESIGNED FOR CHANGE TO FOLDING	
19	GARAGE ROLLUP	1	9'-0"	8'-0"	-	MTL	K	WD	WHITE	POCKET	
20	GARAGE UTILITY	1	2'-10"	6'-8"	1 3/8"	WOOD	I	WD	WHITE	HEADER WILL BE DESIGNED FOR CHANGE TO FOLDING	
21	GARAGE UTILITY	1	2'-4"	6'-8"	1 3/4"	VINYL	A	WD	WHITE	POCKET	
22	GARAGE	1	2'-4"	6'-8"	1 3/8"	WOOD	B	WD	WHITE		
23	GARAGE	1	2'-4"	6'-8"	1 3/4"	VINYL	A	WD	WHITE		
24	STORAGE	2	6'-0"	6'-8"	1 3/4"	WOOD	L	WD	WHITE	HEADER WILL BE DESIGNED FOR CHANGE TO FOLDING GREEN SHGC 0.23	



ALL EMERGENCY ESCAPE DOORS OPERATING FROM THE INSIDE TO OPENINGS WITHOUT THE USE OF KEYS OR POWER OPERATIONS BE FREE OF ALL OBSTRUCTIONS

EXTERIOR DOORS SHALL BE SOLID CORE WOOD A MINIMUM OF 1 3/8" THICK, WITH STILES AND RASSED PANELS A MINIMUM OF 1 3/4" THICK. EXTERIOR GARAGE DOORS SHALL MEET THE MINIMUM SIZE OF ANY CHS AT THE BOTTOM STILES, AND TOP OF THE DOOR TO MEET THE FOLLOWING:

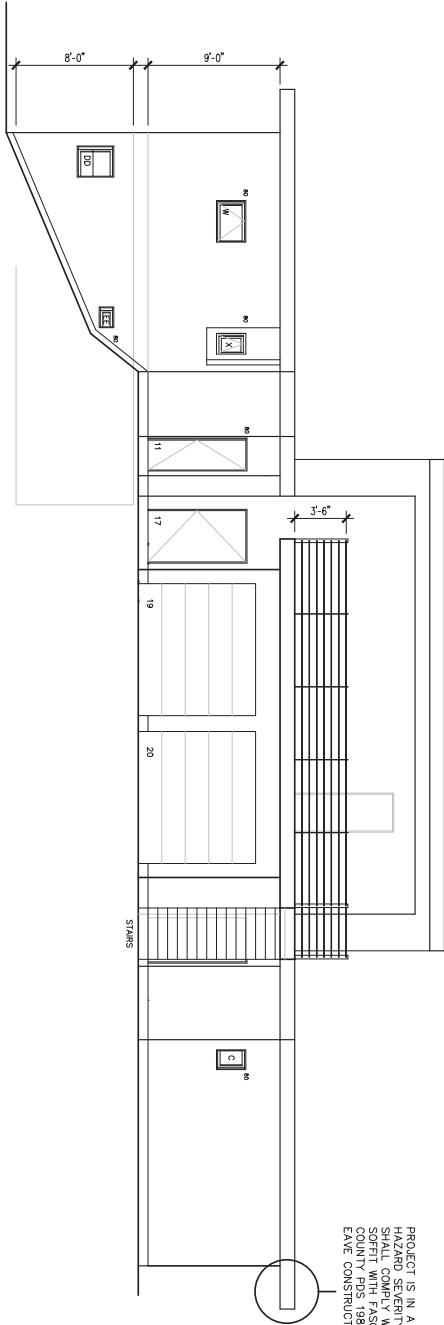
- WEATHER-STRIPPING PRODUCTS WITH FINISH OVERLAPS ONTO JAMBES AND HEADERS
- FLOOR OVERLAPS ONTO JAMBES AND HEADERS COVERED WITH METAL FLASHING

OSWAL ADU ARCHITECT

10 N. S. MEHNERT ARCHITECT

101.5.2-97 STRUCTURAL REQUIREMENTS 005B

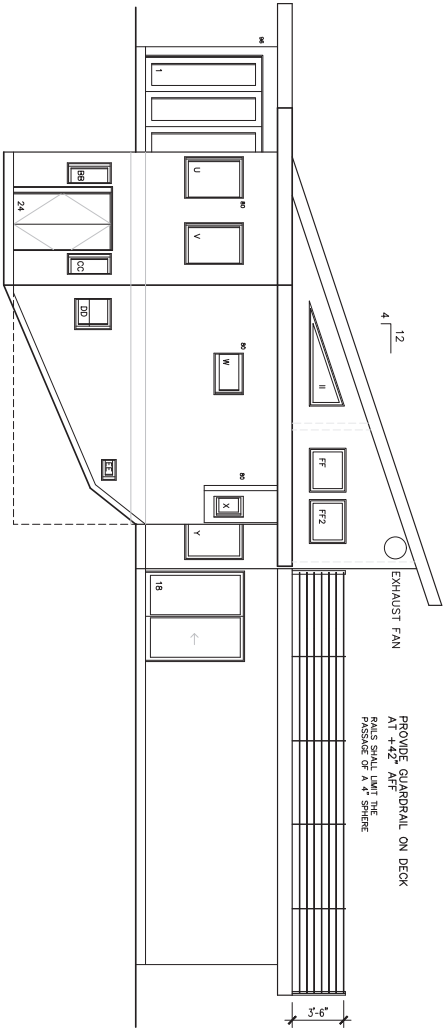




NORTH ELEVATION

1/4"=1'-0"

PROJECT IS IN A MODERATE FIRE HAZARD SEVERITY ZONE. ALL SOFFITS SHALL COMPLY WITH DETAIL #1. STUCCO SOFFIT WITH FASCOA PROTECTED PER CODE. FIBERGLASS IGNITION RESISTANT EXNE CONSTRUCTION.



EAST ELEVATION

1/4"=1'-0"

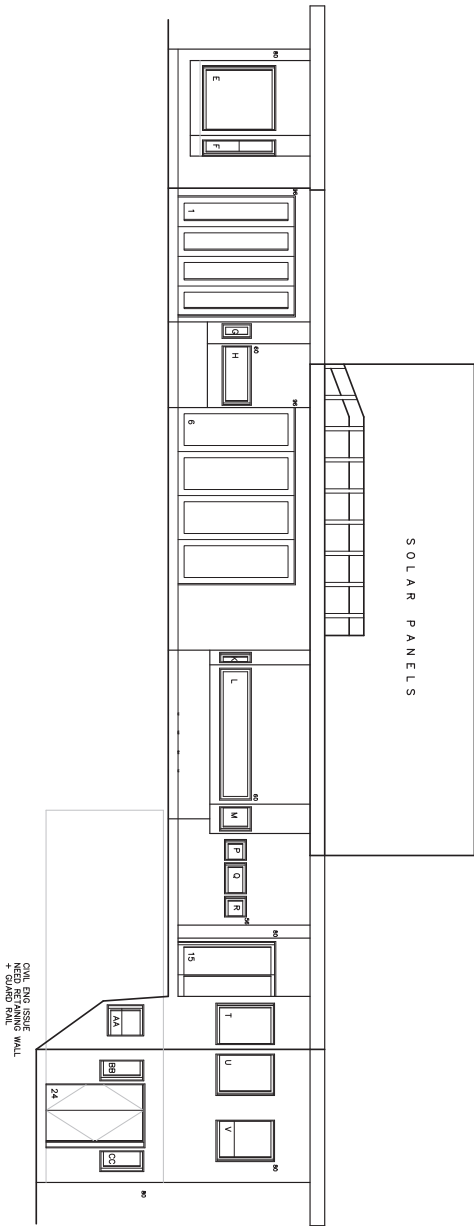
EXHAUST FAN
 PROVIDE GUARDRAIL ON DECK
 AT +442" AFF
 RAIS SMALL LIGHT THERE
 PROTECT BY 4" SPHERE



OSMAL ADU
 5

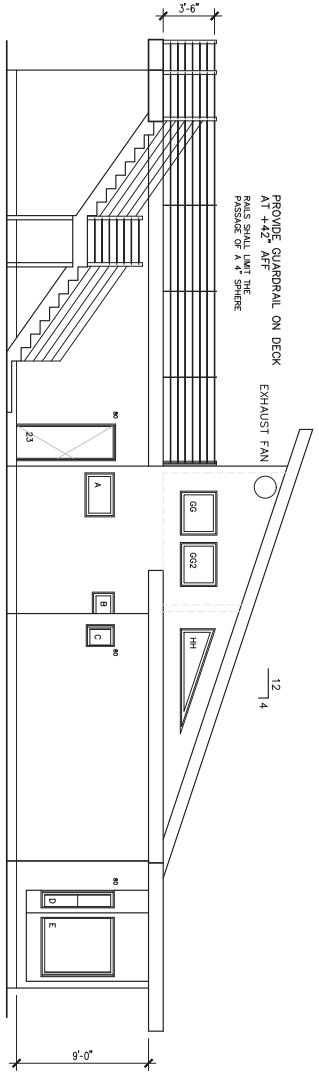
ION S. MEHNERT
 ARCHITECT

289 JEFFERSON AVE. • SAN MARINO, CA 91078 • (909) 272-2888



SOUTH ELEVATION

1/4"=1'-0"



WEST ELEVATION

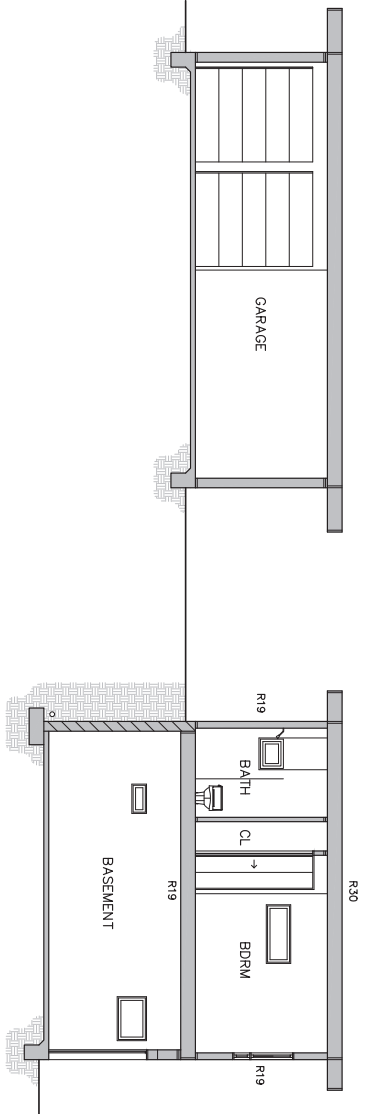
1/4"=1'-0"



OSMAL ADU
6

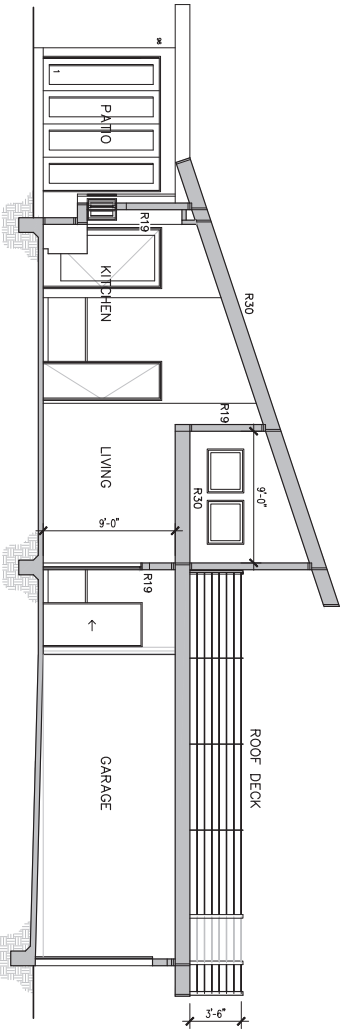
ION S MEHNERT
ARCHITECT

289 JULE ROAD NW - SAN MARCOS, CA 92078 TEL: 760-727-2888



SECTION B

1/4"=1'-0"



SECTION A

1/4"=1'-0"

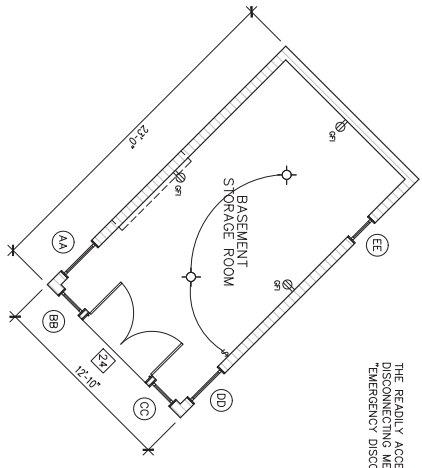


OSMAL ADU
7

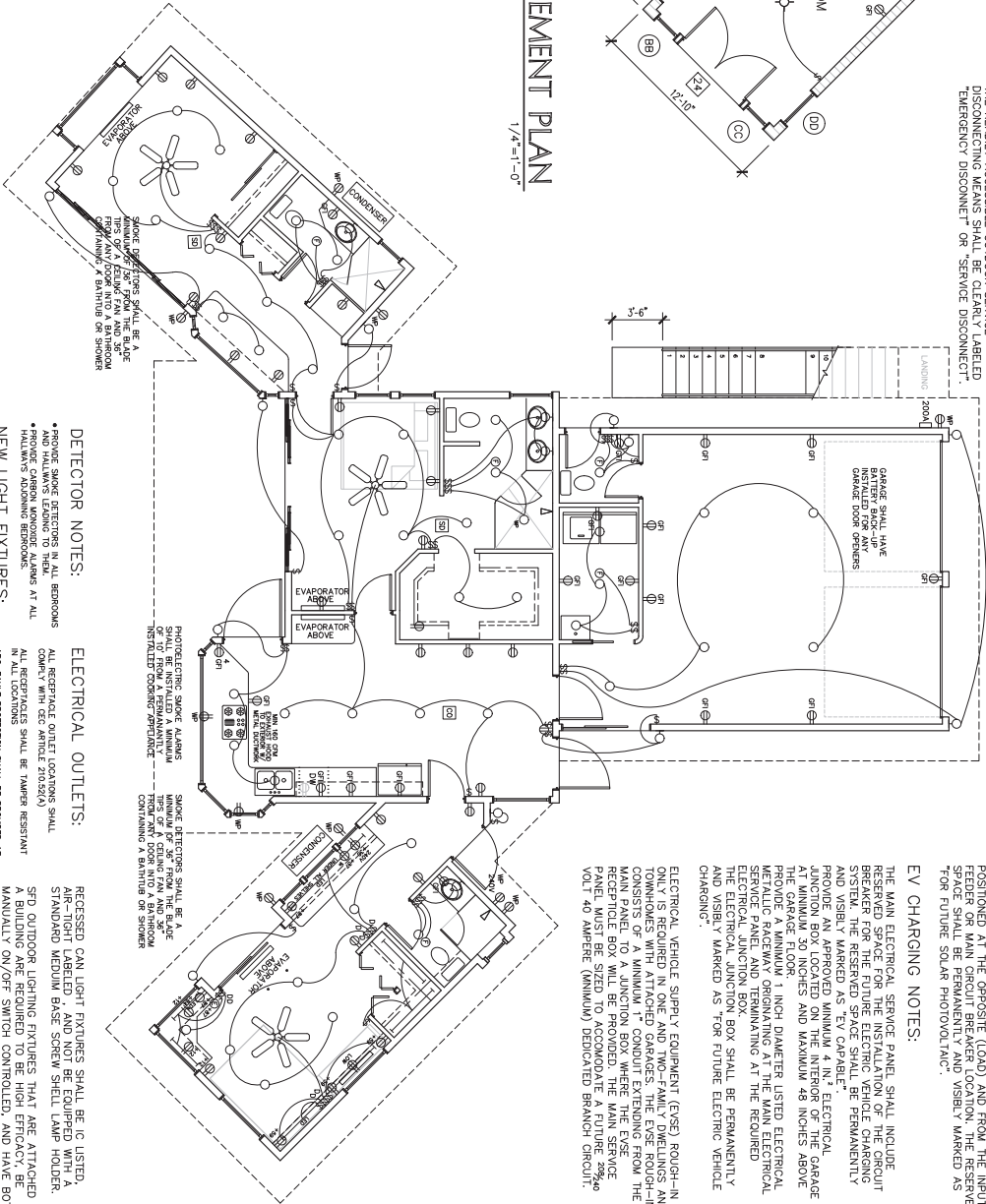
ION S. MEHNERT
ARCHITECT

289 JULE ROAD, SUITE 200, SAN MARINO, CA 91078, TEL: 909-277-2888

ELECTRICAL BASEMENT PLAN
BELOW BEDROOM 2
1/4" = 1'-0"



THE READILY ACCESSIBLE OUTDOOR SERVICE DISCONNECTING MEANS SHALL BE CLEARLY LABELED EMERGENCY DISCONNECT OR SERVICE DISCONNECT.



ELECTRICAL FLOOR PLAN



DETECTOR NOTES:

- PROVIDE SMOKE DETECTORS IN ALL BEDROOMS AND HALLWAYS LEADING TO THEM.
- HALLWAYS INCLUDING BEDROOMS.

NEW LIGHT FIXTURES:

- ALL LUMINAIRES SHALL BE HIGH EFFICACY AND SHALL HAVE A MINIMUM OF 1000 LUMENS.
- ALL LUMINAIRES SHALL BE PERMANENTLY AND VISIBLY MARKED AS "FOR FUTURE SOLAR PHOTOVOLTAIC CHARGING".

ELECTRICAL OUTLETS:

- ALL RECEPTACLE OUTLET LOCATIONS SHALL COMPLY WITH NEC ARTICLE 210.52(A).
- ALL RECEPTACLES SHALL BE TAMPER RESISTANT IN ALL LOCATIONS.
- ALL RECEPTACLES SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS:
 - ALL BEDROOMS, BATHS, KITCHENS, CLOAKS, LAUNDRY AREAS, OUTDOORS, AND ANYWHERE WITHIN 6 FEET OF A SINK.

SMOKE DETECTORS:

- SMOKE DETECTORS SHALL BE A PHOTOELECTRIC SMOKE ALARM SHALL BE INSTALLED A MINIMUM OF 36" FROM THE CEILING AND SHALL BE INSTALLED ABOVE THE ENTRY DOOR INTO A BEDROOM CONTAINING A BATHING OR SHOWER.

PHOTOVOLTAIC NOTE:

THE MAIN ELECTRICAL SERVICE PANEL SHALL NOT BE OF THE TYPE WITH A CENTER FED MAIN CIRCUIT BREAKER AND SHALL INCLUDE RESERVED SPACE ALLOWING FOR INSTALLATION OF DOUBLE POLE CIRCUIT BREAKERS FOR A FUTURE SOLAR PHOTOVOLTAIC SYSTEM. THE PHOTOVOLTAIC SYSTEM SHALL BE POSITIONED AT THE OPPOSITE (LOAD) AND FROM THE INPUT FEEDER OR MAIN CIRCUIT BREAKER LOCATION. THE RESERVED SPACE SHALL BE PERMANENTLY AND VISIBLY MARKED AS "FOR FUTURE SOLAR PHOTOVOLTAIC".

EV CHARGING NOTES:

THE MAIN ELECTRICAL SERVICE PANEL SHALL INCLUDE RESERVED SPACE FOR THE INSTALLATION OF THE CIRCUIT BREAKER FOR THE FUTURE ELECTRIC VEHICLE CHARGING AND VISIBLY MARKED AS "EV CAPABLE".

PROVIDE AN APPROVED MINIMUM 4 IN. x 4 IN. ELECTRICAL JUNCTION BOX LOCATED ON THE INTERIOR OF THE GARAGE AT A MINIMUM 50 INCHES AND MAXIMUM 48 INCHES ABOVE THE GARAGE FLOOR. PROVIDE A MINIMUM 1 INCH DIAMETER LISTED ELECTRICAL METALLIC RACEWAY ORIGINATING AT THE MAIN ELECTRICAL SERVICE PANEL AND TERMINATING AT THE REQUIRED ELECTRICAL JUNCTION BOX. THE ELECTRICAL JUNCTION BOX SHALL BE PERMANENTLY AND VISIBLY MARKED AS "FOR FUTURE ELECTRIC VEHICLE CHARGING".

ELECTRICAL VEHICLE SUPPLY EQUIPMENT (EVSE) ROUGH-IN

THE MAIN ELECTRICAL SERVICE PANEL SHALL INCLUDE RESERVED SPACE FOR THE INSTALLATION OF THE EVSE AND SHALL BE PERMANENTLY AND VISIBLY MARKED AS "EV CAPABLE". PROVIDE A MINIMUM 1" CONDUIT EXTENDING FROM THE MAIN PANEL TO A JUNCTION BOX WHERE THE EVSE RECEPTACLE BOX WILL BE PROVIDED. THE MAIN SERVICE PANEL MUST BE SIZED TO ACCOMMODATE THE FUTURE 100 AMPERE (MINIMUM) DERATED BRANCH CIRCUIT.

ELECTRICAL LEGEND

- CEILING MOUNTED LIGHT
 - WALL MOUNTED LIGHT
 - RECESSED DOWN LIGHT
 - LED UNDER-CABINET/SHELF LIGHT STRIP
 - EXHAUST FAN
 - JUNCTION BOX
 - TELEVISION OUTLET
 - ARC FAULT INTERRUPT OUTLET
 - GROUND FAULT INTERRUPT OUTLET
 - WATERPROOF GFI OUTLET
 - LIGHT SWITCH
 - 3 WAY LIGHT SWITCH
 - 4 WAY LIGHT SWITCH
 - DIMMER SWITCH
 - I/O FAN (FOR T24)
 - SMOKE DETECTOR
 - PHOTOELECTRIC CO2/SMOKE DETECTOR
 - ETHERNET PORT
- ALL FANS INSTALLED TO MEET ENERGY EFFICIENCY RATIO (EER) REQUIREMENTS SHALL HAVE A MINIMUM WIRE RATING OF 1 AWG. ALL WIRE SHALL BE PERMANENTLY AND VISIBLY MARKED AS "FOR FUTURE SOLAR PHOTOVOLTAIC CHARGING".

OSWAL ADU

LICENSED ARCHITECT
OSWAL ADU ARCHITECT
100 S. MEHNERT ARCHITECT
100 S. MEHNERT ARCHITECT
100 S. MEHNERT ARCHITECT

100 S. MEHNERT ARCHITECT
100 S. MEHNERT ARCHITECT
100 S. MEHNERT ARCHITECT

Attachment **D** – **Coastal Commission**
Memo

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2421
VOICE (415) 904-5200
FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties
From: John Ainsworth, Executive Director, California Coastal Commission
Date: January 21, 2022

RE: Updates Regarding the Implementation of New ADU Laws

I. Introduction

California's ongoing housing crisis continues to exacerbate housing inequity and affordability, especially in the coastal zone. To address this critical issue, the state Legislature has enacted a number of laws in the last several years that are designed to reduce barriers to providing housing and to encourage construction of additional housing units in appropriate locations. To this end, the 2019 legislative session resulted in a series of changes to state housing laws that facilitate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), which can help provide additional housing units that can be more affordable than other forms of market rate housing. Importantly, the changes did not modify existing provisions of state housing law that explicitly recognize that local governments must still abide by the requirements of the Coastal Act, and by extension, Local Coastal Programs (LCPs). Thus, provisions on coastal resource protection must be incorporated into the planning and development process, and into updated LCP J/ADU requirements, when considering J/ADUs in the coastal zone.

The Coastal Commission strongly encourages local governments to update their LCPs with J/ADU provisions in a manner that harmonizes the State's housing laws with the Coastal Act. Doing so would protect the State's coastal resources while also reducing barriers to constructing J/ADUs and helping to promote more affordable coastal housing.

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. This updated memo also elaborates on the changes to state housing laws that went into effect on January 1, 2020 and provides further information to help local governments harmonize these laws with the Coastal Act. This memo will briefly discuss the authority that the Coastal Act grants the Commission and local governments over housing in the coastal zone, new legislation regarding J/ADUs, how local governments can streamline J/ADU applications under the Coastal Act, and some key issues that should be considered when LCP amendments for J/ADU

provisions are undertaken. This memo is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is responsible for Coastal Act review of J/ADUs in most areas that are not subject to a fully certified LCP. Local governments that have questions about specific circumstances not addressed in this memo should contact the appropriate district office of the Commission.

II. Coastal Act Authority Regarding Housing in the Coastal Zone

The Coastal Act has a variety of provisions directly related to housing. Relevant here, the Coastal Act does not negate local government compliance with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act also requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households (Pub. Res. Code § 30604(f)) but states that “[n]o local coastal program shall be required to include housing policies and programs. (Pub. Res. Code § 30500.1.) Finally, new residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.)

While the Commission does not currently have the explicit authority to provide or protect affordable housing in the coastal zone, the Commission has continued to preserve existing density and affordable housing whenever possible, including by supporting and encouraging the creation of J/ADUs. The creation of new J/ADUs in existing residential areas is one of many strategies that aims to increase the housing stock, including creating additional housing units of a type and size that can be more affordable than other forms of housing in the coastal zone, in a way that may be able to avoid significant adverse impacts on coastal resources.

III. Overview of New Legislation

As of January 1, 2020, [AB 68](#), [AB 587](#), [AB 881](#), [AB 670](#), [AB 671](#), and [SB 13](#) collectively updated existing Government Code Sections 65852.2 and 65852.22 concerning local government review and approval of J/ADUs, and as of January 1, 2021, AB 3182 further updated the same laws, with the goal of increasing statewide availability of smaller, and potentially more affordable, housing units. Importantly, some of the changes affect local governments in the coastal zone and are summarized below.

- Local governments continue to have the discretion to adopt J/ADU provisions that are consistent with state law, and they may include specific requirements for protecting coastal resources and addressing issues such as design guidelines and protection of historic structures.
- 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

provisions of Section 65852.2(a) until the local government comes into compliance with new provisions. (Gov. Code § 65852.2(a)(4).) 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. 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. Such new or updated LCP provisions need to ensure that new J/ADUs will protect coastal resources in the manner required by the Coastal Act and LCP, including, for example, by ensuring that new J/ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas and wetlands, or in areas where the J/ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over the structure's lifetime.

- A major change to Section 65852.2 is that the California Department of Housing and Community Development (HCD) now has an oversight role to ensure that local J/ADU provisions are consistent with state law. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h)(3).) To ensure a smooth process, local governments should submit their draft J/ADU provisions to HCD and Coastal Commission staff to review for housing law and Coastal Act consistency before they are adopted locally and should continue to foster a three-way dialogue regarding any potential issues identified. Additionally, Coastal Commission and HCD staff meet regularly to discuss and resolve any issues that arise in the development of J/ADU provisions in the coastal zone. The Commission continues to prioritize J/ADU LCP amendments, and some may qualify for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); 14 Cal. Code Regs. § 13554.)
- In non-coastal zone areas, local governments are required to provide rapid, ministerial approval or disapproval of applications for permits to create J/ADUs, regardless of whether the local government has adopted updated J/ADU provisions. (Gov. Code § 65852.2(a)(3).) In the coastal zone, CDPs are still necessary in most cases to comply with LCP requirements (see below); however, a local public hearing is not required, and local governments are encouraged to streamline J/ADU processes as much as feasible.

Other recent legislative changes clarify that local J/ADU provisions may not require a minimum lot size; owner occupancy of an ADU (though if there is an ADU and a JADU, one of them must be owner-occupied); fire sprinklers if such sprinklers are not required in the primary dwelling; a maximum square footage of less than 850 square feet for an ADU (or 1,000 square feet if the ADU contains more than one bedroom); and in some cases, off-street parking. Section 65852.2(a) lists additional mandates for local governments that choose to adopt a J/ADU

ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).) As indicated above, in specific cases coastal resource considerations may negate some such requirements, but only when tied to a coastal resource impact that would not be allowed under the Coastal Act and/or the LCP. In recent LCP amendments, these types of considerations have most often arisen in terms of the off-street parking provisions (see below).

IV. General Guidance for Reviewing J/ADU Applications

The following section lays out the general permitting pathway in which local governments can process J/ADU applications in a manner that is consistent with Coastal Act requirements and LCP provisions.

1) Check prior CDP history for the site.

Determine whether a CDP or other form of Coastal Act/LCP authorization was previously issued for development of the site and whether that CDP and/or authorization limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP and/or authorization affects the applicant’s ability to apply for a J/ADU.

2) Determine whether the proposed J/ADU constitutes “development.”

As defined by the Coastal Act, development refers to both “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[.]” (Pub. Res. Code § 30106.) Most J/ADUs constitute development if they include, for example, new construction of a detached ADU, new construction of an attached J/ADU, or conversion of an existing, uninhabitable, attached or detached space to a J/ADU (such as a garage, storage area, basement, or mechanical room). The construction of new structures constitutes the “placement or erection of solid material,” and the conversion of existing, uninhabitable space would generally constitute a “change in the density or intensity of use.” Therefore, these activities would generally constitute development in the coastal zone that requires a CDP or other authorization. (Pub. Res. Code § 30600.)

Unlike new construction, the conversion of an existing, legally established habitable space to a J/ADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.), and which does not change the intensity of use of the structure, may not constitute development within the definition in the Coastal Act. An example of a repurposed, habitable space that may not constitute new development (and thus does not require Coastal Act or LCP authorization) is the conversion of an existing bedroom within a primary structure.

Previously circulated Commission J/ADU memos (being superseded and replaced by this memo) indicated that construction or conversion of a J/ADU contained within or directly attached to an existing single-family residence (SFR) may qualify as development that was exempt from the requirement to obtain a CDP. Specifically, the Coastal Act and the Commission’s implementing regulations identify certain improvements to existing SFRs that are allowed to be exempted from CDP requirements (Pub. Res. Code § 30610(a); 14 Cal. Code Regs § 13250.) Although the Commission has previously certified some LCP amendments that permitted certain exemptions for such ADU development, in a recent action, the Commission reevaluated its position and found that “the creation of a self-contained living unit, in the form of an ADU, is not an ‘improvement’ to an existing SFR. Rather, it is the creation of a new residence. This is true regardless of whether the new ADU is attached to the existing SFR or is in a detached structure on the same property.”¹ On this basis, and based on the finding that a variety of types of J/ADUs—including both attached and detached J/ADUs—could have coastal resource impacts that make exemptions inappropriate, it rejected the local government’s proposed exemptions for certain J/ADUs. Local governments considering updating LCP J/ADU provisions should consider the Commission’s recent stance regarding exemptions for ADUs and may work with Commission staff to determine the best way to proceed on this issue.

3) If the proposed J/ADU constitutes development, determine whether a CDP waiver or other type of expedited processing is appropriate.

If a local government’s LCP includes a waiver provision, and the proposed J/ADU meets the criteria for a CDP waiver, the local government may issue a CDP waiver for the proposed J/ADU. The Commission has generally allowed a CDP waiver for proposed J/ADUs if the Executive Director determines that the proposed development is de minimis (i.e., it is development that has no potential for any individual or cumulative adverse effect on coastal resources and is consistent with all Chapter 3 policies of the Coastal Act). Such a finding can typically be made when the proposed J/ADU project has been sited, designed, and limited in such a way as to ensure any potential impacts to coastal resources are avoided (such as through habitat and/or hazards setbacks, provision of adequate off-street parking to ensure that public access to the coast is not impacted, etc.). (See Pub. Res. Code § 30624.7.) Projects that qualify for a CDP waiver typically allow for a reduced evaluation framework and streamlined approval.

Most, if not all, LCPs with CDP waiver provisions do not allow for waivers in areas where local CDP decisions are appealable to the Coastal Commission. There have been a variety of reasons for this in the past, including that the Commission’s regulations require that local governments hold a public hearing for all applications for appealable development (14 Cal. Code Regs § 13566), and also that development in such areas tends to raise more coastal resource concerns and that waivers may therefore not be appropriate. However, under the state’s J/ADU provisions, public hearings are not required for qualifying development.

¹ See Coastal Commission [staff report](#), pp. 16-17 (Commission acted on this item on December 17, 2021).

Because of this, the above-described public hearing issue would not be a concern, so it could be appropriate for LCPs to allow CDP waivers in both appealable and non-appealable areas at least related to this criterion. Local governments should consult with Commission staff should they consider proposing CDP waiver provisions in their LCP. Any LCP amendment applications that propose to allow waivers in appealable areas should ensure that there are appropriate procedures for notifying the public and the Commission regarding approvals of individual, appealable waivers (such as Final Local Action Notices) so that the proper appeal period can be set, and any appeals received are properly considered.

The Coastal Act also provides for other streamlined processing for certain types of development, including for minor development. (Pub. Res. Code § 30624.9.) In certain cases, categories of development can also be excluded from CDP requirements if certain criteria are met (see box). In any case, local governments without such CDP waiver and other processing and streamlining tools are encouraged to work with Commission staff to amend their LCP to include such measures.

Coastal Act section 30610(e) allows certain categories of development that are specified in Commission-approved Categorical Exclusion (Cat Ex) Orders to be excluded from CDP requirements, provided that the category of development has no potential for any significant adverse effect, either individually or cumulatively, on coastal resources. (See also 14 Cal. Code Regs §§ 13240 et seq.)

Cat Ex Orders apply to specific types of development within identified geographical locations. For example, the Commission may approve a Categorical Exclusion for J/ADUs that would normally require a CDP (i.e., it is defined as development) because that specific development type in that specific geographic area can be demonstrated to not result in individual and/or cumulative coastal resource impacts. Cat Ex Orders are prohibited from applying to: tide and submerged lands; beaches; lots immediately adjacent to the inland extent of any beach; lots immediately adjacent of the mean high tide line of the sea where there is no beach; and public trust lands.

Cat Ex Orders provide another potential means of streamlining J/ADU consideration, and interested local governments should consult with Commission staff if they intend to propose such an Order. Cat Ex Orders are processed separately from LCP amendments, require a 2/3 vote of the Commission to be approved, and are typically subject to conditions. Once approved, the local government is responsible for reviewing development that might be subject to the Cat Ex Order and is typically required to report any exclusions applied pursuant to the Order to the Commission for review by the Executive Director and for an appeal period before they can become effective. It is important to note that while Cat Ex Orders can be a powerful tool if approved, the Commission must be able to conclude that the specific category of development in a specific geographic area has no potential for any significant adverse coastal resources impacts in order to approve one. Thus, the local government pursuing a Cat Ex Order must provide supporting documentation and evidence that can conclusively show that to be the case.

4) If a full CDP is required, review CDP application for consistency with certified LCP requirements.

If a proposed J/ADU constitutes development and cannot be processed as a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government must then provide the required public notice for any CDP applications for J/ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law, if feasible. However, local governments are not required to hold a public hearing on CDPs for ADUs. (Gov. Code § 65852.2(l).) Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the CDP is appealable, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

V. Key Considerations

Per Government Code Section 65852.2, subd. (l), known as the Coastal Act Savings Clause, the State's new ADU requirements shall not be "construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976." There are a number of key issues that local governments should account for in order to ensure their LCP J/ADU provisions are consistent with the requirements in the Coastal Act. This section addresses some of the key issues that the Commission has dealt with recently, including public coastal access parking requirements and protection of sensitive habitats and visual qualities. Local governments are encouraged to contact their local Coastal Commission district office for further assistance.

Protection of public recreational access in relation to parking requirements

Government Code Section 65852.2 requirements regarding parking for J/ADUs are as follows:

- a. One parking space is required per unit or per bedroom, whichever is less. The parking space can be a tandem space in an existing driveway.
- b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, no replacement parking space(s) are required.

However, Section 65852.2 further stipulates that the parking requirements listed above do not apply to ADUs constructed:

- a. Within ½ mile walking distance of public transportation stops/routes;
- b. Within a historic district;
- c. Within a primary residence or accessory structure;
- d. When on-street parking permits are required but not offered to the occupant of the ADU;

- e. And where a car-share vehicle is located within one block of the ADU.

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.

Protection of sensitive habitats and visual qualities; avoidance of hazards

While most J/ADU projects take place within established residential neighborhoods where potential coastal resource impacts are fairly limited, there can be cases where such projects may affect significant coastal resources, such as sensitive habitats and shorelines and beaches. As a general rule, LCPs include many provisions protecting such resources, and it is important that proposed J/ADU provisions are not structured to undo any such LCP protections that already apply. J/ADUs may need to be reviewed for specific siting and design standards, particularly in visually sensitive areas (such as the immediate shoreline, between the first public road and the sea, near LCP-designated scenic areas, etc.). Similarly, where sensitive habitat may be present, J/ADUs must be reviewed for impacts to such habitat, including with respect to fuel modification for defensible space. Additionally, local governments should include provisions for J/ADUs constructed in areas vulnerable to sea level rise and other coastal hazards which ensure not only that these structures will meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations (including future accommodation or removal, risk disclosure conditions on the J/ADU, and any other risk-related issues dealt with in the LCP).

VI. Examples of Recently Updated ADU Provisions in Certified LCPs

A number of local jurisdictions have recently updated their LCPs to include new J/ADU provisions. Coastal Commission staff reports are linked below, which summarize specific issues that arose between Coastal Act requirements and the new J/ADU provisions as well as the necessary changes that were made in order to harmonize each jurisdiction's LCP with the State's housing laws. The suggested modifications shown in the staff reports were all approved by the Coastal Commission.

[City of Santa Cruz \(approved May 2021\)](#). This LCP amendment included clarifying language to address which provisions of the new state housing laws applied to ADUs in the coastal zone of the City of Santa Cruz as well as ensuring that the coastal resource protection provisions of the City's current LCP are maintained. The amendment also addressed specific off-street parking requirements for ADUs sited near significant coastal visitor destinations. The City of Santa Cruz adopted the Commission's modifications in August 2021.

[City of Pacifica \(approved June 2021\)](#). This LCP amendment revised the City's Implementation Plan to incorporate J/ADU provisions that are in line with the updated state housing laws, including streamlined procedures for J/ADU review and permitting processing, providing J/ADU development standards, and crafting tailored modifications to address specific public access parking needs in key visitor destination areas. The City of Pacifica adopted the Commission's modifications in August 2021.

[County of San Mateo \(approved July 2021\)](#). This LCP amendment incorporated more specific ADU regulations relating to size limits, maximum number of J/ADUs permitted per lot, streamlined review and process of J/ADU permits, and parking availability in areas that are

significant coastal visitor destinations. The County of San Mateo adopted the Commission's modifications in September 2021.

City of Encinitas (approved August 2021). The Coastal Commission approved revisions to the City of Encinitas' Implementation Plan that updated existing definitions for ADUs and JADUs and clarified development standards for accessory units, including standards for size, height, and setbacks.

City of Santa Barbara (approved December 2021). The Coastal Commission approved Commission staff's revision of the City of Santa Barbara's LCP amendment submittal addressing updated ADU provisions to be consistent with state housing laws. The amendment revised J/ADU terms and definitions, building standards, parking requirements, and permitting review and processing procedures. The staff report included modifications that address the CDP exemption issue (discussed above).

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Attachment **E** – **Original Coastal Permit**

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Proposed is the construction of a 2-story, 5,599 sq.ft. single-family residence with 1,087 sq.ft. of attached garages and a detached gazebo. The 2.86 acre vacant lot is located west of El Camino real, east of Stonebridge Lane, in the Rancho Santa Fe area of the County of San

Diego. The site consists of a previously graded pad on the upper, northwestern portion of the site, which slopes gently down to the southeast. The site is covered by a variety of native grasses and shrubs. There is a small area on the northeastern portion of the site which contains steep slopes. Grading on the site to create a terraced lawn area would involve approximately 980 sq.ft. of balanced cut and fill grading. Drainage improvements consisting of installation of two 4-inch diameter poly-vinyl chloride pipes discharging into rip-rap energy dissipaters would be installed on the northeast and south portions of the lot to direct drainage from the south side of the lot into an existing natural drainage channel on the site.

The parcel was created through the subdivision of a large 74-acre site approved by the Commission in July 1983 (CDP #6-83-314). The subdivision was approved with a variety of condition regarding open space, drainage, grading, coloring, etc., designed to address future development of the individual estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon, and its viewshed.

Section 30231 and 30240 of the Coastal Act call for the protection of coastal waters and environmentally sensitive habitat areas. The subject site does not contain any wetland resources and does not directly abut the lagoon, although runoff from the site does eventually drain into the lagoon. The upper portion of the site drains towards the street, but the southern portion of the site drains into a natural drainage channel on the site and towards the lagoon. Currently, drainage on the site consists of sheet flow into this channel. The applicant is proposing to direct runoff from the roof of the proposed residence towards the street, and to construct drainage improvements including rip-rap energy dissipaters to capture drainage from the southern portion of the site. A drainage study submitted by the applicant indicates that the proposed energy dissipater will adequately reduce runoff from the site to a non-erosive velocity.

In its original approval of the subdivision, the Commission required that a deed restriction be recorded prohibiting the grading or erection of any structure on slopes greater than 25% in grade. The applicant has proposed to avoid any grading or alteration of the steep slope area, except for installation of the drainage improvements. However, because preliminary plans had indicated minor encroachments into steep slopes, Special Condition #1 requires the applicant to submit final plans showing that there will be no encroachment in the steep slope area.

To reduce the potential for erosion and sedimentation entering the lagoon during construction activities, Special Condition #1 also prohibits grading activities during the rainy season and ensures that the site will not remain in an unstabilized state during the rainy season. Thus, as conditioned, the project can be found consistent with Section 30231 and 30240 of the Coastal Act.

Section 30251 of the Coastal Act protects the scenic and visual quality of the coastal zone as a resource of public importance. The site is located on the upper portion of the hillside

at the east edge of San Elijo Lagoon, and development on the site will be fairly visible from the trails around the lagoon and from Manchester Avenue. The proposed structure will be two stories, a maximum of 30 feet in height. In order to reduce the visual impact of the residence, Special Condition #2 has been attached, which calls for earthen tone construction materials to be used for the exterior surfaces of the residence. In addition, the provision of landscaping is critical to mitigating the visual impact of the residence. Special Condition #3 requires the submittal of a landscape plan which, while not eliminating views from the residence, will break up the facade and monolith appearance of the structure from the surrounding scenic area. Therefore, as conditioned, the project will have only a minimal impact on the scenic resources of the area and can be found consistent with both Section 30251 of the Act and the Commission's original concern that development of the site be subordinate to the natural surroundings.

The site is located between the first coastal roadway and San Elijo Lagoon. Although no access to the lagoon reserve is provided either at this project site or in the subdivision, lateral access around the lagoon is available, as the lagoon area is an existing County public park. The County has developed trailheads for both pedestrian and equestrian users at other locations around the perimeter of the park. The proposed project will not adversely impact these existing access points. Because some development categories in this location require coastal development permits even though they are improvements to a single-family residence, Special Condition #4 notifies the applicant and any future successors in interest that future development may require coastal development permits.

The proposed single-family residence is consistent with the Estate land use designation (1 dwelling per 2 and 4 acres) contained in the certified County of San Diego LCP Land Use Plan. The subject site is located within the Coastal Resource Protection Area identified in the LUP. The CRP regulations were utilized in the original review of the subdivision to determine the appropriate lot development restrictions applied to the permit. As conditioned, the project is in conformance with those special area regulations of the certified LCP and is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval, as conditioned, will not prejudice the ability of the County of San Diego to implement its certified Local Coastal Program.

SPECIAL CONDITIONS: 1. Final Plans/Grading/Erosion Control. Prior to the authorization to proceed with development, the applicant shall submit to the Executive Director for review and written approval, final site, grading, and drainage plans approved by the County, and subsequently implemented, which specifically incorporate the following requirements:

- a. No grading or erection of any structures shall occur on slopes greater than 25% in grade as proposed in the revised plans submitted 4/21/97, other than for drainage improvements. Said drainage improvements shall be in substantial conformance with the submitted plans dated 4/9/97.

b. All grading activity shall be prohibited between October 1st and April 1st of any year.

c. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

2. Exterior Treatment. Prior to the authorization to proceed with development, the applicant shall submit for the review and approval in writing of the Executive Director a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence. Earth tones designed to minimize the project's contrast with the surrounding hillside shall be utilized.

3. Landscaping. Prior to the authorization to proceed with development, the applicant shall submit for the review and approval in writing of the Executive Director a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features, which shall be subsequently implemented. Drought tolerant plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the treatment of landscaping along the northwest portion of the site designed to reduce the visual impact of the proposed residence as viewed from the adjacent Regional Park and Manchester Avenue.

4. Future Development. This permit is for the construction of the residence and gazebo only. All other development proposals for the site including any accessory structures not specifically approved herein, shall require review and approval by the Coastal Commission (or local government pursuant to an effectively certified local coastal program), under a separate coastal development permit or amendment to this permit.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

Attachment **F** – **Section 9404 of the LCP**

or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development. Cumulative increases shall be tracked starting on the date of the certification of the LCP.

Redevelopment of existing impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed exposing underlying soil during construction. Redevelopment does not include trenching and resurfacing associated with utility work, resurfacing existing roadways, new sidewalk construction, pedestrian ramps, or bike lane on existing roads; and routine replacement of damaged pavement, such as pothole repair.

Redevelopment of illegal nonconforming uses or structures shall not be allowed, unless all previously required permit fees, that would have been paid if the structures had been legally constructed, altered, or repaired, are paid to the County. The total cost of the formerly required permit fees shall be calculated based on the fee schedule that is currently in effect at the time of the redevelopment application. Additionally, all required permit fees for the redevelopment application and implementation of the development shall be paid, to the County. In this case, redevelopment of the lot(s) shall comply with all permitting requirements of this IP, and shall be subject to either an CAP or CDP depending on the proposed use to be established by this redevelopment.

9404 Exemptions

Certain minor projects, as defined in accordance with the California Coastal Act of 1976 and the California Code of Regulations, are exempted from the requirements to obtain a coastal permit. Upon Coastal Commission notification, the County shall update this Section to remain consistent with legislative amendments to the Coastal Act and the California Code of Regulations, Title 14, California Coastal Commission. Any conflicts between this Section and the current Coastal Act and California Code of Regulations shall be resolved in favor of the current Coastal Act and California Code of Regulations. Development listed below is exempt from the requirement to obtain County approval of a CAP / CDP. Requirements for any other permits are unaffected by this Section.

- a. **Projects with Coastal Commission Approval.** Pre-Existing projects or development authorized by a valid coastal permit or equivalent authorization issued by the Coastal Commission, or in areas where the Coastal Commission retains original permit jurisdiction. A person undertaking development included in a public works plan or long-range development plan approved by the Coastal Commission is not required to obtain a CAP / CDP from the County, however, other County permits may be required.
- b. **Replacement after Natural Disaster.** The replacement of any structure, other than a public works facility, destroyed by a disaster. is exempt, provided that the replacement structure: 1) Conforms to applicable existing County Local Coastal Program requirements; 2) Will be for the same uses as the destroyed structure; 3) Does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent; and 4) Will be sited on the affected property and in the same location as the destroyed structure. Public Resources Code Section 30610(g)(1).
- c. **Improvements to Existing Single-Family Residences,** including fixtures and structures directly attached to the residence and structures on the property normally associated with a single-family residence uses, such as garage, patios, swimming pools and landscaping, but not including guest living quarters or self-contained residential units. This exemption for improvements shall not include the following:
 - i. Improvements to single-family residences where the development permit issued for the original structure by the County or Coastal Commission indicated that any future additions involve a risk of adverse environmental effect and would require a coastal permit.

- ii. Improvements to single-family residences, if the residence and/or improvement is located: 1) In a wetland; 2) In ESHA; 3) In the Scenic Special Area Designator (“S”); 4) Within a viewshed delineated in the LUP; or 5) within 50 feet of the edge of a bluff.
 - iii. Improvements that involve any significant alteration of land forms including removal or placement of vegetation on a wetland, within 50 feet of the edge of a bluff, within ESHA or any natural resource or natural hazard area as indicated in the LCP and requiring Special Development Standards identified in the provisions of Section 9300 through 9314.
 - iv. In areas having a critically short water supply, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.
 - v. Expansion or construction of water wells or septic systems.
 - vi. Improvements that would change the type or intensity of use of the structure.
 - vii. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold.
- d. **Repair and Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, provided, however, that if the County determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained.
- i. The provisions of this Implementation Plan shall not be applicable to those activities specifically described as exempt from coastal permit requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission, on September 5, 1978. Activities listed in the aforementioned document shall be exempt from obtaining a CAP / CDP, unless a proposed activity will have a risk of substantial adverse impact on an Environmentally Sensitive Habitat Area, wetlands, public access, or public views to the ocean.
 - ii. Unless destroyed by a natural disaster (see Section 9404.b), the replacement of 50 percent or more of a single-family residence, or other structure is not repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Development Permit. Replacement is considered Redevelopment, which shall include exterior walls, floor and roof structures, or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development or replacement of more than 50 percent of the structure. Cumulative increases shall be tracked starting on the date of the certification of the LCP.
- e. **Land Division.** Land division brought about in connection with the purchase of such land by a public agency for public recreational uses.
- f. **Utility Connections.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development which has been granted a valid coastal permit that accounted for such connection; provided, however, that the County may require conditions to mitigate any adverse impacts on coastal resources including scenic resources.
- g. **Minor Excavation Not Requiring a Grading Permit.** Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or other vegetation

for landscaping purposes, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.

9408 Minor Developments

A waiver of the public hearing requirement for a coastal permit application may be granted, if that application is determined to be a minor development, as defined in the Definitions section. Both of the following shall occur to grant a waiver of the public hearing:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing, as well as any other persons known to be interested in receiving notice; and
- b. No request for a public hearing is received by the Approval Authority within 15 working days, from the date the notice was sent, pursuant to preceding subparagraph.
- c. The notice provided pursuant to this section shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to make an appeal to the Approval Authority or the Coastal Commission, for any action taken by the County of San Diego on a coastal permit application. This notice shall also include a statement of whether the proposed action is appealable to the Coastal Commission.

9410 Determination of Permit Requirement

- a. The Director of the lead department shall determine, at the written request of any member of the public, whether or not any development proposed in the Coastal Zone is exempt from a Coastal Permit, pursuant to this Section.
- b. Any person seeking such determination shall submit to the lead department all statements, plans, and elevations deemed necessary by the Department to assess the development.
- c. After review, the Director of the lead department shall notify the Applicant:
 - i. That the development is exempt and state the category of exemption; or
 - ii. That a Coastal Permit is required and, if so, whether it is appealable or not.
- d. The Director shall only provide notice of an exemption to the California Coastal Commission in writing if the exempt development is appealable to the Coastal Commission (see Section 9422.b.i. for list of appealable development).
- e. The County shall maintain a record for all issued exemptions for development in the County Coastal Zone which shall be made available to the Coastal Commission or any interested person upon request. The record shall include the applicant's name, the location of the project and a brief description of the project.

The procedure described in this Section shall be considered an administrative determination and is appealable pursuant to Section 9422.

Attachment **G** – **January 22, 2025 Coastal
Commission E-mail**

From: [Leach, Stephanie@Coastal](mailto:Leach_Stephanie@Coastal)
To: Abhay Oswal
Cc: Johnson, Michael D.
Subject: [External] Re: Requesting a waiver for coastal permit for our ADU
Date: Wednesday, January 22, 2025 3:44:35 PM

Hi Mr. Oswal,

Thank you for your email. There's no appeal process for the County's determination of how they will process the proposed development. There is an appeal process in the 10 working days following the County's issuance of a CDP, during which the Commission or members of the public could appeal the project approval.

The County is reviewing your proposed ADU within the context of its certified Local Coastal Program (LCP), which is linked here:

<https://www.sandiegocounty.gov/content/sdc/pds/advance/county-of-san-diego-local-coastal-program.html>

The LCP is a document that was submitted to, and reviewed by, Coastal Commission staff and certified by the Coastal Commission, enabling the County to review and issue CDPs consistent with the Chapter 3 provisions of the Coastal Act. If you have more specific questions about how the provisions of the LCP apply to your project, I suggest getting in touch with Michael Johnson.

Also, while the Commission is not the permitting authority in question, we would not consider the proposal for the site exempt from a CDP. As stated in my October 5, 2024 email below, a new detached ADU is considered development that needs either a full CDP or an expedited CDP (also known as a waiver). There is only a narrow range of circumstances in which an ADU is found to be exempt from the need for a CDP, and your ADU as proposed does not fit this criteria.

Thank you,

Stephanie Leach (she/her)
Coastal Planner
San Diego Coast District

From: Abhay Oswal <abhayoswal@gmail.com>
Sent: Thursday, January 2, 2025 12:12 AM
To: Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov>
Subject: Re: Requesting a waiver for coastal permit for our ADU

Hi Stephanie: Did you manage to find time to review our fresh request?
Regards
Abhay

On 28 Dec 2024, at 11:55 PM, Abhay Oswal <abhayoswal@gmail.com> wrote:

Hi Stephanie:

We followed up with county as you suggested in your last note below...

To make it short, Michael Johnson did finally visit our site to review the conditions of specific pad location planned for our ADU, in order to ascertain our coastal exemption arguments in favour of California State specified "DE-MINIMIS" exemption option claimed by us in regard to this construction.

In a subsequent conversation with Michael on the subject, we came back with the impression that his report will not be able to suggest the requested exemption due to SAN DIEGO COUNTY lack of inclusion of the "DE-MINIMIS" clause contained within the State's Coastal Guidelines document (Please see attached document, page 5, clause 2d, highlighted in red).

Our request: now that SD county seems unable to comply with the State's regulation in this regard, is it possible to take my appeal higher up to the California Coastal Commission to see if they can revisit and make this determination?

The email trail below contains our entire prior discussions. Please let me know if we should resubmit all the relevant documents about our ADU project for this appeal to the State — and may we seek your help in that process?

Regards
Abhay Oswal
3993 Stonebridge Ct.
Rancho Santa Fe, CA 92091
San Diego County Lot No.: **262-190-10-00**
Phone: +1 858-756-5613

On 11 Oct 2024, at 4:47 AM, Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov> wrote:

Hi Mr. Oswal,

No, fortunately I did not lose your email below, I just have a number of projects I'm working on that require my attention, and this week is actually the monthly Commission hearing as well.

But yes, to return to your questions below, we believe it's best if you continue this conversation with the County and speak with them about the permitting process required for your ADU. They will review your project to make sure it complies with the previous permit issued for the site by the Coastal Commission in regards to the specific issues discussed below. I will also be updating the County to make sure they're aware we've been in touch and to also let them know about the permit history for the site. I was put in touch with Michael Johnson, who I understand to be contact you're also speaking with, so I'm hopeful I'll have a smooth handoff to the County in terms of getting your project moving.

Thanks!

Stephanie Leach (she/her)
Coastal Planner
San Diego Coast District

From: Abhay Oswal <abhayoswal@gmail.com>
Sent: Wednesday, October 9, 2024 12:24 PM
To: Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov>
Subject: Re: Requesting a waiver for coastal permit for our ADU

Hi Stephanie: Did you lose my latest mail (below) to your SPAM Folder by any chance?
Regards
Abhay

On 8 Oct 2024, at 1:45 AM, Abhay Oswal <abhayoswal@gmail.com> wrote:

Hi Stephanie: Thanks for your detailed note, I appreciate your prompt response to my last email. Please don't mind, I'd like to take the liberty to plug in my questions & notes highlighted between your lines for the sake of directness and brevity.

I would appreciate your acknowledgment, hoping you would approach a favourable resolution early as possible.

Regards
Abhay

On 5 Oct 2024, at 3:24 AM, Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov> wrote:

Hi Abhay,

Yes, it was a bit strange since I regularly receive emails from members of the public (including from Jon) that don't go to Spam, but in any case, I'm happy I could track it down!

First off, I appreciate the information you sent along and your research, as well as the photo. I have a couple additional points below, but I'd like to start off by saying I would like to speak with staff next week specifically regarding your feedback on Items 2A-2F. This is an important step to help us determine if the Commission has jurisdiction over the proposed project or the County will process any approvals. So please bear in mind I am still working on this aspect of your response.

AO>>>> [Awaiting your outcome here...](#)

Moving on to the 2020 Memo, I took a look and see the section you highlighted in red. I'd like to clarify off the bat that a waiver is not the same as an exemption, since it's not quite apparent from the word itself.

AO>>>> To us a "Waiver" in general seems to mean [Setting Aside, Forgo or Disregard](#) (... as described in an [online Thesaurus or Dictionary](#)).

Functionally speaking, a waiver is an approval in between a full Coastal Development Permit and an exemption letter (we sometimes refer to it as an "expedited CDP" because it is still technically a CDP). If you take a look at 2(b) on the page before your highlighted section, it makes the point that ADUs are considered an intensification of the use of the site in most circumstances and could "qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing." In this case, "streamlined processing" refers to a waiver.

AO>>>> We noticed (and highlighted) at the bottom of Clause 2(b) on page 4 this verbiage "... unless determined to be exempt or appropriate for waiver". This seems to equate "waiver" with "exemption" interchangeably, and suggests that this is subject to determination in some cases — like "DE MINIMIS" development case, which ours seems to fall into — specifically mentioned as a case by itself in clause 2d (highlighted in red.)

Section 2(c) then goes on to state that detached residential units are not exempt, in which case your highlighted section on a potential waiver could be applicable if there is no potential adverse effects on coastal resources.

AO>>>> If you were to send a coastal inspector to our site, we can assure you that he will notice that our project falls exactly into that "no adverse effect" class, as reinforced by the site image we shared in the previous note. If there is a fee for such a site visit, we'd be glad to pay for that.

I'd like to provide you with the most updated version of this guidance, which is from January 2022 (attached) and which I've also provided to County staff. In this memo, the Commission continues to hold that, with only some narrow exceptions, ADUs are an intensification of development that need a CDP/waiver. On page 4 of the memo, under subsection IV(2), it's noted that "[m]ost J/ADUs constitute development if they include, for example, new construction of a detached ADU, new construction of an attached J/ADU, or conversion of an existing, uninhabitable, attached or detached space to a J/ADU (such as garage, storage area, basement, or mechanical room)."

The exception (e.g. where J/ADU development is not considered development and therefore needs a CDP) may be a situation where "the conversion of an existing, legally established habitable space to a J/ADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.), and which does not change the intensity of use of the structure (page 4)." An example would be the conversion of an existing bedroom within a primary structure. Section 3 on Page 5 again notes that in a case such as yours where the ADU would constitute development, a CDP waiver or other type of expedited processing may be appropriate.

AO>>>> We request you to see if clause 2d of original Guidance Document could still be used as valid and applicable for exemption in our case, given that we are using a flat pad in the photo meant for the lower garden as approved and prepared according to original plan some 25 years ago, PLUS this property is completely hidden from coastal view due to its huge distance and numerous large obstructions in the line of sight.

Also, in regards to your concerns on the time delay and costs associated with an ADU permit, I'd like to add that if the Commission is the permitting authority for this, we do typically process ADUs as waivers (although of course we can only confirm once we've had a chance to review all the relevant project documents), and they typically go to hearing much faster than a full CDP (but may still require several months depending on if staff needs to request additional information from the applicant). The waiver permit fee is currently \$764. If the County is the appropriate permitting authority, your project may qualify for a Coastal Administrative Permit (an equivalent of a Commission waiver), but that is something you would have to seek confirmation from the County about.

Finally, I'd request that in future correspondence, you no longer cc Karl Schwing and Peter Allen. I've instead cc'ed my supervisor, Kaitlin Carney, and you can definitely keep her cc'ed throughout this process if you're so inclined.

I know this is a very lengthy email but I hope it provides helpful additional information. Thanks again!

AO>>>> [Please let me know at what point, how and for what do we need to reconnect with County as you arrive at your resolution from Coastal Commission standpoint.](#)

Stephanie Leach (she/her/hers) [Why do pronouns matter?](#)
Coastal Program Analyst

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
(619)767-2370
<http://www.coastal.ca.gov/>

From: Abhay Oswal <abhayoswal@gmail.com>
Sent: Friday, October 4, 2024 11:25 AM
To: Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov>
Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Allen, Peter@Coastal <Peter.Allen@coastal.ca.gov>
Subject: Fwd: Requesting a waiver for coastal permit for our ADU

Hi Stephanie: Our architect Jon Mehnert notified us that our email below was finally found in your SPAM folder (... not surprising for our not being among your existing contacts?).

Have you had a chance to get into the details of our note and assertions based on what we found deep in Draft Guidance Document of Calif Coastal Commission? Is this information on "DE MINIMIS" cases possibly applicable to our unique case based on the site image we shared and contentions regarding our situation we made in our notes below?

We are anxiously awaiting your evaluation — and hopefully a supportive response, please!

Regards
Abhay (Abe) Oswal



<image002.jpg>

Begin forwarded message:

From: Abhay Oswal <abhayoswal@gmail.com>
Subject: Requesting a waiver for coastal permit for our ADU
Date: 21 September 2024 at 2:11:28 AM IST
To: San Diego County Office <stephanie.leach@coastal.ca.gov>
Cc: Karl.Schwing@coastal.ca.gov, Peter.Allen@coastal.ca.gov

Dear Stephanie: Thanks for your detailed response on Aug 8'24 (below) to our ADU Coastal Permit exemption request. In the following, we have assembled information which seems to suggest a genuine justification in our case for the requested exemption.

Since your last note, we received a copy of California's Draft Guidance Document on Coastal Permits originally authored by its Executive Director John Ainsworth.

1. I went through the entire document with a fine tooth comb and highlighted several of the clauses that relate to ADUs, like in our case. I am attaching here a copy with my highlights in red color for your ease of spotting relevant information.

2. Please review the **clause 2d on page 5** of attached Draft Guidance Document (red highlighted by me):
It specifically points out that THE COMMISSION GENERALLY HAS ALLOWED A WAIVER FOR PROPOSED DETACHED ADU IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE PROPOSED ADU IS DE MINIMIS DEVELOPMENT, INVOLVING NO POTENTIAL FOR ANY ADVERSE EFFECTS ON COASTAL RESOURCES, and that "... if the proposed ADU meets the criteria for a CDP waiver, the local government may waive the permit requirement.
(I find the meaning of **De Minimis** as "too trivial or minor to merit consideration", clarified further in the document as "no potential for any adverse effects on coastal resources".)

3. On internet, I also found the main issues coastal regulations focus on, which are pasted in the "Coastal Regulations Rationale" box below, of which the bold items relate to an ADU in a residential community like ours.

- 4. We believe the proposed ADU has absolutely zero environmental impact on each of the relevant items in that box.
 - a. **Shoreline access and Recreation**: not applicable due to our huge distance (>2 miles) from the coast line.
 - b. **Habitant protection**: we are locating this ADU on allowed & previously flattened "lower garden" pad (see photo).
 - c. **Visual Resources**: Our property is not visible from the coastline at all due its big distance and pre-existing deep obstructions along the way.
 - d. **Landform alterations**: none necessary due to pre-existing flat pad location (photo attached)
 - e. **Agricultural land**... (and beyond): not applicable.

5. All of the above can be absolutely verified by a physical inspection, should your office deem it necessary. We'd be glad to pay for any fees incurred due to such an on-site inspection.

6. I am also responding in a second box to items 2A thru 2F of your Aug 8'24 note (see below).

7. Our reason for repeated requests has been the huge amount of time-delay the coastal process will likely incur — not to mention the unpredictable exact cost of the permit.

May we request that waiver for the Coastal Permit be reconsidered by the county in view of the applicable discovery in the Draft Guidance your SD County office forwarded to us. We would look forward to hearing back, and will truly appreciate a supportive response from your office. Feel free to set up a video conference call if needed for clarifications or to get answers to any questions.

Regards
Abhay Oswal
3993 Stonebridge Ct.
Rancho Santa Fe, CA 92091
San Diego County Lot No.: 262-190-10-00
Phone: +1 858-756-5613

Coastal Regulations Rationale *****
The agency is tasked with protection of coastal resources, including **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.

ITEMS 2A THROUGH 2F OF STEPHANIE'S NOTE BELOW> Our responses:

- a. Will any vegetation need to be removed for construction of the ADU? If so, does it include native vegetation? AO>>>> NO, none.
- b. Will there be any grading or alteration, or encroachments of any kind, on the steep slopes (greater than 25%) on the site for construction of the ADU? AO>>>> NO. We are using the flat space of the lower garden, already approved in 1997. Where will any drainage improvements associated with the ADU be located? AO>>>> Rain Drainage already built-in near the lower garden pad, with small "riff-raff" boulders to prevent erosion.
- c. Will any grading activities take place during the rainy season (October 1 through April 31st)? AO>>>> No.
- d. Will all areas disturbed by grading be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent erosion control methods? AO>>>> Grading for lower garden has been already in place.
- e. Will the ADU include earth tones designed to minimize the project's contrast with the surrounding hillside (i.e. similar tones approved for the house)? AO>>>> Yes, exact same as the existing property.
- f. If landscaping will be included, will the plant palette be comprised of drought-tolerant and non-invasive species AO>>>> No landscaping is anticipated due to existing lower garden in place. It has been flat since original construction.

<image002.jpg>

Begin forwarded message:

From: "Leach, Stephanie@Coastal" <stephanie.leach@coastal.ca.gov>
Subject: Re: Requesting a waiver for coastal permit for our ADU
Date: 8 August 2024 at 12:02:22 AM IST
To: "abhayoswal@gmail.com" <abhayoswal@gmail.com>

Good morning Abhay,

I am a coastal planner at the San Diego Coast District Office, and Karl Schwing, Deputy Director for the San Diego Coast District, forwarded me your email below to further look into your inquiry.

I've had a chance to review your email and attached documents and have two main comments at this point in time. Please review both below, as staff needs more information in order to determine whether the Commission or the County will be processing any approval needed for the ADU.

1. In the time since the the 1997 Coastal Development Permit was approved for your residence, the County of San Diego has developed a Local Coastal Program (LCP) that has been certified by the California Coastal Commission. This means that while some areas are retained for permitting by the Commission, other areas are eligible for permitting processed by the County. Your property falls into this area, meaning that you would be working with the County to secure any type of approval needed for your project under the Coastal Act, unless (2) below applies.
 - a. A further note on this subject is that your property is also located in the "appeals" jurisdiction, meaning that any decision by the County on your project can be appealed by a member of the public or the Coastal Commission within 10 working days of our office receiving notice of the County's decision. I will leave it at that for now because you are still at the beginning of your permitting process, but I wanted to make you aware of this upfront.
2. Once an LCP is effectively certified, the CCC would only have permit jurisdiction on properties otherwise under the County's permitting authority if the development requires an amendment to the original permit. An amendment would be required if the ADU would be located in area or in a manner inconsistent with the original permit. Otherwise, it's the local government's permit jurisdiction. I'd like to confirm the following in order to understand whether the Commission or the County should be reviewing your proposal:
 - a. Will any vegetation need to be removed for construction of the ADU? If so, does it include native vegetation?
 - b. Will there be any grading or alteration, or encroachments of any kind, on the steep slopes (greater than 25%) on the site for construction of the ADU? Where will any drainage improvements associated with the ADU be located?
 - c. Will any grading activities take place during the rainy season (October 1 through April 31st)?
 - d. Will all areas disturbed by grading be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent erosion control methods?
 - e. Will the ADU include earth tones designed to minimize the project's contrast with the surrounding hillside (i.e. similar tones approved for the house)?
 - f. If landscaping will be included, will the plant palette be comprised of drought-tolerant and non-invasive species?
 - g. As part of your responses to the above, if you have a planset available, please send that as well.

As a final general comment, I'd like to note that Special Condition #4 of the 1997 permit states that the permit is for the construction of the residence and the gazebo only, and that any other development proposals will require review and approval by either the Commission or the County (now that they have a certified LCP) under a separate CDP or amendment to the 1997 permit. This condition makes clear that an ADU could not be considered grandfathered in per this prior approval or somehow a substitute for a gazebo.

Thank you,

Stephanie Leach (she/her)
 Coastal Planner
 San Diego Coast District

From: Abhay Oswal <abhayoswal@gmail.com>
Sent: Monday, August 5, 2024 7:05 PM
To: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>
Subject: Fwd: Requesting a waiver for coastal permit for our ADU

Dear Mr Schwing: I had sent my request below on July 31st to Mr Peter Allen, California State Coastal Manager. His note in response suggested we contact your District Office. May I humbly request a top-level review of our case in consideration of any possible exemption/waivers available for our special situation and a prior clearance?

I would appreciate your action and support in this matter, and would love to hear a favourable response from your office.

Regards
 Abhay Oswal
 3993 Stonebridge Ct.
 Rancho Santa Fe, CA 92091
 San Diego County Lot No.: 262-190-10-00
 Phone: +1 858-756-5613

Begin forwarded message:

From: "Allen, Peter@Coastal" <Peter.Allen@coastal.ca.gov>
Subject: Re: Requesting a waiver for coastal permit for our ADU
Date: 5 August 2024 at 8:44:51 PM IST
To: Abhay Oswal <abhayoswal@gmail.com>

Hi Abhay – you need to send this request to our San Diego office. I work on other matters in another part of the state. Visit our contact page and contact San Diego Staff, which you can see the links on the left of the page:
<https://www.coastal.ca.gov/contact/#/>

Thank you
 Peter

Begin forwarded message:

From: Abhay Oswal <abhayoswal@gmail.com>
Subject: Requesting a waiver for coastal permit for our ADU
Date: 31 July 2024 at 3:06:24 PM IST
To: Peter.Allen@coastal.ca.gov
Cc: San Diego County Office <michael.johnson1@sdcounty.ca.gov>

Dear Mr Peter Allen:

This note is to request a waiver for an ADU Coastal Permit on our 27-year old property in San Diego North County.

5 - 90

Looking back at original site plan approved by the Coastal Commission back in 1997, we had an approval for a sizeable lower lawn with a Gazebo in its proximity. Our ADU built on exactly the same flattened lower lawn will cause almost zero disturbance to the pad in question. We are therefore requesting a review to see if we could qualify for an exemption from this second round of coastal permit.

We are seniors in our late 70's who are fully retired with a modest income and looking to downsize our living abode in the same property we lived through our entire adult lives.

We would seriously appreciate your support in investigating and possibly finding a way to get us exempted from this expensive, tedious, highly time-consuming and complicated process.

Please let us know if there is such an appeal process available... and who is at the senior-most county/coastal position for decision making that we could apply to, in case it's not you?

I am attaching a detailed case document for this exemption along with relevant images. We'd look forward to hearing from you and a favourable response!

Regards
Abhay Oswal
3993 Stonebridge Ct.
Rancho Santa Fe, CA 92091
San Diego County Lot No.: **262-190-10-00**
Phone: +1 858-756-5613

NOTE: Attaching a copy of the original **1997 Coastal Permit approval**... PLUS a detailed reference document titled "**CaseDetails-CoastalPermitWaiver**", containing site plan, and related images:

<ADUs and recent legislation_1.21.2022.pdf>